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Young-Chief Justice Lead 200

WASHINGTON AP - Senate Democratic Leader Mike Mansfield said today no soundings have been taken to determine whether the Senate would confirm Arthur J. Goldberg as chief justice of the United States if he were nominated next month.

If any such soundings had been made, the Montana Democrat said in a statement, "I am very sure I would have known about it. No such soundings were taken."

There have been reports that President Johnson planned to nominate Goldberg for the high court post before leaving office next month.

Sen. Stephen M. Young, D-Ohio, said Tuesday President-elect Nixon deliberately blocked such a move "behind the President's back" by asking Chief Justice Earl Warren to postpone his retirement until next June.

The White House declined to comment on Young's statement.

Mansfield said reports that soundings of Senate sentiment were taken with negative results did "an injustice to a very fine public servant who has served his country well." He noted that Goldberg had resigned as an associate justice to become U.S. ambassador to the United Nations.

"If the President decides to reappoint him, I, for one, would vote for his confirmation," Mansfield added.

Young said in his statement that Nixon knew of Johnson's plan to nominate Goldberg "because LBJ so informed him."

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Young-Chief Justice 230

WASHINGTON AP - President-elect Nixon learned President Johnson planned to appoint Arthur Goldberg as chief justice and blocked it, says Sen. Stephen M. Young, D-Ohio.

"He knew that President Johnson planned to appoint Arthur Goldberg as chief justice, because LBJ so informed him," Young said in a statement Tuesday.

"Despite this," Young said, "behind the President's back, he picked up the telephone to Earl Warren and asked him to remain as chief justice until June."

Nixon's headquarters in New York announced recently that Chief Justice Warren had agreed at the president-elect's request to stay on until the present Supreme Court session ends in June.

Young said Nixon will not become president until Jan. 20 and therefore had no power to ask Warren to remain on the court or to accept Warren's resignation.

"This is the right of President Johnson, who is still President of the United States," Young said, "and I hope he will demonstrate this fact by proceeding with his plan to appoint former Associate Justice Goldberg to be chief justice of the United States."

Warren last June wrote Johnson of his intention to retire "at your pleasure."

Johnson accepted the retirement, effective on Senate confirmation of Justice Abe Fortas as Warren's successor. But the Senate did not confirm Fortas and Warren remained on the court.

Goldberg left the court to become U.S. ambassador to the United Nations, a position from which he resigned earlier this year.

Johnson's appointment of Goldberg or anyone else as chief justice again would be subject to Senate confirmation.

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