

Federal Attorneys Relax Despite Election Pressures

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Normally, if you bring together the nation's federal attorneys in an election year, it has all the overtones of an employment counseling session.

As politically well connected lawyers designated to carry out Justice Department policy in the 94 judicial districts across the country, they can logically be expected to worry about whether they will still have their jobs the following January.

Not so this year. The regional prosecutors who gathered here for a recent weekend conference in the sun were the epitome of self-confidence and job security.

When they discussed the wars on hijacking, drug abuse or housing fraud, it was a question of how better to implement the Nixon administration's policies. When they sang "Up the Lazy River," it was a song of how they are going to send George McGovern there. When they did talk about changing jobs, it was usually in terms of when the appropriate federal judge-ship would open up for them. If anyone is sure of the opportunity for "four



RICHARD G. KLEINDIENST
... command performance

more years," as the President puts it, the U. S. attorneys are among them.

As the conference opened, Attorney General Richard G. Kleindienst reminded his troops, for the record, that they are covered by the Hatch Act, which—although in a state of legal limbo—prohibits partisan political activity by federal employees. But with hardly an objection, the rules were suspended for the weekend, and partisanship became the order of the day.

"You know, I just had an

urge to work for Dick Kleindienst," said Robert E. J. Curran, newly named U.S. attorney for the Eastern District of Pennsylvania (Philadelphia area), hastily adding, "and for Dick Nixon. I think they are doing great things."

Bert C. Hurn the federal prosecutor for the western district of Missouri (Kansas City), observed that "we are the real Republicans, the heirs to the party of Lincoln, not the capitalist fat cats who captured it in the early Twentieth Century. President Nixon is one of us and I think the voters are beginning to realize that."

While a few of the U.S. attorneys had pretenses of being in office because of their prosecutorial and administrative, rather than political, skills, some made no bones about how they arrived where they are. "I got my job because of my Republican connections," said Victor R. Ortega of New Mexico with a frank smile.

There are exceptions, of course. Such as Sidney I. Lezk, whom Kleindienst fondly calls "our house Democrat." As U.S. attorney for the state of Oregon for the past 11½ years, he is something of a legend for his capacity to survive

changes at the top and keep on prosecuting.

The South Carolina conference, hosted by John K. Grisso, the U. S. attorney here, was, as one Justice Department aide put it, "a command performance" for Kleindienst. The regional officials were flown in from as far away as Alaska and Hawaii, at an average cost of at least \$250 each, for two days of meetings in which they would be urged, among other matters, to start saving the federal government money by, for example, winning more victories in tax cases.

Some of the big city folks, who had heard it all before, seemed bored. For the smaller-town people, where the problem simply does not arise, instruction on such matters as how to prosecute violators of Phase II economic controls, was plainly irrelevant. (Virtually all of those cases are handled out of headquarters in Washington.)

Ira DeMent, of the middle district of Alabama, took the opportunity to explain how, through civil lawsuits, he has almost singlehandedly reformed his state's penal system.

Robert K. Fukuda, U.S. attorney for Hawaii, lodged

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an appeal for more help in his district: "soon we will have big crime, very big crime," he said.

Paul C. Camilletti, the northern district of West Virginia's representative, played the piano, well enough to drive off the professional at the conference hotel. Evan L. ("Curly") Hultman, of the northern district of Iowa, sang — he, Kleindienst, and Kent Frizzell, a Kansan who is now assistant attorney general in charge of the Land and Natural Resources Division, each of them once an unsuccessful Republican candidate for governor of his home state, did a moving rendition of "My Melancholy Baby."

Above all, this was a time for what the Attorney General calls "a great bunch of guys" to let their hair down and exchange notes — surely a useful exercise —

and, in every spare moment, to express their adulation of and reaffirm their loyalty to Kleindienst.

One Westerner acknowledged, in a confidential aside, that "I have no use for Kleindienst. He's no Mitchell. Mitchell was a lawyer, and this man is completely political." He was the exception, however. Most of the U.S. attorneys expressed thorough satisfaction with Kleindienst's operation of the Justice Department and said they could communicate better and more directly with him than with Mitchell.

In part, the good will toward Kleindienst stems from the fact that he, as deputy attorney general under Mitchell, cleared the appointment of each U.S. attorney after a personal session with him in Washington. But several of the prosecutors insisted that despite the deference they would automatically owe any At-

torney General — and there is plenty of deference accorded to Kleindienst — they felt they can be frank with him and, when necessary, resist politically motivated decisions with which they disagree.

"At least, if we have to dismiss or drop a case, he gives us the latitude to do it under honorable conditions," said one U.S. attorney conscious of the need to save face in the field.

There were, to be sure, moments for serious reflection amidst the fun and surf and obeisance to the Attorney General. The U.S. attorneys seemed genuinely committed to the Justice Department's crusade for cutting back the "exclusionary rule," which prohibits the use of all illegally obtained evidence in court.

They complained that federal judges have been too lenient in permitting drug offenders to remain on the streets. And they expressed

awareness that they, as prosecutors, might be able to make more significant contributions than they have to prison reform. (Some, as politicians, had never seen the inside of prisons until they took over their current jobs.)

A few felt that the department's priorities are askew, forcing them to prosecute relatively minor tax cases while other matters get less attention than they deserve.

Throughout, there was an extraordinary preoccupation with image, with the need to convince the public that they are indeed "good guys" despite any impressions to the contrary.

"Remember," said John W. Hushen, the Justice Department's public information officer, as he stood to give a speech on how-to-do-it at the conference's opening session, "in the end, I'm the guy who has to take the calls from Jack Anderson."