

Fortas Letters Seized

U.S. Subpoenas Messages to, From Wolfson

By John P. MacKenzie
Washington Post Staff Writer

The Justice Department's investigation of the relationship between former Supreme Court Justice Abe Fortas and financier Louis E. Wolfson turned up an exchange of correspondence between them that is now in Government hands, The Washington Post learned yesterday.

Letters between the two men were obtained from Wolfson, by means of a subpoena. Wolfson is serving a one-year prison term for stock fraud in the Federal prison camp at Eglin Air Force Base, Fla.

The existence of the letters came to light one day after the resignation of Fortas from the Court was accepted by President Nixon and amid increasing signs that the whole affair is simmering down.

The contents of the correspondence was not known. The Justice Department not only refused to discuss the contents, it warned The Post that it would consider it a violation of law to publish them.

In his letter to Chief Justice Earl Warren explaining his resignation, Fortas indicated that certain correspondence existed, at least from Wolfson to Fortas. Fortas said that while he was on the bench Wolfson "on occasion would send me material relating to his problems" with the Government "just as I think he did to many other people," but he denied actually taking part

in Wolfson's legal affairs.

There were these other developments in the wake of Fortas' resignation:

- Some members of Congress called for an investigation of another Court member, Justice William O. Douglas, and payments he has received from a private foundation that derived some of its income from a gambling enterprise.

- The Justice Department's role in Fortas's downfall was both criticized and defended on Capitol Hill. Sen. Albert Gore (D-Tenn.) called on Attorney General John N. Mitchell to "open the files to the American people."

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- Rep. Wright Patman (D-Tex.) cited the affair as part of his dispute with Treasury Secretary David M. Kennedy. He said Kennedy's alleged ties with his former bank seem "more serious" than Fortas' arrangements to draw a lifetime income from the Wolfson Family Foundation.

- Senate leaders Mike Mansfield (D-Mont.) and Everett M. Dirksen (R-Ill.) predicted more searching examination of nominees for the bench in the future, and Sen. Joseph D. Tydings (D-Md.) pushed his bill for supporting of outside income by Federal judges.

The Fortas-Wolfson correspondence surfaced yesterday when a Justice Department official called The Post to ask how it obtained the documents. The official said a lawyer for Wolfson had called to complain that the documents must have been leaked to the

press. The Post informed the Justice Department that it did not have any such documents in its possession and that the lawyer was mistaken.

Officials Sensitive

Government officials have been highly sensitive to editorial criticism of the Justice Department's handling of the Fortas episode, especially Mitchell's statement acknowl-

edging a May 7 meeting with the Chief Justice but adding only that "certain information" was passed along.

Critics contended that Mitchell's statement left the impression that he had evidence of a crime and that the Government should prosecute or clear Fortas rather than leaving matters up in the air.

Officially, the Department said yesterday that the investigation of Fortas and Wolfson, launched when Life magazine reported May 4 that the Justice received a \$20,000 fee from the Foundation, was still under way.

Privately, it was indicated that little was expected to come of the investigation.

Chief among the factors tending to discourage prosecution, officials said, was the fact that Fortas had left the Court and had averted the fuss and controversy on an impeachment proceeding, thereby helping to calm emotions and making it easier for President Nixon's future Court nominees to achieve Senate confirmation.

Sen. Edward M. Kennedy (D-Mass.) was among those who said yesterday they assumed the Fortas case was closed. He added that the case illustrated the need for "a strict code of ethics" for Federal judges, but he said he did not favor a proposal that members of Congress fully report all their outside income.

Kennedy expressed disagreement that Mitchell should be ruled out as a candidate for the Supreme Court because of his role in the Fortas matter. "I don't think Mr. Mitchell has disqualified himself," Kennedy said.

Fortas Won't Receive Government Pension

Associated Press

Abe Fortas will not receive a Government pension, the Supreme Court and the Civil Service Commission said yesterday.

The Court said he resigned, instead of retired, and failed to meet other service and age requirements for a judicial pension.

The Commission said, without amplification, Fortas is not entitled to a civil service pension. He had served in various Government posts in New Deal days.