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**Nixon Will Defend  
Tapes Plan Today**

### Justice Probe

Acting Attorney General Robert H. Bork, pledging to pursue the Watergate investigation vigorously, said yesterday he will use the evidence and staff of the now leaderless special prosecution force once headed by Archibald Cox.

The staff of the special force, however, agreed yesterday that it will make clear its concerns about working within, not independently of, the Justice Department.

Either in court or out, a staff member said, its lawyers will express the opinion that there is a "built in conflict of interest" in trying to carry on the Watergate investigation under Justice Department direction.

Cox was deposed as special prosecutor Saturday by Bork, acting on President Nixon's instructions. He will not attempt to appear in Judge John J. Sirica's courtroom today when the judge resumes the case.

Bork read a statement yesterday saying that he plans to adhere "exactly to President Nixon's directive to me" on Watergate and

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other cases which Cox's office had developed.

Bork repeated the instructions which the President had made to him regarding continued investigations:

"It is my expectation that the Department of Justice will continue with full vigor the investigations and prosecutions that had been entrusted to the Watergate Special Prosecution Force."

Bork, who as Solicitor General was No. 3 man at the department, took over as its acting leader Saturday after Mr. Nixon accepted the resignations of Attorney General Elliot L. Richardson and Deputy Attorney General William D. Ruckelshaus.

They quit rather than follow Mr. Nixon's order to fire Cox, who had refused to accept the President's plan to present a summary of the White House Watergate tape recordings rather than

the tapes themselves to the U.S. District Court here.

In a written statement, which he read to reporters but declined to explain, Bork also announced that he had put Assistant Attorney General Henry E. Petersen in direct charge of the cases that Cox's 81-member office has been investigating.

Bork said he met with Petersen Sunday and told him about the President's directive calling for "full vigor" in the Justice Department's continuation of the probe.

"Mr. Petersen, of course, would not have it any other way and neither would I," Bork said.

He added that Petersen, who heads the department's criminal division, "will use the evidence and staff already assembled, as well as other department personnel, to see that these cases are pressed to a conclusion and that justice is done."

Distinguishing his role from the almost hands-off position Richardson took regarding the Cox investigation, Bork said, "As acting Attorney General, however, I have ultimate authority and responsibility in these matters."

Petersen, who had been rumored about to resign, thus resumes the direction of the Watergate cases that he had until six months ago. In late May Cox took over the prosecution of Watergate and other cases including those involving the International Telephone and Telegraph Corp., the White House "plumbers" and illegal campaign financing.

Later, when Petersen was called before the Senate Watergate committee, he told the senators, "I resent the appointment of a special prosecutor. Damn it, I think it is a reflection on me and the Department of Justice."

"We would have broken that case wide open, and we would have done it in the most difficult of circumstances. And do you know what happened? That case was snatched out from under us when we had it 90 per cent complete . . ."

A department spokesman said after Bork had delivered his statement yesterday that Petersen must now

review all the Cox staff files to check the status of each investigation. "He also has to make a personal decision as to how long he wants to stay on the case himself," the spokesman added.

Bork also announced his own support of legislation that Richardson and Cox had proposed to Congress to extend the life of the special Watergate grand jury for at least six months. The grand jury's term is due to expire Dec. 5.

Finally, Bork indicated that he does not expect to be nominated by the President to be Attorney General. One source said there were strong doubts within the administration that Bork could win Senate confirmation since he was the one who finally agreed to fire Cox.

Instead, Bork said, he sees his job as one of keeping the department "operating effectively until such time as the President nominates and the Senate confirms a new Attorney General."

Bork said he will meet with senior department staffers today "to ask for their support and counsel." He insisted he does not plan personnel changes. "On the contrary," he said, "I will ask all employees to help keep the department on course."

Richardson will hold an 11 a.m. nationally televised news conference today in the department's Great Hall and is expected to draw a capacity crowd of Justice employees as well as reporters. A department spokesman said Ruckelshaus is also planning a news conference but that the time and date are uncertain.

Meanwhile, morale in the department seemed low. Several members of Richardson's personal staff have resigned. Assistant Attorney

General J. Stanley Pottinger, head of the civil rights division, was said to be considering resigning but as of yesterday had made no decision.

Public Information Director John W. Hushen said Pottinger is "reassessing his position especially since he has had a long association with Richardson, but both Bork and Richardson have urged him to stay on."

Of Richardson's personal staff, Special Assistant Richard G. Darman and Executive Assistant J.T. Smith resigned Saturday night when Richardson did. Associate Deputy Attorney General Richard E. Mastrangelo was said to have resigned yesterday, and Associate Attorney

General Jonathan Moore is expected to resign soon. But both Moore and Mastrangelo will stay on during a transition period.

Petersen and Bork were to meet last night with two senior lawyers from the special prosecutor's force to start ironing out details on continuing the investigation.

The special unit's staff met at length yesterday and, despite considerable wariness, agreed tentatively that it would stay on the job at least until department officials have outlined the role they can play.

There was considerable sentiment for resigning in protest of Cox's dismissal. "The real problem was to keep everyone from just going down in flames," one staff member said.

However, they agreed on one point — that staff members will attempt to be heard in Sirica's courtroom this morning and, if unsuccessful, will hold a news conference to air their concerns.

"We will state what our concerns are — specifically that we think there is a built-in conflict of interest to have the Justice Department in charge of the investigation," one staff member said. He declined to say what that conflict is.

A source who attended the meeting said that if the "integrity and independence" of the investigations could be maintained there would be no mass resignation.

But he said that the President's agreement to allow Sirica to have a summary of the nine Watergate tapes

would not satisfy those stipulations.

"Some people might say that we shouldn't press the issue but the feeling among the staff is that what the President has already done is simply not enough," the staff member said.

If Mr. Nixon does adhere to his original charge to Cox that no more attempts can be made to get the tapes and other presidential documents "then we will resign," he added.

James Doyle, press spokesman for the special prosecution force, said leaders of five task forces were reviewing their cases so they can present to Bork specifically the types of evidence needed to pursue their investigations.

Doyle said the staff would want assurances on specific pieces of evidence involved in Watergate and other investigations, not merely general promises of a thorough investigation from Bork.



**HENRY E. PETERSEN**



**ROBERT H. BORK**

... met to discuss continuing Watergate investigation.

The most pressing need is for authority to move records and papers in and out of the office building on K Street NW where Cox's office was located. The building is still guarded by Federal Protective Service guards, and U.S. marshals who refuse to let anything but personal papers be removed.

There is no senior staff member present now with authority to take anything out, he said, without permission from a U.S. marshal.

Cox has not indicated

what he will do. Doyle said, but expects to stay in Washington for a while. He might be willing to accept some role in the Watergate investigation if he could be assured it is not "just window-dressing," Doyle said.

*The article was compiled from reports by Washington Post Staff Writers Susanna McBee, Bill Richards, William Chapman and Kenneth Bredemeier.*