

SFE Examiner

DEC 9 1971

3 Senators Attack Rehnquist Record

Examiner News Services

WASHINGTON — Sens. Jacob K. Javits (R-N.Y.) and Alan Cranston (D-Calif.) joined today in the opposition to confirmation of the Supreme Court nomination of Assistant Attorney General William H. Rehnquist.

Sen. J. W. Fulbright (D-Ark.) said later he also would oppose confirmation — the first Southerner to lineup against Rehnquist.

Cranston told the Senate

that Rehnquist's record "raises the most serious doubts about his commitment to human rights" and said that on civil liberties "Mr. Rehnquist consistently comes down on the side of less liberty rather than more."

"I find in Mr. Rehnquist's record an almost total lack of a balanced, dispassionate, impartial approach to legal and policy questions," Cranston told the Senate.

"I find him to be an extraordinarily committed ideologue, who first forms conclusions according to the dictates of his ideology and then reasons backwards to justify those conclusions.

"His positions on racial equality, civil disobedience, the 18-year-old vote and equal-rights-for-women amendments, the President's war powers, rights of arrested persons, privacy, political association, government surveillance, and other First Amendment issues all show evidence of this process of reasoning backwards."

Javits, the second GOP senator to announce his opposition, said that Rehnquist's philosophy "makes him unacceptable as one of the final arbiters of the rights of 200 million Americans."

Mayday Issue

Javits also criticized Rehnquist's role in the mass arrest and prosecution of antiwar Mayday demonstrators in Washington last May and his advocacy of restricting the rights of free speech of government employees.

"Finally, and most critical in my mind, is the nominee's almost incredible insensitivity to the critical national problem of the last decade and for perhaps decades to come, legislation to correct unconstitutional racial discrimination," Javits said.

Fulbright told the Senate that by all the evidence Rehnquist is an advocate of "executive superiority in virtually all areas of public policy" and of "sweeping presidential authority in relations to the Congress."

The Senate is to vote at noon tomorrow on a move to cut off the debate. The vote on confirmation could take place later in the day.