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President Can Hardly Ignore Blotting of Mitchell Copy Book

AS PRESIDENT NIXON looks over the first year records of his team he must pause at the copy book of his former law partner, his good friend and his attorney general, John N. Mitchell. The Mitchell copy book is badly blotted.

The record shows that Mitchell has caused his chief more embarrassment than any other member of the cabinet. His ambivalent attitude on school desegregation and on voting rights, the open rebellion in the civil rights division of the Department of Justice the roster of embarrassments in the first 12 months is lengthy.

Nowhere is this more evident than in the controversy over the President's two nominees to the Supreme Court. As the dispute over the fitness of Judge Clement F. Haynsworth Jr. to be elevated to the highest court grew in intensity with revelation of his stock holdings and his directorships, Mitchell repeatedly affirmed his belief in the nominee. That was understandably, since the attorney general had played such a large part in Haynsworth's selection.

Difficult if not impossible to understand is why the investigation into Haynsworth's past fell so short that revelation after revela-

tion by opponents eroded away his credibility as a judge without conflict of interest in the marketplace. That conflict may have seemed minor and even irrelevant to Mitchell, the corporation lawyer, the skilled specialist in the bond market. But the revelations contradicting the attorney general's assurance of a complete and thorough inquiry swung the balance against Haynsworth.

NOW THE SAME circumstance has arisen with the nomination of Judge G. Harold Carswell to the high court. The fact that the Justice Department's investigation did not come up with the text of the white supremacy speech he gave in a political campaign when he was 28 years old seems incredible. If it has been faced up to with frankness at the time the nomination was first made, the sting would have been taken out. A little candor might have gone a long way.

But the white supremacy speech — emphatically rejected by Judge Carswell after its disclosure — has put civil rights groups on the attack. It had been assumed that, after the Haynsworth fight and his rejection by the Senate, the Carswell nomination would go

through with ease. That may still be the case, with the "indiscretion" of a political campaign forgiven. Yet given extended hearings, frustrating any attempt in the Judiciary Committee to railroad the nomination through in a day or two, Carswell may face the same ordeal as Hanysworth and Justice Abe Fortas before him.

The committee has an obligation beyond the fate of the individual to examine the kind of investigation conducted by the Justice department and why it failed in two instances to turn up vital information.

Mitchell bears a heavy responsibility in both these instances. He is emerging as the heavy-handed exponent of practices, such as indiscriminate wiretapping, that trample on fundamental American rights. The January issue of the Ripon Forum, voice of left-of-center Republicans whom Mitchell denounces as "little juvenile delinquents," condemns him for placing politics above the law and risking the erosion of public trust in the institutions of government at every level of society. The president can hardly ignore the blotted copy book of this favorite pupil.