

Mitchell Calls for End Of Attacks on Court

By John P. MacKenzie
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Attorney General John N. Mitchell, in a marked departure from past practice, called yesterday for "an end to irresponsible and malicious criticism" of the United States Supreme Court.

"Extremist critics of the court have vastly overreacted" to court decisions but "most

of the basic principles enunciated by the court have proved to be the best course for the nation to follow," Mitchell said in a Law Day speech.

The speech before the District Bar Association was warmly applauded by 2,500 persons at the Sonesta Hotel. But several lawyers in the audience commented afterward on the contrast between

yesterday's speech and the vigorous criticism of Supreme Court decisions by President Nixon in his 1968 campaign, which was managed by Mitchell.

The attorney general listed controversial decisions of the Warren Court on school desegregation, school prayer, obscenity, reapportionment, counsel for defendants and confessions and said, "I do not believe that any lawyer here, or any responsible citizen in this country, does not agree with the fundamental principles" of these decisions.

Miranda Case Cited

Mitchell noted that the Supreme Court "did not say" in the 1966 *Miranda v. Arizona* confessions case that a lawyer must be present whenever a suspect is questioned or that Congress could not legislate on the subject.

In 1968, Mr. Nixon said that the *Miranda* decision had "the effect of seriously hamstringing our peace forces in our society and strengthening the criminal forces."

In reply to a reporter's question, Mitchell said the Nixon campaign statements, if read in context, would not appear to be attacks on the high court. He said the President never has attacked the court as an institution, only some of its rulings.

Mitchell said the court had been steeped in controversy from the beginning of American history. "Inevitably," he said, "controversies over the court and its role have been reflected in debates about nominations to the court, 20 per cent of whom were rejected."

Refers to Nominations

He referred a second time to the disputes over two defeated high court nominations as he told the bar, "recent events have imposed upon me the obligation as attorney general to give my own defense of the Supreme Court." He added:

"It seems to me that much of the popular dissatisfaction



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Attorney General John N. Mitchell: "Extremist critics of the court have vastly overreacted."

is ill-founded or maliciously motivated and that more people, especially we who are lawyers, should point this out and come to the defense of the court."

Citing a recent poll indicating that the Bill of Rights is in low repute, Mitchell said "perhaps many people really disagree with the Constitution and not the court . . . If this poll is an accurate sampling of our nation, I believe that we as lawyers have failed the court."

Mitchell listed several things which he said "the Supreme Court did not say" despite popular misunderstanding of its pronouncements. "It did not say that private persons may not discriminate within the circle of their family, friends or social activities" or that juveniles may be subjected to pornographic material, he said.