

WXPost

MAY 17 1974

Kleindienst Played Confusing Role

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When the Watergate scandal has run its course, history will cast certain men as heroes, others as villains and perhaps, Richard G. Kleindienst as both.

He was among the first to know that the President's men were involved in the Watergate break-in, yet he said nothing, keeping his own Justice Department ignorant. But when he learned of the burglary of the office of Daniel Ellsberg's psychiatrist, he said he insisted that the President notify the judge in the case.

He played a pivotal role in the International Telephone and Telegraph anti-trust case, misleading a Senate committee while testifying under oath. Yet he subsequently volunteered the whole story to the special prosecutor, an admission that led yesterday to a plea of guilty to misdemeanor.

He insisted publicly that the Justice Department was thoroughly investigating the Watergate break-in, yet lobbied behind the scenes for the appointment of a special prosecutor.

His actions were unpredictable and confusing—even Mr. Nixon and his closest advisers, John Ehrlichman and H.R. (Bob) Halde- man, were unsure what to make of him. For a time, the transcripts show, they did not know whether to enhance Kleindienst's importance or fire him.

When he finally left, he went silently, bitter that he was forced to keep the company of Haldeman and Ehrlichman in the President's announcement of the resignations. He simply called in his top aides the morning of April 30, 1973, announced he was leaving, and wept.

Through it all, he was the odd man out, the unpredictable wild card in a deck the President's men were furiously attempting to stack. He was little understood by them or the public and his own assessment of himself, offered months before his resignation, was far from flattering:

"I'm not going to have any sour grapes," he said, looking toward the day he left office. "I'm going to feel I've had one of the great experiences a dumbbell lawyer from Arizona could have."

Richard Kleindienst and the Watergate break-in were introduced to each other by none other than G. Gordon Liddy, one of the original Watergate conspirators and then — in June, 1972 — the general counsel of the Finance Committee for the Re-Election of the President.

According to Kleindienst's own testimony before the Senate Watergate committee, Liddy came to see him at the Burning Tree County Club the morning of the break-in, a Saturday. Liddy was accompanied by Powell Moore, a former Justice Department public relations officer under Mitchell who had gone with Mitchell to the President's campaign committee.

Liddy, Moore and Klein-

dienst walked into the locker room and there, according to Kleindienst, Liddy said he believed that some of the men arrested at the Watergate the night before worked for either the White House or the Re-Election Committee.

Liddy, Kleindienst testified, said that Mitchell had ordered him to come out to the country club and talk to him. Kleindienst said that he relayed the information to assistant Attorney General Henry Petersen, the chief of the Justice Department's criminal division. Petersen said he could not recall receiving the information.

Regardless, it was more than a week before the FBI uncovered Liddy and weeks later before his role was discovered.

But less than a year later, in April, 1973, his actions were entirely different. When he was informed by Petersen of the burglary of Ellsberg's psychiatrist's office, he insisted that the judge in the Ellsberg case be notified even though the President had said, "that's national security" and ordered Petersen to ignore the matter.

Petersen, testifying before the Watergate committee, said he and Kleindienst resolved to resign unless Mr. Nixon allowed them to inform the Ellsberg judge. On April 26, Kleindienst himself went to see Mr. Nixon and while it is not known if he threatened to

resign, the President did change his position.

On the 26th, Judge Matthew Byrne stopped the trial and the next day announced the role of the White House "plumbers," escalating the Watergate scandal. Soon after, it was revealed that Ehrlichman had met with Byrne while the Ellsberg trial was in progress and sounded him out on accepting the post of FBI director.

The charge that Ehrlichman's offer constituted a bribe is one of the matters now being considered by the House Judiciary Committee's impeachment investigation.

By the end of that month, Kleindienst's resignation was in the hands of Mr. Nixon. He had earlier, on learning of the role of Mitchell and others removed himself from supervising the Watergate investigation, turning it over to Petersen.

All through the early part of the investigation, Kleindienst's role appears vague. He himself said he "looked to . . . Petersen to be primarily responsible for the direction of the investigation." And unlike Petersen, Kleindienst was seen as an unknown commodity in the White House.

For instance, on March 27, Haldeman complained to Mr. Nixon that Kleindienst was not supplying the White House with information

about what was being said in the grand jury.

"Ask Kleindienst, John," Mr. Nixon said. "Put it on the basis that you're not asking nor in effect is the White House asking; that John Mitchell says you've got to have this information from this time and you owe it to him." Kleindienst apparently furnished the reports.

Kleindienst, a Phoenix, Ariz., lawyer, entered politics as a protegee of Sen. Barry M. Goldwater (R-Ariz.). He ran for governor of the state in 1964 and lost, returning to his law practice. In 1968, he surfaced as the general counsel to the Republican National Committee and was named deputy attorney general in 1969.

An unflinching conservative and a law and order man, Kleindienst was an author of the harsh Justice Department policy toward antiwar demonstrators. He helped plan the mass street arrests that marked the May 1, 1971, antiwar demonstrations here, and he once said he favored incarcerating violent demonstrators in detention camps.

The former Attorney General also had some severe views on his responsibilities. He made enemies within the administration, for instance, when he disqualified politically powerful judgeship aspirants as unqualified.