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# Sens. Ervin, Baker Suggest Private Check of Nixon Tapes

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Sen. Sam J. Ervin Jr. (D-N.C.) and Sen. Howard H. Baker (R-Tenn.) proposed yesterday that they and Special Watergate prosecutor Archibald Cox be permitted to privately inspect President Nixon's tape recordings of conversations that allegedly involved the Watergate affair.

Ervin and Baker, the chairman and vice chairman, respectively, of the Senate select Watergate committee, said they offered the proposal as a way for avoiding the impending constitutional battle in the courts over release of the tapes and White House documents and papers on Watergate.

Ervin and Baker made the proposal during a special hour-long televised interview yesterday on CBS' "Face the Nation." Ervin, who said he got the idea from a Saturday editorial in the Baltimore Sun, said he hoped the President would "permit Sen. Baker and myself and Archie Cox to go up there and look at the tapes and see what the facts are in respect to them."

"I think it would be fine," Baker said of the offer.

There was no immediate reaction by the White House to the proposal.

The tapes sought by the Watergate committee and Cox are of conversations that former White House counsel John W. Dean III has testified show that President Nixon was aware of the cover-up of the Watergate scandal.

President Nixon refused early last week to provide the tapes or documents to the

Senate committee or Cox and on Thursday, ignored subpoenas from the two parties for the materials. White House representatives have been ordered by Chief Judge John J. Sirica to appear in U.S. District Court here on Aug. 7 to show why Cox's subpoenas should not be honored. The Watergate com-

mittee is expected to ask the court this week to enforce its subpoenas.

"Frankly, I'm not too enthusiastic about law suits about (the tapes)," Ervin said, "because there is — there's never been a case of this kind brought, and it's quite possible

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the Supreme Court would hold adversely to the committee."

Both Baker and Ervin, however, used the televised forum to make public appeals that the President turn over the tapes.

"The lawsuit and availability of the tapes or the documents has to do with the quality, the thoroughness, and the completeness of (the Senate Committee) report, but not on its value or the fact that it's going to be done," Baker said.

"It appears from the President's statement (to the Watergate committee) that the President has exclusive control of the tapes, and if these tapes would establish that John Dean was a liar, the committee ought to have them, and if they establish the converse, that he was not a liar but was telling the truth, the committee ought to have them so they can make a speedy determination on this point, Ervin said.

But Ervin said he was presuming Mr. Nixon's innocence in the matter and that he did not want impeachment proceedings to be instituted against President Nixon.

"I would rather not see any such route (as impeachment) pursued," Ervin said. "I would like to see this hearing concluded with as much dispatch as we can . . ."

In other Watergate matters, Ervin and Baker said:

- They would prefer that the committee's hearings be recessed at the end of this week, when Congress takes a month-long vacation. But they said that if the President prefers that the hearings be extended to include specific witnesses before recessing, they would be inclined to do so.

- They would probably turn over to the Justice Department any conflicts in testimony by witnesses before the committee for investigation of possible perjury.

In other developments surrounding the Watergate affair:

- Senate Republican Leader Hugh Scott of Pennsylvania said on ABC's "Issues and Answers" that he believed the President ought to release the tapes to Cox and the Watergate grand jury, not the Senate committee.

- Democratic National Committee Chairman Robert S. Strauss sharply criticized President Nixon's refusal to release the tapes, saying in a statement that the administration is obsessed with a "fear of the right of the people to know."

- The San Francisco Examiner quoted sources as saying that officials of the California Bar Association have agreed to consider preliminary disciplinary proceedings against Mr. Nixon and five other lawyers of the California bar, who have been linked to the Watergate scandal.

The bar association has the power to discipline attorneys for criminal violations and unethical conduct, with possible penalties ranging up to disbarment.

The newspaper report of an impending investigation was

called "absolutely untrue" by California Bar Association president, Leonard S. Janofsky, of Los Angeles.

The Examiner, however, said its sources reported that a "slim majority" of the bar's governors voted Friday night to begin proceedings against Mr. Nixon; former presidential adviser John D. Ehrlichman; former White House aide Gordon Strachan; Herbert W. Kalmbach, the President's personal attorney; Robert C. Mardian, a former official of the Committee for the Re-election of the President and former assistant attorney general, and Donald H. Segretti, who has been indicted for alleged campaign "dirty tricks" during the 1972 presidential primary in Florida.