

Subpoena For Nixon Is Studied

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Special prosecutor Archibald Cox said yesterday that he is studying whether President Nixon can be subpoenaed to testify before the Watergate grand jury here.

"I say there is a possibility of that," Cox said under questioning at a news conference. "Whether it would be the best way to pursue the investigation and whether we would have any legal grounds are both open questions."

He said his Watergate special prosecution force is also trying to determine whether it would be constitutional to indict a President before impeachment proceedings.

Cox emphasized, however, that it would be dangerous to jump to any conclusions simply because the issues are being studied.

"There are a whole host of legal questions that we need to know about, regardless of whether the facts surely would justify action in those directions," he said.

At the conclusion of his news conference, Cox and special assistant James F. Neal, who has been assigned to the Watergate prosecution here, met privately with presiding U.S. District Court Judge John J. Sirica in an unannounced conference in Sirica's chambers.

Judge Sirica heard them out for about 15 minutes and scheduled a rush hearing for 9:30 a.m. today without further explanation.

The meeting with Judge Sirica, it was learned, was arranged at Cox's request before the week-long postponement in the Senate's Watergate hearings.

Ousted White House counsel John W. Dean III had been scheduled to start testifying today under a grant of immunity from any prosecution based on his congressional testimony.

The meeting with Judge Sirica and the quickly scheduled court hearing, which court sources said would deal with a

prosecution motion that would not be filed until morning, suggested an urgency clearly tied to the expectation that the Senate hearings would resume

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at 10 a.m. with Dean at the witness table

Cox left for his office immediately after meeting with Judge Sirica and was unavailable for comment. Neal joined local Watergate prosecutors Earl Silbert, Seymour Glazer and Donald Campbell in a session with the Watergate grand jury.

They refused to comment on the forthcoming hearing before Judge Sirica, but Neal and the others were visibly surprised when a reporter told them, on leaving the grand jury room around 5:30 p.m., that the Senate hearings have been postponed.

"You're kidding," Neal exclaimed. "Brezhnev was able to do that, we couldn't said another."

The Senate Watergate Committee changed its schedule to avoid embarrassing Mr. Nixon during Soviet Communist Party chief Leonid I. Brezhnev's visit here.

Cox, citing fears of prejudicial publicity and other hazards to a successful prosecution, had been unsuccessful two weeks ago both in asking the committee to put off the hearings and then in asking Judge Sirica to require restricted news coverage during the testimony of Dean and of former Nixon campaign deputy Jeb Stuart Magruder. Magruder appeared before the committee last week.

Government prosecutors have refused to grant either man immunity from prosecution on charges that are based on evidence independent of their congressional testimony.

But the prosecutors have expressed fears that any indictment might be difficult to sustain if it were handed down after the two men appear on Capitol Hill.

The problem with Magruder is deemed less acute than that with Dean. Magruder had already testified before the grand jury and was reliably reported to have agreed—before the Senate called on him—to plead guilty to a single count of conspiracy to obstruct justice. But Dean refused a similar offer and, in a short session with the grand jury last week, refused to testify, invoking his Fifth Amendment privilege against self-incrimination.

At his news conference, Cox also announced a series of top appointments and disclosed that the White House had just responded to his requests for access to presidential logs, diaries and other papers.

He said that a packet with a letter from White House special counsel J. Fred Buzhardt turned up at the Watergate special prosecution force's offices at 1425 K st. nw. as he was going to the news conference. He said he had no chance to see whether it contained all the documents he sought.

Cox emphasized, however, that he would disclose whether the White House withheld any "material that I've been led to believe we would get."

Sources close to the special prosecutor said later that the White House packet was a "substantive response" to Cox's requests.

Among the documents he re-

ceived were logs of the dates of Mr. Nixon's conversations with Dean in the past few months. The Washington Post has reported that Dean has told investigators that he discussed aspects of the Watergate cover-up with Mr. Nixon or in the President's presence at least 35 times between January and April of this year.

The top appointments Cox announced included Henry S. Ruth Jr., 42, of New York as deputy special prosecutor, the first of two such deputies; Philip A. Lacovara, 29, as legal counsel to the Watergate special prosecution force, and James S. Doyle, 38, as special assistant in charge of public affairs.

Ruth, a Justice Department veteran and onetime prosecutor in its organized crime section, has been director of New York Mayor John Lindsay's Criminal Justice Coordinating Council for the past three

years. Lacovara, formerly special counsel for New York City Police Commissioner Patrick Murphy, has been deputy solicitor general in the Justice Department. Doyle has been a national reporter for the Washington Star-News since 1969; he had been chief of the Boston Globe's Washington bureau for four years before that.

Cox said that Neal, initially a temporary appointee, has now agreed to stay on indefinitely to work "on the Watergate case itself—the break-in and the cover-up."

In response to other questions, Cox said he has not decided whether he will investigate federal funding of improvements to President Nixon's San Clemente, Calif., home, or the more than \$200,000 in tax write-offs that Mr. Nixon built up in 1969 with a gift to the government of his pre-presidential papers.