

Order No. 518-73 (May 25, 1973). Following the so-called Saturday Night Massacre—resulting in the resignation of Richardson and the firing of Cox—Acting Attorney General Robert Bork appointed Leon Jaworski as the Director of the Watergate Special Prosecution Force, again citing Sections 509 and 510 as authority. *See* Att’y Gen. Order No. 552-73 (Nov. 5, 1973). Bork also cited Sections 509, 510, and 515 when issuing regulations to “illustrat[e] the authority entrusted to the Special Prosecutor,” including the authority to conduct grand jury proceedings and to “contest the assertion of ‘Executive Privilege.’” *See* Att’y Gen. Order No. 551-73 (Nov. 2, 1973). Roughly eight months later, the Supreme Court confirmed the legality of the Attorney General’s actions. *See Nixon*, 418 U.S. at 694-95.

In the wake of Watergate, Congress passed the Ethics in Government Act of 1978, which authorized the appointment of a “Special Prosecutor” (later relabeled an “Independent Counsel”) by a Special Division of the D.C. Circuit. Pub. L. No. 95-521, § 601, 92 Stat. 1824, 1867. But nothing in that statute purported to limit or revoke the Attorney General’s preexisting statutory authority to appoint a special counsel directly.¹⁸ Instead, the statute created a

¹⁸ The lead Senate Report, for example, recounted prominent special counsels appointed by Attorneys General, and highlighted their lack of independence, but expressed no doubt that the Attorney General had been