

NEW ORLEANS

RESIGNATION SEEN**Fortas Publicity Halt Sought by Mitchell**

By BARRY SCHWEID
WASHINGTON (AP) — Atty. Gen. John N. Mitchell is understood to have told Chief Justice Earl Warren that further public disclosure about the Fortas-Wolfson fee incident could strain relations between the White House and the Supreme Court.

The attorney general also is believed to have told Warren at their meeting last Wednesday considerably more about the incident than has been in the public eye.

In line with the Nixon administration's nonpartisan stance, Mitchell made his presentation as a lawyer and friend of the Supreme Court.

HE IS BELIEVED to have expanded on the account Life magazine gave of the fee offered Justice Abe Fortas in 1966 by the family of industrialist Louis E. Wolfson—rather than to have made some unrelated disclosure.

It is understood to be highly unlikely that Mitchell would ever attempt to bring charges against a sitting justice. And yet, the attorney general is convinced the substance of what he told Warren will stimulate enough pressure within the court to bring about Abe Fortas' resignation.

What Warren is doing with the information is a closely guarded secret.

"THERE NEVER is comment on the chief justice's private conversations," said a spokesman in his office icily.

In Chicago, the Chicago Tribune said it has learned that Fortas has been given until tomorrow to resign or the Justice Department will release information that administration officials believe will lead to his impeachment.

Asked for comment, White House press secretary Ronald L. Ziegler said he was aware of the Tribune's story but had no comment.

He declined comment also on whether President Nixon approves of Mitchell's action in communicating with Warren.

To a question directed at whether Fortas might have sent

in his resignation, Ziegler said that to his knowledge the White House had received no communication from Fortas.

Senate Majority Leader Mike Mansfield of Montana said that so far as he and his Democratic colleagues are concerned, the Fortas controversy "will not become a political matter."

He declined to attribute any political motives to Mitchell's conversation with Warren, and said the matter "will be decided on its merits."

He conceded, however, "I just don't know how at this point."

Meanwhile, with the court in recess, Fortas is maintaining a discreet distance — and a chipper optimism publicly.

He was scheduled to attend a regional judicial conference at Wentworth by the Sea, N.H., today.

FORTAS' ONLY public statement on the fee was the one he issued May 4: that he had been tendered a fee by the Wolfson Family Foundation and did not return it until 11 months later.

Capitol Hill was anything but silent.

Sen. Paul J. Fannin, R-Ariz., said he had been told by a Washington attorney that Fortas will resign this week.

Sen. James B. Allen, D-Ala., called in a Senate speech for both Fortas and Justice William O. Douglas to step down. Douglas has received fees from

the Parvin Foundation.

And Democratic Leader Mike Mansfield of Montana advocated legislation to require federal judges and executive branch officials to disclose outside income.