

Abe Fortas, Ex-Justice and Current

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WASHINGTON, July 13 — The day Abe Fortas left the Supreme Court he said he felt "as if an automobile hit me as I stepped off the curb."

He has not recovered yet. Neither have a lot of old friends and former associates, one of whom remarked the other day that "nowadays his biggest kick is to see that the sun has come up again in the morning and its another day."

But last week it was different. At the insistence of his friend and fellow musician, Rudolf Serkin, Mr. Fortas put aside his legal researches and with a suitcase and his violin journeyed to Marlboro, Vt., where the pianist conducts summer music classes. Pablo Casals, the cellist, who is another Fortas friend, was there and for a week the former Justice was able to relax and forget his troubles.

He read no newspapers and accepted few telephone calls. But during one of these he acknowledged that "I have no future plans worthy of the name." His way of picking up the pieces from the wreckage of his Supreme Court career has been to lose himself in his work on a book.

If this effort has therapeutic value the former Associate Justice should be his old self soon. As his wife, Carolyn, put it, "he's been working on it like a Trojan from morning till night."

Mr. Fortas has always played the violin for his own entertainment and relaxation where other men play golf or sail a boat. And his musical excursion with his two friends was the first break since his resignation from the quiet life of scholarly research he has pursued at Westport, Conn., where he has a summer home.

The Wit Has Gone

Mr. Fortas does not sound today like the man who remarked with puckish wit on the day he quit the high court that he would not be out of a job for long and that he had already been offered a job—as second fiddle to a virtuoso friend with whom he often played in string quartets.

Whatever plans he may have for the future, they seem not to include the possibility of returning to his old law firm, Arnold and Porter, which was Arnold, Fortas and Porter be-

Author, Wants to Be Alone

fore President Johnson named him to the highest tribunal.

"I really don't know what I'm going to do," Mr. Fortas said on the telephone from his temporary retreat in Vermont. "Of course, the law firm today is not the same one that I left some years ago. They have talked to me a few times about coming back but I haven't really been in a position to think seriously about the prospect. Right now I'm just trying to get my knocks behind me."

As he talked, Mr. Fortas reflected none of the aggressive self assurance that some of his critics took for an intellectual arrogance as he went about winning cases in private practice and later trying to persuade his associates on the Supreme Court.

"The book? It's on the Fifth

Amendment and due process, with some emphasis on the broad subject of civil disobedience and the right of protest. It's an expansion of one chapter of a much bigger project I had in mind about 'the state and the individual.'"

The Project Is Dropped

As though it should be obvious to anyone, Mr. Fortas explained that "I had to abandon that more ambitious undertaking with the assassination of President Kennedy." This was an oblique reference to the succession of Lyndon B. Johnson and Mr. Fortas's expectation that he would have little time of his own to work on a book of that magnitude with a man in the White House to whom the lawyer was an old friend and adviser.

Some of those with whom

Mr. Fortas once worked in the old firm suggest it is useless to speculate on whether he will return. The firm is vastly larger than it was when he was a partner. And many of the younger members hope he does not return — some to the point of contemplating a change if he goes back, according to reports.

The senior members are saying nothing on the subject. They feel too deeply about the human tragedy involved and are too busy trying to rebuild the firm's image.

On the human tragedy one of them remarked recently: "Why can't you leave the guy alone—he's already got a knife in his back, so why twist it even if he did put it there himself?"

Most reports about Mr. Fortas and his old law firm have stressed the role of the younger members and their "revolt" at

the possibility of his return. One even talked about a "vote" among them protesting this. But it never came to that.

Among the partners in the firm are Mr. Fortas's wife, whose professional name is Carolyn E. Agger; Thurman Arnold, the head of the Justice Department's antitrust division from 1938 to 1943 and a former judge of the United States Circuit Court of Appeals here, and Paul A. Porter, the chairman of the Federal Communications Commission from 1944 to 1946.

Also, Joseph A. Califano, President Johnson's special assistant and principal aide on all domestic matters.

Most of the firm's clients are other law firms, who refer their Washington business to Arnold & Porter.

The firm has represented such major corporations as Lever Brothers, Coca-Cola, Pan American World Airways, Philip

Morris and Federated Department Stores.

Lawyers in the firm acknowledge that there was a slackening of business following Mr. Fortas's resignation, though they say business has now regained its former pace. The drop in business was no secret to Mr. Fortas, however, whose wife is a member of the firm and probably its ablest tax consultant.

That is the chief reason that many in the legal fraternity here believe that Mr. Fortas would not want to return. They credit him with feeling that he would not want to be even a limited liability.

But it would come as a surprise to no one if "the judge" gradually acquired some clients of his own. But before that he must finish the book. Meanwhile, Abe Fortas would like nothing better than to be left alone.