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## Mr. Fortas Resigns

The decision of Justice Fortas to resign from the Supreme Court was in the best interests of the court, the country and Mr. Fortas himself. By departing voluntarily, he has bowed to the iron rule that a judge must be beyond suspicion and he has thus helped preserve the reputation for integrity of the nation's highest court, which his own actions had so severely shaken.

In his letter of resignation to Chief Justice Warren, Mr. Fortas provides a more comprehensive explanation of his involvement with Louis Wolfson, a convicted financier. On the basis of the facts as he states them, it is difficult to understand why Mr. Fortas did not perceive a serious impropriety from the very outset in establishing a contractual relationship with the Wolfson Foundation. Since a judge cannot foresee who may come before him as a litigant, he must keep himself unencumbered as far as humanly possible of all outside entanglements. Moreover, as the canons of the American Bar Association make clear, a judge not only has to be innocent of any wrongdoing but he also has to be above reproach. This is a severe standard, but public confidence in an independent judiciary permits nothing less. It is a cause for sadness that Justice Fortas, in many ways so brilliant and perceptive, did not understand this simple truth until it was lit up by the glare of public controversy.

In the aftermath of the Fortas affair, every branch of government has occasion for introspection. President Nixon has to exercise the greatest care in making his appointments to succeed Mr. Fortas and the retiring Chief Justice. He has to choose persons whose capacities and character command immediate respect. Judges at every level of the judiciary have to consider anew whether their own conduct conforms to the highest standards and what fresh measures, if any, are necessary to clarify and enforce those standards. Members of Congress have an obligation to examine the beam in their own eye and cease living by a double standard when it comes to improper financial connections and dubious business or personal associations.