

# JUSTICE BLACK, 85, QUITS HIGH COURT, CITING HIS HEALTH

Sends Note to Nixon From  
Hospital—Resignation Is  
Effective Immediately

REP. POFF IS MENTIONED  
SEP 18 1971

Virginian May Be Named  
—Change Could Reshape  
Philosophy of Bench  
NYTimes

By ROBERT B. SEMPLE Jr.  
Special to The New York Times

WASHINGTON, Sept. 13—  
Associate Justice Hugo L. Black  
retired today from the Supreme  
Court after 34 years of service  
spanning the administrations  
of six Presidents.

The decision was announced  
at the White House after Presi-  
dent Nixon had received a note  
from the 85-year-old Justice  
written at the Naval Medical  
Center in Bethesda, Md., where  
he has been a patient since  
Aug. 28.

Ronald L. Ziegler, the White  
House press secretary, told  
reporters that Justice Black had  
reached his decision for "health  
reasons" and that the Presi-  
dent had accepted the decision  
with "deep regret."

Mr. Ziegler said that a search  
for "the most qualified man  
available" would begin imme-  
diately. Speculation quickly  
centered on Representative  
Richard H. Poff, Republican of  
Virginia.

### Law and Order Advocate

The nomination of Mr. Poff  
would satisfy Mr. Nixon's fre-  
quent pledge to name a South-  
erner to the Court. Mr. Poff  
was also one of the early archi-  
tects of Mr. Nixon's tough ap-  
proach to the law-and-order  
issue in the 1968 campaign, as  
well as the candidate's fre-  
quent criticisms of some of the  
decisions regarding the rights  
of suspects handed down by  
the Court when Earl Warren  
was Chief Justice.

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well were both rejected by  
Congress.

Although speculation imme-  
diately centered on Representa-  
tive Poff to fill the vacancy,  
it was by no means certain  
that Mr. Nixon would reach  
into the South. After Judge  
Carswell's defeat, the President  
issued an angry statement that  
said in part:

"With the Senate as pres-  
ently constituted, I cannot suc-  
cessfully nominate to the Su-  
preme Court any Federal ap-  
ellate judge from the South who  
believes as I do in the strict  
construction of the Constitu-  
tion.

"As long as the Senate is  
constituted the way it is today,  
I will not nominate another  
Southerner and let him be sub-  
jected to the kind of malicious  
character assassination accorded  
both Judges Hayns-  
worth and Carswell."

Since he made that statement  
in the spring of 1970, however,  
the composition of the Senate  
has changed slightly. After the  
1970 midterm elections, Mr.  
Nixon contended that although  
Republicans generally had not  
done well, enough conservatives  
from both parties had been  
elected to give him an "ideo-  
logical majority" in the Senate.

There was talk last year that  
Mr. Nixon would have prefer-  
red Representative Poff to  
Judge Carswell. According to  
this report Mr. Poff would  
have been nominated had he  
not been technically ineligible  
because he would have been  
appointed during a term in  
which, as a member of Con-  
gress, he voted for a bill rais-  
ing the pay of Supreme Court  
Justices.

Other names figuring in  
speculation here today includ-  
ed Charles Rhyne of North  
Carolina, an old friend of the  
President's from Duke Univer-  
sity days and a former presi-  
dent of the American Bar Asso-  
ciation; Lewis F. Powell of  
Virginia, another former presi-  
dent of the Bar Association,  
and Vice President Agnew.

The President conferred with  
Mr. Rhyne at 10 A.M. today,  
but White House officials said  
it was unrelated to the Court.  
Mr. Ziegler said the President  
had not known of Justice  
Black's decision until he re-  
ceived the note this afternoon.

Justice Black himself was a  
Southerner and served as a Sen-  
ator from Alabama. When he  
was nominated to the court in  
1937 by Franklin D. Roosevelt  
he endured bitter attacks from  
some Senators because of re-  
ports that Justice Black had  
once been a member of the Ku  
Klux Klan. He was confirmed  
63-16, but when he later admit-  
ted membership in the Klan,  
several Senators said they  
would not have voted to con-  
firm him had they known this.

which the Court broadened  
racial desegregation in the  
schools and in public accom-  
modations.

Justice Black was born in  
Clay County, Alabama, on Feb.  
27, 1886. He worked his way  
through the University of Ala-  
bama, served in World War I,  
entered politics, and was elect-  
ed to the United States Senate  
in 1927.

He vigorously supported  
many of President Roosevelt's  
public works projects, and in

1937 he supported Mr. Roose-  
velt's plan to "pack" the Su-  
preme Court to overcome its  
opposition to certain New Deal  
measures.

In tribute today, Chief Jus-  
tice Burger called Justice  
Black's retirement "a great  
loss to the Court which has had  
the benefit of his broad ex-  
perience and wisdom." The  
Chief Justice said that Justice  
Black had won the affection  
and friendship of all his col-  
leagues, adding:

"His career will rank with  
those of the great Justices of  
the Supreme Court."

At the White House, Mr.  
Ziegler said the President  
planned to respond personally  
to Justice Black's note telling  
Mr. Nixon of the decision to  
retire. However, Mr. Ziegler  
said, the President had au-  
thorized him to convey to re-  
porters and to the public Mr.  
Nixon's respect for Justice  
Black's judicial capacities.