

NYTimes JUN 30 1973  
**Letter of Prosecutors and Reply**

Special to The New York Times  
WASHINGTON, June 29—  
Following are the texts of a letter from the three original Watergate prosecutors, withdrawing from the case, to Archibald Cox, the special prosecutor, and a response by Mr. Cox:

### Letter to Cox

Upon your appointment as special prosecutor in charge of the Watergate investigation, we volunteered to withdraw from the case in order to give you a completely free hand in selecting your staff and conducting the investigation. At your request, however, we remained in the case to assist you and members of your staff in continuing the investigation during the period of transition so that it would not be unduly interrupted and delayed.

The transition now, in our view, is basically complete. Through written and oral reports, a comprehensive status report and the transfer of our files, we have made available to you and your staff the results of the investigation to the present and provided you with our recommendations as to the future steps to be taken to complete the investigation. With this accomplished, we renew our request to withdraw from the case and resume our duties and responsibilities in the United States Attorney's office. We shall, of course, be available in the future to consult with you and your staff.

### 'A Profound Interest'

Our request to withdraw from the case is now, as it was when you were first appointed, a difficult one. The case is very much a part of us and we have a profound interest in its successful outcome. We have worked long and hard for over a year to attain this goal. The initial grand jury investigation was conducted under inherently conflicting pressures to have the most thorough and exhaustive investigation in the shortest possible time. The indictment charging seven defendants was returned on Sept. 15, 1972, less than three months after the investigation began. By comparison, the grand jury investigation which led to the indictment of only one defendant—Bobby Baker—in another celebrated case involving official corruption lasted one year.

Throughout the investigation and prosecution, we continually attempted to determine whether anyone else was implicated other than the seven defendants. Prior to the Sept. 15th indictment, we sought the cooperation of the defendant Hunt but were advised that he had "nothing to give." When it became apparent that the trial would not occur before the election, we made an extremely generous plea offer in late October, 1972, to the defendant McCord in return for the complete and truthful disclosure, before the election, of what he knew. This offer was rejected by Mr. McCord. The defendant Liddy, as is well known, has never accepted our numerous requests to cooperate and is presently serving a sentence for contempt for refusing to testify

Moreover, as the evidence

now shows, many Government officials and others who, unbeknownst to us, had critical evidence, either withheld it or made false statements to the grand jury and the prosecutors; thus, whether innocently or not, aiding and abetting the cover-up. Indeed not until after the successful prosecution of the seven defendants did a single witness step forward with material information except for one bookkeeper with limited knowledge.

### Strategy Outlined

In the absence of sufficient evidence to charge anyone other than the seven defendants, and in light of the refusal of any of the defendants, and others, to talk, we decided, prior to Sept. 15th, and so told defense counsel, that we would follow the strategy of convicting the seven defendants, granting them limited immunity after the trial, and then compelling their testimony before the grand jury concerning the involvement of others. Accordingly, well before March 23, 1973, the day of sentencing in the Watergate case, we sought and obtained limited immunity authorizations for each of the defendants and recalled the grand jury. This is analagous to the strategy employed by the special prosecutor investigating the Yablonski murders in Pennsylvania. His highly successful, skillful investigation has now taken several years. Again by comparison, the critical breakthrough in the Watergate investigation we conducted occurred in mid-April, 1973, only 10 months after it began, and disclosed for the first time the existence of a massive conspiracy to obstruct justice, the participants therein and their motives.

Some of the direct consequences of that breakthrough were (1) the agreement of Jeb Magruder, acknowledged in public, to plead guilty to a felony and testify for the Government in any future prosecution; (2) the discovery of the commission of the Ellsberg burglary which we caused to be brought to the attention of Judge Byrne presiding at the Ellsberg trial, and (3) the entry of the plea of guilty of Fred LaRue which we strongly urged you to accept in our status report and which we assisted you and your staff in bringing to fruition earlier this week.

Nevertheless, despite our reluctance to withdraw before the investigation has concluded, we continue in our belief that it is appropriate at this time that we do so. For the circumstances of your appointment and confirmation as special prosecutor, entirely independent of and removed from any prior investigation of the case, require, in our view, that no one who participated in the earlier investigation be a member of your staff. It is apparent that we may be needed as witnesses concerning events which occurred since early April, 1973. We are sensitive to the problems that our being both investigators and potential witnesses could create in any investigation and subsequent litigation and, therefore, have concluded that the wisest course of action for us is to

We realize that our departure from the case may cause speculation by some that it is attributable to criticism of our investigation and prosecution. Such speculation is wholly unwarranted. Furthermore, we emphatically reject any allegations of impropriety or lack of diligence which have been or might be made. At the very minimum, we plan to submit a written response to any such criticism. During the past month, we have worked closely and cordially with Mr. James Neal, the member of your staff whom you have placed in charge of the Watergate case. We are confident that an examination of the record in this case by any lawyer as knowledgeable and experienced in the prosecution of complex criminal cases as is Mr. Neal will disclose that the investigation and prosecution were conducted forthrightly, vigorously and professionally.

As we told the jury in our closing argument at the Watergate trial, conviction of those responsible for the crimes charged in the indictment was important to restore faith in the political system of this country. Today, in view of the evidence uncovered by the post-trial grand jury investigation, it is more important than ever that those responsible for the damage to our political system and for the massive obstruction of justice designed to prevent discovery of the truth be brought to justice. The three of us personally wish you and the able, dedicated staff you have assembled every success in achieving this goal.

### Letter From Cox

I have the letter in which you again express your desire to be relieved of responsibility for the Watergate case so that you can return to your normal duties in the office of the United States Attorney. I cannot in fairness refuse your request. I understand you will be leaving immediately, but I hope that you will be available for questions, consultation and assistance from time to time.

Seymour, Don and you acted in a highly creditable fashion in acceding to my request that you put the interests of the Watergate investigation ahead of your own wishes and give us the benefit of your knowledge and experience during a period of transition. Your help has been invaluable. Without it we would be weeks behind. Even now the loss of your assistance may slow us down somewhat, but not enough to justify my overruling your wishes.

Perhaps I may add in closing that I realize this has not been any easy time for you. I am aware of various criticisms of your earlier conduct of the investigation and prosecution of seven defendants. Lawyers often differ on questions of judgment, and there are points on which my judgment might have varied from yours. Thus far in the investigation, however, none of us has seen anything to show that you did not pursue your professional duties according to