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**NAACP Lawyer
Is Likely Choice**

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Attorney General-designate Elliot L. Richardson has decided to name a special prosecutor from outside the Justice Department to supervise the continuing investigation and future prosecutions growing out of the Watergate affair, sources in the department said yesterday.

His likely, but not yet certain, choice, the sources said, is William T. Coleman Jr., a 52-year-old Philadelphia lawyer who is president of the NAACP Legal Defense Fund. Coleman and Richardson were contemporaries at Harvard Law School and clerked together for the late Supreme Court Justice Felix Frankfurter.

At the same time, however, Richardson has asked Assistant Attorney General Henry E. Petersen—currently the chief of the Watergate probe—to remain as head of the Justice Department's Criminal Division, the sources added.

Petersen has been asked to stay on apparently in order to help the special prosecutor take charge of the ever-growing Watergate-related business confronting the Department.

The sources said that Richardson reached his decision on the need to name an outside prosecutor as soon as he began consulting with key officials in the department after he was named by President Nixon on Monday to succeed Attorney General Richard G. Kleindienst.

The message that was communicated to Richardson in those consultations is that the Justice Department is in the midst of perhaps the most serious crisis of confidence in its history as a Cabinet department.

Simultaneously, key senators have warned that the appointment of a special prosecutor may become the non-negotiable price for Richardson's confirmation from the moment that the Senate Judiciary Committee opens hearings on his nomination next Wednesday.

If Richardson balks, a Senate source said yesterday, some members of the Judiciary Committee are prepared to "make him sit there while they read all of Martindale-Hubbell."

(The Martindale-Hubbell Law Directory, consisting of four volumes of about 3,000 pages each, is the authoritative catalogue of practicing attorney in the United States.)

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Richardson Said to Decide To Name Special Prosecutor

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Some Senate aides suggested that Richardson might even announce his choice before going to Capitol Hill for the hearings next week.

But Justice Department officials said that would be an unseemly breach of protocol, especially for a "shrewd fellow" like Richardson, because on such a major issue he would ordinarily be expected to "take suggestions" from and test his own inclinations with members of the Judiciary Committee before acting.

Although they have for months resisted the idea of naming a special prosecutor, those in authority at Justice now readily concede that it is an essential step.

"I'm sorry to say this," commented one official with years of service in the department, "but the credibility of the Justice Department has hit the bottom. People no longer believe that we can be trusted to do the job [on Watergate]. We don't have a big enough reputation to carry it off."

Even the appointment of an outside prosecutor may not be enough to solve the Justice Department's problems and reestablish public confidence in it, he continued.

There is some sentiment at Justice, the official said, for creation of an "independent commission" outside the formal structure of the federal government, modeled after the Warren Commission that investigated the assassination of President John F. Kennedy.

Such a commission, headed by someone with the stature that Earl Warren,



WILLIAM T. COLEMAN JR.
... preliminary choice

then Chief Justice of the United States, had in 1963, could be given the power to subpoena witnesses, grant immunity from prosecution, hold executive sessions and construct its own "security clearances," the official suggested.

Once its basic investigative work was done, he added, the commission could deal out matters for appropriate prosecution and other actions by state and federal governments, and even then with special prosecutors who are free of the political process in charge.

Other Justice Department officials were not willing to go so far, however, "I don't think it's going to take all that much to rehabilitate things," said one.

But there was general agreement among several people interviewed by The Washington Post that unless Richardson proceeds carefully in taking the reins on Watergate, as one put it, "he can't stay here very long be-

fore he will be tarred with it, too."

While Richardson has apparently made his basic decision about whether to name a special prosecutor, the Justice Department sources stressed that it is a more complicated matter to define the prosecutor's powers and how he fits into the department's formal structure.

One official who would have to work with the outside prosecutor rejected as implausible the notion that he would be independent from the professional Justice Department staff.

"You can't be a totally independent anything when you're screwing around with the presidency," he said, in an apparent reference to the number of present or former White House aides who might become involved in the Watergate probe.

It is generally assumed that after the prosecutor is named, his status would be worked out in consultation with the Senate Judiciary Committee and other federal officials and with reference to such precedents as the Teapot Dome scandal of the 1920s.

Although endorsements were sprouting up across the country on behalf of other possible candidates—such as Herbert J. Stern, U.S. attorney for New Jersey—Coleman appeared yesterday to be the most likely choice.

Sources close to the Philadelphia attorney, who is a Republican and longtime friend and political ally of Senate Republican Leader Hugh Scott of Pennsylvania, said that the appointment seemed "pretty definitely set" in the morning, but less clear by late afternoon.