es a Parting Slap a Parting Slap at His Foes

trying to assure that legislators and senior officials of the executive branch were treated equally under the law.

"I think that having all high officials covered by the same general procedures makes good sense," the Attorney General said at his final news conference at the Justice Department.

Mr. Meese's successsor, Dick Thornburgh, who was sworn in later in the day, said he supported the move. "Given the strong sentiment that appears for the use of independent counsels, I don't expect I will hold any different view," he said at a brief meeting with reporters.

Mr. Meese has been the subject of investigations by two independent prosecutors and his struggles with Congress have often resembled trench warfare.

Representative Barney Frank, a Massachusetts Democrat, said the order was in character for Mr. Meese, and described the action as "one last mark of irresponsible bitterness from a guy who messed up."

Aides to the Democratic leadership of the House said Mr. Meese's order, although unwise, was probably legal.

The investigations of Mr. Meese were pursued under a 1978 law that calls for appointment of independent prosecutors when allegations of wrongdoing are made against senior officials of the executive branch. Under the Reagan Administration's interpretation of the statute, it has not been applied to members of Congress.

At his news conference, Mr. Meese was asked if the order was a final effort to get back at his critics on Capitol Hill. "No, not at all," he said. "I think that having all high officials covered by the same general procedures makes good sense."







The New York Times/Michael Geissinger

Edwin Meese 3d leaving the lectern at the Justice Department yesterday after his final news conference as Attorney General. In a parting shot at Capitol Hill, Mr. Meese signed an order providing for special proscecutors to investigate members of Congress accused of wrongdoing.

Procudures of the Order

The Justice Department order compels the Attorney General to appoint an independent prosecutor whenever there are "reasonable grounds" to believe that a member of Congress may have committed a crime. most people agree with it."

The procedures outlined in the nine-page order are much like those in the 1978 special prosecutor law, the Ethics in Government Act. Under the order, the Attorney General would open a investigation whenever there is information from a source indicating that a member of Congress may have violated Federal law.

If the inquiry finds that the source is credible, the Attorney General begins a 90-day preliminary investigation. If that investigation turns up "reasonable grounds to believe that further investigation is warranted," a special prosecutor is appointed.

There is one major difference between the 1978 law and the new order. The law requires that the Attorney General ask a panel of appeallate court judges to appoint a prosecutor. The order gives the Attorney General the power to appoint a prosecutor himself.

The response from Capitol Hill was swift and predictable.

Senator Carl Levin, a Michigan Democrat, said that "Ed Meese took a good idea — using independent counsels to investigate members of Congress — and messed it up."

Mr. Levin is chairman of the Senate Governmental Affairs Committee's oversight subcommittee, which has repeatedly criticized Mr. Meese's conduct. The Senator and other Democratic lawmakers have said they believe the 1978 law already applies to Federal lawmakers.

The new order requires that the Attorney General ask for the prosecutor if there is "apparent conflict of interest" for any department official.

At his news conference Mr. Meese said that although the order had been under study "for a long time," he withheld the announcement until after Mr. Thornburgh was confirmed by the Senate "so this didn't become an issue in his confirmation."

The new Attorney General, a former Governor of Pennsylvania, was confirmed unanimously on Thursday.

In the past, lawmakers accused of wrongdoing have routinely been investigated by the Justice Department's order, the prosecutor must have "sufficient experience" and not hold Federal office.

Steven R. Ross, the legal counsel to the House, said in an interview that the order "troubles me very much." He added that if an Attorney General wanted an independent investigation of a member of Congress he should turn to the Ethics in Government Act and seek appointment of an independent prosecutor by an unbiased panel of judges.

"It seems that the Justice Department is ignoring the provisions of the