

'Lame Duck' Selection Of Top Jurist Opposed

WASHINGTON (AP)—Three Republican senators say they will oppose any effort by President Johnson to name a new chief justice of the Supreme Court after Earl Warren steps down.

"For a 'lame duck' president to designate the leadership of the Supreme Court for many years in the future would break faith with our system and would be an affront to the American people" Sen. Robert P. Griffin, R-Mich., told the Senate.

"WITH THE COURT in adjournment and the American people about to pick a new administration which may considerably reorient the philosophy of our national government, it would be a major mistake to presume today to fill such an important post," said Sen. John G. Tower, R-Tex.

Sen. Strom Thurmond, R-S.C., agreed, adding he was "delighted to hear Chief Justice Earl Warren will be retiring from the Supreme Court. I have long favored such a move."

The three commented yesterday in the wake of authoritative reports that Warren had written Johnson of his in-

tention to bow out after 15 controversial years that saw the barriers of school segregation tumble and guaran-

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tees of the rights of individuals vastly expanded.

Senate Judiciary Committee Chairman James O. Eastland, D-Miss., said he believes the elevation of an associate justice to chief justice needs Senate confirmation, as was done in 1941 when Franklin D. Roosevelt nominated Harlan Fiske Stone to succeed Charles Evans Hughes.

THE CONSTITUTION says nothing about that point, spelling out only the need for Senate confirmation of a justice.

Despite the comments in the Senate, there was praise for Warren yesterday.

Arthur J. Goldberg, who left a position on the court to become U. S. ambassador at the United Nations, called him "one of the greatest chief justices in the history of the United States."

Warren served for 11 years as Republican governor of California, but that state's Democratic House Speaker, Jesse M. Unruh, said Warren's "contribution to the nation and the ideals for which it stands are incalculable. He is a great Californian, a great American and a great chief justice."

California Gov. Ronald Reagan's immediate reaction was, "I wish he had waited until January so his successor could be appointed by a Republican president."

WARREN PLANS to return to California Tuesday for a summer vacation. In the court tradition he has been silent on the matter of retirement.

Speculation on why the 77-year-old Warren chose this particular time to step down centered on the belief that he wished to ensure the liberal tradition of his court, which President Johnson has mostly supported.

Another, but related theory, was offered by Fred Rodell, Yale University law professor and authority on the Supreme Court, who said Warren may be stepping out for fear Richard M. Nixon, as president, might appoint his successor.