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Congress Greet Fortas Resignation With Relief

By Warren Unna

Washington Post Staff Writer

Most members of Congress were vastly relieved yesterday that Supreme Court Justice Abe Fortas had resigned in time to free them of the unpleasant task of voting on an impeachment proceeding and subsequent trial.

"I feel like a woman that's been delivered of a baby," Chairman Emanuel Celler (D-N.Y.) of the House Judiciary Committee declared in obvious relief.

Celler purposely had been foot-dragging on an impeachment proceeding which would have originated with his Committee because of indications from the Justice Department that Fortas resignation would be forthcoming.

All Congressional statements yesterday, cautious as some were, left no doubt that the legislators could find no excuse for Fortas's financial dealings.

Some on Capitol Hill urged that the Justice Department now look into possible criminal proceedings against Fortas; others urged that there be an examination into the ethics Attorney General John N. Mitchell used in the preliminaries which flushed out the resignation.

Sen. Strom Thurmond (R-S.C.), one of the Senate's leading conservatives, said the Supreme Court "has increasingly become a political rather than a judicial body."

Thurmond suggested that Justice William O. Douglas now "examine his own questionable financial arrangements and his involvement in

controversial political issues with a view toward following Mr. Fortas's example." Douglas has accepted lecture fees and a retainer from a foundation.

But Celler seemed to express the prevailing sentiment in likening Fortas' fall from grace to a "Greek tragedy." He warned that any further Congressional action "would be in the nature of feeding on a carcass," and explained that any House Judiciary Committee inquiry now "would eventuate in a sort of criminal prosecution, and that is the function of the Department of Justice."

Both Celler and the Committee's senior Republican, Rep. William M. McCulloch (Ohio), had been given a look at the Justice Department's file on Fortas by Attorney General John N. Mitchell Wednesday afternoon. Both agreed to delay action, despite growing Congressional pressure for impeachment, on the strong indication that Fortas's resignation soon would be in hand.

Rep. H.R. Gross (R-Iowa), who had prepared impeachment papers days ago, urged that a Federal grand jury be impaneled immediately "to conduct a sweeping investigation of the activities of this man, of his former law firm (Arnold & Porter) and their relationships and dealings with the past Administration."

Efforts were made to reach former President Johnson, a close personal friend of Fortas's, but no one was answering the telephone at the LBJ Ranch in Texas.

Rep. Bill Brock (R-Tenn.)

urged Chief Justice Warren to order a full review of all Supreme Court decisions in which Justice Fortas cast a deciding vote. "Nothing short of a complete review can restore that universal trust and respect which is so necessary if we are to maintain adherence to the law of our land," he said.

Sen. Joseph D. Tydings (D-Md.), who had been one of Fortas's chief supporters when President Johnson nominated him to be Chief Justice last year, urged that all Federal judges hereafter be required to disclose their financial interests. Sen. Peter H. Dominick (R-Colo.) went further and suggested that judges with life tenure be "re-examined periodically by reconfirmation proceedings."

Rep. Clark MacGregor (R-

Minn.), who for the past few days has been urging a complete investigation into the Fortas affair, yesterday suggested that it still be conducted — but perhaps by either the American Bar Association or the Judicial Conference of the United States, rather than the Congress itself.

MacGregor also introduced bills making it a criminal offense to pay or offer to pay a judge or important public official more than \$500 for a speech and requiring quarterly financial disclosures by Federal judges and other important policy-making officials.

Senate Majority Leader Mike Mansfield (D-Mont.) said Fortas had done "the best thing, the only thing possible." Mansfield predicted that from

here on both the Executive Branch and the Senate would give Court nominations a far closer screening.

Sen. Albert Gore (D-Tenn.), from Fortas's home state, said that if Attorney General Mitchell had indulged in "intimidating use of information to force a withdrawal... then this is as plainly in contradiction of ethics as the action of which Mr. Fortas is accused."

Sen. Jacob K. Javits (R-N.Y.) said that while Fortas' resignation probably saved the Court from much embarrassment, he was "unhappy" with the way Mitchell handled the matter. Javits suggested that much of the vehemence directed at Fortas might have been stirred by displeasure with the Supreme Court as a whole for its "progressive decisions."

Wolfson Asks Court for Retrial

NEW YORK, May 15 (AP)—Louis E. Wolfson, the jailed financier linked to the resignation of Supreme Court Justice Abe Fortas, asked in U.S. Circuit Court of Appeals today for a retrial.

Wolfson, 56, of Miami Beach, Fla., was convicted Sept. 29, 1967, of violating Federal securities laws and given a one-year prison sentence in Florida.

The Wolfson family foundation gave Fortas a \$20,000 fee while Wolfson's activities were under Government investigation. Fortas accepted the fee, then returned it 11 months later.

Lawyers for Wolfson tried

today to convince the three-judge Circuit Court that trial Judge Edmund L. Palmieri erred in denying a new trial on grounds of newly discovered evidence.

The U.S. Supreme Court has refused to review the conviction of Wolfson and his associate, Elkin B. Gerbert, 59, Jacksonville, Fla. Gerbert is serving a six-month jail term.

The Circuit Court has twice rejected challenges of the trial.

Wolfson, Gerbert and several others are scheduled to appeal in June another conviction, involving stock of Merritt-Chapman & Scott Corp.,

which Wolfson headed as board chairman.

The conviction being appealed today concerned stock dealings in Continental Enterprises, Inc.

A Wolfson lawyer, William O. Bittman of Washington, argued that a key Government document in the case was dated Oct. 16, 1950, and typed on paper that did not exist before 1952.

The defense said the document was used to convince the jury that an official of the Securities and Exchange Commission had explained to Wolfson the stock registration requirements of Federal securities laws.