

Report Warren Resigning

WASHINGTON (AP)—Chief Justice Warren is leaving the Supreme Court, which he has headed during 15 years of controversy over the court's liberal decisions such as those on race discrimination and police powers, authoritative sources reported today.

White House officials declined to comment on today's report however, and all efforts to reach Warren were unsuccessful. The Chief Justice said on his 75th birthday two years ago that he thought there should be compulsory retirement for all public officials but did not specify at what age.

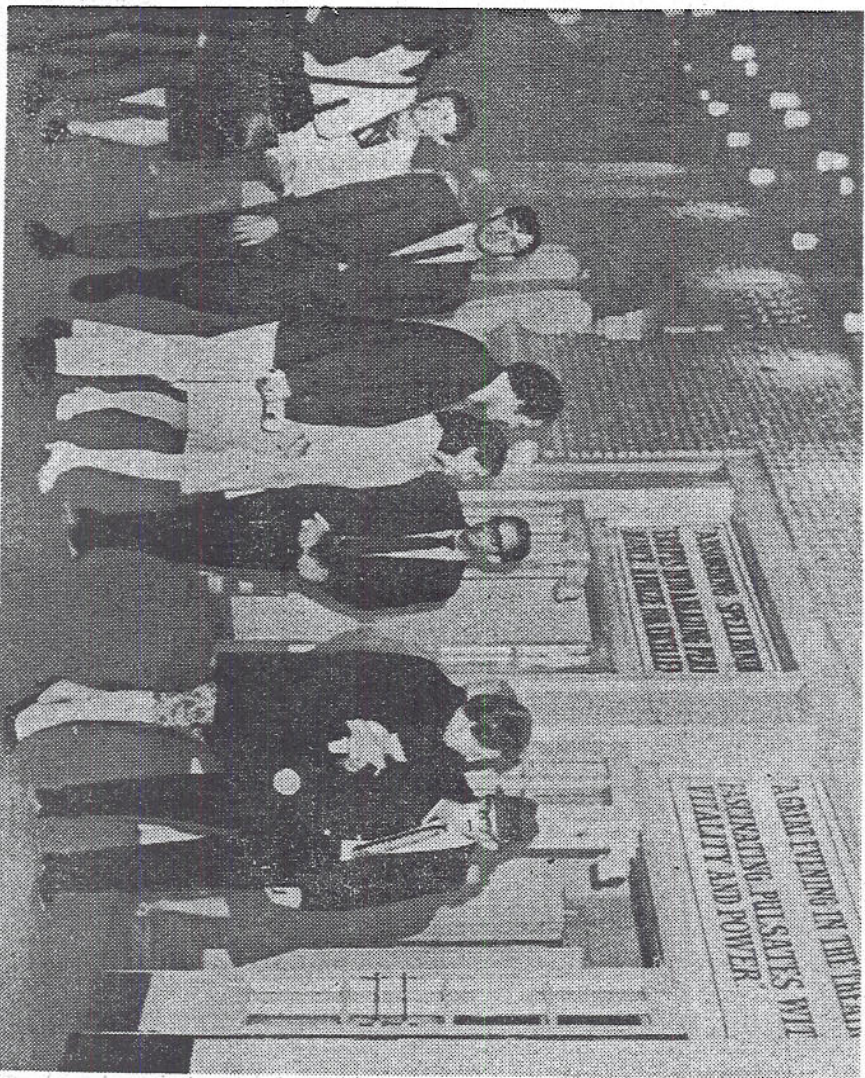
"I believe that the strength of our system in this country depends on the infusion of new blood into all our institutions," he explained then.

"There is now no compulsory retirement for federal judges, although they may step down at 70 after 10 years on the bench and receive a lifetime pension equal to their full salary. Warren's salary is \$40,000 a year.

Usual procedure for a Supreme Court Justice wishing to leave his post is to notify the President of his desires. It normally would be up to the President then to announce the retirement.

It was learned that Warren sent President Johnson an undated letter June 13 saying he wanted to leave the court to which he was named in 1953 by President Dwight D. Eisenhower.

Sources said his reasons include his belief that a man's powers begin to decline after he



Post Photo by Engel

Broadway Bounces Back

Playgoers' stream from reopened theaters along W. 45th St. as Broadway celebrates end of Actors Equity's three-day strike. Business was brisk as 16 of the 19 struck shows reopened.

equally sweeping ban against discrimination in housing handed down last Monday, the court's actions have been headed by line-makers. Prayer Ban

Other decisions during the Warren years ordered states to reapportion Congressional Districts and their legislatures on a "one-man, one-vote" basis and banned compulsory bible reading and prayer recitation in public schools.

Several of the court's decisions prompted Congress to include in the omnibus crime bill provisions designed to overturn the court's limits on admissibility of confessions and evidence in federal criminal courts.

Critics often accused the court of tying the hands of the police in its eagerness to protect the rights of the accused.

In New York, Warren's daughter Virginia, now Mrs. John Charles Daly, expressed surprise over the report. She said the Chief Justice was in excellent health and she knew of no reason why he would step down from the bench.

He hasn't said anything to me about it," said Mrs. Daly. Her husband, long a familiar figure on TV, resigned two weeks ago as director of the Voice of America.]

Warren's liberal philosophy. Court observers note that Justice Hugo L. Black, at 82, is the third oldest justice in history; that Justice John M. Harlan, 69, has visual difficulties, and that Justice William O. Douglas, also 69, was released from a hospital last week after a heart pacemaker was implanted in his chest.

Another reason, they said, is that with anew administration next year and the possible need of several new court appointments, Warren would feel obliged to remain on the bench for another five years to retain the court's liberal philosophy.

Johnston, who leaves office in January, will be able to name Warren's successor and thus influence the trend of the courts thinking.

The appointment is of critical significance on a court where appointees commonly serve for decades and the relative strength of the liberal and conservative factions can be reversed by the departure of a single justice—depending on the politics of the president filling the vacancy.

The report of Warren's departure immediately stirred speculation that Johnson might appoint Justice Fortas, one of two Johnson appointments, as Chief Justice. Fortas previously was one of Johnson's trusted advisers. The other Johnson appointee is Justice Thurgood Marshall, the first Negro to sit on the high court.

The Warren years on the high court have been marked by unrelenting controversy. From the historic 1954 decision banning segregated public schools to the

Warren was trained in law at the University of California but never sat as a judge until, at age 62, he was picked to be the nation's highest jurist. He was no stranger to courtroom, however, having laid the foundation for his political career with seasoning as a racket-busting district attorney and attorney general.

He was the Vice Presidential candidate on the 1948 Republican ticket headed by Thomas E. Dewey. When the GOP lost the election in spite of virtually unanimous forecasts that it was headed for victory, Warren explained the upset this way: "Mr. Truman just got too many votes."