

Fitzgerald Firing Hearing Stirs Mollenhoff Outburst

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Clark R. Mollenhoff, a former aide to President Nixon who later returned to being a reporter, interrupted a Civil Service Commission hearing yesterday with charges that it was a "kangaroo court" trying to "bar the truth" about the firing of Pentagon management analyst A. Ernest Fitzgerald.

Despite requests by the hearing examiner that he be quiet, Mollenhoff stood up several times in the audience of the hearing room, and demanded that he be allowed to testify.

When the examiner, Herman D. Staiman, threatened to ask him to leave, Mollenhoff declared loudly:

"I'm only trying to get the truth on the record."

Then he picked up a thick briefcase and strode out the door, trailed by a wire service reporter.

Fitzgerald is seeking reinstatement to the job he lost with the Air Force after telling Congress about a \$2 billion cost overrun on the C-5A airplane.

Mollenhoff, a long-time member of the Washington bureau of The Des Moines Register and Tribune, served as a special counsel to Mr. Nixon in 1969 and 1970. He summoned Air Force officials to his White House office in November, 1969, after Fitzgerald was dropped from his job.

Last week lawyers for Fitz-

gerald made public several recent letters from Mollenhoff to Mr. Nixon and White House Counsel John Dean III.

The letters said Fitzgerald had been "brutally mistreated." Mollenhoff said in interviews that he wrote them as part of an unsuccessful effort to persuade Mr. Nixon to have Fitzgerald rehired.

Two weeks ago, lawyers for Fitzgerald asked that Mollenhoff be allowed to testify at the Civil Service Commission hearing. Air Force lawyers objected.

At the beginning of yesterday's hearing, Staiman announced that he had not yet decided whether to allow Mollenhoff to testify, because he had just received legal briefs on the matter.

In its memo, the Air Force contended that since Mollenhoff had been at several previous hearings, his appearance as a witness would violate the normal judicial rule against testimony by persons who have heard others testify.

The memo added that Mollenhoff also should not be allowed to testify about what he learned as a White House staffer because of "the confidentiality of advisory conversations involving the White House staff."

It cited a string of legal decisions to support its position, and said this "executive privilege" is needed to encourage "full and frank discussion ... within the executive branch."

Yesterday Fitzgerald's law-

yer, John C. Bodner Jr., said Mollenhoff would tell all he knew about Fitzgerald's firing "without invoking executive privilege." Then, despite Staiman's announcement that he had yet decided whether to allow Mollenhoff's testimony, the lawyer called on him to speak.

Mollenhoff, heavy-set and 6 foot 4, rose in the front row of the audience and declared, "This is a kangaroo court. Every effort is being made to prevent the facts being put on the line."

The soft-spoken Staiman reprimanded Bodner and Mollenhoff for "this public interference" with Civil Service hearings, which, until a court ruling obtained by Fitzgerald, had always been closed.

"If the truth is an interference," Mollenhoff responded loudly, "then I'm interfering."

After Mollenhoff left the room, Air Force Col. James D. Pewitt, the only witness of the day, refused to say whether he met with Mollenhoff about the Fitzgerald case in the White House. He said his refusal was based on executive privilege.

Several weeks ago, at an earlier session of the hearing, Air Force Secretary Robert C. Seamans Jr. said he decided to abolish Fitzgerald's job as part of a staff reorganization because Fitzgerald had completed the work he was hired to do.

Fitzgerald contends that he was dismissed because of his disclosure about the C-5A.