

F Post 10/1/73

Cox Had Been 'Unwelcome Guest'

WASHINGTON (AP) — From the outset, Archibald Cox was an unwelcome official of the administration he set out to investigate.

President Nixon clearly did not want a special prosecutor assigned to Watergate in the first place. He yielded amid an administration crisis — and now faces another over his firing of Cox.

A source familiar with the events that led to the ouster of Cox said Sunday there was evidence of White House displeasure with the special prosecutor long before the confrontation over access to White House tape recordings.

Cox himself said he had faced frustration and delay in his efforts to get information from the White House.

Administration sources denied, however, that there had been pressure to get Cox out of the government before he spoke in defiance of a Nixon order to stop court action aimed at obtaining the tapes.

In the end, Nixon acted to demonstrate his mastery of the executive branch despite concessions made earlier in the year to deal with other Watergate woes.

But if it was hard for the White House to live with Democrat Cox, it may be even more difficult now to live with a Congress in which there is increasing discussion of an impeachment move against the President.

On the legal side, that talk stems from charges, disputed by Nixon men, that the President is in violation of a court order to yield up the tapes for judicial inspection.

And on the political side, it involves prior administration agreement to the appointment of an unfettered special prosecutor for Watergate cases.

The White House position now is that Nixon was not a party to such agreements.

The record on that issue

dates back to the Watergate woes Nixon faced last spring. There was pressure on Capitol Hill for an independent prosecutor to handle the entire range of cases arising out of Watergate.

On April 30, Nixon announced the resignations of two top aides, H. R. Haldeman and John D. Ehrlichman, and of Atty. Gen. Richard G. Kleindienst. He fired John W. Dean III as White House counsel.

Hours later, in a nationally televised address, he named Elliot L. Richardson to become attorney general. He said Richardson would have absolute au-

thority to make all decisions bearing on the Watergate prosecution, and added:

"I have instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case."

That was a concession, for it had been made clear earlier that the White House did not want such an official added to the Watergate lineup.

On May 1, congressional sentiment in favor of a special prosecutor was translated into a Senate resolution, urging Nixon to appoint such a man.

Nixon's reaction reportedly

was one of anger at the pressure and at Sen. Charles H. Percy, R-Ill., who had sponsored the resolution.

Richardson won Senate confirmation as attorney general only after naming Cox to be special prosecutor and promising to let him do the job without restrictions.

"The attorney general will not countermand or interfere with the special prosecutor's decisions or actions," Richardson pledged. "... The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part."