

THOROUGH INQUIRY IS PLEDGED BY COX

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He Tells Hearing He Would Pursue Watergate Case to Nixon Office if Necessary

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WASHINGTON, May 21—Archibald Cox, named by the Attorney General-designate, Elliot L. Richardson, as special prosecutor in the Watergate scandal, told the Senate Judiciary Committee today that he would pursue his investigation into the Oval Office of the White House if the trail led him there.

Mr. Cox, appearing at a day-long hearing on Mr. Richardson's confirmation as Attorney General, said that he would not "shield anybody and [I] don't intend to be intimidated by anybody."

Mr. Richardson, chosen by President Nixon to be the new Attorney General and to handle the Watergate investigation that involves some of the President's closest associates, was asked by Senator Robert C. Byrd, Democrat of West Virginia, what he would do if the President asked him for a prog-

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Cox Vows All-Out Watergate Inquiry

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ess report.

"I would refer it to the special prosecutor and let him decide," Mr. Richardson said, adding that he would maintain "arms-length" dealing with the White House on the matter.

Mr. Byrd, the Democratic whip in the Senate, announced today that he would "reluctantly" vote for confirmation of Mr. Richardson.

He said that his reluctance was "not through lack of respect and admiration for his ability, but rather because of the unfortunate situation in the context in which his nomination must be judged."

Senator Byrd said, "I refer to the Watergate scandal and to the fact that Mr. Richardson, as Attorney General, may and probably will, make certain decisions affecting some of his colleagues and associates—former or present—in an Administration to which he owes this, his fourth important and high appointment."

He called the appointment "regrettable and unfortunate" and said he wished the President had "gone outside the Administration and brought in a fresh name and a fresh face."

The hearings ended at 6:40 P. M. Senator James O. Eastland, Democrat of Mississippi, the committee chairman, said members would meet in executive session tomorrow to vote on Mr. Richardson's nomination.

It is expected that Mr. Richardson will be approved by the committee. He has set as his first action, if approved by the full Senate, to nominate Mr. Cox, who accepted the job Friday after a search of almost three weeks and several refusals.

Mr. Cox, a Democrat who served as Solicitor General under President Kennedy, was asked the same question.

He replied: "I would feel I would have the absolute right, if I felt it were against the interests of the investigation,

to refuse. I would feel I had no official or legal duty to him. It would seem to me, I can't help remarking, an extraordinary request."

Senator Byrd asked if he might submit voluntary reports. "No sir," he answered, "that never entered my head and now that you mention it, I have no such intention."

Satisfied with Guidelines

On the issue of independence, Mr. Cox said that he would work within the guidelines laid down by Mr. Richardson, and that there is "nothing that I see that this document [the guidelines] puts off limits that I should want to go into."

He said that he was more overwhelmed by its scope than by its deficiencies.

"It seems to me the only authority he has retained is to give me hell if I don't do the job, and I think he ought to keep that authority."

Senator Byrd asked him if he would follow leads "even though that trail should lead, heaven forbid, to the Oval Office of the White House itself?"

The crew-cut, bow-tied Harvard law professor, sitting next to his former student, Mr. Richardson, answered, "wherever that trail may lead."

Senator John V. Tunney, Democrat of California, questioned Mr. Richardson about his personal friendship with Charles W. Colson, a former White House aide who has gone before the grand jury in the Watergate investigation.

He said that he had talked with Mr. Colson about "my responsibilities at H.E.W." and "my role as a Surrogate in the 1972 campaign." Mr. Richardson is a former Secretary of Health, Education and Welfare.

He said that during the campaign, when speaking in the place of the President, he would often be called by Mr. Colson, who wanted him to include "some point" in his speeches.

Mr. Richardson said that he

either incorporated the needed remark in his own language or discarded it. "I think as campaign speeches go, they were within the bounds of good conduct," he said.

Statement on Krogh

Mr. Richardson elaborated on an earlier statement that he had spoken to Egil Krogh, Jr., one of the White House aides involved in the so-called "plumbers" group that was set up to prevent news leaks on April 30, the day Mr. Nixon named Mr. Richardson the new Attorney General.

He said that John D. Ehrlichman, a former assistant to the President for domestic affairs who resigned in the wake of the Watergate scandals, had called him on Sunday, April 29, to set up the meeting the next day with Mr. Krogh.

Mr. Krogh wanted to discuss with Mr. Richardson whether he should make a full disclosure of his part in the burglary of the office of a former psychiatrist of Dr. Daniel Ellsberg, the central figure in the Pentagon papers case that was dismissed two weeks ago because of governmental interference.

He said that Mr. Krogh "wanted to get on the public record somehow his involvement in the Ellsberg break-in."

Senator Byrd asked him why Mr. Krogh had not consulted a lawyer instead of going to Mr. Richardson.

"He had done so," Mr. Richardson replied. "His lawyer advised against it."

Aspect of the Case

He said the message from Mr. Ehrlichman had been only that Mr. Krogh "wanted to see me" with "something about an aspect of the case."

He said he had told Mr. Krogh that "since I was a potential prosecutor in the case" should be careful about what he said.

Mr. Richardson said he had only been told of his forthcoming job the day before and that he had not yet thought out his own "footing" or the role of a special prosecutor.

Mr. Richardson was asked by Senator Tunney about a role he might have played in the wiretapping and lie detector tests that were given to State Department personnel in an effort to plug leaks to the press during his term as Under Secretary of State.

He said that he had not been aware of the wiretapping, knew of only one case of a lie detector test and declined to name the name involved out of fairness.

Senator Philip A. Hart, Democrat of Michigan, said he hoped that before any indictments were handed up in the Watergate investigation now underway, that they would be reviewed by Mr. Cox.

Mr. Cox said, "I would hope no irremediable steps are taken in the near future" in regard to indictments.

"All of us feel action in this area should not be taken before Professor Cox has an opportunity to pass on them," Senator Hart said.