

Solicitor General Bork

Sees Eye to Eye With the President

Robert H. Bork, who became acting Attorney General of the United States because he was willing to fire Watergate Special Prosecutor Archibald Cox when no one else would, see eye to eye with President Nixon on most issues.

He believes that the courts have strayed too far from the literal meaning of the Constitution, that judges have no business outlawing abortion or upholding a married couples' right to buy contraceptives, that Congress and not the judiciary should say whether students are bused to achieve racial integration, and that Richard Nixon is not a conservative but a "classic liberal."

His views have several times earned him enviable rewards. When the President sought out prominent constitutional scholars to help formulate and defend his antibusing proposals, Bork came forward and was named a White House consultant. And when the President revamped the Justice Department 10 months ago, Bork became solicitor general—No. 3 in the department.

Because Bork ranked just behind Attorney General Elliot L. Richardson, who resigned Saturday, and Deputy Attorney General Wil-

liam D. Ruckelshaus, who also resigned, Bork was elevated to the top spot.

But before the President promoted him, top White House aides had talked to him to make sure that he, indeed, would do what Richardson and Ruckelshaus had refused to do—discharge Cox. And, in a letter to the new acting Attorney General, Mr. Nixon spelled out his first task—give the word to the recalcitrant special prosecutor.

According to Justice Department sources, Bork was willing to carry out the President's instructions because he believed that Cox, by insisting on access to the White House Watergate tape recordings, had exceeded the mandate given him when he was appointed special prosecutor.

The president also gave Bork what may turn out to be a far more difficult assignment—returning to the Justice Department all responsibility for prosecuting Watergate crimes.

For Bork, that will mean revitalizing a Justice Department that has been demoralized by the scandals and turmoil that have swirled about it, taking over the multi-faceted Watergate prosecution efforts and



ROBERT H. BORK

... his views rewarded

practically beginning the prosecution anew.

That may be too much for even Bork, who has rarely known any setback in life. A Phi Kappa Psi graduate of the University of Chicago and its law school, he practiced for seven years at Chicago's most prestigious private law firm, was made a partner and earned a good deal of money.

The, having decided that "those guys in practice don't have time to spend all the money they make," he turned his back on riches

and accepted an offer from Yale University law school to teach constitutional and antitrust law.

At Yale, he was renowned as a prolific writer, contributing not only to the usual law journals but to popular periodicals such as *Fortune* and *New Republic*.

Although one of the few conservatives on a liberal faculty, he was widely liked and respected. A ready wit endeared him to many students, one of whom told reporters that "I could never understand how such a warm, likeable guy—a really human guy—could become so hostile and cold-blooded whenever he sat down at the typewriter."

He has made the same impression at the Justice Department and at the Supreme Court, where, as the department's representative, he decides which government cases are to be appealed to the high court and argues many of them himself.

At all arguments, before the rich mahogany bar of the Supreme Court, Bork has been quite a sight.

With his morning clothes, the traditional attire of Justice Department lawyers appearing before the Supreme Court, Bork had something of his very own—a bright red beard that inevitably attracted attention and whispers from the spectators.

During Bork's first argument before the justices, one tourist in the audience became positively distressed at his appearance. "What is this," she asked, "some kind of hippy-dippy lawyer?"