

2 in Phoenix Say Rehnquist Harassed Blacks at Polls

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WASHINGTON, Nov. 15 — Two Phoenix, Ariz., men have charged in sworn affidavits that William H. Rehnquist, one of President Nixon's Supreme Court nominees, harassed Negro voters at a predominantly black Phoenix precinct in 1964.

Mr. Rehnquist was said to have struggled briefly with one of the men, who filed the affidavits after an argument erupted over Mr. Rehnquist's activities at the polls. The men, who were serving as Democratic poll watchers, said that Mr. Rehnquist had been removed from the polling place by a policeman after the brief tussle.

The question of whether Mr. Rehnquist used "harassment and intimidation" in an effort to delay and prevent Negroes from voting is a key issue in the Senate hearings on his nomination.

He denied ever having personally challenged voters at the polls, but he said he did head a Republican lawyers committee that advised challengers of their rights.

Crying Woman Recalled

Today, Clarence Mitchell, legislative representative for the National Association for the Advancement of Colored People, released affidavits sworn to by Jordan Harris and Robert Tate, two black men who said they saw Mr. Rehnquist challenging voters at the Bethune precinct on Nov. 3, 1964.

A Justice Department spokesman issued a long statement tonight calling the affidavits "false" and citing Mr. Rehnquist's own testimony and other evidence before the Senate Judiciary Committee. Asked if Mr. Rehnquist was personally denying what the two men charged, the spokesman said that Mr. Rehnquist would rest on the record and would not respond to subsequent allegations.

Mr. Tate said a Mrs. Miller had been approached by Mr. Rehnquist as she waited in line to vote. "Mrs. Miller came to me crying, stating that Rehnquist wanted her to recite the Constitution" before she voted, Mr. Tate said.

A call was placed to a justice of the peace, who deputized Mr. Harris as a Democratic challenger. Mr. Tate said he witnessed a brief struggle between Mr. Harris and Mr. Rehnquist, and that "I went

to the assistance of Mr. Harris." A policeman was said to have removed Mr. Rehnquist from the polling place, after which he left the precinct, but returned later in his automobile.

Mr. Tate said he had asked the man's name and "the policeman informed me that his name was William Rehnquist." Mr. Tate said he now remembers him from recent newspaper pictures, but he said that Mr. Rehnquist did not wear glasses at the time of the 1964 incident as he always does now.

Friends of Mr. Rehnquist say that he has habitually worn thick glasses, at least since his college days.

Mr. Harris said that when he was deputized, the Republican challenger was introduced to him as William Rehnquist. Mr. Harris said Mr. Rehnquist approached three women and attempted "to make them recite portions of the Constitution and refused to let them vote until they were able to comply with his request."

Mr. Rehnquist was said to have pulled the women out of line, which resulted in the argument between him and Mr. Harris and the summoning of the policeman.

Resolution on Harassment

During the hearings Mr. Mitchell submitted a resolution from the Arizona N.A.A.C.P., in which Mr. Rehnquist was accused of harassing Negro voters as part of a Republican effort to slow down the voting lines in predominantly black precincts.

Mr. Rehnquist testified that this unfairly characterized his activities. "My recollection is I had absolutely nothing to do with any sort of poll watching," he said, adding that "my responsibilities, as I recall them, were never those of a challenger, but as one of a group of lawyers working for the Republican party in Maricopa County who attempted to supply legal advice to persons who were challengers."

In a subsequent memorandum filed as part of the Judiciary Committee record, the chairman, Senator James O. Eastland Democrat of Mississippi, accused Mr. Mitchell of making "exaggerated statements, in view of the fact that "Mr. Rehnquist has come before our committee and started that he himself did not act as a challenger."