

## NIXON SAID TO FOIL JOHNSON ON COURT

Goldberg Blocked for Chief Justice, Senator Charges

By FRED GRAHAM  
Special to The New York Times

WASHINGTON, Dec. 10—A charge that President-elect Nixon maneuvered to block President Johnson's nomination of Arthur J. Goldberg to be Chief Justice of the United States is generating the first signs of friction between the incipient Nixon Administration and the Democrats.

Two Democratic Senators issued statements Tuesday in praise of Mr. Goldberg's qualifications to be Chief Justice. One, Stephen M. Young of Ohio, said he hoped Mr. Johnson would go ahead and appoint Mr. Goldberg.

Mr. Young charged that Mr. Nixon "knew that President Johnson planned to appoint Arthur Goldberg as Chief Justice, because L.B.J. so informed him."

"Despite this, behind the President's back, he picked up the telephone to Earl Warren and asked him to remain as Chief Justice until June," Senator Young said. "It looks like Dick Nixon is up to his old tricks."

Ronald Ziegler, an aide to the President-elect, declared unequivocally Tuesday night

that Mr. Nixon knew of no plan by Mr. Johnson to make an appointment when the arrangement was made with Chief Justice Warren to postpone the appointment of his successor until June.

White House spokesmen refused to make any official comment on the charge, other than to insist that relations between Mr. Johnson and Mr. Nixon were not strained in any way.

Some Administration sources maintained that the President had never made a decision to nominate Mr. Goldberg, but added that the question of what to do about the Chief Justice vacancy was still an open one in Mr. Johnson's mind when it was all but foreclosed by Mr. Nixon's move.

The second Democratic statement of the day was issued by Senator Edmund S. Muskie of Maine, in response to remarks made Monday by Senator Strom Thurmond of South Carolina, a close Republican supporter of Mr. Nixon's.

Mr. Thurmond told reporters that President Johnson had considered calling a special session of the Senate to pass on Mr. Goldberg's nomination as Chief Justice.

But he said the idea was abandoned when soundings in the Senate showed that the nomination would fail, as did Mr. Johnson's previous nomination of Justice Abe Fortas to the position.

Senator Muskie said he knew of no sounding by the White House, but said, "If the President planned to appoint Mr. Goldberg as Chief Justice I am sure the Senate reaction

would have been overwhelmingly favorable."

Reports that Mr. Johnson was considering the nomination of Mr. Goldberg began to circulate here soon after the election of Mr. Nixon on Nov. 5.

The most persistent reports were that the nomination would be made shortly after Congress returned on Jan. 5. Such a nomination would not lapse when Mr. Nixon assumed office one Jan. 20, unless the new President sent up a new name.

Thus, the delaying tactics that prevented the confirmation of Mr. Fortas in the dying days of the session would not stop the Democratic majority in the Senate from confirming Mr. Johnson's appointment—even after his term had ended—so long as Mr. Nixon did not actively move to withdraw the nomination.

Mr. Goldberg has told friends that he would like to return to the Supreme Court, which he left in 1965 to accept President Johnson's appointment to be chief United States representative at the United Nations. When he left that post last April to return to private life, Mr. Johnson's cool response suggested that relations between them were no longer close.

However, the later rumors of Mr. Goldberg's possible nomination to be Chief Justice gained credence here when it became known that a Republican who worked closely with Mr. Nixon in his campaign had told a gathering of fellow Republicans shortly before Thanksgiving that President Johnson was going to appoint

Mr. Goldberg to the post in early January.

The Nixon associate said that the subject was discussed by President Johnson and Mr. Nixon at their White House meeting on Nov. 11. He said he felt that Mr. Nixon would acquiesce in the Goldberg nomination, and that it would be confirmed.

Mr. Nixon and Mr. Goldberg are known to share cordial feelings for each other. Mr. Goldberg acted as director of the Humphrey - Muskie campaign in New York, but said publicly that "the end of the world won't come" if Mr. Nixon should win the election.

There was no answer Tuesday night to calls placed to Mr. Goldberg's residence in the Goldberg's residence in the Pierre Hotel in New York, where Mr. Nixon also has his headquarters.

Would Back Move  
Special to The New York Times

WASHINGTON, Dec. 11 —

The Senate minority leader, Mike Mansfield, pledged today that if President Johnson decided to nominate Mr. Goldberg he would support the move.

However, the Montana Democrat said in a statement that Mr. Johnson had not sounded out feelings in the Senate about such a nomination.

"No such sounding was taken," Mr. Mansfield said today. He said he would surely have known about any such White House feelers.

"To say Senate reaction was negative is to do an injustice to a very fine public servant who has served his country well," Mr. Mansfield said.