

Administration of Richard Nixon

PRESIDENTIAL DOCUMENTS

Week Ending Saturday, October 27, 1973

Watergate Special Prosecution Force and Department of Justice

*Remarks of Press Secretary Ronald L. Ziegler
Announcing Discharge of the Special Prosecutor,
Abolishment of the Force, and Departure From Office
of the Attorney General and Deputy Attorney General.
October 20, 1973*

I know many of you are on deadline. I have a brief statement to give you at this time, and following the reading of the statement we will have an exchange of a series of letters relating to action which President Nixon has taken tonight.

President Nixon has tonight discharged Archibald Cox, the Special Prosecutor in the Watergate case. The President took this action because of Mr. Cox's refusal to comply with instructions given Friday night through Attorney General Richardson, that he was not to seek to invoke the judicial process further to compel production of recordings, notes, or memoranda regarding private Presidential conversations.

Further, the office of the Watergate Special Prosecution Force has been abolished as of approximately 8 p.m. tonight. Its function to investigate and prosecute those involved in the Watergate matter will be transferred back into the institutional framework of the Department of Justice, where it will be carried out with thoroughness and vigor.

In his statement Friday night, and in his decision not to seek Supreme Court review of the Court of Appeals decision with regard to the Watergate tapes, the President sought to avoid a constitutional confrontation by an action that would give the grand jury what it needs to proceed with its work with the least possible intrusion of Presidential privacy. That action taken by the President in the spirit of accommodation that has marked American constitutional history was accepted by responsible leaders in

Congress and the country. Mr. Cox's refusal to proceed in the same spirit of accommodation, complete with his announced intention to defy instructions from the President and press for further confrontation at a time of serious world crisis, made it necessary for the President to discharge Mr. Cox and to return to the Department of Justice the task of prosecuting those who broke the law in connection with Watergate.

Before taking this action, the President met this evening with Attorney General Richardson. He met with Attorney General Richardson at about 4:45 today for about 30 minutes.

The Attorney General, on hearing of the President's decision, felt obliged to resign, since he believed the discharge of Professor Cox to be inconsistent with the conditions of his confirmation by the Senate.

As Deputy Attorney General, Mr. William Ruckelshaus refused to carry out the President's explicit directive to discharge Mr. Cox. He, like Mr. Cox, has been discharged of further duties effective immediately.

Professor Cox was notified of his discharge by the Acting Attorney General, the Solicitor General, Robert H. Bork, professor of law from Yale University.

We have available for you now the exchange of letters between Attorney General Richardson and the President and the other correspondence.

NOTE: Mr. Ziegler spoke at 8:22 p.m. in the Briefing Room at the White House.

For the text of the letters, see the following two items.

Attorney General of the United States

*Exchange of Letters Between the President and
Elliot L. Richardson on Mr. Richardson's Resignation.
October 20, 1973*

October 20, 1973

Dear Elliot:

It is with the deepest regret and with an understand-

ing of the circumstances which brought you to your decision that I accept your resignation.

Sincerely,

RICHARD NIXON

[Honorable Elliot L. Richardson,
The Attorney General,
Justice Department,
Washington, D.C.]

October 20, 1973

Dear Mr. President:

It is with deep regret that I have been obliged to conclude that circumstances leave me no alternative to the submission of my resignation as Attorney General of the United States.

At the time you appointed me, you gave me the authority to name a special prosecutor if I should consider it appropriate. A few days before my confirmation hearing began, I announced that I would, if confirmed, "appoint a special prosecutor and give him all the independence, authority, and staff support needed to carry out the tasks entrusted to him." I added, "Although he will be in the Department of Justice and report to me—and only to me—he will be aware that his ultimate accountability is to the American people."

At many points throughout the nomination hearings, I reaffirmed my intention to assure the independence of the special prosecutor, and in my statement of his duties and responsibilities, I specified that he would have "full authority" for "determining whether or not to contest the assertion of 'Executive Privilege' or any other testimonial privilege." And while the special prosecutor can be removed from office for "extraordinary improprieties," I also pledged that "The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions."

While I fully respect the reasons that have led you to conclude that the Special Prosecutor must be discharged, I trust that you understand that I could not in the light of these firm and repeated commitments carry out your direction that this be done. In the circumstances, therefore, I feel that I have no choice but to resign.

In leaving your Administration, I take with me lasting gratitude for the opportunities you have given me to serve under your leadership in a number of important posts. It has been a privilege to share in your efforts to make the structure of world peace more stable and the structure of our own government more responsive. I believe profoundly in the rightness and importance of those efforts, and I trust that they will meet with increasing success in the remaining years of your Presidency.

Respectfully,

ELLIOT L. RICHARDSON

[The President, The White House]

Discharge of Watergate Special Prosecutor

*Letters of the President and the Acting Attorney General.
October 20, 1973*

October 20, 1973

Dear Mr. Bork:

I have today accepted the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus. In accordance with Title 28, Section 508(b) of the United States Code and of Title 28, Section 0.132(a) of the Code of Federal Regulations, it is now incumbent upon you to perform both the duties as Solicitor General, and duties of and act as Attorney General.

In his press conference today Special Prosecutor Archibald Cox made it apparent that he will not comply with the instruction I issued to him, through Attorney General Richardson, yesterday. Clearly the Government of the United States cannot function if employees of the Executive Branch are free to ignore in this fashion the instructions of the President. Accordingly, in your capacity of Acting Attorney General, I direct you to discharge Mr. Cox immediately and to take all steps necessary to return to the Department of Justice the functions now being performed by the Watergate Special Prosecution Force.

It is my expectation that the Department of Justice will continue with full vigor the investigations and prosecutions that had been entrusted to the Watergate Special Prosecution Force.

Sincerely,

RICHARD NIXON

[Honorable Robert H. Bork,
The Acting Attorney General,
Justice Department,
Washington, D.C.]

October 20, 1973

Dear Mr. Cox:

As provided by Title 28, Section 508(b) of the United States Code and Title 28, Section 0.132(a) of the Code of Federal Regulations, I have today assumed the duties of Acting Attorney General.

In that capacity I am, as instructed by the President, discharging you, effective at once, from your position as Special Prosecutor, Watergate Special Prosecution Force.

Very truly yours,

ROBERT H. BORK
Acting Attorney General

[Honorable Archibald Cox,
Special Prosecutor,
Watergate Special Prosecution Force,
1425 K Street, N.W.,
Washington, D.C.]