

# Richardson Says White House Aides

## Backs Nixon's Dismissal Of Special Prosecutor

By JOHN M. CREWDSON

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WASHINGTON, Oct. 23—former Attorney General Elliot L. Richardson said today that White House aides had suggested discharging Archibald Cox as the Government's special Watergate prosecutor days before Mr. Cox balked at President Nixon's order not to continue his quest for the Watergate tape recordings.

Mr. Richardson told a nationally televised news conference, held barely three hours before the announcement of Mr. Nixon's decision to surrender the tapes to the court anyway, that he had resigned on Saturday rather than dismiss Mr. Cox himself.

To have carried out the dismissal, he told 500 Justice Department employees who had crowded into the department's great hall to hear his parting remarks, would have abrogated his promise to the Senate upon confirmation to provide Mr. Cox with full authority to challenge claims of executive privilege by the President.

### Effort to Avoid Offense

During the hour-long session, Mr. Richardson, speaking in a calm, strong voice, seemed to be making a conscious effort to offend neither Mr. Cox, his former Harvard Law School professor, nor Mr. Nixon, for whom he expressed admiration.

Although he did not agree, he said, with the President's injunction that Mr. Cox refrain from seeking additional tapes or related documents through stood that Mr. Nixon was always entitled to "revise the terms on which he has appointed somebody to his Administration."

Although Mr. Richardson spoke of the desirability of an independent prosecutor in an investigation such as Watergate and urged the appointment of a replacement for Mr. Cox, he expressed the fullest confidence in the integrity of the Justice Department officials who "will pick up where Mr. Cox left off."

Although Mr. Richardson praised Mr. Cox for his impartiality and said he disagreed with White House officials who believed that the special prose-

cutor had been out to "get the President," he expressed the hope that suspicions of partisanship in the Watergate investigation would be dispelled now that Henry E. Petersen, the Assistant Attorney General, was again in charge.

As he stepped onto the stage, Mr. Richardson was greeted with a two-minute standing ovation, reminiscent of a political rally, accompanied by his wife, Anne, and William D. Ruckelshaus, whom Mr. Nixon discharged as the Deputy Attorney General on Saturday.

But some in the audience seemed visibly disappointed by his defense of the President's dismissal of Mr. Cox, and the applause as he left the auditorium was shorter and less enthusiastic.

### Ruling of Court

At one point, Mr. Richardson declared that Mr. Nixon "has not yet defied any court order," and added, "Indeed, I have no reason to believe the President would defy a court order."

It was a ruling of the United States Court of Appeals here, which took effect last Friday, that directed the President to turn over nine tape recordings of conversations between him and his aides to a lower court.

Mr. Cox had sought the recordings in the belief that they contained material that could serve as evidence in his investigation of the Watergate bugging case and its cover-up.

Asked whether, if he "were in Cox's shoes," Mr. Richardson would have also refused to obey the President's order to cease his judicial challenge of Mr. Nixon's claims of executive privilege, Mr. Richardson replied, "I would have done what he has done."

But the former Attorney General's assertion that he did not believe Mr. Nixon would defy the court raised the possibility that he had been told by the President when the two men met briefly yesterday that the tapes would be delivered to the court.

It is presumably to Mr. Petersen, who heads the Justice Department's Criminal Division, that Chief Judge John J. Sirica will hand over

Suggested Ousting Cox Before He Balked

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Elliot L. Richardson speaking yesterday at his news conference at the Department of Justice. With him were Mrs. Richardson and William D. Ruckelshaus, who was the former Attorney General's deputy.

any portions of the tapes he decides are relevant to the Watergate case.

The Justice Department official is known to believe that the ability to seek such privileged materials, if they should prove to be central to any of the Watergate prosecutions, is essential to his handling of the case.

Mr. Richardson denied today reports that he had been directed to discharge Mr. Cox early last week, but conceded that the possibility of such action had been mentioned then by Nixon aides as "one way of mooting the case" and "resolving the constitutional impasse."

But it was not until Thursday, he said, after Mr. Cox insisted that any compromise over the tapes contain an assurance of his future access to other tapes and documents, that the negotiations between Mr. Cox and Mr. Richardson were broken off. Mr. Richardson had been trying to get Mr. Cox to accept a partial verbatim transcript in lieu of the tapes themselves.

At a news conference on Saturday, Mr. Cox said he had received the impression that the rejection of that assurance of future access was intended to make the agreement unacceptable to him.

Although Mr. Richardson spoke of "members of the President's staff and counsel" who discussed the discharge of Mr. Cox with him early in the week, he said that the idea could not "be attributed to any one person."

He said only that it had "been suggested in theory by Professor Alex Bickel of Yale Law School."

Mr. Bickel, reached by telephone in New Haven, said he wished Mr. Richardson "hadn't put it that way." He had not been giving private advice to the White House, he said, but had made the suggestion in a magazine article as one possible option for resolving the dispute over the tapes.

"I think the President's wrong," Mr. Bickel said. "I think that in firing Mr. Cox, he was wrong."

Mr. Richardson noted today there had been "continuing concerns on the part of the President's counsel" about the scope of the Cox investigation.

He said that Mr. Cox had recently become interested, for example, in looking into the transfer of \$100,000 from Howard R. Hughes, the financier, to C. G. Rebozo, the Florida land developer who is a close friend of Mr. Nixon.

But, he said, he and Mr. Cox had not had a chance to really discuss the question of whether the special prosecutor should be given jurisdiction to investigate possible illegality with respect to the payment, which Mr. Rebozo says he returned.

He also dismissed reports that Mr. Nixon had been angered by an investigation of records in the possession of Rose Mary Woods, the President's private secretary, and said that an arrangement had been made to talk to Miss Woods by the United States Attorney's office in New York City.

Mr. Richardson conceded that

there had been "continuing arguments over the issue of jurisdiction and access to particular notes, memoranda, documents and so on" between Mr. Cox and the White House.

But he denied that Mr. Cox's removal over the issue of the Watergate tapes was a shield for a long campaign aimed at ending his investigation by discharging him.

"Actually," he said, "a great many papers were at times turned over to Mr. Cox by the White House." However, Mr. Cox complained on Saturday that "the delays have been extraordinary" in his attempts to obtain documents concerning Watergate and related scandals, such as national security wiretapping and burglary operations.

Such written materials, Mr. Cox said, were equally important to his investigation as the tapes over which he was dismissed, and he said that his efforts since May to obtain them "have been the subject of repeated frustration."