

Congress, Showing Relief, Drops Fortas Inquiry Plan

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WASHINGTON, May 15—With evident relief over the resignation of Associate Justice Abe Fortas, Congressional leaders—spared the possibility of impeachment action—sought today to close the books on the Fortas affair.

"I feel like a woman who has been delivered of a baby," declared Representative Emanuel Celler of Brooklyn, chairman of the House Judiciary Committee.

His statement reflected a widespread feeling of relief in Congress, where the possibility of an impeachment proceeding had increased every day that the Fortas case continued.

As one House leader put it, "A tempest was blowing up in Congress to impeach Mr. Fortas."

The Celler statement also reflected a common Congressional view that with the Fortas resignation, public confidence in the Supreme Court should be restored. For all the criticism of Mr. Fortas personally, the overriding concern in Congress had been over the effect that the Fortas affair might have had in impairing the integrity of the Court.

Inquiry Was Planned

Mr. Celler had been prepared to open a Judiciary Committee inquiry, looking toward impeachment proceedings against Mr. Fortas.

After Mr. Fortas resigned, Mr. Celler, along with Representative William M. McCulloch of Ohio, the ranking Republican on the Judiciary Committee, took the position that there was no need for further Congressional investigation into the affair.

"As far as the Judiciary Committee is concerned, it is a closed chapter," Mr. Celler said. "Any further action would be like feeding on a carcass."

Among some Republicans, there were rumblings about how they might make political capital by exploiting a case involving a close friend and appointee of President Johnson.

Further Action Urged

There were also Congressional demands that the Justice Department take further action against Mr. Fortas, perhaps by impaneling a grand jury to investigate his financial affairs.

Mr. McCulloch said he was sure the department "should and will perform its constitutional duty."

Along with Congressional demands that the Justice Department disclose all the information it has in the Fortas case came demands from some Democrats that Congress investigate the way the department may have used this information against Mr. Fortas.

"If the public rumors of intimidating use of information to force a withdrawal of Mr. Fortas along with a hush-up are accurate," said Senator Albert Gore, Democrat of Tennessee, "then this is as plainly in contradiction of ethics as the action of which Mr. Fortas was accused."

In view of the solid opposition of the elders of the Judiciary Committee and the Republican leadership, it did not appear likely that Republicans would succeed in keeping the Fortas case alive in Congress.

Reflecting a desire in Congress to protect the Court

Fortas Is First Justice To Resign Under Fire

WASHINGTON, May 15—Abe Fortas is the first Supreme Court Justice to resign after being accused of misconduct in office.

Court historians agree that no other Justice since the early years of the Republic has been under substantial public pressure to resign because of alleged personal impropriety.

One Justice, Samuel Chase, faced impeachment in 1804, primarily for his political activities against President Jefferson. Chase was acquitted by the Senate the next year, and there has never been another impeachment.

One noted author of books on Court history, who asked not to be identified, said in a recent interview, "There's no question about it. The Fortas case is without parallel."

against further changes, the House Republican leader, Gerald R. Ford of Michigan, said, "The matter is best resolved as Mr. Fortas has resolved it."

Representative Clark MacGregor, Republican of Minnesota, who yesterday demanded a Judiciary Committee investigation, acknowledged today that he was helpless to proceed in the face of the "irrevocable" position being assumed by the two senior members of the committee.

As an alternative, he suggested that the American Bar Association or the Judicial Conference of the United States should investigate the case and make public "the relevant facts."

"I passed the ball yesterday to Mr. Celler, and he elected to drop it today," Mr. MacGregor told reporters in the House cloakroom.

Demands for Controls

While the Fortas case itself may be closed in Congress, it was apparent that the affair would lead to Congressional demands for tighter financial controls over the judiciary and closer Senate scrutiny of judicial appointees.

Senator Joseph D. Tydings, Democrat of Maryland, said that within the next week he would convene his Judiciary Subcommittee on Improvements in Judicial Machinery to discuss legislation requiring judges to disclose their financial interests and setting up new machinery to deal with judges who failed to meet the constitutional requirement of "good behavior." Mr. Celler promised "earnest consideration" of such legislation on the House side.

Representative H. R. Gross, Republican of Iowa, who had prepared articles of impeachment against Mr. Fortas, suggested that the House Judiciary Committee now should look into Justice William O. Douglas's relationship with the Parvin Foundation. Mr. Douglas is president of the foundation, which provides scholarships to foreign students.

Over the last several years, Mr. Gross said on the House floor, Mr. Douglas has received a \$12,000 annual fee from the foundation whose "money in part comes from gambling tables in Las Vegas."