

Senate Speedily Confirms Richardson by 82-3 Vote

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By ANTHONY RIPLEY MAY 24 1973
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WASHINGTON, May 23—The Senate confirmed Elliot L. Richardson today as the new attorney general by a vote of 82 to 3, sweeping away its usual rules to hurry the confirmation through and adding praise for Mr. Richardson personally and for his choice of Archibald Cox as special prosecutor in the Watergate investigation.

The Senate ordered the nomination sent immediately to President Nixon. The swearing-in is expected to come before Saturday. Mr. Richardson has promised that his first official act will be to appoint Mr. Cox as the special prosecutor.

Mr. Cox met this afternoon with the old prosecution team that had been handling the Watergate investigation. At the end of the meeting, which lasted two and a half hours, none of the men were available for comment.

The confirmation of Mr. Richardson, stalled for a day over complaints by Dr. Daniel Ellsberg that Mr. Richardson was not being entirely candid, was taken up at 1 P.M. today

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Richardson Confirmed by Vote of 82 to 3

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by the Senate Judiciary Committee. By 3:58 P.M., the nomination had cleared the committee and the Senate itself and was on its way to the White House.

Senator Roman L. Hruska, Republican of Nebraska, spoke for the nomination on the Senate floor, calling Mr. Richardson "good" and "high-grade" and "splendid."

The Democrats were more reserved.

Senator Robert C. Byrd, Democrat of West Virginia, said "our problems do not go to the personal integrity of Mr. Richardson."

He said Mr. Richardson was a man of "high intellect," loyalty and dedication.

But he added: "I do not like to have to vote on someone within the Administration."

'Investigating Itself'

He pointed out that Mr. Richardson had been in four major posts in the Nixon Administration and said that there was "an appearance of evil for the Administration to nominate a man shuffled from pillar to post on each crisis."

"It gives the appearance, as I say, of the Administration investigating itself," Senator Byrd said.

However, he said, the guidelines for Mr. Cox's job had been tightly drawn, the men involved were of high reputation and there was an urgent need to move ahead.

Senator Byrd had told reporters, "If the nomination was rejected we would have to start all over again with no assurance of better luck." He said

the Senate had been faced with "almost no other choice."

Dr. Ellsberg, the central figure in the Pentagon papers trial in Los Angeles that was dismissed May 11 because of Governmental interference, raised questions about whether Mr. Richardson has told all about the discussions on May 1 with Egil Krogh Jr., leader of the so-called "plumbers" group in the White House that was assigned to plug news leaks.

Senator Hugh Scott of Pennsylvania, the Senate Republican leader, attacked Mr. Ellsberg in an interview on the floor of the Senate at noon today before the Senate convened.

"It is a little shocking to me to see a man confessedly purloined classified information acting as amicus curiae [friend of the court] to the judiciary committee," he said. "It is chutzpah. It is also gall. [Gall is a rough translation of "chutzpah."] It is also indecent. It is also contemptible. And also, I don't like it."

Reply by Ellsberg

"The committee yesterday had a chance to contrast a thief and a Harvard man. I think they'll vote for a Harvard man."

Dr. Ellsberg, who was graduated from Harvard College, as was Mr. Richardson, was reached at the Madison Hotel. He stated:

"Since I didn't purloin so much as a piece of paper when I transferred information from the executive to the legislative branch of Government, of course I did not confess to such a thing. The Government did charge me with theft and to-

tally failed to prove its case to the jury when the Government admitted burglary.

"I don't know where Senator Scott went to law school, but his notion of the legal rights of Americans seems to be the same as that of Senator Thurmond's, who commented the other day that I had not been proven innocent." Senator Strom Thurmond is a Republican of South Carolina.

"With that grasp of the Constitution, I guess we should be glad that President Nixon did not nominate Senator Scott to be Attorney General," Dr. Ellsberg said.

Voting against confirmation were three Democratic Senators, Harold E. Hughes of Iowa, Joseph R. Biden Jr. of Delaware and Mike Gravel of Alaska.

Senator Hughes said Mr. Richardson "too often avoids full and frank answers to vital policy questions" and that as Secretary of Defense he had failed to reopen the investigation into what was called unauthorized bombing in Indochina.

Senator Biden cited Mr. Richardson's "extremely close ties to the Nixon Administration" and said they had "tainted the possibility of his establishing his impartiality."

A spokesman for Senator Gravel said the Senator had voted "more against the Administration than against Richardson as a person."

In the course of his confirmation hearings, which lasted six days spread over more than two weeks, Mr. Richardson responded to requests for greater independence on the part of his special prosecutor by tightening and writing down specific guidelines.