

2 NOMINEES GIVEN CAUTIOUS BACKING

Eastland Plans to 'Expedite' Hearings—Early Reaction Indicates Confirmation

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WASHINGTON, Oct. 21 —

President Nixon's two Supreme Court appointments met with cautious approval tonight from both conservatives and liberal Senators, indicating that the nominations would be confirmed by the Senate.

Senator James O. Eastland of Mississippi, the chairman of the Senate Judiciary Committee, said he would expedite hearings on the nominations of William H. Rehnquist and Lewis F. Powell.

But because the Senate is in recess and will not get the nominations until Tuesday, the chairman expressed doubt that the committee could begin hearings next week.

While generally approving key Senators were restrained waiting for the committee hearings before committing themselves to support the nominations.

The cautious reaction undoubtedly reflected their experience in the earlier nominations of Clement F. Haynsworth Jr. and G. Harrold Carswell, which were eventually rejected by the Senate after lengthy hearings.

Illustrative was the reaction

2 Nominees Given Cautious Backing by Senators

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of Senator Hugh Scott of Pennsylvania, the Republican leader, who said that the nominees "appeared to be well qualified."

"In the absence of information not now available to me, it is, of course, my desire to support the President," Senator Scott said.

He added that he would probably have no further statement on the nominations until the Judiciary Committee hearings were completed. Senator Scott is a member of the committee.

Senator Eastland was effusive in his praise of Mr. Rehnquist but was pointedly silent on the Powell nomination.

Mr. Rehnquist, he said, is "a tremendous lawyer who ought to please everybody."

"I don't know whether he is conservative or liberal," Mr. Eastland continued. "All I know is that he is a lawyer and will track the Constitution."

As for Mr. Powell, Senator Eastland said: "I don't know the man from Virginia."

Senator Birch Bayh, Democrat of Indiana, who led the fight within the Judiciary Committee against the Haynsworth and Carswell nominations, said that Mr. Powell and Mr. Rehnquist "appear to be better qualified than some of the other names that the President leaked

to the public and press over the last two or three weeks."

Mr. Bayh noted that he had worked with Mr. Powell, when he was president of the American Bar Association in 1966, in drafting the 25th Amendment on Presidential succession.

The Senator, however, reserved "final judgment until I have had a chance to investigate all of the record as carefully as I can." He added that he would carry out the investigation "as quickly as I can so that the nominations can be confirmed as soon as possible."

"It's ironic," Senator Bayh added in a statement, "that the President did not send down these names earlier, but rather tried to make these nominations political footballs—sort of a three-ring circus in which there was a little bit for everybody."

Javits Issues Statement

Senator Jacob K. Javits, Republican of New York, who had expressed doubt about the qualifications of the six persons on Mr. Nixon's public list of possible nominees, said:

"I believe the President has tried to name two distinguished lawyers who would meet the professional excellence, integrity and character deserving of a place on the United States Supreme Court.

"As I believe that the role of the Senate is equal to the role of the President in appointing Justices, I shall decide

on the merits of each individual as the record is made."

Some Senators, as well as women's rights groups, criticized Mr. Nixon for not nominating a woman to the Court.

In a one-sentence statement, Senator George McGovern of South Dakota, a candidate for the Democratic Presidential nomination, said: "I am sorry the President did not take the great opportunity he had to end the 200 years of injustice and name a woman to the Supreme Court."

Senator Bayh also expressed regret that a woman was not nominated.

"I think the time has come to nominate a woman to the Supreme Court," he said, "but the President apparently thought otherwise."

The recently formed National Women's Political Caucus complained in a statement that the President had "shown great injustice to American women."

"His choices, by omission, are an insult to the competence of women lawyers, judges and professionals," the group said in the statement, issued on behalf of the 30-member policy council.

"We can only conclude that the imagination of Mr. Nixon or that of his advisers is limited, that their estimation of the intelligence of women is low and that their understanding of the democratic institutions they have been elected to serve is misguided."

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