

Fortas Often Stood Lonely for Right

By Drew Pearson

When a man is down, everyone rushes in to kick him. It is the popular and cowardly thing to do.

So, in the case of Justice Abe Fortas, there has been a bandwagon rush of vituperation, some of it by members of Congress who have taken fees from questionable sources and by an Attorney General who still has not given a clear explanation of why he blessed the dismissal of the El Paso Natural Gas case after the Nixon law firm, of which he and the President were senior partners, received \$771,129.83 from El Paso, a long-time client.

When a man's down, he's down. But I for one do not intend to be part of the Fortas-kicking brigade.

For a man's life should be judged not by one act alone. And mistaken as Fortas was in temporarily taking a fee from Lou Wolfson, I recall some other instances when Abe stood up to be counted at a time when few others stood with him.

There was the case of Dorothy Bailey, the lowly civil service worker in the Department of Commerce who was attacked by the Senator from Wisconsin, Joe McCarthy, as a Communist and was not given a chance to face her accusers. It was not a popular case. No one had ever heard of Dorothy Bailey. No one cared very much about her. But an important issue was involved—namely, the right to face those who accuse you.

And Abe Fortas, with his partners, engaged in a long, expensive, time-consuming battle to defend this obscure civil servant. They took no fee and paid for all expenses out of their pockets. In the end, they won.

It was a vitally important landmark case involving the

rights of all Americans. But those who now rush in to kick the prostrate figure of Abe Fortas did not lift a finger to help in those days. In fact, the present President of the United States was one of the enthusiastic applauders of the late Senator from Wisconsin and even went to his defense when the Eisenhower Administration promoted the Army McCarthy investigation and

when the Senate moved toward censure.

There was another instance when Abe Fortas stood up to be counted, when Dr. Owen Lattimore, a Johns Hopkins professor, was singled out by Joe McCarthy as a Communist. Lattimore was an expert on Mongolian and Chinese relations, had been a history teacher of oriental affairs. However, McCarthy, in his desperate determination to find someone connected with the State Department who was a Communist, jumped on Lattimore as hard as the critics are jumping on Fortas today.

Once again Fortas and his law firm defended a man unjustly accused, did it with their own money, their own time, and won. It took five years to fight the Lattimore battle. He had been indicted for allegedly perjuring himself about using Laughlin Currie's office ten years before. No other law firm in Washington had the guts to stand up and defend Owen Lattimore against the savagery of the all-powerful Joe McCarthy at that time.

There have been other contributions to mankind in Abe Fortas's life. He did not rise to fame and eminence overnight. There were many years of unnoticed drudgery in the Interior Department under Harold Ickes, defending Indians, reclaiming Western land,

developing parks, constructing some of the great power projects of the Nation.

All this cannot be washed down the drain of man's fickle memory overnight, thanks to one ill-considered fee.

True, Abe lived high on the hog. In his latter years, he bought a big house on R Street from Betsy Burden and had to meet payments on a sizable mortgage. He redecorated the house and built a swimming pool—all of which cost money. And he got involved in a real estate deal which went sour. Interest rates escalated. He had a hard time meeting payments.

This is no excuse. I offer it as no alibi. But the score should be balanced. The past should not be forgotten.

Justice Fortas has not appeared on television and told of his little dog and his wife's cloth coat and the drain on his finances, as did another public figure to explain why he took—and kept—\$18,000, which was highly unethical and probably illegal.

Nor did Fortas let his brother secure a \$205,000 loan from a defense contractor, as in the case of Don Nixon—a loan, incidentally, which Howard Hughes has now wiped off as a bad debt.

Nor did Fortas operate a famous farm at Gettysburg where three oil men paid the salaries of the farm hands, the farm manager, the cost of feeding the prize Black Angus, all to the tune of around \$2000 a month.

Fortas was wrong. But in tabulating the score of life and politics it should be noted that he did some great things for humanity and that others who are now throwing stones have been wrong on occasion.

Headlines and Footnotes

It is interesting to note that President Nixon has not deserted some of his old friends who contributed to his famous \$18,000 expense fund when he was a Congressman. Listed by the White House as trustees

of the "Richard Nixon Foundation" are Herbert Hoover Jr., formerly with Union Oil and a substantial contributor to the Nixon fund; Earl Adams, of the Los Angeles law firm of Adams, Duke and Hazeltine, and Jack Drown of the Drown News Agency in Los Angeles . . . Republicans who are boosting Otto Otepka for the Subversive Activities Control Board have been citing Clarence Manion, formerly on the White House staff, as raising money for Otepka. They have forgotten that Eisenhower fired Manion without explanation after it was discovered that information in top secret messages leaked to Sen. Joe McCarthy within hours after they passed over Manion's White House desk . . . While rebuffing Sen. Strom Thurmond on school desegregation, President Nixon has appeased the South Carolina Republican by giving him more patronage than any other Senator. Latest is Alex McCullough of South Carolina to the Export-Import bank.

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