## SFChronicle OCT 1 6 1971 Nixon Court List Called 'Insulting'

Washington

Two liberal Senate Democrats yesterday attacked President Nixon's way of going about filling Su-preme Court vacancies, with one calling it an insult to the court.

A list of six possibilities has been referred to the American Bar Association for checking on qualifications

for the two court vacancies. "Surely the compilation and submission of this list will rank as one of the great insults to the Supreme Court in its history," Senator Edward M. Kennedy, (Dem-Mass), said.

Senator Birch Bayh, (Dem-Mass), criticized six of those under consideration and also what he called Mr. Nixon's floating of trial bal-loons prior to submitting nominations to the Senate.
"The President apparently

will not announce his nomi-

nee until he sees which balloons rise to the top and which ones burst," Bayh said.

The Democratic senator from Massachusetts said: "No American who respects the Supreme Court and its role in our system of government can be silent in the face of the list of six potential justices submitted by President Nixon to the American Bar Association this week."

The ABA panel looking into potential nominees for the two vacancies plans to meet next Wednesday amid indica-tions that the working list will be expanded and final choice by the White House

may be delayed.

At the moment, qualified sources confirmed that Herschel H. Friday, a Little Rock, Ark., bond lawyer and Judge Mildred Lillie of Los Angeles are in the lead.

More names may be added in the next few days to the list of six undergoing field investigation by the ABA.

The others on Nixon's list are: Judges Paul H. Roney and Charles Clark of the Federal Appeals Court in New Orleans, Senator Robert C. Byrd (Dem-W. Va.) and Judge Sylvia Bacon of the District of Columbia.

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