

San Diego Case

U.S. Attorney's 'Bad Judgment'

Washington

The Justice Department said yesterday that United States Attorney Harry Steward of San Diego was guilty of "highly improper" conduct, but it decided to clear him of all charges for the sake of public confidence in law enforcement.

Henry E. Petersen, assistant attorney general in charge of the criminal division, told the senate Judiciary Committee that Steward had displayed bad judgment in interfering with a government organized-crime investigation of the man who got Steward his job.

"He should have known better," Petersen said. "He was an experienced prosecutor."

But Petersen said he and Attorney General-designate Richard G. Kleindienst felt that Steward had done nothing serious enough to warrant dismissal.

CONFIDENCE

The department decided it "would take a stand which backed Steward in the eyes of the public," and issued a statement in February expressing "full confidence" in him, Petersen said.

At issue is a broad federal and local investigation in 1970 into bribery and political corruption charges in San Diego, site of the Republican National Convention next August.

As part of the investigation, members of a federal Strike Force Against Organ-

ized Crime issued a subpoena to Frank Thorton, a vice president of a San Diego advertising agency.

The Strike Force wanted Thorton to testify before a federal grand jury probing a \$2068 contribution to President Nixon's election campaign which they believed had been funneled through the advertising firm.

SUPPORTER

The firm, Barnes-Champ Advertising Co. is owned by C. Arnholt Smith, a friend and longtime political supporter of Mr. Nixon.

When Steward found out about the subpoena, Petersen told the committee yesterday, Steward called members of the strike force into his office and complained that Thorton was his friend.

Petersen quoted Steward as saying Thorton "has been a good friend of mine. He's going to recommend me for a judgeship."

MONEY

Petersen described that as "highly improper but no evidence of corruption. There was no money involved."

Petersen, a lawyer with the Justice Department since 1947, said Kleindienst agreed with his recommendation and so Steward remained in the job he still holds today.

The committee is considering whether to approve Kleindienst to succeed John N. Mitchell as attorney general.

A.P. & U.P.