

Rowland Evans and Robert Novak @ NK 4/10/76

Mitchell Has Not Mastered His Job, Republican Senators Now Believe

CONSIDERING the extreme embarrassment he has caused President Nixon, Republican senators, and the South, John Mitchell, the President's political chief, might have more trouble getting confirmed by the Senate for Attorney General today than his two personal choices, Judge Clement Haynsworth and Judge G. Harrold Carswell, had in their losing battles for the Supreme Court.

"The nation may blame President Nixon for this," Sen. Marlow Cook, the Kentucky Republican who voted against Carswell, told us, "but the fault lies not there. It lies in the Department of Justice."

What Cook said publicly was being said privately with hostile embellishments wherever two Republican senators gathered to discuss the second humiliation to Mr. Nixon in his efforts to fill that empty ninth chair.

Though little hard evidence is available yet to indicate that, in fact, Mitchell's days of glory are really ending, the handwriting is becoming visible on the wall. Its source is the surprising number of blunders and poor staff work that have been coming from the Justice Department, the political storm center of the Nixon administration and chief promoter of Mr. Nixon's Southern Strategy.

TWO STORIES illustrate the point. One Republican senator, who remained uncomfortably on the fence for weeks during the Carswell debate, specifically asked Sen. Roman Hruska of Nebraska and Sen. Edward Gurney of Florida, Carswell's two key Republican backers, if they could arrange a personal meeting between him and Carswell.

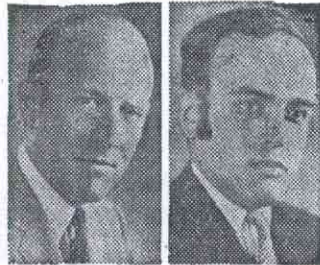
Both said yes, of course, and passed the senator's request routinely to the Justice Department, assuming it would be quickly granted. After Wednesday's vote, the senator casually asked

Hruska and Gurney why the Justice Department had not arranged the meeting. They were incredulous and had no explanation at all.

But that performance at Justice was standard all through the Carswell affair.

For example, another uncommitted Republican, Sen. Charles Mathias of Maryland, asked the Justice Department for two things: A chance to read some of Carswell's written judicial opinions and a chance to chat with him privately and off the record.

The opinions were duly



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sent him by Justice, but there was no answer at all to the second request. Ten days before the vote, the senator repeated his request, this time in writing. It was not even acknowledged.

Senators don't like to get a runaround from cabinet officers of their own party.

But the complaints now rising against Mitchell go well beyond this. Two last-minute political gimmicks employed by Justice in the Carswell fight hurt badly. First was the President's letter to Sen. William Saxbe of Ohio, claiming close to presidential immunity from Senate probing into the qualifications of the Florida judge. Some Republicans think that this letter, questioning the Senate's right to say no, swung a crucial vote

against Carswell — that of Sen. Margaret Chase Smith of Maine, a senator who understands senatorial prerogatives.

THE OTHER — was the round-robin letter of endorsement from Carswell's fellow judges. In the words of one Republican senator,

"when they start logrolling with federal judges, I won't play."

Much of the political grievance against Mitchell by the Republican left and center stems from his Southern Strategy. When Mitchell tried to scuttle the voting rights bill, these Republicans handed him a major defeat and voted to retain the heart of the 1965 law. When Mitchell reversed desegregation policy at the Health, Education and Welfare Department at the last moment and won a lower-court delay in the Mississippi school case, the Supreme Court unanimously struck him down.

Moreover, Mitchell is held accountable by Senate Republicans for the embarrassing plight of the President in the matter of electoral college reform. Mitchell let Mr. Nixon get way out on a limb in favor of direct election of the President, abolishing the electoral college, before the Justice Department thoroughly understood the ominous potentials of direct presidential elections.

Republican senators on the Judiciary Committee are now unable to get a realistic position from Mitchell, even though a committee vote on the House-passed direct-election bill is imminent.

Mitchell's problems, then, have two sources: Anxiety on the left over his Southern Strategy and rising discontent by all Republican senators that he simply hasn't mastered his job.

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