

## 'CRONYISM' SCORED ON COURT CHOICES

Johnson Assailed in Senate  
for Naming 2 Old Friends  
—Filibuster Plan Gains

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WASHINGTON, June 27 —  
Senate Republicans accused  
President Johnson today of  
practicing "cronyism" in nomi-  
nating two old friends to the  
Supreme Court.

They promised a filibuster, if  
necessary, to block the confir-  
mation of Associate Justice Abe  
Fortas as Chief Justice and  
Federal Judge Homer Thornber-  
ry of Texas as Associate  
Justice.

Justice Fortas and Judge  
Thornberry are two of Presi-  
dent Johnson's oldest and clos-  
est friends. The President nomi-  
nated yesterday Justice Fortas  
to succeed Chief Justice Earl  
Warren, who is retiring, and  
Judge Thornberry to succeed  
Justice Fortas as Associated  
Justice.

As a group of 18 Republicans  
laid plans for a filibuster, a pos-  
sible new snag over the nomi-  
nation arose in the Senate Ju-  
diciary Committee.

Unsure whether a vacancy

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actually exists on the Court,  
the committee summoned At-  
torney General Ramsey Clark  
to clarify the issue on July 11.

The uncertainty stemmed  
from a letter in which President  
Johnson told Chief Justice War-  
ren that he would "accept your  
decision to retire effective at  
such time as a successor is  
qualified."

Senator Everett McKinley  
Dirksen of Illinois, the Senate  
minority leader and ranking Re-  
publican on the committee,  
said:

"There is a very fine ques-  
tion whether a vacancy exists.  
If it doesn't, there is nothing  
to fill."

Senator Dirksen indicated  
yesterday that he would sup-  
port the appointments, even in  
the face of strong opposition  
within his party.

The issue of whether a va-  
cancy exists could probably be  
resolved by a second letter  
from President Johnson accept-  
ing Warren's resignation im-  
mediately.

Furthermore, a White House  
spokesman said, there is no  
lack of precedents on filling  
court posts under these condi-  
tions.

The spokesman cited the case  
of Frank A. Hooper of Georgia,  
who resigned as Federal judge  
in November, 1966, effective  
upon the qualification of his  
successor. Newell Edenfield  
was subsequently named by the  
President and confirmed by the  
Senate as his successor.

### Plans for Filibuster

The chairman of the Judi-  
ciary Committee, Senator  
James O. Eastland, Democrat  
of Mississippi, said that his  
committee might open hearings  
on the nominations immedi-  
ately after Mr. Clark testified.

Barring a shift in position by  
Senator Dirksen, it appears  
likely that the 16-member Judi-  
ciary Committee will clear the  
nominations. Thus, the battle  
would shift to the Senate floor.

Plans for a filibuster were  
announced by Senator Robert  
P. Griffin, Republican of Michi-  
gan.

"I am prepared to talk at  
great length," he said.

Asked if there was a differ-  
ence between talking at length  
and a filibuster, he replied,  
"No difference."

Senator Griffin and 17 other  
Republicans have signed a state-  
ment opposing the nominations.  
Another, Senator John G. Tow-  
er of Texas, had agreed to sign  
the statement but withdrew be-  
cause Judge Thornberry, was  
from his home state.

Senator Griffin indicated  
that several more Republicans  
were expected to sign the state-  
ment. He said that "some  
Democrats" had promised to  
join the move to block confir-  
mation. He did not identify  
them.

He said that the Court ap-  
pointments "smack of crony-  
ism at its worst, and every-  
body knows it."

Senator Howard H. Baker Jr.,  
Republican of Tennessee, also  
criticized the President's choice  
of "long-time political asso-  
ciates."

### Threat Possible

Other Republicans, too, were  
privately critical of what they  
termed the "selection of old  
cronies."

The "crony" charge repre-  
sented a broadening of the Re-  
publicans' attack. Earlier, they  
based their opposition solely on  
the issue of a lame duck Presi-  
dent making such appointment.  
They argued that the appoint-  
ments should be left to the  
next President, who will take  
office in January.

If the Republican bloc re-  
cruited enough support from  
the Democrats — possibly  
Southerners who have been  
highly critical of the Court —  
a filibuster might become a  
threat to confirmation.

To impose closure — that is,  
to shut off debate — requires  
a two-thirds vote of those pres-  
ent and voting.

A prolonged filibuster could  
affect plans for Congressional  
adjournment on Aug. 2., three  
days before the Republican Na-  
tional Convention convenes in  
Miami Beach.

The Senate majority leader,  
Mike Mansfield of Montana,  
said that, if necessary, the ad-  
journment would be postponed  
beyond the target date to win  
the confirmation of the Court  
appointees.