

PRESIDENT PLANS TO ACT NEXT WEEK ON COURT CHOICES

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He Tells News Conference
Possibilities Include Byrd
and at Least 2 Women

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WASHINGTON, Oct. 12 —

President Nixon said today he would announce next week his selections to fill the two vacancies on the Supreme Court, and he did not rule out the possibility that one of the nominees would be a woman.

Mr. Nixon said at a news conference that Senator Robert C. Byrd of West Virginia, the Democratic whip in the Senate, was "definitely on the list" of persons being considered for the Court along with "at least two women." [Questions 10 and 11, Page 18.]

At the same time, however, the President apparently sought to discourage speculation that Senator Byrd was in line for one of the vacancies created by the retirements last month of the late Justices Hugo L. Black and John M. Harlan.

The President said that what he described as "dope stories" that Senator Byrd was certain to get the nomination and then that he was out of the running were both wrong.

"I don't rule out Senator Byrd," he said. Later he said that the Senator was being considered "as a result of several of his colleagues recommending him."

Speculation Held Inflated

White House sources earlier said the list of potential candidates had been narrowed to 10 or 12 persons, and sought to dampen speculation that Senator Byrd was at the top of the list.

The feeling among key Republicans on Capitol Hill was that the speculation about a Byrd appointment had been greatly inflated and that the West Virginia Senator was not likely to be nominated.

If Senator Byrd is nominated, the general appraisal on Capitol Hill is that he will be confirmed, if only because of what a Republican Senator described as the "clubbish ways" of the Senate. Nevertheless, the prospect that Senator Byrd, who was once a member of the Ku Klux Klan and has generally opposed civil rights legislation, might be nominated was said to be causing considerable discomfort among liberal and moderate Republicans.

It was partly to offset the speculation about Senator Byrd that one Republican leader deliberately introduced the names of two Republican Senators,

Continued on Page 19, Column 4

COURT NOMINEES TO BE ANNOUNCED

Continued From Page 1, Col. 4

Robert P. Griffin of Michigan and Howard H. Baker Jr. of Tennessee, as possible Court nominees.

While describing Senator Byrd as an "honorable, honest and sincere man," Senator Gordon Allott of Colorado, chairman of the Senate Republican Policy Committee, observed to reporters that he would "much rather see the President nominate a Republican."

Justices Called Startled

Meanwhile, on the basis of cocktail party conversations at the home of W. Averell Harriman on Sunday night, one Republican member of Congress close to the White House reported that some members of the Supreme Court said they were "aghast" that someone with Senator Byrd's legal background might be appointed to the Court.

Senator Byrd, who received his law degree from American University in 1963 after six years as a part-time student while serving as a member of Congress, told reporters in response to a question today that he had never taken a bar examination. Since he has not been admitted to the bar, Senator Byrd has had no experience in court and would not be entitled to appear before the Supreme Court to argue a case.

"Being a lawyer is not an absolute requisite to serving on the Supreme Court," Senator Byrd told the reporters.

Senator Byrd said he would regard it as "an honor" to serve on the Supreme Court.

He said he was "not at liberty to state" whether a Supreme Court appointment had been discussed when he flew with President Nixon to West Virginia last Friday. It was after that trip that speculation arose that Senator Byrd was being considered for the Court.