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Bayh to Query Alleged Rehnquist Ties to Rightists

By DONALD JANSON

A spokesman for Senator Birch Bayh, Democrat of Indiana, said in Washington yesterday that Mr. Bayh intended to raise before the Senate Judiciary Committee questions about William H. Rehnquist's alleged membership in Arizonans for America, a right-wing organization based in Phoenix.

The Senate committee, of which Mr. Bayh is a member, is scheduled to resume tomorrow its consideration of Mr. Rehnquist and Lewis F. Powell Jr., President Nixon's nominees to the Supreme Court.

Files under examination in Philadelphia list Mr. Rehnquist, now an Assistant Attorney General, as a member of Arizonans for America and another right-wing group when he lived in Phoenix. The second group is For America, a national organization headquartered in Washington while it was active in the nineteen-fifties and early nineteen-sixties.

Attorney General John N. Mitchell said in a statement in Washington yesterday afternoon that Mr. Rehnquist had not belonged to Arizonans for America. Later he said in response to a question from The

New York Times that Mr. Rehnquist had never been a member of For America, either.

Mr. Rehnquist is refraining from making public statements pending Senate action on his nomination.

The listings in Philadelphia were culled from voluminous files on right-wing activity of the fifties and sixties compiled by the late Mrs. Frank Brookes of Phoenix, who was active in the Methodist Women's Society of Christian Service and its national conference on extremism. The culling has not been completed.

Before she died of cancer eight months ago, Mrs. Brookes sent her files to Dr. Franklin H. Littell because she knew him and of his interest in extremism as senior scholar for the Institute of American Democracy. This Washington-based group was formed to combat extremism of the left and right. Dr. Littell formerly served as its national chairman.

Dr. Littell, director of graduate religious studies at Temple University here and a member of the general board of Christian Social Concerns of the United Methodist Church, first met Mrs. Brookes in Phoenix several years ago.

He said in an interview yesterday that he held her in high regard for accuracy and conscientiousness as a researcher. He added that he felt Mr. Rehnquist "should have the opportunity to be questioned and to tell what his relationship to these groups was."

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Attorney General Mitchell's statement said:

"The question of whether or not Mr. Rehnquist was a member of Arizonans for America has been thoroughly investigated by the F.B.I. The investigation showed that Mr. Rehnquist was one of four persons who participated in a panel discussion sponsored by Arizonans for America on Sept. 12, 1958. However, a review of the F.B.I. report clearly indicates that he was not a member of the organization."

In testimony before the Senate Judiciary Committee, the nominee said, in answer to a question, that he had never belonged to the John Birch Society, another ultra-conservative group. The committee received on Tuesday an affidavit from him to that effect.

Mrs. Brookes, who followed right-wing meetings and developments closely in Phoenix,

listed him with 16 others on a typewritten sheet of paper as a member of Arizonans for America. The list was undated, but apparently was for 1958. Notes on the page say that two of the names were not in the 1958 Phoenix telephone directory.

Some of those listed became important figures in the John Birch Society, founded by Robert Welch in Indianapolis in December, 1958. These included Frank C. Brophy and Judge M. T. Phelps, who became members of the governing national council of the society, and Robert Chandler, who became Arizona coordinator for the society.

Overlapping Membership

Wesley McCune, director of Group Research in Washington, said yesterday that his organization's files showed Mr. Rehnquist, who practiced law in Phoenix from 1954 to 1969 had appeared in the panel discussion with Mr. Welch, Mr. Brophy and two other leading ultraconservatives, Clarence E. Manion and Willis E. Stone.

Membership in Arizonans for America, the John Birch Society and For America overlap.

Mrs. Brookes listed "Wm. H. Rehnquist" as one of nine For America members present at a meeting, presumably in Phoenix, on Oct. 10, 1960, to support a list of conservative Arizona candidates for political office.

Like the other list on which his name appears, it is typewritten. The same list also appears in handwriting that is the same handwriting used in scores of other documents in the Brookes files. Dr. Littell has not yet conclusively identified the handwriting.

A further typewritten list

gives the "organizers of For America No. 1959, "apparently meaning November, 1959. This may have been organizers for a local chapter, since For America sought to establish a chapter in each state. This list does not include Mr. Rehnquist's name but does include those of Judge Phelps, Mr. Chandler, Mr. Brophy and others who were on the Arizonans for America with Mr. Rehnquist.