

Kleindienst and Dean Part In DeCarlo Case Queried

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By LINDA CHARLTON JUL 6 1973
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WASHINGTON, July 5—Senator Henry M. Jackson charged today that Richard G. Kleindienst and John W. Dean 3d had "bypassed normal procedures and safeguards" in arranging executive clemency for a high-ranking organized-crime figure, Angelo DeCarlo, after he served 19 months of a 12-year sentence.

Senator Jackson, in releasing a letter to Attorney General Elliot L. Richardson requesting the Justice Department's records on the freeing of DeCarlo last December, said:

"It is ironic that at the same

time the Justice Department makes claims of a nationwide crackdown on organized crime and launches difficult and costly trials to convict mobsters such as DeCarlo . . . the process of justice is frustrated by the ability of these men to elude the full weight of penalties imposed on them. Something smells and I want to know what."

Mr. Kleindienst was Attorney General at the time of DeCarlo's release; Mr. Dean was counsel to the President.

Senator Jackson said in his letter that information received by the subcommittee on investigation, of which he is chairman, during its investigation of organized crime related to securities thefts and frauds raised "serious and disturbing questions as to the reasons and manner in which" DeCarlo was released. The subcommittee is an arm of the Senate Government Operations Committee.

Senator Jackson asked Mr. Richardson to arrange for interviews with persons "through

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whom such pardon requests would normally flow as well as all individuals who were in any way associated with this matter."

The Washington Democrat said also that his staff would "be meeting with both Dean and Kleindienst to find out what they know about the commutation" of DeCarlo's sentence by President Nixon.

Stern Interview Sought

Among those with whom Mr. Jackson requested interviews specifically was Herbert J. Stern, United States Attorney for New Jersey and the prosecutor in the DeCarlo case.

Mr. Stern, in a statement released by his Newark office, said: "This office, in close and continuous contact with special prosecutor [Archibald] Cox's office, has been coordinating an F.B.I. investigation into allegations concerning this matter for several months. The results of this investigation will be made known both to Special Prosecutor Cox and to this office."

At the time the DeCarlo commutation was announced, Mr. Stern said he had not been consulted.

No reason was given at the time for DeCarlo's release last Dec. 20, although there were reports that he had terminal cancer. Howard Feldman, chief counsel to the investigation subcommittee, said today, however, that "we have word that he resumed his activities."

DeCarlo, described by Senator Jackson as a "high-ranking Mafia figure," lives in Mountainside, N. J. He was convicted in January, 1970, of extortion and conspiracy.

Captain in Genovese Family

DeCarlo, portrayed by the Federal Bureau of Investigation as a methodical gangland executioner, was a captain in the Mafia family of the late Vito

Genovese and one of New Jersey's most powerful underworld figures until he went to jail in 1970.

His extortion-conspiracy trial in January, 1970, prompted the Federal Government to make public the sensational "DeCarlo Tapes," which detailed gangland murders and payoffs to public officials for rackets protection and influence in dealings ranging from public-works contracts to criminal cases.

The tapes—inadmissible as evidence—were recorded in the Barn, a lodge on Route 22 in Mountainside, N. J., that DeCarlo used as a headquarters.

DeCarlo and another man were found guilty on Jan. 28, 1970, of conspiring to extort \$150,000 from Louis B. Saperstein, a Newark insurance broker and labor racketeer who died of arsenic poisoning in November, 1968. DeCarlo was subsequently sentenced to 12 years in prison.

The conviction was overturned by a three-judge panel of the United States Court of Appeals for the Third Circuit, in Philadelphia, in August, 1971. However, the appeal was later reargued before the entire bench of the Third Circuit Court, and the conviction was reinstated.

DeCarlo was confined at the United States Medical Center in Springfield, Mo., from March, 1970, until President Nixon granted him a full commutation last Christmas. DeCarlo was said to have been suffering from cancer.