

White House Linked to Prosecutor's Job

Richardson Says 2 Aides Suggested 2 Candidates

NYTimes By DAVID E. ROSENBAUM MAY 15 1973

Special to The New York Times

WASHINGTON, May 14—Elliot L. Richardson said today that two ranking members of the new White House staff had suggested to him candidates for special prosecutor in the Watergate case.

He identified the two aides as Gen. Alexander M. Haig, President Nixon's chief of staff, and Leonard Garment, counsel to the President.

Mr. Richardson, in his third day of hearings before the Senate Judiciary Committee, which is considering his nomination to be Attorney General, said he discarded the two names proposed by General Haig and Mr. Garment because the men they suggested "didn't satisfy the kinds of criteria I'm using."

Senators on the committee seemed astonished by the disclosure. Senator Philip A. Hart, Democrat of Michigan, called the action of the President's aides "a singular lack of sensitivity."

2 Ex-Governors Named

Mr. Richardson told the committee that the men recommended for the prosecutor's job by General Haig and Mr. Garment were Edmund G. Brown, former Governor of California who defeated Mr. Nixon in the 1962 Governorship race, and Warren E. Hearnes, former Governor of Missouri. Both men are Democrats.

Earlier today, before Mr. Richardson made his statements to the committee, Ronald L. Ziegler, the White House press secretary, said that as far as he knew no member of the White House staff had recommended candidates for the special prosecutor's job.

Mr. Ziegler added that the President had given Mr. Richardson an "absolutely independent free hand" to select a prosecutor.

Mr. Richardson said he felt "no obligation" to consult with the White House about his final choice of a prosecutor, and that he would not do so.

Mr. Garment would not comment on Mr. Richardson's assertions today. But a source close to Mr. Garment said he had recommended that two names be placed on Mr. Richardson's list of possibilities.

One of these was former Senator John J. Williams of

Delaware, a Republican. According to the source, Mr. Williams's name was suggested to Mr. Garment by Senator Carl T. Curtis, Republican of Nebraska, and Mr. Garment passed it on to Mr. Richardson as a courtesy to Senator Curtis.

Griswold Mentioned

The other, whose name was said to have been mentioned in an "informal conversation," was that of Erwin N. Griswold, former Solicitor General of the United States.

Neither of these men was mentioned today by Mr. Richardson, and the source did not mention Mr. Brown or Mr. Hearnes.

General Haig could not be reached for comment on Mr. Richardson's statements.

Mr. Richardson told committee members in private conversations over the weekend that he had narrowed his search for a prosecutor to the following men:

¶ Harold Russell Tyler Jr., 51 years old, a judge on the United States District Court for the Southern District of New York. He is a former Assistant United States Attorney, and was an Assistant Attorney General in the last year of the Eisenhower Administration.

¶ Warren M. Christopher, 47 Johnson Administration under Attorneys General Nicholas deB. Katzenbach and Ramsey Clark. He now has a private law practice in Los Angeles.

¶ David W. Peck, 70, former Presiding Justice of the New York State Appellate Division. He is now a lawyer with the New York firm of Sullivan & Cromwell.

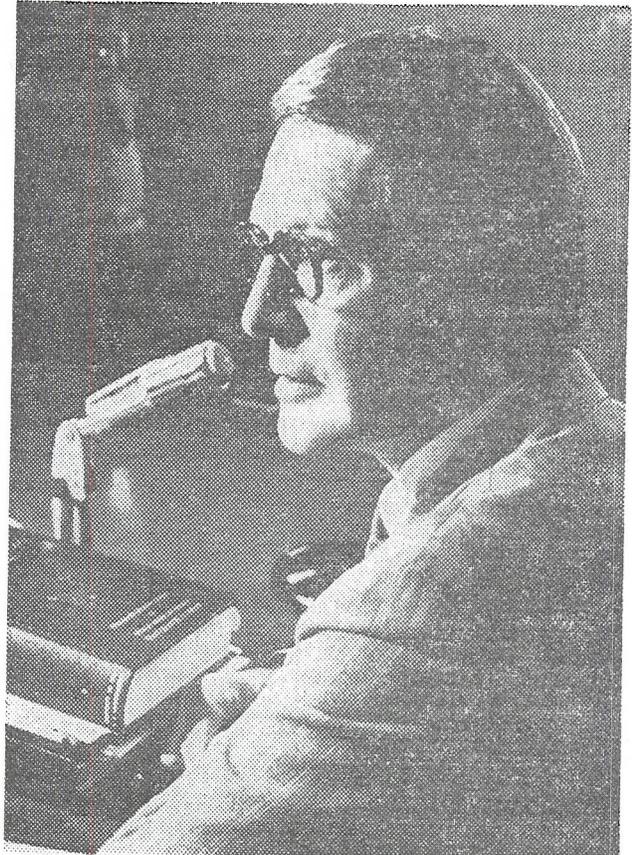
¶ William H. Erickson, 49, a Justice on the Colorado Supreme Court.

Mr. Richardson told the committee that he had placed the four men in order of priority and had offered the job to his first choice. He would not disclose the order, and he said that the man to whom he had offered the position was considering it.

Most Likely Choice

According to a Government source, the most likely choice is Judge Tyler.

Mr. Richardson said that he would expect any sitting Federal judge to resign from the bench if he became special



The New York Times

Elliot L. Richardson, U. S. Attorney General-designate, before the Senate Judiciary Committee yesterday.

prosecutor and would inform him that he could not expect to be reappointed during the remainder of Mr. Nixon's term as President. That stricture would apply specifically to Judge Tyler.

The Attorney General-designate was questioned extensively again today about the relationship between himself and the special prosecutor, and his answers were the same as those he gave last week.

Mr. Richardson repeated that, while he would assume "ultimate authority" for the Watergate investigation and prosecution, he would abide by the prosecutor's judgment on such matters as granting immunity to witnesses and pressing indictments.

Mr. Richardson insisted that neither the President nor members of his staff had tried to influence his decision on who would be the special prosecutor.

He said the names of Mr. Brown and Mr. Hearnes "were passed on as names I might not have considered otherwise." He refused to say which Presidential aide suggested which man.

Mr. Richardson added that the names of Mr. Brown and Mr. Hearnes "were simply

dropped in the hopper" of more than 100 names on his original list of possibilities and that "there was no suggestion that they were to receive any special consideration."

He moved from his list because they "were a little short in terms of the kind of legal experience" he was looking for, Mr. Richardson told the committee.

He said that General Haig and Mr. Garment had called him or one of his aides to suggest the candidates. Later, Mr. Richardson said, one of his aides called General Haig to say that his candidate had been dropped from consideration.

In a related development today, a Chicago-based group called Business and Professional People for the Public Interest filed a motion before Judge John J. Sirica asking him to appoint a special prosecutor because of what it termed Mr. Richardson's conflict of interest. Judge Sirica, who sits on the Federal District Court for the District of Columbia, was the judge in the trial of the seven men convicted in the burglary and bugging of the Democratic National Committee's headquarters at the Watergate complex.