

G.O.P. Aware in Campaign Of Fortas's Tie to Wolfson

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WASHINGTON, May 22—Prominent Republican leaders, including close associates of Richard M. Nixon, were aware at least eight months ago of a potentially explosive relationship between Abe Fortas, then a Supreme Court Justice, and Louis E. Wolfson, then awaiting sentence on perjury and conspiracy convictions.

They did not regard their information as detailed or conclusive enough either to inject it into the controversy over Mr. Fortas's nomination as Chief Justice or to make it an issue in the Presidential campaign, then just getting under way.

The Republican information on the Fortas-Wolfson association did form the basis, however, for a warning passed to Senator Jacob K. Javits, Republican of New York, then seeking re-election to a third term. It was suggested that Mr. Javits avoid any close identification with Mr. Fortas in the campaign.

There is no evidence that these Republican politicians had any knowledge of the \$20,000 fee Justice Fortas had received from the Wolfson family foundation for prospective services and returned after 11 months. This transaction led to his resignation from the bench last week.

But there is solid evidence

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that the Republican leaders were aware in September, 1968, that Justice Fortas and Wolfson held a three-day meeting at the financier's Florida estate in 1966 and that Wolfson subsequently characterized their association in a way that could have embarrassed Mr. Fortas and anyone who defended him.

Secretary of State William P. Rogers, then as now one of Mr. Nixon's closest advisers, said yesterday he was aware early in the 1968 campaign that the former Fortas law firm once represented Wolfson and that the Justice "was involved with Wolfson in another matter."

Information for Javits

Mr. Rogers, interviewed by telephone in Bangkok on a Southeast Asia tour, was asked if he had told Mr. Nixon, who was then opening his Presidential campaign, about the relationship between Wolfson and Justice Fortas.

"I really don't remember whether I did or not," Secretary Rogers replied. He said, however, that he had not passed the information on to John N. Mitchell, then the Nixon campaign manager and now the United States Attorney General.

Mr. Mitchell said through a Justice Department spokesman that, although he had probably heard Mr. Fortas discussed in the early phases of the political campaign, he was unaware at that time of any unfavorable information concerning the justice.

Enough information about the Fortas-Wolfson association was relayed to Senator Javits and his campaign directors that the Senator refused to be goaded into an ardent defense of Justice Fortas by his Democratic opponent, Paul O'Dwyer.

Senator Javits does not deny getting this advice. He says that he has "no recollection of receiving any information about Fortas that would have led me to question his capacity as a lawyer or judge."

John A. Wells, a law partner of Mr. Rogers who was also Senator Javits's campaign manager, declined to say whether he knew of the Fortas-Wolfson association or of the Florida conference between the two men and Wolfson's subsequent claims of political influence.

Talked to Javits Partner

Mr. Wells was interviewed

by telephone in Brussels, where he is on a business trip. He did say that he had talked to John Trubin, one of Senator Javits's law partners, who was co-director of the Senator's re-election campaign.

"All I told him was not to get too far out in front in defending Fortas," Mr. Wells declared.

Secretary Rogers reported he had been aware that Justice Fortas and Wolfson "knew each other" because of a case being handled by one of the members of his law firm in which their association had indirectly arisen.

He said he did not remember who had handled this case—"there are 75 lawyers in that firm"—or any of the details.

In fact, Norman Ostrow, a member of the Rogers law firm, has for several years represented Alexander Rittmaster, a longtime Wolfson business associate who was indicted with Wolfson, pleaded guilty and later testified for the Government against the financier at his trial.

Basis for Life Article

Information supplied by Rittmaster, either directly or indirectly, formed much of the basis for the Life magazine article that first made public the relationship between Wolfson and Mr. Fortas.

Mr. Ostrow said yesterday that he had discussed Rittmaster's legal problems from time to time with Mr. Wells but that he did not know the extent to which Mr. Rogers may have been familiar with Rittmaster's statements. Today, Mr. Ostrow declined to identify anyone with whom he had talked about Rittmaster.

Mr. Rogers emphasized in his interview that he had not known last September of the Wolfson foundation's fee to Mr. Fortas or of the initial plan to continue it on an annual basis.

"I had heard from someone that there was some kind of connection between the two men," the Secretary of State said. "But I didn't think it was very insidious. I was for Fortas [for Chief Justice] then."

Variance in Reports

A considerable discrepancy exists among various versions of the information that was passed along to the Javits headquarters. When Senator Javits was unable to recall the incident last Saturday, he said he would check with Mr. Trubin, the co-director of his campaign.

A day later, he suggested that a reporter call Mr. Trubin for his best recollection. At that time, in a telephone conversation from his home in New York City, Mr. Trubin said that Mr. Wells had told him of Justice Fortas's visit to the Wolfson estate in Florida and had said he thought "something was coming out" about the relationship between the two men.

Mr. Trubin quoted Mr. Wells as telling him he was afraid there might be "something improper" in the Fortas-Wolfson relationship, that it did not appear "wholesome" and that a strong endorsement of Mr. Fortas by Senator Javits thus might

Republicans Aware in Campaign That Fortas Had Tie to Wolfson

prove "troublesome" as a political matter.

Three days later, after Mr. Wells called him from Europe, Mr. Trubin offered a very different version of the conversation. He repeated what he had said before, but he said that his earlier answers "may have blended in some of the things I'd been reading in the magazines and newspapers."

All Mr. Wells had told him, Mr. Trubin contended in the second interview, was "I don't think Javits should get out in front on the [Fortas] nomination" because "Griffin might prove something." The reference was to Senator Robert P. Griffin, Republican of Michigan, who was fighting the Fortas nomination.

Saying that his recollection had been refreshed by Mr. Wells, Mr. Trubin said: "I am willing to accept what he now recalls to me as being fact."

In the Javits Senate campaign, Mr. O'Dwyer charged that anti-Semitism underlay Republican attempts to prevent Mr. Fortas's nomination as Chief Justice, and he accused his Republican opponent of becoming "insensitive with the passing years" if he did not agree.

At one point in the campaign, an aide asked Mr. Javits why he did not hit back harder at this kind of sally from Mr. O'Dwyer. The Senator reportedly replied that he had some information that had persuaded him not to get too far out on a limb in this area.

Letter From Wolfson

Senator Javits, however, says he does not now recall any such episode.

In January, two months after Mr. Javits easily won re-election he got a letter from Wolfson urging him to "expose the injustice" that had resulted in his conviction and saying that he would not object to imprisonment "just so I could get assurance that a Congressional investigation would be conducted."

The Senator replied in a very brief "Dear Lou" note that concluded:

"I am, of course, well aware of all the fine civic work you have done and your personal contributions to the community, but I know you will understand that it would be highly improper for me to intervene in any matter which is still pending before the courts."

On April 24, the day before Wolfson began serving his 18-month sentence in a Florida prison, his daughter, Mrs. Trudy Ullman, asked Senator Javits for an appointment, and he talked with her briefly as he rode to the airport in a taxicab.

The Senator repeated that



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KNEW OF FORTAS LINK: Secretary of State William P. Rogers was aware during the Presidential campaign of Abe Fortas's relationship with Louis E. Wolfson.

there was nothing he could do for her father then but suggested that, after Wolfson had served part of his sentence, he might be able to help support a plea for clemency because "it would be a different thing then."