

# Ervin Panel Told Tapes Offer Is Off

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President Nixon withdrew his offer yesterday to make partial White House tape transcripts available, after verification by Sen. John C. Stennis (D-Miss.), to the Senate select Watergate committee.

White House chief of staff Alexander M. Haig Jr. said yesterday that the "Stennis Compromise" reached Friday with Senate Watergate committee chairman Sam J. Ervin Jr. (D-N.C.) and vice chairman Howard H. Baker Jr. (R-Tenn.) had been canceled as a result of Mr. Nixon's decision to comply with a court order to turn nine subpoenaed White House tapes over to Chief U.S. District Court Judge John J. Sirica.

Although Sirica had ordered Mr. Nixon to turn the tapes over to him as part of former Special Watergate Prosecutor Archibald Cox' federal grand jury investigation, Sirica had rejected on Oct. 17 the Senate committee's own subpoena to obtain the tapes.

The Senate committee accordingly filed a motion yesterday with the United States Court of Appeals requesting an expedited appeal of Sirica's ruling. The committee brief requests that arguments on its appeal be heard by the full nine-judge court on Nov. 2.

The decision to withhold the tape summaries from the committee came after a dramatic series of events last Friday that resulted in the summoning of Ervin and Baker to the White House, with no notice, from out-of-state speaking engagements. Both men were out of touch with their staffs or other

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senators at the time, leading some committee sources to speculate that the two senators were being "used" as part of a White House scheme to fire Cox.

The agreement between Mr. Nixon and the committee had begun to disintegrate Saturday when Ervin said that a White House announcement was incorrect in stating that he and Baker had agreed to receiving only

summaries of the tapes. Ervin made his statement after Cox rejected Mr. Nixon's offer of the summaries to him as unacceptable.

The White House said that Ervin and Baker had agreed to accept a summary of five tape recordings with partial yesterday morning by Ervin to President Nixon, asking for a clarification presented a radically different view of the agreement.

In his telegram, Ervin said that Stennis would have temporary custody of the tapes, that Stennis would hear the tapes and separate Watergate-related material from material not relevant to the Watergate affair and that Stennis would "prepare and furnish" to the committee "a verbatim copy of the exact words as recorded on the tapes, which are relevant to matters which the committee is authorized ... to investigate."

In addition, Ervin said that his understanding of the agreement was that Stennis could verify the authenticity of the tapes and could provide the committee with a summary of the items on the tapes that he considered not to be relevant to the committee's investigation.

In announcing that President Nixon had decided to withdraw his offer to the committee, Haig referred to the committee's appeal of Sirica's order. "They have themselves sought to resolve this issue through the courts," Haig said.

The second consideration in President Nixon's decision to withdraw his offer to the committee, Haig said, was a concern for Stennis' health. Stennis only recently recovered from gunshot wounds suffered during a holdup here last January.

Stennis had agreed to undertake the assignment, Haig said, with the understanding that it would be "hopefully devoid of the limelight of the kind of tensions that have developed around this issue."

"I think the President's view," Haig said, "is that given all the tensions, publicity, pressure now associated with this task, that he would not presume to impose upon Sen. Stennis when the information is now being divulged in its complete form in accordance with the rulings of the courts."

Special presidential counsel Charles Alan Wright, who has been arguing President Nixon's position in court, added that after the announcement that President Nixon would comply with Sirica's order, White

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House counsel Leonard Garment had spoken on the telephone with chief committee counsel Samuel Dash.

Wright said Dash told Garment, "I think you've done exactly the right thing and as far as I'm concerned we'll see you in court to battle over the question of access to the tapes."

Both Dash and deputy chief counsel Rufus Edmisten said that they had not talked to the White House or Garment about President Nixon's withdrawal of the tape summaries. Edmisten, who said they learned that the agreement had been withdrawn from a newsmen, said that the committee stance "would be more than ever that it should have the tapes themselves" and would push ahead with its court suit.

Both Ervin and Baker were caught by surprise when they were summoned to the White House last Friday for the meeting on the Stennis proposal, Senate committee sources said.

Ervin was in the New Orleans airport, preparing to return to his Morganton, N.C. home after giving a speech in New Orleans, when he was paged to come to the telephone. The caller was J. Fred Buzhardt, special counsel to the President, who told him the White House had decided to offer a compromise to resolve the tapes issue, sources said.

Ervin then changed his flight reservations and flew by commercial airline to Dulles International Airport here, where he was met by White House representatives. He then was whisked to the meeting at the White House, sources said, without having any time to contact any of the other senators on the committee or its staff members.

After the White House meeting, because there were no flights back to North Carolina that night, Ervin was flown by military plane to Charlotte, the sources said.

Baker, sources said, received his urgent call to return to Washington for a meeting at the White House while he was delivering a speech in Chicago. Sources said Baker arrived at the White House some time ahead of Ervin and talked with White House aides before Ervin arrived.

Like Ervin, Baker had no time to call any other com-

mittee members or staff officials before the meeting. Baker told The Washington Post on Sunday that he still had not talked to any other committee members about the Friday meeting.

Some Senate committee sources said yesterday there was a feeling that the White House may have "used" Ervin and Baker as part of a plan to fire Cox. By getting the committee to accept the tape summaries, they isolated Cox in refusing the tapes, sources said.

However, sources said Ervin felt as recently as Monday that he had not been "used," and that the President had put forth his proposal in good faith. Baker and Ervin were given nothing in writing last Friday but, sources said, felt they had "a gentleman's agreement."

Committee sources said yesterday that the committee will meet Thursday to chart its future course of action. One major item to be discussed, sources said, is the possibility of the committee to subpoena all documents held by the special prosecutor's office in order to use them and safeguard them from tampering.

The committee also is expected to discuss proposals by some staff members to call Cox, former Attorney General Elliott L. Richardson and former Deputy Attorney General William Ruckelshaus as public witnesses. Richardson and Ruckelshaus resigned after refusing to fire Cox last Saturday.

Committee sources continued to say yesterday that the schedule for the rest of their hearings remains unclear because events of the last several days have moved so rapidly that it is impossible to play very far ahead. As of now, the hearings are expected to resume next week with testimony relating to campaign financing, but nothing is firm on this, sources said.