

Nixon And Cox Deny Times Story

WASHINGTON (AP) — The White House and Archibald Cox both have denied a report that Cox was fired as special Watergate prosecutor for fear that President Nixon would be named an unindicted coconspirator in the Watergate case.

The report was carried by The New York Times in its Sunday editions.

"Any story that Mr. Cox was dismissed for such a reason is totally false," Deputy White House Press Secretary Gerald L. Warren said in San Clemente, Calif. "Mr. Cox was dismissed because he refused to abide by a presidential instruction."

Cox, in Tucson, Ariz., said Saturday night, "There is no basis whatsoever for any supposition that I ever considered naming the President as an unindicted coconspirator in an indictment."

"No member of my staff ever made such a recommendation to me. To the best of my knowledge, no member of my staff ever entertained such an idea," he said. Cox spoke Saturday night at a \$100-a-plate fundraising dinner for Rep. Morris K. Udall, D-Ariz.

The Times quoted well-informed sources as saying that Cox and his staff had discussed the possibility of naming Nixon as an unindicted coconspirator as a solution to the constitutional restraint against indicting a president.

An administration official, declining to be identified, said: "It is not long into the New Year when this sort of unsubstantiated charge appears, apparently designed to discredit the President of the United States."

An unindicted coconspirator is not charged with violating any laws but is considered an alleged member of a conspiracy. Among reasons for not charging such a person are a lack of evidence or because the person is cooperating with the prosecutors.

Cox, who was fired Oct. 20 for refusing to accept a compromise over the White House Watergate tape recordings, said he and former Atty. Gen. Elliot L. Richardson had discussed whether Nixon might be named as an unindicted coconspirator. Cox said the discussion took place during the week prior to his dismissal.

"I told the attorney general I wasn't aware of any such plan," Cox said Saturday night. "It wouldn't solve anything to name a man as a coconspirator when we won't indict him. It's a rather questionable practice under these circumstances."

Cox did not say whether he or Richardson began that talk, but the Times quoted Cox as saying it was Richardson.

The Times story also quoted a source close to the White

House as saying the White House had received low-level intelligence from Cox's staff that the prosecutor's office was seriously planning to name Nixon as an unindicted coconspirator.

A White House staff member said the White House would not comment on a report in the Miami Herald's Sunday editions that the White House plumbers squad intercepted a message from the Soviet Embassy proving the Soviets "had access to the Pentagon papers."

The newspaper quoted convicted Watergate burglar Bernard Barker as saying that former White House aide E. Howard Hunt told him that the embassy was bugged and tapes revealed the Russians had some of the papers.

"I have no doubt the tapes of the bugs exist," the newspaper quoted Barker as saying, although he would not say if he heard the alleged tapes.

The newspaper said it interviewed Barker in a doctor's office. He was receiving treatment after being released from federal custody last week while his appeal of his conviction is heard in the courts.

Ellsberg leaked the papers, a top secret study of the Vietnam war, to the New York Times.