

BAR PANEL BACKS COURT NOMINEES

Powell Given Highest Rating Unanimously, Rehnquist by a Vote of 9 to 3
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WASHINGTON, Nov. 3—The American Bar Association's judicial evaluation committee unanimously gave its highest rating today to Lewis F. Powell Jr. as a nominee to the Supreme Court, but divided 9 to 3 in giving the same rating to William F. Rehnquist.

The ratings by the association's Committee on the Federal Judiciary were disclosed as the Senate Judiciary Committee began its interrogation of Mr. Rehnquist, an assistant Attorney General who has been criticized by liberal and civil rights groups.

During a seven-hour hearing Mr. Rehnquist was pressed by liberal Democrats to explain conservative positions that he had taken in writings and as a Justice Department official.

When the hearing broke up after dark this evening, all but two of the committee members had asked questions, and Mr. Rehnquist's interrogation seemed likely to end tomorrow. He appeared to have weathered the long day of interrogation without having damaged his prospects for confirmation.

The committee is expected to move on to its questioning of Mr. Powell tomorrow, with some expectation that it can be

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BEFORE HEARING ON COURT NOMINATIONS: William H. Rehnquist in the chamber of Senate Judiciary Committee



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 completed by end of the day. There has been little opposition to his nomination thus far.

Mr. Powell's standing was enhanced further when he received an enthusiastic endorsement from the A.B.A. committee, which said it had interviewed 132 lawyers and judges and had received only "unrestricted enthusiasm" for him.

The committee said earlier that its highest rating would mean that a nominee "meets high standards of professional competence, judicial temperament and integrity." But in Mr. Powell's case it embellished this by adding that he possessed these qualities "in an exceptional degree."

Give Middle Rating

Mr. Powell is a Richmond, Va., lawyer who formerly served as president of the association.

Mr. Rehnquist was also rated as meeting "high standards of professional competence, judicial temperament, and integrity," which the committee views as making a nominee one of the best persons available for nomination as a justice.

Three of the nine members voted to give him the middle rating, "not opposed." In a report signed by Lawrence E. Walsh of New York, chairman

of the committee, it was explained that all of the members considered Mr. Rehnquist qualified to sit on the Supreme Court.

The specific reasons for the less glowing endorsement of Mr. Rehnquist were not given, but it was noted that "he could not be said to be the leading lawyer of Phoenix" when he left to join the Justice Department in 1969.

Now only 47 years old, he was said to be highly regarded for a relatively young attorney. A number of persons who were interviewed attested his legal brilliance.

During his appearance today Mr. Rehnquist defused some of the questioning about his conservative views by insisting that he would "totally disregard my own personal beliefs" in construing the Constitution and laws.

He also declined to discuss the specifics of other statements, either on the ground that they were not personal views but those of a Government advocate, or that his attorney-client relationship with the Attorney General forbade his answering, or because the subjects might later come before him as a justice.

But on several subjects he gave strong indications of his views and judicial inclinations. On the subject of busing

school children to achieve racial integration, he opposed the idea of "transporting people long distances" to achieve racial balance.

View on Busing Issue

Longdistance busing is "undesirable for whatever purpose," Mr. Rehnquist said, but he observed that children were "better off" if their neighborhood schools were integrated. However, he appeared to leave the door open for some busing to eradicate segregation resulting from legally enforced segregation.

He recanted his opposition to a public accommodations ordinance adopted in Phoenix in 1964. Mr. Rehnquist said he had been wrong to place the freedom of businessmen to exclude customers above "the strong concern the minorities have about equal access to public places. He indicated that the ordinance had been widely accepted and said, "I would not have the same feel now."

On the controversial subject of the Justice Department's wiretapping of "dangerous" radical groups without court permission, Mr. Rehnquist made it clear that he would not participate in the upcoming Supreme Court case.

He said he had helped write the Government's Supreme Court brief and that under the

established rules a person in such a position should step aside.

When asked if he would consider himself bound by some of the liberal rulings of the Warren Court in favor of criminal defendants, Mr. Rehnquist hinted strongly that in some cases he would not.

He stressed that court precedents were entitled to less weight when they have been recently decided, by closely divided courts, and have not been approved in subsequent rulings.

Senator Philip A. Hart, Michigan Democrat, pressed him closely about articles in which Mr. Rehnquist had seemed to imply that the Warren Court showed a bias in favor of Communists in some of its rulings.

Mr. Rehnquist replied that he did not mean to say that, but that he did believe that the Warren Court's decisions were occasionally colored by "an ideological sympathy with unpopular groups."

He was also questioned at length by Democratic Senator, Edward M. Kennedy of Massachusetts, Birch Bayh of Indiana, and John V. Tunney of California. Mr. Tunney said he had no embarrassment about probing Mr. Rehnquist's views because a person of his age might well still be sitting on the Court in the year 2,000.