

C.F. HAYNSWORTH NAMED BY NIXON FOR HIGH COURT

U.S. Appellate Judge Chosen
for Vacancy Created by
Resignation of Fortas

SENATE APPROVAL SEEN

South Carolinian Is Favored
by Conservative Leaders
of Judiciary Committee

By NEIL SHEEHAN

Special to The New York Times

SAN CLEMENTE, Calif., Aug. 18—President Nixon announced today the nomination of Judge Clement F. Haynsworth Jr. of South Carolina to be an Associate Justice of the Supreme Court.

The nominee, a 56-year-old native of Greenville, is chief judge of the United States Court of Appeals for the Fourth Circuit, which has headquarters in Richmond.

Judge Haynsworth, a fifth-generation lawyer, has a conservative record on civil rights and a mixed conservative and liberal record on criminal cases.

He is to fill the seat vacated last May by Abe Fortas, a liberal who resigned in the controversy over his acceptance of a fee from the family foundation of Louis Wolfson, a convicted stock manipulator.

Easy Approval Foreseen

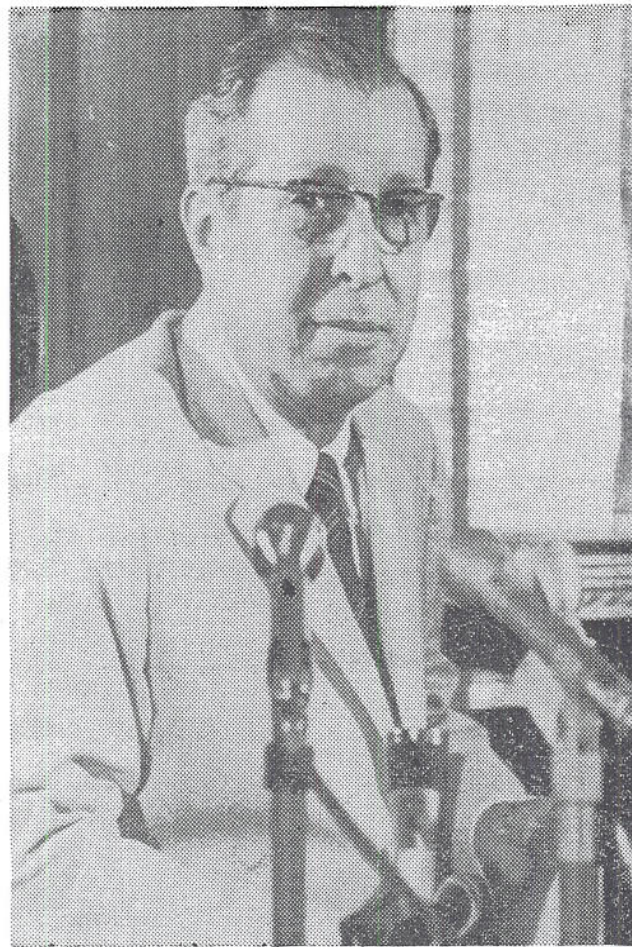
The nomination is not expected to encounter any serious opposition from the Senate Judiciary Committee, which is dominated by conservatives.

The committee chairman, James O. Eastland, Democrat of Mississippi, and Senator Everett McKinley Dirksen, of Illinois, the ranking Republican, have both strongly endorsed Judge Haynsworth.

Judge Haynsworth is also expected to win confirmation on the Senate floor, although the opposition there may be more serious because of what appears to be coalescing opposition from civil rights and labor groups.

Ronald L. Ziegler, the Presidential press secretary, said

Appointed to U.S. Supreme Court



United Press International
Clement F. Haynsworth Jr., chief judge of U.S. Court of Appeals for the Fourth Circuit, in his office yesterday.

that in his choice of Judge Haynsworth, the President believed "he has selected a man who has a proven record as a jurist, both as associate judge and chief judge on one of the country's busiest courts of appeals."

Judge Vows Rededication

"Judge Haynsworth meets the qualifications which the President believes are essential for an Associate Justice for the Supreme Court," Mr. Ziegler said. "The President feels that during Judge Haynsworth's years on the bench, he has demonstrated judicial temperament, balance, impartiality and fairness and he is a man who at the early age of 56 is an eminently qualified jurist, scholar and intellect."

In Greenville, Judge Haynsworth said in a statement:

"The President has highly honored me in his announcement of my appointment to the Supreme Court. For his trust in me I am deeply grateful. I will strive earnestly to justify his confidence by a rededication of

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Senate Backing Is Likely For U.S. Appeals Judge

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myself to service in the administration of justice."

When he nominated Judge Warren E. Burger to be Chief Justice last May, replacing Earl Warren, who resigned, Mr. Nixon defined his qualifications for a Supreme Court justice as:

"A man whose judicial philosophy would tend to reverse the liberal majority that usually prevailed on the Court during the Warren years in criminal law decisions.

"A Strict constructionist in the interpretation of the Constitution on matters of criminal law.

"A man who was not a personal friend.

"An Appeals or District Court judge or a practicing lawyer or law professor with considerable experience in constitutional law.

While Judge Haynsworth met the last two qualifications, it was unclear how well he fitted the first two.

On the admissibility of confessions he has been a strict constructionist and some of his decisions have been overturned by the Supreme Court. But on the issue of habeas corpus he made several liberal decisions.

These decisions expanded the rights of prisoners being held on state court findings, permitting them to be released by appeal to Federal courts.

Confirmation of Judge Haynsworth would, however, reduce to three the number of consistent liberals on criminal matters on the nine-Justice Court. They are William O. Douglas, William J. Brennan Jr., and Thurgood Marshall, with Justice Hugo L. Black fluctuating from one decision to another.

The nomination of Judge Haynsworth, a fifth generation South Carolina lawyer, broke the tradition of reserving one seat on the Court for a judge of Jewish descent.

An examination of Judge Haynsworth's judicial record showed that while he has essentially been a conservative on civil rights, he has liberalized his opinions on this issue in direct response to the judicial guidance handed down by Supreme Court decisions. In 1965 he ordered the integration of the North Carolina Dental Society.

Mr. Ziegler said today that the President had not cleared Judge Haynsworth's nomination with any political figures or

with the American Bar Association. When he nominated Justice Burger, the President said he would exempt Supreme Court appointments from such clearance.

Mr. Ziegler also said that an examination of Justice Department records had disclosed that there was "no substance" to allegations that Judge Haynsworth had been acting with conflict of interest when he cast the deciding opinion in a three-to-two decision by the Fourth Circuit in 1963 in favor of Deering Milliken, Inc., a Carolina textile concern, in a dispute with the Textile Workers Union of America.

The National Labor Relations Board had found Deering Milliken guilty of an unfair labor practice in closing a plant to avoid bargaining with the union. The three-to-two decision by the Fourth Circuit reversed the N.L.R.B.'s finding.

There were allegations at the time, revived last week, that Judge Haynsworth was first vice president and a shareholder of the Carolina Vend-a-Matic Company, which had contracts to supply vending services to various Deering Milliken plants, and that the large textile concern increased its business with Vend-a-Matic after Judge Haynsworth's deciding vote.

An investigation shortly afterward by Judge Simon E. Sobeloff, then chief judge of the Fourth Circuit, disclosed that Judge Haynsworth had resigned as first vice president of Vend-a-Matic while the case was in litigation but before the decision was rendered and that subsequently Deering Milliken rejected a bid by Vend-a-Matic in favor of a competing concern.

Questioned about the allegations last week, Judge Haynsworth called them "blatant falsehoods." He declined to answer, however, when asked if he had owned shares in Vend-a-Matic at the time of the decision.

In stating that an examination of Justice Department records had "totally put to rest" any possibility that the allegations were true, Mr. Ziegler distributed excerpts from various letters.

One was from a letter to Judge Sobeloff dated Feb. 6, 1964, from the attorney for the textile union. The letter expressed regret over the "trouble" caused by the accusation and said "we now know that the allegation made to our union was inaccurate."

In a subsequent letter on Feb. 18 to Attorney General Robert F. Kennedy, Judge Sobeloff said he wished to state "on behalf of the members of the court that our independent investigation has convinced us that there is no warrant whatever for these assertions and insinuations and we express our complete confidence in Judge Haynsworth."

In a letter of reply on Feb. 28, Mr. Kennedy was quoted as saying:

"Your thorough and complete investigation reflects that the charges were without foundation. I share your expression of complete confidence in Judge Haynesworth."

Today's announcement of Judge Haynesworth's nomina-

tion by Mr. Nixon was somewhat anticlimatic.

Senator Dirksen said last Tuesday that Judge Haynesworth would be named by the President on Thursday.

Last Wednesday Mr. Ziegler refused to confirm or deny Senator Dirksen's statement, but said there had never been any plan to announce a nomination on Thursday.

When Mr. Nixon arrived in Southern California Aug. 9 for a month's stay at his Pacific Coast estate here, he said he would announce a nomination last week. There was speculation that the announcement may have been deliberately delayed until today because of Senator Dirksen's premature disclosure.