

RESIGNATION

WARREN REPORTED LEAVING HIGH COURT BENCH

WASHINGTON (AP)—Chief Justice Earl 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.

Efforts to reach Warren were unsuccessful and at the White House Press Secretary George Christian, asked about the report, said he had "no comment on it at all."

CHRISTIAN ALSO DECLINED to comment on reports that Justice Hugo L. Black may be leaving the bench or that U.S. Appellate Court Judge Homer Thornberry of Austin, a former Texas congressman, may be in line for the high court.

Warren said on his 75th birthday two years ago he

(A man-in-the-street reaction to the reported resignation of Chief Justice Earl Warren is on Page 25.) **FILED GAR.**

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

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announce the retirement.

The big Californian was named to the top post on the Supreme Court in 1953 by President Dwight D. Eisenhower. At 77, he is known to have long felt it was time to step aside.

PRESIDENT JOHNSON, who expects to leave office himself when his term ends in January, will be able to name Warren's successor before he leaves. 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 policies of the president who chooses the man to fill the vacancy.

It was learned 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 a man's powers begin to decline after he reaches 75.

Another reason, they said, is that with a new 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.



—AP WIREPHOTO.
CHIEF JUSTICE
EARL WARREN

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.

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THE REPORT OF Warren's departure immediately stirred speculation Johnson might appoint Justice Abe 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 court have been marked by unrelenting controversy. From the historic 1954 decision banning segregated public schools to the equally sweeping ban against discrimination in housing handed down last Monday, the court's actions have been headline-makers.

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 control bill signed by Johnson Wednesday 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.

Ultraconservatives, while generally outraged at the court in general, have had special dislikes for Warren. For years there have been "Impeach Earl Warren" billboards in sections where anti-court sentiment runs strong.

THROUGH IT all, the man in the eye of the storm has, to all appearances, been unflappable, retaining the outgoing and unpretentious manner that stood him well in his three scandal-free terms as governor of California before he was named to the bench.

After President John F. Kennedy was assassinated in 1963, Johnson named Warren to head a special commission to investigate the murder. The commission found that Lee Harvey Oswald, acting alone, committed the assassination—a finding that became embroiled in controversy as quickly as many of the Warren court's decisions.

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 courtrooms, 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."

Warren was born March 19, 1891, in Los Angeles, son of Methias H. and Christine Hernlund Warren. In 1925, he married Nina E. Meyers. They have six children—three sons and three daughters. One of the daughters, Virginia, is married to John Charles Daly, former newsman and television personality who resigned last month as director of the Voice of America.