NEWS, VIEWS and ISSUES

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Governmental Affairs

NEW YORK TIMES
21 October 1973

House Judiciary Panel Publishes 718-Page Book on Impeachment

WASHINGTON, Oct. 20 (AP) —The House Judiciary Committee has prepared a book on impeachment in an effort to make members of Congress and the public familiar with the subject.

The 718-page volume traces the origin of the impeachment power, cites all cases of its use by Congress and gives a detailed account of the Senate impeachment trial of President Andrew Johnson.

"The resolution of fundamental issues of public debate is always enhanced when wide segments of the American public become concerned and informed," says Representative Peter W. Rodino, New Jersey Democrat, who is chairman of the Judiciary Committee, in a foreword.

Mr. Rodino and the committee staff have been gathering information on impeachment for several months as a result of the disclosures of the Watergate investigation and the criminal charges brought against former Vice President Spiro T. Agnew.

The material was sent to the public printer on Oct. 9. The day before, Mr. Agnew pleaded no contest to a charge of income tax evasion and resigned. Copies of the volume are being distributed to members of Congress and can be purchased from the Government Printing Office for $4.40.

In his foreword, Mr. Rodino says that much of the material in the book was scattered among various libraries and some of it was out of print for more than 100 years.

"It is my hope that these materials will now be more readily accessible to members of Congress and to a larger segment of the American community," Mr. Rodino says.

The book contains the debate on impeachment in the Constitutional Convention, as reported in the journal of James Madison, and the debate in the First Congress in 1789 on the establishment of the executive department and the power of removal from office.

It also compiles all matters relating to impeachment in the rules and precedents of Congress, the full articles of impeachment voted by the House in the 12 cases in which it acted, the transcript of the Senate proceedings on the Andrew Johnson case, committee reports on the investigations of Vice President John S. Calhoun and Vice President Schuyler Colfax—which did not lead to impeachment—and articles by leading legal scholars and experts on impeachment.

WASHINGTON POST
Sunday, Oct. 21, 1973

FBI Agents Seal Off Cox Office

By Herbert Denton
Washington Post Staff Writer

At least six FBI agents took over and sealed off the two floors of offices last night of Special Watergate Prosecutor Archibald Cox in a private office building at 1425 K Street NW.

Members of Cox' staff, who had returned to the offices after hearing the news that Cox had been fired, said they were stopped by the federal agents from taking from the offices any files, except personal papers not connected with the Cox investigations.

The FBI agents "are impeding our operations right now," Tom McBride, associate special prosecutor in charge of the task force on campaign financing, said ks he walked out of the office.

"When you can't get into your offices and your files, then your operations are being impeded," McBride said.

The FBI agents arrived shortly after 9 p.m. and one of them told reporters, "We're from the FBI. We're sealing off the area."

The agents had walked in on more than 20 lawyers on Cox' staff, most of them dressed casually on what was their day off. The lawyers toid about what to do with their files following the firing of Cox and they were wjiting for Cox to come with instructions.

Some members of the staff knew some of the FBI agents and when they arrived, one lawyer said, "Hey, what are you doing? Are you taking over the place?"

"Yes," one of the FBI agents answered, and other agents could be heard telling the lawyers that they could take only "fully personal papers" from the offices.

"They won't even let me take a pencil out," complained one lawyer who would not give his name to reporters as he left the building.

The Cox offices had been guarded by security police and protected by a complicated electric lock system and closed circuit television cameras. Cox had instructed his staff about the importance of maintaining security for their files.

When asked about the authority for the FBI seizure of Cox's offices and files last night, John W. Hushen, the official Justice Department spokesman, said, "That's the first I've heard of it."

FBI Director Clarence Kelly could not be reached for comment.

Senate select Watergate committee sources said that for the past two days there had been some discussion about the committee's staff receiving files from Cox's staff in the event that Cox was fired. When told last night of the sealing of the files by the FBI, a source high on the committee staff muttered an angry expletive.

NEW YORK TIMES
21 October 1973

The Tapes Questions

The Moment Of Crisis

WASHINGTON—Last May 17, his 61st birthday, Prof. Archibald Cox had a telephone call from a former student —Elliot Richardson, then the Attorney-General designate. He asked Mr. Cox to take over as special Watergate prosecutor.

In the Senate Judiciary Committee's hearings on Mr. Richardson's nomination, it soon appeared that confirmation depended on a promise of independence for Mr. Cox. Mr. Richardson gave that promise in almost absolute terms: Mr. Richardson said the special prosecutor would have "all the independence, authority and staff support needed to carry out the tasks entrusted to him."

Now, after months of struggle over Watergate, the moment of crisis has come for these two men. It may also be the decisive moment for President Nixon. For his action in attempting to impose his own solution to the problem of the Watergate tapes has raised profound questions for Mr. Cox and Mr. Richardson—and for law and politics generally.

There seems no way of avoiding a Cox-Nixon confrontation. Will the President fire Mr. Cox? If the President directs Attorney General Richardson to do the firing of a man who is technically his employe, will Mr. Richardson obey? Will he want to stay in office himself on those terms?

If Mr. Richardson goes, will the President of the United States be able to find any other lawyer willing to serve as his Attorney General and of a reputation sufficient to win confirmation?

Those are just some of the inevitable political questions. But there are also hard legal questions, which will carry their own political consequences in future. Without the actual transcripts of the tapes, what will prosecutors be able to do with them in any actual trials of former Nixon assistants? Summaries approved by however eminent a Senator will not be admissible as evidence.

If defendants demand the tapes as exculpatory evidence for themselves, and are refused them under the White House policy, will judges dismiss the prosecutions under established rules for such withholding of government evidence? Already one Federal judge, in New York, has indicated that he will not let John W. Dean testify against John Mitchell and Maurice Stans in the Vesco case unless Dean's tapes are made available—and Dean is meant to be a principal witness.

What will happen if more tapes are identified as crucial in future judicial proceedings? The Nixon arrangement calls for Senator Stennis to approve only summaries of nine specific tapes previous requested by Mr. Cox and forever bars the special prosecutor (and presumably others) from demanding any other tapes in future.

Finally, what is going to become of Mr. Cox's demand — made in the same subpoena as that for the tapes —for documents and memoranda such as John Ehrlichman's notes? Mr. Cox has said that the White House has refused to produce these, and under terms of the "compromise" ordered by President Nixon they would be forever withheld.

In short, what is at stake is really whether the investigation of Watergate and the other crimes that have been made known to the public over the last year can continue—and what the political consequences will be if it cannot.

ANTHONY LEWIS

NEW YORK TIMES
21 October 1973

Excerpts From Transcript of Cox's News Conference on Nixon's Decision on Tapes

Following are excerpts from a transcript of the news conference in Washington yesterday by Archibald Cox, the special Watergate prosecutor, as recorded by The New York Times:

OPENING STATEMENT

I'm not looking for a confrontation. I've worried a good deal through my life about problems of imposing too much strain upon our constitutional institutions, and I'm certainly not out to get the President of the United States.

As you all know, there has been and is evidence—not proof, perhaps, in some instances, but clearly prima-facie evidence—of serious wrongdoing on the part of high Government officials, wrongdoing involving an effort to cover up other wrongdoing.

It appeared that the papers, documents and recordings of conversations in the White House, including the tapes, would be relevant to getting the truth about these incidents.

I'm referring not only to the Watergate incident itself, but to other things involving electronic surveillance, break-ins at a doctor's office and the like.

Last night we were told that the court order would not be obeyed, that the papers, memoranda and documents of that kind would not be provided at all. And that, instead of the tapes, a summary of what they showed would be provided.

I think it is my duty as the special prosecutor, as an officer of the court and as the representative of the grand jury, to bring to the court's attention what seems to me to be noncompliance with the court's order.

You will say, "Well, so far as the tapes are concerned, forget legalisms. Isn't this a pretty good practical arrangement?" I find four, to my way of thinking, insuperable difficulties with it.

Compromise Not Enough

First, when criminal wrongdoing is the subject of investigation, and when one of those subjects is obstruction of justice in the form of a cover-up, then it seems to me it is simply not enough to make a compromise in which the real evidence is available only to two or three men operating in secrecy, all but one of them the aides to the President and men who have been associated with those who are the subject of the investigation.

It's not a question of Senator Stennis's integrity. I have no doubt at all of Senator Stennis's personal integrity. But it seems to me that it's the kind of question where it is terribly important to adhere to the established institutions and not to accommodate it by some private arrangement involving, as I say, submitting the evidence ultimately to any one man.

My second difficulty is that I will not know and no one else will know, what standards have been applied in deciding what to exclude from the summary.

For example, when I give you the various written proposals and comments that were exchanged, you will find that it is contemplated that there will be omitted references to matters related to the national defense or foreign policy whose disclosure would do real harm.

I'm very troubled by the lack of precision on those standards. We all know from matters that have been published that the Ellsberg-Fielding break-in was described as matters affecting the national defense, and that the tapping of William Safire's and John Sears' telephones was apparently treated as a national security matter.

Those certainly raise very serious questions as to whether criminal wrongdoing was not involved. Also, I must emphasize that I do not prejudge it; I just say they raise serious questions.

Doubt as to Evidence

My third reason for thinking that, as a practical matter, I, as charged with prosecuting violations, could not regard the arrangement as satisfactory is that it's most unlikely—I don't go beyond that—most unlikely that a summary of the tapes would be admissible in evidence.

It would be satisfactory for the purposes of a grand jury, I think, but I'm thinking of the actual conduct of a trial. And if that was all that was available—and I was given to understand that the tapes would never be available under any circumstances—then I would be left without the evidence with which to prosecute people whom I had used the summaries, perhaps, to indict.

Similarly, you have all read of cases in which those who have been charged with wrongdoing have said that they need the tapes in order to make their defenses. Again, it seems to me most unlikely that a summary would be accepted by the defendants or that a court would regard it as sufficient. And that could very well mean that those prosecutions would have to be dropped.

The other main part of the President's statement last night said that I would be instructed not to use the judicial process in order to obtain tapes, documents, memoranda relating to other Presidential conversations. This instructs me not to pursue what would be the normal course of a prosecutor's duty in conducting this kind of investigation.

And I think the instructions are inconsistent with pledges that were made to the United States Senate and through the Senate to the American people before I was appointed and before Attorney General Richardson's nomination was confirmed.

If you go through the hearings you will find repeated pledges by both of us that I should have complete independence to decide how to conduct these investigations and prosecutions and particularly to plead independence in determining what evidence to see.

There were also specific references to executive privilege and pledges by me and by the Attorney General that I not only would, in his view, be free to contest, but on my promise to the Senate that I would contest claims of executive privilege where I thought the evidence was material.

Guidelines Are Cited

This was finally summarized in the so-called guidelines and the departmental order put out by the Attorney General. It reads:

"The Attorney General will not countermand or interfere with the special prosecutor's decisions or actions.

"The special prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities.

"The special prosecutor will not be removed from his duties [except] for extraordinary improprities on his part."

NEW YORK TIMES
21 October 1973

Richardson Says His Plan Did Not Place Curb on Cox

By JOHN M. CREWDSON
Special to The New York Times

WASHINGTON, Oct. 20—Attorney General Elliot L. Richardson made clear today that his compromise proposal on the White House tapes did not include a provision for the special prosecutor to forgo all future attempts to obtain through judicial process material that the President regarded as privileged.

Mr. Nixon asserted yesterday that Mr. Richardson had made "a reasonable proposal" in which Archibald Cox, the special Watergate prosecutor, would cease efforts to subpoena from Mr. Nixon the White House tapes and any other Watergate-related documents.

The President offered instead to provide Mr. Cox and also the Senate Watergate committee with a summary of nine subpoenaed tape recordings after it had been authenticated by Senator John C. Stennis, Democrat of Mississippi.

Mr. Nixon said that, according to Mr. Richardson's proposal, it would also "be understood that there would be no further attempt by the special prosecutor to subpoena still more tapes or other presidential papers of a similar nature."

But Mr. Richardson insisted today through a spokesman that the arangement that he offered Mr. Cox in a series of metings last week had dealt only with a compromise of the Harvard law professor's efforts to subpoena the nine recordings of conversations between Mr. Nixon and his aides that are believed to concern the Watergate case.

The Attorney General said that his proposal had included nothing about the "important notes, memoranda and other documents" that Mr. Cox said last night had not yet been turned over to him.

He added that he had neither proposed nor approved any potential agreement that poenas of Presidential documents or tapes.

Mr. Cox has described Mr. Nixon's order that he abandon such atempts as a serious threat to future prosecutions of "wrongdoers who abused high government office."

The Attorney General canceled a weekend fishing trip to Idaho and remained in his office today, meeting with his staff and with Deputy Attorney General William D. Ruckleshaus. Solicitor General Robert Bork attended the meeting.

The incidents of last night need to be viewed against two things: One is the whole problem of obtaining information for this investigation; and the other is the immediate discussions that took place between me and various representatives of the President.

It's my characterization, but all I can say is that my efforts to get information, beginning in May, have been the subject of repeated frustration.

This is a very special investigation in some ways. The problem is unique because nearly all the evidence bearing not only on the Watergate incident and the alleged cover-up; but on the activities of the "plumbers" and other things of that kind, is in the White House papers and files. And unless you have access to those, you're not able to get the normal kind of information that a prosecutor must seek.

You will recall that the papers of many White House aides—Haldeman, Ehrlichman, Krogh, Young, Dean and others—were taken into custody and they're in a special room.

Taken Out of Files

And many of their papers were taken out of the usual files and put in something special called Presidential files.

Back in June, early June if my memory is right, I asked that an inventory be made of those papers.

I've never gotten it. I was told orally over the telephone a short time ago—I don't mean in connection with the current incidents but a few weeks ago—that the inventory would not be furnished.

There have been other papers that we've sought to get and while I must say I've been told I would receive them, the delays have been extraordinary.

For example, I asked for all kinds of logs of many principal names in these incidents and I was promised them back in June. I still haven't got the logs of meetings of the President with such people as Chapin, Colson, Gray, Hunt, Kleindienst, Krogh, Larue, Liddy, Strachan or Young. I hope our records are accurate.

There are many pending letter requests. And I can't help reading the instruction not to seek subpoenas against that background, even though the instruction as it's written refers only to things referring to Presidential conversations. And I think I'm entitled to suggest that the thing should be judged against that background.

You will remember that the Court of Appeals, after oral argument and before it rendered its decision, suggested that there be an effort to reach a mutually satisfactory accommodation in which the President or his representative and I would agree what part of the tapes should be made available to the grand jury and what parts should not be.

I did submit a fairly carefully drafted six- or seven-page proposed procedure for resolving these questions.

The end of last week the Attorney General anl I were in touch with each other. We had several candid, frank and very friendly conversations.

The conversations ended in a document headed "A Proposal." It set forth a plan, somewhat like what was announced yesterday and last night, except that it was in more contingent form and I think it was meant to leave roo mfor discussion.

I wrote him on Oct. 10 in a paper called "Comments on a Proposal."

'Charlie' on the Phone

Thursday night, if my memory is correct, I received word that I was to call Marshall Wright at the White House in General Haig's office. Marshall Wright turned out to be Charlie when he came on the phone, and he quickly acknowledged that he was Charlie. And he referred to my comments, said that there were four stipulations that he must make that would be essential to any agreement.

And, as I understood him, he said, "You won't agree to these." Indeed, the impression I got — and I want to make it clear that it was my impression; maybe there are tapes that would verify my impression or maybe my impression is wrong — but it was my impression that I was being conronted with things that were drawn in such a way that I could not accept them.

I then went on and suggested, "Why don't you dictate what the four points are and I can look at them tomorrow morning and then give you a reply." And we will give you his letter which I received, my response, and then one final letter which suggested that I had misunderstood the scope of some of the things he said. That came at 23 minutes past 5 yesterday. My letter was delivered to him about 10 o'clock. There was ample time to explain if I had misunderstood anything of critical importance.

QUESTIONS AND ANSWERS

Q. Mr. Cox you would seem to be in what we call a nonviable position now. Are you going to wait for the President to dismiss you?

A. I'm going to go about my duties on the terms on which I assumed them.

Q. What do you consider to be the state of the case now and if you will go into court, what court and what will you say?

A. It is my intention, with reference to the order of the Court of Appeals and the district court, to call to the attention of one or the other, and I'm not sure yet which is correct, the fact that the papers, documents and other things subpoenaed are being refused and that the order to deliver the tapes is subject to some particular reservations, is certainly not being complied with, and that unless I am satisfied. Also, I would also add that a summary is being offered and would express the opinion that that was not adequate.

One form of procedure would be to seek an order to show cause why the respondent should not be adjudicated guilty of contempt. I think it may also be possible and perhaps might be preferable to seek a further order clarifying any possible doubt resulting from the President's statement last night.

Q. Senator Cox, is not your intention in direct conflict with the President's orders to you, and if it is and you're fired by the end of this news conference, what happens then?

A. Well, I—there are a number of other technical questions. I was appointed by the Attorney General. Under the statutes the Attorney General and those to whom he delegates authority are in charge of all litigation, including the obtaining of evidence.

I think there is a question whether anyone other than the Attorney General can give me any instructions that I have any legal obligation to obey.

Second, under the Constitution, and the statutes, there are instances in which not the President but departmental heads make appointments.

And I would think that it was a proper inference that where departmental heads are authorized by statute to make appointments that the same departmental heads are the only ones who can make dismissals.

Dealt With Buzhardt

Q. I believe you said you were told orally that you would not be receiving the logs that you asked for or at least the inventory of the papers that you requested. Just to clear that up, who told you orally that you would not?

A. I've been dealing Fred Buzhardt, and I may say, too, that he has behaved in dealing with me in an entirely honorable way, except he's too damn slow.

Q. Mr. Cox, I think you believe that Attorney General Richardson will not fire you.

A. He may. You know, I'm not saying that no one can fire me. Of course, eventually, there are ways of firing me. I don't know what Attorney Richardson will do.

Now, eventually, a President can always work his will. You remember when Andrew Jackson wanted to take the deposits from the Bank of the United States and his Secretary of the Treasury wouldn't do it. He fired him and then he appointed a new Secretary of the Treasury and he wouldn't do it, and he fired him. And finally he got a third who would. That's one way of proceeding.

Q. Mr. Cox, could you just specify for us what the memoranda, papers and documents are that you're not going to get—characterize them in some way to indicate what they are.

A. Well, the ones that I am most aware of are notes that would have been made by John Ehrlichman on every conversation in which he participated. Now this would be important in case any part of the tapes was inaudible or garbled in some way. Or if it was ambiguous. It's quite possible that those notes not only set forth his understanding of what was agreed upon, what was to be done, but would give some background of the knowledge which he had against which they were to be read.

Memorandum by Nixon

Another example is—I don't know, and that's why you issue subpoenas—but I have reason to believe that, in addition to the conversation with John Dean on April 15, there is a memorandum of that conversation dictated by the President himself. That would give his understanding in the event that any part of it should be inaudible or ambiguous or something of that kind.

Q. Mr. Cox, when do you expect to go to court, whatever court it is you go to?

A. Well, promptly. I mean, as fast as we can be sure that we're right.

Q. Would this coming week be a fair guess? A. It's certainly a fair guess. Certainly I would hope to.

Q. How could you expect to succeed in this job? How could you expect to succeed? A. Well, I thought it was worth a try. I thought it was important. If it could be done, I thought it would help the country. And if I lost, what the hell!

Q. Mr. Cox, there was a lot of talk this week by Republicans on the Hill that, if the President defies a Supreme Court order to give up the tapes, that then he would likely be impeached, or an impeachment action would begin. Do you regard him as of this moment in defiance of an appeals court order—a definitive appeals court order?

Determination for Court

A. In my view, the President has stated that he would not comply with the appeals court order. That is my view. I think it so likely that he is not in compliance that it is my duty to present the question to the court. It would hen be for the court to make the determination. I'm not the last word, thank God!

Q. Mr. Cox, should you be removed from office, would Judge Sirica or the appeals court have the authority to move on their own in an attempt to force the President to release the tapes?

A. I thing that the answer is "Very probably, yes." It is even possible that I should be appointed counsel to the grand jury or the court for that purpose!

But don't carry that too far. The thought went through my wind. And then I also concluded that—no, I think that would be very doubtful propriety because it would then turn what ought to be a

question of principle into something that somebody would look on as a personal fight—and I don't think this is a question of personalities.

Q. Mr. Cox, have you been in touch with anyone, directly or indirectly, who might be a representative for the Whote House, within the past, say, 12 hours, concerning your future tenure in your present job?

A. I talked to the Attorney General on the phone five seconds before I came into the room. It had nothing to do with my future tenure; it was, again, a purely friendly conversation.

WASHINGTON POST
21 October 1973

Text of Tape Compromise Proposal and Cox's Reply

Following is the text of the proposal submitted by Attorney General Elliot L. Richardson to Watergate Special Prosecutor Archibald Cox on Oct. 17 and designed to resolve the controversy over the Watergate tapes. With the proposal are comments from Cox and an exchange of letters between Cox and Charles Alan Wright, the President's chief courtroom

A PROPOSAL

The Objective

The objective of this proposal is to provide a means of furnishing to the court and the grand jury a complete and accurate record of the content of the tapes subpoenaed by the special prosecutor insofar as the conversations recorded in those tapes in any way relate to the Watergate break-in and the cover-up of the break-in, to knowledge thereof on the part of anyone, and to perjury or the subornation of perjury with regard thereto.

The Means

The President would select an individual (the verifier) whose wide experience, strong character, and established reputation for veracity would provide a firm basis for the confidence that he would put above any other consideration his responsibility for the completeness and accuracy of the record.

Procedure

The subpoenaed tapes would be made available to the verifier for as long as he considered necessary. He would also be provided with a preliminary record consisting of a verbatim transcript of the tapes except (a) that it would omit continuous portions of substantial duration which clearly and in their entirety were not pertinent and (b) that it would be in the third person. Omissions would be indicated by a bracketed reference to their subject matter.

With the preliminary record in hand, the verifier would listen to the entire tapes, replay portions thereof as often as necessary, and, as he saw fit, make additions to the preliminary record. The verifier would be empowered to paraphrase language whose use in its original form would in his judgment be embarrassing to the President and to paraphrase or omit references to national defense or foreign relations matters whose disclosure he believed would do real harm. Ther verifier would take pains in any case where paraphrased language was used to make sure that the paraphrase did not alter the sense of emphasis of the recorded conversation. Where, despite repeated replaying and adjustments of volume, the verifier could not understand the recording, he would so indicate.

Having by this process converted the prelimnary record into his own verified record, the verifier would attach to it a certificate attesting to its completeness and accuracy and to his faithful observance of the procedure set forth above.

Court approval of the proposed procedure would be sought at two stages: (a) in general terms when or soon after the verifier began his task, but without identifying him by name, and (b) when the verified record was delivered to the court with the verifier's certificate. At the second stage, the special prosecutor and counsel for the President would join in urging the court to accept the verified record as a full and accurate record of all pertinent portions of the tapes for all purposes for which access to those tapes might thereafter be sought by or on behalf of any person having standing to obtain such access.

Submission of the verified record to the court would be accompanied by such affidavits with respect to the care and custody of the tapes as would help to establish that the tapes listened to by the verifier had not at any time been altered or abbreviated.

Cox's comments on the proposal:

The essential idea of establishing impartial but nonjudicial means for providing the special prosecutor and grand jury with an accurate record of the content of the tapes without his participation is not unacceptable. A courtroom "victory" has no value per se. There should be no avoidable confrontation with the President, and I have not the slightest desire to embarrass him. Consequently I am glad to sit down with anyone in order to work out a solution along this line if we can.

I set forth below brief notes on a number of points that strike me as highly important.

1. The public cannot be fairly asked to confide so difficult and responsible a task to any *one* man operating in secrecy, consulting only with the White House. Nor should we be put in the position of accepting any choice made unilaterally.

2. Your idea of tying a solution into court machinery is a good one. I would carry it farther so that any persons entrusted with this responsibility were named "special masters" at the beginning. This would involve publicity but I do not see how the necessary public confidence can be achieved without open announcement of any agreement and of the names of the special masters.

3. The stated objective of the proposal is too narrow. It should include providing evidence that in any way relates to other possible criminal activity under the jurisdiction of this office.

4. I do not understand the implications of saying that the "verbatim transcript . . . would be in the third person. I do assume that the names of all speakers, of all perons addressed by name or tone, and of all persons mentioned would be included. [In a handwritten footnote, Cox added here:] The last is too broad. I mean to refer only to persons somehow under investigation.

5. The three standards for omission probably have acceptable objectives but they must be defined more narrowly and with greater particularity.

6. A "transcript" prepared in the manner projected might be enough for investigation by the special prosecutor and grand jury. If we accept such a "transcript" we would try to get it accepted by the courts (as you suggest). There must also be assurance, however, that if indictments are returned, if evidence concerning any of the nine conversations would, in our judgment, be important at the trial, and if the court will not accept our "transcript" then the evidence will be furnished to the prosecution in whatever form the trial court rules is necessary for admissibility (including as much of the original tape as the court requires). Similarly, if the court rules that a tape or any portion must be furnished a defendant or the case will be dismissed, then the tape must be supplied.

7. I am glad to see some provision for verifying the integrity of the tapes even though I reject all suggestions of tampering. Should we not go further to dispel cynicism and make provision for skilled electronic assistance in verifying the integrity of the tapes and to render intelligible, if at all possible, portions that appear inaudible or garbled?

8. We ought to have a chance to brief the special masters on our investigators, etc., so as to give them an adequate background. The special masters should be encouraged to ask the prosecutor for any relevant information. What about a request for consideration in the case of an evident mistake?

9. The narrow scope of the prospsal is a grave defect, because it would not serve the function of a court decision in establishing the special prosecutor's entitle-

ment to other evidence. We have long pending requests for many specific documents. The proposal also leaves half a law-suit hanging, (i.e. the subpoenaed papers). Some method of resolving these problems is rquired.

10. I am puzzled about the practical and political links between (a) our agreeing upon a proposal and (b) the demands of the Ervin Committee.

11. The Watergate Special Prosecution Force was established because of a widely felt need to create an independent office that would objectively and forthrightly pursue the prima facie showing of criminality by high government officials. You appointed me, and I pledged that I would not be turned aside. Any solution I can accept must be such as to command conviction that I am adhering to that pledge. A.C.

Letter from Wright to Cox:

Dear Mr. Cox:

This will confirm our telephone conversation of a few minutes ago.

The fundamental purpose of the very reasonable proposal that the Attorney General put to you, at the instance of the President, was to provide a mechanism by which the President could voluntarily make available to you, in a form the integrity of which could not be challenged, the information that you have represented you needed to proceed with the grand jury in connection with nine specified meetings and telephone calls. This would have also put to rest any possible thought that the President might himself have been involved in the Watergate break-in or cover-up. The President was willing to permit this unprecedented intrusion into the confidentiality of his office in order that the country might be spared the anguish of further months of litigation and indecision about private Presidential papers and meetings.

We continse to believe that the proposal as put to you by the Attorney General is a reasonable one and that its acceptance in full would serve the national interest. Some of your comments go to matters of detail that we could talk about, but your comments 1, 2, 6 and 9, in particular, depart so far from that proposal and the purpose for which it was made that we could not accede to them in any form.

If you think that there is any purpose in our talking further, my associates and I stand ready to do so. If not, we will have to follow the course of action that we think in the best interest of the country. I will call you at 10:00 a.m. to ascertain your views.

Sincerely,

Charles Alan Wright

Letter from Cox to Wright Oct. 19:

Dear Charlie:

Thank you for your letter confirming our telephone conversation last evening.

Your second paragraph referring to my comments 1, 2, 6, and 9 requires a little fleshing out although the meaning is clear in the light of our telephone conversation. You stated that there was no use in continuing conversations in an effort to reach a reasonable out-of-court accommodation unless I would agree categorically to four points.

Point one was that the tapes must be submitted to only one man operating in secrecy, and the President has already selected the only person in the country who would be acceptable to him.

Point two was that the person named to provide an edited transcript of the tapes could not be named special master under a court order.

Point three was that no portion of the tapes would be provided under any circumstances. This means that even if the edited transcript contained evidence of criminality important in convicting wrong-doers and even if the court were to rule that only the relevant portion of the original tapes would be admitted in evidence, still the portion would be withheld. It is also clear that, under your Point 3, the tapes would be withheld even if it meant dismissal of prosecutions against former government officials who have betrayed the public trust.

Point four was that I must categorically agree not to subpoena any other White House tape, paper, or document. This would mean that my ability to secure evidence bearing upon criminal wrongdoing by high White House officials would be left to the discretion of White House counsel. Judging from the difficulties we have had in the past receiving documents, memoranda, and other papers, we would have little hope of getting evidence in the future.

These points should be borne in mind in considering whether the proposal put before me is "very reasonable."

I have a strong desire to avoid any form of confrontation, but I could not conscientiously agree to your stipulations without unfaithfulness to the pledges which I gave the Senate prior to my appointment. It is enough to point out that the fourth stipulation would require me to forego further legal challenge to claims of executive privilege. I categorically assured the Senate Judiciary Committee that I would challenge such claims so far as the law permitted. The Attorney General was confirmed on the strength of that assurance. I cannot break my promise now.

Sincerely,

Archibald Cox,
Special Prosecutor

Letter from Wright to Cox, Oct. 19:

Dear Archie:

This is in response to your letter of this date. It is my conclusion from that letter that further discussions between us seeking to resolve this matter by compromise would be futile, and that we will be forced to take the actions that the President deems appropriate in these circumstances. I do wish to clear up two points, however.

On what is referred to in your letter today as point three, that no portion of the tapes would be provided under any circumstances, the proposal of the Attorney General was simply silent. That would have been an issue for future negotiations when and if the occasion arose. Your comments of the 18th, however, would have required an advance commitment from us that we cannot make on an issue that we think would never arise.

In what you list as point four you describe my position as being that you "must categorically agree not to subpoena any other White House tape, paper, or document." When I indicated that the ninth of your comments of the 18th was unacceptable, I had in mind only what I referred to in my letter as "private presidential papers and meetings," a category that I regard as much, much smaller than the great mass of White House documents with which the President has not personally been involved.

I note these points only in the interest of historical accuracy, in the unhappy event that our correspondence should see the light of day. As I read your comments of the 18th and your letter of the 19th, the differences between us remain so great that no purpose would be served by further discussion of what I continue to think was a "very reasonable"—indeed an unprecedently generous—proposal that the Attorney General put to you in an effort, in the national interest, to resolve our disputes by mutual agreement at a time when the country would be particularly well served by such agreement.

Sincerelyq,

Charles Alan Wright

NEW YORK TIMES
22 October 1973

Ziegler Statement and Texts of Letters

Special to The New York Times

WASHINGTON, Oct. 20—Following are the texts of the statement by Ronald L. Ziegler, the White House press secretary, regarding President Nixon's decision to discharge Archibald Cox, the special Watergate prosecutor, and William D. Ruckelshaus, the Deputy Attorney General; a letter of resignation from Elliot L. Richardson, the Attorney General, to President Nixon and the President's reply to Mr. Richardson; Mr. Nixon's letter to Robert H. Bork, the Solicitor General, and Mr. Bork's letter to Mr. Cox, and Mr. Ruckelshaus's letter of resignation to the President:

Ziegler Statement

I know many of you are on deadline. I have a brief statement to give you at this time, and following the reading of the statement we will have an exchange of a series of letters relating to action which President Nixon has taken tonight.

President Nixon has tonight discharged Archibald Cox, the special prosecutor in the Watergate case. The President took this action because of Mr. Cox's refusal to comply with instructions given Friday night through Attorney General Richardson that he was not to seek to invoke the judicial process further to compel production of recordings, notes or memoranda regarding private Presidential conversations.

Further, the office of the Watergate special prosecution force has been abolished as of approximately 8 P.M. tonight. Its function to investigate and prosecute those involved in the Watergate matter will be transferred back into the institutional framework of the Department of Justice, where it will be carried out with thoroughness and vigor.

In his statement Friday night, and in his decision not to seek Supreme Court review of the Court of Appeals decision with regard to the Watergate tapes, the President sought to avoid a constitutional confrontation by an action that would give the grand jury what it needs to proceed with its work

with the least possible intrusion of Presidential privacy. That action taken by the President in the spirit of accommodation that has marked American constitutional history was accepted by responsible leaders in Congress and the country.

Mr. Cox's refusal to proceed in the same spirit of accommodation, complete with his announced intention to defy instructions from the President and press for further confrontation at a time of serious world crisis, made it necessary for the President to discharge Mr. Cox and to return to the Department of Justice the task of prosecuting those who broke the law in connection with Watergate.

Before taking this action, the President met this evening with Attorney General Richardson. He met with Attorney General Richardson at about 4:45 today for about 30 minutes.

The Attorney General, on hearing of the President's decision, felt obliged to resign, since he believed the discharge of Professor Cox to be inconsistent with the conditions of his confirmation by the Senate.

As the Deputy Attorney General, Mr. William Ruckelshaus, refused to carry out the President's explicit directive to discharge Mr. Cox, he, like Mr. Cox, has been discharged of further duties effective immediately.

Professor Cox was notified of his discharge by the Acting Attorney General, the Solicitor General, Robert H. Bork, professor of law from Yale University.

We have available for you now the exchange of letters between Attorney General Richardson and the President and the other correspondence.

Richardson Letter to Nixon

Dear Mr. President:

It is with deep regret that I have been obliged to conclude that circumstances leave me no alternative to the submission of my resignation as Attorney General of the United States.

At the time you appointed me, you gave me the authority to name a special prosecutor if I should consider it appropriate. A few days before my confirmation hearing began, I announced that I would, if confirmed, "appoint a special prosecutor and give him all the independence, authority, and staff support needed to carry out the tasks entrusted to him." I added, "Although he will be in the Department of Justice and report to me—and only to me—he will be aware that his ultimate accountability is to the American people."

At many points throughout the nomination hearings, I reaffirmed my intention to assure the independence of the special prosecutor, and in my statement of his duties and responsibilities, I specified that he would have "full authority" for "determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege." And while the special prosecutor can be removed from office for "extraordinary improprieties," I also pledged that "the Attorney General will not countermand or interfere with the special prosecutor's decisions or actions."

While I fully respect the reasons that have led you to conclude that the special prosecutor must be discharged, I trust that you understand that I could not in the light of these firm and repeated commitments carry out your direction that this be done. In the circumstances, therefore, I feel that I have no choice but to resign.

In leaving your Administration, I take with me lasting gratitude for the opportunities you have given me to serve under your leadership in a number of important posts. It has been a privilege to share in your efforts to make the structure of world peace more stable and the structure of our own Government more responsive. I believe profoundly in the rightness and importance of those efforts, and I trust that they will meet with increasing success in the remaining years of your Presidency.

Respectfully,
ELLIOT L. RICHARDSON

Nixon Letter to Richardson

Dear Elliot:

It is with the deepest regret and with an understanding of the circumstances which brought you to your decision that I accept your resignation.

Sincerely,
RICHARD NIXON

Nixon Letter to Bork

Dear Mr. Bork:

I have today accepted the resignation of Attorney General Richardson and Deputy Attorney General Ruckelshaus. In accordance with Title 28, Section 508(B) of the United States Code and of Title 28, Section O. 132(A) of the Code of Federal Regulations, it is now incumbent upon you to perform both the duties of Solicitor General, and duties of and act as Attorney General.

In his press conference today, special prosecutor Archibald Cox made it apparent that he will not comply with the instruction I issued to him, through Attorney General Richardson, yesterday. Clearly the Government of the United States cannot function if employes of the executive branch are free to ignore in this fashion the instructions of the President. Accordingly, in your capacity of Acting Attorney General, I direct you to discharge Mr. Cox immediately and to take all steps necessary to return to the Department of Justice the functions now being performed by the Watergate special prosecution force.

It is my expectation that the Department of Justice will continue with full vigor the investigations and prosecutions that had been entrusted to the Watergate special prosecution force.

Sincerely,
RICHARD NIXON

Bork Letter to Cox

Dear Mr. Cox:

As provided by Title 28, Section 508(B) of the United States Code and Title 28, Section O. 132(A) of the Code of Federal Regulations, I have today assumed the duties of Acting Attorney General.

In that capacity I am, as instructed by the President, discharging you, effective at once, from your position as special prosecutor, Watergate special prosecution force.

Very truly yours,
ROBERT H. BORK
Acting Attorney General

Honorable Archibald Cox
Special Prosecutor
Watergate Special
Prosecution Force
1425 K Street, N.W.
Washington, D.C.

Ruckelshaus Letter to Nixon

Dear Mr. President,

It is with deep regret that I tender my resignation. During your Administration, you have honored me with four appointments — first in the Justice Department's Civil Division, then as administrator of the Environmental Protection Agency, next as acting director of the Federal Bureau of Investigation, and finally as Deputy Atorney General. I have found the challenge of working in the high levels of American Government an unforgettable and rewarding experience.

I shall aways be grateful for your having given me the opportunity to serve the American people in this fashion.

I am, of course, sorry that my conscience will not permit me to carry out your instruction to discharge Archibald Cox. My disagreement with that action at this time is too fundamental to permit me to act otherwise.

I wish you every success during the remainder of your Administration.

Respectfully,
WILLIAM D. RUCKELSHAUS

NEW YORK TIMES
23 October 1973

Press Sharply Criticizes Nixon on Ouster of Cox

By GLENN FOWLER

President Nixon's dismissal of Archibald Cox has elicited the strongest press criticism since his election nearly five years ago.

The great majority of newspaper editorials in the last 48 hours deplore the President's action in discharging the special Watergate prosecutor for refusing to desist in a quest for White House tape recordings that might bear upon the bugging and burglary of the Democratic campaign headquarters in 1972 and the subsequent cover-up.

Scores of newspapers, including some of the country's most widely circulated journals, have called for impeachment of the President, his immediate resignation or other equally drastic solutions to the impasse between Mr. Nixon, on the one hand, and Congress and the courts, on the other.

Others Voice Criticism

Many other newspapers, while less harsh in their editorial judgment of Mr. Nixon, were nevertheless scornful of what they considered the President's high-handedness, and were openly skeptical of the Administration's contention that the compromise proposal for screening of the tape recordings represented an effort to avert a constitutional crisis.

Mr. Nixon received editorial support, however, from a minority of the American press. It was expressed in varying degrees of warmth, ranging from defense of the proposal on the tapes to approbation for the dismissal of Mr. Cox and the Deputy Attorney General, William D. Ruckelshaus, and the resignation of Attorney General Elliot L. Richardson.

In the foreign press, censure of the President's action was widespread but for the most part it was voiced in the expressed hope that the United States would not be weakened in the arena of world affairs.

NEW YORK TIMES
23 October 1973

Russian Press Gives Watergate Slight Nod

Special to The New York Times

MOSCOW, Oct. 22 — The Soviet press paid only a minimum of attention today to the latest developments in the Waergate affair with a flat announcement of the dismissals of the special Watergate prosecutor Archibald Cox and Deputy Attorney General William D. Ruckelshaus and the resignation of Attorney General Elliott L. Richardson.

Pravda, under the headline, "Communcation From the White House Press Secretary, "hewed to the remarks made by Ronald L. Ziegler on the latest turn of the Watergate affair. By attributing everything to Mr. Ziegler, the Soviet press avoided any direct comment on internal American politics.

The Soviet press has generally avoided making any mention of the scandal, in an attempt not to jeopardize the special relations developed by the Russian Communist party leader Leonid I. Brezhnev with President Nixon.

Today's article gave Soviet readers hardly any hint of the dramatic events that led to the newest domestic crisis within the Nixon Administration, Pravda made a point of quoting Mr. Ziegler as saying that the President had accepted Mr. Richardson's resignation with "deepest regret."

Protests From Colleges

In opinion forums other than the press, Mr. Nixon fared badly. Protests from college faculty and student groups were dispatched to Washington from dozens of campuses. Local and state political leaders, including many Republicans, reacted with disapproval of his actions.

Newspaper editorial comment in the country's larger cities was mostly against Mr. Nixon.

In Chicago, The Tribune said the President's proposed compromise revelation of the Watergate tapes "may be the worst blunder in the history of the Presidency," but it urged both Mr. Nixon and his critics to avoid "a hysterical, inflammatory and divisive political inquisition."

The Chicago Daily News deplored "the savagery" of the President's order to seal off the special prosecutor's office after he was ousted, and asked: "Did the President suspect some monstrous subversive conspiracy was hatching in Cox's office?"

The Chicago Sun-Times said editorially that "Mr. Nixon is in deep trouble personally, and he has placed the Government in trouble."

Both The Washington Post and The Washington Star-News upbraided the President. "Having lost two rounds in court," The Post said, "he [Mr. Nixon] attempted to seize immediate control of the prosecution of a series of criminal cases in which he is at least potentially a defendant."

'Untenable Position'

"President Nixon has placed himself in an untenable position in relation to the courts," The Star-News said. "Unless he can find a way to backtrack quickly he is on a course which could lead to unimaginable difficulties."

Among other big-city newspapers, strong disapproval of Mr. Nixon came from The Kansas City Star, which called for impeachment proceedings in Congress, and The Boston Globe, which called upon the President to resign.

"The appearance of a rudderless Government is beginning to haunt Washington as affairs slip beyond the control of the executive power," The Star said editorially. "Congress, however reluctantly, must now consider the mechanics of replacing a President who may be fast approaching an incapacity to rule and cope with a world that so often demands instant reactions from a united people and their leader."

Agnew Example Cited

The Globe said: "There is another way to spare the nation from impeachment. It was done tidily and quickly and in full accordance with the processes of law only recently, when Spiro T. Agnew resigned as Vice President. With full respect for the high office he holds, and indeed because of that respect, we urge President Nixon to do the same."

The Atlanta Constitution was another large-circulation newspaper to call for impeachment: "No man is above the law. President Nixon, with the near incredible arrogance of his action in firing Archibald Cox, has left the Congress and the American people little choice."

But more typical of the anti-Nixon reaction was that of The Baltimore Sun, which stopped short of a demand for impeachment: "By ordering Mr. Cox to obey him and not the orders of two courts that have now ruled in this case, and by firing him when he could not, President Nixon seemed to be saying flatly that he is above the law. If he does believe that, what is next?"

The Detroit Free Press said, in a similar vein, "It can be safely predicted that the President will now slide deeper into trouble and that he will have fewer resources at work in his behalf." To The Cleveland Plain Dealer the President's actions "leave Congress with little choice but to challenge [his] fitness to continue in office." And The Dallas Times-Herald said the President had "precipitated a crisis of confidence in his right to hold office."

'Discredit His Leadership'

The St. Louis Post-Dispatch said the President "has now virtuall yclosed the door to any chance of redeeming himself in the eyes of the public and regaining a position of leadership." In view of The Los Angeles Times, the President's "serious mistakes discredit his leadership and peril the balance of Federal power."

Other metropolitan newspapers either leaning toward impeachment or severely rebuking the President included The Nashville Tennessean, The Memphis Commercial Appeal, The Des Moines Tribune and The Louisville Courier-Journal.

Mr. Nixon's biggest editorial cheer came from The Manchester (N. H.) Union Leader, whose publisher, William Loeb, hailed the dismissal of Mr. Cox and the resignation of Mr. Richardson as "the best news to come along for quite a while."

Cox Ouster Defended

On the other side of the continent, the Portland Oregonian also defended the Cox dismissal. As for talk of impeachment, The Oregonian term it "premature if not irrelevant," and added that "the prime national goal remains to get to the dregs of Watergate, not to punish Mr. Nixon."

Abroad, The Daily Express of London said Mr. Nixon's weekend actions represented "arrogance that threatens us all," and said the constitutional crisis in the United States came at a particularly unfortunate time in view of the serious Mideast situation.

In West Germany, The Frankfurter Allgemeine Zeitung said the fact that "the mightiest man of the greatest world power has to struggle with internal scandals in the face of a war in the Near East that threatens world peace is in itself a scandal."

NEW YORK TIMES
23 October 1973

The Constitutional Crisis

By Chesterfield H. Smith

CHICAGO—As the president of the American Bar Association, I urge in the strongest terms that appropriate action be taken promptly by the courts, and if necessary by Congress, to repel the attacks which are presently being made on the justice system and the rule of law as we have known it in this country.

The American Bar Association last spring called for the appointment of an independent prosecutor with responsibility for the investigation and prosecution of the Watergate affair. The A.B.A. position was based upon its Standards for Criminal Justice, which provide that a prosecuting officer should have no conflict of interest or the appearance of a conflict of interest. Thus, under the standards, it would be improper for an investigation of the President himself, of the office of the President, or of the executive branch of the Federal Government to be conducted by a prosecutor subject to the direction and control of the President.

Based upon assurances made publicly by high officers of the Administration, the A.B.A. was most hopeful that Archibald Cox would be allowed to pursue justice in all aspects of his investigation without control by those whom he was charged with investigating.

Now, the President, by declaring an intention, and by taking overt action, to abort the established processes of justice, has instituted an intolerable assault upon the courts, our first line of defense against tyranny and arbitrary power. The abandonment, by Presidential fiat, of the time-tested procedures to insure the equitable distribution of justice constitutes a clear and present danger of compelling significance.

The substitution, again by Presidential fiat, of a makeshift device—unilaterally improved and conferring upon one individual functioning in secret the power to test evidence—may well be acceptable for a Congressional investigation, but to also insist that it be utilized by the courts in criminal proceedings is an assault of wholly unprecedented dimension on the very heart of the administration of justice. The absolute gravity of the situation demands the most resolute course on the part of the courts and, if necessary, Congress.

There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts. I express my hope and confidence that the judicial and legislative forces of this nation will act swiftly and decisively to repeal and correct this damaging incursion by the President upon the system of justice, and therefore upon our basic liberties.

I hope also that the President will change his course and cease what I believe to be an unprecedented flouting of the rule of law. I also believe that the Congress should, as its first priority, re-establish the office of the Special Prosecutor and make it independent.

The people of this country will never believe that justice has been done until such time as the independent prosecutor is permitted to go into all aspects of Watergate without limitations or control imposed on him by those whom he has reason to believe are possible participants. At the same time, it is clearly proper that those who are being investigated by the Special Prosecutor present their objections to his conduct to the courts for a determination as to whether such conduct is legally permissible.

I pledge to see that the A.B.A. assist the United States District Court for the District of Columbia and any other Federal court in the discharge of its duties and responsibilities in this constitutional crisis.

I applaud the action of three great lawyers, Elliot Richardson, William Ruckelshaus and Archibald Cox, who have emphasized to the nation that they are lawyers who honor the tradition of the legal profession and that they are lawyers who properly and without hesitation put ethics and professional honor above public office.

Chesterfield H. Smith of Lakeland, Fla., has been president of the American Bar Association since early August.

NEW YORK TIMES
23 October 1973

Excerpts From Rules That Established Cox's Office

Special to The New York Times

WASHINGTON, Oct. 22—Following are excerpts from rules and regulations signed by former Attorney General Elliot L. Richardson and printed in the June 4 Federal Register establishing the office of Watergate special prosecutor within the Department of Justice:

Duties and Responsibilities of the Special Prosecutor

The special prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry in Democratic National Committee headquarters at the Watergate, all offenses arising out of the 1972 Presidential election for which the special prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the special prosecutor shall have full authority with respect to the above matters for:

¶Conducting proceedings before grand juries and any other investigations he deems necessary;

¶Reviewing all documentary evidence available from any source, as to which he shall have full access;

¶Determining whether or not to contest the assertion of "executive privilege" or any other testimonial privilege;

¶Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;

¶Deciding whether or not to prosecute any individual, firm, corporation, or group of individuals;

¶Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

¶Coordinating and directing the activities of all Department of Justice personnel, including U. S. Attorneys;

¶Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

Pledge of Independence

In exercising this authority, the special prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice.

The Attorney General will not countermand or interfere with the special prosecutor's decisions or actions. The special prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his dutits and responsibilities.

The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

DESIGNATION AND RESPONSIBILITY—The personnel acting as the staff and assistant of the special prosecutor shall be known as the Watergate special prosecution force and shall be responsible only to the special prosecutor.

PUBLIC REPORTS — The special prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assigment submit a final report to the appropriate persons or entities of the Congress.

DURATION OF ASSIGNMENT — The special prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself.

NEW YORK TIMES
24 October 1973

Text of Cox's Farewell Remarks to Watergate Staff

Special to The New York Times

WASHINGTON, Oct. 23—Following is a transcript of the farewell remarks of Archibald Cox to the staff of the Watergate Special Prosecution Force, as prepared by the special force's public information office, before the White House announced that President Nixon would turn over the Watergate tapes to Judge John J. Sirica:

I have been spending some time thinking over something to say and never got beyond that point. Perhaps we've been saying all the things that needed to be said during the past few months. Perhaps, as in most important things, there is nothing to say.

(The following nine words are a paraphrase—I think we tried to conduct this investigation by) working with integrity, with impartiality, fairness and care, and I think that we also share the belief that a high level of personal and supporting ability was something which was important to bring into play, and that if we behaved ourselves in accordance with those aims, that indeed the values of our governmental institutions and system of justice would be demonstrated. I think and pray that that will be the result.

Plainly, there will be a good deal of shakedown during the next few weeks. I don't want to tell anyone what the future should hold for any individual. I do think it important that the work go on being done, and that the integrity, not in a moral sense, but in a holding-together sense; the unity, viability, existence, whatever the right words are, of the organization will be preserved during that period, and that the work go forward during that period as we all tried to do it.

I cling to the faith that its merit will appear to the American people and those who make decisions for them. And that you will be able to continue to do what you came here to do.

I do think, at least, that chance should be preserved, that one should bet on it just as we all bet on that chance when we came to begin with. Because life isn't a sure thing, and it isn't a sure thing in these areas. Perhaps I can say three things. First of them personal in a way and the other two—very personal.

The one that is personal only in a way is that while I had an extraordinary staff as Solicitor General and have worked in that office and others where extraordinary groups were put together, I think it really is true that I never came in contact with an organization of more professional skill or dedication, or more that did really good professional work than any other.

I say that's in a way personal because that is one of the things that I value most in life. It is also not a personal judgment in any emotional sense, or personality sense, but I really think it is true. I hope that for all of you, as it certainly was for me, that this was a place—I'm not sure that fun is the right word, but a place where there were real satisfactions.

'One Thing More'

Where we had a sense of coherence, of everybody helping everybody else. And that was enormously important to me. Just as your friendship and support over what was growing over the last week, even though I couldn't say much about it, and what came to a climax over the weekend, at least as far as I'm concerned personally.

I don't know quite how to thank you all for that. I don't think its really personal, though I feel it in a personal way. But I hope you'll—well, I don't know. God bless you.

I will say just one thing more. A professor can always say one thing more since he gets hold of himself. As far as I am concerned, I am going to stay in the city. I think I may be called to testify once or twice. My aim is to stay as long as I can articulate, without it becoming personal, the things that I think that are involved, that I tried to articulate Saturday afternoon. Some of them can be added to.

I intend to get out as soon as I think there is any sense that what I begin to articulate somehow seems to be a matter of personality and not of principle. I don't know just when that will be. Then I think I will go to the coast of Maine and spend the winter there, or at least the first part of it.

I understand that my leave at Harvard was during my period of Government employment. Those of you who are lawyers at least, and those of you who have worked for lawyers for a period, will understand me when I say I am told that sort of a fee simple determinable. The condition subsequent has now been satisfied, and perhaps I won't be eligible for long for unemployment compensation. God bless you all.

WASHINGTON POST
24 October 1973

Ervin Panel Told Tapes Offer Is Off

By Lawrence Meyer
and John Hanrahan
Washington Post Staff Writers

President Nixon withdrew his offer yesterday to make partial White House tape transcripts available, after verification by Sen. John C. Stennis (D-Miss.), to the Senate select Watergate committee.

White House chief of staff Alexander M. Haig Jr. said yesterday that the "Stennis Compromise" reached Friday with Senate Watergate committee chairman Sam J. Ervin Jr. (D-N.C.) and vice chairman Howard H. Baker Jr. (R-Tenn.) had been canceled as a result of Mr. Nixon's decision to comply with a court order to turn nine subpoenaed White House [illegible] to Chief U.S. District Court Judge John J. Sirica.

Although Sirica had ordered Mr. Nixon to turn the tapes over to him as part of former Special Watergate Prosecutor Archibald Cox' federal grand jury investigation, Sirica had rejected on Oct. 17 the Senate committee's own subpoena to obtain the tapes.

The Senate committee accordingly filed a motion yesterday with the United States Court of Appeals requesting an expedited appeal of Sirica's ruling. The committee brief requests that arguments on its appeal be heard by the full nine-judge court on Nov. 2.

The decision to withhold the tape summaries from the committee came after a dramatic series of events last Friday that resulted in the summoning of Ervin and Baker to the White House, with no notice, from out-of-state speaking engagements. Both men were out of touch with their staffs or other senators at the time, leading some committee sources to speculate that the two senators were being "used" as part of a White House scheme to fire Cox.

The agreement between Mr. Nixon and the committee had begun to disintegrate Saturday when Ervin said that a White House announcement was incorrect in stating that he and Baker had agreed to receiving only summaries of the tapes. Ervin made his statement after Cox rejected Mr. Nixon's offer of the summaries to him as unacceptable.

The White House said that Ervin and Baker had agreed to accept a summary of five tape recordings with partial quotation. A telegram sent yesterday morning by Ervin to President Nixon, asking for a clarification presented a radically different view of the agreement.

In his telegram, Ervin said that Stennis would have temporary custody of the tapes, that Stennis would hear the tapes and separate Watergate-related material from material not relevant to the Watergate affair and that Stennis would "prepare and furnish" to the committee "a verbatim copy of the exact words as recorded on the tapes, which are relevant to matters which the committee is authorized ... to investigate."

In addition, Ervin said that his understanding of the agreement was that Stennis could verify the authenticity of the tapes and could provide the committee with a summary of the items on the tapes that he considered not to be relevant to the committee's investigation.

In announcing that President Nixon had decided to withdraw his offer to the committee, Haig referred to the committee's appeal of Sirica's order. "They have themselves sought to resolve this issue through the courts," Haig said.

The second consideration in President Nixon's decision to withdraw his offer to the committee, Haig said, was a concern for Stennis' health. Stennis only recently recovered fom gunshot wounds suffered during a holdup here last January.

Stennis had agreed to undertake the assignment, Haig said, with the understanding that it would be "hopefully devoid of the limelight of the kind of tensions that have developed around this issue."

"I think the President's view," Haig said, "is that given all the tensions, publicity, pressure now associated with this task, that he would not presume to impose upon Sen. Stennis when the information is now being divulged in its complete form in accordance with the rulings of the courts."

Special presidential counsel Charles Alan Wright, who has been arguing President Nixon's position in court, said after the announcement that President Nixon would comply with Sirica's order that White House counsel Leonard Garment had spoken on the telephone with chief committee counsel Samuel Dash.

Wright said Dash told Garment, " 'I think you've done exactly the right thing and as far as I'm concerned we'll see you in court to battle over the question of access to the tapes.' "

Both Dash and deputy chief counsel Rufus Edmisten said that they had not talked to the White House or Garment about President Nixon's withdrawal of the tape summaries. Edmisten, who said they learned that the agreement had been withdrawn from a newsman, said that the committee stance "would be more than ever that it should have the tapes themselves" and would push ahead with its court suit.

Both Ervin and Baker were caught by surprise when they were summoned to the White House last Friday for the meeting on the Stennis proposal, Senate committee sources said.

Ervin was in the New Orleans airport, preparing to return to his Morganton, N.C., home after giving a speech in New Orleans, when he was paged to come to the telephone. The caller was J. Fred Buzhardt, special counsel to the President, who told him the White House had decided to offer a compromise to resolve the tapes issue, sources said.

Ervin then changed his flight reservations and flew by commercial airline to Dulles International Airport here, where he was met by White House representatives. He then was whisked to the meeting at the White House, sources said, without having any time to contact any of the other senators on the committee or its staff members.

After the White House meeting, because there were no flights back to North Carolina that night, Ervin was flown by military plane to Charlotte, the sources said.

Baker, sources said, received his urgent call to return to Washington for a meeting at the White House while he was delivering a speech in Chicago. Sources said Baker arrived at the White House some time ahead of Ervin and talked with White House aides before Ervin arrived.

Like Ervin, Baker had no time to call any other committee members or staff officials before the meeting. Baker told The Washington Post on Sunday that he still had not talked to any other committee members about the Friday meeting.

Some Senate committee sources said yesterday there was a feeling that the White House may have "used" Ervin and Baker as part of a plan to fire Cox. By getting the committee to accept the tape summaries, they isolated Cox in refusing the tapes, sources said.

However, sources said Ervin felt as recently as Monday that he had not been "used," and that the President had put forth his proposal in good faith. Baker and Ervin were given nothing in writing last Friday but, sources said, felt they had "a gentleman's agreement."

Haig said yesterday, "I know of no departure from that agreement." Describing Ervin's role in the Friday meeting, Haig said, "I think international interests and at a time when there was great tension in the Mideast, when the senator could observe for himself the kind of polarization that was taking place, that he very selflessly and I think quite correctly decided for himself that this was a compromise that he could accept. I'm not aware of any deviations from the agreement that was arrived at. I know there were some semantic problems over the weekend, but they were just that."

Committee sources said yesterday that the committee will meet Thursday to chart its future course of action. One major item to be discussed, sources said, is the possibility of the committee subpoenaing all documents held by the special prosecutor's office in order to use them and safeguard them from tampering.

The committee also is expected to discuss proposals by some staff members to call Cox, former Attorney General Elliot L. Richardson and former Deputy Attorney General William Ruckelshaus as public witnesses. Richardson and Ruckelshaus resigned after refusing to fire Cox last Saturday.

The committee yesterday subpoenaed two Manchester (N.H.) Uion leader reporters and their records. The reporters, R. Warre Pease and Arthur Egan, have been questioned by the committee's investigators about the so-called "Canuck" letter, which was sent to the newspaper in early 1972 and accused Democratic presidential candidate Sen. Edmund Muskie of making racial slurs against Americans of French-Canadian ancestry.

WASHINGTON POST
24 October 1973

Bork Silent on Nixon Memo Bid

By William Chapman
Washington Post Staff Writer

Two high-ranking Justice Department officials declined to say yesterday whether they will pursue through the courts the White House material—other than the Watergate tape recordings—which former special prosecutor Archibald Cox had sought.

But acting Attorney General Robert H. Bork and Assistant Attorney General Henry E. Petersen again promised a vigorous, swift investigation of Watergate and related cases.

Neither would say whether he favors subpoenaing the documents and memoranda that Cox had felt vital to the cases. Shortly before he was dismissed last Saturday, Cox characterized as vital the power to obtain by subpoenas notes and documents relating to several cases now under investigation.

Petersen, interviewed in a Justice Department corridor, said he had not been told anything about the course of the investigation except for Bork's comment pledging a vigorous one. Petersen said he wanted to proceed "with dispatch" on the cases.

Bork, through a Justice Department spokesman, declined comment.

Petersen and Bork met yesterday afternoon with the senior staff members of Cox's prosecuting office to discuss how the investigations will proceed.

It became apparent afterward that the Cox staff's doubts about an impartial, independent prosecution had not been removed.

"The independence of the prosecution is still a problem," one of the senior Cox staff members who attended the meeting said last night. "Everything is very uncertain. There's no promise of an independent prosecutor."

The idea of retaining a prosecutor holding Cox's status did not appeal to Petersen, the chief of the Justice Department's criminal division. Petersen was the original prosecutor of the Watergate burglary cases and was angry when the case ultimately was placed in Cox's hands.

Petersen said that no one "has come to any firm conclusion" about the hiring of another independent prosecutor. But he seemed to pour cold water on the idea when he said, "The events of the last few days have brought that concept into question." Asked what he meant by that, he noted that Cox had been fired.

Petersen said he would welcome the services of top-level attorneys on the Cox special force, saying, "The professional people at Cox's office are some of the best we could have in the federal service."

It appears for the immediate future that most of Cox's top people would be willing to work with Petersen on the investigation.

However, they reported yesterday they have been unable to get clear-cut responses to their requests for information on how the investigations would proceed.

In a meeting Monday evening with Bork and Petersen, two of the top Cox special force aides submitted specific questions. They asked whether they would be able to pursue specific pieces of needed evidence through the courts.

A Cox staff source said yesterday that Bork and Petersen "gave no clear signal" about whether those items of evidence would be sought. He said that both Justice Department officials seemed vague and uncertain about the role they would play.

Nevertheless, most were planning to remain at least temporarily as Justice Department employees. "There are a number of people who think it would be nice just to take a walk in the woods," said one aide. "But there's also a chance we can do an independent investigation, which is what we came here to do."

Bork asked all of the Cox staff personnel to continue working, according to John Hushen, Justice Department press officer.

Hushen said that Bork had promised to "prosecute vigorously" Watergate and related cases and asked the Cox staff to "stay on in order to bring the cases to a conclusion."

CHRISTIAN SCIENCE MONITOR
24 October 1973

European press concerned over U.S. political crisis

By the Associated Press

The European press expressed concern that the United States Government's latest Watergate crisis might hamper American effectiveness as a peacemaker in the Middle East.

Derek Marks, the political correspondent of the Daily Express, London, described President Nixon's action in the dismissal of special Watergate prosecutor Archibald Cox as "arrogance that threatens us all."

Citing the negotiations in Moscow between U.S. Secretary of State Henry A. Kissinger and Soviet leaders which led to the UN Security Council cease-fire resolution, Mr. Marks said: "It strikes one as totally incomprehensible that President Nixon should deliberately choose this moment to provoke a major constitutional crisis in the United States over the release of the Watergate tapes."

The Financial Times of London said, "One must hope that a settlement of the Middle East war is not prejudiced by Mr. Nixon's actions, but it is becoming increasingly uncertain how long American foreign policy can be insulated from the political crisis at home."

The Danish conservative Berlingske Tidende sounded a similar note: "In a serious international situation," the newspaper said, "with the United States involved in difficult and important negotiations over a cease-fire in the Middle East, the political crisis in Washington must seem especially depressing and cause anxiety."

Most West German newspapers headlined the story on front pages.

The Frankfurter Allgemeine Zeitung said: "The might of the United States in the world and the power of the American President in his country are certainly not . . . tied to each other without fail. But that the mightiest man of the greatest world power has to struggle with internal scandals in the face of a war in the Near East that threatens world peace is in itself a scandal."

Several papers were sharply critical of Mr. Nixon.

The middle-of-the-road West German paper Politiken, under the headline "The Crime Goes On," commented:

"Obviously there are no limits to what President Nixon and his companions in the White House will do to stop the investigation of the Watergate crimes. For the Washington Congress there seems nothing else to do than go ahead with impeachment procedures when the Senate hearings are over. . . ."

The conservative Die Welt of Hamburg said, however: "What Nixon did appears scandalous. But it is to be asked whether he did not act in a kind of self-defense and whether America, whether its allies, . . . should wish that he may fall because of the debacle."

BALTIMORE SUN
24 October 1973

What the Watergate tapes might reveal and why Cox fought for their surrender

Washington—The nine secret White House tapes that now are to be handed over to Judge John J. Sirica may resolve the still unanswered question of whether and how much President Nixon was involved in the Watergate affair.

A memorandum previously issued by Archibald Cox, the special Watergate prosecutor who was dismissed by the President last weekend, noted that each of those tapes related to an occasion when "plans and activities relating to Watergate and its aftermath were discussed in respondent's [Mr. Nixon's] offices."

As Mr. Cox put it, the search for the truth would be "greatly assisted" by obtaining an accurate record of each of those nine conversations, on which there already had been considerable conflicting testimony.

The tape of June 20, 1972—three days after the break-in of Democratic offices at the Watergate complex by employees of the Committee to Re-elect the President, along with four Cuban-Americans — relates to a meeting between Mr. Nixon, H. R. Haldeman, then White House chief of staff, and John D. Ehrlichman, then chief domestic adviser.

Both presidential aides had met earlier that day with John N. Mitchell, the Nixon campaign director, John W. Dean 3d, White House legal counsel, and Richard G. Kleindienst, then the attorney general, a meeting at which, according to Mr. Ehrlichman's testimony, Watergate was the primary topic.

Mr. Cox commented that the inference that the White House aides later reported to the President on Watergate "and may well have received instructions," was "almost irresistible."

A four-minute telephone conversation June 20 between the President and Mr. Mitchell, according to the former attorney general's testimony, dealt solely with the Watergate break-in and investigation.

Another of the tapes relates to a more than hour-long meeting on June 30, of the President, Mr. Mitchell and Mr. Haldeman in the presidential office in the Executive Office Building adjacent to the White House. His impending resignation as director of the re-election committee was discussed, Mr. Mitchell has testified.

Of that meeting, Mr. Cox wrote, "It strains credulity to suppose that Watergate and how Watergate affected Mitchell and the campaign were not topics of conversation. The records of the meeting are clearly the most direct evidence of the knowledge and intentions of the participants as of a date shortly after the grand jury began its investigation."

A crucial White House tape deals with a September 15, 1972, meeting between the President, Dean and Mr. Haldeman. This was the day on which indictments were handed down relating to the original seven Watergate conspirators, and this was the meeting at which Dean testified the President congratulated him on doing a good job on the Watergate coverup.

Mr. Haldeman disputed Dean's testimony, which, if corroborated, according to Mr. Cox, would "tend to establish that a conspiracy to obstruct justice reached the highest level of government." If Mr. Haldeman's version is upheld, Mr. Cox noted, "the question of Dean's perjury would then arise."

Further disputed Dean allegations arise from a meeting of March 13 this year, when Mr. Nixon met with Dean and Mr. Haldeman, and according to Dean, discussed the possibility of paying $1 million in hush money to a Watergate defendant.

The tapes of March 21 relate to two meetings at which he President, Dean, Mr. Haldeman and (at one meeting only) Ronald L. Ziegler, the White House press secretary, were present. It was at the earlier meeting that Dean talked about a "cancer" growing on the presidency—a point on which there was general agreement among those present—and revealed a theory of the coverup and liability of high-level officials. There was also discussion of the threat by E. Howard Hunt, Jr., a Watergate defendant, to expose his "seamy work" for the White House unless he received a large sum of money.

At the afternoon meeting, the coverup was discussed, and it was Dean's testimony that it became clear to him that the White House efforts at concealment would continue.

"Evidence of this meeting is pertinent to determining the existence of a coverup, its thrust and its membership," the Cox memorandum states.

On March 22, Mr. Nixon had an almost two-hour meeting with Dean, Mr. Ehrlichman, Mr. Haldeman and Mr. Mitchell, a discussion that, according to all evidence so far, centered on Watergate and the problems presented by the forthcoming Senate Watergate hearings.

The final tape deals with a meeting last April 15 between the President and Dean, who testified that he had told Mr. Nixon in detail of his revelations to the United States attorney's office about his knowledge of the Watergate affair. It was on that occasion that, according to Dean, the President said he had been "joking" when he approved the idea of raising $1 million for the Watergate defendants.

It was also on that date, according to the Dean testimony, that the President admitted he had been "foolish" to discuss executive clemency for the Watergate conspirators with Charles W. Colson, a White House counsel.

Summing up the importance of the Watergate tapes, Mr. Cox said: "It would be hard to exaggerate the importance to the grand jury of full and accurate knowledge of everything said in these particular conversations relevant to the Watergate affair. The material . . . might well be determinative in fixing the planning and precise scope of the conspiracy to obstruct justice and other illegal activity as well as the involvement and knowledge of the putative conspirators at various times during the alleged coverup."

NEW YORK TIMES
25 October 1973

Faith in the Truth

By Ramsey Clark

As the nation faces further crises in law and constitutional government, it may be helpful to examine one just past.

The criminal acts of Spiro Agnew were tragedy enough for America in this time of profound doubt. The contempt for law manifested by the officials who handled his case compounded that tragedy. If we cannot adhere to law with greatest fidelity to its principles and purposes in time of crisis, it will earn slight respect and fail when needed most.

The pragmatic disposition of the Agnew case ignored the need for faith in truth as the foundation of the law. As a result, the people do not have the facts needed to know whether they have witnessed power over innocence, or worse, been more dis-

respectful to the office of the Vice President, or the integrity of law, than for the Attorney General of the United States to agree to intercede personally in return for the resignation and plea of the Vice President. This is bartering with the second highest office in the land. Is it enough to tell the hundreds of thousands of defendants sentenced to prison that they would have fared better had they been Vice President? Will angry convicts see ours as a system of power, not law intending justice? The Vice President is always a step away from the Presidency. This does not place him a step above the law.

Neither the U.S. Department of Justice nor the court should have accepted the plea of *nolo contendere* to the remote and ambiguous 1967 tax charge. Doubt about the charges and the guilt will plague young Americans gaining their first impressions of American justice. The allegations were far too serious, the need of the public to know too great, to permit such a disposition.

The submission of a forty-page *ex parte* statement of the prosecutor is a dangerous practice. It removes the shields of the grand jury, the rules of evidence and a petit jury verdict. These protect accused persons from unsupported charges. The press-conference plea by Mr. Richardson for public support for the settlement was trifling with the law. It speaks for itself by acts of grand juries, petit juries and judges.

For U.S. Attorney James Thompson of Chicago to tell the world he has studied the Agnew file, that it is as bad as he has seen, that Mr. Agnew is a "common crook," is ethically corrupt. We have not heard a word of reprimand. A system of law cannot tolerate extrajudicial comments by a prosecutor from investigative files on the character or conduct of citizens.

Then, there is the failure by the state of Maryland against which many of the offenses were apparently committed. Two state officers have stated no action will be taken. Thousands of persons charged and convicted of Federal crime have known Maryland to wait years to imprison them when they were released from a Federal penitentiary. Is a Vice President simply too powerful for the rule of law?

What was needed was clear enough — simply faithful execution of the laws. Emotional as the experience may have been, a modicum of instinct would have instructed. Present the evidence to the grand jury as nearly like any other case as is possible. Make no comments out of court. If the person under investigation wants to enter a plea before indictment, formally delineate all the charges so the law can know what was charged and where jeopardy attaches. Insist on a plea of guilty. If no plea is offered, submit the case to the grand jury and if there is an indictment, prepare for trial.

The question of resignation is for the official involved, not for trade. Certainly out of respect for the office he should resign, if indicted, unless he believes the prosecution is in bad faith to remove him.

Sentencing is the function of the court. If the court wants the prosecutor's recommendation, as many do, it is entitled to it, but a special plea for leniency is improper. A prison sentence makes no sense for crimes of extortion, bribery, or tax evasion, or most other crimes for that matter. Some day we need to face this. But it does not serve the nation to humble the law by bargaining away its equal application to a Vice President, fully intending to use that same law to crush the powerless and unpopular tomorrow.

Ramsey Clark was Attorney General in the Johnson Administration.

NEW YORK TIMES
24 October 1973

Excerpts From a Federal Court Hearing on the Tapes and Text of Statement by Sirica to Grand Juries

Special to The New York Times

WASHINGTON, Oct. 23— Following are excerpts from the official transcript of a hearing today in United States District Court, where Chief Judge John J. Sirica read portions of a ruling in the Watergate tapes case by the United States Court of Appeals for the District of Columbia Circuit, and Charles Alan Wright announced that President Nixon would comply with the ruling, and the text of a statement read by Judge Sirica to the two Federal grand juries empaneled to investigate Watergate and other cases:

JUDGE SIRICA: Counsel for both sides, I am starting at page 38 of the opinion in case you want to follow. The [appeals] court said:

"We contemplate a procedure in the district court, following the issuance of our mandate, that follows the path delineated in Reynolds, Mink, and by this court in Vaughn v. Rosen. With the rejection of his all-embracing clair om prerogative, the President will have an opportunity to present more particular claims of privilege, if accompanied by an analysis in manageable segments.

"Without compromising the confidentiality of the information, the analysis should contain descriptions specific enough to identify the basis of the particular claim or claims.

[1]

"In sofar as the President makes a claim that certain material may not be disclosed because the subject matter relates to national defense or foreign relations, he may decline to transmit that portion of the material and ask the district court to reconsider whether in camera inspection of the material is necessary The Special Prosecutor is entitled to inspect the claim and showing and may be heard thereon, in chambers. If the judge sustains the privilege, the text of the Government's statement will be preserved in the court's record under seal.

[2]

"The President will present to the DISTRICT court all other items covered by the order, with specification of which segments he believes may be disclosed and which not. This can be accomplished by itemizing and indexing the material, and correlating indexed items with particular claims of privilege. On request of either counsel, the district court shall hold a hearing in chambers on the claims. Thereafter the court shall itself inspect the disputed items.

"Given the nature of the inquiry that this inspection involves, the district court may give the special prosecutor access to the material for the limited purpose of aiding the court in determining the relevance of the material to the grand jury's investigations. Counsel's arguments directed to the specifics of the portions of material in dispute may help the district court immeasurably in making its difficult and necessarily detailed decisions.

"Moreover, the preliminary indexing will have eliminated any danger of disclosing peculiarly sensitive national security matters. And, here, any concern over confidentiality is minimized by the Attorney General's designation of a distinguished and reflective counsel as Special Prosecutor. If, however, the court decides to allow access to the special prosecuto, it should, upon request stay its action in order to allow sufficient time for application for a stay to this court.

"Following the in camera hearing and inspection, the district court may determine as to any items (a) to allow the particular claim of privilege in full; (b) to order disclosure to the grand jury of all or a segment of the item or items; or, when segmentation is impossible, (c) to fashion a complete statement for the grand jury of those portions of an item that bear on possible criminality. The district court shall provide a reasonable stay to allow the President an opportunity to appeal."

Appeal by President

There is a reference to footnote 100. I will read the footnote:

"Since the subpoened recordings will already have been submitted to the district court, the opportunity to test the court's ruling in contempt proceedings would be foreclosed. And any ruling adverse to the Special Prosecutor would clearly be a pre-trial "decision or order suppressing or excluding evidence in a criminal proceeding."

Thus the district court's ruling on particularized claims would be appealable by the President as final judgments under 28 U.S.C., Section 1291."

And it cites three Federal cases.

In case of an appeal to this court of an order either allowing or refusing disclosure, this court will provide for sealed records and confidentiality of presentations.

Now, are counsel for the President prepared at this time to file with the court the response of the President to the modified order of the court?

MR. WRIGHT: Mr. chief judge, may it please the court: I am not prepared at this time to file a response. I am, however, authoried to say that the President of the United States would comply in all respects with the order of August 29th as modified by the order of the court of appeals.

It will require some time, as your honor realizes, to put those materials together, to do the indexing, itemizing as the court of appeals calls for.

JUDGE SIRICA: As I understand your statement, that will be delivered to this court.

MR. WRIGHT: To the court in camera.

JUDGE SIRICA: You will follow the decisions or statements delineated by me.

MR. WRIGHT: Will comply in all respects with what your honor has just read.

As the court is aware, the President yesterday filed

with the clerk of the court a response along different lines, along the lines indicated in the statement to the country on Friday. That statement, if it was ever officially filed with the court, is now withdrawn.

The response that was made yesterday, the President's statement on Friday, was what we hoped would be a satisfactory method of accommodating the needs that led your honor and the court of appeals to rule as they did; while minimizing the danger to confidentiality, we had hoped that that kind of a solution would end a constitutional crisis.

The events of the weekend, I think, have made it very apparent that it would not. Even if I had been successful, as I hoped I would be in persuading you, Mr. Chief Judge, that this did adequately satisfy the spirit of the Court of Appeals ruling there would have been those who would have said the President is defying the law.

This President does not defy the law, and he has authorized me to say he will comply in full with the orders of the court.

JUDGE SIRICA: Mr. Wright, the court is very happy the President has reached this decision. I appreciate the efforts in that.

Can you give the court some idea approximately when the court might expect the matters and things called for in the subpoena duces tecum pursuant to the decision of the court of appeals?

MR. WRIGHT: Mr. Chief Judge, I honestly can't do so except to say it will be done as expeditiously as possible, and I would hope it would be a matter of a few days. But I am not myself familiar with the materials in question. I do not know how much time is required. We will proceed as quickly as we can.

JUDGE SIRICA: All right. Thank you very much. Anything further, gentlemen?

The court is adjourned.

Sirica Statement

Members of the grand juries:

I thought it prudent to call you here this morning to explain, insofar as possible, your present status. I imagine that in view of events that have recently transpired, many or perhaps all of you may be experiencing some anxiety regarding your role as grand jurors and the role of the grand juries themselves. My brief remarks perhaps, may alleviate some of that anxiety. Such, at least, is my intent this morning.

You are advised first, that the grand juries of which you serve remain operative and intact. You are still grand jurors, and the grand juries you constitute still function. In this regard you should be aware that the oath you took upon entering this service remains binding. You must all be especially careful at this time to fully and strictly adhere to that oath which states:

"You and each of you as a member of the grand jury for the District of Columbia, do solemnly swear that you will diligently, fully, and impartially inquire into and true presentment make of all offenses which shall come to your knowledge and of which the United States District Court for the District of Columbia has cognizance; that you will present no one from hatred or malice nor leave anyone represented from fear, favor, affection, reward, or hope of reward; that the counsel of the Attorney of the United States, your fellows and your own, you will keep secret and that you will to the best of your ability perform all the duties enjoined upon you as grand juror, so help you God."

Praise for Past Work

As I instructed you at the time you took this oath, "Your deliberations, as well as the business before you, you will treat as absolutely sacred and secret; and you will, of course, permit no one one the outside to talk with you concerning any matter relating to the discharge of your duties. You are at liberty to apply to the court for any needed further instructions."

To my knowledge, each of you has been true to your oath and the trust reposed in you as grand jurors. You are to be commended for the orderly, efficient and honorable manner in which you have conducted your affairs. I implore you to carry your work forward in the future as you have in the past.

This brings me to my second point, these two grand juries will continue to function and pursue their work. You are not dismissed and will not be dismissed except as provided by law upon the completion of your work or the conclusion of your term. Your service to date, I realize, has occasioned personal sacrifices for many of you and inconvenience for all of you.

You did not choose this assignment; it is an abligation of citizenship which it fell your lot to bear at this time, and you have borne it well. The court and the country are grateful to you. Nevertheless, you must be prepared to press forward. We rely on your continued integrity and perserverance.

Finally, I urge you to be patient while the various problems surrounding your investigations are resolved. I understand that the August, 1973,, grand jury will be meeting this morning to hear testimony, and that the June, 1972, grand jury will similarly convene tomorrow.

I hope you will proceed in your regular fashion. In due course, the questions which now plague us will be answered, and you may rely on the court to safeguard your rights and to preserve the integrity of your proceedings. Meanwhile, you must steadily and deliberately pursue your investigations.

Thank you for being here this morning. You may now be excused.

NEW YORK TIMES
24 October 1973

Excerpts From a News Conference by Richardson and an Exchange of Nixon and Richardson Letters

Following are excerpts from a manuscript of a conference held in Washington yesterday by former Attorney General Elliott L. Richardson, as recorded by The New York Times, and the texts of letters exchanged last week by President Nixon and Mr. Richardson:

Richardson Statement

There can be no greater privilege and there is no greater satisfaction than the opportunity to serve one's country.

I shall always be grateful to President Nixon for giving me that opportunity in several demanding positions.

Although I strongly believe in the general purposes and priorities of his Administration, I have been compelled to conclude that I could better serve my country by resigning my public office than by continuing in it.

This is true for two reasons: First, because to continue would have forced me to refuse to carry out a direct order of the President. Second, because I did not agree with the decisions which brought about the necessity for the issuance of that order.

In order to make clear how this dilemma came about, I wish to set forth as plainly as I can the facts of the unfolding drama which came to a climax last Saturday evening.

Ruling by Two Courts

To begin, I shall go back to Monday of last week. Two courts — the District Court and the Court of Appeals of the District of Columbia — had ruled that the privilege protecting Presidential communications must give way to the criminal process but only to the extent that a compelling necessity has been shown.

The President had a right of further review in the Supreme Court of the United States. He had a right, in other words, to try to persuade the Supreme Court that the long-term public interest in maintaining the confidentiality of Presidential communications is more important than the public interest in the prosecution of a particular criminal case, especially where other evidence is available.

Other Records Barred

Had he insisted on exercising that right, however, the issue would have been subject to continued litigation and controversy for a prolonged additional period. And this at a time of acute international crisis.

Against this background the President decided on Monday afternoon to make a new effort to resolve the impasse. He would ask Senator John Stennis, a man of impeccable reputation for truthfulness and integrity to listen to the tapes and verify the completeness and accuracy of a record of all pertinent portions.

This record would then be available to the grand jury and for any other purpose for which it was needed. Believing, however, that only the issue of his own involvement justified any breach of the principle of confidentiality and wishing to avoid continuing litigation, he made it a condition of the offer to provide a verified record of the subpoenaed tapes, but access to any other tapes or records would be barred.

I regarded the propsal to rely on Senator Stennis for a verified record for the sake of brevity, I will call it the Stennis proposal, as reasonable but I did not think it should be tied to the foreclosure of the right of the Special Prosecutor to invoke judicial process in future situations.

Accordingly, I outlined the Stennis proposal to Mr. Cox later on Monday afternoon and proposed that the question of other tapes and documents be deferred.

Mr. Cox and I discussed the Stennis proposal again on Tuesday morning.

On Wednesday afternoon, responding to Mr. Cox's suggestion, that he could deal more concretely with the proposal if he had it on paper, I sent him the document captioned "A Proposal" which he released at his Saturday press conference.

On the afternoon of the next day he sent me his comments on the proposal including the requirements that he have assured access to other tapes and documents.

The President's lawyers regarded Mr. Cox's comments as amounting to a rejection of the Stennis proposal and there followed the breakoff of negotiations reflected in the correspondence with Charles Alan Wright released by Mr. Cox.

Stand Changed by Nixon

My position at that time was that Senator Stennis's verified record of the tape should nevertheless be presented to the District Court for the court's determination of its adequacy to satisfy the subpoenas, still leaving other questions to be dealt with as they arose. That was still my view when at 8 P.M. Friday evening the President issued his statement directing Mr. Cox to make no further attempt by judicial process to obtain tape, notes or memoranda of Presidential conversations.

A half hour before this statement was issued I received a letter from the President instructing me to give Mr. Cox this order. I did not act on the instructions but instead, shortly after noon on Saturday sent the President a letter restating my position. You have, I believe, copies both of the President's letter and of my reply.

The President, however, decided to hold fast to the position he had announced the night before. When, therefore, Mr. Cox rejected that position and gave his objections to the Stennis proposal as well as his reasons for insisting on assured access to other tapes and memoranda, the issue of Presidential authority versus the independence and public accountability of the Special Prosecutor was squarely joined.

The President at that point thought he had no choice but to direct the Attorney General to discharge Mr. Cox. And I, given my role in guaranteeing the independence of the Special Prosecutor, as well as my beliefs in the public interest embodied in that role, felt equally clear that I could not discharge him, and so I resigned.

At stake in the final anlysis is the very integrity of the governmental processes I came to the Department of Justice to help restore. My own singl most important commitment to this objective was my commitment to the independence of the Special Prosecutor.

For Public to Judge

I could not be faithful to this commitment and also acquiesce in the curtailment of his authority. To say this, however, is not to charge the President with a failure to respect the claims of the investigative process. Given the importance he attached to the principle of Presidential confidentiality, he believed that his willingness to allow Senator Stennis to verify subpoenaed tapes fully met these claims.

The rest is for the American people to judge. On the fairness with which you do so may well rest the future wellbeing and security of our beloved country.

Now, in conclusion I would like to say just a word of thanks and respect to my former colleagues in the Department of Justice.

Questions and Answers

This is a great department, devoted to great ends. You have served it and I know you will continue to serve it with integrity, with loyalty and with high professional competence.

This has been one of the great joys of my life even though briefly to have served with you and to have known you and I hope that at least for many of you will be an opportunity for us to get together again from time to time.

Q. Your speech suggests that it was rather late in the drama that the President decided he would have to fire Mr. Cox. What do you say to those who take a different view, who say that there was a long campaign to get Mr. Cox and, specifically, what do you say to those who suggest that attempts were directly or indirectly made to use you as an agent to that end?

A. I would say to that that the firing of Mr. Cox came as a kind of climax to the sequence I have described. I'm not in a position, of course, to know what the motives of others were. I can only say that the initial suggestion of a move toward firing Cox came in the context of an effort to break the constitutional impasse and, of course, one way to do that was by firing Mr. Cox, as it may have been to make the constiutional issues moot.

Q. Did you conclude and\or suspect as reported this morning that there were attempts by the President or Presidential aides to limit the Cox investigation through you?

A. No. There were, of course, continuing concerns on the part of President's counsel, particularly, with respect to issues of jurisdiction. And although I had started out right after my confirmation with a totally hands-off position, one essentially of no communication either with Mr. Cox or with counsel for the President, the role I'd had in the drafting of his charter made it appropriate for me, I thought, to try to serve as a means of reconciling differences over the question of what fell within Mr. Cox's jurisdiction. This was a continuing problem and was the subject of a good deal of communication.

But there was a recognition always that wherever a lead pointing toward possible criminal conduct existed, it would be somebody's responsibility to pursue that lead and if it were not Mr. Cox's, then, of course, it would have been the responsibility of the Criminal Division.

Data Sought By Cox

Q. Where did he [Mr. Nixon] say there was the intrusion [by Mr. Cox]? Was there any specific thing Mr. Cox, any specific evidence that he wanted? For example, the Bebe Rebozo material that you had an indication was over the line as far as the President was concerned?

A. No, there was no such specific thing. There were, as I said, continuing arguments over the issue of jurisdiction and access to particular notes, memoranda, documents and so on. And these were the subject of considerable conversation between Mr. Cox and Mr. Buzhardt, as Mr. Cox said on Saturday. Yes.

Q. In the matter of those documents, the agreement seems to cover only the tapes. The Special Prosecutor and the Watergate Committee are after further documents. Do you think that they will now be denied access to them under this agreement as it's operative in the eyes of the White House?

A. Of course, the question now is how the issue is going to be raised and by whom? My assumption is that, in one way or another, through the judicial process the issue will get raised. And of course, the question of what is required for the integrity of these investigations and prosecutions is now, at least for the time being, a matter resting under the jurisdiction of the Acting Attorney General and Mr. Petersen.

Q. Did you at any time during the course of these discussions as to Mr. Cox's—the extent of his authority—did you at any time divert, or try to divert him, from any phase of the investigation that he was conducting?

A. No. Although I did participate in discussions of jurisdictional issues with him, along the lines that I have touched on earlier. But there was certainly never any question of heading off an investigation. The question, as I said, was one of whose job it would be.

Protection of Former Aides

Q. Mr. Cox made clear as special investigator he wasn't getting access to any of the White House investigation. This raises the possibility that this would hinder or even block the prosecution of Mr. Haldeman and Mr. Ehrlichman, all those former White House aides. And of course you specifically objected in the President's compromise to the order to Cox to cease seeking these documents. Do you think the President is trying to protect the former top White House officials?

A. Let me deal first with the point you made about refusal of papers. Actually, of course, a great many papers were at times turned over to Mr. Cox, including—by the White House—including all the I. T. T. papers, for example, and there was still under negotiation access to papers that had not yet been turned over at the time he was discharged. I don't think that the failure to turn over papers in any given case can be attributed to any new cover-up of anybody in the White House.

Q. Going back to your first answer on whether the White House told you to fire Mr. Cox. Are you saying that on Monday or Tuesday of last week you were not told by a White House aide to fire Mr. Cox?

A. Yes, I am saying I was not told to fire him on Monday or Tuesday of last week. The only mention of firing Mr. Cox beginning of the week was in the context of one way of moving the case and thereby in effect resolving the constitutional impasse.

Q. Mr. Richardson, you didn't make clear earlier whether or not the $100,000 that remained in Mr. Rebozo's safe for over three years was one of the problems of jurisdiction that the White House had in mind. Would you comment on that, and also comment on the report that the White House was also concerned about records that were kept by his personal secretary, Rosemary Woods.

A. On the $100,000, this was never a problem that became an issue of Mr. Cox's jurisdiction. There had been a very thorough investigation of this—or so I am told—by the Internal Revenue Service, and I think the question of whether or not Mr. Cox had an interest in it and what he would do about it has only just recently developed and I never got into the question of whether or not he had jurisdiction over this, or what he would do about it.

On the matter of the President's secretary, Rosemary Woods, this was a situation actually quite simpy resolved. It arose because in the Vesco case in New York, certain lists of political campaign contributors which were delivered to Miss Woods were needed in the course of the upcoming trial; and the United States Attorney in New York wanted to talk with her in order to get from her whatever information she could give about receiving the lists. And this has been arranged, that an assistant United States Attorney will talk with her.

Discussions on Ouster

Q. If I can go back for a minute to this discussion of the firing of Mr. Cox, you said that on Monday or Tuesday you were not ordered to fire Mr. Cox, but that at this time before he had violated any Presidential order, before the order had been given, that there were discussions about the firing of Mr. Cox. Who was discussing this with you? Was the White House, General Haig, the President? Were they discussing it on the basis of firing Mr. Cox to get rid of this entire problem, back before the order was given? Or What?

A. It was discussed with members of the President's staff and counsel. I might add that I made clear that I thought it was a totaliy unacceptable way of dealing with it.

Q. Can you tell us, Mr. Richardson, on what day of last week which employe of the White House suggested that the way to resolve the dispute between Mr. Cox and the President was by firing Mr. Cox? And whether any other such suggestion had ever been made previously by

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any official of the White House or representative of the President?

A. I don't this is a possibility that can be attributed to any one person. Indeed it has been suggested at least in theory by Professor Alex Bckel of Yale Law School.

Nixon Letter

Dear Elliott:

You are aware of the actions I am taking today to bring to an end the controversy over the so-called Watergate tapes and that I have reluctantly agreed to a limited breach of Presidential confidentiality in order that our country may be spared the agony of further indecision and litigation about those tapes at a time when we are confronted with other issues of much greater moment to the country and the world.

As a part of these actions, I am instructing you to direct Special Prosecutor Archibald Cox of the Watergate special prosecution force that he is to make no further attempts by judicial process to obtain tapes, notes, or memoranda of Presidential conversations.

I regret the necessity of intruding, to this very limited extent, on the independence that I promised you with regard to Watergate when I announced your appointment. This would not have been necessary if the special prosecutor had agreed to the very reasonable proposal you made to him this week.

Sincerely,
RICHARD NIXON

Richardson Letter

Dear Mr. President:

Thank you for your letter of October 19, 1973, instructing me to direct Mr. Cox that he is to make no further attempts by judicial process to obtain tapes, notes or memoranda of Presidential conversations.

As you point out, this instruction does intrude on the independence you promised me with regard to Watergate when you announced my appointment. And, of course, you have every right as President to withdraw or modify any understanding on which I hold office under you. The situation stands on a different footing, however, with respect to the role of the special prosecutor.

Acting on your instruction that if I should consider it appropriate, I would have the authority to name a special prosecutor, I announced a few days before my confirmation hearing began that I would, if confirmed, "appoint a special prosecutor and give him all the independence, authority, and staff support needed to carry out the tasks entrusted to him."

I added, "Although he will be in the Department of Justice and report to me—and only to me—he will be aware that his ultimate accountability is to the American people."

At many points throughout the nomination hearings, I reaffirmed my intention to assure the independence of the special prosecutor, and in my statement of his duties and responsibilities I specified that he would have "full authority" for "determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege."

And while the special prosecutor can be removed from office for "extraordinary improprieties," his charter specifically states that "the Attorney General will not countermand or interfere with the special prosecutor's decisions or actions."

Quite obviously, therefore, the instruction contained in your letter of October 19 gives me serious difficulty. As you know, I regarded as reasonable and constructive the proposal to rely on Senator Stennis to prepare a verified record of the so-called Watergate tapes and I did my best to persuade Mr. Cox of the desirability of this solution of that issue.

I did not believe, however, that the price of access to the tapes in this manner should be the renunciation of any further attempt by him to resort to judicial process, and the proposal I submitted to him did not purport to deal with other tapes, notes, or memoranda of Presidential conversations.

In the circumstances I would hope that some further accommodation could be found along the following lines:

First, that an effort to be made to persuade Judge Sirica to accept for purposes of the grand jury the record of the Watergate tapes verified by Senator Stennis. In that event, Mr. Cox would, as he has said, abide by Judge Sirica's decision.

Second, agreement should be sought with Mr. Cox not to press any outstanding subpoenas which are directed merely to notes on memoranda covering the same conversations that would have been furnished in full through the verified record.

Third, any future situation where Mr. Cox seeks judicial process to obtain the record of Presidential conversations would be approached on the basis of the precedent established with respect to the Watergate tapes. This would leave to be handled in this way only situations where a showing of compelling necessity comparable to that made with respect to the Watergate tapes had been made.

If you feel it would be useful to do so, I would welcome the opportunity to discuss this matter with you.

Respectfully,
ELLIOT L. RICHARDSON

President's Capitulation Sets Some Precedents

By WARREN WEAVER Jr.
Special to The New York Times

WASHINGTON, Oct. 24 — The past weeks's climactic events in the custody battle over secret White House tape recordings may have averted a dangerous constitutional deadlock between President Nixon and the Supreme Court, but they resolved only some of the complex and controversial legal issues involved.

The heavy overlay of political rhetoric that enveloped both Mr. Nixon's defiance of the courts last Friday and his capitulation four days later left both lawyers and laymen uncertain as to just where the law stood in the wake of the final Presidential decision.

Although the legal contest between the White House and the Watergate special prosecutor was stopped short of the dignity and finality of a Supreme Court ruling, it did establish a number of precedents in a hitherto uncharted area that now stand as the law of the land.

But the Federal court decisions finally acknowledged by the President yesterday leave unanswered a number of serious questions about the power of Mr. Nixon and his successors to keep their records confidential and of the courts to enforce rulings involving recalcitrant Presidents.

Picture May Clear

The legal picture may become somewhat clearer as the order of the United States Court of Appeals for the District of Columbia is carried out and the President submits the tapes, with national security material deleted, to Judge John J. Sirica and Judge Sirica submits them, with privileged material deleted, to the Watergate grand jury.

In the course of these screenings, it appears likely that subsidiary court cases may develop over what constitutes national security, what information is legitimately protected by executive privilege and what parts of the recorded White House conversations constitute potentially relevant evidence for the criminal investigators.

But, as of now, independent of extracurricular political interpretation, the courts have established the following principles that will control future relations between Presidents and grand juries, unless they are overruled by the Supreme Court in some future lawsuit.

¶The Federal courts have jurisdiction over controversy that arises when a President refuses to submit records of his private conversations to a grand jury seeking evidence of crime and claims his right to confidentiality is controlling.

¶A President is not absolutely immune to process, such as a subpoena requiring him to produce certain White House documents or a show-cause order asking his attorneys to demonstrate why he should not comply with a court order.

¶The President does enjoy some measure of executive privilege, the right to keep his records and conversations confidential, but the right is not absolute and the courts may properly decide when it is being legitimately invoked and when it is being abused.

¶To protect the confidentiality of Presidential records as much as possible, a judge may determine in private what portions he considers privileged and pass the rest on confidentially to a grand jury.

¶A judge conducting such a screening of Presidential records may show them to a special prosecutor, again in a closed proceeding, to obtain advice on what information is relevant to the grand jury investigation. The prosecutor also has the right to contest the President's classification of part of a record as privileged.

As a practical matter, the resolution of the tapes controversy set a number of historical precedents that are likely to provex influential in the future although they do not carry the authority of any court ruling.

For one, President Nixon's agreement to accept the Court of Appeals decision, however reluctantly, was tacit acknowledgement that a President cannot adopt as his policy the dissenting opinion of a court by asserting his confidence that it would be adopted by the Supreme Court if he chose to appeal the case.

For another, a President cannot expect to ignore court deadlines, repudiate court decisions and then expect the courts to adopt unilaterally, after the fact, what the special prosecutor, Archibald Cox, dismissed as "some private arrangement," more favorable to him.

But left totally unresolved is the basic question of how broad executive privilege is and what kind of Presidential information it properly protects. Judge Sirica, in his first decision requiring Mr. Nixon to submit the tapes, said he could not decide this until he heard the recordings themselves.

The Court of Appeals, in upholding Judge Sirica, did not attempt to give him any guidelines for such a sensitive decision. Executive privilege is not recognized in the Constitution or any statute, and no court has ever previously attempted to define its limits.

An Unanswered Question

Also unanswered is a question that has troubled the courts since Aaron Burr subpoenaed President Thomas Jefferson in 1807 to obtain a Presidential letter: Even if a Federal court has the legal right to serve a President with legal process, how can it enforce this or any other order if he refuses?

Most legal authorities have concluded, as Chief Justice John Marshall indicated in the Burr case, that the judicial branch does not have the power to enforce an order against a President but must rely on his recognition of the moral obligation or political necessity to comply.

Perhaps most troublesome is the fact that the nation remains Nixon feels under any legal compulsion to obey any decision of the Supreme Court, either in the area involved in the tapes case or in some other challenge to what he believes to be his constitutional authority.

First, his deputy press secretary, Gerald L. Warren, andthen Mr. Nixon himself announced while the case was pending that the President would obey only a "definitive" ruling by the Supreme Court. Now there will be no decision from the Supreme Court and, thus, no clarification of what "definitive" means in the current White House lexicon.

Sometime next year the Supreme Court is expected to decide one or more cases involving the President's power to impound funds appropriated by Congress. Then it may become critically important to know whether Mr. Nixon will recognize something less than a unanimous ruling that limits his executive powers.

WASHINGTON POST
25 October 1973

Nixon Critics Assured of Full Inquiry

By Richard L. Lyons
Washington Post Staff Writer

Even President Nixon's severest critics on the House Judiciary Committee were persuaded yesterday that Chairman Peter Rodino (D-N.J.) is committed to a prompt and full investigation of impeachment charges against the President.

After a two-hour meeting of committee Democrats to discuss procedures, Rep. Jerome R. Waldie (D-Calif.)—who filed an impeachment resolution Tuesday—said there was "no indication whatsoever to delay or a lessening of resolve" and said he believed Rodino is "completely committed to a full, thorough and prompt investigation." Rep. Robert Drinan (D-Mass.), first House member to file an impeachment resolution last summer, agreed.

House Democratic leaders were united in firm declarations that Mr. Nixon's promise to release his Watergate conversation tapes has not taken the steam out of the investigation, and that, in Rodino's words, it's "full steam ahead."

Speaker Carl Albert told reporters that the investigation, launched by the public outburst against the President's firing of Watergate Special Prosecutor Archibald Cox, "will not stop because of one action," meaning the pledge to release the tapes to Judge John J. Sirica.

The Judiciary Committee has been mandated to make an inquiry, said Albert, "and so an inquiry they are going to make. I hope it is expeditious and I hope it lays this thing to rest one way or another."

Although the promised release of the tapes removed the most immediate charge against the President, his critics said yesterday he has committed other acts which constitute obstruction of justice and "subversion of the Constitution." They include the firing of Cox and allegations of illegal acts by the White House "plumbers" and illegal flow of political money.

Rodino said the caucus of Judiciary Committee Democrats agreed to ask the full committee next Tuesday to take several steps to permit prompt action. The chairman said he will ask the committee to give him power to subpoena documents and witnesses, so that he need not convene the full committee every time subpoena power is needed. He will also seek to shorten the committee requirement that he give a two-day notice for a committee meeting.

Rodino said no decision has been made as to whether the committee should subpoena Cox's records to protect them. He has asked, but not yet received, assurance from the Justice Department that the records are safe.

Rodino will run into Republican opposition in the full committee but should have enough Democratic support to win. Rep. Edward Hutchinson (R-Mich.), senior minority member on Judiciary, said Republican committee members met yesterday and will oppose giving Rodino power to issue subpoenas without going back to the full committee for approval in each case. Republicans are generally opposed to the investigation.

Democrats discussed but made no decision on employing some outside lawyer of high repute to head the staff for the impeachment investigation. Rodino said he is requesting investigative help from the General Accounting Office and has been assured leadership support for any needed expansion of his staff.

Rodino said Democrats feel that both the impeachment investigation and the nomination of House Minority Leader Gerald R. Ford to be Vice President should be considered by the full committee, rather than be sent for initial consideration to subcommittees. Ford's nomination is expected to be acted upon first. No dates have been set for hearings on either matter.

Yesterday Rep. John J. Rhodes (R-Ariz.) locked up the race to succeed Ford as House Republican leader as Rep. Leslie C. Arends (R-Ill.), the veteran party whip, bowed out of the race leaving Rhodes without opposition.

NEW YORK TIMES
27 October 1973

Transcript of President Nixon's News Conference on Domestic and Foreign Affairs

Following is a transcript of President Nixon's news conference in Washington last night, as recorded by The New York Times:

OPENING STATEMENT

Ladies and gentlemen, before going to your questions, I have a statement with regard to the Mideast which I think will anticipate some of the questions because this will update the information which is breaking rather fast in that area, as you know, for the past two days.

The cease-fire is holding. There have been some violations, but generally speaking it can be said that it is holding at this time.

As you know, as a result of the U.N. resolution, which was agreed to yesterday by a vote of 14 to 0, a peacekeeping force will go to the Mideast, and this force, however, will not include any forces from the major powers including, of course, the United States and Soviet Union.

The question, however, has arisen to whether observers from major powers could go to the Mideast. My up-to-the-minute report on that—and I just talked to Dr. Kissinger five minutes before coming down—is this: We will send observers to the Mideast if requested by the Secretary General of the United Nations, and we have reason to expect that we will receive such a request.

With regard to the peace-keeping force I think it's important for all of you ladies and gentlemen and particularly for those listening on radio and television to know why the United States has insisted that major powers not be part of the peacekeeping force and that major powers not introduce military forces into the Mideast.

Soviet Plan Cited

A very significant and potentially explosive crisis developed on Wednesday of this week. We obtained information which led us to believe that the Soviet Union was planning to send a very substantial force in the Mideast—a military force.

When I received that information, I ordered shortly after midnight on Thursday morning, a alert for all American forces around the world. This was a precautionary alert. The purpose of that was to indicate to the Soviet Union that we could not accept any unilateral move on their part to move military forces into the Mideast.

At the same time, in the early morning hours, I also proceeded on the diplomatic front In a message to Mr. Brezhnev—an urgent message—I indicated to him our reasoning and I urged that we not proceed along that course and that instead that we join in the United Nations in supporting a resolution which would exclude any major powers from participating in a peace-keeping force. As a result of that communication and the return that I received from Brezhnev—we had several urgent exchanges, I should say—we reached the conclusion that we would jointly support the Resolution which was adopted in the United Nations.

'Critical Time'

We now come, of course, to the critical time in terms of the future of the Mideast and here the outlook is far more hopeful than what we have been through this past week.

I think I could safely say that the chances for not just a cease-fire which we presently have and which of course we have had in the Mideast for some time, but the outlook for a permanent peace is the best that it has been in 20 years.

The reason for this is that the two major powers, the Soviet Union and the United States, have agreed—this was one of the results of Dr. Kissinger's trip to Moscow—have agreed that we would participate in trying to expedite the talks between the parties involved.

That does not mean that the two major powers will impose a settlement. It does, mean, however, that we will use our influence with the nations in the area to expedite a settlement.

The reason we feel this is important is that, first, from the standpoint of the nations in the Mideast, none of them—Israel, Egypt, Syria—none of them can or should go through the agony of another war.

The losses in this war on both sides have been very, very high, and the tragedy must not occur again. There have been four of these wars, as you ladies and gentlemen know, over the past 20 years.

But beyond that it is vitally important to the peace of the world that this potential trouble spot, which is really one of the most potentially explosive areas in the world, that it not become an area in which the major powers come together in confrontation.

Confrontation Not Wanted

What the developments of this week should indicate to all of us is that the United States and the Soviet Union who admittedly have very different objectives in the Mideast have now agreed that it is not in their interest to have a confrontation there, a confrontation which might lead to a nuclear confrontation. And neither of the two major powers wants that.

We have agreed also that if we are to avoid that it is necessary for us to use our influence more than we have in the past to get the negotiating track moving again, but this time moving to a conclusion—not simply a temporary truce but a permanent peace.

I do noot mean to suggest that it is going to come quickly because the parties involved are still rather far apart, but I do say that now there are greater incentives within the area to find a peaceful solution and there are enormous incentives as far as the United States is concerned and the Soviet Union and other major powers to find such a solution.

And there are enormous incentives as far as the United States is concerned and the Soviet Union and other major powers to find such a solution.

Turning now to the subject of our attempts to get a cease-fire on the home front. That's a bit more difficult.

Today, White House counsel contacted Judge Sirica—we tried yesterday but he was in Boston, as you know—and arrangements were made to meet with Judge Sirica on Tuesday to work out the delivery of the tapes of Judge Sirica.

Also, in consultations that we've had in the White House today, we have decided that next week the Acting-Attorney General, Mr. Bork, will appoint a new special prosecutor for what is called the Watergate matter. The special prosecutor will have independence, he will have total cooperation from the executive branch and he will have as his primary responsibility to bring this matter which has so long concerned the American people—bring it to an expeditious conclusion.

Because we have to remember that under our Constitution it has always been held that justice delayed is justice denied, it's time for those who are guilty to be prosecuted and for those who are innocent to be cleared. And I can asure you, ladies and gentlemen, and all of our listeners tonight, that I have no greater interest than to see that the new special prosecutor has the cooperation from the executive branch and the independence that he needs to bring about that conclusion.

And I'll go to Mr. Cormier.

QUESTIONS

1. Authority of Prosecutor

Q. Mr. President, would the new special prosecutor have your go-ahead to go to court if necessary to obtain evidence from your files if he felt it was vital?

A. Well, Mr. Cormier, I would anticipate that that would not be necessary. I believe that, as we look at the events which led to the dismissal of Mr. Cox, we find that these are matters that can be worked out and should be worked out in cooperation, and not by having a suit filed by a special prosecutor within the executive branch against the President of the United States.

This, incidentally, is not a new attitude on the part of a President. Every President since George Washington has tried to protect the confidentiality of Presidential conversations, and you remember the famous case involving Thomas Jefferson where chief Justice Marshall, then sitting as a trial judge, subpoenaed a letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson refused to do so, but it did not result in a suit. What happened was, of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson and the Chief Justice of the United States, acting in his capacity as Chief Justice, accepted that.

That is exactly, of course, what we tried to do in this instant case, I think it would be well if I could take just a moment, Mr. Cormier, in answering your question, to point out what we tried to do and why we feel it was a proper solution to a very aggravating and difficult problem.

The matter of the tapes has been one that has concerned me because of my feeling that I have a constitutional responsibility to defend the office of the Presidency from any encroachments on confidentiality which might affect future Presidents in their abilities to conduct the kind of conversations and discussions they need to conduct to carry on the responsibilities of this office.

And of course the special prosecutor felt that he needed the tapes for the purpose of his prosecution. That was why working with the Attorney General we worked out what we thought was an acceptable compromise—one in which Judge Stennis, now Senator Stennis, would hear the tapes and would provide a complete and full disclosure not only to Judge Sirica but also to the Senate committee.

'I Had No Choice'

Attorney General Richardson approved this proposition, Senator Baker, Senator Ervin approved of the proposition. Mr. Cox was the only one that rejected it.

Under the circumstances, when he rejected it and indicated that despite the approval of the Attorney General, of course of the President, and of the two major Senators on the Ervin committee, when he rejected the proposal, I had no choice but to dismiss him.

Under those circumstances Mr. Richardson, Mr. Ruckelshaus felt that because of the nature of their confirmation that their commitment to Mr. Cox had to take precedence over any commitment they might have to carry out an order from the President. Under those circumstances, I accepted with regret the resignations of two fine public servants.

Now, we come to a new special prosecutor, we will cooperate with him and I do not anticipate that we will come to the time when he would consider it necessary to take the President to court. I think our cooperation will be adequate.

2. Presidential Documents

Q. This is perhaps another way of asking Frank's question, but if the special prosecutor considers that information contained in Presidential documents is needed to prosecute the Watergate case, will you give him the documents? Beyond the nine tapes which you have already given him.

A. Well I answered that question before. We will not provide Presidential documents to a special prosecutor. We will provide, as we have in great numbers, all kinds of documents from the White House. But if it is a document involving a conversation with the President I would have to stand on the principle of confidentiality. However, information that is needed from such documents would be provided. And that is what we've been trying to do.

3. Opinion in Congress

Q. Mr. President, you know in the Congress there's a great deal of suspicion over any arrangement which will permit the executive branch to investigate itself or which will establish the special prosecutor which you may fire again, and 53 Senators, the majority of these have now co-sponsored a resolution which would permit Judge Sirica to establish and name an independent prosecutor, separate and apart from the White House and the executive branch. Do you believe this arrangement would be constitutional and would you go along with it?

A. Well, I would suggest that the action that we are going to take ap-t pointing a special prosecutor would be satisfactory to the Congress and they would not proceed with that particular matter.

4. Prospect of Resignation

Q. Mr. President, I wonder if you could share with us your thoughts, tell us what goes through your mind when you hear of people who love this country and people who believe in you say reluctantly that perhaps you should resign or be impeached?

A. Well, I'm glad we don't take the vote of this room, let me say. And I understand the feelings of people with regard to impeachment and resignation.

As a matter of fact, Mr. Rather, you may remember that when I made the rather difficult decision I thought the most difficult decision of my first term on Dec. 18— the bombing of—by B52's —of North Vietnam— that exactly the same words were used on the networks —I don't mean by you, but they were quoted on the networks—that were used now—tyrant, dictator, he's lost his senses, he should resign, he should be impeached.

But I stuck it out and as a result of that we not only got our prisoners of war home, as I've often said on their feet rather than on their knees, but we brought peace to Vietnam, something we haven't had and didn't for over 12 years.

It was a hard decision and it was one that many of my friends in the press who had consistently supported me on the war up to that time disagreed with.

Now, in this instance, I realize there are people who feel that the actions that I've taken with regard to the dismissal of Mr. Cox are grounds for impeachment.

I would respectfully suggest that even Mr. Cox and Mr. Richardson have agreed that the President had the right—the constitutional right—to dismiss anybody in the Federal Government.

And second, I should also point out that as far as the tapes are concerned, rather than being in defiance of the law I am in compliance with the law. As far as what goes through my mind, I will simply say that I intend to continue to carry out to the best of my ability the responsibilities I was elected to carry out last November. The events of this past week I know, for example, in your head office in New York some thought it was simply a blown-up exercise, there wasn't a real crisis. I wish it had been that. It was a real crisis. It was the most difficult crisis we've had since the Cuban confrontation of 1962.

But because we had had our initiative with the Soviet Union, because I had a basis of communication with Mr. Brezhnev we not only avoided a confrontation btu we moved a great step forward toward real peace in the Mideast.

Now as long as I can carry out that kind of responsibility, I'm going to continue to do this job.

5. Motives of Mr. Cox

Q. There have been reports that you felt that Mr. Cox was somehow out to get you. I would like to ask you if you did feel that and if so what evidence did you have?

A. Well, Mr. Lisagor, I understand Mr. Cox is going to testify next week under oath before the Judiciary Committee and I would suggest he perhaps would be better qualified that question.

As far as I'm concerned we had cooperated with the special prosecutor, we tried to work out in a cooperative way this matter of the production of the tapes. He seemed to be more interested in the issue than he was in the settlement, and under the circumstances I had no choice but to dismiss him.

But I'm not going to question his motives as to whether or not he was out to get me. Perhaps the Senators would like to ask that question.

6. View of Nation's Mood

Q. Mr. President, in 1968 before you were elected you wrote that too many shocks can drain a nation of its energy and even cause a rebellion to get creative change and progress. Do you think America is at that point now?

I think that many would think—would speculate—I've noted a lot on the networks, particularly, and sometimes even in the newspapers—but this is a very strong country, and the American people, I think, can ride through the shocks that they have. The difference now from what it was in the days of shocks, even when Mr. Lisigor and I first met 25 years ago, is the electronic media.

I have never heard or seen such outrageous, vicious, distorted reporting in 27 years of public life. I'm not blaming anybody for that. Perhaps what happened is that what we did brought it about, and therefore the media decided that they would have to take that particular line.

But when people are pounded night after night with that kind of frantic, hysterical reporting, it naturally shakes their confidence.

And yet I should point out that even in this week when many thought that the President was shellshocked, unable to act, the President acted decisively in the interests of peace and the interests of the country, and I can assure you that whatever shocks gentlemen of the press may have, or others—political people—these shocks will not affect me and my doing my job.

7. Duration of Mideast Crisis

Mr. President, getting back to the Middle East crisis for a moment, do you consider that the crisis is over now and how much longer will the American forces be kept on alert around the world?

A. With regard to the alert, the alert has already been discontinued with regard to NORAD that's the North American Command, and with regard to SAC. As far as other forces are concerned, they are being maintained in a state of readiness, and obviously Soviet Union forces are being maintained in a state of readiness.

Now as far as the crisis in the Mideast is concerned, I don't want to leave any impression that we aren't going to continue to have problems with regard to the cease-fire, there will be outbreaks because of the proximity of the antagonistic forces, and there will be some very, very tough negotiating in attempting to reach a diplomatic settlement.

But I think now that all parties are going to approach this problem of trying to reach a settlement with a more sober and a more determined attitude than ever before, because the Mideast can't afford, Israel can't afford, Egypt can't afford, Syria can't afford, another war. The world cannot afford a war in that part of the world, and because the Soviet Union and the United States have potentially conflicting interests there, we both now realize that we cannot allow our differences in the Mideast to jeopardize even greater interests that we have, for example, in continuing a detente in Europe, in continuing the negotiations whcih can lead to a limitation of nuclear arms and eventually reducing the burden of nuclear arms and in continuing in other ways that can contribute to the peace of the world.

As a matter of fact I would suggest that with all of the criticism of détente, that without that détente, we might have had a major conflict in the Middle East. With détente, we avoided it.

8. Shortage of Oil

Q. Mr. President, a question from the electronic media related to the Middle East. I have heard that there was a meeting at the State Department this afternoon of major oil company executives on the fuel shortage. Whether or not you can confirm that, has this con-

frontation in the Middle East caused a still more severe oil problem; and is there any thinking now of gasoline rationing?

A. Well, we have contingency plans for gasoline rationing and so forth, which I hope never have to be put into place. But with regard to the oil shortage which you refer to, one of the major factors which gave enormous urgency to our efforts to settle this particular crisis was the potential of an oil cutoff.

Let me say that I have also noted in the State Department—or from the State Department—today a statement that raised a little difficulty in Europe, to the effect that our European friends hadn't been as cooperative as they might've been in attempting to help us work out the Middle East settlement—or at least, the settlement to the extent that we worked it out, as of the resolution of yesterday.

I can only say on that score that Europe, which gets 80 per cent of its oil from the Mideast, would have frozen to death this winter unless there'd been a settlement. And Japan, of course, gets only approximately 10 per cent of its oil from the Mideast.

What I am simply suggesting is this: that, with regard to the fuel shortage potentially in the United States and in the world, it is indispensable at this time that we avoid any further Mideast crisis so that the flow of oil to Europe, to Japan and to the United States can continue.

9. Note From Brezhnev

Q. Mr. President, against this background of détente, Mr. Brezhnev's note to you has been described as rough or perhaps brutal by one Senator. Can you characterize it for us and for this briefing an any way?

A. Yes, I could characterize it, but Mr. Theis, it wouldn't be in the national interest to do so. My notes to him he might characterize as being rather rough. However, I would rather—perhaps it would be best to characterize it, rather than saying, Mr. Theis, that his note to me was rough and brutal, I would say that it was very firm and it left very little to the imagination as to what he intended.

And my response was also very firm and left little to the imagination of how we would react. And it's because he and I know each other and it's because we have had this personal contact that notes exchanged in that way result in a settlement rather than a confrontation.

10. Funds Held by Rebozo

Q. Mr. President, is it credible—can the American people believe—that your close friend, Mr. Rebozo, for three years, during which time you saw him weekly sometimes, kept from you the fact that he had $100,000 in cash from Mr. Howard Hughes? Is that credible? Is it credible that your personal attorney, Mr. Kalmbach, knew about this money for at least a year and never told you about it? And if this was a campaign contribution, as your press secretaries say, who authorized Mr. Rebozo to collect campaign contributions for your re-election or for the Republican party? What campaign committee was he an official of?

A. Well, it's obvious not credible to you, and I suppose that it would sound incredible to many people who did not know how I operate.

I terms of campaign contributions, I have had a rule, Mr. Deacon, which Mr. Stans, Mr. Kalmbach, Mr. Rebozo, and every contributor will agree has been the rule. I have refused always to accept contributions myself. I have refused to have any discussion of contributions. As a matter of fact, my orders to Mr. Stans were that, after the campaign was over, I would then send notes of appreciation to those that contributed, but before the election I did not want to have any information from anybody with regard to campaign contributions.

Now with regard to Mr. Rebozo, let me say that he showed, I think, very good judgment in doing what he did. He received a contribution. He was prepared to turn it over to the finance chairman when the finance chairman was appointed. But in that interlude after he received the contribution and before the finance chairman was appointed, the Hughes company, as you all know, had an internal fight of massive proportions, and he felt that such a contribution to the campaign might prove to be embarrassing.

At the conclusion of the campaign he decided that it would be in the best interests of everybody concerned, rather than to turn the money over then to be used in the '74 campaigns, to return it intact. And I would say that any individual, and particularly a banker who would have a contribution of $100,000 and not touch it because it was turned back in exactly the form it was received, I think that's a pretty good indication that he is a totally honest man. Which he is.

11. Disposition of Tapes

Q. Mr. President, after the tapes are presented to Judge Sirica and they are processed under the procedure outlined by the U. S. Cour of Appeals, will you make those tapes public? A. No, that is not the procedure that the court has ordered and it would not be proper. Judge Sirica under the Circuit Court's order is to listen to the tapes and then is to present to the grand jury the pertinent evidence with regard to its investigation. Publication of the tapes has not been ordered by the Circuit Court of Appeals and Judge Sirica, of course, would not do anything that would be in contravention of what the Circuit Court of Appeals has ordered.

12. President's Health

Q. Mr. President, Harry Truman used to talk about the heat in the kitchen, and—A. I know what he meant. Q. A lot of people have been wondering how you are bearing up emotionally under the stress of recent events. Can you discuss that?

A. Well, those who saw me during the Middle East crisis thought I bore up rather well, and, Mr. Storrs, I have a quality which is, I guess I must have inherited it from my Midwestern mother and father, which is that the tougher it gets the cooler I get. Of course it isn't pleasant to get criticism; some of it is justified, of cource. It isn't pleasant to find your honesty questioned, it isn't pleasant to find for example that speaking of my friend Mr. Rebozo, that despite the fact that those who printed it and those who said it knew it was untrue, said that he had a million-dollar trust fund fro me that he was handling. It was nevertheless put on one of the networks—knowing it was untrue. It isn't pleasant, for example, to hear, or read, that a million dollars in campaign funds went into my San Clemente property, and even after we have a complete audit, to have it repeated.

Those are things which of course do tend to get under the skin of the man who holds this office. But as far as I'm concerned, I have learned to expect it. It has been my lot throughout my political life, and I suppose because I've been through so much, that maybe one of the reasons is when I have to face an international crisis I have what it takes.

13. Watergate Influence on Mideast

Q. Mr. President, I'd like to ask you a question about the Mideast. To what extent do you think your Watergate troubles influenced Soviet thinking about your ability to respond in the Mideast, and did your Watergate problems convince you that the U.S. needed a strong response in the Mideast to convince other nations that you have not been weakened?

A. Well, I noted speculation to the effect that the Watergate problems may have led the Soviet Union to miscalculate. I tend to disagree with that, however. I think Mr. Brezhnev probably can't quite understand how the President of the United States wouldn't be able to handle the Watergate problems. He'd be able to handle it all right if he had them.

But I think what happens is that what Mr. Brezhnev does understand is the power of the United States. What he does know is the President of the United States.

What he also knows is that the President of the United States, when he was under unmerciful assault at the time of Cambodia, at the time of May 8th, when I ordered the bombing and the mining of North Vietnam, at the time of Dec. 18th, still went ahead and did what he thought was right. The facts that Mr. Brezhnev knew that regardless of the pressures at home, regardless of what people see and hear on television night after night, he would do what was right. That's what made Mr. Brezhnev act as he did.

14. Criticism of Television

Q. Mr. President, you've lambasted the television networks pretty well. Could I ask you, at the risk of reopening an obvious wound—you say after you've put on a lot of heat, that you don't blame anyone. I find that a little puzzling. What is it about the television coverage of you in these past weeks and months that has so aroused your anger? A. Don't get the impression that you arouse my anger. Q. I have that impression. A. You see, one can only be angry with those he respects.

15. Regaining Confidence of People

Q. Mr. President, businessmen increasingly are saying that many chief executive officers of corporations do not get the latitude you have had, if they have the personnel problems that you have had, to stay in the job and correct them. You have said you are going to stay. Do you have any plan set out to regain confidence of people across the country and these businessmen who are beginning to talk about this matter? Do you have any plans, besides the special prosecutor, which looks backward, do you have any plan that looks forward for regaining confidence of people?

A. I certainly have. First to move forward in building a structure of peace in the world in which we have made enormous progress in the past, and which we're going to make more progress in the future.

Our European initiative, our continued initiative with the Soviet Union, with the People's Republic of China—that will be the major legacy of this Administration. Moving forward at home in our continuing battle against the high cost of living in which we are now finally beginning to make some progress and moving forward also on the matters that you refer to, it is true that what happened in Watergate, the campaign abuses were deplorable. They have been very damaging to this Administration, they have been damag-

ing certainly to the country as well.

Let me say too I didn't want to leave an impression with my good friends from C.B.S. over here that I don't respect the reporters. What I was simply saying was this: that when a commentator takes a bit of news and then with knowledge of what the facts are distorts it viciously, I have no respect for that individual.

you happen to dodge my questions all the time, Mr. President! A. You had three last time.

16. Waiver of Executive Privilege

Q. Last May, you went before the American people and you said executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussing of possible criminal conduct including the Watergate affair and the alleged cover-up. If you have revised or modified this position as you seem to have done, could you explain the rationale of a law and order Administration covering up evidence—prima-facie—evidence of high crimes and misdemeanors?

A. Well, I should point out that perhaps all the other reporters in the room are aware of the fact we have waived executive privilege on all individuals within the Administration—it's been the greatest waiver of executive privilege in the whole history of this nation— and as far as any other matters are concerned, the matters of the tapes, the matters of Presidential conversations, those are matters in which the President has the responsibility to defend this office, which I shall continue to do.

Q. Thank you, Mr. President.