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Documents Support Richardson Stand

Nixon Meetings Cox Firing

By George Lardner Jr.
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President Nixon's whirlwind week of meetings with congressional Republicans over the scandals laid to the White House could come back to haunt him.

That of fact is the view of Rep. Charles W. Whalen (R-Ohio) who said that Mr. Nixon's explanations at times failed to deal with the questions put to him in the closed sessions and at times seemed to contradict what is already public record, including testimony given under oath.

Voicing frustration with the session he attended last week, Whalen said it reminded him of a piano-playing exercise.

"My wife plays the piano," he said, "and I guess there's this exercise called 'fingering the piano.' You just run your fingers over the keyboard without hitting the keys.

"That's what we've been doing this week—fingering the keys without really hitting them."

See NIXON, A14, Col. 1

By Bob Woodward
and Carl Bernstein
Washington Post Staff Writers

Documents turned over to the Senate Judiciary Committee by former Attorney General Elliot L. Richardson two weeks ago appear to support Richardson's version of the events that led to the firing of Archibald Cox as special Watergate prosecutor.

Seven of the documents, either not released publicly or previously overlooked, do not support President Nixon's private remarks to congressmen during White House meetings last week that Richardson was untruthful in his Senate Judiciary Committee testimony in early November about the Cox firing and Richardson's own resignation on Oct. 20.

Specifically, the President and his White House chief of staff, Alexander M. Haig, have charged that Richardson both agreed to and initiated a proposed restriction on future access by Cox to White House tapes and memos in addition to the subpoena for nine tapes at issue when he was fired.

See RICHARDSON, A15, Col. 1

NIXON, From A1

Whalen based his remarks on a breakfast session he attended with 27 other House Republicans Friday morning—Mr. Nixon's final one of the week with members of Congress. In what White House aides have called a determined campaign "to set the record straight."

At the Friday session, however, according to reports from Whalen and others, Mr. Nixon seemed to be contradicting the testimony under oath that former Attorney General John N. Mitchell gave in 1972 about dealings involving the International Telephone and Telegraph Corp.

Whalen, who took notes at the meeting, said the President was asked about his ordering then-Deputy Attorney General Richard G. Kleindienst in April of 1971 to drop the civil appeal of an U.S. antitrust case against ITT.

When news of that came out last month, the White House acknowledged that Mr. Nixon had intervened, but that he withdrew his objections when the specific facts of the appeal were subsequently explained to him in greater detail.

The President indicated to the House Republicans that the explanation came from then Attorney General Mitchell, who told him that "Kleindienst will quit" unless the appeal were pursued.

Whalen, who said his notes included verbatim quotes, said Mr. Nixon then told how he agreed that the appeal should be taken "and in the meantime we'll try to work out a divorce" of some of ITT's holdings.

That Mr. Nixon reportedly added was precisely what happened. "ITT stock went down 10 points," he was reported as recalling Friday.

Mitchell, however, had disqualified himself in April of 1969 from antitrust cases against ITT because his former law firm had done legal work for one of the big conglomerate's subsidiaries.

"The President has never talked to me about any antitrust case that was in the department," Mitchell told the Senate Judiciary Committee on March 14, 1972. "... Specifically, with respect to ITT or any other (particular antitrust) litigation, no, I have never talked to the President about it."

At another point during the Friday breakfast session, the President was asked by Rep. Vernon W. Thomson of Wisconsin whether he hadn't broken his word about the Watergate investigations by ordering the dismissal last month of Watergate Special Prosecutor Archibald Cox.

Whalen said Mr. Nixon gave this account of Cox's ouster on Saturday, Oct. 20:

"Cox changed [his] mind on Friday night because of lack of confidence in Stennis. We didn't know until Saturday he'd changed his mind."

In fact, Cox had already informed White House lawyer Charles Alan Wright—in a letter delivered that Friday morning, Oct. 19—that he "could not conscientiously agree to the demands that Wright had put to him over the telephone the night before, on Oct. 18.

Those demands—revolving around the so-called compromise whereby only Sen. John C. Stennis (D-Miss.) would have heard Mr. Nixon's subpoenaed Watergate tapes to verify the President's account of them included a promise from Cox that he never again subpoena any more of the President's tape-recorded conversations.

With Cox's refusal on that and other points in hand, Wright wrote back on Oct. 19—in a letter received at Cox's office at 5:23 p.m.—that further discussions "would be futile."

The President announced that night that he was putting the "compromise" into effect anyway. He made the announcement in a two-page statement noting that the spe-

cial prosecutor had already "rejected this proposal."

Cox was fired the next night, Oct. 20, after he announced that he would contest the President's "compromise" in the courts, which had already ordered Mr. Nixon to surrender the Watergate tapes to federal Judge John J. Sirica. Attorney General Elliot L. Richardson resigned earlier that same night after refusing to put the ouster into effect.

Whalen said that conceivably Mr. Nixon could have been asserting that Cox had changed Richardson's "mind" about the compromise. But Whalen said this was not his impression.

In addition, Richardson has testified that he never approved of Mr. Nixon's plan to keep Cox from going to court for tapes other than the nine Watergate conversations he had already subpoenaed. Richardson was told by the White House on the evening of Oct. 19 to direct Cox to seek no more "tapes, notes or memoranda of Presidential conversations" by judicial process. Richardson then called Cox and associates of both men have said that the Attorney General told Cox that he was "in no sense" transmitting the order.

Cox said at a news conference at South Brooksville, Maine, yesterday that Mr. Nixon was plainly incorrect if he made the remarks attributed to him about a change of mind on Cox's part.

"If the President said that," Cox stated, "he either fell into a slip of the tongue or was misinformed." Cox said the written record made it clear "that I was opposed to the Stennis proposal."

Whalen said Mr. Nixon may be making a short-term gain with his public campaign of answering various allegations and questions about his conduct and the conduct of his administration.

But the Ohio Republican added: "If these contradictions continue—and certainly knowledgeable people are going to be scrutinizing every word—it may be more harmful in the long run."

Whalen said his notes also show the President making these remarks:

• On the purchase of his home at San Clemente: "Where did I get the money? I worked my butt off." Mr. Nixon said that when he became President in 1969, he had received \$250,000 in royalties on his book ("Six Crises"), had been earning \$150,000 to \$250,000 a year as a lawyer, sold his New York condominium apartment for \$350,000, real estate in Florida for a \$150,000 profit, and had stocks worth \$200,000. By contrast, the President told House Republicans Friday, his net worth when he left the vice presidency in 1961 was only \$47,000, including a three-year-old car.

• On billionaire Howard Hughes' \$100,000 which was held in a safe deposit box by Mr. Nixon's closest friend, C. G. (Bebe) Rebozo: the Presi-

dent said Rebozo was accompanied by an FBI agent when he withdrew the cash last April to return it. The agent reportedly dusted the bills for fingerprints and took down the serial numbers. Rebozo has said that they were the same bills originally entrusted to him.

Mr. Nixon apparently did not indicate whether an FBI agent had been present when Rebozo deposited the money.

• On whether he plans to make his subpoenaed Watergate tapes public: Mr. Nixon said he hopes to, but "we won't release those involving irrelevant material and national security and third parties—innocent third parties that might be hurt."

Throughout the session, Whalen said, there was little chance for follow-up questions. The seeming contradictions involving Cox's ouster and the ITT controversy, he added, didn't occur to him until later when they were called to his attention. Most congressmen, he said, "don't have the knowledge to jump in with the follow-up questions."

RICHARDSON, From AI

In addition, the President and Haig have reportedly told congressmen that Richardson had initially agreed with the decision to fire Cox and did not make it clear that he would resign over the issue.

One of the Senate Judiciary Committee documents, reviewed by The Washington Post, a three-page proposed compromise of the White House tapes subpoena issue, dated Oct. 17 and drafted by Richardson, made no mention that the plan for Sen. John L. Stennis (D-Miss.) to hear the tapes would include restrictions on Cox subpoenaing other White House tapes and notes when needed for evidence.

In a two-page comment on Richardson's proposal, dated the next day, Oct. 18, Cox specifically objected to the compromise because it did not establish "the special prosecutor's entitlement to other evidence." This appears to indicate that Cox was unaware that any compromise under discussion would restrict his future access to White House materials.

Responding to Cox's com-

ment on the same day, White House lawyer Charles Alan Wright specifically objected to Cox' introduction of the issue of future access, according to a copy of Wright's note.

The requests for future access to White House materials, Wright wrote, "departs so far from that proposal and the purpose for which it was made that we could not accede to them in any form."

Then in a letter the next day, Oct. 19, to Wright, Cox made reference to an intervening phone call in which Wright said that Cox would be banned from going to court to obtain additional White House tapes and documents.

Cox indicated that this is the first time he learned that a compromise on the nine originally subpoenaed White House tapes would include a ban on his going to court to enforce other subpoenas in the future.

Wright then sent a letter in response—also dated Oct. 19—in which he said that it is clear that any attempt to resolve the issue would be "futile."

Meanwhile, in a three-page document titled "Summary of Reasons Why

I Must Resign"—and also dated Oct. 19—Richardson listed seven reasons why he must leave office. None of the reasons made reference to the issue of future access by Cox to White House materials, and the document indicated that the question had never arisen.

The chief reason listed by Richardson for considering resignation was his belief that Cox's rejection of a compromise on the nine tapes was not sufficient grounds for firing him.

In an Oct. 19 letter to Richardson, President Nixon strongly also seemed to indicate that Richardson was not the author of the plan to restrict Cox's future access to White House materials.

In the letter the President said: "I am instructing you to direct Special Prosecutor Archibald Cox of the Watergate Special Prosecution force that he is to make no further attempts by judicial process to obtain tapes, notes, or memoranda of presidential conversations."

Responding in a letter the next morning, Oct. 20, Richardson told the President that he objected to this instruction because it would include in a compromise on

the nine subpoenaed tapes "the renunciation of any further attempt by him (Cox) to resort to judicial process. Richardson noted that his own proposed compromise of Oct. 17 "did not purport to deal with other tapes, notes or memoranda of presidential conversations."

The White House received this letter prior to Cox's afternoon press conference on Oct. 20, at which Cox stated his objections to the compromise because it now required him to agree to restrictions on his future access to White House materials.