

[Nomination of Kleindienst 15 Feb;
Nixon leaves for China 17 Feb.]

MITCHELL QUILTS; NOMINATION GOES TO KLEINDIENST

Attorney General to Leave
March 1 to Direct Nixon
Presidential Campaign

SENATE FIGHT FORESEEN

FEB 16 1972

Confirmation Hearings May
Focus on Deputy's Views
on Law and Liberty
NYTimes

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Special to The New York Times

WASHINGTON, Feb. 15—
Attorney General John N.
Mitchell resigned today to direct
the President's re-election
campaign, and Mr. Nixon immediately
nominated Deputy Attorney General
Richard G. Kleindienst to succeed him.

The nomination of Mr. Kleindienst,
a law-and-order conservative, set the
stage for another lively Senate
confirmation battle. Mr. Mitchell's
resignation is effective March 1.

A repetition of a now-familiar
Senate Judiciary Committee drama,
with liberal Democrats questioning
a Nixon nominee closely about his
views of civil liberties and Federal
power, is expected to unfold when
the confirmation hearings begin on
Tuesday.

However, initial statements by
Democratic Senators indicated that
a struggle similar to the earlier ones
over Mr. Nixon's Supreme Court
nominees was not likely. They
stressed that the President must
be given wide latitude in selecting
his cabinet.

New Deputy Selected

L. Patrick Gray 3d, an Assistant
Attorney General in charge of the
Justice Department's civil division,
was named by Mr. Nixon to succeed
Mr. Kleindienst as Deputy Attorney
General. The Judiciary Committee
will hold joint hearings on the two
nominees, beginning at 10:30 A.M.
on Feb. 22.

Shortly after the White House
announced Mr. Mitchell's resignation
this morning, he issued a statement
explaining that he had quit "to be
able to participate in the campaign
for the re-election of the President."

He added that, "I sincerely believe
that whatever abilities I possess
should be dedicated to the undertaking
that will be most beneficial to the
American people this year—namely,
the re-election of President Nixon."

Four years ago Mr. Mitchell withdrew
from his Wall Street law firm, where
he had been a law partner of Mr.
Nixon's, to direct his successful election

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campaign. In recent weeks
Republicans across the country
began to clamor for a return of
Mr. Mitchell's decisive and
authoritative campaign leadership.

His resignation was reportedly
delayed by a dispute within the
Nixon Administration over the
controversial Mr. Kleindienst.

Election Year Fears

Some of Mr. Nixon's advisers
argued that because Mr. Kleindienst
had been an outspoken proponent
of the Justice Department's
hard-line prosecutorial approach,
his Senate hearings would be an
occasion for an election-year
re-hashing of some of the Nixon
Administration's most controversial
policies. Mr. Mitchell urged Mr.
Kleindienst's nomination.

Mr. Kleindienst was quoted as
saying that he would resign if
someone else were given the top
Justice Department position.
There were also reports that he
had told Mr. Nixon that he would
not avoid the Senate struggle by
functioning as Acting Attorney
General until after the elections.

Senator Birch Bayh, Indiana
Democrat who has been in the
forefront of the earlier confirmation
disputes, suggested today some
of the issues that will be raised
against Mr. Kleindienst.

The Senator cited "his very
callous attitude in the whole
area of civil rights," his attempts
to "prevent newspapers and
magazines from printing critical
comments," and "the whole thing
about law and order requiring
bugging and spying on citizens."

Hart Hints Approval

The nominee is also expected to
be questioned about his decision
not to oppose the merger of the
Warner-Lambert Company—a
client of Mr. Nixon's and Mr.
Mitchell's former law firm—with
another giant drug

company, Parke, Davis & Co.,
his delay in reporting a \$100,000
campaign contribution offer from
a man later convicted of bribery,
and his role in the Government's
hostile reaction to some protest
demonstrations here.

Senator Bayh said, however, that
the scrutiny need not be as close
as in the case of a lifetime
judgeship.

Senator Philip A. Hart, Michigan
Democrat, who has also opposed
recent Supreme Court nominations,
said, "If the President says he
needs him, the Senate should go
along with it unless the nominee
has a moral defect." He added that
he knew of no moral defect in
Mr. Kleindienst.

Senator Jacob K. Javits, New York
Republican who has voted against
three of Mr. Nixon's Supreme
Court nominations, said that he
would "give the nominee, whom I
know well, every consideration."

Mr. Kleindienst, a 48-year-old
Arizona native, first appeared on
the national political scene as
campaign director for Senator
Barry Goldwater's Presidential
drive in 1964.

His gregarious, earthy manner
has made him a popular figure
among Justice Department
personnel but has earned him
some enemies on Capitol Hill,
where some officials consider
him excessively blunt.

This afternoon Mr. Kleindienst
and Mr. Gray, the man chosen to
replace him, appeared briefly at
the Justice Department for
picture-taking.

Mr. Kleindienst called it a
"personally sad day for me" because
of the resignation of Mr. Mitchell,
"the greatest Attorney General
that the Department of Justice
has had in its 100-year history."
He said he was "amazed" and
"deeply flattered and sincerely
humbled" by the day's events.

Long Nixon Loyalist

Mr. Gray, 55, was a career
naval officer who met Mr. Nixon
at a party here in 1947 and
became a devoted Nixon loyalist.
He retired from the Navy in
1960 and, having obtained a law
degree at night school here,
went into private practice. He
served as an executive assistant
in the Department of Health,
Education and Welfare before
moving to the Justice Department
in 1970.

Mr. Mitchell's resignation
made him the eighth member of
President Nixon's Cabinet to
depart. He will move only about
150 yards from the White House
gates, to 1701 Pennsylvania
Avenue, where

the Committee to Re-elect the
President is housed on the third
floor.

The Washington office of the
former Nixon-Mitchell law firm,
Mudge, Rose, Guthrie and Alexander,
is right above on the fourth
floor.

When Mr. Mitchell first came to
Washington he used to speak
frequently of his desire to return
to his law practice. But in the
last year he has not been heard
to talk this way, and his wife,
Martha, has given every indication
of enjoying the limelight of
official Washington.

If Mr. Nixon wins again, it is
considered unlikely that Mr.
Mitchell would take back the
Attorney General job.

Ronald L. Ziegler, the White
House press secretary, said that
Mr. Mitchell's long-expected
resignation had come in the form
of a handwritten letter that he
gave the President in his Oval
Office yesterday afternoon. Its
contents were not released.

A "Dear John" letter from Mr.
Nixon was released, in which he
praised Mr. Mitchell as "the leader
of our fight against crime and
lawlessness." He thanked Mr.
Mitchell for his "consistently wise
advice and counsel, which he said
was of "immense value to me
throughout our Administration."

Mr. Nixon said he accepted the
resignation with "utmost regret"
compensated "by a sense of
personal and heartfelt gratitude
on behalf of myself and all
Americans."

Lindsay Assails Move

Mayor Lindsay issued a
statement yesterday on the
appointment.

"President Nixon has done the
impossible," the Mayor said.
"He has chosen someone as
Attorney General who may well
be even less committed to
individual rights and civil
liberties than John Mitchell."

"Richard Kleindienst is not
simply another law-and-order
politician," he added. "He is
an architect of the Administration's
mass arrest policy, its 'no-knock'
and preventive detention
legislation and its retreat on
civil rights."