

# Gave Warren Fortas Info, Mitchell Says

WASHINGTON (AP)—Atty. Gen. John N. Mitchell acknowledged today he passed on "certain information" to Chief Justice Earl Warren last week concerning the controversy surrounding Justice Abe Fortas.

Earlier, Newsweek magazine reported Mitchell had asked Warren to urge that Fortas resign from the court.

Chief Justice Warren confirmed he had spoken with Mitchell last Wednesday. Warren said he would have no further comment.

In a terse statement in response to inquiries, Mitchell said:

"AT MY REQUEST, the chief justice was kind enough to see me in his chambers last Wednesday, May 7, 1969, at 11:30 a. m.

"As a courtesy to the chief justice, I felt it incumbent upon me to inform him of certain information known by me which might be of aid to him."

After Mitchell issued his statement, a Justice Department spokesman said there would be no further comment.

The Memphis Press-Scimitar quoted a source in Fortas' Washington office as saying, "Justice Fortas has no intention of resigning at this time."

The source was quoted as saying Fortas' trip today to

(Turn to Page 6, Column 4)

Continued from Front Page

Memphis to address Memphis State University law students was not connected with the current controversy.

"He made the date in Memphis several months ago and he didn't intend it for a platform to announce his resignation," the source was quoted.

Newsweek said Mitchell visited Warren on orders of President Nixon but the White House press secretary, Ronald L. Ziegler, said today:

"THE PRESIDENT DID NOT DIRECT the attorney general to discuss this matter with Chief Justice Warren."

And, Ziegler said, "to draw the conclusion that the President is directly involved in any matter relating to Justice Fortas would be the wrong conclusion to draw."

He said the President is of course informed on the Justice Fortas matter and talks to the attorney general.

He said Republican congressional leaders Sen. Everett M. Dirksen of Illinois and Rep. Gerald Ford of Michigan gave an accurate report after their meeting with President Nixon last week at the White House that the Fortas matter came up "in general terms." He added it was accurately reported President Nixon had said he hoped it would not become a partisan issue.

NEWSWEEK SAID MITCHELL TOLD WARREN the Justice Department has "far more serious" information than has been revealed so far in Fortas' case and "the facts were bound to come out eventually." He has been charged with accepting money from a private foundation.

Warren was not available today to newsmen but the Supreme Court press office said there would be no comment on any report of "private conversations."

Fortas, whose nomination last year by President Lyndon B. Johnson to be chief justice was withdrawn under heavy congressional pressure, has come under new fire since the disclosure that he accepted, but later returned, a \$20,000 fee from a charitable foundation set up by the family of Louis Wolfson, a financier now in jail after being convicted of violating securities laws.

REP. H. R. Gross, R-Iowa, said yesterday he has prepared articles of impeachment against Fortas and will present them in the House unless the justice resigns in a "reasonable time." He did not say what he views as a reasonable time.

Gross said his resolution accuses Fortas of malfeasance, misconduct and impropriety,

based largely on the fee from the Wolfson foundation.

A few hours before Gross' statement, Sen. Walter F. Mondale of Minnesota became the first Democratic senator to say publicly that Fortas should resign.

AT A NEWS conference in Minneapolis, Gross called the situation a national tragedy and said he was acting "because no one else seemed willing to do it."

Newsweek also said President Nixon discussed Fortas at the regular White House strategy session last week, urging party leaders "not to involve this matter in partisanship" and expressing hope that no one would rush toward impeachment.



—AP WIREPHOTO.  
JUSTICE ABE FORTAS of the U.S. Supreme Court arrives in his hometown of Memphis, Tenn., to speak at Memphis State University. Fortas is the center of a controversy over allegedly accepting money from a private foundation and reportedly is under pressure to resign or face impeachment proceedings.