

Senate Quiz

Rehnquist Has Little to Say

Washington

Senate liberals sought yesterday to free assistant attorney general William H. Rehnquist from his lawyer-client relationship with high administration officials in the hope of pinning down his legal philosophy as a Supreme Court nominee.

In his second day before the Senate Judiciary Committee, Rehnquist repeatedly dodged probing questions on the grounds they might become issues before the Supreme Court or because he took part in forming administration positions as chief legal counsel in the Justice Department.

Rehnquist said he could not forsake "what I feel is my duty to my client," whom he named as President Nixon and Attorney General John N. Mitchell.

WAIVE

Finally, Senator Birch Bayh (Dem-Ind.) said he would write Mr. Nixon and Mitchell "before sundown," asking them to waive Rehnquist's privileged lawyer-client relationship. "We haven't been able to get Bill Rehnquist's philosophy," he complained.

Shortly before the committee adjourned until Monday, Rehnquist testified that he did not think government surveillance of individuals in crowds violated their constitutional rights, unless such surveillance had a "chilling effect" on their right to assemble.

He also said he had advised Attorney General Mitchell he had the power to tap telephones in domestic subversion cases and that he thought it was a good thing to provide free legal services for the poor.

HIGHEST

Before it returned to questioning Rehnquist, the Senate Judiciary Committee heard its first testimony on Lewis F. Powell Jr., 64, the Richmond, Va., lawyer who won the American Bar Association's highest recommendation for the Supreme Court by unanimous vote.

Backed at the hearing by ABA President Leon Jaworski and six predecessors, Powell, a former ABA president himself, was introduced with high praise by Virginia Senators Harry F. Byrd Jr. and William S. Spong Jr.

Spong said Richmond avoided the problems of other Southern cities "in large measure due to the calm leadership, the perceptive judgment and the open-minded and fair attitude" of Powell as Richmond school board chairman in the late 1950s and early 1960s.

CAUTIOUS

The committee deferred questioning Powell, however, to get back to the cool, cautious Rehnquist, 47, a former Phoenix, Ariz., lawyer.

He refused to budge even when Senator Charles McCamathias (Rep-Md.) confronted him with an article Rehnquist had written in the 1959 Harvard Law Review rebuking the Senate for not inquiring more fully into the judicial philosophy of Supreme Court nominees.

Reflecting the feelings of committee liberals, Senator Edward M. Kennedy (Dem-Mass.) said he hoped to "get a better handle on your own philosophy. You have been extremely cautious and guarded in your responses in this area."

Later, Kennedy asked in frustration, "Well, help us. What kind of questions should we ask?"

UNABLE

Rehnquist, leaning back in the witness chair, calmly replied in a soft voice, "I am simply not able to."

Rehnquist did volunteer some of his views, reminding the committee that at the Justice Department he had supported wiretapping in na-

tional security cases and pre-trial detention.

Asked by Senator Hiram L. Fong (Rep-Hawaii) whether his statements as a Justice Department advocate reflected his own views, Rehnquist replied, "Had I felt the positions I was taking were utterly obnoxious to me, I would have resigned."

He indicated he would disqualify himself in cases before the High Court testing the constitutionality of wiretapping in domestic security cases.

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