

Cox's Low-Key Historic

By Anthony Ripley
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It was history without trappings — a few dry words spoken in a courtroom with the defendant's table empty and the usual mixups of daily life that defeat presumptions of grandeur.

Archibald Cox, special prosecutor in the Watergate investigation, went yesterday to the courtroom of Chief Judge John J. Sirica in U.S. District Court.

Frustrated by presidential refusal to answer a subpoena, Cox asked 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 judge that so much has happened to shake the foundations of the Nixon administration.

FULL

Earlier this year, 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.

Yesterday he signed the order offered by Cox. The President's representatives are to be in his courtroom at 10 a.m. Tuesday, August 7.

Thus was set in motion a struggle over power that goes to the heart of the American system of government.

Newsmen and cameras had gathered outside the court building early on the broad concrete sidewalks off John Marshall place near Pennsylvania avenue.

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 work-



AP Wirephoto

DOUGLAS PARKER
He carried Nixon's reply

ing on the case for the President.

Only one newsman followed him into the building. Parker delivered the letter from Mr. Nixon to Sirica refusing to turn over the tapes of conversations held in the presidential offices.

Cox arrived in the crowded courtroom about 11 a.m. with four of his staff of close to 40 lawyers: James F. Neal, Philip Lacovara, Richard Ven-Veniste and Peter Kreindler.

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

Cox had come personally, realizing it was a moment of history. He wore a four-in-hand tie as he does in court, feeling, he said, that his usual bow ties are too informal.

The members of the grand jury which has been sitting for more than a year investigating the Watergate affair, took their reserved places in the audience.

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

There were some preliminaries and the jury filed out

and returned after Sirica read the President's letter to the court.

STATEMENT

"Mr. Cox, do you have a statement to make?" 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," Cox began.

He summarized the background for Sirica. 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

Moment

the order to show cause," Sirica said.

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

REPORTERS

It was done by 11:30 a.m. and Cox and his staff, trailing reporters like magnets, left the courtroom.

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

The gray-haired, crewcut Harvard University law professor said into the microphones that "I'm sure" the President's refusal was in "good faith."

EVIDENCE

He stated briefly that he felt that the President might be able to guard matters that are under "executive deliberation" but that he was not seeking that but rather "evidence material to a grand jury deliberation."

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

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

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

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

She pushed through.

Cox, cleared of the news conference at last, caught a taxi back to his office. The car and driver that brought him were lost in traffic.

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