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Rehnquist Confirmed As Justice

Senate Vote Is 68 to 26

WASHINGTON — (UPI)—William H. Rehnquist won Senate confirmation to the Supreme Court today giving President Nixon four justices on the high bench and a clear conservative edge. The vote was 68 to 26.

The vote came after a day of maneuvering that included an effort to put it off until next year.

Rehnquist, 47, an assistant attorney general and the Administration's legal counselor, was confirmed after Senate liberals gave up their week-long fight to keep him off the court.

Both of California's Democratic senators, Alan Cranston and John Tunney, voted against confirmation.

To Join in Month

Rehnquist and Lewis F. Powell, 64-year old Richmond, Va., attorney, who was confirmed by the Senate Monday, probably will take their places on the court when it returns from the Christmas holidays on Jan. 10.

That will give Nixon four places on the nine-man court. His other nominees are Chief Justice Warren E. Burger and Justice Harry A. Blackmun.

With Justice Byron "Whizzer" White, a Kennedy appointee, already on the bench, the conservatives will hold a clear majority.

In addition to White, Jus-

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tice Potter Stewart sometimes votes with the conservatives, although not as frequently as White. This leaves only Justices William O. Douglas, Thurgood Marshall and William Brennan Jr., from the core of the "Warren court."

The decision to vote on Rehnquist's nomination was unexpected. Liberals had insisted that not enough time had been used to fully debate his controversial nomination.

Showing surprising strength, opponents of the Rehnquist nomination easily defeated an attempt to curb debate. The vote was 52-42, 11 votes shy of the required two-thirds needed to shut off a filibuster.

Both California Senators voted against cloture.

Then Sen. Birch Bayh (D-Ind) asked the Senate to put off any action until Jan. 18, tentative date for the return of Congress.

Opposition to Rehnquist

centered on his civil rights and civil liberties record, and what some detractors called his deep-rooted support for the power of the executive branch.

Led by a small band of Senate liberals, opponents acknowledged his intellect and integrity, but pointed out that in 1964 Rehnquist fought a public accommodations ordinance in Phoenix, Ariz., and wrote a letter against the busing of children to achieve school desegregation.

At the very end, the controversy centered on a memorandum written 19 years ago by Rehnquist to Justice Robert A. Jackson, for whom he clerked in 1952. In the memo, Rehnquist supported the "separate but equal" doctrine for public schools. Rehnquist claimed the views were Jackson's and prepared at his request.

A native of Milwaukee, Rehnquist earned his law degree at Stanford.