

Bork Move

New Fight on
Firing of Cox

Washington

The Nixon administration has decided to appeal a court ruling that the October 20 firing of special Watergate prosecutor Archibald Cox was illegal.

Solicitor General Robert H. Bork, who as acting attorney general executed President Nixon's order to fire Cox, yesterday authorized taking the case to the U.S. Court of Appeals.

The appeal will revive controversy over the independence of the special prosecutor's office, now headed by Leon A. Jaworski.

U.S. District Judge Gerhard A. Gesell ruled November 14 that although Cox himself was unwilling to fight his ouster, three legislators — Senator Frank E. Moss (Dem-Utah) and Representatives Bella S. Abzug (Dem-N.Y.) and Jerome R. Waldie (Dem-Calif.) had legal standing to complain about the firing in court.

Judge Gesell then held that Bork violated his own department's legally binding regulation when he dismissed Cox although admitting Cox had committed no "extraordinary improprieties."

Under the regulations, former Attorney General Elliot L. Richardson had pledged that only such gross misconduct would justify dismissal. Richardson, citing similar pledges to the Senate at his own confirmation, quit rather than carry out the White House instruction.

Bork said he was not bound by Richardson's promise to the Senate and has said he rescinded the regulations simultaneously with the Cox firing.