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Richardson Will Name Prosecutor

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Attorney General-designate Elliot L. Richardson, exercising a prerogative granted him by President Nixon, announced yesterday that he will name a special prosecutor to supervise the continuing investigation of the Watergate affair.

Richardson stressed that he had not yet selected the prosecutor and warned that "it may take some time to find the right person."

But in a surprise gesture toward Capitol Hill, where there has been intense pressure for such a nomination, he invited the Senate to evaluate the qualifications of his eventual choice and express "its confidence in him" without engaging in a formal confirmation process.

"The person selected to fulfill this role will have to meet stringent standards," Richardson said. "He must not only be an individual of the highest character and integrity but be widely so recognized. He must not have been associated with any of the persons alleged or suspected to have had a part in the matters under investigation. He must be judicious in temperament and independent in spirit. He must have a proven record of outstanding competence as a lawyer, preferably including trial experience."

See PROSECUTOR, A6, Col. 1

PROSECUTOR, From A1

Richardson's announcement came two days before the scheduled opening of hearings on his own nomination before the Senate Judiciary Committee.

He spoke to newsmen at the Pentagon, where he is still serving as Secretary of Defense, and declined to elaborate on a prepared statement or to answer reporters' questions.

Richardson resolved one continuing controversy by making it clear in the statement that the special prosecutor "will be in the Department of Justice and report to me—and only to me."

He added that at the same time the prosecutor "will be aware that his ultimate accountability is to the American people."

He did not say, however, whether he, once confirmed as Attorney General, would report to the President on the prosecutor's activities. Nor did he specify whether the person he selects would have independent authority to grant immunity from prosecution to those who cooperate with the investigation.

That issue and other ground rules under which the prosecutor will operate are expected to be among the few matters of contention when Richardson goes before the Judiciary Committee on Wednesday.

Some Senate sources have suggested that Congress may have to pass enabling legislation that permits the new Attorney General to give the prosecutor "all the independence, authority, and staff support needed to carry out the tasks entrusted to him," as Richardson said yesterday he wants to do.

Both the White House and the Justice Department made it clear that Richardson was being given a free hand in choosing the prosecutor.

Assistant White House Press Secretary Gerald L. Warren said at a press briefing in Key Biscayne that Mr. Nixon has had no discussions with the Attorney General-designate "since he told Richardson he had full authority" in the Watergate case.

Justice Department sources said that Richardson met for several hours on Saturday with outgoing Attorney General Richard G. Kleindienst,



ELLIOT L. RICHARDSON
... seeks "right person"

but that their discussions had not even touched on the question of a special prosecutor.

Kleindienst, officially remains as chief of the Justice Department until Richardson is confirmed by the Senate and sworn into office, but he was described by the sources as serving only in a "custodial capacity" and "doing what's required by law"—handling correspondence and approving indictments in non-Watergate-related cases.

Other sources said that Richardson was considering more than 25 names for the position of special prosecutor and that he hopes to narrow the list down to about a dozen in the next day or so.

Although William T. Coleman Jr., a Philadelphia attorney who is president of the NAACP Legal Defense Fund, was reported last week to be a leading contender for the post, he is now out of contention because of his long personal friendship with Richardson

dating back to their days at the Harvard Law School.

Among those under consideration are several retired federal appellate judges, but there is some concern that they would be unwilling to give up their lifetime pension in order to take the job.

Richardson's statement seemed to imply that he would announce his choice for special prosecutor only after he has been confirmed as Attorney General by the Senate.

Last week, influential members of the Judiciary Committee suggested that they would be unwilling to send Richardson's name to the Senate floor until he had first named the prosecutor.

Sen. Robert C. Byrd (D-W. Va.), Assistant Senate Majority Leader and a member of the Judiciary Committee, suggested a compromise yesterday. He proposed that Richardson's name be cleared by the committee but denied full-Senate approval until the special prosecutor has also appeared before the committee.

In his statement, Richardson stressed "the essential importance of insuring that the investigations and prosecutions, whatever their outcome, are so conducted as to command full public confidence in their integrity and fairness."

He added that his "decision to appoint a special prosecutor should not be interpreted as casting the slightest doubt on the integrity or competence of any person in the Department of Justice, the Federal Bureau of Investigation, or the office of any United States Attorney."