

Mitchell Confirms Giving Warren Fortas Report

By FRED P. GRAHAM

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WASHINGTON, May 12—Attorney General John N. Mitchell confirmed today that he went to the Supreme Court last week to give Chief Justice Earl Warren information that the Justice Department has concerning Justice Abe Fortas.

But the White House denied that the Attorney General had acted at President Nixon's behest.

In response to queries about a reported meeting between the two officials on the Fortas controversy, the Justice Department issued a brief statement by Mr. Mitchell. He 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 on me to inform him of certain information known by me which might be of aid to him."

Confirmation Seen

Justice Department sources would not elaborate on the statement, and the Supreme Court's press office confirmed only that the two men had met.

However, Mr. Mitchell's acknowledgement that the meeting did occur was seen as substantiating reports that the Justice Department has additional information about Justice

Fortas's affairs that has not yet come to light.

The meeting at the Supreme Court was reported in the current issue of Newsweek magazine, which said that Mr. Mitchell had warned the Chief Justice that "far more serious" information was known about Justice Fortas than the recent disclosure that he had accepted a \$20,000 fee from the family foundation of Louis E. Wolfson.

Wolfson was indicted on a charge of selling unregistered securities, and the fee was returned by Justice Fortas.

The article stated that Mr. Mitchell's purpose was to urge Mr. Warren to prevail upon Justice Fortas to resign before the more serious facts became public knowledge.

No officials would comment today on the nature of the "certain information" that was revealed to Mr. Warren. One Government source did say that the Justice Department's investigation had gone beyond the fee into other financial matters involving Justice Fortas.

Ronald L. Ziegler, the White House press secretary, denied today the additional assertion by Newsweek that Mr. Mitchell's mission had been carried out at the behest of President Nixon. He said at the morning news briefing that the President "did not direct the Attorney General to discuss this mat-

ter with Chief Justice Warren."

Mr. Nixon is kept informed on the Fortas affair and maintains contact with Mr. Mitchell, Mr. Ziegler said, but he asserted that "to draw the conclusion that the President is directly involved in any matter relating to Justice Fortas would be the wrong conclusion to draw."

By many accounts, Mr. Nixon has expressed interest in the Fortas controversy but has repeatedly urged Republican leaders not to give the impression that the pressures for Justice Fortas's resignation are partisan.

However, today Senator Paul J. Fannin, Republican of Arizona, was widely quoted as having said that Justice Fortas's resignation "will be forthcoming shortly."

Senator Fannin, the author of a resolution calling for a special Senate investigation into the controversy, said that he had decided not to file the document after a friend, "a downtown attorney," telephoned last week to say that it "would be unnecessary because Justice Fortas would resign soon."

Senator Fannin said that his caller was a "very reliable" source but was not a Government official. He said that he had not discussed the Fortas matter with his former cam-

paign manager and fellow Arizonian, Richard D. Kliendienst, until that afternoon.

According to Senator Fannin, he telephoned Mr. Kliendienst, now Deputy Attorney General, today after some newsmen began to imply that Mr. Kliendienst had had a hand in the Senator's action in the Fortas controversy.

On the Democratic side, Senator James B. Allen of Alabama became the second Senator from his party to call for Justice Fortas's resignation. He said that Justice William O. Douglas should also resign.

Senator Allen was critical of the lecture fees that both Justices have reportedly received. The first Democratic Senator to call for Justice Fortas's resignation was Walter F. Mondale of Minnesota.

Another Democrat, Senator Allen J. Ellender of Louisiana, said in a report to constituents today that justice Fortas's integrity and the integrity of the Supreme Court would suffer unless Mr. Fortas made "a full and complete explanation" of the Wolfson fee.

Senator Mike Mansfield, the Senate Democratic leader, has not criticized Justice Fortas directly but suggested today that Federal judges and executive branch officials should go as far as members of Congress in disclosing outside income.



Associated Press

IN TENNESSEE: Justice Abe Fortas in Memphis yesterday, where he was to speak at Memphis State University.