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**Cox and Committee Seek
To Head Off Court Test**

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WASHINGTON, July 27 — Archibald Cox, the special prosecutor, and leaders of the Senate Watergate committee tried today to head off a constitutional collision over the Presidential tape recordings in the Watergate affair.

Mr. Cox suggested he would be willing to accept some compromise short of a Supreme Court test of Presidential powers. He has gone to court seeking tape recordings of conversations made in the Presidential offices, believing those tapes may contain information relating to his criminal investigation.

At the Capitol, the leaders of the Senate Committee met with White House representatives and implored them to get President Nixon to change his mind and release the tapes to the committee, rather than force Congress to go to the courts, too.

The committee chairman, Senator Sam J. Ervin Jr., Democrat of North Carolina; the

vice chairman, Senator Howard H. Baker Jr., Republican of Tennessee the majority counsel, Samuel Dash, and the minority counsel, Fred D. Thompson, met at the lunch break in the hearings with Leonard Garment, counsel to the President, and J. Fred Buzhardt, special counsel.

Senate sources gave no indication of how Mr. Buzhardt and Mr. Garment reacted to the plea to avoid a court test.

In another development a Federal judge ordered the White House today to show him its files on the 1973 increase in Government milk price supports. The White House had argued that release of the papers would injure the public interest and the doctrine of the separation of powers.

Mr. Cox, speaking at a 55-minute news conference at the Statler-Hilton Hotel, stated:

"I'm a pragmatic fellow. I want the evidence that the

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grand jury feels is material."

He added that he was not looking for an "abstract" legal point.

The President, or his representative, has been ordered to United States District Court on Aug. 7 to show cause why the tapes should not be turned over to the grand jury investigating the Watergate affair. The order was signed yesterday by Chief Judge John J. Sirica.

Mr. Cox did not say precisely what compromise might be acceptable. He suggested that he would accept versions of the tapes edited by the court or written transcripts edited to remove such information as military secrets and other "irrelevant" material.

"The issue at the moment is framed in terms of nine specific tapes," Mr. Cox said.

Cited Public Interest

Last Monday both Mr. Cox and the committee subpoenas seeking tapes and other documents. Yesterday, Mr. Nixon refused to obey the subpoenas, saying his stand was in the public interest and was being taken to protect the constitutional position of the President.

Mr. Cox went to court within an hour and a half of the President's decision. The Senate committee voted unanimously to go to court also, but the actual shape of that legal action has not yet been formed.

However, Senate sources said the committee would probably ask the court for a declaratory judgment ordering the President to obey the subpoena.

Both the Senate and Mr. Cox have been reluctant to confront the President directly. Refusal to answer a subpoena might lead to an order to show cause why he should not be held in contempt of court.

Mr. Cox was asked at his news conference if he might not be holding the President to a "looser standard" than other Americans by not asking for a contempt ruling against him and instead seeking only the documents.

Common Procedure

"The procedure followed here is a very common one," he replied.

He was also asked whether the courts could force the President to turn over the documents he sought.

He said: "Our history has been one of Presidents complying with constitutional decisions of the court. I don't assume this president will do anything different than his predecessors."

But he added, "I'm not looking for legal determinations. I want the documents."

He said there were two basic questions to be faced.

"One is whether there is some absolute privilege," he said.

Such privilege to withhold information, he said, is based on the three related doctrines of the separation of powers, executive privilege and the privacy of Presidential papers.

"If there is no such blanket privilege, then there is another question as to separating out of the things that are irrelevant," he said, referring to tapes that presumably include all sorts of material not related to the case.

He suggested the court might be able to sort out such matters as military secrets.

Doesn't Believe Concept

Mr. Cox has said he does not believe in the concept of executive privilege. Today he said he thought it would be "utterly unprecedented" if the court were not to order evidence turned over to a grand jury.

He said his request to the court differed from the proposed Senate action in that the Senate was under less urgency than the requirements of a sitting grand jury and that the Senate's need was for information to base legislation upon and was more general than the specific needs of criminal cases.

He said Mr. Buzhardt and others at the White House had been cooperative in turning over some information to the special prosecution force. But he said that he had thus far been unsuccessful in seeking an "intelligence file" said to have been compiled by John W. Dean 3d, former counsel to the President, and another file on the International Telephone and Telegraph Corporation that, he said, had been put together by Fred W. Fielding, deputy counsel to the President.

He said that neither of the files had been flatly refused, as the tapes have been.