

Rowland Evans and Robert Novak

Post 9/2/73

Texas Politics and the Uses of Justice

Charges that the Nixon administration misused the judicial process to shatter the Texas Democratic establishment may soon be backed up in part by President Nixon's former law-and-order specialist: Will Wilson, assistant attorney general in charge of the criminal division in the early Nixon years.

Wilson is privately bitter about being eased out of the Justice Department in 1971. What makes this so potentially important is that Texas Republican Wilson is one of six past and present federal officials subpoenaed to testify in an extraordinary hearing this fall in Federal District Court in Dallas which will probe charges of the Nixon administration using law enforcement powers for political ends.

The hearing (scheduled for Sept. 18 but likely to be postponed) grows out

Joseph Kraft is on vacation.

of the 1971 stock scandal which wrecked careers of half a dozen key Texas Democrats and totally changed the face of that state's politics. Wagoner Carr, former state attorney general and Democratic Senate candidate in 1966, was indicted for mail fraud and conspiracy.

On July 9, Carr filed a motion in District Court asking that the charges be dismissed against him because of "a secret scheme" started in 1970 by then Atty. Gen. John Mitchell to "pull a political coup" against Texas Democrats by exploiting the stock scandal. To the amazement of federal prosecutors, District Judge William Taylor on Aug. 9 issued subpoenas for the federal officials to testify in Dallas before ruling on Carr's motion.

Those subpoenaed include former Atty. Gen. Richard Kleindienst and Assistant Atty. Gen. Henry Petersen, Wilson's successor. They and other federal officials are expected to deny Carr's

charges. But Wilson, also subpoenaed, could be another matter.

Wilson, a former Democratic attorney general of Texas who turned Republican in 1966, feels he was pushed out of the Justice Department by Kleindienst and Petersen. He has said recently in private that officials in the Justice Department who engineered the political collapse of then Lt. Gov. Ben Barnes and other Texas Democratic leaders were the same men who got rid of Will Wilson. He had to go, he says privately, because of his association with Houston land developer Frank Sharp, central figure in the scandal; otherwise, the government's charges would be undercut.

Carr's motion to dismiss the suit claims that the Justice Department gave immunity (Kleindienst's decision) to admitted swindler Sharp in order to get testimony against Barnes and other leading Texas Democrats. During preliminary hearings in early August,

it was charged that in late 1970 or early 1971 Mitchell told Republican Sen. John Tower of Texas not to worry about a challenge from Barnes; a pending federal investigation would take care of that. An immunized Sharp later gave hearsay testimony against Barnes which, though far from sufficient for indictment, destroyed him politically.

In Texas Democratic circles, Wilson was thought a major planner of this investigation in furtherance of old feuds against Carr and other Texas Democrats.

But, according to testimony at the preliminary hearings, a June 7, 1971, meeting between Mitchell and then Assistant Atty. Gen. L. Patrick Gray determined that Wilson must be sacked because of his own connections with Sharp. Carr's attorneys obtained that information this summer from a familiar source: deposed White House counsel John W. Dean III.

© 1973, Field Enterprises, Inc.