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**Cox's Ouster Ruled Illegal;
No Reinstatement Ordered**

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Special to The New York Times

WASHINGTON, Nov. 14 — A Federal judge ruled today that the dismissal of Archibald Cox as special Watergate prosecutor was illegal.

Judge Gerhard A. Gesell of the Federal District Court said that Robert H. Bork, the Acting Attorney General, who dismissed Mr. Cox upon orders from President Nixon, had violated a Justice Department regulation prohibiting such a move "except for extraordinary improprieties." No one accused Mr. Cox of such acts.

While the decision did not order Mr. Cox reinstated, it appeared likely to strengthen the independence of Leon Jaworski, the new special prosecutor, against White House interference

and to discourage Congress from placing the prosecutor's office under Federal court supervision.

In Cambridge, Mass., where he has rejoined the Harvard Law School faculty, Mr. Cox said that he would not invoke the decision in an attempt to regain his former post. The ruling is important, he said, for the impetus it could give to a vigorous investigation of the Watergate scandals.

"For me to make any legal claims under Judge Gesell's decision," Mr. Cox observed, "would only divert attention from getting the real job done."

In an expression of personal

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Cox Was Illegally Dismissed

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opinion not required by the issues of the case, Judge Gesell called proposals for giving the courts the power to appoint a new Watergate prosecutor "most unfortunate."

The Justice Department had no comment on the judge's ruling. A spokesman for the department said that no decision had been reached as to whether the Government would appeal.

In an implied rebuke of President Nixon for ordering the dismissal of Mr. Cox, Judge Gesell said that the special prosecutor "did not serve at the President's pleasure" but was "subject to Congressional rather than Presidential control."

Mr. Cox was discharged last Oct. 20, according to Judge Gesell, "because he was insisting upon White House compliance with a court order which was no longer subject to further judicial review"—the order to surrender secret tape recordings of conversations between Mr. Nixon and his aides.

Attorney General Elliot L. Richardson resigned rather

than dismiss the special prosecutor. William D. Ruckelshaus, the Deputy Attorney General, was dismissed when he refused to discharge Mr. Cox. Finally, Mr. Bork, the Solicitor General, agreed to dismiss the special prosecutor.

Regulation Rescinded

Three days later. On Oct. 23, Mr. Bork rescinded the department regulation prohibiting the prosecutor's discharge except for extraordinary impropriety and attempted to make his action retroactive.

On Oct. 23, Mr. Bork issued an order abolishing the office of special prosecutor, but Judge Gesell ruled today that this action did not legally deprive Mr. Cox of his office, either.

Re-establishment of the office three weeks later demonstrated that its abolition had been "simply a ruse to permit the discharge of Mr. Cox," the judge said, and the Oct. 23 order was "arbitrary and unreasonable and must be held to have been without force and effect."

Mr. Jaworski, who was named special prosecutor on Nov. 5, is serving subject to the same protection against discharge for anything other than "extraordinary improprieties,"

plus a guarantee that the President cannot remove him even for that reason without the concurrence of Congressional leaders.

3 Plaintiffs Named

The lawsuit decided today was brought by Senator Frank E. Moss of Utah and Representatives Bella S. Abzug of Manhattan and Jerome R. Waldie of California, all Democrats. Ralph Nader, the consumer advocate, had been a plaintiff, too, but the court said he had no standing to sue.

Mrs. Abzug said at a news conference this afternoon the decision established that President Nixon had been guilty of obstruction of justice in dismissing Mr. Cox, and contended that this, in turn, strengthened the basis for his impeachment.

Mrs. Abzug told the news conference and the Senate Rules Committee earlier in the day that the nomination of Representative Gerald R. Ford as Vice President should be held up in Congress until there was a determination on the impeachment of Mr. Nixon and approval of legislation to provide a special election for President

and Vice President if Mr. Nixon should leave office.

Mr. Waldie, who sponsored an impeachment resolution three weeks ago, said that the court ruling had made removal of the President by Congress "even more imperative."

Outspoken Advice

Judge Gesell was outspoken in his advice to Congress to shun pending legislation that would give Federal court judges power to appoint and supervise a special Watergate prosecutor, Mr. Jaworski or anyone else.

"Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry," the judge declared. "The courts must remain neutral. Their duties are not prosecutorial." He added:

"If Congress feels that laws should be enacted to prevent executive inference with the Watergate special prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular court."