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**Nixon Reported Retaining
Ex-U.S. Aide as Attorney**

**The First Task of Herbert J. Miller Jr.
Is Believed to Be to Try to Persuade
Jaworski Not to Seek Indictment**

By SEYMOUR M. HERSH
Special to The New York Times

WASHINGTON, Aug. 27 — Former President Richard M. Nixon has hired a former high-level Justice Department official, Herbert J. Miller Jr., to represent him in connection with the Watergate cover-up and other pending criminal and civil matters, reliable sources said today.

Mr. Miller's first goal, the sources said, will be to try to persuade Leon Jaworski, the Watergate special prosecutor, not to seek an indictment of the former President for his



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Herbert J. Miller Jr.

role in the Watergate scandal. Mr. Miller served as counsel for Richard G. Kleindienst, the former Attorney General, when he was permitted to plead guilty May 15 to a misdemeanor after extended discussions with Mr. Jaworski and other members of his office.

That decision provoked a public debate over the merits of plea-bargaining in a case as important as Watergate. It was a factor in the resignation of three members of the special prosecutor's staff, who contended that Mr. Kleindienst should have been charged with a felony.

A Partner in Firm

Mr. Miller, now a partner in the firm of Miller, Cassidy, Larroca & Lewin, refused to be interviewed today about his new client. Another member of the firm, however, confirmed that Mr. Miller was retained yesterday by Mr. Nixon.

A spokesman for Mr. Jaworski said late today that he had no knowledge of the appointment of a new Nixon attorney. James D. St. Clair, the Boston lawyer who handled Mr. Nixon's impeachment defense, left the White House shortly after Mr. Nixon resigned the Presidency Aug. 9.

Mr. Miller, who was placed

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said in interviews that Mr. Miller's first task was—as one lawyer put it—"to try to keep his client from being indicted."

In a telephone conversation yesterday with Representative Dan Kuykendall, Republican of Tennessee and a Nixon loyalist, the former President was quoted as saying that he had "problems" with Mr. Jaworski.

"Do you think these people want to pick the carcass?" Mr. Kuykendall said the President had asked him.

In recent weeks, two subpoenas calling for court appearances by Mr. Nixon have been received by Federal marshals in Los Angeles but not delivered, perhaps because of Mr. Nixon's delay in retaining counsel.

One of the subpoenas, issued Aug. 15, demands Mr. Nixon's appearance at the Watergate cover-up trial of his former top White House aides and others, now sched-

uled to begin Sept. 30. Legal authorities say that Federal criminal subpoenas — such as the one issued to the former President — must be delivered personally.

The second subpoena, issued last week, seeks a deposition from the former President in a civil suit brought by 21 persons who contend that they were illegally prevented from attending a speech Mr. Nixon gave in Charlotte, N. C., in the 1972 Presidential campaign.

In Los Angeles today, United States Marshal Gaylord Campbell, said that he would probably serve the two subpoenas "within the next few days."

News of the appointment of Mr. Miller to serve as chief defense attorney for Mr. Nixon was received with surprise by many Washington lawyers.

Some of them noted, however, that Mr. Miller had successfully represented two oth-

er Watergate figures, Richard Moore, a White House aide, and William O. Bittman. It was his excellent record in the Watergate cases, the lawyers suggested, that led to his selection by the former President.

Mr. Miller, who was born Jan. 11, 1924, in Minneapolis, has served as president and vice president of the District of Columbia Bar Association since leaving the Government. He also served on a Presidential crime commission from 1965 to 1967.

It could not be learned who had recommended Mr. Miller to the President, who was known to have been seeking a Watergate attorney since the departure of Mr. St. Clair. One reliable source said that Mr. Miller and the former President began their conversations late last week and spoke again yesterday in concluding the negotiations.

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in charge of the Justice Department's Criminal Division in 1961 by President Kennedy, has been in private law practice since 1965. Most of the nine members of his firm are expected to participate in the Nixon defense, sources said.

"Although all of the discussions were with Jack [Mr. Miller]," one source said, "Nixon's hiring a law firm."

None of Mr. Nixon's associates at his home in San Clemente, Calif., were available today to answer questions about Mr. Nixon's defense efforts. A number of lawyers close to the Watergate case