

Despite Calls for Scalp

Mitchell's Power Still Unmatched

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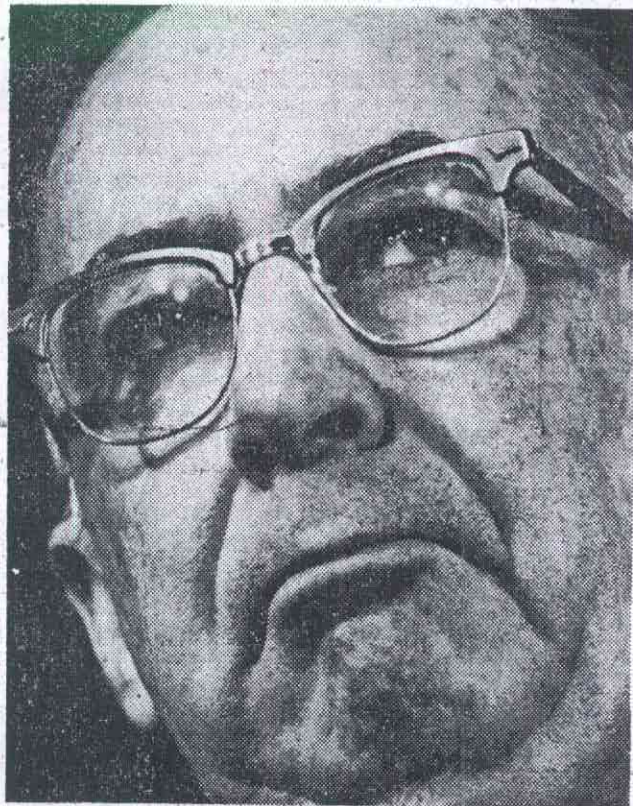
He is a quiet man and a tough man, and he sits at the Cabinet table exuding confidence and authority and emitting clouds of Bond Street tobacco smoke from incessant puffs on his well-worn pipe.

He doesn't say much or show much on such occasions, but the glances of the man at the center of the table tell all that anyone needs to know. People have noticed that when Richard M. Nixon utters a declarative sentence, he often turns toward John N. Mitchell as if searching for approval or reassurance.

He is without question the most powerful man in the Cabinet. His influence and responsibility begin with the sensitive job of Attorney General and stretch far beyond to other realms. When Mr. Nixon faces a major decision at home or abroad, in politics or government, he habitually asks aides to check with his principal advisers—all but one. The President consults Mitchell on his own and in private, and the evidence suggests that he values the Attorney General's opinions above all the rest.

John Mitchell was his fellow senior partner in the Wall Street law firm of Nixon, Mudge, Rose, Guthrie, Alexander and Mitchell, campaign manager of the successful Nixon drive for the Presidency, principal adviser on the selection of the Nixon Cabinet and, in Mr. Nixon's own words from the Oval Office, the closest adviser to the President on all legal matters and many other matters as well.

Mitchell's standing is unique. He is the only campaign aide whose photograph and biography were included in the official 32-page history of the 1968 Nixon presidential



Associated Press

John Mitchell: 'As long as he wants me, I will stay.'

race; in fact, he is the only aide mentioned. He is the only man Mr. Nixon took along to his first post-election visit to President Lyndon B. Johnson. He is said to be the only man able to change the President's mind after he has reached a decision. For Richard Nixon, he is closer than anyone else in Washington to a peer and a confidant.

See MITCHELL, A20, Col. 1

MITCHELL, From A1

It is a rule of political behavior, subscribed to by the Attorney General, that every action generates a counter-reaction of some kind. In this capital the obvious possession of great power by any man nearly always generates a counter-reaction of some kind. In this capital the obvious possession of great power by any man nearly always generates a drive by other men to bring him down. During the past ten days, since the President suffered the senatorial rejection of a second Supreme Court nominee suggested and interviewed by John Mitchell, the drive against the Attorney General has quickened. Senators are grumbling, pundits are moving to the attack, and some of the cri-

tics believe they smell blood for the first time.

"Mitchell's days of glory are really ending, the handwriting is becoming visible on the wall," wrote columnists Rowland Evans and Robert Novak.

"Mr. Mitchell has been pitching like Charlie Brown, and his wife has been fielding like Lucy . . . the two of them ought to be traded off to Milwaukee for a pair of bullpen artists," wrote James J. Kilpatrick, the conservative columnist.

"Much of the responsibility for the President's two defeats on the Supreme Court nominations belongs to Attorney General John Mitchell," declared Life Magazine's lead editorial, the policy voice of the Time-Life empire. "We believe the Attorney General would serve his President and his country well by resigning."

Columnist Kilpatrick

called him "a pipe-smoking Rasputin" and other columnists have referred to him as "the Iron Chancellor" and "the Great Stone Face."

Full of Certitude

In the calm and quiet of the small corner office where he prefers to work at the Department of Justice, the man behind the cluttered desk takes it all in without anger or embarrassment. This 56-year-old former municipal bond attorney has no prior experience in appointive or elected office. But he is full of certitude about himself and the world as he knows it, and seemingly devoid of person-

al ambition or quest for power.

The talk begins with the topic of the day, the Supreme Court defeats. Clement F. Haynsworth and G. Harrold Carswell were not deficient, in his view; neither were the FBI investigations of their backgrounds and qualifications. "They were shot down on philosophical grounds, plus the incidentals that you know. The civil rights groups and the labor organizations brought extreme pressure; all senators were sensitive to the views of the news media on the subject," the Attorney General said.

He himself was absent in Key Biscayne, Mr. Nixon's favorite East Coast watering spot, during the two weeks of lobbying and maneuvering immediately preceding the Carswell vote. (His youngest daughter, Martha, was on spring vacation from her school.)

"There was not a hell of a lot the Attorney General could do," Mitchell said. "The hearings were over, the matter was awaiting floor debate. People in the (Justice) Department were providing information . . . this business of lobbying is overrated unless you do it on a strong arm basis—we'll hold up this dam unless you go our way—that sort of thing. Well, there aren't any dams over here at Justice and it wasn't done, as far as I know."

Was there anything he could have done to change the result?

"Nothing whatsoever," was the crisp reply.

How long does he expect to be Attorney General? Mitchell was asked.

He puffs his pipe and says he didn't want the job in the first place. "I'm down here at the President's request," he said. "As long as he wants me, I will stay."

'Rather Practice Law'

There has been "no discussion whatsoever" of a change between the President and his senior counselor. He does not dread the day when there might be such discussion. "I'd much rather practice law" than be Attorney General, he says bluntly and, to all appearances, quite sincerely.

For his part, Mr. Nixon was quick to display to the world his continued reliance on and support of Mitchell. On the day after the Carswell vote, the President



Associated Press

Exuding clouds of tobacco smoke and confidence, Attorney General John N. Mitchell fields questions from reporters with brief answers, unflappable aplomb.

called newsmen to his office to photograph the Attorney General and himself going over names of prospective nominees to fill the vacancy. Mitchell would identify the candidates, as before, the President made it clear.

To emphasize the point, he kept Mitchell by his side when he visited the press room to make the personal statement blasting the Senate action as regional discrimination, and promising to select a new "strict constructionist" from outside the South.

Other Attorneys-General have assisted other Presidents in finding candidates for nomination to the highest court in the land, but rarely if ever has an Attorney General played so large a role in the process.

Shortly after Inauguration Day, Mitchell directed his deputy, Richard Kleindienst, to draw up a list of names of potential nominees. Applying Presidential guidelines of prior experience, age and judicial philosophy, Mitchell and Kleindienst pruned the list to a few dozen names.

Mitchell began interviewing outsiders about the men at the top of the list, and ul-

timately produced five or six names for presidential consideration. The President and Mitchell had lengthy talks about Mitchell's findings before each of the nominees was named.

Many Presidents have known their Supreme Court choices from long personal acquaintance before nominating them. A President who did not know a potential nominee often conducted interview himself.

Ike Quized Warren

President Eisenhower, for example, had a lengthy interview with Earl Warren before nominating him to be Chief Justice. According to Bernard Shanley, who was White House special counsel at the time, "President Eisenhower never named anyone (to the court) without interviewing him first."

Mr. Nixon, on the other hand, did not see Warren E. Burger before nominating him to be Chief Justice, nor did he see Haynsworth or Carswell. He knew Burger from the judge's Justice Department days, but had not met Haynsworth and Carswell for handshakes in receiving lines long ago.

Mr. Nixon did not want to

meet them during the process of consideration, evidently on the theory that this might compromise their independence on the court. Instead, at Mr. Nixon's request, Mitchell interviewed the potential nominees ahead of time.

Mitchell's role in the decision to name Harry A. Blackmun as the latest nominee to the high court was somewhat different. After Carswell's rejection by the Senate on Wednesday, April 8, Mitchell went cruising in early evening with the President on the yacht Sequoia on the Potomac. The only other official present was H. R. Haldeman, the White House chief of staff.

At midday on Thursday, Mitchell told Sen. James O. Eastland (D-Miss.) that he himself favored naming another man from the South to the high court vacancy, despite the Senate's previous rejections of two Southern conservatives.

Eastland submitted the names of four additional Southern judges who would be acceptable. But Eastland reportedly said that he didn't care where the nominee was from—as long as he was a "strict constructionist."

By 2 p.m. on Thursday, Mr. Nixon had decided to go outside the South for his next nominee and to issue the statement saying so. Mitchell was not present in the White House at the time, though it is likely that the two men conferred by telephone.

Mitchell Stays Calm

It is not known what part the Attorney General had in the phrasing of Mr. Nixon's statement later in the day. After the defeat of Haynsworth, Mitchell had described the action as "a reflection of the failure of some in the Senate to recognize the President's constitutional prerogatives."

His remarks were unemotional and there was no hint of a tone of embittered self-pity. "As far as I'm concerned, I'm not involved," he said then. "I'm just an innocent bystander who might get shot in the legs."

On Friday, April 10, two days after the Carswell defeat, Mitchell interviewed the next candidate, Judge Blackmun, at the Justice Department and then took him over to see Mr. Nixon. The President spent 45 minutes with his prospective nominee. According to Blackman, neither Mr. Nixon nor Mitchell raised any question about judicial philosophy.

Mr. Nixon and Mitchell have known each other well for only a little more than three years, but in that time their friendship has become deeply rooted. Mitchell is a man in whom other men have instinctive trust—shrewd, wry, generally unflappable and anything but cold in private conversation.

John Newton Mitchell was born in Detroit and brought up in suburban Long Island, N.Y., and for most of his professional life he specialized in municipal and corporate bonds, a narrow specialization of the law. On Jan. 1, 1967, the Mitchell law firm merged with the large and older firm headed by Richard Nixon. Mitchell moved into an office down the hall from Mr. Nixon, and the two men became fast friends.

Mitchell had traveled widely through the nation helping states and localities surmount their revenue problems, and he was thoroughly familiar with the ties from the statehouse

level down to the district level. One of Mitchell's current aides quotes approvingly a magazine writer's observation that Mitchell had become "thoroughly familiar with the back rooms of men's minds." Like Mr. Nixon, he looked upon politics as the nation's greatest sporting event—though for him it had been entirely a spectator sport.

There are few secrets between senior law partners who share clients and profits, and in early 1967 Mr. Nixon found he could talk confidentially and at length with Mitchell about political plans and ambitions as well. Mitchell was not only a good listener, but a loyal and efficient operator who knew the movers and shakers of the country. The bond attorney took charge of organizing Nixon campaigns in Wisconsin and Florida, where he enjoyed extensive business connections. Gradually he assumed other chores.

Mr. Nixon was determined not to repeat his mistakes of the 1960 campaign, when he refused to delegate authority for political decisions and was too busy to make them himself. He tested Mitchell for months and months and then one day his aides "I've found my heavyweight" for the campaign command. By early 1968, he was refusing to accept telephone calls on many occasions from Republican governors and other key figures wanting to discuss political business. "Tell them to talk to Mitchell," he ordered.

In early 1968, Mitchell traveled to Washington to meet about 15 Republicans in the House of Representatives who became a nucleus for Nixon in Congress. The private lunch that day has become a part of political lore, because Mitchell made a deep impression on many of those present.

"My name is John Mitchell. I am a senior partner in the Nixon firm of which you have all heard, and I am worth more in legal business than any other partner," one of those present recalls that Mitchell began. "I am manager of the Nixon campaign. (pause) You may believe that nobody can manage a Nixon campaign, but I am going to manage this one."

"You all are important men. You will want to talk

to me about your states. You will not be able to reach me—at least at the time when you want me," he continued. "I'll talk to you when I can. Don't get sore about it. We will get along just fine. We will win the election. Thank you very much." When he sat down, he was in charge, and everyone knew it.

This take-charge aspect of the Mitchell character is appealing to Mr. Nixon, who is said by his friends and close aides to prefer "strong men" around him.

The question about Mitchell's certitude is whether it arises from applied intelligence or merely from shrewd guesses. Before Inauguration Day, Mitchell knew little about criminal justice, civil rights, prisons, narcotics and many other Department of Justice topics, and he was isolated in many respects from the tensions and turmoil of urban America.

There is little indication that he has sought to broaden his experience or that he desires to do so. "The Justice Department is an institution of law enforcement, not social improvement" he has said. Most of his senior aides are deeply conservative in outlook. Deputy Attorney General Kleindienst says that "Ramsey Clark (the former Attorney General) should have been a caseworker for HEW."

The Attorney General believes the newspapers and television have it all wrong, that the real America is on Elm Street where it always was. "I believe the political climate is disturbed, but I don't believe it is disturbed as deeply as some of us read in the newspapers," he observed in his office the other day. "Sure, we have the war in Vietnam . . . campus disorders . . . bombings by militant groups and other factors that are disturbing and particularly when you see them so frequently on the headlines or on television."

Improvements Cited

"Race relations are probably getting better in toto because now we have confrontations with black militants as distinguished from black communities," he said. He and Kleindienst cite statistics that more civil rights cases have been filed this

year than last year, that the civil rights division has more money and more people, and that more school classrooms are being desegregated. Mitchell declares that action, not rhetoric, is what counts.

Nonetheless, the administration's pronouncements on school segregation have been widely interpreted as signals for a slowdown in the South and a reprieve in the North. Negroes complain of the attempts to put a conservative Southern judge on the U.S. Supreme Court, the one institution consistently sticking up for them.

"Well that's a little naive to approach it that way," the Attorney General said. "The Black Panthers were in existence long before we came into office, and I would guess there are probably fewer Black Panthers now than there were then. I also find in talking to some of these people that they don't understand the system, and least of all they don't understand this administration because they've been led by siren leaders who don't want them to understand. . ."

Mitchell insists that he is a practical man above all else, without ideological and other "hang-ups" he attributes to those who have been protesting. His friends are anxious to cite evidence that this is so—including the vigorous anti-trust program of the present Justice Department, a recent statement approving the repeal of authorization in law for "detention camps" for Americans and the decision to seek lower penalties for possession of marijuana.

For the most part, though, the Justice Department under Mitchell radiates the image of a tough institution under a tough leader. Republican politicians promote it that way, and Mitchell may intend it that way—as when he informed applauding, cheering GOP leaders in a speech last week that there is a citizen's "right" against "unreasonable" busing of school children that is on a par with Constitutional rights against racial discrimination.

Mitchell is generally expected to be the campaign manager of Mr. Nixon's reelection bid in 1972. He at-

tended a top-level meeting last Spring in Key Biscayne to chart the future of the Republican National Committee, and another strategy conference at Camp David late last summer. For the most part, though, he stays out of day-to-day political operations so far as could be learned.