

Court Seeks Compromise On Tapes

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The U.S. Court of Appeals suggested yesterday that President Nixon and special prosecutor Archibald Cox privately review the secret White House tapes together to determine if any are needed for the Watergate grand jury.

Without ruling on Cox' suit to obtain the tapes, the court suggested the possible compromise in a highly unusual move. It asked both men to inform the court by next Thursday whether the approach would be "fruitful."

COMMENT

Cox quickly accepted the suggestion.

"I shall, of course, be more than glad to meet with the President, or his delegate or any of his attorneys, in a sincere effort to pursue the Court of Appeals' suggestion to a mutually satisfactory conclusion," he said in a statement.

Mr. Nixon's deputy press secretary, Gerald L. Warren, would say only that "the White House received the memo and the White House counsel's office is studying the memo."

Cox had argued earlier that the tapes should go directly to the grand jury as crucial evidence concerning the planning and coverup of the June 17, 1972, break-in at Democratic headquarters in the Watergate complex.

RULING

Chief U.S. District Judge John J. Sirica had ruled earlier that Mr. Nixon should turn the tapes over to him for his private inspection to decide which — if any — should be submitted to the grand jury.

Both the White House and Cox opposed that ruling.

The seven-member Court of Appeals, which has accelerated its consideration of the historic case so it will reach the Supreme Court by October 1, received written

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and oral arguments this week.

It said yesterday that a Nixon-Cox agreement could be reached without subverting the principle of executive privilege, which the White House has invoked in refusing to turn over the Watergate related tapes of Mr. Nixon's conversations with former White House and campaign aides.

The appellate judges said they will rule on any disagreement if, after "the most diligent efforts" of Mr. Nixon and Cox in reviewing the tapes, "there appear to be matters the President deems privileged and the special prosecutor believes necessary and not privileged."

The court said it offered the suggestion of a solution "without intimating a decision on any question of jurisdiction or privilege advanced by any party."

The court said its memorandum was issued because of "the possibility of a resolution of this controversy without the need for a constitutional ruling."

It asked that either the President or someone delegated by him and assisted by the President's counsel, Professor Charles Alan Wright, and Cox examine the tapes without the presence of a judge.

"If the President and the special prosecutor agree to the material needed for the grand jury's functioning, the national interest will be served. At the same time, neither the President nor the special prosecutor would be in any way have surrendered or subverted the principles for which they have contended," the court said.

The seven judges of the court added that even if they were asked to rule on a question of privilege after the suggested examination, "the issues remaining for resolution might be substantially narrowed and clarified."

United Press

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