

Mitchell Suppresses Dissident Lawyers

By Jack Anderson

Attorney General John N. Mitchell is clamping down on the embattled civil rights lawyers who have worked in shirt-sleeves late into the night and have stood up to angry racists in Southern courtrooms.

Suddenly, the Justice Department has started to treat these action-toughened attorneys like pre-schoolers or Peeking functionaries in regard to what they can and cannot say.

In a directive with explicit warning that it was to be kept confidential, Assistant Attorney General Jerris Leonard of the Civil Rights Division told his lawyers:

"I must object . . . to any further unauthorized statement to the press by attorneys of this division regarding our work and our policies . . . I therefore must direct all of you that we now keep our discussions of our work and policies within this department."

Behind Leonard's lockjaw order is the threat of the same kind of ugly firing that created the Mitchell regime's first civil rights martyr. He is Gary Greenberg, a 27-year-old Harvard lawyer who was the division's senior appeals attorney.

Leonard gave him exactly two hours and 30 minutes to clear out after Greenberg refused to back the Nixon administration on Mississippi school desegregation—where even Leonard has conceded the Justice Department is winking at violations.

Kremlin-Style Dismissal

A man less rash than Leonard might have found another assignment for the brilliant young lawyer. But the Kremlin-style nature of the firing, reported in detail here for the first time, explains much of the discontent in this once-crack division.

Leonard sat in his spacious office flanked by an American flag and a blow-up of a cartoon from his days as a Wisconsin politician. He had called in three aides—David Rose, Gerald Choppin and

Harold Flannery—to make a public execution of it.

Greenberg, a leader of the group of attorneys seeking to get Mitchell to enforce the civil rights laws, was asked to sit facing Leonard. This was the same young attorney who, for two years, had fought underdog battles for the Justice Department in Richmond, Jacksonville, Houston and San Francisco.

Only three weeks earlier, he had argued an appeals case on

Arkansas schools and had carefully turned away a judge's query on Mississippi—where federal prosecution has suddenly gone slack. Now he was facing his boss.

Leonard questioned Greenberg amicably enough on the Arkansas case, then the conversation turned ominous.

"Can you defend the administration's Mississippi position in future cases?," Leonard demanded.

"I cannot in conscience defend the government's announced position in the Mississippi case," Greenberg replied honestly.

Leonard accused him of not knowing the facts of the case. As Greenberg sought to argue

back, Leonard cut him off abruptly: "I have lost confidence in your ability to represent the Attorney General."

Upholding Constitution

Greenberg retorted that he had always represented both the Attorney General and the public interest, then declared bluntly: "My oath of office requires that I support and defend the Constitution of the United States and vigorously enforce the civil rights laws."

Leonard snapped back that in the Justice Department, the Attorney General is the law. He told Greenberg to clear out by 5:30 p.m. It was then 3 o'clock.

Greenberg, father of three,

who was also concerned about the effects of a sudden departure on his civil rights colleagues, asked if he might be allowed to resign in a month. But Leonard was adamant.

"There is an old Irish saying," said Leonard. "When you start throwing shillelaghs around, you have to expect to get hit by one on the back of your head." And if some of your colleagues feel as you do, they should quit right now."

Thus Greenberg, who had put in so many weeks of overtime for the division, was given two and a half hours to compose a forced letter of resignation, clear out his desk and leave the building.

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