

In Sirica's Court, History Is Shaped In Dry Language

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It was history without trappings—a few dry words spoken in a courtroom with the defendant's table empty.

Archibald Cox, the special prosecutor in the Watergate investigation, went today to the second-floor courtroom of Chief Judge John J. Sirica in the United States District Court.

Frustrated by the Presidential refusal to answer a subpoena, he asked Judge Sirica for "an order directing Richard M. Nixon or any subordinate officer whom he designates to show cause why certain documents or objects should not be produced in response to a grand jury subpoena duces tecum."

It was before this straight-lipped, dark-browed judge that so much has happened

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A Few Words in Court Make History

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to shake the foundations of the Nixon Administration.

Earlier this year, Judge Sirica presided—a discontented man—during the first Watergate trial. And when it was done, he said he did not feel the full facts had been brought before an American jury. Today he signed the order offered by Mr. Cox.

Newsmen had gathered outside the court building early on the broad sidewalks off John Marshall Place near Pennsylvania Avenue.

Lawyer Unrecognized

When a black limousine drew up from the White House shortly before 9:30 A.M., no one in the crowd recognized Douglas Parker, a lawyer who has been working on the case for the President.

Only one newsman followed him into the building. Mr. Parker delivered the letter from President Nixon to Judge Sirica refusing to turn over the tapes of conversations held in the Presidential offices. On his return to the waiting limousine, the other reporters caught on and his passage was recorded by cameramen.

Mr. Cox arrived in the crowded courtroom about 11 A.M. with four of his staff of about 40 lawyers: James F. Neal, Philip Lacovara, Richard Ben-Veniste and Peter Kreindler.

The Wrong Table

They sat down at the wrong table—the defendant's. They moved quickly as artists with sketchpads drew vigorously.

Mr. Cox wore a four-in-hand tie, as he does in court. He said he felt his usual bow ties were too informal for the occasion.

Twenty members of the grand jury which has been investigating the Watergate affair for more than a year took their reserved places.

They looked alert, a middle-aged group of men and women, smiling and occasionally chatting softly.

There were some preliminaries and the jury filed out and returned after Judge Sirica read the President's letter to the court.

Mr. Cox, do you have a statement to make?" Judge Sirica asked.

"May it please the court, I have an application to make this morning in respect to proceedings that have been held before the grand jury this same day," Mr. Cox began.

He summarized the background. The grand jurors were asked if they agreed to seeking the court order. They said they were.

"The court hearing no objection, the court will sign the order to show cause," Judge Sirica said.

It was done by 11:30 A.M. Mr. Cox and his staff, trailing newsmen like magnets, left the courtroom.

'Quite Wrong'

He was met at the door of John Marshall Place and since it was the only one unlocked on the side of the building, the area was quickly clogged.

The gray-haired, crew-cut

Harvard University law professor said into the microphones that "I'm sure" the President's refusal was in "good faith."

"I think it's quite wrong," he added.

He said he felt that the President might be able to guard matters that were under "executive deliberation" and that he himself was seeking "evidence material to a grand jury deliberation."

At the back of the crowd in the doorway, a heavyset, short woman carrying four plastic coffee cups tried loudly to force her way through as Mr. Cox talked.

She had lunch on her mind.

Martha Bateman, a reporter for WTOP-TV, tried to get the woman to wait.

"Be patient," Miss Bateman said. "History's being made."

"History, hell," the woman said. "There ain't gonna be no history."

She pushed through.

Mr. Cox took a taxi back to his office. The car and driver, that had brought him, were lost in traffic.