

THE SENATE

A Sense of Strain

At one brief point during the past summer, even former Attorney General Elliot L. Richardson came to question President Nixon's mental condition. In his characteristically elegant, self-assured tones, Richardson told the Senate Judiciary Committee last week: "There was a period around early July when I felt the President showed considerable sense of strain."

He described how Nixon angrily telephoned from Key Biscayne, Fla., to demand that Archibald Cox, who was then Special Watergate Prosecutor, publicly deny news accounts that he was investigating the President's financing of his San Clemente, Calif., estate. Said Richardson: "The President was certainly wrought up over that."

Over the ensuing months, White House aides repeatedly relayed presidential complaints to Richardson about the scope of Cox's wide-ranging probes. Said Richardson: "There was a feeling in the White House on the part of the President and his staff that this was a ravenous beast whose appetite was inexhaustible." Then, in late September, Nixon said something to his Attorney General about wanting to "get rid" of Cox. "I didn't take it very seriously," Richardson recalled. "I thought it was just a general expression of irritation." In mid-October, however, Richardson had become convinced that Nixon was out to get Cox and decided to resign if the special prosecutor was fired. Less than a week later, the Saturday Night Massacre took place.

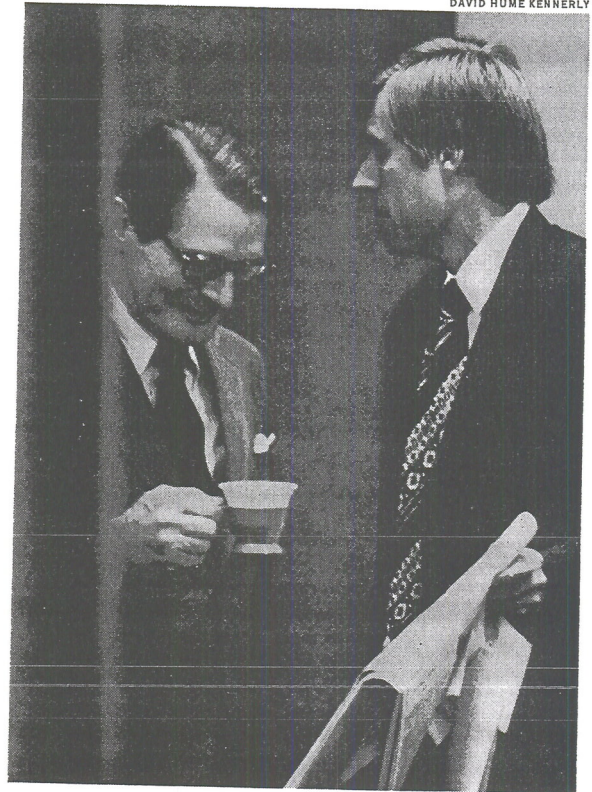
Since that night, Richardson has spent much of his time at his vacation home in Eastham on Cape Cod, where he has boated and fished. Dressed in a pin-stripe suit, he testified in the second week of the committee's hearing on bills to set up an independent Watergate prosecutor. During lulls in the questioning, his eyes were focused on the intricate owl and sunflower he was doodling on notebook paper, but his advice was directed to the Senators: 1) enact legislation requiring Senate con-

THE NATION

firmation of Nixon's choice as special Watergate prosecutor, and 2) hold up the confirmation of Senator William Saxbe as Attorney General until the President promises to release all evidence requested by the prosecutor.

Most members of the Senate committee, as well as those on a House Judiciary Subcommittee, which was also holding hearings on the same subject, prefer a bill that would have the courts appoint the special prosecutor. That would make the prosecutor independent of the Democratic-controlled Congress as well as of the White House. But Richardson and other witnesses before the committees disputed the measure's constitutionality, arguing that only the Executive Branch is empowered to authorize and conduct prosecutions. Dean Roger C. Cramton of the Cornell Law

DAVID HUME KENNERLY



RICHARDSON & SENATOR JOHN TUNNEY
Doodles and testimony.

School warned that the measure could lead to another year of court battles before the constitutional question was settled. He recommended that Congress instead censure Nixon for "breach of faith" in firing Cox and give the President a chance to "resign honorably."

The Congressmen seemed far more interested in adopting a compromise measure that would allow Nixon to appoint the prosecutor, with Senate confirmation, but permit the President to fire him only for gross improprieties. If the President's nominee were not confirmed within 30 days, the proposal provides that the court would appoint the special prosecutor. Some even thought that an agreement might be worked out with Nixon so that he would not veto the bill.