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JOHNSON LAWYER CHECKED NOMINEE

Called on by A.B.A. Panel to
Report on Thornberry

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PHILADELPHIA, Aug. 2 —

Leon Jaworski, a former attorney for President Johnson, acknowledged today that he was called in by the American Bar Association in June to investigate the qualifications of Judge Homer Thornberry, Mr. Johnson's nominee to the Supreme Court.

Mr. Jaworski, a Houston lawyer who has been associated with Mr. Johnson for years, said the A.B.A. called upon him to report on Judge Thornberry, a former Texas Representative, because Mr. Jaworski had formerly served on a committee that screened judicial appointees, and "because I knew him better than the others."

Judge Thornberry, a member of the United States Court of Appeals for the Fifth Circuit, was first appointed to the Federal judiciary in District Court by President Kennedy in 1963. Mr. Jaworski disclosed that he alone had investigated Judge Thornberry's qualifications.

After hearing Mr. Jaworski's report on a conference telephone call on the morning of the day the nomination was announced, the A.B.A.'s Committee on the Federal Judiciary found Judge Thornberry "highly acceptable" to serve on the Supreme Court.

News Conference Held

The role of Mr. Jaworski came to light in a question-and-answer period at a news conference called by several A.B.A. leaders to urge Senate approval of Abe Fortas's nomination as Chief Justice. Mr. Jaworski and the other participants are associated with the American College of Trial Lawyers, which is holding its annual meeting here prior to the annual A.B.A. convention, which begins Monday.

Last week Senator Robert P. Griffin, Republican of Michigan, charged that the Bar Association committee had "rubber stamped" President Johnson's nominations of Judge Thornberry and Justice Fortas, who were nominated on the same day. Both nominations, now in the Senate Judiciary Committee, face determined opposition when the Senate returns next month.

The association's committee has been a powerful voice in recent years in the naming of

lower Federal judges, and few judges have been approved who were found "not qualified" by it.

But some lawyers have questioned if the committee plays a meaningful role in the selection of Supreme Court Justices, and Mr. Jaworski conceded today that the 12-man group voted unanimously to approve Judge Thornberry and Justice Fortas after an hour-long conference telephone call that began at 7 A.M. on the day President Johnson announced the nominations.

Mr. Jaworski was a member of the A.B.A. committee from 1960 to 1962. He was succeeded by John W. Ball of Jacksonville, Fla., the present member for the Fifth Circuit.

When Judge Thornberry was named to the Federal District Court in 1963, Mr. Jaworski investigated and approved his qualifications. He said he did this for judicial nominees in Texas because Mr. Ball lives so far away.

In a rare break with recent custom, President Johnson did not ask for the A.B.A. committee's approval when he appointed Judge Thornberry, a friend for more than 40 years, to the Fifth Circuit.

Agreement in Senate

WASHINGTON, Aug. 2 (UPI) — Senate Republicans agreed today to a Democratic leadership request to keep alive the nominations of Justice Fortas and Judge Thornberry.

The Senate Democratic leader, Mike Mansfield, won unanimous consent for a suspension of the rule requiring that when Congress is in recess for more than 30 days, all pending nominations must go back to the White House.