

MESKILL PRESENTS PROBLEM FOR FORD

Confrontation With Senate Seen Over Resubmission of Court Nomination

By MARJORIE HUNTER

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WASHINGTON, Jan. 16—One of the earliest confrontations between President Ford and the new Congress is likely to come over his decision yesterday to resubmit the name of former Gov. Thomas J. Meskill of Connecticut to be a Federal appellate judge.

With few notable exceptions, most of Mr. Ford's nominations have sailed through the Senate with relative ease. But the Meskill case is sticky, with the Senate Judiciary Committee caught in the middle between the American Bar Association on the one hand and President Ford and Senator Lowell P. Weicker Jr. of Connecticut on the other.

This is the first time in 10 years that the Judiciary Committee has been faced with a nominee who is adamantly opposed by the A.B.A. on the ground that he lacks enough experience as a trial lawyer to go on the Federal bench.

Some Senate sources are predicting that the Meskill affair may prove to be a close parallel to the dramatic episode a decade ago when Senator Edward M. Kennedy sought to win Senate confirmation for an old family friend, Judge Francis X. Morrissey of Boston Municipal Court.

A Losing Battle

Judge Morrissey, named by President Johnson to be a Federal district judge, was opposed by the A.B.A., which charged that he lacked judicial qualifications for the higher bench. The Senate Judiciary Committee eventually approved the nomination by a vote of 6 to 3.

However, as support in the full Senate began crumbling, Senator Kennedy abandoned the fight by moving to send the nomination back to committee. It never emerged again.

Senator Weicker appears as determined to push the Meskill nomination as Senator Kennedy, until the final hour, fought for the Morrissey confirmation. Yet it was clear during the

trial the Meskill confirmation hearings last fall that there was little real enthusiasm in the Judiciary Committee for his nomination.

"Many of the Senators had hoped the issue would just go away, that the President would not resubmit Meskill's nomination this year," one key staff aide said today.

The committee has scheduled another hearing next Thursday on the nomination of Mr. Meskill to the United States Court of Appeals for the Second Circuit, even before taking up the nomination of Edward H. Levi of Chicago to be Attorney General.

Silbert's Prospects Rise

While Mr. Meskill's chances for confirmation do not appear to have improved in the new Congress, those of another Ford nominee, Earl J. Silbert, to be United States Attorney for the District of Columbia, are said to be far brighter.

Mr. Silbert, whose name was also resubmitted yesterday by President Ford, was strongly opposed last fall by Senator Sam J. Ervin Jr., the North Carolina Democrat who chaired the Senate's Watergate inquiry.

Senator Ervin's opposition was based on what he felt had been Mr. Silbert's failure, as chief prosecutor in the initial Watergate investigation, to pursue the Federal inquiry into the higher levels of the Administration, including the Nixon White House.

With the retirement of Senator Ervin at the end of last session, the major obstacle to the Silbert confirmation is believed to have been removed and, while some members of the Judiciary Committee may vote against him, he is expected to win approval.

Mr. Levi, president of the University of Chicago, is also expected to be confirmed as Attorney General, despite initial opposition of some Senate conservatives. The committee is expected to begin his confirmation hearings on Jan. 27.

Senate leaders of both parties said today that they foresaw no major opposition, either, to other pending nominations by President Ford.

Names in Nomination

These include William T. Coleman Jr. to be Secretary of Transportation, James T. Lynn to be director of the Office of Management and Budget, Elliot L. Richardson to be Ambassador to the Court of St. James's, and Wells Stabler to be Ambassador to Spain.

Meanwhile, the White House acknowledged today that it was

revising its initial and tentative list of nominees to the new Legal Services Corporation, created by Congress to direct the national program of legal aid to the poor.

When President Ford submitted his tentative list last December, there were loud protests from several quarters over his selection of some members, principally Denison Kitchell, a former campaign aide to Senator Barry Goldwater in his bid for President in 1964; Edith Green, an Oregon Democrat who retired from Congress last month; and William L. Knecht, assistant coun-

sel to the California farm bureau association.

Last week, Mr. Kitchell asked that his name be withdrawn. Mrs. Green is said to be wavering over whether to accept an appointment. And the California Bar Association is reportedly prepared to ask that Mr. Knecht's name be withdrawn.

Still another of the tentative nominees, Omar W. Franklin Jr., a former Georgia Superior Court judge and member of the A.B.A.'s ethics committee, has declined appointment because of the press of duties involving the Georgia Bar Association.

While none of President Ford's nominations has been rejected by the Senate, several have been withdrawn in the face of strong opposition.