

Mr. Justice Fortas: The Crisis of Belief

By JAMES RESTON

In the last few weeks, America has witnessed a series of spectacular controversies. The Fortas case, the Bucher case, the trial of Ray for the murder of Martin Luther King and many of the university conflicts have all raised different questions but have dramatized one of the deepest problems and anxieties of our time.

This is the crisis of belief. Justice Fortas is charged with using his position on the Supreme Court for personal gain, and denies it, without giving us the facts. Attorney General Mitchell suggests that he went to Chief Justice Warren on the case because he was disturbed by private information about Justice Fortas, which he does not disclose.

Who Can You Trust?

Similarly, in the trial of Commander Bucher, the skipper of the spy-ship *Pueblo*, the Navy neither says he is guilty nor innocent, but sends him off to post-graduate school in Monterey and refuses to publish the transcript of his trial—even that part of it overheard by newspaper reporters.

The Ray trial for the murder of Martin Luther King also adds a drop of poison in the public mind. Did the judge negotiate a private settlement of conviction with Mrs. King and her associates? Nobody is quite sure.

Even the university professors at Harvard, who presume to be the keepers of our ideals, have added to this crisis of confidence. The so-called liberal caucus professors there are arguing in the public press for principles and resolutions which they know they opposed in the Harvard faculty meetings and are thus adding in the process to the corruption of belief.

This corruption is the main point. It is hard to know who is right or wrong in any of these controversies, but at least we ought to be able to get the facts and know how to decide. Mr. Justice Fortas occupies the seat on the Supreme Court once held by Louis D. Brandeis and Felix Frankfurter. Brandeis went through an even tougher crisis than Fortas before he was confirmed by the Senate. But at least he put the facts on the record and argued his case, and

this is what Mr. Justice Fortas had not done.

Felix Frankfurter had an opinion on this kind of problem too. He was always saying to the press: You cannot know all the facts, but you ought to insist on knowing how evidence is gathered and decisions reached. But this is hard to do in the Fortas controversy. Neither Fortas nor the Attorney General has stated the case. Fortas will neither give in to the charges against him nor get out—and this dramatizes the doubts which are now confusing our national politics.

Nobody has accused Mr. Justice Fortas of breaking the law. He is accused of being indifferent to the moral law and being greedy about money, and accepting the advantages of high office without meeting the standards of public office.

Lippmann's Philosophy

"Why is it bad to shrug off the ideal standards in politics . . . ?" Walter Lippman asked many years ago. "Because it defeats us and frustrates our lives. If we do not harden ourselves by stretching ourselves to reach upward to these not wholly attainable ideals, we slump down and settle into

flabbiness and footlessness and boredom. . . .

"It is a mistake," Lippmann added, "to suppose that there is satisfaction and the joy of life in a self-indulgent generation, in one interested primarily in the pursuit of private wealth and private pleasure and private success. . . . We are very rich, but we are not having a very good time. For our life, though it is full of things, is empty of the kind of purpose and effort that gives to life its flavor and meaning."

The Youthful Revolt

This theme, stated long ago, is essentially what the most idealistic of our young people are saying today. They may be defying their own principles with their violence and confusing ends and means, but they are watching the Fortas case, the Bucher case and the Ray case and wondering, and condemning.

Where are sincerity and integrity? Where are honesty and plain speaking in the courts, the legislatures, the executive and the press? This is the crisis of belief, and until it can be resolved, it will be hard to deal with Vietnam or the cities or the universities.