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WASHINGTON AP - Earl Warren said Friday he would stay on as chief justice if the Senate fails to confirm Abe Fortas as his successor.

"I am obliged to, under my oath," Warren told a news conference.

However, he said he expects Fortas to be approved and become "great chief justice."

Warren offered to retire in a letter June 13 to President Johnson. Two weeks later, the President named Fortas, now an associate justice to succeed Warren and also nominated U.S. Circuit Judge Homer Thornberry to the Supreme Court.

Warren discussed these events with reporters against a backdrop of a budding effort by 19 Senate Republicans to block the court switches. They would prefer to let the new chief justice be named by the new president to be elected in November.

Although it had been announced in advance that Warren would not discuss "politics" with reporters, he answered their questions freely except for one. That was whether his offer to step down was an effort to keep Johnson's successor as

president from naming the next chief justice.  
"That gets us into the realm of politics," Warren said. "I left politics 15 years ago. I wouldn't like to have my retirement inject me into politics again."  
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WASHINGTON - Warren AO46WX add: again.

He described his decision to retire now as "a purely personal thing" and recalled that he has said he believed in a "cut-off date" for federal officials. He is 77.

So far as the possibility that he would continue as chief justice when the court reassembles in October, Warren said:

"Well, it doesn't seem very probable to me."

He added he supposed it was possible if Fortas were not confirmed, but continued: "I neither expect nor hope that would be a fact."

Warren firmly defended Johnson's authority to name a successor rather than leave the task to the president who, elected in November, takes office in January. The chief justice vigorously rejected the suggestion that Johnson was a "lame duck" president.

"I thought that as long as a man is president he has a right to perform the duties of the office," Warren said.

He observed that the 22nd amendment to the Constitution limits presidents to two elected terms and said that by the same token any president whose second term is running out could be considered a lame duck.

Speaking of Johnson, the chief justice said: "I don't look at it in terms that the President is a lame duck president because he announced his retirement almost a year in advance."

Johnson said March 31 t

Johnson said March 31 that he would not accept nomination to another term. He has been elected to a full term only once.

By BARRY SCHWEID  
Associated Press Writer  
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WASHINGTON-Warren ACOLWX 2nd add: only once.

Warren said he first told Johnson of his retirement plans the morning of June 18, calling him up on the telephone and then going over to the White House to present the letter.

He said they had not discussed the subject earlier and they did not discuss a successor even then.

"I would not dare to broach a subject of that kind myself," Warren said. "I do not believe it would be in character to do so."

Warren said he left his retirement date open for several reasons.

"There ought always to be a chief justice of the United States because the court is a continuous body and should have the leadership it's entitled to have," he said.

Besides, he said, "There is a lot of administrative work to be done while confirmation of a new chief justice is pending.

"If I had selected a date for my retirement and my successor had not qualified, there would be a vacuum," Warren said.

Moreover, he said if the court entered its new term in October without a chief justice there would be a danger of 4-4 decisions. There are nine justices on the Supreme Court.

He said that by retiring toward the end of the court's term the way he did, "I would provide for continuity in office."

Warren spoke of Fortas in glowing terms, saying he "had a great record" as a lawyer, teacher of law, government administrator and Supreme Court justice.

Asked about Thornberry, Warren began by saying he didn't know him well, but went on to say the nominee, a Texan, had established himself as "a distinguished judge" and that Warren believed "he will be an excellent justice."

Looking back on his 15 years as chief justice, Warren described as most important in that span the March 1962 decision that federal courts have jurisdiction to redress malapportioned state legislatures.

Right behind this he ranked the 1954 ban on racial segregation in public schools and the March 1963 decision giving poor defendants the right to a lawyer.

Looking ahead generally, he said, "I do believe we are coming into a new era so far as American life and probably so far as the world is concerned.

"All of this turbulence, all of the disruptions of every kind that we read about in the press every day, all of the dissension that is extant, indicates that there must be great adjustments of some kind coming in the life of our state-certainly in society, and possibly in our economy, I don't think that could well be called a new era.

"The court lives in the era and must play its part."<sup>KNOW</sup>

Asked for his views on capital punishment, Warren described himself as neither an advocate nor an opponent, but said, "I would not be unhappy to see the day when the government did not engage in capital punishment."

He said "throughout my life it is something that has been repulsive to me to have the government take human life when it is asking everyone else not to take human life."

Of the criticism he and the court have received over the years, Warren said, "We're all human and like to see good things said about us."

However, he said, he never "reacted strongly" although "once in a while you'd like to talk back." The reason he didn't Warren said, was "You can't do that on the court."

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