

Richardson Says Final Decision in Watergate Study Must be His;
No Dean Evidence on Nixon is Seen

[Story on Dean, by Seymour Hersh, pasted separately.]

NOMINEE ON STAND

~~MAY 10~~ 1973

**Position Is Challenged
by Some Members
of Senate Panel**
NYTimes

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Special to The New York Times

WASHINGTON, May 9 —

Elliot L. Richardson told the Senate Judiciary Committee today that, if he became Attorney General, he would maintain "ultimate responsibility" for the Watergate investigation and prosecution.

On the first day of the committee's hearings into his confirmation for the position, Mr. Richardson said that he would delegate considerable authority to a special prosecutor and that he had begun an extensive search for one.

But Mr. Richardson declared time and again that the final decisions would be his own.

Panel Members React

That position was challenged by some members of the committee, and there were indications that Mr. Richardson's confirmation might be in doubt.

Mr. Richardson said that if the Senators did not trust him to act properly they should not vote to confirm him.

Senator Philip A. Hart, Democrat of Michigan, declared that he had no reservations about Mr. Richardson's integrity. But he told Mr. Richardson:

"Appearance becomes as important as fact. And appearance demands that the investigation be insulated as much as possible from any hint of cover-up through control by the Republican Administration."

Cabinet Jobs Held

Mr. Richardson, who was nominated last week to be Attorney General, has served in the Nixon Administration since its inception. He has been Under Secretary of State and Secretary of Health, Education and Welfare and is now Secretary of Defense.

Mr. Richardson said that he would select an outstanding

person to be the special prosecutor, but he argued that as Attorney General he would have to bear the final responsibility.

"If I were sufficiently identified in anyway with this situation or with individuals alleged or suspected to be involved so that I was not in a position to accept ultimate responsibility, then it would serve little purpose for me to accept the position of Attorney General at all," Mr. Richardson stated.

He continued: "I must ultimately be answerable for what the Department of Justice does, including what the special prosecutor does."

"Suppose," Senator Hart responded, "you see it differently from the special prosecutor on some aspect of the Watergate. In that case, how do you think the public will see it? Who's the Administration's man, and who's their man?"

Hart Poses Question

"I could not expect in a matter of judgment to interpose my own judgment," Mr. Richardson replied. Then he went on: "I would be regarded as the Administration's man. But in a fundamental sense, I am not anyone else's man."

Senator Hart, who has a reputation for being a gentle questioner, remarked again that he had no doubt about Mr. Richardson's integrity but added:

"There are a couple of hundred million people in this country who don't know you

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or me from Adam."

Mr. Richardson kept repeating that the prospects of his overruling his special prosecutor were "very remote," and he agreed that the prosecutor would be able to select his own staff.

Two Have Reservations

But Senators Hart and Sam J. Ervin Jr., Democrat of North Carolina, maintained reservations and implied that they would not vote for confirmation until Mr. Richardson agreed to give the prosecutor complete independence.

At one point, after Mr. Richardson had said that he would make the final ruling on whether to grant witnesses immunity from prosecution, Sena-

tor Ervin remarked, "I don't believe that would mean independence."

The committee's hearings will resume tomorrow morning.

The question of an outside prosecutor has occupied Congress's attention ever since President Nixon announced April 30 that Mr. Richardson would have authority to appoint one if he saw fit.

Several resolutions have been drafted in the House and the Senate that would guarantee the prosecutor freedom to grant immunity, to issue subpoenas and to make indictments without clearing these actions with the Attorney General.

On a related matter, Mr. Richardson told the committee that Egil Krogh Jr., who resigned today as Under Secretary of Transportation, visited him May 1 and asked his ad-

vice about whether to tell the court in the Pentagon papers trial in Los Angeles what he knew about the burglary of the offices of Dr. Daniel Ellsberg's psychiatrist.

Mr. Richardson said that he had declined to give Mr. Krogh personal advice but that he had "made the point" that it would be "in the public interest" for Mr. Krogh to do so.

On Monday, Mr. Krogh filed an affidavit with the court, stating that he bore responsibility for the break-in. Mr. Krogh is a former assistant to John D. Ehrlichman, formerly President Nixon's chief domestic adviser.

Mr. Richardson said that he had played no part in urging President Nixon to make details of the burglary and other related incidents available to the court.



United Press International

Senators James O. Eastland and Edward M. Kennedy with Elliot L. Richardson, right, as he arrived for a hearing yesterday on his nomination to be Attorney General.