

New Orleans States-Item
FORTAS' RESIGNATION
ACCEPTED BY NIXON

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By JOHN D. M'CLAIN

WASHINGTON (AP) — Justice Abe Fortas, under mounting pressure and the threat of impeachment proceedings, announced today his resignation from the Supreme Court and President Nixon accepted it effective immediately.

Reaction from Congress, the center of often-severe criticism, generally was favorable although some members continued to call for an investigation of Fortas' relationship with now-jailed financier Louis E. Wolfson.

WHITE HOUSE PRESS secretary Ronald L. Ziegler said Fortas' letter of resignation was received about 5:30 p. m. yesterday.

Text of Fortas letter of resignation, Page 31.

day, a short time after Chief Justice Earl Warren telephoned "to advise the President that a letter of resignation was forthcoming. . . ."

Fortas also sent Warren—the man he once was nominated to succeed—a letter of explanation of his actions in accepting and then returning 11 months later a \$20,000 fee from the Wolfson family foundation.

Fortas' letter said he informed the foundation of his intention to end the arrangement shortly after learning the Securities and Exchange Commission "had referred Mr. Wolfson's file to the Department of Justice for consideration as to criminal prosecution."

THE LETTER, MADE public today by the Supreme Court, said Fortas' agreement with the foundation "contemplated" he would receive \$20,000 a year for life for his services.

But the justice added he decided in June 1966, five months after receiving his first check, that he couldn't continue to work for the foundation and that the agreement should be terminated.

And he said he had "not interceded or taken part in any legal, administrative or judicial matter affecting Mr. Wolfson or anyone associated with him."

Wolfson, a former Fortas law client, now is serving a prison sentence for violating federal securities laws. The fee was given Fortas while Wolfson's activities were under government investigation and returned after the financier was indicted.

"It is best for the country and for the Supreme Court," he said, adding that for Fortas, the affair is "a tragedy -- almost Greek in nature."

Both Celler and Rep. William M. McCulloch of Ohio, the senior committee Republican, rejected MacGregor's request today.

Celler said such an inquiry at this stage "would be like feeding on a carcass." It ~~is~~ would be in the nature of a prosecution and that is outside the jurisdiction of the

SEN. ROBERT P. Griffin, R-Mich., who led the fight that blocked Fortas' nomination last year as chief justice, said in a statement today: "Again, the infinite wisdom and foresight of our founding fathers in establishing a system of checks and balances has been confirmed."

"Although this has been a tragic and unfortunate episode in our history, I am confident the Supreme Court and the judiciary will emerge with the respect, strength and vitality that are so essential in these times."

But other congressmen—including Rep. Clark MacGregor, R-Minn., who called yesterday for a pre-impeachment proceedings investigation, and Sens. Richard S. Schweiker, R-Pa., and Paul Fannin, R-Ariz.—said today the incident will not be closed until all details are revealed fully.

Ziegler said Nixon discussed the resignation this morning with Atty. Gen. John N. Mitchell and White House counsel John D. Ehrlichman but said he had no idea when the President might nominate a successor.

The resignation of a justice under pressure is unprecedented. There has been only one impeachment trial of a justice—Samuel Chase in the early 19th century—and he was acquitted of charges he violated legal ethics in conducting trials while sitting on a circuit court, as Supreme Court justices did in those days.

REP. MacGREGOR, shortly before Fortas sent Nixon his letter, formally asked the House Judiciary Committee to launch an investigation of the Fortas-Wolfson incident—the first step toward possible impeachment action.

MacGregor said today a probe of Fortas' conduct still is necessary.

"Notwithstanding Mr. Justice Fortas' resignation, the American people are entitled to know all of the relevant facts leading to his decision to resign," MacGregor said.

"These facts should be set forth in the proper forum," he added. "That forum need not necessarily be the House Committee on the Judiciary."

But Emanuel Celler, D-N. Y., the committee chairman, said Fortas' resignation is the best solution to the problem.

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committee, he added.

McCulloch said he feels the kind of investigation MacGregor wanted "would serve no useful purpose now."

Celler conferred with Atty. Gen. John N. Mitchell yesterday but declined to comment on his visit.

It was learned from other sources that Mitchell showed the congressman evidence indicating a far deeper Fortas involvement in Wolfson's affairs than the justice had admitted.

The sources said on the basis of the Justice Department's evidence, the House would have been forced to go ahead with impeachment proceedings if Fortas had not resigned.

Fortas had remained silent about the incident after issuing a statement May 4 acknowledging that while sitting on the court he had considered but finally rejected a fee from the Wolfson foundation.

Court Press Officer Tells of Phone Call

WASHINGTON (AP)—Banning E. Whittington, the Supreme Court press officer, received a telephone call at his home shortly after 8:30 a. m. today. It was from Justice Abe Fortas.

"I'd like you to call the wire services and the news people and tell them I've sent a letter of resignation to the White House. It was delivered last night," Whittington quoted Fortas as saying.

"And at the same time I sent a letter to the chief justice with an explanation of the Wolfson . . ." he reported the justice said but added he could not recall how Fortas had referred to the fee incident.