

Court Frees Nixon Tapes, Which May Cost \$200 a Set

WASHINGTON (UPI) — The American people may soon be able to hear — at a cost of up to \$200 a set — the taped voice of Richard M. Nixon speaking the words that cost him the presidency two years ago.

The U.S. Circuit Court of Appeals ruled yesterday the tapes used in the Watergate conspiracy trial may be made public without waiting for the coverup defendants to exhaust their appeals to the Supreme Court.

But Herbert J. Miller Jr., one of Nixon's lawyers, said this ruling itself will be appealed.

"The effect of the . . . decision is to permit the commercial exploitation of recordings of presidential conversations subpoenaed for use in a criminal trial," he said. "Accordingly, we will appeal that decision."

The ruling doesn't make the tapes available right away. Even without an appeal, District Judge John J. Sirica would have to decide what government agency will be responsible for distributing the tapes at cost and whether private organizations can sell the series at a profit.

The conversations are not se-

cret. Transcripts were published by the government and in commercial paperback books shortly after they were released by the Nixon White House in 1974. Anyone who could squeeze into the Watergate trial court was able to listen to the tapes when they were used as evidence.

But most of the nation has not heard them and reporters covering the trial said the transcripts, full of broken sentences and partial thoughts, do not reflect the forcefulness of the conversations or Nixon's decisive role.

The appeals court opinion by Chief Judge David Bazelon said there was not enough evidence that release of the tapes would prejudice the appeals rights of defendants.

News broadcasters hailed the tapes decision. But none was able to say when the tapes might be aired.

The tapes were sought by ABC, CBS, NBC, the Public Broadcasting System, the Radio-Television News Directors Association and a phonograph record manufacturer.

The tapes involved cover 18 to 22 hours of conversations in the Oval Office and Nixon's Executive Office Building hideaway, including the June 23, 1972, presidential order to derail the FBI's investigation of the Watergate break-in that occurred six days earlier.

The appeals court ruled 2 to 1 that the common-law right to inspect and copy judicial records extends to exhibits, such as the tapes.