

SENATE UNIT BACKS COURT NOMINEES

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Rehnquist Endorsed, 12 to 4,
Powell Unanimously —
Floor Vote Is Delayed

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WASHINGTON, Nov. 23—

The Senate Judiciary Committee voted overwhelmingly today to send the Supreme Court nominations of Lewis F. Powell Jr. and William H. Rehnquist to the Senate floor.

Mr. Powell's nomination was endorsed unanimously by the 16-member committee. The vote on Mr. Rehnquist was 12 to 4.

The action left a crucial move in the hands of the Senate majority leader, Mike Mansfield of Montana. Mr. Mansfield announced earlier today that the two nominations would be made the final order of business before the Senate adjourns. Thus, a vote before Dec. 10 was considered unlikely.

Mr. Mansfield will make the key decision on whether to place first before the Senate the name of Mr. Powell, who has no announced opposition, or Mr. Rehnquist, who has drawn sharp and sometimes acrimonious opposition from some Democratic liberals.

If Mr. Powell has already been confirmed when the Rehnquist nomination comes up for discussion, his opponents might attempt to talk long enough to put the vote over until next year, when the political currents of an election year might swing events in their favor.

If, on the other hand, Sen-

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ator Mansfield calls for a vote first on Mr. Rehnquist, with Mr. Powell's nomination awaiting that action, the debate would predictably be brief and both nominations could be confirmed by Dec. 10.

An aide to the majority leader said today that Mr. Mansfield would probably not tip his hand on the decision until the last moment, when he calls the first nomination to the floor.

Opponents of the Rehnquist nomination had hoped to muster at least five negative votes in the Judiciary Committee, but Senator Quentin N. Burdick, North Dakota Democrat, who had sided with the opponents on some earlier parliamentary moves, voted for Mr. Rehnquist.

Senator Birch Bayh, Democrat of Indiana, who has taken the lead in opposing the nomination, conceded that the lopsided committee vote made confirmation of the 47-year-old Assistant Attorney General appear probable.

Effort to Continue

Senator Bayh said that he would continue to fight the nomination because of what he characterized as Mr. Rehnquist's "dangerous hostility to the great principles of equal justice for all people and individual freedom under the Bill of Rights."

The other Senators casting negative votes, all Democrats, were Philip A. Hart of Michigan, Edward M. Kennedy of Massachusetts and John V. Tunney of California.

They were given one week to file their minority views, after which both nominations will go immediately to the full Senate. Senator Bayh said that his request for an extra day had been turned down, but he disowned any intention of staging a filibuster in the waning hours of this session of Congress.

Clarence Mitchell, who has opposed the Rehnquist nomination as a spokesman for the

Leadership Conference on Civil Rights, issued a statement calling upon all Senators, and especially the Democratic Presidential aspirants, "to save the Supreme Court from the taint of having an anti-civil rights Justice."

Senator James O. Eastland of Mississippi, the chairman of the Judiciary Committee, said today that an investigation by the Federal Bureau of Investigation last week turned up no evidence that Mr. Rehnquist had ever been a member of Arizonaans For America, a defunct right-wing group.

Recollection of Members

There have been allegations, which Mr. Rehnquist has denied, that he was a member of the group. Senator Eastland also produced a letter from George Hearn Wood of Phoenix, who was on the board of directors of the organization and served as its last president. Mr. Wood said that to his knowledge Mr. Rehnquist had never been a member but that he had been on the group's mailing list.

Senator Eastland also read a letter from Frank Cullen Brophy, a Phoenix man who said he had been a member of Arizonaans for America and who called the allegations about Mr. Rehnquist's membership "a complete falsification and fabrication." Mr. Brophy said Mr. Rehnquist would have felt out of place in the group, which was composed mostly of people 15 years older than he was.

Senator Bayh made a fresh charge yesterday of anti-civil-rights actions by Mr. Rehnquist. He said that in 1966, when Mr. Rehnquist was a representative from Arizona to the commissioners of uniform state laws, he tried but failed to delete a measure to ban real estate "blockbusting" tactics and a provision to reduce racial imbalance in employment.

Justice Department spokesmen replied that Mr. Rehnquist voted in favor of the final version of the model civil rights act for the states, which contained the two provisions.