

Kennedy Swaps Sharp Blasts Over Rehnquist

By Spencer Rich
Washington Post Staff Writer

Sen. Edward M. Kennedy (D-Mass.) yesterday lashed out at Supreme Court nominee William H. Rehnquist, saying the nominee's record on civil liberties and civil rights presented the Senate with "a prima facie case" against him.

Kennedy, meanwhile, was blasted by presidential director of communications Herbert H. Klein, who called Kennedy "irresponsible," lacking a sense of "fair play" and sounding like a "political hatchet man" for his statements on a half dozen issues not related to the nomination.

Aides said Klein's speech, prepared for the Colorado Press Association meeting in Denver yesterday, was written before Kennedy's attack on Rehnquist, and was not designed as a response.

Kennedy, who also was speaking in Denver, before the National Legal Aid and Defender Association, said Rehnquist, though a man of "sharp intellect," was the President's "lawyer's lawyer" during the time when the President made perhaps more legal errors than perhaps any predecessor.

Among such errors, he said, were "the President's televised prejudgment of guilt during the Manson case," his statement on military bail for William Calley, his "surrender of the California Rural Legal Assistance Program to political expedience," and a half a dozen others.

"This was the lawyer who was the architect of some of these actions, the adviser on others and the last clear chance for sensibility on the rest," Kennedy said.

Kennedy said the case against Rehnquist was by no means settled yet, but he was disturbed by the nominee's opposition to an Arizona law barring desegregation in public accommodations, by his comments on integration before coming to Washington, and by his record as the assistant attorney general for legal counsel over the past two years.

He said "a fair reading of the material" permitted a tentative conclusion that Rehnquist

believes "self-discipline on the part of the executive branch" is all that is needed to prevent abusive and unwarranted surveillance activities against private citizens by the government; that Rehnquist has backed actions against May Day demonstrators which the courts found unconstitutional; that he wants to undo the Miranda and Mapp rulings which protect the rights of criminal defendants, and that he favors enlarging the executive power in the war-making area and opposes Congress' right to limit or end the Vietnam war.

Kennedy said he believes the Senate has a right to reject Rehnquist "if he seems devoted to redistributing freedom away from citizens and to the government," and if he "fails to show a commitment and dedication to civil rights and constitutional liberties."

He said he hoped that Rehnquist, who has just completed two days of testimony before the Senate Judiciary Committee, would want to come back and clarify his positions so that senators could be reassured on his stance on key issues.

The committee is to begin hearings Monday on the other Supreme Court nominee, Lewis F. Powell Jr. of Richmond, with public witnesses to follow. It is possible that chairman James O. Eastland (D-Miss.) will call the committee into executive session late next week to report out the nominations.

It now appears that there are only a few in committee votes against Rehnquist, who somewhat conciliated several members of the committee in Thursday's testimony.

When the nomination will reach the floor is not clear. The Senate is seeking a Dec. 1 adjournment, and Majority Leader Mike Mansfield (D-Mont.) said yesterday he will not put aside other urgent legislation such as foreign aid and taxes for the nominations.

"A delay of two or three more weeks won't hurt the court," Mansfield said. "We will take them in stride."