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By BARRY SCHWEID

Associated Press Writer

WASHINGTON AP - Earl Warren says he will stay on as chief justice of the United States if the Senate does not confirm Abe Fortas as his successor.

But, Warren told a news conference Friday, he expects Fortas to be approved despite the declared opposition of 18 Republican senators and he believes Fortas will be "a great chief justice." "I am obliged to stay on," Warren said. "I suppose that under the oath I am obliged to perform the duties of my office. I neither expect nor hope that would be a fact."

Michigan's Robert P. Griffin, leader of the Republican opposition bloc, declined comment on Warren's declaration. There was no immediate reaction from the others, scattered across the country for the long July 4th weekend.

But the Republicans, who claim unnamed supporters among Southern Democrats, say their campaign is based on principle more than personalities.

They have accused President Johnson of "cronyism" in naming Fortas as chief justice and long-time Texas friend Homer Thornberry as an associate justice. They are mainly opposed, however, to what they call a "lame duck" president making court appointments.

They said they would press ahead with their campaign even when Democratic Senate Leader Mike Mansfield declared last week that he expected Warren to stay on if he had to and in effect gave his colleagues a choice between Warren and Fortas.

Mansfield's comments were viewed by some of the Republicans as an effort to weaken any Southern Democratic support. The Southerners have been loudly critical of the court under Warren and presumably would find little difference between Warren and Fortas who often have voted together.

In talking with newsmen in the court's east conference room Warren stoutly defended Johnson's authority as well as his selections.

Johnson, said Warren, is no more a "lame duck" president than any other president serving his last term in office. The chief justice rejected the idea that Johnson should have left the nominations to the next President, saying: "I thought that as long as a man is president he has a right to perform the duties of the office."

Lavish in praise of Fortas, Warren said he had "a great record" on the court and earlier as a lawyer, teacher of law and government administrator.

Asked also what he thought of Thornberry, now a U.S. Circuit Court judge in New Orleans, Warren said he did not know him as well but that he believed he will become "an excellent justice."

The chief justice said he called Johnson the morning of June 10 to say he was retiring and that the telephone conversation, followed by an immediate visit to the White House, was their first talk on the matter. He said they did not discuss a successor.

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

The chief justice said he left his retirement date open on a June 10 letter to Johnson so he could stay on to handle the court's administrative work during the summer recess.

He said another reason was to overcome the "danger of 4-to-4 decisions" when the new term begins in October.

Warren said he had been pondering retirement for a number of years and that the decision was "a purely personal thing." He ruled out health as a reason, saying it "has been very good."

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The court's press officer, Banning Whittington, told reporters beforehand they should not put political questions to the chief justice.

And during the session itself, Warren ruled out of bounds a question whether he was retiring now so that his successor could be named by Johnson rather than the president who takes office in January.

"That gets us into the realm of politics," he said with a smile. "I left politics 15 years ago. I wouldn't like to have my retirement inject me into politics again."

The chief justice, looking back on the last 15 years, ranked as the most important ruling in that span the March 1962 decision *Baker v Carr* that the court has jurisdiction to correct malapportioned state legislatures.

Looking ahead, he said "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."

The court, he said, "must play its part" as the change occurs.

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