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Chief Justice 300

HELENA, Mont. AP - Chief Justice Earl Warren, whose retirement from the Supreme Court has become ensnared in a Senate fight over a successor, says he may still be presiding over the high court when it opens its new year in October.

But Warren predicted Friday the Senate eventually will approve Justice Abe Fortas to take his place rather than keep him.

Fortas' nomination is caught in a Senate committee, with a filibuster threatened when it reaches the Senate floor after Congress returns in September.

Warren told a college luncheon here, "I'm very much afraid I'm going to have to open up that court in October."

But he added, "Those people in Washington who have refused to approve the nomination are not trying to keep me. Between accepting Abe Fortas and keeping me, they are going to take Abe Fortas."

Much of the fire aimed at Fortas has come from Southern senators who long have been critical of Warren for court rulings on civil rights and crime.

The Supreme Court resumes Oct. 7. Congress is expected to be under heavy pressure to go home by early October so members can return to the campaign trail for the November election. Senate leaders already have hinted Congress may be asked to come back for a rump session after election day.

Warren gave no indication how long he expects he may continue on the court.

The 77-year-old chief justice submitted his resignation in June, but President Johnson accepted it effectively only when a successor is confirmed. Warren said July 5 he would remain as chief justice if Fortas is not approved, but added he didn't think that was likely. He also called it improbable at that time that he would be presiding when the court returns this fall.

But Warren said Friday "there is a lot of maneuvering going on in Washington," and added time seems to mean nothing to Senate committees.

Warren interrupted a fishing trip to Northern Montana to make an impromptu address to a luncheon at Carroll College which was bestowing an honorary degree on a personal friend of the chief justice.

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