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Rehnquist Bjt 460

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WASHINGTON AP - Senate supporters of the wsupreme Court nomination of William H. Rehnquist try today to bring the debate to a close, forcing a vote on his confirmation.

Republican Leader Hugh Scott of Pennsylvania said "the vast majority of the Senate is convinced of the merits of the nominee" and believes the time to vote has come.

A two-thirds majority is required to put into effect the Senate's debate-closing rule, and the outcome of the vote set for noon appeared in doubt.

If it succeeds, there could be a vote later in the day on confirmation of Rehnquist, an assistant attorney general and former Phoenix, Ariz., lawyer. If debate is not cut off, another attempt will be made Saturday.

The debate on Rehnquist began Monday after the Senate confirmed, by an 89-1 vote, President Nixon's nomination of Richmond, Va., attorney Lewis F. Powell Jr., to fill a second vacancy on the Supreme Court.

Rehnquist, 47, was opposed by some Senate liberals who have attacked his civil-rights and civil-liberties record. But Sen. Birch Bayh, D-Ind., and other opponents have never claimed the votes to block confirmation.

In advance of the vote a dispute continued over a 1952 memorandum written for the late Justice Robert H. Jackson on the position the Supreme Court should take on school-desegregation cases.

Rehnquist said Wednesday he had written it while a law clerk for Jackson. But Thursday night Scott made public a cable from another of Jackson's former clerks, Donald Cronson, saying it was probable the memorandum was more his than Rehnquist's.

The memorandum came under sharp attack from Bayh because it declared the separate-but-equal doctrine enunciated by the court in 1896 was right and should be reaffirmed.

The doctrine was overturned by the Supreme Court in a unanimous 1954 decision holding that segregated schools are inherently unequal.

Rehnquist said he supports the 1954 decision and that the memorandum was not an expression of his views but of Jackson's.

But Bayh said that "the thoughts in this memorandum are consistently at odds with the most fundamental principles of Mr. Justice Jackson"

Cronson said in his cable that Jackson first requested a memorandum declaring the court's separate-but-equal decision was wrong and then another taking the position it was correct.

He said he and Rehnquist collaborated on both of them, but his recollection was that the second one, the one that has stirred the controversy, was typed by Rehnquist "but a great deal of its content was the result of my suggestions."

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