

# Bork Silent on Nixon Memo Bid

10/24/73  
WJ  
RSS

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 subpoena 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.

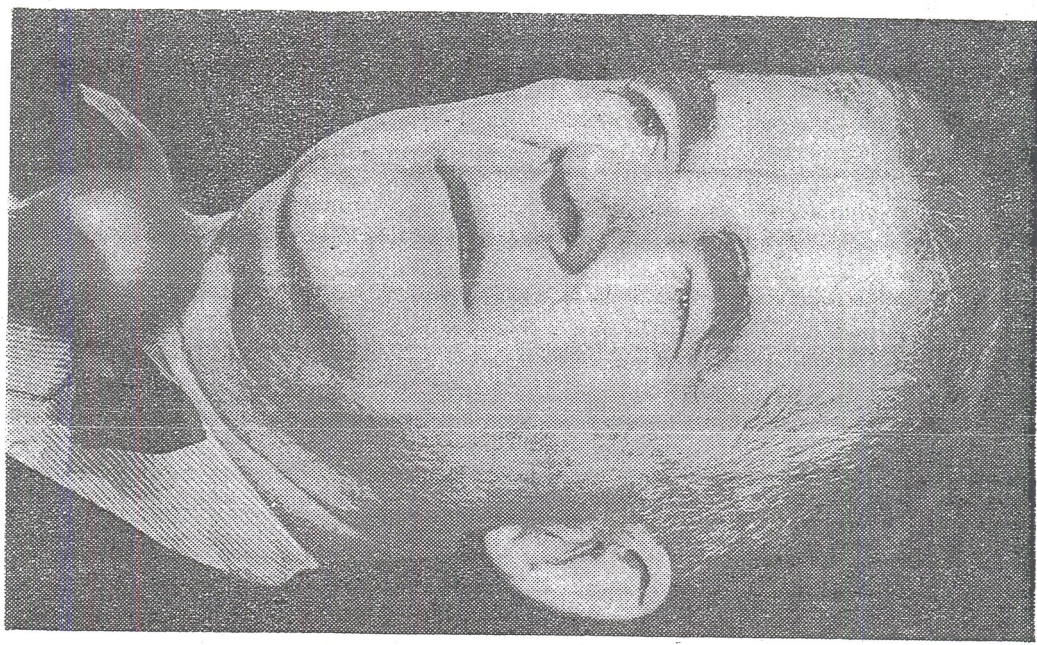
Petersen and Bork met yesterday afternoon with the senior staff members of Cox's prosecuting office to discuss how the investigations will proceed.

It became apparent afterward that the Cox staffs doubt 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



By Margaret Thomas—The Washington Post

Archibald Cox meets press briefly at his former office.

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."

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."