

WXPPost NOV 7 1973

Nixon Talked of Firing Cox In September—Richardson

By Mary Russell

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Former Attorney General Elliot L. Richardson said yesterday that President Nixon talked of "getting rid of Cox" as early as September, long before the show-down over the issue of presidential tape recordings led to the firing of the special prosecutor on Oct. 20.

Richardson said the President made the remark at a White House meeting dealing with an investigation of Vice President Spiro T. Agnew.

The former Attorney General, who quit rather than fire former Watergate Special Prosecutor Archibald Cox, also disclosed that Mr. Nixon called Richardson on

July 3 and told him to order Cox to put out a press release in which Cox would state that he was not investigating matters dealing with the President's properties at San Clemente or Key Biscayne.

Richardson said he called Cox, who issued a statement denying he was investigating the President's real estate transactions.

Richardson said a Los Angeles Times story saying that Cox was investigating possible improprieties involving the property at San Clemente had been brought to Mr. Nixon's attention and had prompted the call.

Richardson said he had received assurances from Cox that he was not investigat-

ing the San Clemente matter. Cox told Richardson he merely wanted to know more about it for his own information and had asked an aide to gather all newspaper clippings on the matter.

Richardson made the disclosure in response to a question from Sen. Edward M. Kennedy (D-Mass.), who asked Richardson if it was true that Richardson had said the President was showing signs of psychological stress.

Richardson replied, "Yes, especially in early July," and revealed the phone call from the President ordering Cox to issue a press release denying he was investigating San Clemente.

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Richardson said the President "seemed to be pretty wrought up" by the Los Angeles Times story. Richardson said Mr. Nixon set some deadline for the statement to be issued by Cox, but that he couldn't remember what it was.

The former Attorney General said he didn't take seriously the President's remarks about getting rid of Cox. "I thought it was just an expression of general irritation," Richardson said.

Richardson, testifying before the Senate Judiciary Committee on the question of appointing a new special prosecutor, also said that Cox had informed him that Richard G. Kleindienst had described a telephone call Kleindienst had gotten from Mr. Nixon.

At the time of the call, Kleindienst was deputy attorney general. The President ordered him to drop an appeal the Justice Department was planning in an antitrust case against ITT.

Richardson said Cox told him about the Nixon-Kleindienst call on Oct. 16, or four days before Cox was fired. Cox used the Nixon-Kleindienst call as an example of his need to seek other White House tapes besides the ones that had already been subpoenaed.

Richardson said he mentioned Cox's account of the Nixon-Kleindienst conversation to Fred Buzhardt, the President's counsel, at a meeting in White House chief of staff Alexander M. Haig's office.

The purpose of relaying the information to Buzhardt, Richardson testified, was to make clear to the White House that Cox should not be held back from seeking further tapes through the courts.

Buzhardt seemed already to be aware of the fact that

Mr. Nixon had made the call to Kleindienst, Richardson said, and was not convinced by Richardson's plea on Cox's behalf.

Richardson described the White House as looking upon the Cox investigation as "a ravenous beast with an inexhaustible appetite."

He said he had received frequent calls from Buzhardt and Haig asking whether Cox wasn't exceeding his jurisdiction.

Richardson said he fell into the role of playing the middleman between the White House staff and Cox.

"My effort was to try to put the situation in perspective," Richardson said. "I told the White House somebody would have to investigate matters like the milk producers and ITT and it would be better if an independent prosecutor did it than the Justice Department."

Richardson also told the Senate committee that the President should require the President to waive all further claims to executive privilege with regard to the Watergate tapes, documents or papers as a condition for Senate approval of the nomination of Sen. William Saxbe (R-Ohio) as the new Attorney General.

Richardson suggested, too, that Congress pass a bill requiring Senate confirmation of the new Watergate special prosecutor and set the same executive privilege waiver condition for his approval.

Richardson said he thought the issue of executive privilege was a "valid constitutional issue" when first raised by the President and that he felt the President believed it was a major issue.

But he added, "In light of the sequence of the firing of Cox over the issue of executive privilege; followed then by his complete reversal on

giving up the tapes, culminating now in the discovery that two of the tapes are missing, we have reached the point where any further conversation about executive privilege ought to be eliminated."

Richardson said that if the President refused to make the commitment, "it would have to be taken into account in the situation the nation now confronts." Asked later if he felt that would mean added pressure for impeachment if the President refused to make the commitment, Richardson said, "That would be a fair conclusion."

Richardson joined a growing list of Republicans demanding full disclosure on the part of the President to restore confidence in his credibility. Yesterday Sen. Peter Dominick (R-Colo.) said nothing "short of completed disclosure will be adequate to restore the confidence of the American people."

Commenting on reports that President Nixon's attorneys may ask U.S. District Court Chief Judge John J. Sirica to make public the substance of seven White House tapes, Richardson said Mr. Nixon did not need Sirica's permission to make the tapes public.

Richardson also said he did not believe a bill offered by Sens. Philip Hart (D-Wis.), Kennedy and Birch Bayh (D-Ind.) calling for a court-appointed special prosecutor, would be constitutional.

But Bayh said the Senate had already gotten one commitment from President Nixon that Cox would be independent, and the President had broken that.

Richardson contended that the President, if he could weather his present situation, would not be likely to repudiate any future agreement.