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# Carswell Support Slips in Senate but Ayes Still Lead

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WASHINGTON, March 20—

Senate support for the Supreme Court nomination of Judge G. Harrold Carswell continued to ebb today, but apparently not enough to prevent his confirmation in early April.

Four Republican Senators who had been publicly pledged to Judge Carswell or regarded as solidly behind him reported independently that they were now uncommitted and studying the case further before deciding how to vote.

At the same time, one Republican who had voted against Judge Clement F. Haynsworth Jr. last November, Senator Jack Miller of Iowa, came out for Judge Carswell in a floor speech. Senator Miller said an analysis of the judge's opinions indicated he would serve objectively on the Supreme Court.

Vermont's two Senators, George D. Aiken and Winston L. Prouty, were among those who shifted their positions from favorable to President Nixon's nominee to neutral. Both men voted for Judge Haynsworth.

### Prouty Uncertain

Senator Prouty, who had said Feb. 24 that he expected to support Judge Carswell, said today he was uncertain how he would vote because "different aspects of the case have come to light since that time, and I am reviewing them carefully."

Senator Hiram L. Fong, Republican of Hawaii, who voted for Judge Haynsworth and for Judge Carswell in committee, was also reported to have shifted to a neutral stance. He is up for re-election this year and has a multi-racial constituency that would be unlikely to agree with past Carswell statements on segregation.

Senator Marlow W. Cook of

Kentucky, who was the Republican floor manager of the Haynsworth confirmation effort, said today he would not make up his mind how to vote on Judge Carswell until the Senate roll-call. But he added: "I am not enamored with the nomination."

Some Republicans believe Senator Cook will vote against confirmation but that he is remaining silent to avoid antagonizing the White House by providing the large psychological lift that an earlier announcement would give the Carswell opposition.

On the Democratic side, Senator Stuart Symington of Missouri, who had been listed as undecided, was reported to be preparing an announcement of opposition to Judge Carswell for early next week. He also voted against Judge Haynsworth.

### 'Poor Quality'

In a speech in Fort Wayne, Senator Vance Hartke, Democrat of Indiana, said he considered Judge Carswell "poor quality, frankly" and accused President Nixon of "an unashamed political appointment." Mr. Hartke, who opposed Judge Haynsworth, had not previously announced his position.

The net effect of these changes in position, however,

left the anti-Carswell forces still considerably short of the 50 votes needed to block confirmation.

A New York Times tally showed 45 Senators committed to Judge Carswell or leaning toward confirmation, 37 opposed or leaning against, and 16 uncommitted. Thus, as things now stand, the Carswell critics would have to win over 13 of the 16 uncommitted votes to carry the day, a large order.

Toward that end, the Carswell opposition is planning some far-flung strategy. Democratic critics of the nomination are urging Philip Hoff, the former Vermont Governor who is running against Senator Prouty, to make the Supreme Court confirmation a major issue now in an effort to nudge Mr. Prouty into a "no" vote.

### 'Underhanded Methods'

In Connecticut a similar plan is under way, with Representative John S. Monagan, a Democrat, ready to attack the Carswell nomination as part of his primary campaign against Senator Thomas J. Dodd. Mr. Dodd voted against Judge Haynsworth.

Supporters of Judge Carswell protested on the floor today that an unidentified group in California was using "underhanded methods calculated to

deceive" in a mail campaign against the nominee.

According to Senator Roman L. Hruska, Republican of Nebraska, the Californians have prepared batches of letters and postcards and bulkmailed them to various states, where they were to be postmarked and mailed individually to Washington as though coming from a Senator's constituents.

Senator Hruska said that this was apparently no violation of law although it was clearly an attempt to "create a false impression of opposition" to the nominee. Senator Howard H. Baker Jr., Republican of Tennessee, insisted, however, that it constituted "a fraud . . . on the Senate."

A final vote on the Carswell nomination was officially postponed today until after Easter, and it appeared likely that the decision would go over until the week of April 6. The first week after Easter a number of Senators expect to fly to Monaco for a meeting of the Interparliamentary Union.

In one of the strongest floor speeches to date against confirmation, Senator Edward M. Kennedy, Democrat of Massachusetts, said that rejection of Judge Carswell would be a message to President Nixon that "we want a candidate who is so clearly qualified that we will all be pleased to share in the honor of his appointment."

Confirmation, Senator Kennedy declared, would send this message to the White House: "Mr. President, you can appoint anyone you like, no matter how unworthy of respect, no matter how abhorrent to our ideals, our traditions and our liberty. And you will not have the Senate to worry about any more."