

NOV 10 1971

NYTimes

## RIGHTS AIDES CALL REHNQUIST RACIAL

### Two Spokesmen Testify at Senate Panel's Hearing

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Special to The New York Times

WASHINGTON, Nov. 9 — In a heated Senate Judiciary Committee hearing today, William H. Rehnquist, who has been nominated to the Supreme Court by President Nixon, was accused of racism and was said to have tried to prevent Negroes from voting in his home city of Phoenix, Ariz.

The charges were made during a joint appearance of two civil rights spokesmen, Clarence A. Mitchell and Joseph L. Rauh Jr. They also asserted that the nominee had shown no commitment to the Bill of Rights and was "less than candid" in his testimony last week.

Mr. Mitchell charged that with the nomination of Mr. Rehnquist, "the foot of racism is placed in the door of the temple of justice."

He cited the nominee's opposition to a Phoenix open accommodations ordinance in 1964 on the ground that it violated shopkeepers property rights; his alleged denunciation of civil rights markers in Phoenix the same year, and his opposition to efforts to eradicate de facto school desegregation there in 1967.

#### Position Recanted

Mr. Rehnquist has recanted his position on open accommodations, denied the rights-march accusation and softened his position on school desegregation.

He also testified that he did not use his position as Republican "challenger" of Democratic voters in an effort to delay and prevent Negroes from voting in heavily Democratic black neighborhoods. However, Mr. Mitchell disputed this today and asked the committee to investigate further.

He gave the names of Judge Charles Hardy, now a Superior Court judge in Phoenix as persons who could testify that Mr. Rehnquist's "challenging" opera-

tion was used to bog down the lines of voters and frighten some Negroes into leaving the polls.

Judge Hardy, who was a Democratic election official a decade ago, said in a telephone interview that the challengers under Mr. Rehnquist used a literacy test to challenge potential Negro and Mexican voters.

Judge Muecke, a Democrat who was then the United States Attorney there, said by telephone that in 1964 the challenging program became "quite a vigorous campaign to hold up voting and frighten some voters away." He said that he had been called to the polling places and ordered Mr. Rehnquist's challengers to stop trying to delay the election.

#### F.B.I. Investigation

Judge Muecke said that he had ordered an investigation by the Federal Bureau of Investigation, which was discontinued after both Republicans and Democrats dropped election-fraud charges against each other after the election. But the judge said that the F.B.I. "probably has data on the investigation."

Mr. Mitchell urged the Judiciary Committee to obtain the bureau's reports.

Both judges said that they could not remember seeing Mr. Rehnquist personally using delaying tactics as an election challenger. But Mr. Mitchell said that a man named Robert Tate, and a state employe who would not permit his name to be disclosed, both reported that they had seen the nominee challenging Negroes at the polls by asking them to read and interpret portions of the state constitution.

Mr. Mitchell also presented an affidavit from Cloves Campbell, a State Senator from Phoenix, who quoted Mr. Rehnquist as explaining his anti-open accommodations position in 1964 on the ground that "I am opposed to all Civil rights laws."

When Mr. Mitchell alluded to rumors that Mr. Rehnquist had once been a member of the ultra right-wing John Burch Society, Senator James O. Eastland of Mississippi produced an affidavit in which the nominee swore that he is "not now and never has been a member of the John Birch Society."

Mr. Rauh began to say that the disclaimer raised suspicions because it did not deny all connections with the Birch Society,

but he was cut off by Senator Edward M. Kennedy of Massachusetts.

#### 'Completely Unwarranted'

Senator Kennedy called Mr. Rauh's suggestion "completely unwarranted and uncalled for." He said that Mr. Rehnquist's basic integrity was unquestioned, and that by casting doubts on his denial "you have left an atmosphere that I think is rather poisonous."

Later, when Mr. Mitchell said that the committee appeared inclined to believe the testimony of one white witness over the word of 100 Negroes, Senator Birch Bayh of Indiana, like Mr. Kennedy a critic of Mr. Rehnquist, called the accusation "sweeping and not deserved."

Neither Mr. Mitchell nor Mr. Rauh opposed President Nixon's other nominee, Lewis F. Powell Jr. However, Representative John Conyers Jr., the Michigan Democrat who acts as spokesman for the Congressional Black Caucus, testified for that group against Mr. Powell.