

Friends Report

Warren to Keep High Court Post

By JANE ESHLEMAN CONANT

U. S. Chief Justice Earl Warren is going to keep his Supreme Court post even after Richard Nixon takes office as President, *The Examiner* was told today.

He does not consider his recent resignation binding upon him under Nixon, addressed as it was to outgoing President Johnson.

Thus he intends to "keep on working." And by doing so he will deprive the new President of the chance to appoint a new chief justice and thus upset the generally clear 5-to-4 liberal alignment of the nation's highest court.

Warren will, however, administer the oath of office Jan. 20 to the man with whom his relationships have been cool, to say the least, for many years — "if they ask me to."

DONNYBROOK

And Nixon is expected to ask Warren to perform the inaugural task he has carried out for three Presidents before him — or else risk a political donnybrook that could shake the nation's capital from 1600 Pennsylvania Ave. to Capitol Hill.

When the 77 year old Warren offered his resignation to President Johnson last June, it became common gossip that he wanted Johnson —

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and not Nixon — to have the chance to name the new chief justice.

But now that the Senate has scuttled the Johnson nomination of Associate Justice Abe Fortas, Warren feels the resignation is, in effect, void.

'KEEP WORKING'

And "it looks as though I've got to keep working," he has told friends.

In view of this, the inauguration scene will take on an added fillip when Warren — if indeed Nixon asks him to — administers the presiden-

tial oath of office on the steps of the Capitol.

Insiders regard the situation as a potentially crucial test of the celebrated Nixon hot temper, said now to be submerged in the "New Nixon" personality.

The chief justice said he will administer the oath to Nixon because 'HE'S GOING TO BE OUR President — my President — and I surely don't wish any bad things for him . . . I wish him all the luck in the world.'

GO DEEP

The roots of the ill-feeling between the two political giants and fellow Republicans go deep.

Some say they date back to Nixon's first bid for Congress in 1946, when the then-budding young California politico felt the then governor virtually ignored his campaign.

In 1952 the rift became deeper when Warren, a candidate for the Republican presidential nomination, felt that Nixon had double-crossed him.

People who were there at the time remember that Warren was miffed because Nixon, then a senator, joined the California delegation's Chicago-bound train somewhere east of here and then left it before it reached the convention city.

BEHIND SCENES

They say Warren thought at the time that Nixon was not only less than wholehearted about the Warren effort, but was actually work-



HE INTENDS TO STAY PUT

Earl Warren will hold job, swear in new President

ing behind the scenes against him.

Warren at the time was given a strong chance of winning the presidential nomination in case of a deadlock between General Eisenhower and Sen. Robert Taft.

His son, Earl Jr., said some years later:

"It is my understanding that Mr. Nixon, through back-door tactics, pulled the rug out from under Warren for political gain for himself."

DRIVE FAILS

The Taft drive fell apart, Eisenhower was nominated, and Nixon became his Vice President.

Reports of new sparks of hostility between the two men have popped up fairly periodically over the years. Insiders point out too that their political supporters helped add fuel to the fires, with liberal Republicans backing Warren while the more conservative ones followed the Nixon banner.