

Mitchell Warns of Danger In Attacks on High Court

**Sees Threat to Liberties
—Speech a Departure
From Usual Tone**

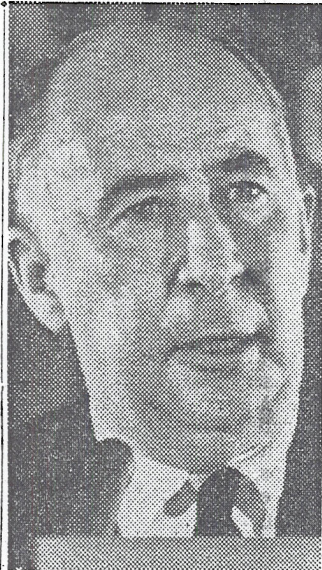
By **FRED P. GRAHAM**

Special to The New York Times

WASHINGTON, May 1—Attorney General John N. Mitchell warned today that "irresponsible and malicious criticism" of the Supreme Court had reached a danger point that threatened the nation's Constitutional liberties.

In a speech different in tone and content from the law-and-order pronouncements that have frequently come from the tough-minded Attorney General, Mr. Mitchell appeared to speak-up for Justice William O. Douglas without mentioning him by name. He also defended the controversial *Miranda v. Arizona* ruling on confessions.

The Attorney General said that "much of the popular dissatisfaction is ill-founded or maliciously motivated" and he urged lawyers to take care to point this out. He spoke at a



Associated Press

John N. Mitchell speaking yesterday in Washington.

Law Day luncheon sponsored by the Bar Association of the District of Columbia.

Mr. Mitchell expressed deep concern that the current attacks on the Court, which he said were probably unrec-

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denied in their sweep, could erode popular respect for the Bill of Rights. He urged that the public debate over the Court be considered "in a responsible and restrained manner, calculated to increase public respect for the Court rather than to undermine it." Mr. Mitchell declared:

"I believe that recent events have imposed upon me the obligation as Attorney General to give my own defense of the Supreme Court and to call for an end to irresponsible and malicious criticism which will not only damage the Supreme Court but will undermine all of our courts and our respect for our system of laws."

Mr. Mitchell noted that the Supreme Court had been attacked before, but he expressed doubts that the current criticism had parallel in history.

Vehemence nabated

Earlier attacks were usually single-issue controversies, he said, but now the Court is being criticized by various groups that have been offended by rulings on desegregation, apportionment, school prayer, criminal procedure and obscenity.

"I do not think we have seen, certainly in recent years, so much controversy involving the Court, its decisions and its Justices, and from so many sources," Mr. Mitchell said:

"Nor do I think the vehemence of the criticism appears to be subsiding," he added.

In his defense of the Court, Mr. Mitchell expressed several views that were uncharacteristic of statements by leaders of the Nixon Administration. They were especially unusual for the Attorney General, who has earned such nicknames as "the Iron Chancellor" and "Mr. Tough."

Miranda Ruling Backed

Without naming Justice Douglas, Mr. Mitchell undercut some of the charges that have been leveled against the jurist in the current impeachment drive in the House of Representatives.

"I think it is necessary to emphasize," Mr. Mitchell said, "that the Justices of the Supreme Court live alone with their consciences, that their sincerity, scholarship, and devotion to this generation and to future generations is beyond reproach."

Mr. Mitchell added that all responsible citizens agreed with the fundamental principle of the *Miranda* decision — "that all criminal defendants must

be treated equally regardless of their financial status." The 1966 *Miranda* decision, which requires that suspects be offered counsel before interrogation, was assailed repeatedly by Mr. Nixon during his 1968 campaign for the Presidency.

Mr. Mitchell noted that the ruling did not require the presence of a lawyer during police interrogation, but permitted suspects to waive counsel after being advised of their right to a lawyer. He also observed that Congress's 1968 legislation aimed at softening the ruling might yet be upheld by the Supreme Court.

The Attorney General also asserted that all responsible citizens supported the principles behind the Court's rulings on desegregation, obscenity, reapportionment and separation of church and state. He called upon the Court's critics to "make it very clear that a disagreement over the application of a principle in a particular case only means a dedication to making the underlying idea work — it does not imply an abandonment of the principle itself."

His conclusion was, "The lesson we should draw from history is that extremist critics of the Court have vastly overreacted and that most of the basic principles enunciated by the Court have proved to be the best course for the nation to follow."

'President's Lawyer'

In most of the past public utterances, Mr. Mitchell has spoken essentially as the "president's lawyer," articulating the legal positions of the Nixon Administration. He has rarely spoken as he did today, invoking his institutional prestige to rally public opinion behind national concepts of justice, and behind the courts.

Mr. Mitchell's statement came at a time when he has been under criticism for allegedly espousing heavy-handed law enforcement methods at the expense of individual rights.

He has said that the "Iron Chancellors" image does not bother him, but he has expressed concern that it could harm the image of the Justice Department, especially among young lawyers and in the law school community.

There have been reports of an impending exodus from the Justice Department of some young lawyers over these issues. Top Justice Department officials are reportedly concerned that the best law school graduates might shy away from employment with the Justice Department.