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Cox Won't Try to Get Back His Job

WASHINGTON (AP) — Archibald Cox says he won't try to get back his job as Watergate special prosecutor even though a court has ruled he was fired illegally at President Nixon's direction.

The action by U.S. Dist. Judge Gerhard A. Gesell Wednesday prompted new impeachment demands from two of the three Democratic congressmen who had sought the ruling.

The decision also made clear it was intended to protect the independence of Cox's successor, Leon Jaworski, and discourage legislation to cre-

ate a new, court-appointed prosecutor.

The White House declined to comment on the ruling, referring requests to the Justice Department where acting Atty. Gen. Robert H. Bork said he had not yet decided whether to appeal.

IT WAS BORK who fired Cox after Atty. Gen. Elliot L. Richardson and deputy Atty. Gen. William S. Ruckelshaus refused to carry out Nixon's directive and resigned. Bork, a solicitor general, was third in command at the time.

Bork was said to be upset by the judicial slap but uncertain

about the wisdom of appealing an order that had no actual impact.

Gesell declared that Cox's firing was illegal but stopped short of ordering him reinstated or any other action taken.

Bork, meanwhile, testified Wednesday that Jaworski is going ahead with all the investigations Cox had under way. He also told the Senate Judiciary Committee he had not been anxious to fire Cox, but carried out the President's directive because he thought it was the proper thing to do. The committee is investigating Cox's dismissal.

IN HIS DECISION, Gesell noted that Jaworski, as with Cox, can only be dismissed for extraordinary impropriety under the regulations establishing his office — regulations he said Nixon's dismissal of Cox violated.

"It is therefore particularly desirable to enunciate the rule of law applicable if attempts are made to discharge (Jaworski)," he said.

Gesell cautioned in his decision against creation by Congress of a court-appointed Watergate prosecutor. "The courts must remain neutral," Gesell said. "Their duties are not prosecutorial."

Dear Mr. Jones,

At the risk of being told only Judge Gesell and The Washington Post are allowed to define "extraordinary impropriety," I have a few observations on the subject.

In my opinion, when Mr. Cox came before the nation and informed us once more that Mr. Nixon was to be considered in contempt of court--- before the judicial process had been completed, thereby attempting to deny the President his full right of appeal---and considering Mr. Cox's background in law and his position at the time---that constituted "extraordinary impropriety" on a national level.

Then there was the little matter of the Cox pipeline of information to Senator Kennedy---how much and how often? Although that was not public knowledge until after the dismissal, there must have been some idea of this within the White House. Where were the constant headlines on that one?

Now the Ervin committee has suspended one of their own for leaks, yet they say the President acted rashly. Who is going to blow the whistle on this pious hypocrisy?

In the October issue of Harper's is an article entitled "Ellsberg Unmasked: A Reappraisal." Following the disclosure of Archibald Cox's casual conversations with Senator Kennedy, there have been chagrined reappraisals of Mr. Cox.

Perhaps we could survive the impeachment, or even the resignation, of our President. But with events unfolding as they are, could we survive the reappraisal that, as a nation, we had been led blind and unthinking into forcing such a move?

I can't shake the feeling there is something very sick in a situation that whips us into a frenzy for impeachment, then surveys the scene and decides "Sorry 'bout that---there are no grounds for impeachment" so pressures for the President's resignation to calm the original frenzy. That bears more resemblance to the lynch mob atmosphere of the Old West than to our "Constitutional Process."

Sincerely,

Nancy Davis
Nancy Davis (Miss)