

Prosecutors Vow to Stay

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and Bill Richards

Washington Post Staff Writers

The members of the Watergate Special Prosecution Force announced yesterday that they intend to keep pursuing their investigations involving the Nixon administration so long as the Justice Department lets them.

"We are going to try like hell," James S. Doyle, the spokesman for the 80-member staff, told newsmen late yesterday afternoon. "Some people higher up are going to have to make some very hard decisions."

Acting Attorney General Robert H. Bork will make an announcement on the future of the investigations Tuesday, the Justice Department said. A spokesman said that the status of the Cox staff is now that of regular Justice Department employees.

The special prosecutors and other personnel in Cox's office had already decided to stay on the job en masse anyway and, as one of them said, let the White House pick them off "one by one" if that is Mr. Nixon's intention.

Meanwhile, they are apparently willing to come under the direction of the Justice Department's Criminal Division so long as they are allowed to press their investigations and prosecutions without undue restrictions.

For the moment, all the secret records and evidence compiled by Cox's staff have been impounded at the force's headquarters at 1425 K St. NW under the supervision of Justice Department security chief Winslow Joy.

FBI agents assigned to stand guard Saturday night in a lightning takeover of the offices were replaced shortly after noon yesterday

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by half a dozen U.S. Marshals.

Members of the "former Watergate Special Prosecution Force," as Doyle called it, are being allowed in their offices, but they are not being allowed to take any records out or even to carry any in, Doyle said. Staff members' briefcases are being searched when they enter and again when they leave.

Doyle said that on Friday the prosecutors in charge of the task forces photocopied a number of "broad prosecutive memoranda" as "a protective measure" and took them home to "study over the weekend." He said they will be returned Tuesday—if the Justice Department permits it.

Members of the Cox staff said the impounding of the records could force a slowdown or suspension of the more than 50 investigations currently under way. At the least, federal grand jury sessions at the U.S. courthouse here may have to be postponed.

The Watergate Special Prosecution Force has yet to receive any formal notice of its abolition as a quasi-independent agency, despite Mr. Nixon's announcement Saturday night that he was disbanding it.

"We've gotten nothing on paper," Doyle said. "It's really a very extraordinary situation for Washington, D.C. The White House said we were abolished, but if they say the sky is green and you look out and see it's blue, well..."

Resignations, however, seemed likely if the prosecutors are restricted in obtaining evidence they deem essential.

William Merrill, who heads the task force looking into the activities of the White House "plumbers," said he would quit if either he or his staff are hindered

in their investigation or in the final determination of whether to seek indictments.

Indictments stemming from the plumbers' White House-sponsored break-in at the offices of Daniel Ellsberg's psychiatrist, sources indicated, had been expected within two or three weeks.

"It would be my understanding," Merrill said, "that I could continue only if I could look at all the material I developed and had no restrictions on what I think should be done other than the normal restrictions you have in making reasonable evidentiary decisions. Barring that understanding, I'd resign."

Doyle said he was not prepared to say what the staff would do if the President's announced order to Cox Friday night "to make no further attempts by judicial process to obtain tapes, notes, or memoranda of presidential conversations" sticks and if the White House refuses to yield needed items voluntarily.

Deputy Special Prosecutor Henry Ruth had said Saturday night that he thought that the chief of Justice Department's Criminal Division, Assistant Attorney General Henry Petersen, was fully capable of taking charge of the investigations.

"I happen to think Henry Petersen would proceed vigorously if he is allowed to do so," Ruth said.

Acting Attorney General Bork met with Petersen at the Justice Department yesterday. Petersen, in turn, conferred by phone with Ruth.

Afterwards, Ruth said, "The ground rules seem to be that our group is now in the Criminal Division of the Justice Department under Mr. Petersen. We will have to get together to see just what that means and then each of us will have to make

his own decision on a future course of action."

Ruth said he and other key staff members expect to meet with Petersen Tuesday. The prosecution force includes 38 attorneys and a full staff of 80. Most are permanent civil service employees.

Asked whether there were any indications that others besides Cox would be fired, Doyle said, "we've been hearing footsteps all week," but nothing more. He said he did not intend to resign, at least "not at this point."

Cox urged the staff through key advisers to stay on the job moments before his Saturday afternoon press conference when he announced his intention to contest Mr. Nixon's unilateral decision concerning his secret Watergate tapes.

They all voted at a staff meeting late Saturday night after Cox had been fired to continue working.

"We are a criminal prosecution force and we have reason to believe serious crimes have been committed and we are going to prosecute," Doyle said.

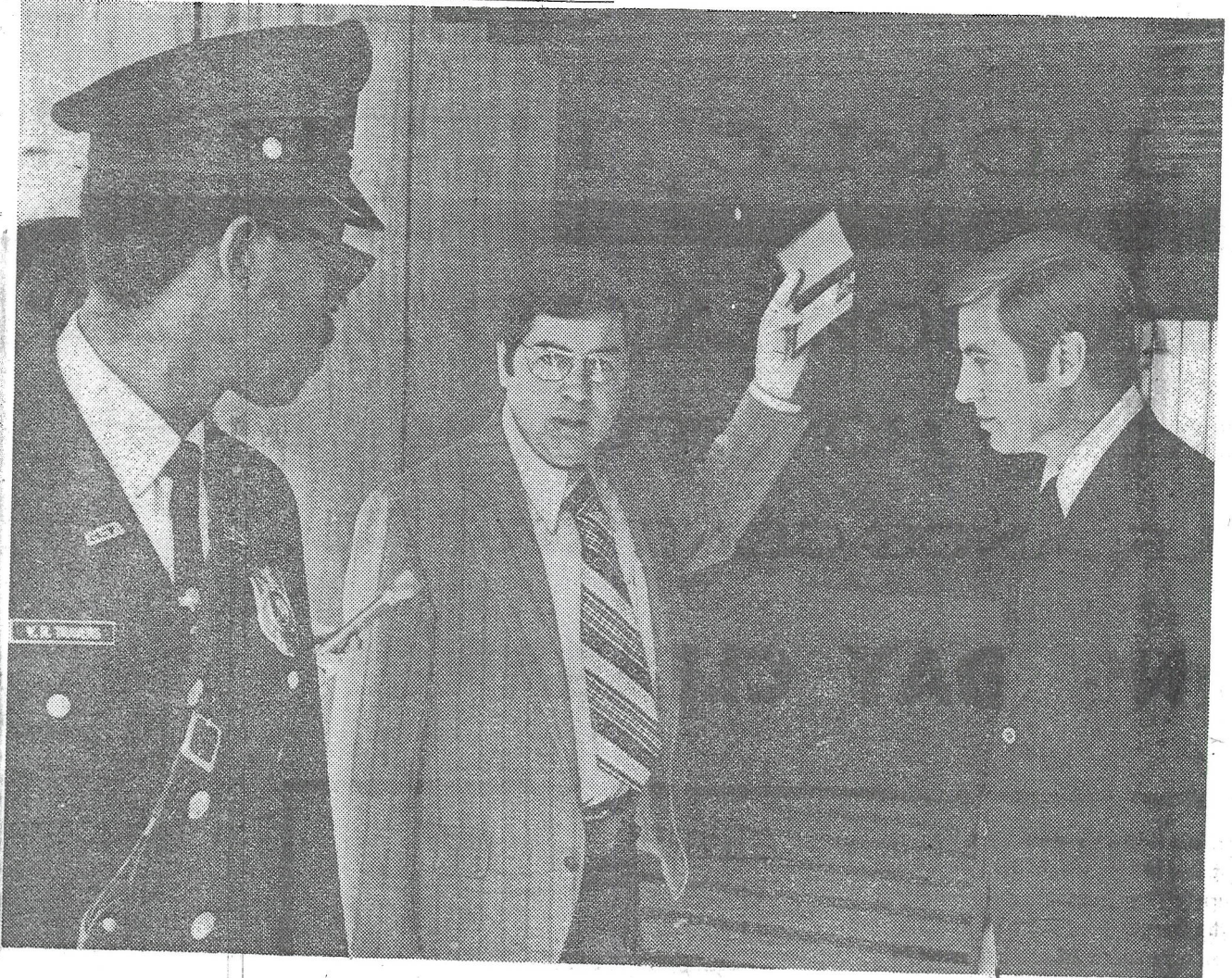
Skepticism about that was voiced on the street outside by pickets organized by Ralph Nader and circulating impeachment petitions against the President.

They were brandishing signs such as "Nixon—Leave Justice Alone," "Keep the Evidence Out of Nixon's Shredder," and "No More Plumbing—Save the People's Evidence From the Burglar-in-Chief."

Standing among them, Nader said he intended to drum up all the public support he could for impeachment. He said it would include, if possible, a "round-the-clock vigil" outside Cox's old offices as "symbolic of the need to protect the evidence in this building from pillage by Mr. Nixon's henchmen."

"He has disgraced the presidency and he has dis-

graced the country," Nader charge. "He has overthrown the rule of law—without the rule of law, there is no America."



Associated Press

James Doyle, press aide to Archibald Cox, argues with FBI agents and security police that newsmen should be allowed to use press room in the Watergate Special Prosecution Force's offices. Doyle eventually prevailed.

Prosecution Force Vows to Stay on