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Richardson: 'I Wish to Set Forth . . . the Facts'

Following is yesterday's statement of Former Attorney General Richardson:

There can be no greater privilege and there is no greater satisfaction than the opportunity to serve one's country. I shall always be grateful to President Nixon for giving me that opportunity in several demanding positions.

Although I strongly believe in the general purposes and priorities of his administration, I have been compelled to conclude that I could better serve my country by resigning from public office than by continuing in it. This is true for two reasons:

(1) Because to continue would have forced me to refuse to carry out a direct order of the President.

(2) Because I did not agree with the decisions which brought about the necessity for the issuance of that order.

In order to make clear how this dilemma came about, I wish to set forth as plainly as I can the facts of the unfolding drama which came to a climax last Saturday afternoon. To begin, I shall go back to Monday of last week. Two Courts—the District Court and the Court of Appeals of the District of Columbia—had ruled that the privilege protecting presidential communications must give way to the criminal process, but only to the extent that a compelling necessity had been shown. The President had a right of further review in the Supreme Court of the United States; he had a right, in other words, to try to persuade the Supreme Court that the long term public interest in maintaining the confidentiality of presidential communications is more important than the public interest in the prosecution of a particular criminal case, especially where other evidence is available. Had he insisted on exercising that right, however, the issue would have been subject to continuing litigation and controversy for a prolonged additional period, and this at a time of acute international crisis.

Against this background, the President decided on Monday afternoon to make a new effort to resolve the impasse. He would ask Sen. John Stennis, a man of impeccable reputation for truthfulness and integrity, to listen to the tapes and verify the completeness and accuracy of a record of all pertinent portions. This record would then be available to the grand jury and for any other purpose for which it was needed. Believing, however, that only the issue of his own involvement justified any breach of the principle of confidentiality and wishing to avoid continuing litigation, he made provide a verified record of provide a vreified record of the subpoenaed tapes that access to any other tapes or records would be barred.

I regarded the proposal to rely on Sen. Stennis for a verified record (for the sake of brevity I will call it "the Stennis proposal") as reasonable, but I did not think it should be tied to the foreclosure of the right of the special prosecutor to invoke judicial process in future cases. Accordingly, I outlined the Stennis proposal to Mr. Cox later on Monday afternoon and proposed that the question of other tapes and documents be deferred. Mr. Cox and I discussed the

Stennis proposal again on Tuesday morning.

On Wednesday afternoon, responding to Mr. Cox's suggestion that he could deal more concretely with the proposal if he had something on paper, I sent him the document captioned "A Proposal" which he released in his Saturday press conference. On the afternoon of the next day he sent me his comments on the proposal, including the requirement that he have assured access to other tapes and documents. The President's lawyers regarded Mr. Cox's comments as amounting to a rejection of the Stennis proposal, and there followed the break-off of negotiations reflected in the correspondence with Charles Alan Wright released by Mr. Cox.

My position at that time was that Sen. Stennis' verified record of the tapes should nevertheless be presented to the District Court for the court's determination of its adequacy to satisfy the subpoenas, still leaving other questions to be dealt with as they arose. That was still my view when at 8 p.m. Friday evening the President issued his statement directing Mr. Cox to make no further attempts by judicial process to obtain tapes, notes or memoranda of presidential conversations.

A half hour before this statement was issued. I received a letter from the President instructing me to give Mr. Cox this order. I did not act on the instruction, but instead, shortly, afternoon on Saturday, sent the President a letter restating my position. The President, however, decided to hold fast to the position announced the night before. When, therefore, Mr. Cox rejected that position and gave his objections to the Stennis proposal, as well as his reasons for insisting on assured access to other tapes and memoranda, the issue of Presidential authority versus the independence and public accountability of the special prosecutor was squarely joined.

The President at that point thought he had no choice but to direct the attorney general to discharge Mr. Cox. And I, given my role in guarnteeing the independence of the special prosecutor, as well as my belief in the public interests embodied in that role, felt equally clear that I could not discharge him. And so I resigned.

At stake in the final analysis is the very integrity of the governmental processes I came to the Department of Justice to help restore. My own single most important commitment to this objective was my commitment to the independence of the special prosecutor. I could not be faithful to this commitment and also acquiesce in the curtailment of his authority. To say this, however, is not to charge the President with a failure to respect the claims of the investigative process: given the importance he attached to the principle of presidential confidentially, he believed that his willingness to allow Sen. Stennis to verify the subpoenaed tapes fully met these claims.

The rest is for the American people to judge. On the fairness with which you do so may well rest the future well-being and security of our beloved country.