

# Fortas Says No Role on Policy



**ABE FORTAS ON WITNESS STAND**

President's choice was questioned at hearing today

—AP Photo

WASHINGTON — (AP) — Justice Abe Fortas told the Senate Judiciary Committee today he participated in White House meetings on the Vietnam war and on riots in the cities, but never framed government policy.

He insisted his role was only to summarize for the President what others said.

The justice, testifying on his nomination to be chief jus-

tice, said he was consulted on very few matters and that they have not been matters on which he could claim he was an expert.

Fortas is an old friend and legal adviser to the President.

The leader of the fight to block his confirmation, Sen. Robert Griffin (R-Mich.), read news reports to the committee last week that

Fortas has continued while on the bench to play a big role in framing White House policy.

#### PROS AND CONS

Fortas, asked about these allegations, said: "I have never initiated any suggestion or any proposal to the President."

Fortas said that on occasion Johnson has done him the honor of showing "confidence in my ability to understand a situation" and to "give him the pros and cons."

At first, Fortas shied off from giving any specific example. He finally give Vietnam and the riots as illustrations.

Fortas flatly rejected as untrue a report in Time mag-

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azine that he wrote Johnson's message ordering federal troops into Detroit last summer.

"I saw it," Fortas said of the speech, "but I did not write it."

Fortas described as "absolutely and totally without any foundation of fact" reports in the New York Times Magazine of June 4, 1967, that he was involved in an unsuccessful campaign to land Bill Moyers the job as undersecretary of state.

He also disputed its report that he was involved in efforts to get a federal judgeship for David G. Bress, U. S. attorney for the District of Columbia.

Fortas said he and President Johnson have been associated for many years, largely as lawyer and client.

#### INDORSEMENT

At the outset of the hearing, Chairman James Eastland (D-Miss.) announced that the American Bar Association had reported that it regarded Fortas as "highly qualified."

Fortas told the committee he was happy to appear and would answer willingly any question put to him within constitutional limitations.

The nominee said he believed the court should be hesitant to overrule precedents and should do so only when the error of the past was most palpable.

Fortas told Sen Sam Ervin (D-N.C.) he believed strongly in the recognition of the place of the individual states in the federal system.

At one point, Eastland asked to what extent the court should "attempt to bring about social, political and economic change."

"Zero, absolutely zero," Fortas replied.