

## VOTE IS PUT OFF ON COURT CHOICES

Senate Panel to Act Tuesday  
—Tunney Scores Rehnquist

NOV 19 1971

By FRED P. GRAHAM  
Special to The New York Times

WASHINGTON, Nov. 18 —

The Senate Judiciary Committee today put off until Tuesday a vote on President Nixon's nominations of William H. Rehnquist and Lewis F. Powell Jr. to the Supreme Court.

One of its members, John V. Tunney, Democrat of California, then became the first member of the Senate to announce that he will vote against Mr. Rehnquist.

Senator Tunney issued a statement charging that Mr. Rehnquist, an Assistant Attorney General who has frequently stated strong views on law and order, "places a very low value upon fundamental principles of equality and individual liberties." The Senator concluded that the nominee "does not have the fidelity to the Bill of Rights that a Supreme Court Justice must have."

The unanimous decision to schedule a vote on both nominations came after liberal Senators suffered a defeat in their efforts to delay Mr. Rehnquist's nomination while sending Mr. Powell's on to the Senate floor.

By identical 10-to-5 votes, the committee tabled an effort by Senator Birch Bayh, Democrat of Indiana, to vote today on Mr. Powell, and then rejected Senator Bayh's demand that Mr. Rehnquist be recalled for a final day of hearings.

Senator Bayh said later that the 10-to-5 vote indicated that the nomination of Mr. Rehnquist would probably be approved by at least that margin, unless new facts come to light before Tuesday.

### Opposition by Democrats

The five members, all Democrats, who wanted to delay Mr. Rehnquist's nomination were Quentin N. Burdick of North Dakota, Philip A. Hart of Michigan, Edward M. Kennedy of Massachusetts, and Senators Tunney and Bayh.

There have been no indications of opposition to Mr. Powell's nomination.

Senator Bayh said that during the closed committee meeting he had asked for one more day of public hearings to "lay to rest" allegations that Mr. Rehnquist had intimidated Negro voters in his home city of Phoenix, Ariz., and that he might have belonged to two right-wing organizations called Arizonans for America and For America.

The committee decided instead to let the five critics present their questions in writing, and that Mr. Rehnquist would be given until tomorrow night to answer in writing.

It is understood that Mr. Rehnquist will also be asked general questions about his views on individual rights—subjects that some feel he did not discuss fully enough during his testimony.

The committee chairman, James O. Eastland, Democrat of Mississippi, also said that he would ask the Federal Bureau of Investigation to assist in checking out the allegations about the two right-wing organizations.

It is understood that the F.B.I. will be asked to try to get in touch with other persons who are believed to have been associated with the two groups and to ask them what relationship, if any, Mr. Rehnquist had with them.

Arizonans for America and For America were relatively early right-wing groups that included many members who later helped from the John Birch Society.

Mr. Rehnquist has signed a sworn affidavit denying membership in the Birch Society, but Attorney General John N. Mitchell acted as spokesman for him to deny later reports that he had belonged to the two other groups.

Senator Bayh complained today that there was no need for Mr. Mitchell to "assume the posture of babysitter" for Mr. Rehnquist, and demanded that the nominee personally respond to the allegations.

The Senator said he had no evidence that Mr. Rehnquist was a member of the groups and doubted that he was, but the Senator said that "a man goes on the Supreme Court under better circumstances if these reports are laid to rest."