

Tydings Declares Fortas Must Resign Immediately

By FRED P. GRAHAM 14 MAY 69
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WASHINGTON, May 13— He said that he sent a letter to Justice Fortas last Friday urging him to give a further explanation of the charge by Life magazine that he had accepted and later returned a \$20,000 fee from the family foundation of Louis E. Wolfson.

"The confidence of our citizenry in the Federal judiciary must be preserved," the Maryland Democrat said at a Capitol Hill news conference this afternoon. "Mr. Justice Fortas must resign immediately."

The statement by Senator Tydings assumed particular significance because he is the chairman of the Senate Judiciary Committee's Subcommittee on Improvements in Judicial Machinery and is considered a specialist on the Federal judiciary.

Wolfson was subsequently jailed for selling unregistered securities.

"I believe the Fortas situation has deteriorated beyond recall," Mr. Tydings said. "I have concluded that no explanation at this point can remedy the damage which has been done to the Court and to our entire judicial system."

He added that "if the Justice Department has further evi-

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Tydings Argues Fortas 'Must Resign Immediately'

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dence of impropriety they should bring it before a grand jury."

Senator Tydings's statement heightened the pressures that have centered on Justice Fortas, as demands for his resignation have grown. He has given no sign that he may step down.

Reports continued to circulate in official circles that Justice Fortas's resignation was eminent.

At the last minute this afternoon, he canceled a scheduled speech before a meeting of Federal judges in New Castle, N.H. It was the first scheduled appearance Justice Fortas had missed since the Wolfson con-

troversy erupted 10 days ago.

However, his close friends and associates say that he still gives the impression that he does not intend to leave the Court. People who have spoken with him recently report that he considers the Wolfson fee proper and says other members of the Court support him.

There has been much speculation in Congress that impeachment proceedings will begin soon if Mr. Fortas remains aloof.

Today the Senate minority leader, Everett McKinley Dirksen, remarked that it might be improper for Senators to express opinions on the Fortas affair, since they would sit as

judge and jury in any impeachment action.

Under the Constitution, the House initiates impeachment and the Senate conducts the trial.

Senate Dirksen made the statement at a news conference, where he also quoted Gerald R. Ford of Michigan, the House Republican leader, as saying that no impeachment move was expected for a few days.

Mr. Ford reportedly said that Representative H. R. Gross, Iowa, Republican, had drafted articles of impeachment but was holding them pending developments.

Senator John J. Williams, Republican of Delaware, declaring

that Justice Fortas had no choice except to resign, announced today that he would continue to delve into the propriety of the Fortas fee, anyway.

Senator Williams said in a Senate speech that he had written to William Gossett, president of the American Bar Association, Attorney General John N. Mitchell, and Chief Justice Earl Warren, asking them to give their opinions as to the legality and propriety of Justice Fortas's receipt of the Wolfson fee.

He said that Mr. Gossett, a Detroit lawyer, had replied that he would respond within a few days.