

Triggered showdown

Cox's opinion of compromise

Examiner News Services

WASHINGTON — Archibald Cox, the Justice Department's ousted special Watergate prosecutor, had four principal objections to the compromise President Nixon imposed in an attempt to settle the dispute over the Watergate tapes.

And Elliot Richardson, the attorney general who resigned rather than fire Cox, had some objections, too, even though the White House had sought to portray the compromise as one that Richardson had suggested.

Last-minute correspondence between him and Cox and the White House, which he released yesterday, outlined these main objections:

- The job of verifying the accuracy of the President's summary should not be assigned to only one person, and the prosecution should have something to do with picking the people.

- The verifiers should be made special masters of the court so that the entire procedure would be under court jurisdiction.

- The tapes themselves should also be available to the prosecution in the event at any future trial the Nixon summary is held by the court to be inadmissible.

- The summary should not be limited to the Watergate case but include tapes and documents bearing on other matters under Cox's jurisdiction.

In transmitting these and other suggestions to the White House Thursday, Cox said he hoped there could be further negotiations in an effort to reach an out-of-court solution.

"A courtroom 'victory'

has no value per se," wrote Cox. "There should be no avoidable confrontation with the President, and I have not the slightest desire to embarrass him."

In a reply, Charles Alan Wright, the lawyer handling the tapes case for President Nixon, said Cox's suggestions for dealing with the four main points to which he objected "depart so far from that proposal and the purpose for which it was made that we could not accede to them in any form."

In a final exchange of letters between Cox and Wright shortly before the White House decision was announced, Cox repeated his objections and elaborated on his reasons for them.

"I have a strong desire to avoid any confrontation, but I could not conscientiously agree to your stipulations without unfaithfulness to the pledges which I gave the Senate prior to my appointment," he said.

Wright's response was curt in tone.

"It is my conclusion from that letter," he said, "that further discussions between us seeking to resolve this matter by compromise would be futile, and that we will be forced to take the actions that the President deems appropriate in these circumstances."

Besides his four main objections to the compromise, Cox listed a number of others including the lack of any opportunity for the prosecution to discuss selection of Stennis or to brief him on what to look for in the tapes.

Cox also suggested a more thorough means of verifying the integrity of the tapes "even though I reject all suggestions of tampering."

"Should we not go further, to dispel cynicism," he said, "and make provision for skilled electronic assistance in verifying the integrity of the tapes...?"

The correspondence that Cox released also showed that Richardson had proposed giving a distinguished outsider the full subpoenaed tapes and a verbatim transcript, omitting only non-pertinent conversations.

The "verifier" would check the transcript against the tapes, censor "embarrassing" language or references to national defense or foreign relations he decided would be harmful to disclose, and submit the transcript to the court, according to Richardson's plan.

Cox objected, stressing mainly the need for unrestricted access to the tapes themselves.

In contrast to Nixon's plan, Richardson did not propose involving the Senate Watergate Committee.