

# NIXON IS EXPECTED TO PICK ARKANSAN FOR SEAT ON COURT

McClellan Reportedly Told  
of Decision to Nominate  
Little Rock Lawyer

MOVE MAY COME TODAY

**NYTimes**  
Arkansas Senator Is Seen  
Ready to Endorse Choice  
and Ask Confirmation  
**OCT 21 1971**

By FRED P. GRAHAM  
Special to The New York Times

WASHINGTON, Oct. 20—The Nixon Administration has informed John L. McClellan, Arkansas's senior Senator, that the President will nominate Herschel H. Friday of Little Rock to the Supreme Court, probably tomorrow, qualified sources reported today.

Senator McClellan, a Democrat, was said to be making preparations to formally announce his endorsement of Mr. Friday's nomination tomorrow and to ask his Senate colleagues to vote for his confirmation.

There have been persistent reports that Mr. Friday, a municipal bond lawyer and frequent defender of school districts in Arkansas against desegregation suits, would be named to one of the Court vacancies—and that Judge Mildred L. Lillie of Los Angeles would be chosen for the other vacancy.

There was no confirmation that a nomination of Mrs. Lillie was also imminent, however, and the White House appeared to be backing away from its earlier pronouncements that both nominations would be made this week.

## Criticism Grows

The possibility that Mrs. Lillie's candidacy might be faltering arose as criticism of Mr. Nixon's potential nominees grew in the Senate and as the American Bar Association's Committee on the Federal Judiciary met in New York to evaluate their legal qualifications.

The A.B.A. committee met at the Wall Street law office of Lawrence E. Walsh today, amid reports that the Nixon Administration was being pressed from several quarters to substitute the names of one or two candidates that the committee could enthusiastically endorse.

Ronald L. Zeigler, the White House press secretary, told reporters this morning that President Nixon might not make the nominations this week, as he said at a news conference last Tuesday. Mr. Zeigler explained that, when Mr. Nixon said this,

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he thought the A.B.A. committee could report on the potential nominees' qualifications by last weekend.

The names of six potential nominees were given by the administration to the committee last Wednesday, and the names became known on Thursday when the committee began to circulate them among lawyers for comment.

The four other potential nominees are Senator Robert C. Byrd, Democrat of West Virginia; Judge Sylvia Bacon of the Superior Court for the District of Columbia, and Judges Charles Clark and Paul H. Roney of the United States Court of Appeals for the Fifth Circuit, in New Orleans.

## Other Nominees Possible

Mr. Ziegler said today that the Administration was considering other possible nominees whose names were not among the six submitted to the A. B. A. He added that there was "a possibility" that there would be additional nominees who, for one reason or another, might not need to be checked with the bar association before being named.

This was the first time that an Administration official had expressed public doubts about continuing the current arrangement with the A. B. A. committee. Last summer, Attorney General John N. Mitchell announced that he would not recommend any potential Supreme Court nominees to the President without first giving the bar group a chance to comment on them.

Senator Jacob K. Javits of New York became the first Re-

publican Senator to express doubts about the six potential nominees on Mr. Nixon's list when he made a Senate speech this morning, giving "clear notice" that another Senate fight will erupt if unsuited persons are nominated.

## Criteria Cited

He said that any nominee should meet certain criteria, including a love of freedom, human dignity and justice, a high level of professional competence, high intellectual quality, and an appreciation of the Con-

stitution's safeguards of personal liberties and its limitations on the power of the judiciary.

These criteria do not deal with ideology but with "ability, judicial temperament, discernment and understanding," Senator Javits said. He added: "I think we have a right to call upon the President to choose nominees who satisfy these criteria, and the Senate must reserve the right to make its own assessment of how they are met."

In another development to

day, 35 members of Harvard Law School's 70-member faculty signed a statement declaring that "at least half" of the six persons whose names were on Mr. Nixon's list did not measure up to minimum standards for the Supreme Court. They contended that, by naming such persons, the President "de- means the Court and risks undermining public respect for it so as to impair its performance of its crucially serious role."

After the A.B.A. committee meeting broke up tonight, Mr. Walsh said that there would be no comment about any ratings that might have been made. It was assumed that he had talked to Administration officials by telephone and had informed them of the group's evaluation of Mr. Friday and Mrs. Lillie. A formal report will follow.

The committee was not expected to comment about the other four potential nominees, whose names were submitted as an attempted "smoke screen" to disguise the President's primary interest in Mr. Friday and Mrs. Lillie, according to Government sources.

Mr. Friday, a 49-year-old Democrat and bond specialist who knew Mr. Mitchell from his days as a Wall Street lawyer, is a member of the bar association's board of governors.

By Fred P. Graham, N.Y. Times Staff Writer