

# Bork Places Petersen

Again in Charge of Investigating  
the Watergate Scandal  
*His Mandate Is to Press  
Until 'Justice Is Done'*

By ANTHONY RIPLEY  
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WASHINGTON, Oct. 22 —

Acting Attorney General Robert H. Bork today formally placed Henry E. Petersen once again in charge of investigating the Watergate scandal.

Mr. Petersen, an Assistant Attorney General in charge of the Criminal Division, thus replaces the former special prosecutor, Archibald Cox, who was dismissed Saturday by President Nixon.

Mr. Bork, standing in front of a fireplace in the Solicitor general's office that he still occupied, said:

"I have placed Mr. Petersen in direct charge of the Watergate case and all related matters previously being directed by the special prosecutor.

"He 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."

Mr. Petersen was in charge of the original Watergate investigation that brought convictions against seven men for the break-in at the Democratic National Committee Headquarters at the Watergate complex on June 17, 1972.

In shake-ups that followed revelations of a widescale cover-up of the Watergate affair, he was replaced by Mr. Cox last May 25.

Mr. Bork said that "as the acting Attorney General, I plan to adhere exactly to President Nixon's directive to me regarding these cases," and he quoted the President's request that the cases be pursued "with full vigor."

He said also that he would retain "ultimate authority and responsibility in these matters."

Mr. Bork declined to answer questions, merely reading his 350-word statement to reporters.

Mr. Petersen, in charge of the Watergate investigations for 16 months, was charged by critics in the Senate and elsewhere with laxness in his investigation and with working too closely with high White House officials including John W. Dean 3d, the former Presidential counsel, and John D. Ehrlichman, Mr. Nixon's former domestic affairs assistant.

Last August, testifying before the Senate Watergate committee, Mr. Petersen defended himself and his department. Telling the committee's chief counsel, Samuel Dash, that he wanted to get something off his chest, Mr. Petersen declared

"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.

"We would have made that case, and maybe you would have made it different, but I would have made it my way, and we would have convicted those people and immunized them, and we would have gotten a breakthrough.

"The Department of Justice had that case going, and it was snatched away from us, and I don't think it fair to criticize us because at that point we didn't have the evidence to go forward."

Sources close to the Cox investigation said the cases now were close to the end of the investigative stage. However, as the senior lawyer on the special prosecutor's staff put it, each time they seemed ready to go ahead with indictments, new material seemed to appear in a sort of "geometric progression."

"We would find ourselves in his position," the lawyer said. "As we got to the end of an investigation, we would sit down and go over details on the law and prospective defendants. We would decide to get more evidence on some point and suddenly open up a whole new area."

Asked if the investigation might have been on the verge of a great new discovery that might have caused President Nixon's abrupt action in dismissing Mr. Cox, he replied:

"I can't be too specific, but I don't think so."

Another lawyer close to the investigation said he thought Saturday's action might have been spurred more by the broad mandate to look into Presidential affairs than by Mr. Cox's stand in seeking the Presidential tape recordings of conversations about the Watergate case.

In the guidelines laid down for Mr. Cox's operation last May 19, he was given the power to investigate and prosecute "allegations involving the President, members of the White House staff or Presidential appointees," as well as the Watergate affair itself.

## Annoyance Is Cited

The same lawyer said that the mere prospect of having a prosecutor who was investigating every "twist and turn" of the executive branch seemed to be annoying to the White House.

Mr. Cox himself told friends in August that he thought there might be more useful evidence to be found in Presidential papers that were not made available than in the tape recordings made in Mr. Nixon's offices.

Mr. Cox met today with John Gardner, chairman of Common Cause, at Mr. Gardner's request. Mr. Gardner would not respond to requests for information about their meeting.

Common Cause, a self-styled people's lobby group, is believed to be preparing two letters in connection with the switch from Mr. Cox to Mr. Petersen.

It will go to the Watergate grand jury advising it of its rights to appoint its own counsel.

It will also go to Chief Judge John J. Sirica of the United States District Court requesting him to take custody of the evidence gathered by Mr. Cox and the special prosecution force in the case.

Although Mr. Nixon has ordered the documents turned over to the Department of Justice and guards have been posted to see that none of them are removed, many of the documents are already the property of the grand jury, one source said.

The same source questioned whether anyone in the Justice Department representing the President's interests can advise the grand jury on anything to do with the tapes without finding themselves in a conflict of interest position and thus in violation of the Canon of Ethics of the bar for representing two sides in the same legal proceedings.

Common Cause, won a suit against the Republicans forcing disclosure of 1972 campaign gifts and contributions. It has been sounding out its directors on what action to take on the case and on possible support of a Nixon impeachment move.

At the Justice Department, more resignations were reported, following the departures Saturday of Attorney General Elliot L. Richardson and his deputy, William D. Ruckelshaus.

J. T. Smith, Mr. Richardson's executive assistant; Richard Darman, his special assistant, and John Herfort, another aide, all have submitted resignations.

Richard Mastroangelo, another assistant to Mr. Richardson, has expressed a desire to resign but has said he would remain for the transition period between Attorneys General.

Frederick R. Kellog, another of Mr. Richardson's advisers, has mailed in his resignation from Cambridge, Mass.

Four of Mr. Ruckelshaus's aides have said they, too, planned to leave after the transition. They are Gary Baise, James Barnes, Barry Bergh and Marshall Miller.