

Firing Stuns Hill; Nixon Eyes Speech

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New Inquiry Is Proposed

By Spencer Rich
and Richard L. Lyons
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Scattered across the country on a long Veteran's Day weekend, members of Congress reacted with shock and confusion yesterday to President Nixon's firing of Watergate Special Prosecutor Archibald Cox.

No clear consensus emerged on an immediate course of congressional counterattack but two proposals appeared to be gaining support.

One was for congressional creation of a new office of the special prosecutor, independent of both the White House and Congress, to continue Cox's work—perhaps headed by Cox himself.

The second was for a start of impeachment proceedings in the House, or at the very least creation of some special unit to begin studying the situation and find out whether grounds for a serious impeachment move exist.

Although any final resolution of the impeachment question is still far off, this weekend, for the first time, responsible leaders of Congress like House Democratic Whip John J. McFall (D-Calif.), Rep. B. F. Sisk (D-Calif.), Sen. Edmund S. Muskie (D-Maine) and Senate Democratic Whip Robert C. Byrd (D-W.Va.) began talking of the possibility. A number of impeachment resolutions will be introduced in the House when it reconvenes Tuesday.

Meanwhile, the nomination of Rep. Gerald R. Ford (R-Mich.) as Vice President appeared to be caught up, at least temporarily, in the

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Watergate probe. Page A18.*

Lawyers Draft Court Reply

By Carroll Kilpatrick
Washington Post Staff Writer

President Nixon spent a long Sunday in his office conferring with aides about a possible report to the nation on his dismissal of Watergate Special Prosecutor Archibald Cox and the reply his lawyers will make this week in federal court here.

With criticism mounting over his dismissal of Cox and the resignations of Attorney General Elliot L. Richardson and Deputy Attorney General William D. Ruckelshaus, Mr. Nixon also worked on the statement he is preparing on the Watergate tape recordings for Sen. John Stennis (D-Miss.).

The first part of the President's summary of the tapes should be ready for Stennis by Tuesday, officials said as they also worked to complete the formal explanation to U.S. District Court Judge John J. Sirica of the compromise proposal on the tapes.

The lawyers are expected to make their presentation to the court in a day or two.

No decision on a speech or special statement by the President was made last night, officials said, but some of them strongly urged the President to defend himself on national television without waiting two or three weeks for Stennis to complete his review of the tapes.

The lawyers will argue that the president complied with the U.S. Circuit Court of Appeals order when he agreed to disclose the contents of the tapes to the court and to the Senate Watergate investigating committee after verification by Stennis.

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storm over the President's firing of Cox and the resignation of Attorney General Elliot L. Richardson and Deputy Attorney General William D. Ruckelshaus.

While GOP leaders have pleaded that Ford not be "held hostage" to resolution of the Watergate tapes issue, it appears likely that Ford's nomination will be delayed by the new dispute beyond the month initially anticipated for committee hearings and floor debate.

Not only will attention be diverted from the business of processing the nomination, but many Democrats will be reluctant to approve Mr. Nixon's nominee at a time when the President himself is under the greatest attack, especially if Ford declines to declare that he believes a President should comply with all court orders.

While a handful of Republicans, including Ford and Sen. Bob Dole (R-Kan.), defended the President ("I don't know what other choice the President had," said Dole), many normally cautious Democrats were blasting the President's actions in extremely sharp and uncharacteristic tones.

Sen. Robert Byrd said, "I'm profoundly shocked. The President has defied the courts, defied Congress. . . this sounds like a Brown shirt operation 30 years ago—these are Gestapo tactics."

The anger over the dismissal of Cox arises from the fact that members of the Senate Judiciary Committee and the Senate itself, as well as many in the House, believed that when Cox was appointed, the President had committed himself to an absolute "hands-off policy" pledging no obstruction whatever to Cox's investigations. Now, members said yesterday, the President has violated that pledge.

Sen. Adlai E. Stevenson III (D-Ill.), a leader of the move to set up an independent prosecutor office when Cox was first appointed, said he will introduce legislation Tuesday to re-create Cox's office as a completely independent unit to carry on the prosecution and investigation.

Stevenson said his proposal would have the District Court judge or chief judge of the court in charge of the case (in each in-

stance, Judge John J. Sirica) name the prosecutor who would operate under law with all "the requisite powers and resources of an independent prosecutor." Stevenson said he prefers this course to immediate impeachment, as it would allow the legal string to be played out and "would give the President one last chance" to cooperate with the investigation of Watergate complicity.

Sen. Henry M. Jackson (D-Wash.) said he favors this approach also, and he believes that if the President vetoed legislation to establish the new office, "We can override." Jackson said he had been talking to leading Republicans and, "As much as the Democrats may be upset, Republicans may be even more upset." He declined to identify the legislators he had talked to.

"Impeachment? We're not to that point yet. He'd have to be technically in contempt of court, clearly," for impeachment to succeed, said Jackson.

Sen. Byrd, who said he expects impeachment moves in the House because "I don't think the President leaves us any other choice," said it might well be that Judge Sirica or the grand jury might appoint their own special prosecutor.

This wouldn't require legislation and would obviate the need for Congress to pass something like the Stevenson proposal, Byrd said. He predicted that before taking any definitive move Congress would probably wait a while to see what Sirica and the grand jury will do.

One vehicle for legislation to set up an independent special prosecutor is a pending bill extending the life of the Watergate grand jury, which otherwise will expire Dec. 15.

If there is an impeachment proceeding, under the Constitution it must originate in the House, where a majority must vote a bill of impeachment (similar to an indictment). The issue then goes to the Senate for trial, and two-thirds must find the President guilty in order to oust him from office.

Rep. Fraser, a leading liberal who favors impeaching President Nixon, said he spent much of yesterday on the telephone trying with only modest success to reach scattered members to discuss what action the House should take. He said he found considerable sentiment for impeachment, but some reluctance to proceed unless there was some indi-

cation an impeachment move could succeed.

At the least, said Fraser, the House should create a select committee to decide whether there are grounds to begin an impeachment proceeding, unless the House Judiciary Committee undertake this function.

Rep. John E. Moss (D-Calif.), who almost alone had been urging for six months that such an inquiry be made, is now demanding immediate impeachment of the President. Moss said yesterday he has written a letter to House Speaker Carl Albert asking him to convene a meeting of the House Democratic Steering Committee Tuesday to develop procedures for impeachment.

Rep. McFall, who supported Mr. Nixon to the end on the Indochina war, said Congress "must seriously consider impeachment now." Congress may now be the only agency of government

that "can keep all the (Watergate) evidence together now," he said.

McFall added that the House Judiciary Committee might be able to obtain the President's tapes of Watergate conversations as part of an impeachment proceeding, "or at least force a Supreme Court ruling on it."

Sisk, a relatively conservative member of the House Democratic establishment, said he would introduce a resolution Tuesday for a select committee to investigate whether there are grounds for impeachment, unless Democratic leaders do so. Sisk called the President's action of firing Watergate Special Prosecutor Cox and wiping out the two top Justice Department officials in the process "the most irrational thing I have ever heard of a President doing." Sisk said he wondered if the time hadn't come to implement that portion of the 25th Amendment

which provides for at least temporary removal of a disabled President.

But others in the House called for cautious handling of the situation. Rep. Olin E. Teague (D-Tex.), conservative chairman of the House Democratic Caucus, predicted that the House would move with "deliberate speed" on impeachment and confirmation of Ford as Vice President.

"At the moment the move for impeachment has not gone far enough to get any place," said Teague. "I've talked to a dozen of my colleagues today and it is not in the wind at the moment."

Rep. John B. Anderson (R-Ill.), chairman of the House Republican Conference and the most liberal GOP House leader, said: "It's important that Congress keep its head."

"What happened was precipitate and ill-advised," said Anderson. "What I would hope is that members,

instead of rendering judgment on impeachment . . . (will) act judiciously. We ought to be considering the best procedure for the House to look into this whole series of events . . . a select committee probably."

Rep. Philip M. Crane (R-Ill.), one of the most conservative House members, said he would not be opposed to creating a select committee, but suggested that should wait until Judge Sirica states whether the President's arrangement for releasing summaries of his tapes is acceptable to the court. If Sirica rejects the compromise, the battle should be fought up to the Supreme Court, said Crane. If the highest court ruled against the President and he refused to give up the tapes, "then you would have a genuine case for impeachment," said Crane.

Crane predicted that Ford will not be confirmed as Vice President until the con-

trovery of the tapes is settled. But he said the possibility that the President would be impeached, Ford not confirmed and Democratic Speaker Albert become President "is too bizarre to contemplate. The idea of the country going through that kind of cannibalism is absurd."

There appeared broad agreement among House members that Ford's confirmation would face delay as long as the controversy of tapes is unresolved. But Rep. Clarence Long (D-Md.) while urging Congress to investigate grounds for Ford's confirmation because "it would bitterly divide the country if Congress were to remove a Republican President so that a Democratic Speaker would become President."

writer Mary Russell also Washington Post staff contributed to this story.

PRESIDENT, From A1

White House officials maintained that Mr. Nixon made a great concession by agreeing to release summaries of the tapes and to allow Stennis to listen to all of the tapes in question. These officials were taken by surprise when the proposed compromise was rejected by Cox and resulted in a new and alarming crisis with the resignations of Richardson and Ruckelshaus.

The White House position was put forward by presidential counselor Melvin R. Laird when he changed on NBC's "Meet the Press" program (WRC) that Cox refused to compromise as the courts urged.

Laird argued that Mr. Nixon made a "very substantial" compromise offer and "went much farther than I thought he would go from my original conversations about this matter."

But Cox, he said, "was willing to give nothing."

Stennis said he would begin listening to the tapes "as soon as arrangements can be made." Told that Laird said it might take two or three weeks to complete the process, the senator said, "I don't want to put any timetable of any kind on it."

Stennis said he expects to be given a "free hand" in his work.

"I'm going to do this work and prepare a statement," he said. When the work is completed, he said he would give one copy to the Senate investigating committee and one to the President. The White House is then expected to make a copy available to Judge Sirica.

Noting that he was unaware that Richardson and Ruckelshaus would resign when he agreed to monitor the tapes. Stennis said he was "surprised and disappointed" by their departure. "They're fine men," he said.

Sen. Howard H. Baker Jr. (R-Tenn.), vice chairman of the Watergate investigating committee, said it has been his understanding since he and Chairman Sam J. Ervin

Jr. (D-N.C.) reached agreement with the President Friday that the committee would get summaries of all the tapes subpoenaed by the committee plus verbatim transcripts of portions relating to Watergate.

Baker said the White House would clean up "some salty language" in the transcripts, and a White House aide said that "some pungent" expressions would be deleted.

He and Ervin "promised nothing," Baker said. "We gave nothing away. We did not give up our right to continue to try to get the tapes through the courts. We were just taking what we could get now."

White House officials were obviously surprised by the avalanche of criticism in the wake of Saturday's announcement that Richardson, Ruckelshaus and Cox were departing.

One official who worked on the compromise announced Friday said the President thought he was "letting the steam out of the balloon" by agreeing to let Stennis listen to the tapes and decide which portions should be made public.

The President was trying to avoid a constitutional issue and to avoid a confrontation yet preserve the prin-

ciple of confidentiality, the official said.

"If we can get past this hysteria the tapes will be on the record and the people can judge," the official commented. "We thought we had a great solution."

There was much criticism among White House officials of Cox for not accepting the compromise, as Laird said

in his "Meet the Press" in-
White House staff mem-
bers were thoroughly
briefed yesterday on the
President's position and
many were eager to defend
his actions in talks with
newsmen.

Laird was the principal
aide to put the arguments
on the record. He said that
"one individual can't be-
come a fourth branch and
set himself up as a supreme
power."

Laird said Cox was asking
for too much. "Now some-
times in this process of gov-
ernment you can win victo-
ries and not demand total
surrender, and I don't be-
lieve that anyone should be
in a position where they de-
mand total surrender," he
said.

Cox had hinted only hours
before his dismissal that he
might ask that the President
be held in contempt of court
for refusing to obey two
court decisions that the
tapes be turned over to Sir-
ica.

Asked several times why
the President did an about-
face on earlier promises to
let the courts resolve the
dispute, Laird said, "You
cannot set one individual up
supreme to the Congress of
the United States, or su-
preme to the executive
branch."

Laird insisted that the
President, in offering his
"compromise" proposal Fri-
day night, was complying
with both U.S. District
Court and U.S. Circuit
Court of Appeals decisions.

Laird predicted that Con-
gress would take a "negative
position" on expected moves
to begin impeachment pro-
ceedings.

One member of the House
Judiciary Committee, Rep.
Jerome R. Waldie (D-Calif.),
said flatly he would intro-
duce an impeachment reso-
lution when the House re-
convenes, probably Tuesday.
Rep. Ogden Reid (D-N.Y.)
also said he will ask for im-
peachment.

*Washington Post staff
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this story.*