

## Texts of Fortas Letter and the President's Statement

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WASHINGTON, Oct. 2 — Following are the texts of a letter from Associate Justice Abe Fortas to President Johnson asking that his nomination as Chief Justice of the United States be withdrawn and of a statement by Mr. Johnson accepting the request:

### Fortas Letter

My Dear Mr. President:

I note the failure of the motion to end the filibuster in the Senate with respect to my nomination as Chief Justice of the United States. The 1968 term of this Court begins, according to law, on Monday, Oct. 7. I will, of course, be participating in its work as Associate Justice.

In view of these circumstances, I ask you to withdraw my nomination as Chief Justice. Continued efforts to secure confirmation of that nomination, even if ultimately successful, would result in a continuation of the attacks upon the Court which have characterized the filibuster—attacks which have been sometimes extreme and en-

tirely unrelated to responsible criticism.

Attacks of this sort would be especially inappropriate and harmful to the Court and the nation if they should continue while the Court is in session, engaged in the adjudication of issues of great importance to the nation as well as the litigants.

I do not want to provide the occasion for a situation of this sort. My action in submitting this request for withdrawal should avert the danger that it will occur; and I hope that my withdrawal will help put in motion a process by which there will be an end to destructive and extreme assaults upon the Court.

I appreciate the confidence in my qualifications which led you to nominate me as Chief Justice. I wish particularly to thank my colleagues at the bar and in the law schools for their support, and to express my appreciation to those members of the United States Senate who have supported me.

I pray that we shall see, in all of our nation, renewed dedication to the principles of fairness and justice and moderation, without which

our democracy cannot continue.

It is in this spirit that I respectfully ask that you honor my request for withdrawal of my nomination as Chief Justice of the United States.

Sincerely,

ABE FORTAS

### Johnson Statement

With deep regret I have accepted and concur in the request of Mr. Justice Fortas and am withdrawing his nomination as Chief Justice of the United States. I believed when I made this nomination, and I believe now, that he is the best qualified man for this high position. The action of the Senate, a body I revere and to which I devoted a dozen years of my life, is historically and constitutionally tragic.

I urge all involved with and concerned about our Constitution and its form of Government to pledge now that this shall be no precedent, that the Senate hereafter will act by majority will and never fail to address itself to the issues which it has the constitutional duty to answer.