

Wk Post

Chaos Reigns on Fifth Floor at Justice

MAY 1 1973

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"Nobody feels good about what the hell's going on," said a key assistant attorney general yesterday after the news came that Attorney General Richard G. Kleindienst had resigned from the Cabinet.

"We've got to get things over with as soon as possible," said another, "so we can get back to the job that we have—enforcing the law."

Throughout the Justice Department, career lawyers and political appointees were weighing their options.

There were those who wanted to resign and those who didn't, but many in both categories were afraid to do so out of a fear that the simple act would be taken as a tacit admission of involvement in the Watergate scandal.

"I want to get out," said one young official close to Kleindienst, "but how would it look if I did it now?"

In the meantime, the fifth floor of the Justice Department building on Pennsylvania Avenue—the executive area where the Attorney General, the director of the FBI and the solicitor general hang their hats—was in chaos.

Marge Neenan, long-time secretary to L. Patrick Gray III, had cleaned out the FBI director's suite completely by 9:30 a.m., so that the new acting director, William D. Ruckelshaus, could move in.

Gray, who resigned last Friday after it was learned that he had destroyed possible Watergate evidence, had left for his home in Stonington, Conn., that same afternoon—the word was that "he will not be back"—and his personal papers and effects were to be shipped there.

In Kleindienst's office, the secretaries were literally in tears, and there were urgent attempts to reach a private secretary who is vacationing in Europe to give her the news.

Kleindienst is to stay on until his appointed successor, Elliot L. Richardson, is confirmed by the Senate, but there was little doubt that he would be the lamest of lame ducks, with his authority and the President's

confidence swept out from under him.

The Justice Department's entire top echelon of assistant attorneys general serves at the pleasure of the President and the endorsement of the Attorney General, and no one had any idea who among them would be replaced by Richardson.

Henry E. Petersen, head of the criminal division and until now chief of the renewed Watergate investigation, seemed likely to remain for the time being, if only because he knows more than anyone else about the current status of the inquiry.

Deputy Attorney General Joseph T. Sneed, former dean of Duke University Law School, although in the job only a few months, will probably also stay to assist in the transition and try to keep the department's non-Watergate business running smoothly.

But beyond that, all bets are off, and some people who have moved into major posts since January are expected to be asked to leave during the housecleaning.

Two who are thought of as having strong ties to the White House, former attorney general John N. Mitchell and Kleindienst are Harlington Wood Jr., chief of the civil division, and Wallace H. Johnson, the new assistant attorney general in charge of the lands and natural resources division.

In one surprising development, top career FBI officials sent the President a telegram asking that he consider someone from within the organization for the permanent FBI directorship. It was issued by the office of Leonard M. Walters, chief of the bureau's inspection division.

The fact that Kleindienst's departure was announced by the White House in the same breath as that of presidential aides John D. Ehrlichman and H. R. (Bob) Haldeman was, as one Justice aide put it, "a matter of great consternation and bitterness around here."

It was felt that Kleindienst's reputation and his prestige had been seriously damaged by lumping him with Haldeman and Ehrlichman—two of his worst ene-

mies—who have been implicated in an alleged coverup of the Watergate affair.

High-ranking sources in the Watergate probe insisted that Kleindienst himself is not under investigation at this time and that there is no evidence now which links him to the scandal or the coverup.

Some officials at Justice pointed out, however, that Kleindienst had once promised that the original Watergate probe would be "the most extensive, thorough and comprehensive investigation since the assassination of President Kennedy," and that it had obviously fallen far short of that promise.

The failings of the original investigation and the department's inability to gain public confidence in its handling of the case were cited as possible reasons why President Nixon had decided that Kleindienst had to go.

Kleindienst's official letter of resignation to Mr. Nixon cited his "close personal and professional associations" people who "could be involved in conduct violative of the laws of the United States."

The Watergate investigation is reportedly focusing on, among others, Mitchell, whom Kleindienst served as deputy attorney general, and Robert C. Mardian, former assistant attorney general in charge of the internal security division and one of Kleindienst's closest friends.

"So much of the administration of justice has to do with confidence," said an assistant attorney general, stressing that the major task at hand was to try to rebuild that spirit.

Richardson's nomination seemed to boost the spirits of some officials in the department. "He's the only reason I'm the least bit sanguine," said one.

The question being asked both inside and outside the department was whether the government could be counted upon in this instance, in effect, to prosecute itself with integrity.

Inevitably, there were rumblings about dark historical precedents when the

Justice Department was racked by scandal.

Attorney General Harry M. Daugherty, who served under President Warren G. Harding, for example, was implicated in the Teapot Dome oil-lease controversy in the 1920s, and his resignation was demanded by Harding's successor, Calvin Coolidge, in 1924.

Daugherty was also indicted for allegedly aiding political allies by obtaining the release of a metal company from the alien property custodian's office, but he was never convicted.

President Truman's Attorney General from 1949 through early 1952, J. Howard McGrath, departed under fire after he was implicated in controversy over the corruption of federal employees and reportedly refused to launch vigorous prosecutions of such wrongdoing.

Every Attorney General since then has had to contend with charges that the Justice Department was being over-influenced by political considerations, but never has the outcry been as great as during the Watergate affair.

Kleindienst went into seclusion yesterday without resolving the conflict among versions of how his resignation came about.

Sen. Barry Goldwater (R-Ariz.), his longtime friend and sponsor, said Kleindienst told him last Friday that he had decided to resign, but authoritative sources in the Justice Department insisted that the President had forced him to go.

A third version had it that Ehrlichman and Haldeman dragged him down as part of the price for their own demise.

No one at the Justice Department seemed to have any confident idea yesterday who would be named to take over the FBI after Ruckelshaus's brief tenure.

The chances of W. Matt Byrne Jr., the U.S. District Court judge in Los Angeles who is presiding over the Pentagon Papers trial, appeared to diminish with the revelation that he had met secretly with the President and Ehrlichman at San Clemente a month ago.