

Nixon lawyer defends 'cost' in Cox ouster

Examiner News Service

WASHINGTON — President Nixon's constitutional lawyer said today the President paid "hideous costs" by firing Archibald Cox as special Watergate prosecutor, but insisted the dismissal was necessary.

Charles Alan Wright, who helped prepare a "Response of the President" to Federal Judge John J. Sirica this morning, argued that a proposed compromise on the Watergate tapes issue — which Cox refused to accept — fulfilled requirements set earlier by Sirica.

Meanwhile, Sirica called in the two federal grand juries investigating the Watergate scandal and told them:

"You are not dismissed and will not be dismissed except by this court."

"I urge you," he added, "to be patient while the various immediate problems surrounding this investigation are resolved by this court."

In an indication that he expects to act, he emphasized the words "by this court." And in another such indication he turned down a law professor, not connected with the case, who sought to file a motion calling for appointment of a special counsel to the grand juries, replacing Cox.

Sirica said he would act without any outside help if he thought it necessary.

Prior to the court session, Wright was asked about the cost to the presidency of abolishing the office of special prosecutor.

"There are hideous costs; anybody has to realize that," Wright said on the NBC-TV Today show. But there would have been greater costs in allowing to stay in office an employe of the executive branch who will not accept direction from his superiors."

Sirica, the presiding judge at the trial last January of the original seven Watergate defendants, last month ordered Nixon to hand over tapes of his Watergate conversations to the judge for personal screening.

An appeals court upheld Sirica on Oct. 12, but urged the White House and Cox to seek a compromise.

Cox was fired Saturday after refusing to accept a White House proposal whereby written accounts of the conversations in question would be provided Cox and the Senate Watergate committee.

Wright was asked if Nixon had not violated a pledge

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April 30 to give Attorney General Elliot L. Richardson, who resigned after refusing to carry out the firing of Cox, full and absolute authority to make all decisions in the Watergate case.

"Yes, yes, he did," Wright replied. "But I think one has to view that in some context . . . At the time that Attorney General Richardson and Mr. Cox made representations to the Senate, presidential tapes were not an issue.

"Neither Mr. Richardson nor Mr. Cox knew there were such tapes. They were an issue that didn't surface until July 16." That was the day a former White House aide told the Watergate committee that secret tapes were made of all major presidential conversations.

With respect to what the written accounts could contain, Wright — key presidential negotiator in efforts late last week to get a White House-Cox compromise — said they would include exact words of conversations involving Watergate, except for possible deletion of "pungent" remarks.

Conversations involving other matters not related to Watergate would be summarized, Wright said.

Nixon had refused in the past to provide more than summaries of all the conversations. Saying that the tapes issue likely would have remained undecided for another four months if taken to the Supreme Court, Wright said:

"We simply could not have four more months of worrying about the President being involved in the constitutional confrontation, and he was willing to make a tremendous concession . . . in order to put this issue once and for all behind us."

The original Watergate grand jury is receiving testimony about the White House coverup of the bugging of Democratic headquarters. It is due to expire on Dec. 5.

A second grand jury was impaneled to hear testimony about allegedly illegal contributions to Nixon's reelection campaign and the break-in of the office of Daniel Ellsberg's psychiatrist.

Meantime, Acting Attorney General Robert H. Bork said he would endorse legislation already sent to Congress to extend the life of the original Watergate grand jury for six months, until May 5.

If Sirica can bring himself to accept Nixon's idea on the tapes, an enormous confrontation will have been avoided.

But if Sirica cannot agree to the proposal, a grinding government crisis seems assured.

Should it become extreme, the beleaguered judge could decide that he has no choice but to rule that the President of the United States is in contempt of court so long as Nixon refuses to let Sirica himself listen to the tapes.

Such an earth-shaking ruling might prove unenforceable from a practical standpoint, since a judge must depend on officers employed by Nixon's executive branch to enforce any of his orders.

But the spectacle of a defiant President remaining stubbornly in contempt of court might prove a powerful catalyst to the growing congressional sentiment for impeachment.