

PRESIDENT ASKS BAR UNIT TO CHECK 6 FOR HIGH COURT

2 Women Are on the List
and 4 Men From Border
States or the South

MOST NOT WELL KNOWN

OCT 14 1971

Potential Choices Do Not
Include Leading Judicial
Figures Cited Earlier

NYTimes

By FRED P. GRAHAM

Special to The New York Times

WASHINGTON, Oct. 13—

The Nixon Administration has sent the names of six persons, including two women, to be investigated by the American Bar Association as potential nominees to the two vacant seats on the Supreme Court.

The four men on the list are all from Southern or Border states, which indicates that the vacant "Southern seat" will be filled by a man. Assuming that President Nixon follows tradition and does not name two Southerners at once, the other appointment would therefore propose the first woman Justice.

Names Submitted

Informed sources here said that the following names were referred to the association's Judicial Fitness Committee today:

¶ Judge Sylvia Bacon, a trial judge on the Superior Court for the District of Columbia. As a Justice Department lawyer, she helped to draft the District of Columbia crime bill that has become well known for its preventive detention and "no-knock" search provisions.

¶ Senator Robert C. Byrd of West Virginia, whose record fits the conservative "strict constructionist" philosophy favored by President Nixon. But his former membership in the Ku Klux Klan makes him a controversial candidate who is said to be unlikely to be selected.

¶ Judge Charles Clark of Jackson, Miss., a member of the United States Court of Appeals for the Fifth Circuit, which has jurisdiction over the Deep South. As a lawyer, he defended former Gov. Ross Barnett from contempt of court charges after he tried to block desegregation of the University of Mississippi.

¶ Herschel H. Friday of Little Rock, Ark., a municipal bond lawyer who has defended the Little Rock public school system against integration suits.

¶ Judge Mildred Loree Lillie of Los Angeles, a former prosecuting lawyer and trial judge who now sits on the California Court of Appeals in Los Angeles.

¶ Judge Paul H. Roney of St. Petersburg, Fla., who was ap-

Continued on Page 39, Column 5

THURSDAY, OCTOBER 14, 1971

PRESIDENT ASKS BAR TO CHECK SIX

Continued From Page 1, Col. 8

pointed to the Court of Appeals for the Fifth Circuit to fill the seat vacated by G. Harold Carswell.

The names of the six potential nominees came to light today as they were circulated throughout the legal profession by the bar association's Committee on the Federal Judiciary. The committee will evaluate the legal qualifications of the six and make a confidential report to Attorney General John N. Mitchell.

President Nixon has said that he will name his two nominees next week.

As the six names filtered through the legal community today, there was considerable dismay because the list did not include any of the leading judicial figures who had been mentioned in earlier speculation. Most of the six are unknown outside their home communities, and aside from Senator Byrd and Mr. Friday, none are listed in "Who's Who in America."

Thus, there was considerable cross-country telephoning today as lawyers sought to learn about the nominees to evaluate their qualifications for the bar committee.

There was also some surprise in legal circles that no Jews were among the six nominees.

Some Jewish leaders have pointed out that, although Mr. Nixon properly felt no obligation to perpetuate the "Jewish seat" by appointing a Jew to replace Abe Fortas, he has since picked five persons for the high court (counting Representative Richard H. Poff) without naming a Jew.

That number will reach seven after he picks two nominees from today's list.

Time Is Short

It seemed apparent that, with six persons to evaluate and only until next week to do it, the 12-member bar committee could not undertake the kind of exhaustive investigation that it made of Mr. Poff.

The Virginia Republican withdrew his name amid rumors that the bar group was likely to give him a lukewarm recommendation, and M. Nixon was reported to have voiced strong misgivings about his Administration's pledge to check with the committee before naming anyone to the Supreme Court.

With speculation rising here that Senator Byrd—who has never been licensed to practice law—will probably not be nominated to the "Southern seat" vacated by the late Hugo L. Black, attention centered on Judges Clark and Roney.