

Bork Assured on Files

By William Chapman
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Acting Attorney General Robert H. Bork said yesterday that he and the White House have agreed there should be "regularized procedures" for turning evidence held in White House files over to Watergate investigators.

Bork, holding his first news conference as head of the Justice Department, indicated strongly that he hopes the voluntary turnover of evidence will make further litigation such as the suit to get the Watergate tapes unnecessary.

Despite repeated questioning, Bork would not say specifically that he would go to court to get the information in the White House files. But he said several times that he would take any steps needed to get the evidence.

"We will go wherever we need to get the evidence for this prosecution," Bork said.

The former Yale law professor who rose suddenly to Justice Department chief over the weekend emphasized that he believes his

own name is on the line in the investigation to come.

"I am not going to walk out of this town as a man who compromised the investigations to come," he said.

Bork also said he is considering appointment of a special prosecutor as one of several "mechanisms" for assuring public confidence in the investigation. The idea of a special prosecutor, he said, "has crossed my mind," but he emphasized he has not made up his mind.

Bork's news conference was a stormy one, as reporters raised questions about the ability of the Justice Department to pursue an investigation of crimes allegedly committed by former White House aides and of campaign contributions involving President Nixon's closest friends.

Bork, sweating profusely, seemed anxious to assure a full investigation without making any statements that could be interpreted as criti-

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cism of Mr. Nixon of the White House.

Relatively unknown as solicitor general until last weekend's dramatic events, Bork was the man who fired

Archibald Cox, the special prosecutor, on Mr. Nixon's instructions after both former Attorney General Elliot L. Richardson and former Deputy Attorney General William D. Ruckelshaus refused to do so and resigned.

Explaining the firing yesterday, Bork said he had at first thought of obeying the President's order and then resigning but was dissuaded by Richardson and Ruckelshaus. He said he felt that if he left along with the other two there would be "mass resignations" at the Justice Department.

He said he fired Cox, although respecting his judgment, because he knew that someone would have to and that the President's decision was "final and irrevocable. I also knew that he had the right to fire any member of the executive branch," Bork said.

Bork was peppered with questions dealing with evidence for the Watergate and related cases.

Cox was fired, in part, because he would not accept a proposal under which he would be barred from pursuing legal efforts to obtain documents, papers and notes held in the White House.

Cox said at a press conference Saturday that the papers of many former White House aides—among them H. R. (Bob) Haldeman and John D. Ehrlichman—are in the files. His efforts to get them and logs of presidential meetings were met by "repeated frustrations," Cox said.

Cox's pursuit of just nine tape recordings with a court subpoena produced the showdown last weekend when he was fired, and the President for a while seemed intent on violating a court order for the tapes. Tuesday the President agreed to turn over the tapes.

Bork was asked yesterday whether he would go into court as Cox had done to get more documents and papers. He said, "I am ready to follow any procedure, by agreement or otherwise, to get the evidence. . . . If we have to use judicial processes . . . no procedure is ruled out."

Then he hinted several times that "judicial processes" might be necessary. Asked if he felt he could ethically enter into litigation against his own boss, the President, he said, "I trust that it won't come to litigation."

Finally, he acknowledged that he had a general agreement with the White House for turning over evidence without resorting to subpoenas.

"If we need evidence out of the White House," he said, "I would hope we can have some regularized procedures so that we can get it." And he added: "That's been agreed to." An aide said Bork meant that the idea of such procedures had been agreed to by the White House.

Bork said he has not yet put into writing what these procedures will be.

There were other indications yesterday that the Justice Department had calmed some of the fears held by the Watergate Special Prosecution Force once headed by Cox. Top staff lawyers there have suspected that by bringing the investigation directly under Justice Department control the administration would be able to smother sensitive requests for evidence.

Yesterday, however, Henry E. Petersen, chief of the Justice Department's Criminal Division and the man who will now supervise the investigation, met with several senior lawyers from the special prosecution force and apparently eased some concerns.

The attorneys were "very encouraged" by the meeting with Petersen, a source there said. "They feel now that they will be able to press on with Petersen running the show." At first there had been rumors that several staff members would resign.

Petersen reportedly made several specific assurances about procedures to obtain evidence still needed in the investigation.

Later, he was asked by reporters what he would do if the White House ordered him—as it did Cox—not to pursue tapes and documents. "If I come up against a brick wall I'll try to pound my way through it," he said. "Whatever the consequences I will discharge my responsibilities."

But a number of ticklish

decisions remain to be made by Petersen and the special prosecution force which he had often criticized as unnecessary.

First is the question of who will argue in court about the authentication of the tape recordings Mr. Nixon has agreed to turn over. Under the procedure outlined by the Court of Appeals, the President may hold back some material he believes involves national security.

Petersen said yesterday that he has not yet decided who will represent the investigators in Judge John J. Sirica's chambers when the tapes are turned over. Bork, at his news conference, said it would be someone very familiar with the investigation, presumably one of the Cox investigators.

Meanwhile, the two grand juries dealing with Watergate and related cases are continuing to meet, under new instructions from Sirica to stay in business.