

Nixon Offers Summary of
Tapes, 'Orders' Case Ended

Drop Case, President Tells Cox

Washington

President Nixon refused last night to accept the decision of the U.S. Court of Appeals that he surrender the Watergate tapes.

He declined, however, to appeal the case to the Supreme Court and he ordered special prosecutor Archibald Cox to drop the case.

The President announced that he would personally edit a summary of the recorded White House conversations, have it verified by Senator John C. Stennis (Dem.-Miss.), and furnish it to the Watergate grand jury and the Senate Watergate committee.

Cox indicated strongly that he would defy the chief executive's directive to end any attempt to obtain White House records through court action.

The special prosecutor said in a statement "for me to comply with those instructions would violate my solemn pledge to the Senate and the country to invoke judicial process to challenge exaggerated claims of executive privilege. I shall not violate my promise."

ERVIN

The leaders of the Senate Watergate committee, however, Senator Sam J. Ervin, Jr. (Dem.-N.C.), and Howard H. Baker, Jr. (Rep.-Tenn.), agreed to the President's compromise after a 40-minute meeting with him in the White House yesterday afternoon. The committee's efforts to gain access to the tapes in the courts had been thrown out earlier in the week.

Under the President's

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plan, he himself would prepare a "statement" of all Watergate-related information on the tapes. Then Senator Stennis, would listen to the tapes and "authenticate" the fullness and accuracy of the Nixon summary.

The nine tapes sought by both Cox and the senate committee involve otherwise secret conversations between the President and his aides concerning Watergate and its aftermath. Authorities believe their contents may go a long way toward determining which Nixon aides, if any, might be guilty of perjury and conspiracy, and whether the President himself was involved.

LAW

As a matter of law, the President's action appeared to leave standing the Court of Appeals decision that the tapes be submitted to Federal District Judge John J. Sirica, who would review them and pass relevant portions on to the grand jury over which Cox presides.

But if Cox is restricted by the President, it was uncertain whether another person could attempt to enforce that decision in court.

In ordering Cox to drop the case, Mr. Nixon said:

"To my regret, the special prosecutor rejected this proposal . . .

"Though I have not wished to intrude upon the independence of the special prosecutor, I have felt it necessary to direct him, as an employee of the executive branch, to make no further attempts by judicial process to obtain tapes, notes or memoranda of presidential conversations."

The President said that Stennis, who is chairman of the Armed Services Committee and a widely respected leader, had agreed to play the role of verifier. But

the senator said in a telephone interview that he could not give "a full answer" until he learned "what all of the facts are and a full outline of the service that I'm expected to render."

AVOID

By imposing his solution of the tapes controversy on the special prosecutor, Mr. Nixon obviously hoped to avoid a ruling by the Supreme Court requiring him to make the recording available to the grand jury, in whole or in part.

The President lost the case in federal District Court, where Sirica ordered Mr. Nixon to let him screen the tapes and pass all unprivileged matters on to the grand jury. That decision was upheld by the Court of

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Appeals for the District of Columbia a week ago, 5 to 2.

Mr. Nixon announced, after the Sirica decision, that he would not obey it. He reported that he would comply with a "definitive" decision of the Supreme Court, but he has never defined "definitive."

IMPEACH

Presidential aides have since warned Mr. Nixon that he would face the strong movement in Congress if he refused to obey a decision of the supreme court. his attempt to head off such a decision remained in doubt last night.

Throughout the two-page statement that the White House issued, the President suggested that the tapes controversy had international as well as purely domestic significance.

"There are those in the international community," he declared, "who may be tempted by our Watergate-

related difficulties at home to misread America's unity and resolve in meeting the challenge abroad."

His compromise, the President maintained, would "assure unity of purpose at home and end the temptation abroad to test our resolve." Mr. Nixon did not say what nation might be contemplating such a test.

Mr. Nixon said that he himself had adopted the compromise "with the greatest reluctance" since permitting someone other than the President and his staff to hear the tapes would constitute "a breach in the confidentiality that is so necessary to the conduct of the Presidency."

In fact, however, the President preserved nearly intact his basic position that he alone had the authority to decide what White House records could be made available to the grand jury. Under his plan, he would continue to exercise that authority, subject only to possible corrections by Stennis.

New York Times