

RDAY, JULY 13, 1968-

DIRKSEN DEFENDS JOHNSON'S NAMING FRIENDS TO COURT

Rebukes Griffin for Attempt to Block Nominations of Fortas and Thornberry

By FRED P. GRAHAM
Special to The New York Times

WASHINGTON, July 12 — The Senate minority leader, Everett McKinley Dirksen, used strong language today to chide a fellow Republican Senator, Robert P. Griffin, for attempting to block President Johnson's nominations of two old friends to the Supreme Court.

Senator Dirksen recalled that Presidents Harry S. Truman, John F. Kennedy and even the Republican party's own Abraham Lincoln had named close friends to the high court.

"You don't go out and look for an enemy to put on the Court!" Mr. Dirksen said.

With obvious relish, the 72-year-old Illinois Senator also lectured his younger colleague, who is 44, for raising the "lame duck" objection to Mr. Johnson's appointment of Associate Justice Abe Fortas as Chief Justice and Federal Judge Homer Thornberry as Associate Justice.

Term Called Offensive

"I find that term 'lame duck' as applied to the President of the United States as an entirely improper and offensive term," Senator Dirksen said.

The counterthrust by Senator Dirksen came in the second day of the Senate Judiciary Committee's hearings on the nominations, immediately after Senator Griffin, of Michigan, finished reading a long statement opposing the nominations.

Senator Griffin had said, "Never before has there been such obvious political maneuvering to create a vacancy so that a 'lame duck' President can fill it and thereby deny the opportunity to a new President about to be elected by the people."

He also called upon the committee to question Justice Fortas, when he appears to



United Press International

WARM WELCOME: Judge Homer Thornberry, left, being greeted by Everett McKinley Dirksen, the Republican G.O.P. Senate leader, before Senate Judiciary Committee hearing.

testify on Tuesday, about published reports that he had continued to perform chores for President Johnson since becoming

Continued on Page 10, Column 3

ing a Justice. Specifically, Senator Griffin asked the committee to check a statement made in the July 5 issue of Time magazine that Justice Fortas had written President Johnson's "blatantly political" message ordering Federal troops into Detroit in the riot there last summer.

mittee to question Justice call witnesses, if necessary, to determine whether Justice Fortas had performed outside activities that violated the principle of separation of powers between the executive and judicial branches of the Government.

Senator George A. Smathers, Democrat of Florida, declared that the threatened filibuster by Senator Griffin could only prevent the Senate from exercising its duty to judge the qualifications of the President's nominees.

Senator Griffin pounded the witness table and shouted that the President did not have the sole power to pick Justices.

"He's got only half the power," he said. "We've got the other half and it's time we asserted ourselves."

Eastland's Position

Despite repeated questions by Senator Smathers, Mr. Griffin refused to say in so many words whether he intended to mount a filibuster. But he said, "There are times when even one Senator or a small group of Senators can exercise their prerogatives and say, 'Wait.'"

The confirmation hearings picked up momentum today after reaching only one witness yesterday. It became apparent that the committee chairman, James O. Eastland, Democrat of Mississippi, who has not committed himself on the nominations, is at least not taking part in the effort to block them through delaying tactics.

He held morning and afternoon sessions in order to hear Senator Griffin and a group of conservative spokesman who attacked the Fortas appointment.

Kent Courtney, of New Orleans, publisher of The Conservative Journal; Marx Lewis, chairman of the Council

Against Communist Aggression, and W. B. Hicks Jr., executive secretary of the Liberty Lobby, all asserted that Mr. Fortas had associated with disloyal persons or groups.

Two former Senate Judiciary Committee staff members also opposed the Fortas nomination. Charles Callas of New York questioned Justice Fortas's loyalty and Benjamin Ginzburg of Washington took issue with the views on civil disobedience

that Mr. Fortas expressed in a recently published book.

The committee members chatted among themselves as these witnesses testified and promptly excused each without asking any questions.

Judge Thornberry appeared today with his wife, Eloise, and was presented to the committee, according to custom, by a Senator from his native state—in this case, Ralph W. Yarborough, Democrat of Texas.