

# The Stunned Justice Dept.

## Washington

Robert H. Bork, acting attorney general, yesterday spent his first morning at the head of a stunned justice department discussing the future of the Watergate prosecutions with Henry E. Petersen.

Control over the government's investigation has reverted to Petersen because of the dismissal of Archibald Cox.

Afterward, Bork declined to meet with newsmen, saying that he will have a statement on the future of the Watergate case tomorrow.

Bork met later with other assistant attorneys general, including J. Stanley Pottinger, the head of the Civil Rights Division.

There were unconfirmed reports of further resignations in the department, possibly including that of Pottinger, and some officials expressed fears that there

Back Page Col. 6

## From Page 1

might be further dismissals, as well.

Petersen, who heads the Justice Department's Criminal Division, was relieved of his authority in the Watergate case five months ago, when Cox, a professor from Harvard Law School, was named as the special Watergate prosecutor.

## DEPUTY

It was Bork, who left Yale Law School to become the government's solicitor general, who discharged Cox Saturday after Elliot L. Richardson had resigned as attorney general and William D. Ruckelshaus, his deputy, was dismissed by President Nixon.

Bork intends to meet today with former members of Cox's staff to seek their views on the investigation and, presumably, get a progress report. The special prosecution force has been operating largely outside the

justice department.

Asked whether the Cox assistants could expect to lose their jobs or, alternatively, to be absorbed into the Justice Department, one official said only that "there won't be a wholesale firing."

It was also understood that several of the aides were reserving decisions on whether to resign until after seeing Bork.

One of Bork's first official acts yesterday was to order the FBI to remove the agents who had been sent by the White House Saturday to seal off the offices of Richardson and Ruckelshaus.

The presence of the agents, who spent the night in chairs in front of the two offices, had angered a number of other officials there.

## DEPARTURE

But even after the agents' departure, the atmosphere at the justice department headquarters remained gloomy.

One contributing factor was reports of the possibility of other resignations in support of the Richardson-Ruckelshaus decision not to carry out the President's order to discharge Cox.

Associate Attorney General Jonathan Moore, whom Richardson brought to the Justice Department from the Pentagon when he resigned last April as secretary of defense, said that his resignation, submitted yesterday, would take effect next week.

Some of those who intended, at least for the time being, to remain at the Justice Department expressed concern that Bork, considered a political and judicial conservative, might dismiss some of his more liberal colleagues.

There was a report that Petersen, who had been on the verge of resigning last summer at the height of the criticism of his earlier handling of the Watergate case, might not stay on.

He could not be reached for comment.

Some observers speculated, however, that the solicitor general who was thrust into the department's top post by a statute that makes him its third-ranking official, might be reluctant to make any major personnel or policy changes during his tenure as acting attorney general.

There was also speculation on how long Bork would or, legally, could remain in that position, and on who would eventually become Mr. Nixon's nominee to be his fourth attorney general in less than two years.

"Nobody who could be confirmed (by the Senate) wants it," said one observer.

## LAW

A law passed by Congress in 1868 prescribes that a federal position subject to Senate confirmation that is vacated by death or resignation may not be filled on a temporary basis for more than 30 days.

But, because Bork acceded to the attorney general's post through statutory succession rather than by a presidential appointment, it is unclear whether the 30-day rule on acting officials applies to him.

Ronald L. Ziegler, the President's press secretary, said in announcing Cox' dismissal that the Watergate "matter" would be "carried out with thoroughness and vigor" by the Justice Department.

Some of those who saw Bork yesterday said it was their impression that he would do just that.

But as a legal matter, he could direct Petersen to discharge the two federal grand juries who are hearing evidence in the Watergate case and other alleged abuses of power by Nixon administration officials.

However, the indictments that the grand juries have handed down cannot be dismissed without the concurrence of a federal judge.

One source noted yesterday that Mr. Nixon's direc-

tive on Friday night that no further attempts be made to subpoena the White House tapes would impose serious difficulties on some prosecutions that have been or might be brought in the Watergate affair.

New York Times