

ones who opposed Mr. Rehnquist's confirmation. Among them were the AFL-CIO, the UAW, the ADA, the NAACP, and the Leadership Conference on Civil Rights.

Lawyers and law professors across the country were also active. Just in the past few days more than 270 law school professors at 28 law schools wrote and called to tell us of their opposition to Mr. Rehnquist, and the ACLU voted to oppose this nominee, the first such decision in its history. I believe we can all take heart from this outpouring of public opinion. Some people still do care about preserving the freedoms of the Bill of Rights.

Mr. GRIFFIN. Mr. President, will the Senator yield to me?

Mr. BAYH. I have no time remaining. I would be glad to yield.

Mr. FANNIN. I yield 1 minute to the Senator.

Mr. GRIFFIN. The Senator from Indiana made reference to the Senator from Michigan and the time that was used in debating the nominations. I take it that he was referring to me and that he was referring to the Fortas nomination.

Mr. BAYH. Yes, I was referring to the Fortas and Thornberry nominations. If one compares the amount of time, from the time the nominations were sent to the Senate, there is no comparison between the two situations.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FANNIN. I yield time to the Senator.

Mr. GRIFFIN. To keep the record straight, let me remind the Senator from Indiana that the cloture vote with respect to the Fortas nomination came after only 4½ days of debate. If the Senator will check, I believe he will find that there has been about the same amount of time devoted to debate on this nomination. Of course, except for the unanimous-consent agreement, to which the Senator from Indiana did not object, we could have had another date of debate of this nomination.

Mr. BAYH. As the Senator from Michigan is all too well aware, he has suggested that we had a filibuster here from the first day. He stood right where he is now and accused the Senator from Indiana, and those of us who are concerned about Mr. Rehnquist, of filibustering, before the debate was 12 hours old. The first cloture petition was filed after 1½ days of debate—a debate which Mr. Rehnquist's supporters refused to attend, and a second cloture petition was filed the very next day. The Library of Congress advises me that such a tactic is totally without precedent in Senate history.

Mr. HART. In the Fortas nomination, there was a filibuster against the motion to take it up. We were not even allowed to take it up.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. FANNIN. I yield.

Mr. HRUSKA. On the score of the time that has been involved in this debate, the RECORD shows that debate started on

this matter and there was ample time for all Senators to participate. Some 12 or 14 Senators, starting on November 2 and ending on December 1 devoted approximately 65 columns of comment on the thoughts they had favoring Mr. Rehnquist. On the other side there were more than 200 columns in the CONGRESSIONAL RECORD devoted to that subject, but in opposition to Mr. Rehnquist from November 5 to December 3, and that is separate and apart from the time during debate which started on December 4. So there has been a good deal of time devoted to it, which would not appear to be an unduly short time allowed for the purpose of debate.

The VICE PRESIDENT. All time has now expired.

The Chair reminds members of the galleries that the rules of the Senate prohibit expressions of approval or disapproval upon announcement of the vote.

Mr. SCOTT. Mr. President, I ask unanimous consent that I may have 1 minute now, notwithstanding the expiration of the time, for the purpose of making an announcement regarding the photograph.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, pursuant to Senate Resolution 197, 92d Congress, the official photograph will be taken of the Senate in session immediately after the vote on confirmation of the nomination of Mr. Rehnquist.

Senators are requested to remain in their seats after the announcement of the vote for a series of pictures which will be taken and which will consume approximately 6 minutes.

The VICE PRESIDENT. The hour of 5 p.m. having arrived, under the unanimous-consent agreement, the Senate will now proceed to vote on the question, Will the Senate advise and consent to the nomination of William H. Rehnquist to be an Associate Justice of the Supreme Court of the United States?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the negative). On this vote I have a pair with the distinguished Senator from Illinois (Mr. PERCY). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from New Mexico (Mr. ANDERSON) is necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. BENNETT) and the Senator from South Dakota (Mr. MUNDT) are absent because of illness.

The Senator from Illinois (Mr. PERCY) and the Senator from Maine (Mrs. SMITH) are necessarily absent.

If present and voting, the Senator from Maine (Mrs. SMITH) would vote "yea."

The pair of the Senator from Illinois (Mr. PERCY) has been previously announced.

The vote was announced—yeas 68, nays 26, as follows:

[No. 450 Ex.]

YEAS—68

Aiken	Eastland	Pastore
Allen	Ellender	Pearson
Allott	Ervin	Pell
Baker	Fannin	Proxmire
Beall	Fong	Randolph
Bellmon	Gambrell	Roth
Bentsen	Goldwater	Saxbe
Bible	Griffin	Schweiker
Boggs	Gurney	Scott
Brock	Hansen	Sparkman
Buckley	Hatfield	Spong
Burdick	Hollings	Stafford
Byrd, Va.	Hruska	Stennis
Byrd, W. Va.	Jordan, N.C.	Stevens
Cannon	Jordan, Idaho	Stevenson
Chiles	Long	Symington
Cook	Mathias	Taft
Cooper	McClellan	Talmadge
Cotton	McGee	Thurmond
Curtis	McIntyre	Tower
Dole	Miller	Weicker
Dominick	Montoya	Young
Eagleton	Packwood	

NAYS—26

Bayh	Hartke	Metcalf
Brooke	Hughes	Mondale
Case	Humphrey	Moss
Church	Inouye	Muskie
Cranston	Jackson	Nelson
Fulbright	Javits	Ribicoff
Gravel	Kennedy	Tunney
Harris	Magnuson	Williams
Hart	McGovern	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Mansfield, against.

NOT VOTING—5

Anderson	Mundt	Smith
Bennett	Percy	

So the nomination was confirmed.

Mr. SCOTT. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The VICE PRESIDENT. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. SCOTT. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

MESSAGE FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Labor and Public Welfare.

(The nominations received today are printed at the end of the Senate proceedings.)

The Chair wishes to remind Senators, as the minority leader has just announced, that photographs will be taken now and Senators should, therefore, please remain in their seats during that period.