

FBI Queries Possible Opponents Of 2 Supreme Court Nominees

10/29/71
By John P. MacKenzie
Washington Post Staff Writer

The FBI has carried its investigation of President Nixon's two Supreme Court nominees into the unfamiliar territory of the civil rights and civil liberties workers who uncovered damaging evidence against previous Nixon choices for the bench.

Agents in at least five cities have met with a mixed but mostly chilly reception after asking potential opponents of William R. Rehnquist and Lewis F. Powell Jr. whether they had any information and whether they planned to fight the confirmations.

Reaction to the FBI inquiries ranged from surprise at

the bureau's sudden interest to outrage that the interest extended beyond data-gathering to the plans of persons considered unsympathetic to the Nixon administration.

Professor Gary Orfield of Princeton, who testified against confirmation of Clement F. Haynsworth Jr. and G. Harrold Carswell, said he was asked whether he expected to testify at Senate hearings opening on Wednesday.

Stanford law professor Anthony Amsterdam, who publicly opposed the possible nomination of Judge Mildred Lillier, was asked whether he would give his views on the court nominees either to the Senate or the American Bar

Association, which is conducting its own investigation. Both men refused to commit themselves on the subject.

Among those who said they were questioned by the FBI was Richard T. Seymour, a lawyer with the Washington Research Project Action Council, a civil rights organization.

Seymour, whose investigation of Carswell produced evidence that he had helped convert a public golf course to a private club to avoid admitting Negroes, was called first at his Washington office. On that call the FBI learned that Seymour had already left for Phoenix, Ariz., where Rehnquist practiced law before be-

See AGENTS, A13, Col. 1



LEWIS F. POWELL JR. WILLIAM H. REHNQUIST
... Nixon's choices to fill Supreme Court vacancies.

FBI Asks for Opinions On 2 Court Nominees

AGENTS, From A1

coming an assistant attorney general in 1969.

Reached at a Phoenix motel yesterday, Seymour told The Washington Post that an FBI agent had contacted him by telephone on Wednesday.

Seymour said the agent expressed some confusion as to why he was supposed to contact him but that it concerned Rehnquist. The agent asked about Seymour's background, his purpose and whether he had developed any new information.

The young lawyer told the agent that he had turned up "nothing worth talking about yet." Then, said Seymour, "I asked him if he had any information. He said he couldn't disclose it without permission from higher-ups. I said we operated under the same system."

Seymour said the brief conversation was "very friendly—there was no attempt to scare me." Other individuals questioned expressed the same view.

Marian Wright Edelman, Seymour's superior at the Washington Research Project Action Council, said she received a call Wednesday in Massachusetts from the FBI's Washington office. The agent asked her to talk with a man from the FBI's Boston office, said Mrs. Edelman, who divides her time between Washington and Cambridge, Mass.

Mrs. Edelman, said she told the FBI that she had nothing to contribute as of now about either Rehnquist or Powell but she would call the bureau if anything developed.

From the agents' questions,

Mrs. Edelman said she had concluded "they clearly never heard of any of us."

The FBI took the brunt of criticism last year for failing to discover derogatory information on Carswell before critics did. Many in the bureau and elsewhere in government felt that the criticism was not entirely deserved because of the short notice and secrecy restrictions under which field agents were forced to operate.

Harvard law professor Laurence H. Tribe, another private attorney consulted by the FBI, said he has had three FBI inquiries since Oct. 18, when The Post published his study of the recent judicial record of Judge Lillie, then a top name on the administration's list of potential nominees.

Tribe said the agent who called first said he was not conducting a formal check on Judge Lillie but wanted to be ready in case Washington asked for one. Asked the source of his interest in the candidate and what his professional opinion was, Tribe said he replied that he was acting as a scholar and former law clerk concerned about the Supreme Court and that he had a low opinion of the California judge.

Wednesday of this week Tribe received a personal visit and a telephone call from another agent, this time about Rehnquist and Powell. The FBI, Tribe said, wanted to know if he was conducting a comparable study of the two nominees. Tribe said he was annoyed at the agent's refusal to