

Mitchell Rogovin: Inside The CIA, Looking Out

By *Jacqueline Trescott*

Part 8/7/75

Early this summer Mitchell Rogovin, a partner with the prominent, liberal-laced law firm of Arnold & Porter, was having lunch at the Palm, a preferred retreat of Washington's legal elite.

With him was John S. Warner, the Central Intelligence Agency's general counsel, who was inviting Rogovin to represent the CIA during its congressional hearings.

Rogovin was intrigued. Warner says sympathetic. In the midst of this discussion, New York Times reporter Seymour Hersh who unearthed many of the CIA's secret activities, a good friend of Rogovin's, walked up to the table. Rogovin spoke but didn't introduce him to Warner.

Rogovin had come to his fork in the road.

He choose the path of the CIA, and ever since, there's been talk.

Essentially, people are wondering what prompted a lawyer known for ferreting out government secrets to defend an agency in the supersecret business.

Rogovin is, after all, the lawyer who helped Common Cause successfully sue the Committee for the Re-Election of the President, forcing the disclosure of Richard Nixon's campaign financing.

Until he accepted the CIA job, he was representing the Institute for Policy Studies (IPS) suit against former Nixon administration officials for wiretapping.

Back in the '60s, Rogovin was the cracker-jack assistant U.S. attorney general who blew

the whistle on the government bugging of the hotel suite of Fred Black, a Washington lobbyist and associate of Robert G. (Bobby) Baker. "Mitch threw the government into a tizzy. He was incensed," says an associate. Others were upset, like one J. Edgar Hoover.

At the Palm that day, Rogovin seemed to sense some impending ostracism. He told a close friend he was nervous.

Washington, it turns out, can be an objective town with double vision. He still has some friends.

"It's his chance to do what Mitch does best — de-mythologize the tribal aspects of government," lauds friend, David Cohen, president of Common Cause.

"He has an important role to play. In the

THURSDAY, AUGUST 7, 1975



By Larry Moritz—The Washington Post

Mitchell Rogovin: "The only time I made a political decision was when my old Syracuse University roommate ran against Ramsey Clark for the Democratic nomination for U.S. Senate in New York. I contributed to both campaigns."

past he has challenged government inefficiencies and he's tough, with a strong sense of libertarian values.

"Just sometimes we have to have some of our favorite advocates on the inside. We should not ostracize them."

Anticipating a possible conflict of interest, Rogovin resigned as Common Cause counsel right after the IPS dropped him as their general counsel because of his new CIA association.

"Frankly, I feel he's being used," suggests Peter Weiss, IPS president and an attorney. "He has a good reputation. He has done good things for people fighting the establishment. We sort of assumed he was sympathetic. Now, in retrospective, maybe he wasn't. Now I'm

See ROGOVIN, F3, Col. 1

afraid he will fight just as effectively for the establishment."

Rogovin was more than bothered by the suggestions that he sold out. But his anguish didn't show.

"Why do they think you've pledged your political views when you take a job? I wasn't hired to be a political consultant," Rogovin says, describing the negative reactions as "distressing."

"At stake here is the future of the agency. I wanted to have some input because I believe we need an intelligence agency," Rogovin continues.

And the CIA understood the wisdom and expediency an outside attorney could bring to the case. "The CIA doesn't necessarily have the monopoly on brains or a fresh outlook," says its general counsel, Warner. "We needed a fresh outlook. And Rogovin's got brains and he's knowledgeable of the Washington scene."

At the current congressional hearings on CIA activities, Rogovin has been quiet, smoking his pipe and sitting by William Colby's side. Already admired by people inside the Senate Select Committee on Intelligence is his behind-the-scenes effectiveness.

Some say that Colby has been loosening up and maybe, just maybe, Rogovin is part of the reason. Once, after an angry exchange with Rep. Otis G. Pike (D-N.Y.), over Colby's use of a "top secret" stamp on documents he gave the Committee, Colby handed Pike a rubber stamp. Yesterday Pike complimented Colby on his candidness.

"In one meeting Rogovin was especially instrumental in mediating a disagreement between Colby and the Committee staff," said one insider. "What resulted was that the Committee got to review some documents it wanted ad the CIA maintained its confidence."

At the moment, Rogovin, a short, squarish man of 44, tanned and relaxed is sitting in an anteroom out-

side the CIA director's dining room.

A thoughtful, professional air surrounds him, as he settles into a corner of the beige tapestried couch, lighting up his pipe. He keeps his right elbow flexed in an L. He relights the pipe, revealing the Lord and Taylor label of his modly-cut beige summer suit. His round face stares unsmilingly, from the plastic CIA identification tag hung around his neck.

Why is he working for the CIA? "It sounded like a challenge," Rogovin answers softly. He goes on to describe the long hours of "catching up on 27 years of reading," the days that start at 6 a.m. and end at midnight.

It's tiring but also exhilarating. It has perked his reformer's drive. Last year when he testified before the Senate Watergate Committee, he presented a laundry list of suggestions for reorganizing the Justice Department. William Colby, the CIA director, has talked with him about "constructive

changes coming from the hearings."

"I don't want to downplay the past," says Rogovin. "But the most significant part (of the hearings) is shaping the future. Do we need an intelligence agency? Yes. I still believe gentlemen don't open other gentlemen's mail."

On his politics, firmly and rather whimsically, Rogovin offers a favorite quote, one from Louis Brandeis, as his ethic. "He once said, 'A guy has to have a lot of clients but he doesn't have to be anybody's man.' That's how I feel."

When the interview ends, it is discovered that the door to the anteroom is locked.

Everyone laughs. Rogovin apologizes for his absent-mindedness—"because this always happens"—reaching into his pocket for a slew of keys, but he's chuckling and vastly amused.

When Rogovin was wrestling with the CIA decision, he told a friend, attorney Gerald Stern, that it reminded him of the time at the Justice Department when a young lawyer had asked his advice on working in the South during the Civil Rights protests.

Rogovin, the assistant attorney general of the tax division under Nicholas Katzenbach and Ramsey Clark, asked the guy how he felt. The lawyer said "Very nervous." Rogovin replied "Good," and told Stern that's how he felt, apprehensive but nonetheless compelled.

Very few people speak of Rogovin as a nervous man. More often they describe his patience, doggedness, innovation, savvy, and searchlight approach to law.

"He rarely losses his cool," says Sandy Jaffe, an attorney with the Ford Foundation who has admired Rogovin since they were together at

Justice.

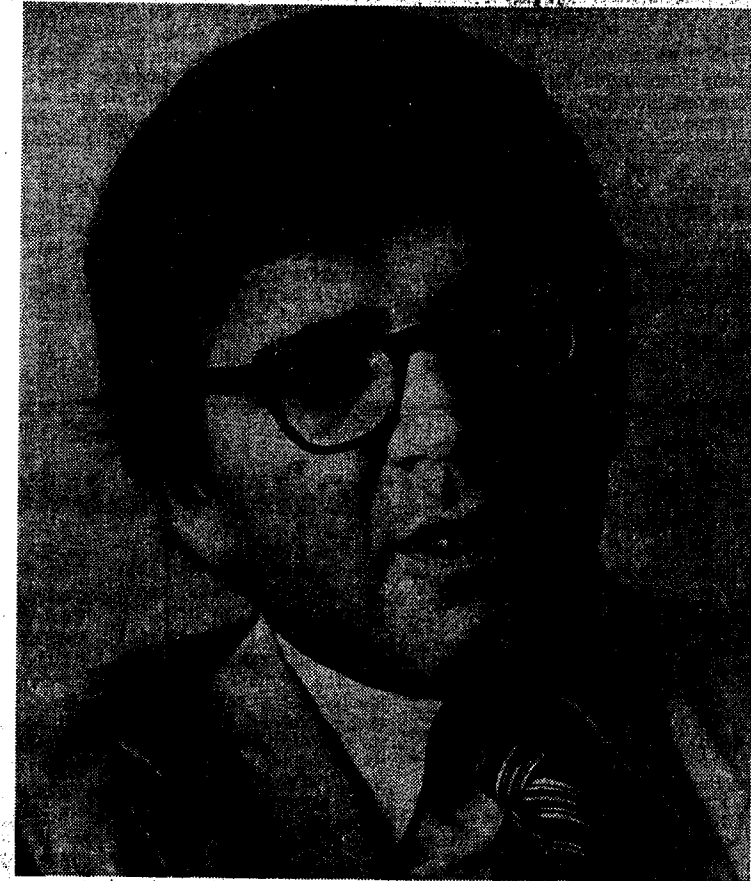
"He sits there and he plays with his matches. He's a person more likely to take the edge off difficult ties."

A journalist who follows the legal scene says, "I'm not saying that a lot of Washington lawyers are dishonest. But Rogovin is unusually respected for his integrity. Honesty is his biggest asset."

Kenneth Guido, the Common Cause attorney who originated the CREEP suit and shared the work with Rogovin, blew up in court one critical day. Rogovin, Guido remembers, "was the coolest guy I had ever seen."

Remembers Guido, "We had subpoenaed Kenneth Parkinson for some very important papers, absolutely crucial to our case. This day Parkinson walked into court, handed the judge and Mitch letters stating he had given the documents to another attorney."

"I told Parkinson it was a despicable thing in pretty strong language. Mitch nudged me and said 'Calm down, this has happened to me many times.' Sometimes Mitch would bel-



By Larry Morris—The Washington Post

CIA attorney Mitchell Rogovin, of whom one journalist says: "I'm not saying that a lot of Washington lawyers are dishonest. But Rogovin is unusually respected for his integrity. Honesty is his biggest asset."

low but he would not get irritated and this was a case where the emotions were high because the stakes were high."

Rogovin, Guido and Parkinson, the attorney for the Nixon re-election committee who was indicted as a Watergate coverup co-defendant but later acquitted, flew back together on the same plane after Rogovin obtained Bebe Rebozo's deposition. The plane was detoured to Philadelphia where all boarded a bus back to Washington.

They were all physically drained, Guido recalls, "and the bus was an aching inconvenience but Mitch didn't complain." All three shared a cab and Parkinson and Rogovin's briefcases got mixed up. In court the next morning, Parkinson discovered the error and Rogovin says, "that's a very sensitive situation when the opposing attorneys end up with each other's cases. But we all honored one another."

In the '60s, when the principal legal upsets were outside the tax field, Rogovin's expertise, he managed to snag

some limelight with two crucial incidents.

The first was the exchange of Cuban prisoners following the Bay of Pigs invasion in 1962. Working mainly behind the scenes Rogovin, then counsel with the Internal Revenue Service, wrote the charter for the non-profit organization established to trade tractors for the 1,100 prisoners captured. The first group failed.

Between Thanksgiving and Christmas of 1962, a second group, with Rogovin one of the principals, raised \$50,000 and the prisoners were exchanged for food, drugs and other non-military materials.

The second was the Fred Black case, where for the first time the government confessed before the Supreme Court that the FBI had bugged a citizen.

Afterwards Rogovin was not the favorite of J. Edgar Hoover. So Ramsey Clark arranged a lunch with Hoover to mend feelings. One of Rogovin's favorite stories comes from that lunch and repeating it shows Rogovin's recognition that power can be stretched to ridiculousness.

Hoover started off the lunch by discussing one of Rogovin's predecessors who had gone to jail. Then he told about the time Harry Truman called him to the White House and said, "I want you to investigate the Justice Department and the IRS."

Hoover said to Truman, "Mr. President wouldn't it be better to have a congressional inquiry rather than an executive branch inquiry of the executive branch? For as you will recall, our Lord had a disciple who was unfaithful." Truman told Hoover, "I think you'll find that three of Jesus' disciples were unfaithful." At the lunch Hoover turned to Clark and Rogovin and said, "I asked the research people to check it out. You know the President was right, there were three unfaithful to Jesus." Rogovin laughs as he repeats the story, explaining, "We sat there biting our lips because we didn't know whether it was funny that Hoover didn't know or funny for the FBI to be investigating in the Bible."

In 1969, at the dawn of the Nixon administration, Rogovin resigned from Justice. He had worked for the government since 1958. In recent years, he's become a respected voice in the field of public interest law. He chairs the Council for Public Interest Law, with William Ruckelshaus, and is associated with the Center for Law and Social Policy.

Other clients have included newspaper reporters, United Serviceman Fund, Lawyers Military Defense Committee and Pre-Term Abortion Clinic. "Mitch sort of made himself available to the better liberal organizations," says an Arnold and Porter colleague. "The radicals were unprepared for his CIA decision but Mitch is excitement-oriented. He likes battle."

One of those radical clients talks about Rogovin's balanced, low-key style. "He's not the kind of liberal lawyer who would say tone down your radicalism and we'll win. He never tried to influence your politics or enforce his own."

A Democrat, Rogovin has assiduously avoided public politics. "The only time I made a political decision was when my old Syracuse University roommate, Lee Alexander (now mayor of Syracuse, N.Y.) ran against Ramsey Clark for the Democratic nomination for U.S. Senate in New York. I contributed to both campaigns."

A New Yorker by birth, Rogovin studied at Syracuse University Law School where he worked his way through. His parents, Max, a salesman for a bridal goods manufacturer, and Sayde, both had died.

At Virginia he was a solid, strong student, remembers Mortimer Caplin, a faculty member during the '50s. On campus, Rogovin lived in the Jefferson Pavilion-style home of law school dean Frederick Ribble. Part of his campus work involved organizing a play center for the faculty offspring.

There, listening and working closely with Ribble, a revered authority on constitutional law and outspoken civil rights advocate, Rogovin formed many of his ideas about government.

Especially, he says, ideas about government limitations. "One summer I started working in a Wall Street firm, writing memos, running for coffee and I left. It was during the McCarthy period and the dean, a magnificent man, was sought after by many Washingtonians for advice that summer."

In his last semester of law school Rogovin met Sheila Ender, a teacher in nearby Venable.

For the first four years of their marriage, the Rogovins were a military family. He was a captain in the Marine Corps, stationed at Quantico, Newport, R.I., and Camp Pendleton, Calif. They returned here in 1958 when he joined the IRS as a trial lawyer.

A counseling psychologist for the Montgomery County Health Department, Mrs. Rogovin is also studying for her Ph.D. at American University. The family plays tennis together at the American University Tennis Club, four blocks from their home.

"You will mention my kids wouldn't you," asks Rogovin, fitting a friend's description as the "ultimate father." Lisa, 19, a student at Goucher College, is working for Sen. James Abourezk, (D-S.D.) this summer; Wendy, 16, a National Cathedral student, works for Common Cause and is a courier for her father between the Rogovin home and his Arnold and Porter office, and John, 14, a student at St. Albans, is earning money cutting grass this summer.

The family makes group decisions. "He was very interested in knowing how we felt about the CIA. He wanted to know if we would be comfortable with his decision," says his wife.

The evening of his first day at the CIA, Rogovin told his family he had talked with Colby most of the day. "How do you know it was Colby?" one girl asked. He told them he was alone in the room with Colby and the other daughter asked, "How do you know you were alone?"

Recalling that scene, Mrs. Rogovin says, "Our children are interested in politics and we're a serious family. But there's a lot of humor. Mitch is a flexible person. He knows all things aren't life and death and he doesn't always take himself so seriously."

She describes her husband as a private person, a man who listens to soft music and entertains his friends with stories.

One of his favorites is about Maurice Stans. The night before Rogovin and Guido took his deposition, the only money they could find was the poker money of some Common Cause guys. All quarters and dimes. They gave it to Stans and the next day, after the deposition was taken, Stans returned it, all quarters, dimes and smiles.