

Senate Panel Ends Its Questioning of Powell With No Apparent Opposition to His Court Nomination

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WASHINGTON, Nov. 8—In a friendly five hours of questioning, the Senate Judiciary Committee completed its interrogation today of Lewis F. Powell Jr. with no Senator indicating opposition to his Supreme Court nomination.

Liberal Democrats who had closely questioned President Nixon's other Court nominee, William H. Rehnquist, for two days last week, were apparently satisfied with Mr. Powell's responses.

At several points, they stressed that the civil rights record of Mr. Powell, a 64-year-old Richmond lawyer, has been more liberal than that of Mr.

Rehnquist, who once opposed a public accommodations ordinance in his home city of Phoenix, Ariz.

This suggested that the liberals' strategy would be to offer no opposition to Mr. Powell, while comparing his record favorably to that of Mr. Rehnquist.

A Major Hurdle

Mr. Powell cleared a major hurdle early in the hearing when he answered the Senators' questions about possible ethical conflicts that might arise from the \$1.3-million portfolio of stocks and bonds held by him and his immediate family.

He said that he would sell most of the stocks in companies that would be likely to come

before him as litigants. But he added that he did not plan to sell about \$320,000 worth of shares in the Sperry and Hutchinson Company, which he received from his father, and "two of three others" that had appreciated greatly in value.

If he sold these shares, Mr. Powell said, he would suffer "serious losses in taxes" on capital gains. But he assured the Senators that he would disqualify himself from any cases involving these companies.

Mr. Powell said he had considered using a "blind trust" knowing how his money was invested. But he said he dropped the idea because the canons of judicial ethics require a judge to know, and to disqualify him-

self from, any case that might raise a conflict. He said he would have learned the contents of any blind trust anyway when he signed his income tax forms.

Three liberal Democrats — Senators Birch Bayh of Indiana, Philip A. Hart of Michigan and Edward M. Kennedy of Massachusetts — asked most of the questions, concentrating on the nominee's views on wiretapping, governmental surveillance of political activities and civil rights.

Many of the questions grew out of a strongly worded newspaper article on alleged "repression" that Mr. Powell wrote several weeks ago for The Richmond Times-Dispatch.

Commenting on the Nixon Administration's contention that

it is not illegal for the Justice Department to wiretap "dangerous" radical groups without court permission, Mr. Powell wrote that it was almost impossible to separate domestic subversives from foreign subversives, who have been wiretapped for decades without court orders.

Today, Mr. Powell backed away from that position, saying that he "was not writing a law review article" and thus did not deal with all the nuances of the issue. He said that, "in most cases, it would not be difficult" to draw a line between domestic and foreign subversives, and added that court approval and other safeguards could be applied to the Government's wire-

tapping of domestic groups in many cases.

Mr. Powell concluded that, despite his article, he did not have "a fixed view" on wiretapping. Thus, he said that, as of now, he saw no reason why he could not participate in the upcoming Supreme Court case concerning wiretapping of domestic groups without court authority.

Views on Warren Court

Asked about his statements that some of the Warren Court's criminal law decisions had hindered law enforcement, Mr. Powell said he disagreed with the decisions that limited police interrogation at the scene of crimes. But he added that some of the Warren Court's

rulings extending the safeguards of criminal suspects "will be regarded as landmarks."

At the conclusion of the hearing, Senator James O. Eastland of Mississippi, chairman of the committee, said that two more days of hearings would probably be necessary to receive the testimony of the opponents of the two nominations.

He said he would like to hold a committee hearing later in the week to vote on both nominations. Any member of the committee can demand a one-week delay, however.

In any event, haste in committee action seems relatively unimportant because the Senate majority leader, Mike

Mansfield of Montana, has indicated that he will not set aside other Senate business to permit an early vote on the nominees.

Senator Mansfield has said that the nominations may not be voted upon until late this month, suggesting that he will hold the confirmations as a carrot to entice the sluggish Senate to act swiftly on other pending business before this session of Congress ends.