

Richardson: New Documents

By Susanna McBee
Washington Post Staff Writer

11/28/73

Former Attorney General Elliot L. Richardson disclosed yesterday two previously unpublished documents that appear to substantiate his version of the events that led to the firing of Archibald Cox as Watergate special prosecutor.

At issue is the position that Richardson took during the week preceding President Nixon's Oct. 20 firing of Cox for refusing to promise he would never again go to the courts to get additional White House Watergate tapes or documents.

Richardson has said consistently that he had opposed the President's action and had tried to prevent it. But Mr. Nixon and his chief of staff, Alexander M. Haig Jr., were quoted by some Republican senators as saying on Nov. 13 and 14 that Richardson was not telling the truth.

On Nov. 15 the White House issued a statement saying that Richardson had been "articulating" one of "several versions" of what happened before the Cox firing, but it denied that Mr.

See RICHARDSON, A10, Col. 1

RICHARDSON, From A1

Nixon had actually accused him of lying.

Yet the next day Sen. Edward W. Brooke (R-Mass.) said the President had told him Richardson had agreed both to the restriction on Cox and to a compromise White House plan to let Sen. John C. Stennis (D-Miss.) listen to tapes Cox had already subpoenaed—and two courts had agreed should be produced—and submit authenticated versions of their contents to the U.S. District Court here.

"He was not telling the truth," Brooke quoted Mr. Nixon as saying of Richardson's contention that he had opposed the restriction against future court action by Cox.

In an interview with The Washington Post yesterday, Richardson said Haig called him the evening after Brooke's and other senators' reports were published to say that those reports were not true.

Haig said he and Mr. Nixon had not said that Richardson had lied, the former Attorney General said. "In that conversation he said, 'I don't disagree with anything you said in your testimony.'" Richardson had repeated his position before the Senate Judiciary Committee on Nov. 6.

In the interview Richardson also produced a four-page draft that he had written Oct. 17 of the so-called Stennis compromise and had sent that morning to the White House. The draft indicates Richardson's approval of the compromise, which he has admitted supporting, but it adds that access by Cox to additional material would be dealt with later.

Specifically, the section, entitled "Other Tapes and Documents," says:

"The proposed arrangement would undertake to cover only the tapes heretofore subpoenaed by the Watergate grand jury at the request of the special prosecutor. Any request by the special prosecutor for a similar report covering other tapes as well as any request by the special prosecutor for memoranda or other documents believed by the special prosecutor to deal with

the same conversations covered by the proposed report would be the subject of subsequent negotiations between the special prosecutor and counsel for the President."

Richardson said the section was removed later that day by the President's counsel, J. Fred Buzhardt, who, according to Richardson, "said he omitted it because it was unnecessary."

Buzhardt "said the proposal didn't deal with anything else" besides the tapes already subpoenaed, Richardson said, "so the paragraph was redundant. So when I redrafted his redraft, I left it out. My redraft of his redraft was the document I sent Cox" that Wednesday, he added.

Cox turned down the proposal after it later became linked with the prohibition on any future court efforts to get further evidence.

Richardson also produced a press release he had written but did not make public Oct. 19, the night before Mr. Nixon fired Cox and accepted the resignations of Richardson and Deputy Attorney General William D. Ruckelshaus. Both quit rather than carry out the President's order to fire the prosecutor.

Cox was fired by Solicitor General Robert H. Bork, who is acting Attorney General.

Richardson said he wrote the press release after receiving a letter Oct. 19 from Mr. Nixon instructing him to direct Cox to make no further judicial attempts to get additional presidential material on the Watergate scandal.

The former Attorney General said the press release "confirms the fact that I had not anticipated any instructions" from Mr. Nixon to cut off Cox's court access. Richardson said he did not release the statement to the press that night as he had planned because he learned that the White House had not released Mr. Nixon's letter to him.

Instead, Richardson said, he incorporated the release into a letter he wrote Mr. Nixon the next day stating that the price of Cox's access to the subpoenaed tapes through the "Stennis compromise" should not be

"the renunciation of any further attempt by him to resort to judicial process."

Both the Oct. 19 Nixon letter and the Oct. 20 Richardson letter were made public Oct. 23 by Richardson.

The press release that until now was unpublished says:

"The President's decision to call on Sen. Stennis to prepare an authenticated record constitutes, in my view, a reasonable and constructive compromise of the 'Watergate tapes' issue.

"It seems to me inconsistent, however, with the explicit understandings on which I was confirmed and the office of special prosecutor was created for me to deal now with hypothetical future attempts by Mr. Cox to invoke judicial process, and the proposal I presented to Mr. Cox this week would not have attempted to do so.

"I plan to seek an early opportunity to discuss this approach with the President."

On Nov. 18 The Washington Post reported that seven other documents appeared to support Richardson's version of the events leading to Cox's firing despite the reports of the private remarks of Mr. Nixon and Haig.

Richardson was asked yesterday how he feels about those reports, which included a remark allegedly made by Haig referring to drinking by Richardson and an article Nov. 20 in the Knight newspapers that "some top administration officials are quietly indicating" Richardson had a "drinking problem."

"Well, I was at first incredulous," he said, "and then increasingly disturbed. I came to wonder whether this was a systematic effort to discredit me." He said the Knight story "made me very angry and disgusted. I have no reason to doubt the White House denial that they ever said anything like this.

"And I must say everyone in the White House from the President on down that I've ever dealt with is so completely aware that nothing like this has any truth whatever that I would find it hard to believe they could have said anything like it."

The Knight story quoted an unnamed "agency head" but not anyone in the White House itself.

"Haig also said he was sick over the Knight story," Richardson reported.

Asked if he still wonders about any "systematic" White House effort to discredit him, he replied, "I certainly have a question."

As Richardson reconstructed the events leading to Cox's firing, there was discussion of dismissing him Monday, Oct. 15, in a meeting he had with Haig and Buzhardt. "I said I couldn't go along with it and would have to resign," Richardson said.

On Wednesday, Oct. 17, Cox received the Stennis proposal. The next afternoon Richardson met with Haig, Buzhardt, and White House lawyers Leonard Garment and Charles Alan Wright. They had heard from Cox and "construed Cox's remarks as tantamount to rejection."

Wright, who had learned of the Stennis proposal for the first time, thought it was "a major concession," Richardson recalled. "So I said, 'Why don't you try to sell it, Charlie? Maybe you can do it better than I can.'"

Wright phoned Cox, and Cox told Richardson the next day he interpreted the call as an effort "to elicit rejection," Richardson continued.

On Thursday evening after the White House meeting, Richardson said he understood that the plan would "result in Cox's firing unless he accepted the Stennis proposal" and began writing a "summary of reasons why I must resign."

Friday morning, Oct. 19, Richardson learned for the first time that the future court restriction on Cox had been linked to the Stennis proposal, and, he said, that night he learned of Mr. Nixon's order to him to impose that restriction on Cox.

In the intervening hours, he said, he asked Haig to try to convince the President the link should not be made. "Haig said he had tried, but the President wouldn't go along," Richardson said, adding that he considered Haig's role as one of a conduit only, not as an advocate of the Richardson position.