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Fortas-Personality in the News 480, 2 takes total 550

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WASHINGTON AP -- Abe Fortas, picked to be chief justice of the United States, can be expected if confirmed to champion extension and possible expansion of the role of the Supreme Court as defender of individual liberties.

As an attorney, Fortas carved out a place for himself in that field. As a member of the court since 1965, he has broadened the role through his votes in court councils and the opinions he has written.

Those decisions have in the main paralleled those of Chief Justice Earl Warren, whom Fortas was named Wednesday to succeed, but with variations.

Fortas is one of President Johnson's oldest confidants and advisers, and in some respects perhaps his closest. He has been in the councils of high decision ever since Johnson began moving into upper realms of government. Their association goes back to Johnson's years in the House.

Fortas, just turned 58 on June 19, is the one Jew on the Supreme Court. None of his faith has been chief justice.

He is a native of Memphis, Tenn., son of William and Ray Berson Fortas. The father was a cabinet maker immigrant from England.

At the age of 13 he began earning a living by playing the violin at dances and parties.

He achieved almost professional ability and put himself through Southwestern University and Yale Law School with his music.

After graduation from Yale Law School, Fortas taught there from 1933 to 1937, dividing time between that and posts with various New Deal government agencies. He was made undersecretary of the Interior in 1942 when he was 32, and served until 1946.

In the latter year he formed a law partnership with Thurman Arnold and Paul Porter which has been among the capital's most prestigious. It was from that lucrative practice that Johnson persuaded Fortas to move to the Supreme Court.

His professional association with Johnson dates back to 1940 when he went to the Supreme Court with an appeal that helped put the future president into the Senate.

Johnson had won a Texas primary by only 87 votes and a federal judge had ordered his name off the ballot until the outcome could be investigated.

Fortas took the issue to Justice Hugo L. Black who set aside the order. Johnson's name went on the ballot and he won the election.

Perhaps Fortas' most celebrated case before the high court was his appeal, as a court-appointed lawyer, on behalf of Clarence Gideon, a penniless Floridian sentenced to five years for breaking into a pool hall with intent to steal.

The appeal was based on the contention Gideon should have had a court-appointed lawyer at trial, and the resulting ruling overturned a 1940 decision.

On the Supreme Court Fortas quickly fit smoothly into the liberal majority that has dominated court action under Warren. Others in that group have been William J. Brennan Jr., William O. Douglas and much of the time Black.

Fortas was on the winning side in rulings that upheld the 1966 federal voting rights law, outlawed payment of a poll tax as a condition for voting in state and local elections, and threw out the requirement for registration of Communist party members with the government.

His vote was crucial in the 5-4 ruling against use in evidence of statements made by suspects whose constitutional rights against self-incrimination were not protected by police.

Fortas was one of the losers when the court majority held that only rare circumstances justify moving charges against civil rights workers from state to federal court.

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WASHINGTON Take 2 Fortas-Personality in the News AO39WX: court.  
On the bench Fortas has shown himself incisive, and sometimes sharp, in questioning of lawyers. Some associates have described him as secretive and introspective.

His wife, a member of Fortas' old law firm, is rated as a leading tax attorney. They were married in 1935 and have no children.

They live in the Georgetown section of Washington and generally steer clear of the capital's social circuit.

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