

Richardson, Formally Nominated as Attorney

DISCUSSION HELD WITH KLEINDIENST

But Defense Chief Remains
at the Pentagon—Senate
Hearings to Start May 9

By WALTER RUGABER
Special to The New York Times

WASHINGTON, May 1—Secretary of Defense Elliot L. Richardson was nominated formally today as Attorney General while moving into over-all control of the Justice Department's investigation of the Watergate scandal.

Mr. Richardson, who was assigned "absolute authority to make all decisions" on the case by President Nixon in his television address to the nation last night, remained at his Pentagon office today.

But he discussed the case again with the outgoing chief law enforcement officer, Richard G. Kleindienst. Mr. Kleindienst's resignation was announced yesterday.

Mr. Richardson has also conferred by telephone on the Watergate affair with Henry E. Petersen, the Assistant Attorney General, and William D. Ruckelshaus, the new acting director of the Federal Bureau of Investigation.

A Defense Department spokesman said Mr. Richardson would remain at the Pentagon until he is confirmed by the Senate and would "concentrate more" on National Security affairs for the time being.

Kleindienst Stays On

Attorney General Kleindienst is expected to remain in the office until Mr. Richardson's nomination is confirmed, but it was understood that he would make no more broad policy decisions in the department.

If a "critical problem" regarding the Watergate inquiry arises, one source said today, Mr. Petersen or the Government prosecutors would consult directly with Mr. Richardson.

President Nixon's nomination of Mr. Richardson to be attorney General reached the Senate Judiciary Committee this morning, and the panel tentatively scheduled hearings on it for May 9.

The Attorney General-designate was expected to encounter close questioning from committee members on the appointment of a special prosecutor to handle the balance of the department's Watergate investigation.

Such an appointment, which the President said he would leave up to Mr. Richardson, would be unpopular at the Justice Department. Mr. Kleindienst has opposed it since last June, when the investigation began.

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But there are continuing pressures for such a move, from Capitol Hill and elsewhere. A number of Senators and Bar Association officials have recommended an independent prosecutor.

While some Judiciary Committee sources held out the possibility that the issue could hold up Mr. Richardson's confirmation, there was no immediate strong opposition. Mr. Richardson has previously been confirmed in two cabinet posts.

Panel Meets Today

The select Senate Watergate committee, under Sam J. Ervin Jr. of North Carolina, is scheduled to meet tomorrow for a discussion of public hearings on the break-in, set to begin May 15.

A committee source said today that two former ranking officials at the White House, H. R. Haldeman and John D. Ehrlichman, have arranged to meet privately with the panel's staff on Thursday in a building near the White House.

Meanwhile, Mr. Kleindienst disregarded the prepared text of a Law Day speech here and referred to the Watergate case as "this tragedy."

"There is evidence that justice is going to be heeded," he added. "We can take great heart and renew our faith in the vitality of the role of law in the United States."

The Attorney General first excused himself from the Watergate inquiry and then resigned his Cabinet post because of the possibility that friends and associates would be indicted by a Federal grand jury here.

Mr. Kleindienst spoke at length with his successor, Mr. Richardson, on Sunday night. They also talked by telephone about the Watergate case on several occasions yesterday.