

# Leadership Lack Is Felt At Justice

By Susanna McBee

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The other day a Justice Department lawyer called the home of a colleague in his office and told him, "I know where I work, but I don't know who the hell I work for."

His comment underscored the shock and dismay evident in the department. Its 50,000 employees, including 2,800 attorneys, were stunned a week ago Saturday night by President Nixon's dismissal of Watergate Special Prosecutor Archibald Cox and his acceptance of the resignations of Attorney General Elliott L. Richardson and Deputy Attorney General William D. Ruckelshaus.

"There's just been no letup," said one official. "Starting with Watergate

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last year, we've had one blow after another."

He was referring to the wrenching shakeups over the past 19 months in which the department has seen three Attorneys General—John N. Mitchell, Richard G. Kleindienst, and finally Richardson—come and go.

"Richardson was Mr. Clean, Mr. Thorough, Mr. Fair, and he was starting to restore the confidence of employees in the department," the official said.

"But now with him and Ruckelshaus gone, it seems as though we're back to square one."

Some reaction to the cascade of events was bitter, as reflected in a letter of resignation from John A. Herfort, a young staff assistant to Richardson who had worked for him only about 20 days.

Herfort charged in his letter that President Nixon's actions culminating in the firing of Cox "constitute an unjustifiable repudiation of the rule of law as I know it, and, therefore, a shocking disservice to the nation and government he purports to lead."

But others on the Attorney General's staff tried to see the loss of Cox, Richardson, and Ruckelshaus in more philosophical terms. Richard G. Darman, former special assistant to Richardson, said as he was packing his office files into five large cardboard boxes:

"I'm more educated about the processes of government. Neither my hopes nor my fears have been dra-

stically altered. Figuring out how to govern ourselves decently has always been a problem, hasn't it? When de Tocqueville wrote about our democracy in the last century, he said it represented both the best and the worst of human nature."

Darman, 30, was one of the administration's bright young "MBAs" from Harvard. He has a master's degree in business administration and a doctorate in education and also served as a key aide to Richardson when he was Secretary of Defense and when he was Secretary of Health, Education and Welfare.

"I'm not disenchanted," Darman continued. "I still think, and this may sound pretty corny, that democratic institutions are the proper ones to make work—and the most difficult ones, at least for some men."

"Our first goal under Richardson, and the one we founded on, was to restore confidence in our legal system. That was our No. 1 objective, but given the President's attitudes, I don't think we could contribute to that goal."

Darman said he was not optimistic that the goal could be achieved in the near future, but he added, "There should not be a sudden surge of cynicism now. After all, it was the presumption of our founding fathers in writing the Constitution that leaders are not always decent men."

Darman's pessimism was widespread but not universal in the department. A more optimistic view was expressed by Edmund W.

Kitch, an aide to Solicitor General Robert H. Bork, who became acting Attorney General when he agreed to obey President Nixon's order to fire Cox.

Kitch, another bright young man in the department who formerly taught law at the University of Chicago, said he was pleased that there were no resignations en masse last week. "I'm impressed because people are hanging in and showing that they're willing to go an extra inch," he said.

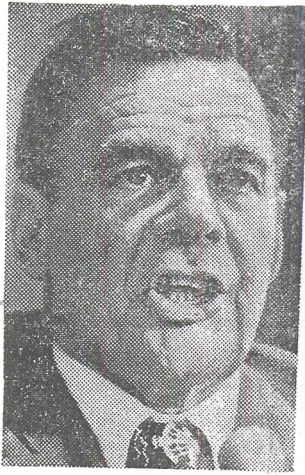
So far all of the assistant attorneys general have agreed, at Bork's urging, to stay on, but some have told friends their decision is only for the time being.

Those whose possible departure Bork was said to have been most worried about were J. Stanley Pottinger, head of the Civil Rights Division; Thomas E. Kauper, head of the Antitrust Division, and Henry E. Petersen, chief of the Criminal Division. Petersen, who handled the Watergate probe before Cox took over last May, resumed control of it pending the appointment of a successor to Cox.

One high official said a prime reason some of the assistant attorneys general have decided to remain is that attorneys within their divisions have urged, "Don't leave us exposed."

In other words, the attorneys want protection so they can continue pursuing their individual cases without political interference from Bork or the White House or Congress.

Under Richardson, they were free from such inter-



HENRY E. PETERSEN



J. STANLEY POTTINGER

... assistants Bork wants to keep

ference on regular cases. Whether that policy will continue "is a question mark," the high official said.

Bork, who has opposed a vigorous antitrust policy and who has supported Mr.

Nixon's proposed antibusing legislation, has tried to allay fears that he may try to hamper the work of the Antitrust and Civil Rights divisions.

He told reporters last Fri-

day he sees his role as one of a caretaker: "The best I hope to do as acting Attorney General is keep personnel in place and keep policies running as they were."

But misgivings remain. One lawyer who is familiar with Bork's views on antitrust calls them "fairly prehistoric" and says, "I think he would have refused to authorize the original Standard Oil case of 1911 which broke up old John D. Rockefeller's monopoly."

Another department lawyer warned that if Bork and the White House choose a new Watergate special prosecutor "who presents only a pro forma case, morale will drop even more. Then the investigation will be nothing but a county courthouse operation."

This source added, "The department will be under suspicion as long as the special prosecutor is under the executive branch and can be fired by the President."

A lawyer who has about 30 years of government service said he is discouraged by President Nixon's actions on the Watergate tape recordings. "By refusing to turn them over to the court for so many months, he's permitted the suspicion to grow that he's used the intervening time to doctor the tapes," this lawyer said.

"His decision to release the tapes was made entirely for reasons of expediency—he would have faced impeachment otherwise—so I don't give him much credit.

"Here we are, some of us, working extremely hard on cases involving law enforcement, and it's pretty demoralizing for those of us who are prosecutors to see the law being kicked around like this."

The attorney added, "I've got another year to go. Then I can retire. I doubt if I'll stay unless things change thoroughly."

An official who views the

department as a whole said, "It will survive. It always has. And most employees will remain." But he agreed with the prevalent feeling in the department that it will remain leaderless for many months while the Senate investigates the President's next nominee for Attorney General.

For the time being, the official conceded, many employees are job hunting. "If they had some place to go right away, they'd quit," he said.