

## Opposition to the Special Prosecutor

### Washington

Archibald Cox, who once held the job himself, said yesterday that a special federal prosecutor is needed only for the "few unusual situations like Teapot Dome or Watergate" where public confidence in officials breaks down.

Cox told the House Judiciary Committee that he favors a law providing for the naming of a special prosecutor only when needed, as in a House bill before the committee, rather than a permanent prosecutor as in a Senate version.

"I am in favor of a mechanism by which a special prosecutor may be appointed if, unhappily, a situation arises in which we cannot, because of special pressures, count on the reliability of an attorney general," said Cox who was fired as Watergate special prosecutor by President Nixon.

Cox said a law would give the public assurance "that when something rotten occurs, our government and political system can work itself clean . . . regardless of whose ox is gored."

Washington lawyer Lloyd N. Cutler called for a permanent prosecutor, saying political conflicts of interest are "not limited to once-in-50-years events such as Teapot Dome and Watergate, not limited to acts of misbehavior at the presidential level, and not limited to the periods — themselves all too frequent — when we have an unheroic attorney general."

Representative Peter Rodino, the Judiciary Committee chairman who conducted the House's impeachment inquiry of Mr. Nixon, agreed that making the post permanent "would question the ability of present institutions to meet situations that might develop from time to time. Experience has shown our system has developed so that even when there have been great vices, we have been able to deal with such problems."

John Doar, the committee's Democratic counsel during the Nixon inquiry, said a permanent prosecutor would have "awesome" power that would be "potentially dangerous." He said he favors standby authority for the attorney general to name a prosecutor when a conflict of interest would make it hard for the Justice Department to do its job.

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