Duties and Responsibilities of the Special Prosecutor

Following are guidelines relating to the special Watergate prosecutor issued by Attorney General-designate Elliot L. Richardson May 19:

THE SPECIAL PROSECUTOR

There will be appointed by the attorney general, within the Department of Justice, a special prosecutor to whom the attorney general shall delegate the authorities and provide the staff and other resources described below.

The special prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee headquarters at the Watergate, all offenses arising out of the 1972 presidential election for which the special prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or presidential appointees, and any other matters which he consents to have assigned to him by the attorney general.

In particular, the special prosecutor shall have full authority with respect to the above matters for:

- Conducting proceedings before grand juries and any other investigations he deems necessary.
- Reviewing all documentary evidence available from any source, as to which he shall have full access.
- Determining whether or not to contest the assertion of "executive privilege" or any other testimonial privilege.
- Determining whether or not application should be made to any federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders.
- Deciding whether or not to prosecute any individual, firm, corporation or group of individuals.
- Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals.
- Coordinating and directing the activities of all Department of Justice personnel, including United States attorneys.
- Dealing with and appearing before congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the special prosecutor will have the greatest degree of independence that is consistent with the attorney general's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The attorney general will not countermand or interfere with the special prosecutor's decisions or actions. The special prosecutor will determine whether and to what extent he will inform or consult with the attorney general about the conduct of his duties and responsibilities. The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

STAFF AND RESOURCE SUPPORT

Selection of Staff. The special prosecutor shall have full authority to organize, select, and hire his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the assistant attorneys general and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including United States attorneys, shall cooperate to the fullest extent possible with the special prosecutor.

Budget. The special prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

Designation and Responsibility. The personnel acting as the staff and assistants of the special prosecutor shall be known as the Watergate special prosecution force and shall be responsible only to the special prosecutor.

Continued Responsibilities of Assistant Attorney General, Criminal Division. Except for the specific investigative and prosecutorial duties assigned to the special prosecutor, the assistant attorney general in charge of the criminal division will continue to exercise all of the duties currently assigned to him.

Applicable Departmental Policies. Except as otherwise herein specified or as mutually agreed between the special prosecutor and the attorney general, the Watergate special prosecution force will be subject to the administrative regulations and policies of the Department of Justice.

Public Reports. The special prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

Duration of Assignment. The special prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the attorney general and himself.