

MAY 9 1973

MAY 9 1973

Immunity Up to Richardson

Prosecutor Sought

By John P. MacKenzie

Washington Post Staff Writer

Attorney General-designate Elliot L. Richardson has turned to leaders of the American Bar Association for help in choosing his special Watergate prosecutor.

Three prominent bar leaders acknowledged yesterday that persons authorized to speak for Richardson had sounded them out for candidates capable of restoring "full public confidence" in the probe of Watergate and related scandals.

Past ABA president Whitney North Seymour Sr.—the only one who would permit his name to be used—said in New York that he had been consulted and had recommended individuals but he declined to identify them. He emphasized that he was only one of dozens of lawyers whose help had been sought.

The extent of the search indicates that Richardson will not have a choice ready when he goes before the Senate Judiciary Committee today for his own confirmation hearings as Attorney General. He is expected to tell the senators the search may continue for several more days.

Many of the committee members have expressed concern over any further delay in an "independent" investigation. They are expected to question Richardson closely on the selection process he is using and his precise plans for the operation of the special probe.

See PROSECUTOR, A8, Col. 5

PROSECUTOR, From A1

Some of the anxiety stems from last week's indictment of alleged political saboteur Donald Segretti in Florida on an isolated charge of publishing fraudulent campaign literature. The indictment could preclude his testimony in other, broader investigations of political espionage.

The fear is that additional uncoordinated actions could impede the inquiry before the special prosecutor is even chosen.

In other developments:

- Majority Leader Mike Mansfield (D-Mont.) gave tentative support to a proposal to delay Richardson's confirmation — though not necessarily his approval by the Judiciary Committee — until the prosecutor is named. A similar course of action was suggested Monday by majority whip Robert C. Byrd (D-W.Va.).

- Sen. Adlai E. Stevenson III (D-Ill.), expressing strong

doubts that Richardson's prosecutor would be sufficiently independent of the Nixon administration, offered a new sense-of-the-Senate resolution calling for guaranteed adequate staffing and funding for the special office with final authority over the granting of prosecution decisions.

immunity and other key

- The AFL-CIO executive council, questioning the administration's ability to investigate itself adequately, called for a probe by "an outside commission made up of citizens who are of unquestioned stature."

One of the American Bar Association leaders reached yesterday acknowledged that in addition to seeking advice on potential candidates, a Richardson representative had inquired about his personal interest in taking on the assignment. This lawyer, who declined to be identified, said he had expressed "great reluctance" at the prospect of devoting at least a year to the task.

The attorney said he was contacted last Thursday and then again on Monday, the day Richardson made his public announcement that he would choose a special prosecutor. The attorney said he suggested as possible candidates 19 lawyers from a dozen states.

Several new names were advanced. Common Cause, the citizen lobby, suggested three:

Barnabas F. Sears, the Chicago lawyer who led a special grand jury investigation of the 1969 police shootings of two Black Panther leaders, and two other men who had been previously mentioned as possibilities, Herbert Stern, U.S. attorney for New Jersey, and Whitney North Seymour Jr., the outgoing U.S. attorney in Manhattan and son of the former ABA president.

Another bar official said he had privately advanced the names of former deputy defense secretary and peace negotiator Cyrus R. Vance; former Deputy Attorney General Warren Christopher; New York State bar chairman Robert McCrate, who is counsel to Gov. Nelson A. Rockefeller; former U.S. attorney Robert Morgenthau; Edward Levi of the University of Chicago, and two New York Federal

judges, Walter Mansfield and Harold R. Tyler Jr.

This official said that the focus of the search had shifted from the East to the Midwest—apparently in part because Richardson himself is a former Massachusetts lieutenant governor and attorney general identified with the East.

Watergate, whose widening scandals implicating former high administration officials prompted Attorney General Richard G. Kleindienst first to disqualify himself from the case and then to resign, will dominate the Richardson hearings, but committee members want to question him on other subjects as well.

Executive privilege, wiretapping, the future role of the FBI, and civil rights are only a few of the topics senators will explore if time permits.