



H. R. Haldeman Diaries Collection, January 18, 1969 – April 30, 1973

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Thursday, October 21.

The whole thing today was the Supreme Court announcement. The President went over to EOB first thing this morning, spent the whole day over there, except for a couple of midday appointments in the Oval Office. He made quite a point of not telling me or anyone else who the nominees were, except Dick Moore. Then he had me working with Dick Moore to get things organized over at Justice, and of course, Moore assumed that I knew and spilled the beans to me. Turns out that they were set on Powell, the guy from Virginia who I expected, and thought they were set on Howard Baker as the second seat, but apparently, at some point towards the last minute last night or this morning, the President decided to go with Rehnquist instead of Baker, and they shifted over, even though Baker had been made the offer and was-- they were waiting for his response at 9:00 this morning when he was supposed to have it in. He didn't call until about 9:30, at which time he said he would accept. By then, the President had decided to go the other way.

The President was very firm on making the notifications late this afternoon or this evening. Didn't want anybody to know ahead of time and kept Moore humping all day trying to do the research, write the bio sections of the President's speech, and so forth. The President decided not to have anybody work with him on the speech, and he wrote it himself. He came out several times during the day with the need to make the point of a stacked jury at the ABA, that there were no men on the selection board. He wanted them hit hard tha-- on the fact that we learned from inside the ABA that they considered Mildred Lilly the best qualified woman that we could have submitted, but then they voted 11-1 against her on being qualified for the Court. He also wanted to hit hard on the point that the ABA does not have veto power, that the Constitution requires the advice and consent of the Senate, but does not require the consent of the Bar Association.

He called wi-- during the day with a number of specific questions, such as the number of years of active practice total of the seven present members vs. the number of years the two nominees



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have had, the question of whether Justice Marshall was from Virginia, etcetera. He had Ziegler and me come over to the EOB and said that he wanted Ron to make the point against the ABA, that the Attorney General was going to get the point out on Mildred Lilly, but the President wanted Ron to keep the press guessing by confusing them on the fact that we might override the ABA objections to Lilly and Friday. He said-- told Ron to tell the press that the President has kept this very closely held; that he's had a number of names in mind, including those that have been speculated on; that he's not talked to any of the candidates; that we don't-- Ron doesn't know when he decided, but he would expect he decided in his own mind during the weekend at Camp David, but as a courtesy to the ABA, he didn't make a final irrevocable decision until their report came in.

As he sort of built up steam, he got madder at the ABA and then told Ron to say that the President, as a lawyer, was frankly quite distressed and surprised and disappointed regarding the ABA's leak of the list of candidates, because one of a-- the lawyers-- a lawyer's first and highest ethics is confidentiality, and here the top lawyers in the country so blatantly breached the confidentiality. He pushed hard on trying to get that point over, but the Attorney General didn't want it made, because he's releasing his letter after the President's announcement tonight and felt that we shouldn't hit the Bar ahead of that. President said not to let any calls come through after the speech tonight because he doesn't want to talk to Burger, because he's upset with him for his threat to quit and putting pressure on. Also doesn't want to talk to Volpe because he'll complain about the lack of an ethnic, and everybody else will have other kinds of complaints.

He did call John Connally, didn't give him the names but said he was going to make the announcement tonight. Touched base with him on the trip. Chatted about his cold that he caught from Connally. Told him he was meeting with Kishi tomorrow and that he'll tell Kishi that Connally is the one to deal with on the surcharge question, and that was about it.

He was shocked at the Willy Brandt's announcement yesterday as the Nobel Peace Prize winner. Made the point today that we've got to watch out now that *Time*, in order to needle us, may go



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for Kissinger as the "Man of the Year", which would be very bad, so we should try to swing that around a different way.

President did a superb job on the announcement, which ran 15 minutes. Reaction was very good overall, especially to Powell, because everybody considers him outstanding. Most of the people we checked with were not familiar with Rehnquist, but said he sounded good on his qualifications. I talked to the President a couple hours after the broadcast and said I thought he had scored another 10-strike, and he said "Well, probably so, except for my wife, but boy, is she mad." Apparently, PN really hit him on his failure to appoint a woman, because she thought she had a commitment that he would do so and didn't buy the argument of the Bar turning her down. So, that apparently was the only really sour note.

End of October 21.