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By Joe Heiberger—The Washington Post

John N. Mitchell: He shuns talk of Watergate.

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The Rise and Fall Of John Mitchell

By Stephen Isaacs
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NEW YORK—"I think it's a tragedy. It's a long fall," says Harry Flemming, talking of his former mentor, John Newton Mitchell, who not long ago was the second most powerful person in the United States.

The career, the future of John Mitchell, former Attorney General of the United States, former confidant of the President, and once one of Wall Street's most spectacularly successful lawyers, now lie in ruins.

He has been frozen out of the White House and its Oval Office, where he once had such casual access, and has had to withdraw from his prestigious law firm.

A modern American tragedy—from the pinnacle of wealth, status and power to despair.

Day by day, the former Attorney General sits in his Manhattan apartment overlooking Central Park. He writes a great deal, preparing defenses to the various charges already laid against him here—obstructing justice and perjury — and those he expects will come against him in Washington later.

"It is a tragedy," says one New York politician who admires Mitchell's political skills. "This guy, who should have gone back to his law firm and had sort of an unparalleled second incarnation, is now without work, and having to pay a lot of money for lawyers and all sorts of things, and his reputation is on the line, and it's as likely to go bad as it is good."

Certainly it is ironic that Mitchell, who had his pros-

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perity and future all nicely laid out before him in 1966, pulling in $200,000 a year from his fees connected with preparing tax-exempt bond issues, ever met up with another lawyer named Richard Nixon.

At the time everything looked rosy, when the two, who got along so well, prepared the merger for their two law firms.

Says Flemming, now in the venture capital business in Alexandria:

"He jokingly said to me the other day, 'Why'd you get me into this thing, anyway?' meaning, 'Why'd you get me into politics.?' He's retained his sense of humor in that regard . . .

"I've talked with him over the last couple of months simply because—well, in this town, when you're on top, everybody's got friends and, when you're not, it can be a pretty cold, cruel world.

"I think enough of this man that I really don't care whether he's right or wrong. I still think he deserves better than what he's getting."

Mitchell never had what one might consider a warm public relations image in Washington, and more than a few consider he is finally receiving his just comeuppance.

But John Mitchell has many friends, too, for there is more than one John Mitchell.

"I found John almost like a second father," says Flemming, 32, who was patronage chief in the first Nixon administration and set up the first field organization for the Committee for the Reelection of the President.

"There are no two greater contrasts than John Mitchell's public image and his personal conduct," says Flemming. "As a man, and in a man-to-man situation, he's a very warm, considerate, kind person, anything but the abrupt sort of person that I think would generally characterize him in the minds of most people in the public.

"I've found this constantly —everybody had this impression that he was a cold, gruff kind of a person. I found, quite to the contrary, that he was a very warm, decent, and sincere kind of a guy."

Is this the same John Mitchell who barked out the orders in two Nixon campaigns? The same Mitchell who, as Attorney General, dourly grumbled at the over-liberalization of this country? The same man who fuzzed the country's guidelines for school desegregation, who tried to force through the Surpeme Court nominations of Clement [illegible]worth and Harrold [illegible]well, who devised a [illegible]thern strategy" to blunt [illegible] effect of George [illegible]llace?

[illegible] is the same man: the [illegible] who is an adoring and [illegible] husband, a gentle [illegible]ndfather, a loyal friend [illegible] would do anything to [illegible] a friend in need. It is [illegible] same man who was suc- [illegible] oriented in the way that [illegible] only New York law- [illegible] can be, and the same [illegible] who was—and it is [illegible] to conceive of this now [illegible] athlete in almost [illegible] who in his youth [illegible] professional hockey [illegible] and who, later [illegible] were the days when [illegible] Mitchell would [illegible] from Wall Street on [illegible] and get in two or [illegible] on the [illegible]

Mitchell is still a member of Rye's Apawamis Club and of Westchester Country Club. But his hands shake too much nowadays—thanks to a wound he suffered in World War II— and his hip is bothering him a bit, too, so that golf is out these days.

But it is not true, as some have presumed, that Mitchell is making a few too many trips to the Dewar's bottle these days—that he is, to be blunt, drinking himself to death.

And it is also untrue that he is a prisoner in his Fifth Avenue apartment, tormented by the reporters who refuse to leave him in peace. It is true that he isn't happy that they're there, but often they are when he isn't. He slips out the back way and is chauffeured in his Lincoln out to visit with old friends in Rye or Bronxville.

And when he is there, he will not talk of Watergate and the media and all that has befallen him lately, but of his old friends in Wall Street and what is happening to the stock market, about his daughter Jill's newest child or how his son, John Jr., is getting along in his Wall Street law practice.

The days, though, are mostly reserved for intense work, much of it in front of the television set, taking notes and fuming, for instance, at the testimony of the charming young man he was once so high on, Jeb Stuart Magruder.

Some days he is on the phone five or six times with his Washington lawyers, Bill Hundley and Plato Cacheris, planning his own testimony. And, of course, he has all he can handle in trying to keep his wife relatively calm in the vortex that seems, occasionally, to be swallowing them both.

At one point, while the reporters and camera crews were dutifully staked out in front of the apartment, Mitchell not only was not there, he was not even in town. He spent four days in Washington, from the night of June 24, Sunday, through Thursday morning, to be at the ready to testify before the Ervin committee immediately after John Dean was through.

He watched Dean's first three days of testimony with his lawyers, occasionally incredulous and surprised at what he heard, then came back to New York when it became clear that Dean would take up the whole week.

Last week, he worked here on his testimony, going through records, zeroing in on what he believes he can prove are lies in what the committee has heard already. Hundley has been up to the apartment to help.

What a strange situation for this man to be in, this extremely proud and strong man, who knew early in life where he was going and how he was going to get there.

John Mitchell was born in Detroit 59 years ago (he is just nine months younger than Richard Nixon). His father, Joseph Charles Mitchell, had been in a trading stamp business with his brother, then worked for Wilson & Co., the meat packers.

[illegible] his family moved to Blue Point, [illegible] outdoors, [illegible] trapping, [illegible] and particularly playing baseball.

In those early years, John Mitchell knew what he wanted to be and never wavered. [illegible]

want to type—and John wrote out: "John N. Mitchell, Attorney-at-Law."

At that age, John Mitchell began developing what might be called "lawerly" demeanor. He strove to be level-headed, responsible.

During his high school years, the Mitchells moved to Jamaica, N.Y., where John did well in school and was a star athlete, in hockey and in golf (he was captain of the golf squad—the coach was attracted to his even temper).

Upon graduation he knew what he wanted and considered Harvard, but that took too long, and it didn't provide the kind of New York contacts he wanted.

Instead, he opted for Fordham University (a Catholic school, though the Mitchells were Presbyterians) because it had an accelerated program.

He took only two undergraduate years at Fordham (meanwhile playing hockey for a farm team of the New York Rangers called the Jamaica Hawks), then flew into law school.

While still in his second law school year he began working for a Wall Street firm that specialized in the then somewhat dull and arcane field of municipal bonds.

It was headed by James H. Caldwell, who gave Mitchell much to do, and Mitchell grabbed at the chance. His first big opportunity came in researching public housing for the city of Syracuse, and he did so well at it that he soon became an almost peerless expert in funding public housing.

Before he was 30 he was a partner and soon the firm name became Caldwell, Trimble & Mitchell. He was a young man on the make—personable, knowledgeable, and with an old firm with a good name. The money started to roll in.

Lawyers who do similar work in New York say that it was not long before John Mitchell became the best in what was a growing area of specialty law.

Before World War II, says John H. Gutfreund, a partner of one of the biggest underwriters in the country (Salomon Brothers), "It was a very sleepy kind of business because it was boilerplate kind of work—you wrote the same opinion you wrote in the last deal.

"In the post-World War II era, you had the enormous proliferation of what are called revenue bonds, and revenue bonds encompassed everything from toll roads to public power authorities to turnpike bonds, and these required some sophistication and political contacts and this is where that business mushroomed and also where good counsel—that is, an intelligent fellow who could write a decent [illegible] and get along with the people—would be important."

Mitchell, says Gutfreund, was extremely sociable and well liked, and kept his political opinions to himself.

"He started by being competent and he knew the right people and he worked at it," says Gutfreund. "He was very, very [illegible] guess he was really [illegible] success-oriented [illegible]

[illegible]

for the building of more public housing than any other lawyer in America.

He wrote major law that created the New York State Housing Finance Agency, a law that became a model for many other states, and was a trustee, as well as a director, of the American Council to Improve Our Neighborhoods, which later became a part of Urban America, Inc.

Mitchell took three years off in World War II to serve in the Navy. He ended up commanding a PT boat squadron in the Pacific, and a young lieutenant named John F. Kennedy was under his comand.

After the war he returned to the burgeoning business of tax exempts, he and his wife, Betty, split up (she has since remarried) and in 1954 he married a vivacious woman named Martha Beall, the daughter of an Arkansas cotton broker.

They bought the house alongside the Apawamis fairway, and the living was good, and easy. John Mitchell's skills in dealing with the local politicians improved—much of the public bonding business comes in getting bond issues approved—and his confidence grew with it.

In the mid-1960s, he met Richard Nixon, who had left California after his unsuccessful run for governor in

1962 to join the old Wall Street firm of Mudge, Rose, Guthrie and Alexander.

Nixon the lawyer often represented underwriters, while Mitchell the lawyer often represented the bond issuers. A marriage was imminent, and it occured on Jan. 1, 1967—the new firm became Nixon, Mudge, Rose, Guthrie, Alexander and Mitchell. The two occupied neighboring offices, and all went well.

The partners say that Richard Nixon began to rely more and more on the detached lawerly judgment of John Mitchell.

"I think he analyzes things very well," says Flemming, "and he does them coolly. And I use that word purposely as distinct from coldly.

"There are two types of lawyers from what I've seen. One is those who follow things basically on an emotional level and those are, incidentally, the kind you often find in politics. The nature of the game, I think, brings that about. And there are others whose decisions come about in a pretty rational, calculating sort of way. I think John has that sort of ability."

Mr. Nixon also was obviously drawn to John Mitchell's enormous sense of self-confidence.

One Republican politican who has participated in many meetings with the two of them says.

"John is a man who's consummately in command of himself, or at least gives you that impression, whether he is or not, that inside he's very sure and very certain and very steady and the kind of guy who gives pretty flat statements with the impression that he has it all in hand and under control.

"Nixon isn't like that. Nixon is very insecure. Nixon was always very hesistant, never quite sure which way he wanted to go. He liked to have around him always a big man to lean on, who made the decisions, who was solid, and that was John Mitchell."

Mitchell became the Nixon campaign manager in 1968.

When Nixon won, he talked John Mitchell into coming to Washington with him, something Mitchell did not especially want to do. What he wanted to do was, as one New York politican says, "be the best lawyer in New York, which means he wanted to be the richest lawyer in the world. That's the way you measure success for a lawyer."

Mitchell went, this source says, because Mr. Nixon implored him to come, and for the intellectual challenge of it all.

Mr. Nixon used Mitchell in his administration as he had used him in the campaign—to sit back and coolly watch most things. He constantly thrust him into positions where he had little background, like appointing him to the National Security Council, to the 303 Committee (which oversaw the CIA), and the Urban Affairs Council.

"They liked each other," says one friend of both of them, "they respected each other's intellectual ability and their own political judgment and they were compatible. The President doesn't like palsy-walsy and I don't think he had it in John. He had a good mind to talk with, try things out on. He respected his judgment."

Says another friend:

"At meetings Mitchell would always be the last to speak, generally. He'd listen to everybody else and then he'd either agree or disagree. He'd nod in someone's direction or the other. Nixon would often sit and watch him, catch his eye and kind of see where he was going. It's a fairly awesome role for someone to be in."

During that period, Mitchell once told a reporter that his influence on the President came from the fact that only he, of all the men around the President, had nothing to gain from the association.

"You just don't understand," he said. "There's nothing he can do for me. I'm not going to run for office some time. I don't need a job. I've got all the money I can use—I've been making $200,000 a year for a lot of years, and about the only obligation I've got ahead of me is my daughter's education, and that's assured. That's why he listens to me."

John and Martha moved back to Manhattan last year but instead of going back to Rye, they opted for a Fifth Avenue apartment (he has always wanted to live on Fifth Avenue) so that he could get to and from work, and home from trips, more easily than in the Rye days, and so "Junior" (young Martha) could get to her school on 91st Street.

The new apartment has no direct line to the President, as the one in the Watergate did.

"Simply because of his power and his strength," says Harry Flemming, "He made some real enemies of those who sought the same power and the strength. I think in doing so, he gradually was eroded.

"Once you're out of the government your ability to influence things does diminish a little bit and they had proximity on him . . .

"I think he'll have an interesting day whenever that day comes."