



United Press International

Sen. Sam Ervin (D-N.C.) holds documents marked "sensitive material" during questioning on Watergate.

## Nixon-Dean Logs May Be Yielded

By Lou Cannon

Washington Post Staff Writer

6/6/73

The White House reversed itself yesterday and said that it was considering making logs of the President's telephone conversations and meetings with deposed counsel John Dean III available to Watergate prosecutors.

The day before, Deputy White House Press Secretary Gerald L. Warren had described such a procedure as "constitutionally inappropriate." Yesterday he said he had misunderstood his instructions and made too

ment drew a retort from Cox that he intended to "have access to all papers, and if there is any waffling on it, I intend to make it plain."

Warren said the question of whether the logs would be made available and under what conditions was now being discussed by prosecutors working for Cox and the staff of the White House counsel.

sweeping a statement when he said that the logs—records, but not summaries, of the dates the President spoke with Dean—would not be made available to the public, the Senate investigators or Watergate special prosecutor Archibald Cox.

The first Warren state-

"The only point I was trying to make and the only point I was authorized to make is that the presidential logs . . . are considered to be presidential papers and therefore their production cannot be required under subpoena," Warren said.

See PRESIDENT, A11, Col. 2

# White House Shifts Stand, May Yield Nixon-Dean Logs

PRESIDENT, From A1

Later in the day, Samuel Dash, majority counsel to the Senate Watergate committee, said there will be "a subpoena by tomorrow" for production of the logs.

In response, Warren restated the White House position that the President cannot be compelled to produce the logs. But he also said the White House counsel was currently discussing ways of making the information available both to the Senate committee and to Cox.

If the White House makes this information available it will be following a famous precedent when a subpoena was served on President Thomas Jefferson to produce a document in the treason trial of Aaron Burr. Chief Justice John Marshall ruled that the document had to be produced, and it was.

The logs are considered of importance to investigators because of Dean's statement, revealed in stories published last Sunday in The Washington Post and the New York Times, that he had met at least 35 times with Mr. Nixon during the first four months of the year to discuss the Watergate cover-up.

The White House origi-

nally denounced this story, in a statement also issued by Warren, as part of a campaign to "destroy the President."

This same theme was expressed yesterday by Senate Minority Leader Hugh Scott, who emerged from a leadership meeting with President Nixon to say that the "get-the-President process . . . is not going to work."

He declined to identify who was responsible for this "process" other than to say that "the people who wanted to beat Nixon in November still want to beat him."

The main import of Scott's statement was a contention that wiretapping in the Nixon administration "is the lowest level in any administration since World War II." He said the President was being judged by a "double standard" and that an "utterly false impression" had been created that wiretaps and clandestine operations were "tactics dreamed up by internal security agencies and individuals solely within the Nixon administration."

Figures which Scott said were supplied by the Federal Bureau of Investigation showed a high point of 519 wiretaps in 1945, declining

almost steadily after that to a low of 115 in 1960, the final year of the Eisenhower administration.

The number of wiretaps rose during the Kennedy and early Johnson administrations to a high point of 244 in 1964 but declined again during Ramsey Clark's tenure as attorney general to a low of 82 in 1968. The figures given by Scott for wiretaps during the first four years of the Nixon administration ranged from a low of 101 in 1971 to a high of 123 in 1969.

The figures represented only national security wiretaps, not wiretaps involving organized crime or other court-ordered taps, Scott said. But neither he nor the White House was able to say what the definition was of "national security" and whether it was a constant one over the years involved.

There were also discrepancies between Scott's statement and information supplied by the Justice Department on a number of details. The most important difference was that Scott said the figures included both wiretaps and bugging devices, while John W. Hushen, public information officer for the Justice Department, said the figure applied to wiretaps only.

Scott's figure for 1970, when he said that 102 national security wiretaps were operated, also contrasted with a letter sent by then-Assistant Attorney General Robert C. Mardian to Sen. Edward M. Kennedy (D-Mass.) in 1971. Mardian said that there were 113 listening devices, including 97 telephone taps and 16 microphone surveillances.

Wiretapping refers to interception of telephone conversations, while bugging is electronic eavesdropping on

room conversations.

In his appearance before reporters yesterday in the White House briefing room Scott also said the President would soon hold a press conference.

It is known at the White House that the administration is seeking some alternative forum, perhaps an interview with a limited pool of reporters, to avoid the appearance of a cross-examination on Watergate issues expected in a general news conference.



By Charles Del Vecchio—The Washington Post

Deputy Press Secretary Gerald L. Warren explains White House stand on Dean logs.