

Cox and the Inference Of the March 21 Tape

Charlottesville, Va.

Former Special Watergate Prosecutor Archibald Cox said yesterday there is a "permissible inference" in the crucial March 21, 1973, Watergate tape that President Nixon took part in a conspiracy to obstruct justice.

"Taking the public transcript and the facts that have been published as surrounding that conversation, it is a permissible inference that the President participated in a conspiracy to obstruct justice," Cox said at a news conference before a commencement address at the University of Virginia Law School.

"Like all inferences, you don't have to draw it," Cox added.

The tape concerns a meeting Mr. Nixon held with former White House counsel John W. Dean III on March 21 last year in which they discussed payments to Watergate conspirator E. Howard Hunt Jr.

Cox also said that if the courts order the President to produce additional evidence for Special Prosecutor Leon

Jaworski or the House Judiciary Committee, "Failure to comply would in my judgment be the most serious of impeachable offenses."

Cox was fired as special prosecutor October 21 in a battle with the White House because of his own efforts to obtain nine Watergate tapes. The Harvard law professor said his dismissal raised two questions — one whether the President was trying to set himself above the law by refusing to comply with a court order for the production of documents.

"The second question raised in October was whether our system of government secures opportunity for the full and impartial investigation of wrongdoing at the highest levels of the executive branch according to the usual processes of law, or whether a chief executive can thwart the search for fact by a personal fiat inescapably influenced by self-interest and concern for his friends," he said.

He said that the question raised by Jaworski, who has subpoenaed additional Watergate evidence and asked

for a Supreme Court review of his request, is whether "guilt or innocence in the criminal trials of White House aides be determined upon consideration of all the evidence found relevant, material and unprivileged by due process of law. Or shall the evidence from the White House be confined to what a single individual, highly interested in the outcome, is willing to make available.

"In the latter event, our system of government provides no way of assuring a full and impartial inquiry into wrongdoing at the highest level of the executive branch," he said.

United Press