

The Night Kleindienst Knew He Had to Quit

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For Attorney General Richard G. Kleindienst, the real agony began at 1 o'clock in the morning on Sunday, April 15.

Kleindienst returned to his home in suburban McLean, Va., at that hour after spending Saturday night at the 59th annual White House Correspondents Association

dinner at the Washington Hilton.

He was joined at his home by Assistant Attorney General Henry Petersen, chief of the Justice Department's criminal division; Harold H. Titus Jr., U.S. attorney for the District of Columbia; and Earl J. Silbert, Titus' principal assistant and chief

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of the Watergate investigation.

LEARNED

The meeting lasted for four hours, until 5 a.m., and Kleindienst listened while the other three men spelled out what they had learned about the Watergate affair from two persons interviewed by prosecutors over the weekend. One of them is thought to have been Jeb Stuart Magruder, a Nixon campaign official, and former White House aide.

Kleindienst was shocked by what he heard.

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"It was the first information, the first time, that indicated involvement, possible criminal conduct" of men with whom he had close personal and professional relationships during his 4½ years in the Nixon administration, the outgoing attorney general said during an interview yesterday.

After a little sleep, Kleindienst went to the White House a few hours later. He

attended Sunday church services there and then requested a meeting with President Nixon.

Kleindienst told the President that in light of the revelations, he "should seriously consider accepting my resignation."

But Mr. Nixon, who was just beginning to learn some of the grimmest details of the Watergate situation, declined, telling the attorney general that "this isn't the time."

Instead, they arrived jointly at the formula of Kleindienst disqualifying himself from all future aspects of the Watergate investigation and establishing a direct line of responsibility from Petersen to the President.

Four days later, on Thursday, April 19, the attorney general issued a statement to that effect.

FUNCTION

However, during the two weeks that followed the April 15 meetings, Kleindienst said yesterday, "it became evident . . . that I was less than an attorney general. I couldn't function as attorney general of the United States."

"This isn't just an ordinary little case," he said. "I couldn't talk to people, I couldn't see them. Justice requires not only the fact of impartiality, but the appearance of it."

Kleindienst conferred repeatedly with his closest aides and associates, sounding them out and encouraging them, as is his wont, to state the pros and cons of whether he should leave the department.

The consensus, a reluctant one, was that he should.

CAMP

Last Sunday, Kleindienst again asked to see the President, and went to Camp David, where Mr. Nixon, in seclusion, was planning his speech to the nation.

Announcing on arrival his conclusion that he must resign from the Cabinet,

Kleindienst found that the President had reached the same decision.

It was agreed that the resignation would be formally tendered, accepted and announced on Monday.

Kleindienst refused yesterday to discuss other resignations or the matter of his departure being announced at the same time as those of White House aides John D. Ehrlichman, H. R. Halde- man and John W. Dean III.

SURPRISED

But other Justice Department sources said that it came as a complete surprise when the resignation of Kleindienst, who is understood to have had no involvement with the Watergate affair, was revealed in the same announcement with the other three, who apparently are involved.

That insult has made Kleindienst's current situation even more painful than might be expected.

Although he officially remains as attorney general until his designated successor, Defense Secretary Elliot L. Richardson, is confirmed by the Senate, he is virtually excluded from the Justice Department's day-to-day business.

AUTOGRAPHS

Yesterday, he sat behind his desk smoking a cigar and shuffling through a quarter-inch-thick stack of unanswered telephone messages. Most of the materials sent in to him were color photographs waiting to be autographed for his friends and colleagues.

His mood was that of a man sitting in a rumor-control center monitoring a crisis but unable to act. He seemed sad and demoralized, but at the same time pronounced himself "glad to be getting out."

Some of the phone messages were apparently from law firms, in Washington and elsewhere, inviting him to talk about coming aboard.

But under law, as long as he is attorney general he is not permitted to negotiate

about a job with anybody who has business pending before the Justice Department — and nearly every major law firm does, directly or indirectly.

ARIZONA

One decision he has definitely made is not to return to his hometown of Phoenix, where he liquidated his interest in a law practice before he came to Washington in 1969.

His likely preference is to join a major firm or open his own here.

Whatever he does, Kleindienst must move quickly when he formally leaves the Justice Department because, he says, his net worth has substantially diminished since he joined the government.

Almost 50, he says "this is the first time in my life since I was 10 years old that I have no employment. I want to be a lawyer."