

Archibald Cox Appointed Prosecutor for Watergate

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By ANTHONY RIPLEY MAY 19 1973

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WASHINGTON, May 18— Elliot L. Richardson today chose Archibald Cox, Solicitor General in the Kennedy and Johnson Administrations, as the special prosecutor in the Watergate investigation.

In Cambridge, Mass., where he is a professor at the Harvard Law School, Mr. Cox said he had accepted the position.

Mr. Richardson, the Attorney General-designate, said he had notified both Congress and the White House after the appointment had been made. He said he had not consulted the White House prior to naming Mr. Cox.

He said he would go before the Senate Judiciary Committee at 10:30 A.M. Monday with Mr. Cox and that the appointment would be subject to confirmation by the Senate.

Under the guidelines for the

job that were made public yesterday by Mr. Richardson, Mr. Cox will be able to choose his own staff or use the present prosecutors now handling the investigation or any mixture of the two he chooses. He will also be able to call on the Federal Bureau of Investigation or any other resources in the Justice Department for help, Mr. Richardson said.

Mr. Richardson told a news conference at the Pentagon, where he now serves as Defense Secretary, that he planned further modification of the guidelines in line with recommendations he has received from the Senate.

Asked about his control over the investigation, he said he would have none "for all practical day-to-day purposes."

He said he would make no

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United Press International
Attorney General-designate Elliot L. Richardson announcing at news session in Washington appointment of Prof. Archibald G. Cox to be Watergate prosecutor.

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attempt to keep in touch with the special prosecutor.

"He will determine to what extent he will keep me informed," Mr. Richardson said, adding that Mr. Cox would set up the "occasions on which to consult me."

He said he had made the arrangement as a "verbal understanding" during telephone calls with Mr. Cox and planned to add it as part of the formal guidelines.

Mr. Cox, 51 years old, practiced law only three years in Boston before joining the office of the Solicitor General. He then became associate solicitor at the Department of Labor before joining Harvard Law School as a lecturer in 1945. President Kennedy in 1961 appointed him Solicitor General, a post that involves arguing the Government's positions before the United States Supreme Court.

In making his announcement, Mr. Richardson said:

"Mr. Cox is prepared to assume the duties of special prosecutor as soon as his suitability for the position has been reviewed and affirmed by the United States Senate. I have sent his résumé forward to the chairman of the Senate Committee on the Judiciary with a request for an early public hearing."

He added that he was "deeply gratified" that Mr. Cox had accepted the job and called him "a leading legal authority and a lawyer of courage, independence and integrity."

'Maximum Assurance'

There is no legal necessity for the appointment to be approved by the Senate. Mr. Richardson decided to ask for approval "to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued," he said in a letter yesterday to Senator Adlai E. Stevenson 3d, Democrat of Illinois.

In his announcement, Mr. Richardson spoke of Mr. Cox as "a leading authority and a lawyer of courage, independence and integrity."

He added: "Mr. Cox has had considerable experience in the resolution of labor disputes and in handling other potentially explosive and difficult situations. It is his intention to name as soon as possible, as his principal deputy, a lawyer with extensive experience in litigation."

He told reporters that Professor Cox had a "well established reputation for fairness" and that his ties to the Democratic party "would be reassuring."

Senator Edward M. Kennedy, Democrat of Massachusetts, said of the Cox appointment, in a statement issued by his office:

"Time and time again he has proven himself a man of brilliance, judgment and sensitivity."

"I know how much President Kennedy valued Professor Cox's distinguished service as Solicitor General and the high regard in which he was held by all his colleagues at the Justice Department."

Byrd Reaction

The assistant Democratic leader in the Senate, Robert C. Byrd of West Virginia, said: "My initial reaction is favorable, but I want to see what is developed at the hearings on Cox — and I certainly want to see how he interprets the guidelines."

Their reactions reflected the general picture among Democrats on the Judiciary committee.

One committee staff man said everyone would be able to rely on Mr. Cox's "good faith and gentlemanly conduct."

"Cox will be one of the guarantors of any understanding we reach with Richardson on the investigation, but first we have to reach that understanding," he said.

At the Justice Department, the assistant United States attorneys handling the case declined to comment on the appointment.

Henry E. Petersen, Assistant Attorney General in charge of the Criminal Division, was out of town and unavailable for comment.

However, he told friends he feels very badly about the idea of an outside prosecutor. He has said it reflected badly on the Department of Justice and himself personally. Mr. Petersen has been in charge of the Watergate investigation.

Ultimate Authority

Mr. Richardson has maintained throughout the hearings on his confirmation as Attorney General, and in letters and talks with friends, that ultimate authority should remain within the Department of Justice in the Watergate investigation.

To remove the job completely from Justice would only delay matters, calling for new legislation and the total organization of an outside agency, he has said.

"This period of uncertainty and delay would disrupt the Federal investigative effort and seriously impede the prompt prosecution of those believed guilty of a Federal crime," he wrote yesterday to a long-time friend.

Under the present laws, Mr. Richardson said today, he is charged with the appointment of the special prosecutor, the provision of backup services and desired personnel, the ultimate power to remove the special prosecutor and the legal authority to delegate powers to him to pursue criminal investigations.

The only light moment in the news conference came when a reporter asked if Mr. Cox were related to Edward Finch Cox, the President's son-in-law.

The room broke out with laughter and Mr. Richardson said, "I didn't ask him, come to think of it."

To 'Restore Confidence'

By ROBERT REINHOLD

CAMBRIDGE, Mass., May 18 —Archibald Cox declared today that he considered that his main task as special Watergate prosecutor was to "restore confidence in the honor, integrity, and decency of government."

At a news conference at Harvard University, Mr. Cox stated emphatically that he expected to have complete independence in the inquiry.

"I have not the slightest doubt I will be independent," he said.

He said he had been consulted at length, beginning Wednesday, by Mr. Richardson, in the preparation of the guidelines issued yesterday. "I am satisfied the guidelines, as last presented by Secretary Richardson, will allow for ample independence," he said.

Smiling broadly and dressed in his usual conservative gray suit and bow tie, the crew-cut former Solicitor General answered questions readily but firmly avoided touching on the substance of the Watergate scandal.

'Clearly a Challenge'

Asked why he had accepted the post when others had spurned it, Professor Cox said it was "clearly a challenge," adding that he also felt a responsibility to strengthen the system.

"You do what you can do," he said.

He rejected firmly any suggestion that he had accepted as a favor to Mr. Richardson, whom he taught at the Harvard Law School many years ago.

"I have accepted the post, if the Senate approves, not without an awed sense of responsibility," he said. "The tasks are of enormous importance and enormous difficulty and enormous magnitude."

He was asked if the "full authority" specified in the guidelines gave him "final" word on the inquiry. Mr. Cox fingered a copy of the guidelines clipped from this morning's New York Times and said, "I don't see any difference between full and final."

Mr. Cox said he was a regis-vote for President Nixon last year.

If accepted by the Senate, he will take a leave of absence from Harvard.