

A FORTAS HEARING IS URGED IN HOUSE; CELLER HAS PLAN

Brooklynite Asserts He and McCulloch Agree on Move but Won't Disclose It

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WASHINGTON, May 14—Initial steps were taken in the House of Representatives today for an investigation of the charges against Associate Justice Abe Fortas of the Supreme Court.

The House Judiciary Committee was urged by Representative Clark MacGregor, Republican of Minnesota, to hold a preliminary hearing next Tuesday at which Justice Fortas and Attorney General John N. Mitchell would be invited to appear.

Such a hearing could lead to impeachment proceedings, which must originate in the House, but Mr. MacGregor said that he was making the suggestion because charges against Justice Fortas were being aired by "innuendo" in the press rather than in formal channels.

In reply, Representative Emanuel Celler, chairman of the committee, disclosed that he had already agreed with the panel's ranking Republican, Representative William M. McCulloch of Ohio, upon a course of action "to be taken in the not-too-distant future."

He would not explain what the course was.

No Word From Fortas

There was no further word from Mr. Fortas today, and indications were that unless he or the Supreme Court made a move to resolve the situation, the House would take some action.

The Supreme Court will meet in private on Friday for its first regular conference since the controversy began over Justice Fortas's receipt of a \$20,000 fee from the family foundation of Louis E. Wolfson, who was imprisoned last month for selling unregistered securities.

Some officials here appear to be delaying further action until after that meeting in the hope that Justice Fortas will resign or that the Court will give some sign that it will undertake to deal with the controversy.

The only sign from Justice Fortas was the release by his office of statistics showing that mail and telegrams to his office were running 4 to 1 in his favor.

According to the Supreme Court's press spokesman, who released the information, Justice Fortas has received 1,000 communications, with 80 per

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cent urging him to remain on the Court and 20 per cent telling him to quit.

He worked in his office today and gave no indication that he was being affected by the pressures of the controversy.

Last night newsmen watched outside his home. Their vigil produced reports that he had conferred for several hours with Justice William O. Douglas and Paul A. Porter, a former law partner of Justice Fortas's.

Representative MacGregor was the second Congressional figure to express concern today about unofficial moves in the Fortas controversy.

Senator Edward M. Kennedy, Massachusetts Democrat, told reporters that Mr. Mitchell should "make available to the members of Congress and the American people" any information he possesses on the matter.

Mr. MacGregor, who was active in the Nixon campaign, telephoned Mr. Mitchell, who once served as Mr. Nixon's campaign manager, before he made his proposal in the House.

He then submitted on the floor of the House a letter to Mr. Celler, in which he asked the Brooklyn Democrat to begin the investigation into Justice Fortas's alleged failure of "good behavior"—the standard of conduct that the Constitution requires judges to maintain.

The Justice Department,

which has been smarting from suggestions that it had encouraged the moves against Justice Fortas, issued a brief statement saying that the department "could have no objection to actions which are legally within the prerogatives of the House."

Obligations Cited

The statement added that any possible cooperation by The Justice Department in the investigation "would be guided by the statutory and constitutional obligations imposed on each branch."

This appeared to be a caveat that the department might refuse on the basis of executive privilege to make full disclosure if the House's procedures seemed inappropriate.

Under the Constitution, the House initiates impeachment proceedings and the Senate sits as judge. The House Judiciary Committee normally holds an investigation or hearings before it votes on whether to move a bill of impeachment to the House floor.

Two Republicans, Robert Taft Jr. of Ohio and H. R. Gross of Iowa, have said that they have drafted articles of impeachment against Justice Fortas. Both have said that they plan to let events run their course for a time before filing the documents.

Mr. Celler would not elaborate on the situation in an interview later today, and Mr. McCulloch refused even to comment on a report that he and Mr. Celler had conferred with Mr. Mitchell at the Justice Department this afternoon.

Former Attorney General Ramsey Clark said in an interview today that he had been informed last Nov. 8 that Life

magazine was about to publish a story that Justice Fortas had accepted a fee from the Wolfson Foundation. When the story finally appeared 10 days ago it touched off the current controversy.

Mr. Clark said that he had not ordered an investigation into the matter because the department frequently received unfounded accusations against judges and this incident did not appear improper.

"There was never any implication that it was more than another fee for consultation," Mr. Clark said. He said that he had been informed of the matter by Justice Department attorneys who were preparing the case that led to Wolfson's conviction.

When the article did not appear in the next few issues of Life, Mr. Clark dismissed the subject from his mind.