

Solons Oppose Forcing Fortas To Face Probe

By WALTER R. MEARS

WASHINGTON (AP) — Several senators—Republicans and Democrats alike—say Abe Fortas should answer allegations about his financial conduct, but few appear eager for an official inquiry unless the Supreme Court justice volunteers to testify.

"The Senate and the nation are waiting for Mr. Fortas to indicate that he would like to come," said Sen. Robert P. Griffin, R-Mich.

DEMOCRATIC Leader Mike Mansfield endorsed a suggestion yesterday that the Senate Judiciary Committee offer a forum for Fortas if the justice should decide to reply to allegations that he received a fee after joining the Supreme Court.

"The situation has created a state of unease in the Senate and a state of concern," Mansfield said of the Fortas case.

He said it was up to Fortas and the committee to decide whether they would do anything.

SEN. EDWARD Kennedy of Massachusetts, the Senate's No. 2 Democrat, initially proposed that the committee make itself available so Fortas could discuss the alleged \$20,000 fee from the family foundation of Louis E. Wolfson, a financier now serving a prison term for selling unregistered stock.

Life magazine said Fortas received that amount and returned it after 11 months. Fortas himself said he was tendered and returned a fee from the foundation. But he did not mention the time or the amount involved.

KENNEDY said yesterday he had word the Judiciary Committee would not initiate an inquiry unless Fortas asked to be heard. Chairman James O. Eastland, D-Miss., is said to feel any investigation is a matter for the House to initiate.

Griffin spearheaded the successful fight last year against President Johnson's attempt to name Fortas chief justice. One of the criticisms leveled against Fortas at that time involved his acceptance of \$15,000 for a lecture series at the American University law school.

Fuller Fortas Explanation Needed

The better part of a week has passed since public allegations that Supreme Court Justice Abe Fortas held for 11 months a proposed \$20,000 fee from the Wolfson Family Foundation, formerly headed by a stock manipulator.

No fuller explanation has come from Justice Fortas beyond his sketchy statement of last Sunday. In it he acknowledged receipt of the fee in 1966 shortly after he mounted the bench and said he subsequently returned it to the foundation.

Such a sensitive matter which deals with the reputation of the nation's highest court deserves a full and explicit explanation. Anything less is simply not enough and Justice Fortas as a lawyer of widely recognized ability should be the first to recognize as much.

For those who are on the highest tribunal, the demands of that respected office are exacting. Beyond observing standards of propriety, members of the court must

avoid even the "appearance of impropriety," in the language of the American Bar Association. And in his personal life, a judge is to be "above reproach."

While there is no allegation that Justice Fortas was compromised by the foundation's offer to hire his services, many questions deserve to be put to rest. One is the leisureliness of his decision about the fee. Another is fuller disclosure of the Wolfson relationship.

And there seem to be other matters pertaining to the jurist's old law firm, with which his wife, an attorney, is associated.

This newspaper believed last year that Justice Fortas was of a caliber to warrant Senate ratification of his appointment as chief justice. In the Wolfson affair and his incomplete explanation we admit deep disappointment.

At the least, he has caused the court to be placed under a cloud. Failure to remove it will harm the court and destroy his usefulness to it.