

Cox Firing Expected

By William Chapman
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Attorney General Elliot L. Richardson resigned and Deputy Attorney General William D. Ruckelhaus was fired in a dispute with the White House over the Watergate tapes.

The two departures occurred shortly after Watergate Special Prosecutor Archibald Cox vowed yesterday he would continue to press his case to subpoena President Nixon's tape recordings and might ask that Mr. Nixon be held in contempt of court.

There was a report the White House planned to fire Cox for disobeying Mr. Nixon's order to abide by a compromise proposal and cease attempts to subpoena his tapes.

Cox said he had hoped to avoid a confrontation, but he insisted in a news conference yesterday that he would be violating Richardson's instructions if he bowed out of the legal fight and accepted the proposal by Mr. Nixon offered Friday night.

The man in the middle, Richardson, reportedly was prepared to side with Cox, but had not commented publicly by early evening.

Cox yesterday released several documents, including a copy of Richardson's original proposal and an exchange of letters between himself and the President's special counsel, Charles Alan Wright. They show Cox had not totally turned down the idea of a compromise but had objected to details and the way in which the White House was interpreting them.

Mr. Nixon, in offering to compromise on the tape issue, ordered Cox to make no further legal attempts to obtain the White House Watergate tapes or other notes or memoranda of presidential conversations.

Richardson had not approved the compromise which Mr. Nixon spelled out Friday night, Justice Department press secretary John Hushen said. Another Justice Department official described Richardson as being "100 per cent behind Cox." The Attorney General was said to agree with Cox that the President's directions conflicted with Richardson's promise to the Senate that Cox would be an independent prosecutor.

The Court of Appeals here a week ago Friday ordered Mr. Nixon to turn the Watergate tapes over to District Court Judge John J. Sirica, although it voiced the hope for an out-of-court settlement. The President had until Friday night to file an appeal with the Supreme Court, but instead offered a compromise.

He said he would give a personal statement on what the tapes contain, plus the tapes themselves, to Sen. John Stennis (D-Miss.). Stennis would certify the authenticity of the President's statement and deliver it to Sirica, but would not give the judge the tapes.

The President said he was willing to allow that break in the wall of executive privilege to spare the country a historic constitutional crisis.

Cox yesterday explained his objections to that type of settlement and said he will go back to court "promptly" to press his case.

First, he said, he would tell the court that he does not regard the President as being in compliance with Sirica's original order to hand over the subpoenaed tapes for inspection in his chambers.

After that, Cox said, one of his obvious options is to seek an order requiring the

President to show cause why he should not be held in contempt of court.

Another option, he added, was to seek clarification of proposals and stipulations advanced late last week by the President's special legal counsel, Charles Alan Wright.

Cox said he is not certain yet whether he will appear before Sirica or the Court of Appeals. Sirica's court issued the original order and has jurisdiction, but the appellate court also "has an interest," Cox said.

The tapes Cox had subpoenaed contain nine conversations the President held between June 20, 1972, and April 15, 1973.

Cox told the news conference, "I am not looking for a confrontation and I am not out to get the President of the United States."

He said he had experienced many doubts about the course of action he is taking. "I'm even worried that I am getting too big for my britches."

Nevertheless, he said that his role all along had been one of an independent prosecutor with instructions to seek evidence on the Watergate scandal even if his search led behind the wall of execu-

See COX, A18, Col. 1

COX, From A1

tive privilege and into the White House files.

He said that his efforts to get information from the White House has been the "subject of repeated frustrations" since May and that subpoenaing the tapes and certain papers in the White House is vital to the investigation.

"Nearly all evidence on the Watergate and the cover-up is in the White House papers and files," Cox added. "Unless you have access to them, you are not able to get the type of information a prosecutor must have."

But his efforts had been met with delays and refusals, he said. "The record is pretty much one of frustration," he said.

In addition to the tapes, Cox indicated he is also seeking other White House material, including the papers of former White House aides John D. Ehrlichman and H. R. (Bob) Haldeman.

He said he was told only a few weeks ago that an inventory of papers he had requested would not be supplied to him.

Cox said he had four major objections to the compromise spelled out by Mr. Nixon Friday night. They are:

- When one of the crimes being investigated is obstruction of justice, it is not sufficient to make evidence available to only two or three men. "It's not just a question of Senator Stennis' integrity," he said. "It's the kind of questions where it's terribly important to adhere to established institutions and not to try to reach an accommodation . . ."

- The proposed standards for deciding what material could be excluded from court perusal are too loose. There was no clear explanation of what could be withheld for "national security" reasons.

- It is "most unlikely" that a summary of the tapes would be admissible as evidence in a trial against Watergate defendants. Furthermore, the government might have to drop prosecutions against defendants who were demanding that the prosecution turn over material needed in their defense.

- The compromise would prevent him from seeking subpoenas for other information in the White House.

Meanwhile, Senate Watergate committee Chairman Sam J. Ervin Jr. (D-N.C.) said that he expects to receive partial, verbatim tran-

scripts of White House tapes, not summaries as outlined in the statement by President Nixon. "I would never accept anybody's summary of anything," Ervin told the Associated Press.

Ervin said he had been told last night by White House counsel J. Fred Buzhardt that his committee would receive a verbatim, partial transcript. The only material deleted from the original tapes would be national security information, Ervin said he was told.

The documents Cox made public yesterday showed there was a substantial difference between Richardson's proposed compromise and the one Mr. Nixon announced Friday evening.

The President said that he personally would prepare a statement from the subpoenaed tapes, including in it everything dealing with Watergate. The President's version and the tapes themselves would be presented to Stennis, who would be able to certify whether or not that statement included all the Watergate material. The statement would then be given to Judge Sirica.

Richardson's proposal called for the President to appoint a "verifier," whose identity at first would be secret. The "verifier" would



Associated Press

Prosecutor Cox tells a press conference of his plans in the Watergate tapes issue.

be given all of the tapes and partial transcript from them containing pertinent material. The man selected would then use the tapes to make additions or corrections and compile a complete record.

Cox, at the news conference, presented this version of the abortive negotiations for a compromise:

A week ago, he began talks with Richardson, which resulted in the Attorney General's "proposal."

Last Thursday, Cox commented on the plan, making several objections. He said the public could not be asked "to confide so difficult and responsible a task to any one man, operating in secrecy, consulting only with the White House." Furthermore, he said the proposal was "too narrow" because it was restricted to uncovering evidence only about Watergate when his investigation ranged into other matters. The standards for deciding what could be omitted from the final transcript were not specific enough, particularly in defining what was meant by national security information.

There would also have to be assurances, he said, that if a trial judge would not ac-

cept a transcript as evidence he would be able to produce whatever evidence the judge wanted—including the tapes.

Thursday night, Cox was called by Wright, the president's special counsel on executive privilege. Wright told him that he would have to make four stipulations before the compromise could be agreed on. "My impression was that I was being presented with things drawn in such a way that I couldn't accept," Cox said yesterday.

Later that night Wright wrote him a letter saying that four of his stipulations "depart so far from that (Richardson's) proposal and the purpose for which it was made that we could not accede to them in any form.

The next morning, Cox wrote to Wright. He said he could not agree to Wright's version "without unfaithfulness to the pledges which I gave the Senate prior to my appointment." One of those stipulations, Cox said, would require him to abandon any further legal challenges to claims of executive privilege.

"I categorically assured the Senate Judiciary Committee that I would challenge such claims so far as the law permitted," Cox

wrote. "The Attorney General was confirmed on the strength of that assurance. I cannot break my promise now."

Wright sent back a letter late Friday saying that Cox had apparently misconstrued two points in contest, but made it clear that negotiations were at an end. "It is my conclusion from (Cox's letter) that further discussions between us seeking to resolve this matter by compromise would be futile, and that we will be forced to take the actions that the President deems appropriate in these circumstances." About 2½ hours later Mr. Nixon disclosed his plan and ordered Cox to cease legal efforts to get the tapes.

Wright said that Cox was incorrect in assuming that no portion of the tapes would be provided under any circumstances. That might have been a subject for future negotiations, Wright wrote. He also indicated that Cox incorrectly assumed he would never be able to subpoena any other White House papers. He said that only "private presidential papers and meetings" were in the category of papers that could not be subpoenaed under the proposal.