

President Says He Won't Try Another Southerner

S.F. Chen

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Reaction to Carswell Defeat

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Washington

President Nixon denounced yesterday Senators who had rejected his two nominees to the Supreme Court and declared that the Senate as "presently constituted" would not approve a Southern conservative.

Therefore, he said, he would now look outside the South for a candidate to fill the vacancy on the court.

"My next nomination will be made in the very near future," he said. "A president should not leave that vacancy on the court when it can be filled."

Appearing before newsmen, Mr. Nixon talked rapidly and evenly in words that conveyed bitterness and anger.

In his remarks, and in a separate statement distributed by the White House minutes later, Mr. Nixon accused Senate opponents of his two court nominations of "vicious" tactics and "regional discrimination" against Southerners.

NOMINEES

Both of Mr. Nixon's nominees for the court vacancy — Judge Clement F. Haynsworth and Judge G. Harrold Carswell — are from the South. The Senate rejected Haynsworth November 21 by a 55-45 margin and Carswell Wednesday, by 51-45.

Accordingly, Mr. Nixon

said, he had instructed Attorney General John N. Mitchell to submit names "from outside the South" of judges from state and Federal courts "who are qualified to be on the Supreme Court and who share my view, and the views of Judge Haynsworth and Judge Carswell, with regard to strict construction of the Constitution." Mr. Nixon said he believes that a judicial conservative from the North would be confirmed by the Senate.

Even while telling Southerners he would no longer look to their region for candidates to fill the present vacancy, the President spoke in a way plainly calculated to give them consolation. He said the South deserved "proper representation" on the court which the Senate had willfully denied. And he suggested that he would be willing to pick another candidate from the South were it not for his fear that any such candidate would receive the same treatment at the hands of the Senate.

STATEMENT

"As long as the Senate is constituted the way it is today," he declared, in his formal statement, "I will not nominate another Southerner and let him be subjected to the kind of malicious character assassination accorded both Judges Haynsworth and Carswell.

"I understand the bitter feeling of millions of Americans who live in the South about the act of regional discrimination that took place in the Senate yesterday. They have my assurance that the day will come when the men like Judges Carswell and Haynsworth can and will sit on the high court."

In both his remarks and his more formal statement, Mr. Nixon characterized as unfair or chose to ignore the

arguments of those senators who voted against Haynsworth on the ground that he had engaged in improper financial activities while on the bench, and against Carswell on the ground that he displayed insufficient judicial talent.

CASE

Instead, he attributed the Senate's action solely to the unwillingness of a majority of its members to accept a man who was both a strict constructionist and a Southerner. In his four-minute informal talk, the President put his case as follows:

"Judge Carswell, and before him Judge Haynsworth, have been submitted to vicious assaults on their intelligence, and on their honesty and on their character. They

have been falsely charged with being racists.

"But when you strip away all the hypocrisy, the real reason for their rejection was their legal philosophy, a philosophy that I share, of strict construction of the Constitution, and also the accident of their birth, the fact that they were born in the South."



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ATTORNEY GENERAL MITCHELL AND PRESIDENT NIXON
The President asked Mitchell to look outside the South