

GUIDELINE ISSUED FOR PROSECUTOR

MAY 18 1973

Richardson Would Give 'Full
Authority' to Investigate
All Election Offenses

NYTimes

By ANTHONY RIPLEY

Special to The New York Times

WASHINGTON, May 17 —

Elliot L. Richardson, in the continuing search for a special prosecutor for the Watergate investigation, issued a detailed set of guidelines today that apparently would give wide discretion and power to whoever takes up the task.

In a letter presenting the guidelines, to the Senate Judiciary Committee, Mr. Richard-

*Text of office's guidelines
is printed on Page 20.*

son, the Attorney General-designate, asserted that the special prosecutor would be appointed by the Attorney General to serve within the Department of Justice. He said the prosecutor would be given "full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee headquarters at the Watergate."

He would also handle "all offenses arising out of the 1972 President election" as well as "allegations involving the President, members of the White House staff, or Presidential appointees and any other matters assigned to him by the Attorn-

Continued on Page 20, Column 1

Continued From Page 1, Col. 6

ey General," Mr. Richardson wrote.

The concept of "full" authority used in the guidelines, however, still does not meet the insistence among some members of Congress that the prosecutor be given "final" authority.

Guidelines drawn up by Senator Adlai E. Stevenson 3d, Democrat of Illinois, and included in Senate Resolution 109 speak of "final" authority.

In any case, one of the major candidates for the job, who said he had read Mr. Richardson's guidelines, promptly countered with a different set of his own.

The candidate, Justice William H. Erickson of the Colorado Supreme Court, would not say what was in the proposal he forwarded to Mr. Richardson, now Secretary of Defense, who has been asked by President Nixon to take over as Attorney General.

Justice Erickson, who has been in Washington meeting with Mr. Richardson, said in a telephone interview:

"I have discussed the guidelines with the Secretary and set forth my own thoughts as to requirements."

Demanded Independence

His only elaboration was that he had made clear to Mr. Richardson that the prosecutor would have to be "independent."

Mr. Erickson is one of two remaining major candidates for the job from an original list of four. Yesterday, Warren M. Christopher of Los Angeles turned it down, saying he could not see a "reasonable probability" of achieving "the requisite independence."

The day before, it was refused by Judge Harold R. Tyler of the Federal District Court for the Southern District of New York, who said he did not want to give up his seat on the Federal bench.

The fourth remaining candidate is David W. Peck, former Presiding Justice of the New York State Appellate Division, who is now retired.

Mr. Richardson's guidelines, taking up the matter of independence, said the special prosecutor would have "the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdic-

tion of the Department of Justice."

This, too, falls short of Senator Stevenson's guidelines. Capitol Hill sources say Mr. Richardson has always insisted on qualified "independence," rather than total.

Justice Erickson, who is said by friends to be willing to take on the task if his own guidelines are met, said: "The problem of having guidelines adequate for the job is the most critical problem."

Asked "Is the possibility of your becoming special prosecutor still open?" he answered, "Yes."

It was also clear that the search has widened for other possible candidates for the job beyond Justice Erickson, who is 49 years old, and Justice Peck, who is 70.

Mr. Richardson is known to have had a larger number of candidates in mind, although he has concentrated on the four in the last week.

At the White House, Ronald L. Ziegler, the Presidential Press Secretary, said the "independence" problem "is totally and completely in the hands of Mr. Richardson was free to grant total independence if he chose.

'Full Authority'

Mr. Richardson's guidelines would give the special prosecutor "full authority" for conducting proceedings before grand juries, investigating, reviewing all evidence, deciding whether to accept or fight the use of "executive privilege," handling all court work, coordinating the work of the Justice department in relation to Watergate, and handling relations with Congressional committees.

The guidelines state that the prosecutor also will determine "whether or not application should be made to any Federal court for a grant of immunity to any witness, consistent with applicable statutory requirements."

It was unclear whether this was a reversal of the President's earlier position that no one be granted immunity from prosecution in exchange for his testimony. The statutes require, among other things, that such grants be approved by the Attorney General, his deputy or a designated assistant.

Three Democratic Senators — Edward M. Kennedy of Massachusetts, John V. Tunney of California and Quentin N. Burdick of North Dakota — praised Mr. Richardson for agreeing to release the guidelines for public inspection.

'Constructive Steps'

In a joint statement they said: "Our initial view is that the present draft includes some constructive steps from the nominee's prior positions, but there are still a number of very significant areas which we believe the special prosecutor would want and need to have clarified."

Related developments today included the following:

¶ A State Department spokesman was questioned on whether Secretary William P. Rogers knew of wiretaps on National Security Council personnel said to have been ordered by Henry A. Kissinger, the national security adviser to the President, in 1969. At the time, Mr. Richardson was Under Secretary of State. The spokesman said department officials were unaware of the wiretaps "and did not receive the products of those taps."

¶ Mr. Richardson's brother, Dr. Edward Pierson Richardson, a neuropathologist at Massachusetts General Hospital, said his brother was reluctant to take on the task of Attorney General but did so out of a sense of service to the nation.