

Ehrlichman, Helms Cited By CIA Chief

Richardson Asks Trust From Senate

By George Lardner Jr.
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Elliot L. Richardson told the Senate yesterday that it should reject his nomination as Attorney General unless it is willing to trust him with final authority over the Watergate investigation.

Introduced at his confirmation hearing as the Nixon administration's "man for all occasions," Richardson, who is now Secretary of Defense, promised the Senate Judiciary Committee to name a special Watergate prosecutor soon. But he said he could not accept congressional demands that he divorce himself completely from the case.

"If I felt there was any basis for recusing [disqualifying] myself, there would be no point in my being here," Richardson testified. He said he had no desire to be "an Attorney General who will mind the store for all other matters" except Watergate.

The Judiciary Committee appeared in no rush to act. Sen. Philip A. Hart (D-Mich.) said he felt strongly that ground rules establishing the special prosecutor's "independence" must be hammered out before the Senate votes on Richardson's appointment. Another hearing was set for today.

Under close questioning on another issue at the afternoon session, the Attorney General-designate disputed a report in Wednesday's editions of The Washington Post that he was aware of a short-lived attempt by President Nixon to keep the Justice Department from supplying information on the 1971 break-in at the offices of Daniel Ellsberg's psychiatrist to the court in Los Angeles where Ellsberg is on trial.

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The Post quoted one source as stating that Richardson reacted "as if he were struck by a thunderbolt" on hearing of the President's position. Richardson said that this was "not accurate."

Choosing his words carefully, Richardson said, "the only communication with the President that I had on this subject was when he told me on Sunday [April 29] that he had directed disclosure" about White House involvement in the burglary. "There was never any suggestion that came to me that disclosure not be made," he added.

Richardson acknowledged meeting with former White House aide Egil (Bud) Krogh Jr. the next day—at Krogh's request—to discuss Krogh's quandary about making his role in the break-in public. Richardson said that Krogh, even then, "certainly had from some

White House source a feeling that disclosure would be inconsistent with the ground rules in effect" regarding the secret work of the White House "plumbers" whom Krogh supervised.

The Defense Secretary said, however, that he did not ask Krogh who that White House source was.

"Could it have been Mr. Ehrlichman?" Sen. Edward M. Kennedy (D-Mass.) asked him.

"It could have been Mr. Ehrlichman," Richardson replied. But by the time of the Krogh visit, he said, the President had "directed disclosure." Richardson said, however, that he could not "categorically deny" reports of earlier attempts by Mr. Nixon to prevent disclosure.

Asked by a reporter after yesterday's hearing whether anything Krogh told him had shaken him, Richardson said: "I don't want to characterize my reactions. I wasn't asked that [by the senators] and I won't go into it."

In his testimony the Defense Secretary said he has since learned that the President decided that the Ellsberg trial court should be told of White House involvement in the burglary several days after his televised April 17 address announcing "major developments" in the Watergate case.

Richardson said the President based that decision on the recommendations of Attorney General Richard G. Kleindienst, whose resignation was later announced by Mr. Nixon and by Assistant Attorney General Henry E. Petersen. Assistant U. S. Attorney Earl Silbert, the chief prosecutor in the Watergate investigation here, had reported in an April 16 memo to Petersen that he had just learned of the Ellsberg burglary, which was carried out by convicted Watergate conspirators G. Gordon Liddy and E. Howard Hunt.

For himself, however, Richardson said he "had no inkling" of such details since he was not even approached about being Attorney General until Saturday,

April 28. Before that, he said of the Watergate case, "I had been too busy at the Department of Defense to follow this very closely in the newspapers."

Richardson also suggested that Krogh's continuing impression on April 30 that "national security" prohibited him from making any disclosures was the failure, somehow, of Mr. Nixon's decision to make itself felt down the line immediately.

"The question of what individuals had to make disclosures took some time to get across," Richardson said. In fact, he said, as late as Wednesday, May 2, the question of whether the FBI should go about getting affidavits from everyone involved in the burglary "was still an issue."

The rest of the hearing was taken up by Richardson's conflict with several Democratic senators over the independence to be accorded the special prosecutor. Richardson promised that whoever he selects would be eminent, courageous and full of integrity and he said he would not insist on anyone who does not meet with Senate approval. But even with a special prosecutor, he emphasized:

"My understanding of the law is that the Attorney General must retain ultimate responsibility for all matters under the jurisdiction of his department. I would expect to do that."

Sen. Hart told Richardson bluntly that he thought there were "both personal and institutional reasons" for his disqualifying himself

from the watergate case. Otherwise, Hart protested, Richardson, as an associate of men now under investigation and as head of a department that has been tainted in the process, could never hope to satisfy the public that justice had been done.

"In that event, my nomination should be rejected," Richardson told him.

Hart urged him to reconsider. In the Watergate case, he said, "appearances become as important as facts." In the event of a conflict between Richardson and the special prosecutor, he said, the public would inevitably regard Richardson as "the administration's man" in the dispute.

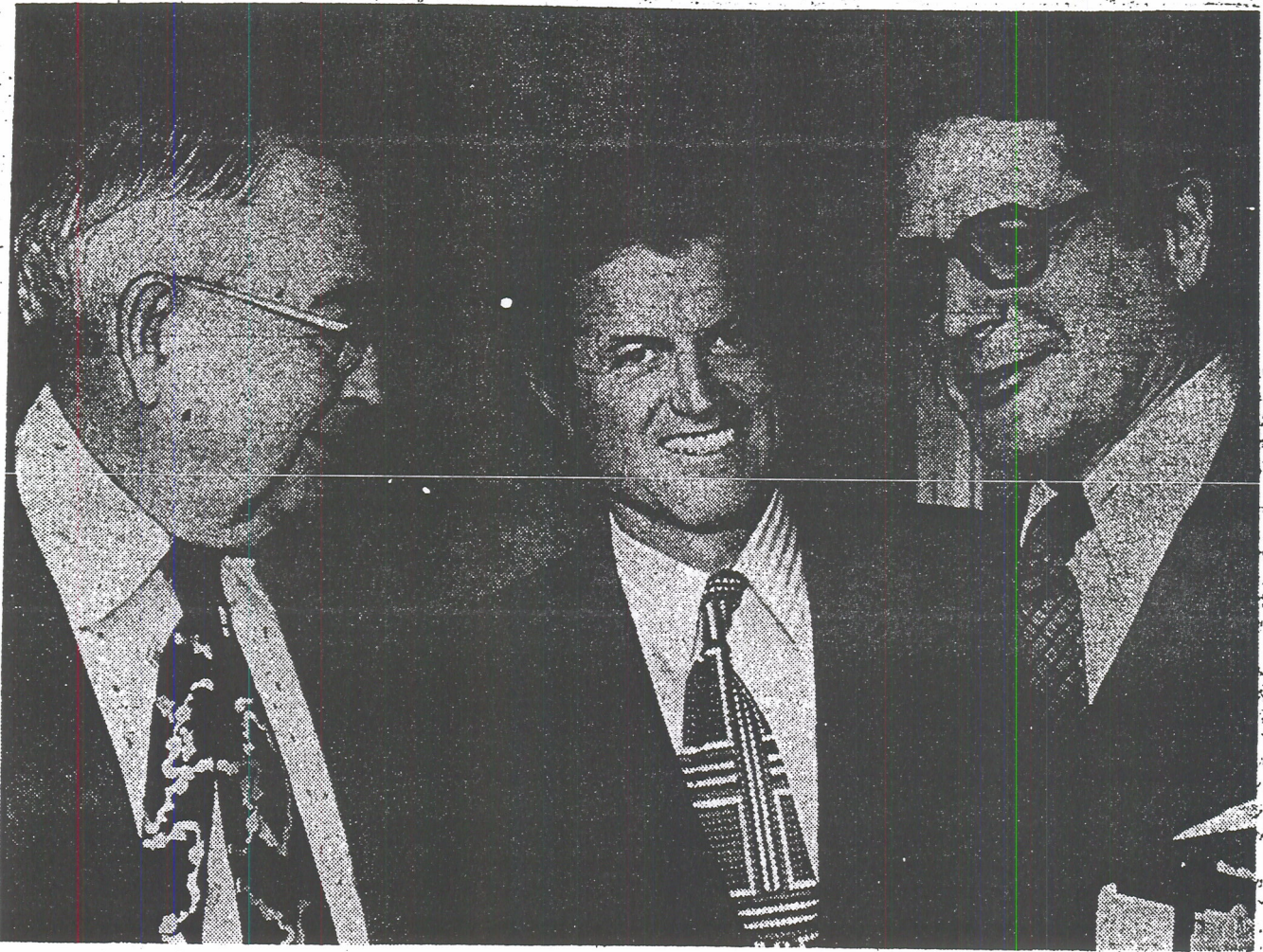
Richardson, who was under secretary of state and then Secretary of Health, Education and Welfare under Mr. Nixon before moving to the Pentagon, said he could be regarded in that light. "But in a formal sense," he said, "I do not regard myself as anyone's man."

"I buy that!" Hart exclaimed. "But there are a couple of hundred of million people who don't know you and me from Adam's off ox."

Richardson said he still could not "abdicate all responsibility in this matter." He maintained that Hart's insistence that he leave all "final decisions" on the Watergate investigation to the special prosecutor would amount to creation of a separate government agency and might require new legislation. Hart disagreed, saying he preferred to leave the investigation under the Justice Department's wing with Richardson retaining the right to fire the prosecutor if he should "go off the deep end."

Sen. Sam J. Ervin Jr. (D-N.C.) was similarly unsuccessful in pressing Richardson to give his Senate Watergate investigating committee a free hand in granting immunity to witnesses whose testimony the Ervin committee deems vital.

Richardson said it might prove nearly impossible to prosecute Senate-immunized witnesses successfully, even on evidence completely independent from their testimony. Defense lawyers, he said, would be sure to argue that any indictments of such witnesses were "tainted" by what they told Congress.



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Committee chairman James O. Eastland (D-Miss.), left, and Sen. Edward M. Kennedy (D-Mass.), center, greet Attorney

General-designate Elliot L. Richardson as he arrives for confirmation hearings before Senate Judiciary Committee.