

William H. Rehnquist

A Cool, Precise

By Ken W. Clawson
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Washington

Just before the congressional elections last year, Assistant Attorney General William H. Rehnquist took the Justice Department's campus speaking program to Southern Illinois University.

The atmosphere was tense, as it had been at other campuses where Justice Department officials had appeared. Although Rehnquist tried to confine himself to the role of a single government agency, the students wanted to talk about Nixon administration campaign tactics, especially the rhetoric of Vice President Spiro Agnew.

Finally, an irate student asked, "Why doesn't the Justice Department prosecute the vice president for crossing state lines to incite a riot?"

DETAILS

When the cheering died down, Rehnquist quietly and without notes detailed all of the elements that have to be present to justify an indictment under federal law for the offense of crossing state lines to incite a riot. "What do you think?" he then asked.

Things went smoothly during the remainder of his campus visit.

Rehnquist's ability to remain cool under fire and his precision as a lawyer have vaulted him in less than three years from an unknown Phoenix, Ariz., attorney to the behind-the-scenes counsel for President Nixon and Attorney General John N. Mitchell.

In his post as assistant attorney general in charge of the Office of Legal Counsel, Rehnquist must pass on the legality and constitutionality of all presidential executive orders, formal opinions issued by the attorney general and other constitutional law questions in the executive branch. He also must consider conflicts of interest



WILLIAM H. REHNQUIST
'Case-by-case'

among administration personnel.

CONSERVATIVE

Like many other top Justice Department officials, Rehnquist is a political conservative. But his associates, including many career employees who were there before the Republicans took over, admire his ability to pull back from a close legal call and summarize both sides of the issue.

One of those career aides, Mary Lawton, said last night, "The law comes first to him, and the law can turn him around on an issue."

Another associate said, "When he came to Washington, he had a strong states' rights orientation. But on specific issues he shows a human, compassionate vein that modifies his views. Now I'd say he's a case-by-case man, and I agree the law can and does turn him around."

OUTLOOK

In a telephone interview last night, Rehnquist said that he has grown, and his outlook has broadened, since Deputy Attorney General Richard Kleindienst, another Arizonan, recruited him for the Justice Department in 1969.

"Well, it's one thing to deal with a client or a group of clients on a single issue, and

it's quite another to discuss law that affects the whole country," Rehnquist said. "I don't see how a person could fail to broaden his horizons in my job."

He added that he doesn't plan further public comments until after Senate confirmation. "You can't be shot for what you didn't say."

Rehnquist, 47, looks like an over-age college sophomore, and his low-key image contributed to a belief in some spheres of the administration that he came out of nowhere to land the nomination. But the image is deceiving.

LEADER

He was only one of several Justice Department officials who were charged with aiding Congress in the rewriting of the entire Federal Criminal Code. But he had emerged as the leading administration official working to make fundamental changes in the criminal justice system. This includes such thorny questions as making the judicial machinery produce speedier criminal trials.

In his role as the President's lawyer, Rehnquist approved the constitutionality of the Philadelphia plan for hiring minority members in the construction trades, a plan recently upheld by the Supreme Court.

He also studied and made technical changes early this year in the presidential order suspending the Davis-Bacon Act, which sets standards on construction wages.

In preparing legal background for Mr. Nixon's execu-

Legal Mind

utive order on the current wage-price freeze, Rehnquist pointed out that certain elements were valid because of the national emergency declared during the Truman administration. Based on the Truman emergency, which is still in effect today, Rehnquist has supplied the President with a continuing flow of advice on his war powers, many of which are derived directly from the old emergency proclamation.

Controversy over Supreme Court nominations is not new to Rehnquist, who was involved in defending the unsuccessful bids of Clement F. Haynsworth Jr. of South Carolina and G. Harrold Carswell of Florida.

PROTESTS

He was also an administration spokesman last spring following the May 3 Washington demonstrations, in which police arrested 7000 persons. In a May 5 speech at Appalachian State University in Boone, N.C., Rehnquist cited the doctrine of "qualified martial law."

In much the same language President Nixon used in making his nomination, Rehnquist cited a conflict between "the needed authority of society to protect itself against crime and prevent violence" and "the right of the individual who is detained by government to a speedy hearing in which he will be advised of the charges against him . . ."

Rehnquist justified police suspension of normal proce-

dures for handling those arrested, arguing that it was impossible for police to follow the rules under the circumstances. Later, most of the cases were thrown out of court.

CLERK

Rehnquist was a law clerk for Supreme Court Justice Robert H. Jackson in 1952 and 1953 after graduation from Stanford University Law School. After he had practiced law privately in Phoenix for four years, Rehnquist recalled with some dismay his clerkship.

In a U.S. News & World Report article in December, 1957, Rehnquist wrote that clerks unconsciously slanted research material for the justices and concluded that this might influence court decisions. He said the political cast of the clerks was "left" of either the country or the court.

Since joining the Government, Rehnquist has argued several cases before the Supreme Court, including a major draft case last January in which the court upheld his contention that late-blooming conscientious objections were triggered by induction notices.

Married to the former Natalie Cornell of San Diego, Rehnquist has three children, James, 16; Janet, 14, and Nancy, 12. The family lives in McLean, Va.