

Cox Calls Independence 'Crucial' for Prosecutor

Tells Senate Unit Watergate Case Was 'Nowhere Near Done'—White House Reported to Be Considering Saxbe

By ANTHONY RIPLEY
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WASHINGTON, Oct. 29— Archibald Cox, the former special Watergate prosecutor, said today that the case was "nowhere near done" and described a long pattern of frustration in attempts to get documents from the White House.

Mr. Cox was called to testify before the Senate Judiciary Committee on the controversy surrounding his dismissal ordered on Oct. 20 by President Nixon. He said that "total independence" for a new special prosecutor was "crucial."

"This kind of independence cannot be obtained by someone appointed by the Attorney General and the President," Mr. Cox said.

He was dismissed when he refused to abandon his court fight for Presidential tape recordings and documents.

Mr. Nixon not only ordered him dismissed but also had the investigation moved back within the Justice Department. However, Mr. Nixon relented last week because of public protest and agreed to give the tapes and documents sought. Later he agreed to the selection of a new special prosecutor.

Though Mr. Nixon pledged



Associated Press

Archibald Cox before Senate Judiciary Committee.

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"total cooperation" with a new prosecutor, to be named by Acting Attorney General Robert H. Bork, he retained the right to hold back some documents.

Authoritative Congressional sources said, meanwhile, that the White House was considering the appointment of Senator William B. Saxbe, an Ohio Republican who has announced he will not seek re-election next year, to be the new special prosecutor.

Aides to the Senator would not comment on the report but confirmed that Mr. Saxbe spent 90 minutes at the White House on Saturday. His designation as either the special prosecutor or the Attorney General — he held the latter post at the state level in Ohio — could help to diminish Congressional hostility toward the President's conduct of the Watergate case.

Mr. Cox told the Senators today that the tapes case, which he won in both the United States District Court and the Court of Appeals, had

been intended to set a precedent and that with it settled he would now "expect a large number of requests [for documents] and a large number of subpoenas" by his successor.

He said that "the tapes had come to be a sort of a test," and added that "demands for a great many more papers were hanging fire."

Though he agreed that "certainly some things were furnished to us by counsel to the President," Mr. Cox added that many more were unavailable, and listed among them the following:

¶Log of meetings and telephone calls, diaries and memos dealing with communications with the President by Charles W. Colson, L. Patrick Gray, Richard G. Klendienst, Egil Krogh Jr., Frederick C. Larue and David R. Young Jr. All are former Administration officials.

¶A list of all records, logs and notes of telephone calls among Mr. Young, Mr. Krogh, Mr. Colson, John D. Ehrlichman, E. Howard Hunt Jr. and G. Gordon Liddy between June 19 and Dec. 13, 1971. Hunt and Liddy are convicted Water-

gate conspirators, and Mr. Ehrlichman is a former domestic adviser to the President.

¶All records sent to or received dealing with Project Odessa, Special Project One and the Pentagon papers case. The first two items mentioned were not explained.

¶All information on the three projects that was removed from Mr. Krogh's files at the Department of Transportation between Dec. 31, 1972, and May 31, 1973, and

sent to the White House to be included as "Presidential papers." After the election last fall Mr. Krogh was appointed Under Secretary of Transportation.

¶Ehrlichman memos dealing with the same topic, from March 23 to March 27, 1973, and April 30, 1973.

¶Information deposited in Presidential files dealing with matters Mr. Ehrlichman, Mr. Colson and Mr. Young were handling.