

NYTimes OCT 20 1973
**NIXON BARS TAPES
TO COX BUT PICKS
STENNIS TO LISTEN**

**Reluctantly Agrees to Have
Summary Prepared, to Be
Verified by Senator**

REJECTS COURT RULING

**President Says Prosecutor
Opposed His Compromise
but Ervin Acquiesced**

By The Associated Press

WASHINGTON, Oct. 19 — President Nixon refused tonight to turn over Watergate-related tapes to the special Watergate prosecutor, Archibald Cox, but said that, "with greatest reluctance," he would prepare a summary of their content to be verified by Senator John S. Stennis, Democrat of Mississippi.

In a statement, Mr. Nixon said that Mr. Cox rejected this compromise solution to the explosive tapes case, but that the arrangement had been agreed to at a White House meeting tonight with the chairman of the Senate Watergate committee, Senator Sam J. Ervin Jr., and the committee's vice chairman, Howard H. Baker Jr.

Mr. Nixon said that he had felt it necessary to direct Mr. Cox "as an employe of the executive branch to make no further attempts by the judicial process to obtain tapes, notes or memoranda of Presidential conversations."

It was understood that Mr. Nixon would be prepared to dismiss Mr. Cox if he sought to circumvent the arrangement proposed to him by the executive branch.

A Legal Tangle

In what potentially could create an unprecedented legal tangle, Mr. Nixon let it be known that he would not abide by a 5-to-2 Federal appeals court ruling that upheld an earlier decision by United States District Court John J. Sirica that the tapes should be surrendered.

At the same time, Mr. Nixon said that he would not appeal

the ruling of the United States Circuit Court of Appeals to the Supreme Court, and thus would avoid a constitutional con-

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frontation.

Legally, the case now goes back to Judge Sirica, who, if he wished, could presumably object to the solution proposed by Mr. Nixon and accepted by Mr. Ervin and Mr. Baker.

In his statement, Mr. Nixon described his compromise plan as one "that would comply with the spirit of the decision of the Court of Appeals." He said that it would provide the information that Mr. Cox "claims he needs for use in the grand jury" and would be designed to resolve "any lingering thought that the President himself might have been involved in a Watergate coverup."

At the outset of his statement, Mr. Nixon spoke of "a strain imposed on the American people by the aftermath of Watergate, and the inquires into and the court suits arising out of that incident."

In addition, he said, "increasing apprehension over the possibility of a constitutional confrontation in the tapes cases has become especially damaging."

He said that the Government "must remain strong and effective," and that what matters most "in this critical hour is our ability to act—and to act in a way that enables us to control events, not to be paralyzed and overwhelmed by them."

At home, Mr. Nixon said, the "Watergate issue has taken on overtones of a partisan political contest."

"Concurrently, there are those in the international community who may be tempted by our Watergate-related difficulties at home to misread America's unity and resolve in meeting the challenges we confront abroad," he added.

'Decisive Actions'

The President justified his moves with these words:

"I have concluded that it is necessary to take decisive actions that will avoid any possibility of a constitutional crisis and that will lay the groundwork upon which we can assure unity of purpose at home and end the temptation abroad to test our resolve."

While expressing confidence that the Supreme Court would have upheld his refusal to surrender the tapes, Mr. Nixon said that he concluded "it is

not in the national interest to leave this matter unresolved for a period that might be requested for a review by the highest court."

Mr. Nixon reported that Attorney General Elliot L. Richardson had been holding discussions with Mr. Cox "throughout this week" in the hope of arranging a compromise.