

Following are excerpts from a manuscript of a conference held in Washington yesterday by former Attorney General Elliott L. Richardson, as recorded by The New York Times, and the texts of letters exchanged last week by President Nixon and Mr. Richardson:

Richardson Statement

There can be no greater privilege and there is no greater satisfaction than the opportunity to serve one's country.

I shall always be grateful to President Nixon for giving me that opportunity in several demanding positions.

Although I strongly believe in the general purposes and priorities of his Administration, I have been compelled to conclude that I could better serve my country by resigning my public office than by continuing in it.

This is true for two reasons: First, because to continue would have forced me to refuse to carry out a direct order of the President. Second, because I did not agree with the decisions which brought about the necessity for the issuance of that order.

In order to make clear how this dilemma came about, I wish to set forth as plainly as I can the facts of the unfolding drama which came to a climax last Saturday evening.

Ruling by Two Courts

To begin, I shall go back to Monday of last week. Two courts—the District Court and the Court of Appeals of the District of Columbia—had ruled that the privilege protecting Presidential communications must give way to the criminal process but only to the extent that a compelling necessity has been shown.

The President had a right of further review in the Supreme Court of the United States. He had a right, in other words, to try to persuade the Supreme Court that the long-term public interest in maintaining the confidentiality of Presidential communications is more important than the public interest in the prosecution of a particular criminal case, especially where other evidence is available.

Other Records Barred

Had he insisted on exercising that right, however, the issue would have been subject to continued litigation and controversy for a prolonged additional period. And this at a time of acute international crisis.

Against this background the President decided on Monday afternoon to make a new effort to resolve the impasse. He would ask Senator John Stennis, a man of impeccable reputation for truthfulness and integrity to listen

to the tapes and verify the completeness and accuracy of a record of all pertinent portions.

This record would then be available to the grand jury and for any other purpose for which it was needed. Believing, however, that only the issue of his own involvement justified any breach of the principle of confidentiality and wishing to avoid continuing litigation, he made it a condition of the offer to provide a verified record of the subpoenaed tapes, but access to any other tapes or records would be barred.

I regarded the proposal to rely on Senator Stennis for a verified record for the sake of brevity, I will call it the Stennis proposal, as reasonable but I did not think it should be tied to the foreclosure of the right of the Special Prosecutor to invoke judicial process in future situations.

Accordingly, I outlined the Stennis proposal to Mr. Cox later on Monday afternoon and proposed that the question of other tapes and documents be deferred.

Mr. Cox and I discussed the Stennis proposal again on Tuesday morning.

On Wednesday afternoon, responding to Mr. Cox's suggestion, that he could deal more concretely with the proposal if he had it on paper, I sent him the document captioned "A Proposal" which he released at his Saturday press conference.

On the afternoon of the next day he sent me his comments on the proposal including the requirements that he have assured access to other tapes and documents.

The President's lawyers regarded Mr. Cox's comments as amounting to a rejection of the Stennis proposal and there followed the breakoff of negotiations reflected in the correspondence with Charles Alan Wright released by Mr. Cox.

Stand Changed by Nixon

My position at that time was that Senator Stennis's verified record of the tape should nevertheless be presented to the District Court for the court's determination of its adequacy to satisfy the subpoenas, still leaving other questions to be dealt with as they arose. That was still my view when at 8 P.M. Friday evening the President issued his statement directing Mr. Cox to make no further attempt by judicial process to obtain tape, notes or memoranda of Presidential conversations.

A half hour before this statement was issued I received a letter from the President instructing me to give Mr. Cox this order. I did not act on the instructions but instead, shortly after noon on Saturday sent the President a letter restating my position. You have, I

believe, copies both of the President's letter and of my reply.

The President, however, decided to hold fast to the position he had announced the night before. When, therefore, Mr. Cox rejected that position and gave his objections to the Stennis proposal as well as his reasons for insisting on assured access to other tapes and memoranda, the issue of Presidential authority versus the independence and public accountability of the Special Prosecutor was squarely joined.

The President at that point thought he had no choice but to direct the Attorney General to discharge Mr. Cox. And I, given my role in guaranteeing the independence of the Special Prosecutor, as well as my beliefs in the public interest embodied in that role, felt equally clear that I could not discharge him, and so I resigned.

At stake in the final analysis is the very integrity of the governmental processes I came to the Department of Justice to help restore. My own single most important commitment to this objective was my commitment to the independence of the Special Prosecutor.

For Public to Judge

I could not be faithful to this commitment and also acquiesce in the curtailment of his authority. To say this, however, is not to charge the President with a failure to respect the claims of the investigative process. Given the importance he attached to the principle of Presidential confidentiality, he believed that his willingness to allow Senator Stennis to verify subpoenaed tapes fully met these claims.

The rest is for the American people to judge. On the fairness with which you do so may well rest the future wellbeing and security of our beloved country.

Now, in conclusion I would like to say just a word of thanks and respect to my former colleagues in the Department of Justice.

Questions and Answers

This is a great department, devoted to great ends. You have served it and I know you will continue to serve it with integrity, with loyalty and with high professional competence.

This has been one of the great joys of my life even though briefly to have served with you and to have known you and I hope that at least for many of you will be an opportunity for us to get together again from time to time.

Q. Your speech suggests that it was rather late in the drama that the President decided he would have to fire

Mr. Cox. What do you say to those who take a different view, who say that there was a long campaign to get Mr. Cox and, specifically, what do you say to those who suggest that attempts were directly or indirectly made to use you as an agent to that end?

A. I would say to that that the firing of Mr. Cox came as a kind of climax to the sequence I have described. I'm not in a position, of course, to know what the motives of others were. I can only say that the initial suggestion of a move toward firing Cox came in the context of an effort to break the constitutional impasse and, of course, one way to do that was by firing Mr. Cox, as it may have been to make the constitutional issues moot.

Q. Did you conclude and/or suspect as reported this morning that there were attempts by the President or Presidential aides to limit the Cox investigation through you?

A. No. There were, of course, continuing concerns on the part of President's counsel, particularly, with respect to issues of jurisdiction. And although I had started out right after my confirmation with a totally hands-off position, one essentially of no communication either with Mr. Cox or with counsel for the President, the role I'd had in the drafting of his charter made it appropriate for me, I thought, to try to serve as a means of reconciling differences over the question of what fell within Mr. Cox's jurisdiction. This was a continuing problem and was the subject of a good deal of communication.

But there was a recognition always that wherever a lead pointing toward possible criminal conduct existed, it would be somebody's responsibility to pursue that lead and if it were not Mr. Cox's, then, of course, it would have been the responsibility of the Criminal Division.

Data Sought by Cox

Q. Where did he [Mr. Nixon] say there was the intrusion [by Mr. Cox]? Was there any specific thing Mr. Cox, any specific evidence that he wanted? For example, the Bebe Rebozo material that you had an indication was over the line as far as the President was concerned?

A. No, there was no such specific thing. There were, as I said, continuing arguments over the issue of jurisdiction and access to particular notes, memoranda, documents and so on. And these were the subject of considerable conversation between Mr. Cox and Mr. Buzhardt, as Mr. Cox said on Saturday. Yes.

Q. In the matter of those documents, the agreement seems to cover only the tapes. The Special Prosecutor and

an Exchange of Nixon and Richardson Letters

the Watergate Committee are after further documents. Do you think that they will now be denied access to them under this agreement as it's operative in the eyes of the White House?

A. Of course, the question now is how the issue is going to be raised and by whom? My assumption is that, in one way or another, through the judicial process the issue will get raised. And of course, the question of what is required for the integrity of these investigations and prosecutions is now; at least for the time being, a matter resting under the jurisdiction of the Acting Attorney General and Mr. Petersen.

Q: Did you at any time during the course of these discussions as to Mr. Cox's—the extent of his authority—did you at any time divert, or try to divert him, from any phase of the investigation that he was conducting?

A. No. Although I did participate in discussions of jurisdictional issues with him, along the lines that I have touched on earlier. But there was certainly never any question of heading off an investigation. The question, as I said, was one of whose job it would be.

Protection of Former Aides

Q. Mr. Cox made clear as special investigator he wasn't getting access to any of the White House investigation. This raises the possibility that this would hinder or even block the prosecution of Mr. Haldeman and Mr. Ehrlichman, all those former White House aides. And of course you specifically objected in the President's compromise to the order to Cox to cease seeking these documents. Do you think the President is trying to protect the former top White House officials?

A. Let me deal first with the point you made about refusal of papers. Actually, of course, a great many papers were at times turned over to Mr. Cox, including—by the White House—including all the I. T. T. papers, for example, and there was still under negotiation access to papers that had not yet been turned over at the time he was discharged. I don't think that the failure to turn over papers in any given case can be attributed to any new cover-up of anybody in the White House.

Q. Going back to your first answer on whether the White House told you to fire Mr. Cox. Are you saying that on Monday or Tuesday of last week you were not told by a White House aide to fire Mr. Cox?

A. Yes, I am saying I was not told to fire him on Monday or Tuesday of last week. The only mention of firing Mr. Cox beginning of the week was in the context of one way of moving the case

and thereby in effect resolving the constitutional impasse.

Q. Mr. Richardson, you didn't make clear earlier whether or not the \$100,000 that remained in Mr. Rebozo's safe for over three years was one of the problems of jurisdiction that the White House had in mind. Would you comment on that, and also comment on the report that the White House was also concerned about records that were kept by his personal secretary, Rosemary Woods.

A. On the \$100,000, this was never a problem that became an issue of Mr. Cox's jurisdiction. There had been a very thorough investigation of this—or so I am told—by the Internal Revenue Service, and I think the question of whether or not Mr. Cox had an interest in it and what he would do about it has only just recently developed and I never got into the question of whether or not he had jurisdiction over this, or what he would do about it.

On the matter of the President's secretary, Rosemary Woods, this was a situation actually quite simply resolved. It arose because in the Vesco case in New York, certain lists of political campaign contributors which were delivered to Miss Woods were needed in the course of the upcoming trial, and the United States Attorney in New York wanted to talk with her in order to get from her whatever information she could give about receiving the lists. And this has been arranged, that an assistant United States Attorney will talk with her.

Discussions on Ouster

Q. If I can go back for a minute to this discussion of the firing of Mr. Cox, you said that on Monday or Tuesday you were not ordered to fire Mr. Cox, but that at this time before he had violated any Presidential order, before the order had been given, that there were discussions about the firing of Mr. Cox. Who was discussing this with you? Was the White House, General Haig, the President? Were they discussing it on the basis of firing Mr. Cox to get rid of this entire problem, back before the order was given? Or What?

A. It was discussed with members of the President's staff and counsel. I might add that I made clear that I thought it was a totally unacceptable way of dealing with it.

Q. Can you tell us, Mr. Richardson, on what day of last week which employe of the White House suggested that the way to resolve the dispute between Mr. Cox and the President was by firing Mr. Cox? And whether any other such suggestion had ever been made previously by

any official of the White House or representative of the President?

A. I don't think this is a possibility that can be attributed to any one person. Indeed it has been suggested at least in theory by Professor Alex Bckel of Yale Law School.

Nixon Letter

Dear Elliott:

You are aware of the actions I am taking today to bring to an end the controversy over the so-called Watergate tapes and that I have reluctantly agreed to a limited breach of Presidential confidentiality in order that our country may be spared the agony of further indecision and litigation about those tapes at a time when we are confronted with other issues of much greater moment to the country and the world.

As a part of these actions, I am instructing you to direct Special Prosecutor Archibald Cox of the Watergate special prosecution force that he is to make no further attempts by judicial process to obtain tapes, notes, or memoranda of Presidential conversations. I regret the necessity of intruding, to this very limited extent, on the independence that I promised you with regard to Watergate when I announced your appointment. This would not have been necessary if the special prosecutor had agreed to the very reasonable proposal you made to him this week.

Sincerely,

RICHARD NIXON

Richardson Letter

Dear Mr. President:

Thank you for your letter of October 19, 1973, instructing me to direct Mr. Cox that he is to make no further attempts by judicial process to obtain tapes, notes or memoranda of Presidential conversations.

As you point out, this instruction does intrude on the independence you promised me with regard to Watergate when you announced my appointment. And, of course, you have every right as President to withdraw or modify any understanding on which I hold office under you. The situation stands on a different footing, however, with respect to the role of the special prosecutor.

Acting on your instruction that if I should consider it appropriate, I would have the authority to name a special prosecutor, I announced a few days before my confirmation hearing began that I would, if confirmed, "appoint a special prosecutor and give him all the independence, authority, and staff support needed to carry out the tasks entrusted to him."

I added, "Although he will be in the Department of Justice and report to me—and only to me—he will be aware

that his ultimate accountability is to the American people."

At many points throughout the nomination hearings, I reaffirmed my intention to assure the independence of the special prosecutor, and in my statement of his duties and responsibilities I specified that he would have "full authority" for "determining whether or not to contest the assertion of 'executive privilege' or any other testimonial privilege."

And while the special prosecutor can be removed from office for "extraordinary improprieties," his charter specifically states that "the Attorney General will not countermand or interfere with the special prosecutor's decisions or actions."

Quite obviously, therefore, the instruction contained in your letter of October 19 gives me serious difficulty. As you know, I regarded as reasonable and constructive the proposal to rely on Senator Stennis to prepare a verified record of the so-called Watergate tapes and I did my best to persuade Mr. Cox of the desirability of this solution of that issue.

I did not believe, however, that the price of access to the tapes in this manner should be the renunciation of any further attempt by him to resort to judicial process, and the proposal I submitted to him did not purport to deal with other tapes, notes, or memoranda of Presidential conversations.

In the circumstances I would hope that some further accommodation could be found along the following lines:

First, that an effort to be made to persuade Judge Sirica to accept for purposes of the grand jury the record of the Watergate tapes verified by Senator Stennis. In that event, Mr. Cox would, as he has said, abide by Judge Sirica's decision.

Second, agreement should be sought with Mr. Cox not to press any outstanding subpoenas which are directed merely to notes on memoranda covering the same conversations that would have been furnished in full through the verified record.

Third, any future situation where Mr. Cox seeks judicial process to obtain the record of Presidential conversation would be approached on the basis of the precedent established with respect to the Watergate tapes. This would leave to be handled in this way only situations where a showing of compelling necessity comparable to that made with respect to the Watergate tapes had been made.

If you feel it would be useful to do so, I would welcome the opportunity to discuss this matter with you.

Respectfully,

ELLIOT L. RICHARDSON