## Maneuvering With the Tapes Port 10/21/73

able, is actually apt to get the worst of the Watergate offenders off scot while seeming to make the tapes availup with a procedure of his own which been expecting all along. He has come ricky kind of way we should have Issue of the White House tapes in the President Nixon has dealt with the

John Stennis, a man long used to ris-ing above principle in the interests of after the evening news shows were off war in the Mideast, late on a Friday the whole operation under cover of the "national security." And he pulled off He makes everything rest on Sen

Court, by decision or indecision, had upheld his view that he was not legally Mr. Nixon was going to have to turn over the tapes. Even if the Supreme concerning allegations of criminal acnot have been home free. There would obligated to cough them up, he would tion by the highest officials. have been irresistible public pressure for him to make available evidence There was never serious doubt that

to their relevance to criminal procedures growing out of Watergate. the tapes over to him for inspection as John Sirica ordered Mr. Nixon to turn tapes available. District Court Judge the President was going to make the The real issue was through whom

to Special Watergate Prosecutor Archito turn the tapes over to the judge and ica decision. It ordered the President The appeals court broadened the Sir-

> rity or other reasons. had to be protected for national secuvant to the Watergate case and what what material in the tapes was relebald Cox. The two men were to judge

Court would have upheld the court of appeals decision. It was written in a way that emphasized the special, non-precedent-making character of the tices Byron White and Potter Stewart the support of the swing men-Juscase. The decision, therefore, invited on the court. The odds are that the Supreme

aspect of Watergate and highly alert to the way "national security" can be material over to Prof. Cox, a rigorous court, he would have had to turn the he defied the court, he was asking for impeachment. If he complied with the against him, President Nixon would have faced two awkward outcomes. If ing material. used as a cover for hiding embarrasslawyer fully conversant with every Had the Supreme Court ruled security" can be

contemptuously-refused an offer by Mr. Cox. That was before the decision hardt had previously—and somewhat by the appeals court. his lawyers moved adroitly. The White House Watergate counsel Fred Buz-In the situation, the President and

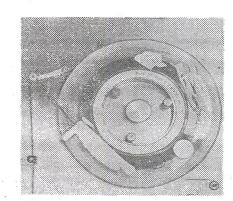
week ago Friday. In the course of their Richardson approached Mr. Cox a ney General Elliot Richardson. Mr. with Mr. Cox were reopened by Attor-After that decision, negotiations

> him early this year. tions growing out of the attack upon entirely partial to the national security on the judgment of a single individual Stennis. Cox never turned down Senaraised the possibility that the tapes discussions, the Attorney General side of arguments, unfamiliar with vations about hinging the whole issue might be filtered through Senator Watergate and weakened by operator Stennis. But he had obvious reser-

would fire Mr. Cox. counsel, Charles Wright. Prof. Wright took up the negotiations in a way that Mr. Richardson then broke off the negotiations and passed the baton to President's special Watergate

won their approval for the principle of move. He took in tow the ranking members—Sam Ervin and Howard prosecution. passing "authentic versions" With the special prosecutor thus sup-posedly cowed, the President made his Stennis. tapes through their colleague, Senator Cox to forget about the tapes and get mittee which had been denied its re-Baker-of the Senate Watergate comon with the business of Watergate nounced his decision and ordered Mr. quest for the tapes in the courts. He Then the President of the

summaries, not evidence admissible in ing the tapes available would yield wash. Mr. Nixon's procedure for mak-It was all very clever. Only it won't



was withheld. White House aides H. R. Haldeman General John Mitchell and former Watergate figures at former Attorney court. The charges against such top and John Ehrlichman would probably be dropped on grounds that evidence

matter. So Mr. Cox and other decent men have to fight the President all the way. For if Mr. Nixon gets away under a specific court order on that detta against the spirit of fair play. the biggest score yet in his long venwith this maneuver, he will have made tapes should be made available. He is to pick and choose about how the In any case, it is not for Mr. Nixon

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