

Aide Says President 'Misspoke' In Fitzgerald Firing Answer

By Mike Causey

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The White House yesterday said President Nixon "misspoke" at a Wednesday press conference when he said he had personally approved the firing of A. Ernest Fitzgerald, a top Pentagon contract expert.

At his Wednesday meeting with reporters, Mr. Nixon was asked about the case of Fitzgerald, whose job was eliminated in 1969 after he told Congress of multi-billion dollar cost overruns in an Air Force contract with Lockheed for C-5A aircraft. On Tuesday, Secretary of the Air Force Robert C. Seamans Jr. had invoked executive privilege rather than tell a Civil Service hearing about the White House role in the case.

"I was totally aware that Mr. Fitzgerald would be fired or discharged or asked



A. ERNEST FITZGERALD
... "layoff" clouded

to resign," Mr. Nixon replied.

"I approved it and Mr. Seamans must have been talking with someone who had discussed the matter with me."

"No, this was not a case of some person down the line deciding he should go. It was a decision that was submitted to me. I made it and I stick by it."

A Civil Service Commission examiner is now hearing Fitzgerald's appeal for restoration of the job on grounds that it was a firing, and a punitive firing. The Air Force has steadfastly contended that Fitzgerald lost his job because of an economy cutback, and that he was not fired for his testimony before Congress or for any other reason.

Presidential press secretary Ronald Ziegler yesterday attempted to clear up the situation, saying that the President realized he "misspoke" after reading

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the Wednesday press conference transcript.

Ziegler said Mr. Nixon told him he was "mistaken in his reference to Mr. Fitzgerald." Ziegler said he did not know which Civil Service firing, if any, Mr. Nixon had in mind on Wednesday.

Fitzgerald, who was once nominated by the Air Force for its top civilian award, was transferred to other duties after his testimony to the Joint Economic Committee. Shortly thereafter he was given 60 days notice that his job in the office of the assistant secretary for financial management had been abolished.

Seamans later told Congress that it had been impossible to find "a suitable new position in which he (Fitzgerald) could make a suitable contribution" among the Air Force's 290,000 jobs.

The \$33,000-a-year Pentagon cost expert took his firing to the courts, and wrote a book about alleged waste and mismanagement in defense contracts. He also worked part-time as a consultant to the Joint Economic Committee, probing Pentagon handling of contracts.

Fitzgerald's case went before a Civil Service Commission appeals examiner to decide whether he had been properly separated under a normal reduction-in-force or fired in violation of Civil Service rules. The hearing was closed to all but the participants and witnesses, standard government procedure.

CSC refused Fitzgerald's request to open up the hearings to the public, so Fitzgerald took the case to the U.S. Court of Appeals here. The court ruled that Fitzgerald, and other civil servants, are entitled to an open hearing if they wish. CSC ordered public hearings, which began last Friday.

Fitzgerald's attorneys hope to win restoration of his job on grounds that he was fired as punishment, and that his job was not abolished for economy reasons. The Air Force is attempting to convince the appeals examiner that the layoff was proper.

Several federal attorneys

said they were shocked when they read the transcript of the President's news conference. They said his saying he made the decision to fire Fitzgerald would certainly cloud the CSC hearings, and could result in a ruling of procedural violations.

At any rate, they felt, it weakened the case of the Air Force, since the Commander in Chief said the employee was fired and not laid off for economy reasons.

Sen. William Proxmire (D-Wis.), a champion of Fitzgerald, said yesterday he was "delighted" to have the President's clarification. Proxmire said he had no doubt that Fitzgerald had

been fired by the Air Force, and that his "only crime was that he tried to save the taxpayers money by elimi-

nating waste and mismanagement in defense spending and that he told the truth to Congress."