

## THE NATION

spects with the order of August 29th as modified by the order of the court of appeals." He paused to let the meaning be absorbed, then continued: "It will require some time, as Your Honor realizes, to put these materials together, to do the indexing and itemizing as the court of appeals calls for."

Obviously surprised, but calm, Sirica interrupted: "As I understand your statement, that will be delivered to this court?" Replied Wright: "To the court, *in camera*."

Reporters stood to rush for telephones. Sirica ordered them to sit down. Still seeming suspicious, he asked: "You will follow the decisions or statements delineated by me?" Said Wright: "We will comply in all respects with what Your Honor has just read." Moments later, Wright added: "This President does not defy the law, and he has authorized me to say he will comply in full with the orders of the court." The

judge smiled broadly. "Mr. Wright," he said, "the court is very happy the President has reached this decision."

This turnover of tapes, White House aides revealed, meant that the earlier offer to provide summaries of presidential tapes through Stennis to the Senate Watergate committee was dead. Senator Sam Ervin, who had come to realize that he had been lured into accepting the plan by a presidential plea to end the controversy because of the Middle East crisis, had been trying to get out of the plan and was not displeased.

Some of Ervin's associates contended that the committee's vice chairman, Senator Howard Baker, had helped mislead the chairman. Baker discussed the plan with Nixon's aides for an hour before Ervin agreed to it under presidential pressure, and Baker clearly had a better understanding of its larger impact on Cox and the criminal cases. Rufus Edmisten, deputy counsel to the Ervin

committee, felt that the White House had taken advantage of Ervin's "good faith." Said Edmisten: "He's always operated that way; he assumes everyone else does too."

Announcing that he would make a speech on the affair the next night, Nixon again went to Camp David.

## WEDNESDAY, OCTOBER 24

The Nixon staff, confident that the willingness to release the tapes had taken the steam out of the impeachment drive, was dismayed to find that criticism of the President continued. The drastic reversals in policy by Nixon even seemed to worry some critics anew. In a particularly unkind cut, AFL-CIO President George Meany not only said that his union still wanted Nixon out of office, but added: "The events of the last several days prove the dangerous emotional instability of the President." The White House felt obliged to dignify this with a reply. Deputy Press Secretary Gerald Warren called it one of "the most incredible, inexcusable and irresponsible statements ever made by anyone who is in a position to have his comments and remarks carried in the national news media."

Despite the settlement with Sirica, the number of telegrams had soared past 220,000; White House officials reported receiving "mountains" of messages. The Senate Watergate committee had counted 8,000, only ten favoring the firing of Cox. The special prosecutor's former office got 10,000. Senator Tunney's tabulation had passed 8,000, while Senator Goldwater said that even after the tapes reversal the ratio of protests was running 80 to 1 against Nixon.

As the possibility of impeachment loomed more seriously, the fate of Ford's nomination as Vice President became more urgent. Rodino said that the Democratic majority on the House Judiciary Committee had decided to proceed with hearings on Ford simultaneously with its impeachment inquiry. While no timetable was set, the Democratic majority wants to cushion the impact of possible impeachment by keeping the White House in Republican hands and assuring the continuation of Nixon's general foreign and domestic policies. Ford's elevation also would avert a bitter partisan fight over succession; Speaker Albert has no longing for the presidency. The Senate Rules Committee had also decided to move promptly on Ford, awaiting only a full background check by 70 FBI agents before setting hearings.

Rodino, the man on whom both the Ford and impeachment hearings most directly fall, is 64, a silver-haired liberal Democrat and 25-year House veteran who represents a Newark-area district with a majority of black voters. A lawyer who writes poetry and loves opera, he nevertheless is popular in a tough-talking city where politics is rough. He voted against such technological projects as the ABM and the SST. He succeeded New York's Emanuel

## Bork: A Professor Caught in the Storm

Nominated last January by President Nixon to become Solicitor General in June, Robert Bork grew more and more impatient to get to Washington. He had taught at Yale Law School for more than a decade, and Washington, he told friends, was "going to be pure pleasure." It would offer "a lot of intellectual fascination." Last week was indeed a fascinating one for Bork. Having been catapulted into the position of Acting Attorney General as a result of the Cox affair, the professor who came to Washington to gain firsthand knowledge of the Supreme Court found himself at the center of a political storm. It was Bork who fired Cox on Nixon's orders, and it was Bork who was given the all but impossible job of finding a successor satisfactory to the President, the Congress and the public.

The Acting Attorney General is no stranger to controversy. In an institution dominated by liberals, Bork was proud to be known as the most conservative member of the law-school faculty. An admirer of Nixon's "remarkably organized mind," he supported the President in both the 1968 and 1972 elections and helped prepare the constitutional case for Nixon's antibusing proposals in 1972. As the Government's chief advocate in cases before the Supreme Court, Solicitor General Bork promised to follow existing policy.

Bork says that he agreed to fire Cox, after Elliot Richardson and his former deputy William Ruckelshaus refused, because "I believe a President has the right to discharge any member of the Executive branch." At first he thought that he should tender his own resignation after carrying out the order, as proof that he was not merely clearing his own way to a better job. Richardson urged



ACTING ATTORNEY-GENERAL ROBERT BORK

Bork to stay on "to keep the department running," but Bork has made it plain that he has no desire to make his arrangement permanent. The post no longer looks inviting "after the last several days," he said at a press conference last week, his spotty red beard dripping with perspiration. To underscore that feeling, Bork has remained in his Solicitor General's office and declined both the Attorney General's more sumptuous quarters and his official limousine. The professor from New Haven continues to drive himself to work in his 1968 Volvo.