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GOOD MORNING!

"The law is the last result of human wisdom acting upon human experience for the benefit of the public."

Samuel Johnson

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Fortas Becomes 1st Justice To Resign Under Pressure



Former Justice Abe Fortas

**Wolfson Aided
Probe Of Fortas**

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WASHINGTON (AP) — The Justice Department officially denied Thursday that any deal was made by jailed tycoon Louis E. Wolfson in return for his cooperation in an investigation of former Supreme Court Justice Abe Fortas.

"We wish to make it plain," the statement said, "that Mr. Wolfson's testimony was under compulsion of process and not as a volunteer."

The Justice Department statement, passed out late Thursday after numerous inquiries were made by newsmen, marked the first time the department had officially acknowledged that information had been obtained from Wolfson about his relationship with Fortas.

The department said the government approached Wolfson through his attorneys and said it wished to interview him in connection with the activities of the Wolfson family foundation.

"At that time the attorneys were told that if Wolfson declined to consent to an interview

the government intended to subpoena him before a grand jury and compel his testimony," the department said.

"The attorneys were also advised that in the event he decided or elected to refuse to answer any questions upon the basis of his Fifth Amendment rights, it was the government's intention to immunize him from prosecution, proceed with the interrogation and obtain from him under the compulsion of process the information that the government needed."

"After being informed of this situation and consulting their client, the attorneys stated that Mr. Wolfson would not voluntarily give any information. Accordingly, they were told that a grand jury subpoena would be served upon him in due course."

Then, the department said, the attorneys indicated that under the circumstances Wolfson would waive appearing before a grand jury and answer the government's questions "without a

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personal appearance" before a jury.

"The government agreed to this and a grand jury subpoena was obtained and was served on Mr. Wolfson," the statement said. "After that, he did answer questions propounded by the FBI and he did sign a statement containing the substance of his answers to those questions."

The department still did not disclose what information it had obtained from Wolfson that might have incriminated Fortas, who resigned Wednesday.

The interview by the FBI agents occurred May 4—the same day Life magazine published its allegations that Fortas had accepted, and later returned, a \$20,000 fee from the Wolfson family foundation.

President Accepts Quickly

No Successor Is Announced

WASHINGTON (AP) — Pleading to the end that "there has been no wrongdoing on my part," Associate Justice Abe Fortas has yielded to mounting pressure and resigned from the U. S. Supreme Court.

He is the first justice to quit the court under fire in the history of the Republic.

President Nixon accepted Fortas' resignation, effective Wednesday, in a 20-word letter lacking any expression of regret. The court and the White House announced the dramatic climax of the Fortas affair Thursday morning. The brief exchange of letters was made public hours later.

Demands for an investigation of Fortas' extra-judicial relations with jailed financier Louis E. Wolfson persisted in Congress, despite a White House statement that Nixon considers the case closed.

The historic incident also could have major impact on the future of the Supreme Court, very likely shifting the balance from a progressive to a more conservative line. Fortas' resignation means Nixon must fill two vacancies on the court this year, with Chief Justice Earl Warren retiring in June.

The 53-year old Fortas, whom his old friend President Lyndon B. Johnson had nominated to be chief justice less than a year ago, telephoned Supreme Court press officer Banning E. Whittington at 8:30 a.m. Thursday to say:

"I'd like you to call the wire services and the news people and tell them I've sent a letter

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of resignation to the White House. It was delivered last night."

The court released also a copy

of the four-page memo from Fortas to Warren detailing the financial arrangement with the Wolfson family foundation that led to his withdrawal.

Fortas acknowledged to Warren and the nation that his agreement with the foundation — reached while he was a sitting justice — contemplated that he would receive \$20,000 a year for life for his services.

The latest episode in the Fortas affair had begun 11 days ago with Life magazine's disclosure that Fortas had accepted—and later returned—a \$20,000 payment from the foundation in 1966.

Since that disclosure, Congress has rumbled with threats of impeachment. Hints of undisclosed further financial dealings trickled from the Justice Department. The pressure swelled daily, with reports that Chief Justice Warren and other justices were leaning on Fortas to step down for the good of the court.

The Associated Press learned that prior to his becoming a justice, Fortas was an officer of a company incorporated by men with links to Nevada gambling operations. The company was a parent of Braniff Airways, to which President Johnson granted a lucrative transpacific route last year over the objections of a Civil Aeronautics Board examiner.

The company also contributed to the \$30,000 fund set up to finance a series of lectures by Fortas at American University last summer. Fortas was paid \$15,000 for that chore—a fee which became one of his Senate opponents' weapons in dooming his nomination to succeed Warren as chief justice.

In his letter to Warren, Fortas said he was resigning "in order that the court may not continue to be subjected to extraneous stress which may adversely affect the performance of its important functions."

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"There has been no wrongdoing on my part," Fortas told his chief as he sought to explain his dealings with Wolfson.

"Since becoming a member of the court," the wealthy justice and former prominent Washington attorney wrote, "I have not, at any time, directly or indirectly, received any compensation from Mr. Wolfson or members of his family or any of his associates for advice, assistance

or any reason whatever, except the foundation fee which was returned . . .

"It is my opinion, however, that the public controversy relating to my association with the foundation is likely to continue and adversely affect the work and the position of the court, absent my resignation.

"In these circumstances, it seems clear to me that it not my duty to remain on the court, but rather to resign in the hope that this will enable the court to proceed with its vital work free from extraneous stress."

Fortas told the chief justice he had informed the Wolfson Foundation of his intention to end the lifelong arrangement—which had called for continuing payments to his widow after his death—upon learning that the Securities and Exchange Commission "had referred Mr. Wolfson's file to the Department of Justice for consideration as to criminal prosecution."

Wolfson, once a legal client of Fortas, is now serving a prison sentence for violation of federal securities laws. The first \$20,000 fee was given to Fortas while Wolfson's activities were under government scrutiny—and returned after he was indicted.

The reaction from Congress—whence most of the pressure on Fortas to resign had come—was generally approving. But demands for further scrutiny of Fortas's dealings continued.

Chairman Emanuel Celler, D.N.Y., of the House Judiciary Committee said the resignation "is best for the country and the Supreme Court" but that further investigation "would be like feeding on a carcass."

But Rep. Clark MacGregor, R-Minn., who had called for hearings that could have led to Fortas's impeachment, insisted further investigation is called for.

"Notwithstanding Mr. Justice Fortas's resignation," MacGregor said, "the American people are entitled to know all of the relevant facts leading to his decision to resign."

Sen. Albert Gore, D-Tenn., demanded that Atty. Gen. John N. Mitchell disclose all the information in the Fortas case. Otherwise, Gore said, he will ask the Judiciary Committee to "initiate a searching investigation of both the actions of Justice Fortas and of Attorney General Mitchell."

Senate leaders, meanwhile, said the Fortas case could lead to closer scrutiny of future judicial nominees—and a tough financial disclosure law covering all members of the judiciary.