

# U.S. Closing Fortas Case; Bar Drops Douglas Study

## Wolfson File Inactive

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Special to The New York Times

WASHINGTON, July 20 —

The Justice Department is preparing to close out its investigative file on the links between Abe Fortas and Louis E. Wolfson that led to the resignation of Mr. Fortas from the Supreme Court last May.

Knowledgeable sources within the department described the state of the investigation this week as "somewhere between semi-active and moribund," with only a few loose ends remaining to be tied up.

Attorney General John N. Mitchell said at a new conference last Monday that the department had made no investigation of Mr. Fortas himself. He added, however, that the original disclosure in Life magazine that Justice Fortas had accepted, and later returned, a \$20,000 check from the Wolfson Family Foundation had raised questions about possible "obstruction of justice."

### Procedural Interference

That matter, Mr. Mitchell said, "is still in the department and has not been finally disposed of."

"Obstruction of justice" could refer to any interference with the judicial or administrative process. Life's article stated, for example, that Mr. Wolfson, the imprisoned financier, and his associates had repeatedly dropped hints about his connection with Justice Fortas, at various stages of his legal difficulties with the Securities and Exchange Commission and the court.

But no Justice Department official has ever specified just what "obstruction of justice" meant in this case.

The department's interest in

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Justice Fortas's conduct and its involvement in his resignation remain matters of the utmost political and constitutional delicacy.

Mr. Mitchell noted at his news conference that the judiciary is a "separate" branch of the Government. At the same time, he said he had felt compelled, as a lawyer, to make

"certain information" on the Fortas matter known to Earl Warren, then the Chief Justice of the United States.

Mr. Mitchell said that his meeting with the Chief Justice "was the extent of my role in Justice Fortas's determination to resign."

It has long been clear, however, that the "obstruction of justice" inquiry instituted by the Justice Department was closely related to the allegations about Justice Fortas, even if Justice Fortas was not the object of investigation.

### F.B.I. Questioning

Shortly before Justice Fortas announced his resignation, agents of the Federal Bureau of Investigation resumed their questioning of Mr. Wolfson in the detention center at Eglin Air Force Base in Florida, and learned that the payment of \$20,000 to Justice Fortas in 1965 had been planned as only the first of a lifetime series of annual payments.

Mr. Wolfson is serving a one-year term for selling unregistered securities.

The unofficial disclosure of the F.B.I. information and the possibility that the "certain information" of which Mr. Mitchell has spoken would be even more embarrassing, were thought to have added significantly to the public pressure on Justice Fortas to resign.

Sources within the Justice Department indicated, however, that the "obstruction of justice" case was no longer being aggressively pursued, and they predicted that the entire matter would die "a slow bureaucratic death."

### No Parvin Fund Ruling

Special to The New York Times

WASHINGTON, July 20—The ethics committee of the American Bar Association decided today that it had insufficient facts to judge the propriety of Supreme Court Justice William O. Douglas's connections with the Albert Parvin Foundation.

Justice Douglas served as president of the educational foundation for seven years, at an annual salary of \$12,000.

He severed his ties with the foundation last May, a week after Justice Abe Fortas resigned from the court following disclosure of Mr. Fortas's connections with Louis E. Wolfson, the imprisoned financier, and the Wolfson Family Foundation.

### Link to Parvin Criticized

Justice Douglas's association with the Parvin fund had been criticized in Congress and the press because the foundation's income came principally from its investment in a Las Vegas gambling hotel. For two years before Justice Douglas resigned his post, the foundation was under investigation by the Internal Revenue Service.

In resigning from the foundation, Justice Douglas cited only the pressure of court duties.

The bar association's ethics committee had declared earlier that Justice Fortas's outside activities were "clearly contrary" to the legal code of ethics. But the committee, meeting secretly in Chicago over the weekend, resolved today that it could not render a decision about Justice Douglas.

The committee restated, however, as a general principle, that "any outside activity on the part of a judge to an extent which interferes with the effective performance of

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his judicial duties by him would be contrary to the canons of ethics."

Senator John J. Williams Republican of Delaware, had asked the bar association to declare its views on the activities of Justices Fortas and Douglas.

In the case of Justice Fortas, the bar association's judgment came less than a week after Mr. Fortas's resignation. The judgment was based entirely on Mr. Fortas's public acknowledgement that he had agreed in 1965 to advise the Wolfson Foundation on charitable projects and to receive an annual payment of \$20,000 as long as he or his wife survived. Justice Fortas stated that he had accepted the first \$20,000 check early in 1966 but returned it later in the year after Mr. Wolfson was indicted for stock fraud.

### No Inquiry Power

Members of the bar association's ethics committee noted today that they had no power to make investigations or hold hearings. Most of the committee's rulings are prospective, following inquiries from lawyers about activities that have not yet begun.

In the case of Justice Douglas, committee members said, there was no clear basis of stipulated facts to evaluate. "There was nothing comparable to Justice Fortas's letter of resignation that spelled it all out," one member said.

The eight-member ethics committee will deliver its report on Justice Douglas to William T. Gossett of Detroit, president of the American Bar Association. The bar association is not expected to make public the full record of the committee deliberations.

Six members of the ethics committee took part in the consideration of Justice Douglas at the Pheasant Run Resort in St. Charles, Ill., a suburb of Chicago. They met Benton E. Gates Sr. of Columbia City, Ind., Charles W. Joiner of Wayne State University in Detroit; Thomas J. Boodell of Chicago; C. A. Carson 3d of Phoenix, Ariz.; Kirk M. McAlpin of Atlanta, and Floyd B. Sperry of Bismarck, N. D.

The committee chairman, Walter P. Armstrong Jr. of Memphis, did not take part because he is already working on another study of the Supreme Court. The eighth committee member, Samuel P. Myers of Racine, Wis., was absent.