

President Defends Tapes Plan Today

Contempt Eyed

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U.S. District Court Chief Judge John J. Sirica is considering whether to hold President Nixon in contempt of court, it was learned yesterday.

It also was learned that the judge has been investigating the actual procedure by which he could cite the President for contempt—if he decides to take that step—and the possible fines or jail terms he could impose.

Such a move, seen by legal observers as one of the few options available to the Judge as a result of the President's failure to appeal a U.S. Circuit Court of Appeals decision ordering him to turn over the Watergate tapes, would be unprecedented in U. S. history.

Court sources say the actual contempt citation, if Sirica decides to take that route, probably would not be issued immediately but would follow a hearing at which the President's lawyers would be present. In addition, they say the judge is aware that the citation actually may never be execu-

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Cox Firing Hit

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Lawyers for President Nixon will defend the President's proposed compromise of the tapes issue in court today and contend that the legal requirements will be satisfied when Sen. John Stennis (D-Miss.) completes his review.

The President's counsel sent to the court yesterday a written summary of the arguments they will make in defense of the compromise Mr. Nixon proposed Friday night.

There was obvious concern that Judge John J. Sirica may not accept the proposal, but White House aides said Mr. Nixon is now confident he can overcome the renewed threats of impeachment. They maintained that once the contents of the tapes are made public the outcry will die **down**.

Despite the White House optimism, condemnation of the President's action echoed widely yesterday. Three major labor organizations, leading Democratic officials, a liberal Republican organi-

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zation and a number of major newspapers that had supported his re-election assailed Mr. Nixon for firing Watergate Special Prosecutor Archibald Cox.

Many of them called on Congress to impeach the President if he does not resign.

The President met yesterday with former Attorney General Elliot L. Richardson, who resigned Saturday along with Deputy Attorney General William D. Ruckelshaus after refusing to dismiss Cox.

Richardson will hold a news conference today which White House aides believe will help clear the air and provide some help to the beleaguered President.

Rep. Barber Conable (R-N.Y.), who disclosed Richardson's meeting with the President, said the White House had been calling Re-

publican members of Congress and "reassuring them that there are options open to the President." But Conable said Republicans in his district were "very upset, and I'm upset."

White House officials acknowledged that the initial reaction to the weekend's developments was overwhelmingly critical, but they insisted that yesterday's reaction was milder.

Some aides expressed confidence that once Stennis listens to the tapes and makes his report to the Senate investigating committee and to the courts the crisis over impeachment will subside.

Officials said that Mr. Nixon has not decided whether to make a speech in defense of his actions. He still has the matter under consideration as well as the alternative of making his arguments at a news conference, one official said.

"The entire question is open," an aide said.

In mid-afternoon, the President and Mrs. Nixon drove to Camp David, Md., for the night. A spokesman said they would return today.

The President's defenders said they hoped that the peace move in the Middle East would convince the critics that Mr. Nixon is pursuing the government's business successfully in the foreign policy field.

Cabinet officers rallied to the President's defense as did a battery of administration officials who spoke privately with members of Congress.

In Atlanta, James T. Lynn, Secretary of Housing and Urban Development, called talk of impeachment "frightening."

"I think even the talk of impeachment is frightening to all of us in the administration," Lynn told a news conference after addressing a conference of the American Institute of Planners, the Associated Press reported.

"I would urge the American people and the Congress as well to stand back from the issue and study carefully what is being proposed before acting," Lynn said.

In San Francisco, Caspar W. Weinberger, Secretary of Health, Education and Welfare, said Mr. Nixon had made a "necessary and desirable" compromise on the tapes issue.

The President has agreed to present all the pertinent tapes "to a distinguished member of the other party," Weinberger said.

Declaring that the Watergate investigation "will continue" and that there is no attempt to block the investigation, Weinberger said the President "has the right to dismiss a member of the executive branch."

Weinberger said that the original arrangement between the Senate and Richardson over Cox was improper. Referring to the Senate's insistence that Richardson promise to ap-

point a special prosecutor before it would confirm Richardson, Weinberger said it was like the Senate telling a judge he would not be confirmed unless he agreed to take certain stands on issues in court.

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ted, and that any connected fines may go unpaid and any jail terms imposed may go unserved.

However, the sources point out that the President's failure to comply with a contempt citation could be used as a basis by Congress for impeachment.

Meanwhile, Sirica has ordered two Watergate grand juries that have been sitting in Washington to come to his courtroom at 10 a.m. today. A spokesman for the judge said Sirica plans to "read a short statement" to the combined grand juries.

That statement, the spokesman said, will contain

no specific directions to the grand juries about their future courses of action but rather will contain "general comments that the judge wants to make to the grand juries before they get back to work."

Sirica could also appoint a special counsel to assist the grand juries in future pro-

ceedings. However, the spokesman said one of the grand juries — which is scheduled to resume hearing testimony today — will continue to be directed by members of the Watergate Special Prosecution Force, although they will now be regular Justice Department employees.

The American Bar Association yesterday offered its help to Sirica's court "and any other federal court in the discharge of its duties and responsibilities in this constitutional crisis."

AB President Chesterfield Smith said President Nixon's statements and actions constituted "an intoler-

able assault upon the courts, our first line of defense against tyranny and arbitrary power," which lawyers should not accept.

Rejecting a White House statement that its actions constituted a "compromise" recommended by the Court of Appeals, Smith said the administration had acted

"by presidential fiat" and had abandoned time-tested court procedures for achieving justice.

The White House sent to Sirica yesterday a copy of the response it plans to file today in U.S. District Court here. While no one in Sirica's office would comment on the response, it is be-

lieved to be a restatement of the White House position that its plan to give the court a "summary" of the Watergate tapes "satisfies" the judge's order.

Sirica can either accept or reject that argument, legal sources said. If he rejects it, he is faced with the question of whether he on his

own initiative can hold the President in contempt, or whether a third party—such as the grand jury itself—would have to make the request.

It is at this point that Sirica may appoint an attorney to advise the grand jury and represent it in further proceedings.

Sirica has been out of town for two days and could not be reached for comment, but has kept in contact with his staff here. He was described as "disturbed" over the President's recent actions.

In ordinary lawsuits, district judges do not reach out to enforce their own orders but instead act on motions of the disputing parties, seeking contempt citations, money damages or some other form of legal redress.

Dean Michael I. Sovern of the Columbia University's law school said court orders often go unenforced for lack of a party to press for enforcement, for example when a labor dispute is settled after a judge has issued an injunction against a union or management.

"But here we have the unprecedented situation where one side has the power to eliminate the other side," Sovern said. "In this case it would be appropriate for the White House to go before the court with a report."

If President Nixon is held in civil contempt—the form usually taken for enforcement of a court decree such as the appellate court decision—he could be fined an unspecified amount and jailed either up to the end of the life of the grand jury seeking the tapes or until he complied with the court order. The original Watergate grand jury expires on Dec. 5.

The fines or jail terms would be directed against the President personally, rather than as commander-in-chief of the country, legal sources said.

However, these sources repeatedly pointed out that such discussions were purely speculative. The judge "has not decided which approach to take yet," one person in his office said flatly yesterday.

That person said there could be several days of preliminary legal moves before a final decision is issued by Sirica, and before it is finally decided what procedures would be used if the judge holds the President in contempt.

Another option open to the judge is for him merely to direct the grand juries to continue their investigations on their own.

However, in that case, the grand juries might not be able to return indictments since that action could require the approval of the Attorney General or a special prosecutor.

They could, however, issue sweeping reports on the Watergate scandal that the judge could make public. Such grand jury reports are common practice among local and state grand juries, but rare among federal grand juries.