

# 2 SENATORS SEEK TAPE COMPROMISE

## Ervin and Baker Suggesting Private Audition of Nixon's Recordings on Watergate

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WASHINGTON, July 29—The leaders of the Senate Watergate committee suggested today, in a compromise move, that President Nixon permit a private audition of tape-recorded conversations dealing with the scandal.

Senators Sam J. Ervin Jr. of North Carolina, the Democratic chairman of the panel, and Howard H. Baker Jr. of Tennessee, the Republican vice chairman, said in an interview that such an arrangement would be "fine."

Under the proposal the two Senators and the special prosecutor in the Watergate case, Archibald Cox, would hear the tapes and screen out statements unrelated to their investigations before making the information public.

"Frankly, I'm not too enthusiastic about lawsuits about it because there's never been a

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case of this kind brought and it's quite possible the Supreme Court would hold adversely to the committee," Senator Ervin said.

"Separation of powers and executive privilege will probably prosper more by avoiding confrontation that it will be having it," Senator Baker observed in endorsing the idea of examining the tapes.

Mr. Cox has started legal proceedings to obtain the recordings despite the President's refusal to give them up, and the Senate committee is expected to follow suit early this week.

### Know Secret Operation

Both Senators, interviewed on the Columbia Broadcasting System television program "Face the Nation," also said they were now aware of the nature of a secret operation undertaken in 1971 by a White House investigative unit known as the "plumbers."

John D. Ehrlichman, the former assistant to the President for domestic affairs, invoked executive privilege in refusing to discuss the operation during his testimony before the panel last week.

Senator Baker confirmed that he and Senator Ervin had met subsequently with two White House lawyers, Leonard Garment and J. Fred Buzhardt, for a briefing on the details of the operation.

"Certain information was brought to our attention," Senator Baker said. "The matter, of course, has not been fully resolved by the committee, but I really think at this time I have nothing further to say about it."

### Unsure of Significance

The Senators disagreed on whether the operation should ever be made known. Mr. Baker said that he had not "fully made up my mind about the importance and significance" of the activity.

But Mr. Ervin said he did not think that the committee, which is limited to investigating last year's election and related matters, had the authority to pursue the activity. He added that the panel would discuss it further.

The operation, which Mr. Ehrlichman said had involved grave national security matters, came up in connection with other activities of the plumbers, including the burglary of the office of Dr. Daniel Ellsberg's former psychiatrist.

### Scott for a Compromise

In another interview today, Senator Hugh Scott of Pennsylvania, the Senate Republican leader, said that the White House recordings should somehow be made available, and he expressed hopes for a compromise.

"I have suggested that the tapes be inspected by a panel of two or three citizens of the highest public repute," Senator Scott said. He was questioned on the American Broadcasting Company television program, "Issues and Answers."

"By settling it out of court is meant that some means might be found by which the President's replies and the President's information can be made available to the American peo-

ple," he said. "We are uncomfortable, of course, until it is." Senator Scott was asked whether he had any reason to believe that President Nixon—who had no immediate reaction to today's proposals—would change his mind and agree to a compromise.

### Confident of Exoneration

"The President has in the past responded directly to public opinion," Mr. Scott replied. "He has responded to the views of members of his party on Capitol Hill—it is my judgment he will follow a course which will exonerate him."

The Republican leader, reflecting stepped-up attacks on the Senate investigation, made several complaints about the committee and one about Senator Ervin, whose popularity has markedly increased in some quarters since the hearings began in May.

There is "a packed claque" in the hearing room, Senator Scott

contended, and it consists "at least in part of [Senate] staff members who hang around and get in there in order to applaud the chairman."

### Baltimore Sun Proposal

Senator Ervin based his suggestion of a private examination of the tapes on an editorial in yesterday's issue of The Baltimore Sun, which proposed that the relevant parts, "after consultation with Mr. Nixon," be made public.

Both Senators again pressed hard for access to the tape recordings, which presumably cover such crucial sessions as a Sept. 15 meeting between Mr. Nixon and John W. Dean 3d, his dismissed counsel. Mr. Dean has testified that it appeared to him the President "has exclusive control of these tapes." Senator Ervin said, "and if these tapes would establish that John Dean was a liar the committee ought to have them, and if they establish the converse . . . the committee ought to have them so they could make a speedy determination on this point."

Senator Baker said: "I want those tapes because I think they're important to the quality of our final report. I want the President to speak out because I think it's important to him as well as to the committee and to the nation."

Mr. Ehrlichman is expected to compete his testimony before the committee tomorrow, and he is scheduled to be followed by the former White House chief of staff, H. R. Haldean.

The two Senators appeared uncertain about whether the panel would stop the hearing after this week, when the month-long August recess of Congress begins. At least several witnesses are scheduled after Mr. Haldeman.

Senator Ervin said that it might be necessary, in completing testimony on the phase of the investigation dealing with the Watergate burglary on June 17, 1972 and subsequent cover-up of the plot, to hear "one or two" witnesses after the recess.

#### **Main Witnesses**

Both men indicated that if, as has been reported, the President intends to respond to the testimony on that phase, he could feel confident that most important witnesses would have been heard by the time of the recess.

"...If the President's timing on making a substantial and important statement on this matter interdependent with our finishing a given number of witnesses or particular witnesses," Senator Baker said, "As far as I'm concerned I would finish those witnesses if we had to stay here all of August... But I am proceeding on the assumption that the principal witnesses... have told their story."