

Ervin Feels '73 Talk With Nixon Was Used in Plan to Dismiss Cox

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Former Senator Sam J. Ervin Jr. of North Carolina, who was chairman of the Senate Watergate committee, says he "strongly" suspects that a meeting he had three years ago with President Nixon to work out a deal for release of transcripts of the White House tapes was used by Mr. Nixon as part of a cover plan to dismiss Archibald Cox, the Watergate special prosecutor.

The stated purpose of the meeting in the Oval Office on Oct. 19, 1973, which was also attended by Senator Howard H. Baker Jr., Republican of Tennessee, was to discuss a compromise proposal made by the President after the United States Court of Appeals ordered him to surrender the tapes.

An Appendix to a Book

The compromise called for Mr. Nixon to personally edit a summary of the tapes, which would be turned over to Senator John C. Stennis, Democrat of Mississippi. The Senator would then listen to the full tapes and "authenticate" the completeness and accuracy of Mr. Nixon's summary.

Senators Ervin and Baker agreed to the President's proposal at the Oct. 19 meeting.

However, Senator Ervin, now retired, says in an appendix to a book written by Samuel Dash, chief counsel to the Watergate Committee, that Mr. Nixon did not intend to go through with the plan. "While I cannot furnish any proof for this suspicion, I strongly suspect that President Nixon never had any intention of surrendering the tapes to Senator Stennis," he wrote. "The summoning of Senator Baker and myself to the White House and the subsequent White House statement were stage-played solely for the purpose of giving the President a pretext for firing Cox."

Mr. Dash's book, titled "Chief Counsel: Inside the Ervin Committee—The Untold Story of Watergate," is to be published Nov. 1 by Random House. The appendix was originally written as a letter to Mr. Dash, but Senator Ervin requested that it be printed in the book to clarify the record.

An Apparent 'Excuse'

In this appendix, Senator Ervin declares that, unknown to Senator Baker or himself, Mr. Cox had repeatedly refused to accept any summaries of the statements on the tapes rather than the tapes themselves.

"The summoning of Senator Baker and myself to the White House," he writes, "gave the White House an excuse for representing to the American people that Special Prosecutor Cox was an incorrigible person who refused to accept substitutes for the tapes which two reasonable

men, Senator Baker and myself, were willing to accept."

The next day, in what became known as the "Saturday Night Massacre," Mr. Cox was dismissed and Attorney General Elliott L. Richardson and Deputy Attorney General William D. Ruckelshaus resigned.

Senator Ervin's version of the White House meeting differs from that of Bob Woodward and Carl Bernstein in their book, "The Final Days." The Washington Post reporters wrote that Senators Ervin and Baker agreed to President Nixon's plan to have Senator Stennis edit the tapes because that would be "better than nothing."

But in the appendix, Senator Ervin declares, "I had never agreed and would never agree to accept any summary of the tapes, and would be opposed to the committee accepting any proposal which did not make it certain that the committee would receive verbatim exactly what the tapes said about the Watergate affair."

The so-called Stennis compromise was canceled the Tuesday after the "Saturday Night Massacre" when the President's attorney said that Mr. Nixon would yield the tapes and other documents to the appeals court.

Series of Secret Meetings

In "Chief Counsel," Mr. Dash discloses why his star witness, John W. Dean 3d, President Nixon's counsel, had what appeared on television as total recall of the details about Watergate and the White House involvement. A series of secret meetings were held between Mr. Dash and Mr. Dean, usually in the office of Mr. Dean's lawyer, Charles Shaffer, in Rockville, Md., during which Mr. Dean's testimony was carefully sifted and challenged.

Mr. Dash was asked, in a telephone interview, if this did not constitute "coaching" his witness. He replied that he never suggested answers for Mr. Dean but, refreshed his recollection with dates and details, always in the presence of Mr. Dean's attorney.

Mr. Dash also writes that Mr. Cox tried to get him to close down the Senate committee's public hearings so as not to endanger criminal prosecutions. The conversation between the two law professors is quoted:

"What you're really saying to me, Sam (Mr. Cox says), "is that I should go back to Harvard."

"And what you are really saying, Archie," (Mr. Dash replies), "is that I should go back to Georgetown."

Mr. Dash, who is on leave from the Georgetown University Law Center, is now writing an evaluation of the Special Prosecutor's Office in Philadelphia, where he once served as District Attorney.