

# PRESIDENT SILENT ON PLAN ON TAPES

## Prosecutor's Office Reports No Contact With Nixon's Staff on Compromise

By WARREN WEAVER

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WASHINGTON, Sept. 14 — President Nixon and Archibald Cox, the Justice Department's special prosecutor, made no visible progress today toward the judicially proposed out-of-court compromise of their dispute over the Watergate tape recordings.

The White House declined all comment on the suggestion, by the United States Court of Appeals for the District of Columbia Circuit, that the President voluntarily give Mr. Cox a role in screening the tapes. The special prosecutor's office reported that there was no contact with the Nixon legal staff today in response to its proposal of yesterday.

Part of the problem centered on a difference of opinion among lawyers as to what the Court of Appeals had recommended in its effort to avert a constitutional confrontation in the supreme court.

In a 600-word memorandum unanimously adopted yesterday, seven judges of the Court of Appeals proposed that Mr. Nixon submit "portions of the tapes" to Mr. Cox and the President's own attorney, Prof. Charles Alan Wright, for an examination to determine what tapes, in part or in whole, could be transmitted to the Watergate grand jury.

### Difference of Opinion

Some authorities said that this necessarily implied a preliminary screening of the tapes by the President. Others, noting that the court had observed that both attorneys would have to be satisfied with the "portions" made available, maintained that Mr. Cox would have the right to participate in any initial censoring.

The first view seemed to be supported by the court's statement that its proposed solution would follow the President's legal position "that he alone should decide what is necessarily privileged and

should not be furnished the grand jury."

The second interpretation depends on the court's declaration that "we contemplate an examination of the tapes by the Chief Executive or his delegate, assisted by both his own counsel . . . and the spe-

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cial prosecutor."

The Cox staff, not surprisingly, read the Court of Appeals memorandum as recommending the prosecutor's presence at any examination of the tape recordings at which part of their contents could be ruled not available to the grand jury.

### Wright Back in Capitol

It appeared extremely unlikely that Mr. Cox would agree to any compromise that gave the President an unlimited right to delete from the tapes or transcriptions of them whatever material he regarded as privileged.

turned to his home in Austin, Tex., after the tapes case was argued before the Court of Appeals on Tuesday, was sum-

moned back to the White House this afternoon. He would say of his mission only that "I didn't come to enjoy the Washington weather." It was raining at the time.

Although no direct contact was reported today between the White House and the special prosecutor's office, both were understood to have ordered lines of communication kept open over the weekend, in an effort to negotiate a possible settlement of the controversy by the court's deadline of next Thursday. 20 SEP

Mr. Cox, on behalf of the grand jury, is suing the President to compel him to make nine tapes of White House conversations available to the investigation of the break-in at the Democrats' Watergate offices and the subsequent cover-

up. Mr. Nixon has refused on the grounds that the doctrine of executive privilege permits him to keep all his records private.

Chief Judge John J. Sirica of the Federal District Court here ruled two weeks ago that the President should surrender the tapes to him for a private examination of what parts, if any, should go to the grand jury. The decision was appealed by both the White House and Mr. Cox.

Some lawyers interpreted the court's suggestion for a compromise as evidence that the judges were leaning toward a ruling that would give some access to the tapes to the special prosecutor and wanted to give the President an opportunity to take a similar step voluntarily, rather than pursuant to court order.

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