

FORTAS ELEVATED TO CHIEF JUSTICE

LBJ Also Names Pal Associate

WASHINGTON — (UPI) — President Johnson today nominated his longtime intimate, Associate Justice Abe Fortas, to succeed Earl Warren as chief justice and named a former Texas crony, Federal Appeals Judge Homer Thornberry, to serve on the Supreme Court.

Both nominations are subject to confirmation by the Senate, where controversy already has broken out over Johnson naming Warren's successor before leaving the White House in January.

The nominations were announced by Johnson as he made public an exchange of letters between himself and Warren on the latter's retirement.

Fortas, 58, will succeed Warren as soon as his appointment is approved by the Senate. To fill the vacancy on the nine-member court created by Warren's resignation, Johnson turned to Thornberry, who has been serving on the Fifth U.S. Circuit Court of Appeals.

Thornberry, a former congressman from Texas, has been a close friend of the President through the years and was considered a protégé of Johnson's after succeeding him in the House.

Fortas' friendship with the President began shortly after Johnson first came to Washington as an assistant to a Texas congressman. He represented Johnson in a legal dispute over election to his first term in the Senate. The controversy grew out of a Johnson victory in 1948 by less than 100 votes.

INNER CIRCLE

When Johnson became President, Fortas was known



Homer Thornberry with LBJ after he was sworn in to U.S. Circuit Court of Appeals bench, July, 1965.



ABE FORTAS Gets Warren post

to be one of his closest "inner circle" confidants.

The President read Warren's letter of resignation to

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reporters and a letter of reply he sent the chief justice dated today.

Johnson told Warren "It is with my deepest regret that I learn of your desire to retire, knowing how much the nation has benefitted from your services as chief justice."

Warren in a letter to the President dated June 13 said his sole reason for retiring was "the problem of age."

The 77 year old chief justice said "I want you to know that it is not because of reasons of health or on account of any personal or associational problems but solely because of age (that he is retiring)."

PROBLEM OF AGE

Warren told the President "My associations on the court have been cordial and satisfying in every respect, and I have enjoyed each day of the 15 years I have been here. The problem of age, however, is one that no man

can combat and, therefore, eventually must bow to it."

Warren noted in his letter that he had been continually in the public service for more than a half a century — as Alameda County district attorney, state attorney general and governor of California.

Observing that when he entered public service 150 million of the 200 million people in this country were not yet born, he said:

"I, therefore, conceive it to be my duty to give way to someone who will have more years ahead of him to cope with the problems which will come to the court."

VIGOR, STRENGTH

The President told Warren in replying to his letter of resignation: "Under your leadership, the Supreme Court of the United States has once again demonstrated the vitality of this nation's institutions and their capacity to meet with vigor and strength the challenge of changing times.

"Your wisdom and

strength will inspire generations of Americans for many decades to come."

The elevation of Fortas to Chief Justice had been expected. Fortas was appointed to the court by Johnson three years ago.

Thornberry served in the House of Representatives from 1949 to 1963, when he was named a U.S. district judge for western Texas by President Kennedy.

The 59-year-old Thornberry was elevated to the Fifth Circuit Court in July, 1965, by Johnson.

LBJ CONFIDENT

While some Republicans in the Senate have spoken out against the idea of Johnson's filling vacancies on the Supreme Court in the closing months of his administration, Johnson said he thought that his nominees would win confirmation.

He said he had consulted ahead of time with Republican and Democratic leaders in Congress and with committee chairmen.