

# Herbert Miller, New Nixon Lawyer, Called Able

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"He is able, articulate and has a realistic view of criminal justice."

This testimonial for Herbert John (Jack) Miller Jr. was given to John N. Mitchell in April, 1969, by no less a personage than Warren E. Burger. At the time Mitchell was Attorney General and Burger, on the brink of nomination to be chief justice, was giving advice on prospects for the federal bench.

Now Richard M. Nixon may be glad he didn't name Miller to a judgeship, for he would not have been able to retain him as defense counsel, as he did a few days ago.

Many another Watergate figure also would have had to look elsewhere for legal help. Former Attorney General Richard G. Kleindienst was grateful for Miller's skill at plea bargaining when he received a suspended sentence on a reduced charge. Members of Watergate Special Prosecutor Leon Jaworski's staff had argued for a perjury indictment.

Ironically, the leniency for Kleindienst came somewhat at the expense of Miller's new client, Mr. Nixon. The sentence



HERBERT J. MILLER JR.  
... praised by Burger

ing judge, told that Kleindienst had admirably resisted White House pressure to drop a case against ITT, attributed Kleindienst's Senate testimony on the subject to "a heart that is too loyal" rather than one bent on deception.

Almost a one-man conglomerate of Watergate clientele, Miller also has represented White House aide Richard Moore, a witness at last summer's Senate hearings, and

William O. Bittman, who is gaining process at which his not accused of crime but who, according to the pending cover-up conspiracy indictment, carried hush money to his client, E. Howard Hunt Jr.

Previously Bittman had generated further legal business for Miller by pressing two Los Angeles Times reporters for source material. The investigative reporters, who know a lot of criminal lawyers, hired Miller to stave off a possible jail sentence for refusing to disclose the material.

Whether Miller is once again bargaining with Jaworski was only one of many questions the discreet former aide to Attorney General Robert F. Kennedy would not answer yesterday. Nor would he disclose whether he, unlike James D. St. Clair and other former Nixon lawyers, had insisted on a pledge to confide even the most damning evidence so as not to leave the lawyer in the dark.

Embarrassingly, Miller's law partner, Nathan Lewin, has argued vigorously in the public prints for the thorough investigation and prosecution of Mr. Nixon. In the Aug. 24 issue of The New Republic, Lewin inveighed against the plea-bar-

yard law school, where he will be teaching this year, Lewin said Miller had told Mr. Nixon about his article before being retained. Lewin will teach an advanced course in constitutional law and conduct a seminar on "the defense of white-collar crime."

As Burger recalled in his 1969 letter of recommendation, "Miller represented some of the anti-Hoffa forces in the Teamsters' in-fighting when Robert F. Kennedy was coun-

sel to the McClellan Committee. This led RFK to appoint him head of the Criminal Division even though Miller is a lifetime Republican."

According to Teamster lawyer, Miller was part of Kennedy's "Get Hoffa Squad." (Lewin was part of that team also.) Though he remained a Republican, and ran an unsuccessful race for Maryland lieutenant governor in 1970 on the GOP ticket, Miller was always a Kennedy supporter. He can-

paigned for him in California before the 1968 assassination. This political history did not faze Kleindienst and apparently it does not bother the beleaguered former President.

Miller, now 50, left the Justice Department in 1965 but accepted President Johnson's appointment to head the District of Columbia Crime Commission. In 1970 he was elected to a one-year term as president of the D.C. Bar Association.