

Nixon Promises New Prosecutor,
Explains the U.S.-Soviet Crisis**Prober
Would Be
Restricted**

Washington

President Nixon said last night that a new special Watergate prosecutor will be appointed next week but that he will not be given access to "presidential documents" in pursuing his investigations.

Speaking at his first press conference since the ouster of Archibald Cox, Mr. Nixon said he hoped the new appointment would prove satisfactory on Capitol Hill and dissuade Congress from demanding a prosecutor appointed by the courts.

That seemed unlikely in light of the restrictions that Mr. Nixon indicated will be placed on the administration's new choice for the job.

NAME

Acting Attorney General Robert H. Bork, the President said, will name the new prosecutor next week. But late last night the Justice Department said Bork may name the prober this weekend. Bork said he had recommended five or six names to the White House.

Using almost the same words that foreshadowed the Cox appointment in May, Mr. Nixon said last night: "The special prosecutor will have independence. He will have total cooperation from the executive branch."

Asked whether the new prosecutor would have the authority to go to court if necessary to obtain evidence from the President's files, Mr. Nixon indicated that he would not.

"I would anticipate that that would not be necessary," the President said. "... These are matters that can be worked out, and

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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."

DOCUMENTS

"We will not," Mr. Nixon added a few moments later, "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."

It was just such a stand on the President's secret Watergate tapes that led to Cox's dismissal last week. Promised "full authority" to challenge claims of executive privilege, Cox was fired last Saturday night after he vowed to contest Mr. Nixon's decree that he "make no further attempts by judicial process to get tapes, notes or memoranda of presidential conversations."

BORK

Two hours before the President's news conference, Acting Attorney General Bork, who fired Cox at Mr. Nixon's direction, told reporters that he hopes the new prosecutor will obtain as much of a guarantee of independence "as is constitutionally possible."

Bork seemed to put his own job on the line in connection with the independence of the prosecutor. "If his independence were interfered with," Bork said, "I would feel that my position would be intolerable... morally untenable."

And he declared, "I don't think any reputable man would take the job unless he has as much of a guarantee as possible of his independence."

He said all his nominees come "from outside the government" and have "prosecutorial experience though

they are not necessarily currently prosecutors."

BRANCH

Bork said he feels strongly that "prosecution is an executive branch function" and consequently opposes pending congressional legislation that would empower chief U.S. District Judge John J. Sirica to appoint the prosecutor and make the judge the only one who could fire him.

Despite Mr. Nixon's suggestions that the flow of White House documents to Cox had been ample, Cox had protested that the record had been one "of repeated frustration."

Defending his firing of Cox, Mr. Nixon recollected that he had offered to supply a personal, written summary of evidence gleaned from the nine Watergate tapes, which was to have been verified by Senator John Stennis (Dem.-Miss.) When Cox rejected that proposal, the President said, "I had no choice but to fire him."

Mr. Nixon again last night said that while he would continue to withhold documents involving presidential conversations, "information that is needed from such documents would be provided."

Washington Post