

Life 5023-69

A portrait of Fortas taken in 1939 showed the young Memphis attorney when he was counsel to the Public Works Administration.



**L**ast week, as President Nixon prepared to go on national television with his Vietnam speech, the letter everyone had been looking for quietly arrived at the White House. Associate Justice Fortas had tendered his resignation from the United States Supreme Court, "in order that the Court may not continue to be subjected to extraneous stress which may adversely affect the performance of its important functions."

Thus swiftly ended the spectacular 30-year run of Abe Fortas as one of the hardest-charging, most effective and, in some quarters, most feared political operators in the history of the nation's capital. The resignation also brought to a head ten days of the most feverish press and political activity that Washington has seen since the Cuban missile crisis in the autumn of 1962.

On Monday, May 5, LIFE published an article by Associate Editor William Lambert telling of Justice Fortas's association with corporate manipulator Louis E. Wolfson. The article stated that in 1966, while Fortas was on the high bench and while Wolfson was known to be under investigation by the federal government, the Justice had been paid \$20,000 by a family foundation headed by Wolfson. The check was not refunded until Dec. 22, nearly a year after it was deposited in Fortas's personal bank account, and three months after Wolfson was indicted on charges developed by the Securities and Exchange Commission. Once during this time, LIFE stated, Justice Fortas had been an overnight house

## THE END OF THE

guest at Wolfson's ranch near Ocala, Florida.

Concurrent with the LIFE story, Justice Fortas issued a statement which raised more questions than it answered. The fee from the Wolfson Family Foundation, he said, had been tendered and returned, but he made no mention of the amount, or of the lag of more than 11 months between receipt and repayment of the \$20,000.

Roused almost as much by Fortas's lack of responsiveness to the allegations as to the allegations themselves, congressmen and the press chorused an almost unanimous demand for the Justice to explain himself more fully or else step down from the Court. The Department of Justice meanwhile announced cryptically that it had the Fortas matter "under consideration." On May 5, subpoenas

were issued to Wolfson's attorneys calling for them to hand over documents relating to the Wolfson-Fortas transactions. This was done the following day.

The Fortas matter posed problems for the Nixon administration that had never been faced before by any U.S. President. How could the knowledge of the Justice's misdoings be handled without shaking public confidence in the integrity of the federal bench? How could additional information known to the Justice Department be conveyed to Chief Justice Warren without the appearance of violating the separation of executive and judicial powers? How could President Nixon act without seeming to appear overly eager to name a Fortas successor? On the other hand, how could the Administration in conscience not reveal to



As the pressures for his resignation increased, Justice Fortas somberly fulfilled a speaking engagement at Boston's Northeastern University.

## FORTAS AFFAIR

Chief Justice Warren severely derogatory information about a member of his Court?

Among the subpoenaed documents, for example, was an agreement between Fortas and Wolfson stating that Justice Fortas—or his wife, should she survive him—would be paid \$20,000 a year for life by the Wolfson Family Foundation.

On Wednesday, May 7, Attorney General Mitchell, at the President's direction, met with Chief Justice Warren and relayed to him what the Justice Department knew at that time, including the contents of the lifetime "annuity" document.

The following day, two FBI agents interviewed Louis Wolfson at the Federal minimum security prison at Eglin Air Force Base, Florida. Wolfson confirmed that there had

been an agreement to pay Justice Fortas or his wife, if she survived him, \$20,000 a year for life. But Wolfson also told the agents that he and Justice Fortas had discussed the nature of the SEC case against him, and Fortas had said that in his opinion the charges were based on legal technicalities.

On Sunday, May 11, Newsweek magazine released a story telling of the Mitchell-Warren meeting, and stating that the Attorney General had told the Chief Justice that unless Justice Fortas resigned, the further information about his dealings with Wolfson would be bound to surface publicly.

Pressure meanwhile was building on Capitol Hill, where senators and representatives were being hit with a barrage of mail from irate constituents demanding that some-

thing be done quickly in the Fortas matter.

On Wednesday evening last week, as the Los Angeles Times was going to press with a story for the Thursday editions detailing the Fortas-Wolfson annuity arrangement, Fortas sent his letter of resignation over to the White House. It arrived at 5:30 p.m. The President's Vietnam speech was scheduled for 10 that night. If the White House had released news of the resignation immediately, it would have had to share front page billing in the morning papers with Vietnam. Rather than have that happen, the Fortas letter was held overnight. The next day President Nixon accepted the resignation.

When he submitted his letter to the White House, Justice Fortas also wrote one to Chief Justice Warren. It was four pages long and considerably more detailed than his earlier statement on his letter to LIFE regarding the Wolfson associations. But, as in the earlier statements, he still failed to clarify what his actual relations with Wolfson had been. In it he acknowledged the lifetime agreement with the Wolfson foundation and claimed that in June 1966, after he visited the Wolfson ranch, he had decided he could not continue work for the foundation and that the agreement should be terminated. He continued to make no mention of the fact that the \$20,000 was not refunded until six months later.

"There has been no wrongdoing on my part," said Justice Fortas. But now he was no longer a member of the Supreme Court, and the issues that caused his fall remained open.