

SENATE CONFIRMS POWELL BY 89 TO 1 FOR BLACK'S SEAT

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Harris Terms Him 'Elitist'
and Votes No—Debate on
Rehnquist Is Started

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By FRED P. GRAHAM

Special to The New York Times

WASHINGTON, Dec. 6—The Senate confirmed today the nomination of Lewis F. Powell Jr. to the Supreme Court by a vote of 89 to 1 and immediately began to debate the more controversial nomination of William H. Rehnquist.

Mr. Powell held a brief news conference in his Richmond law office to express his gratitude for the "generous margin of approval."

"I am too conscious of my own limitations to take it at face value," he said. "I am afraid I cannot live up to such high expectations."

Mr. Powell said that his swearing-in date would be set by the Court or by the Chief Justice, and that it would probably come after the first of the year. The 64-year-old former president of the American Bar Association will take the seat vacated by the late Hugo L. Black.

Harris Explains Vote

The lone vote against him was cast by Senator Fred R. Harris of Oklahoma. He explained to reporters later that he opposed Mr. Powell because he is "an elitist" who "has never shown any deep feelings for little people."

He added that Mr. Powell "does not have the kind of exemplary record in the fields of civil rights and civil liberties that I'd like to see in a man appointed to the Supreme Court for life."

Mr. Harris, a Democrat, has said that he will not run for re-election when his Senate term expires next year.

The overwhelming confirmation of Mr. Powell marked a turnabout for President Nixon's efforts to place a conservative Southerner on the Court. In sharp contrast to the bitter Senate struggles that led to defeat of the nominations of Mr. Nixon's first two Southern nominees, Clement F. Haynsworth Jr. and G. Harrold Carswell, no opposition was voiced to Mr. Powell's nomination during the debate.

Senator Henry M. Jackson of Washington, who is a candidate for the Democratic Presidential nomination, jibed at Mr. Nixon by calling the support of Mr. Powell "a rebuff to those who suggested that the Senate would not confirm a Southerner

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Senate Confirms Powell by 89-1 Vote

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to serve on the Supreme Court." "One wonders," he added, "why it has taken so long to propose a man of Mr. Powell's stature."

With the vote scheduled for 4 P.M., the Senators had exhausted all that they wished to say about Mr. Powell by the early afternoon, and the Senate recessed until shortly before time for the vote.

The debate on Mr. Rehnquist began along the lines that it had taken in the proceedings for the Judiciary Committee.

Senator Birch Bayh, who is leading the effort by liberals to defeat the nominee "a man who has been consistently out of step with the way this country should go." The Indiana Democrat criticized Mr. Rehnquist, an Assistant Attorney General, as insufficiently dedicated to constitutional liberties and civil rights.

To this, Mr. Rehnquist's two major supporters, James O. Eastland, Democrat of Mississippi and Roman R. Hruska, Republican of Nebraska, replied that Mr. Rehnquist was fair-minded, and that the charges against him were untrue.

Mr. Eastland charges that opposition to Mr. Rehnquist boiled down to a dislike of Mr. Rehnquist's views by "so-called liberals" in the news media and the academic community.

Mr. Hruska conceded that the nominee was not an advocate of civil rights but called him a "warm and compassionate man" who was not opposed to minorities.

The vote on Mr. Rehnquist's nomination is not expected to



United Press International

Lewis F. Powell Jr. holding news conference in his law office in Richmond after Senate voted on confirmation.

come before the end of the week.

Today, Newsweek magazine released the text of a document said to be a memorandum written by Mr. Rehnquist when he was a 28-year-old law clerk to Supreme Court Justice Robert H. Jackson. The memorandum argued that the Court should refuse to overturn the "separate but equal" doctrine in public schools which was then before the court.

Despite Mr. Rehnquist's argu-

ment that the separate-but-equal decision "was right and should be reaffirmed," Justice Jackson subsequently joined the unanimous Court in declaring in 1954 that school segregation was unconstitutional.

Today, Justice Department spokesmen and Mr. Rehnquist declined to comment on the memorandum or to say whether it had or had not in fact been written by Mr. Rehnquist.

REMEMBER THE NEEDIEST