

## 'CRONYISM' SCORED ON COURT CHOICES

Johnson Assailed in Senate  
for Naming 2 Old Friends  
—Filibuster Plan Gains

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WASHINGTON, June 27 — Senate Republicans accused President Johnson today of practicing "cronyism" in nominating two old friends to the Supreme Court.

They promised a filibuster, if necessary, to block the confirmation of Associate Justice Abe Fortas as Chief Justice and Federal Judge Homer Thornberry of Texas as Associate Justice.

Justice Fortas and Judge Thornberry are two of President Johnson's oldest and closest friends. The President nominated yesterday Justice Fortas to succeed Chief Justice Earl Warren, who is retiring, and Judge Thornberry to succeed Justice Fortas as Associated Justice.

As a group of 18 Republicans laid plans for a filibuster, a possible new snag over the nomination arose in the Senate Judiciary Committee.

Unsure whether a vacancy

Continued on Page 17, Column 1

Continued From Page 1, Col. 2

actually exists on the Court, the committee summoned Attorney General Ramsey Clark to clarify the issue on July 11.

The uncertainty stemmed from a letter in which President Johnson told Chief Justice Warren that he would "accept your decision to retire effective at such time as a successor is qualified."

Senator Everett McKinley Dirksen of Illinois, the Senate minority leader and ranking Republican on the committee, said:

"There is a very fine question whether a vacancy exists. If it doesn't, there is nothing to fill."

Senator Dirksen indicated yesterday that he would support the appointments, even in the face of strong opposition within his party.

The issue of whether a vacancy exists could probably be resolved by a second letter from President Johnson accepting Warren's resignation immediately.

Furthermore, a White House spokesman said, there is no lack of precedents on filling court posts under these conditions.

The spokesman cited the case of Frank A. Hooper of Georgia, who resigned as Federal judge in November, 1966, effective upon the qualification of his successor. Newell Edenfield was subsequently named by the President and confirmed by the Senate as his successor.

### Plans for Filibuster

The chairman of the Judiciary Committee, Senator James O. Eastland, Democrat of Mississippi, said that his committee might open hearings on the nominations immediately after Mr. Clark testified.

Barring a shift in position by Senator Dirksen, it appears likely that the 16-member Judiciary Committee will clear the nominations. Thus, the battle would shift to the Senate floor.

Plans for a filibuster were announced by Senator Robert P. Griffin, Republican of Michigan.

"I am prepared to talk at great length," he said.

Asked if there was a difference between talking at length and a filibuster, he replied, "No difference."

Senator Griffin and 17 other Republicans have signed a statement opposing the nominations. Another, Senator John G. Tower of Texas, had agreed to sign the statement but withdrew because Judge Thornberry, was from his home state.

Senator Griffin indicated that several more Republicans were expected to sign the statement. He said that "some Democrats" had promised to join the move to block confirmation. He did not identify them.

He said that the Court appointments "smack of cronyism at its worst, and everybody knows it."

Senator Howard H. Baker Jr., Republican of Tennessee, also criticized the President's choice of "long-time political associates."

### Threat Possible

Other Republicans, too, were privately critical of what they termed the "selection of old cronies."

The "crony" charge represented a broadening of the Republicans' attack. Earlier, they based their opposition solely on the issue of a lame duck President making such appointment. They argued that the appointments should be left to the next President, who will take office in January.

If the Republican bloc recruited enough support from the Democrats — possibly Southerners who have been highly critical of the Court — a filibuster might become a threat to confirmation.

To impose closure — that is, to shut off debate — requires a two-thirds vote of those present and voting.

A prolonged filibuster could affect plans for Congressional adjournment on Aug. 2., three days before the Republican National Convention convenes in Miami Beach.

The Senate majority leader, Mike Mansfield of Montana, said that, if necessary, the adjournment would be postponed beyond the target date to win the confirmation of the Court appointees.