

Time for a Change at Justice

In calling on President Ford to "depoliticize" the Justice Department, former Attorney General Ramsey Clark is more or less echoing the recommendations of the Senate Watergate Committee, which urged the establishment of a permanent independent special prosecutor and also raised the possibility of making the Justice Department independent of the President.

Now that Nixon has resigned and the Watergate crisis has begun to subside, it can be seen that the proposals of Clark and Sen. Sam Ervin (D-N.C.) have little chance of being enacted, but there is one thing that can—and should—be done that would quickly help restore confidence in the Justice Department. The next order of business should be a change at the top of the department's most powerful and sensitive section, the criminal division, headed by Assistant Attorney General Henry Petersen, who achieved a dubious place in history by conspicuously failing to crack the Watergate case.

While Nixon was still in office, any dismissal or transfer of Petersen would have been construed as a direct slap at the then President, for the assistant attorney general was his boy. It was Nixon who put Petersen in direct charge of the Watergate investigation (to head off the appointment of a special prosecutor), and it was Petersen who co-operated so enthusiastically with the White House that even the President was a little surprised.

Today, with the accession of President Ford, there is no longer any practical or political reason to keep Petersen on as the head of the criminal division, which lost so much public confidence because of its feeble and questionable performance on the Watergate case.

Petersen, of course, still insists that he personally was blameless. He says he called the shots as he saw them, without fear of favor to the White House. The White House tapes, however, reveal that Nixon himself was



Henry Petersen

puzzled at the limited scope of the Watergate investigation while Petersen was in charge.

Speaking in the privacy of the Oval Office to his own legal counsel, John Dean, the former President said, "Do you honestly feel he (Petersen) did an adequate job?" A few weeks later Nixon also remarked to his aides, John Ehrlichman and Ron Ziegler, "I've got Petersen on a short leash." And he apparently wasn't bragging.

Petersen now serves under Attorney General William Saxbe who, since succeeding Elliot Richardson, has been making a series of inspirational speeches all over the country in a personal effort to restore public confidence in the U.S. system of criminal justice. He has made some progress, but he needs to suit action to the word by installing a new chief of the criminal division.

Well over a year ago, Rep. Henry Reuss (D-Wis.) was already calling for

the removal of Petersen as Nixon's Watergate investigator on the grounds that as far back as Sept. 29, 1972, the assistant attorney general had used his official influence in a successful effort to sidetrack the House Banking Committee from making the first Congressional probe of Watergate.

Reuss charged that Petersen had "orchestrated the torpedoing of the committee's investigation." Petersen wanted the inquiry called off because "the public interest in a prompt and successful prosecution may be imperiled by widely publicized hearings at this time." Later Petersen was to agree with Nixon that the Senate inquiry would also be inadvisable.

Rep. Reuss felt that "exchanging Petersen for Dean as the chief Watergate investigator does not remove a fox from guarding the henhouse—it simply changes foxes." In April 1973, there were published reports that the Justice Department team of lawyers assigned to the Watergate probe had broken off contact with Petersen because of his close associations with Nixon, to whom he was supplying inside information on secret evidence obtained by the grand jury.

Petersen's difficulties with the criminal division are not confined to Watergate. Only last month a federal grand jury refused to indict several associates of Howard Hughes when the Justice Department, on the orders of Petersen, insisted on excluding Hughes himself from the indictment. The department then gave in, and Hughes now stands indicted on charges of stock manipulation.

There is some feeling, too, in the criminal division over the reported efforts of Petersen to block a recommendation of a Justice Department review team that the U.S. Attorney in San Diego be removed for what the FBI called "highly improper conduct." The U.S. Attorney is a protege of one of Nixon's biggest financial backers, who also has been indicted.