

Nixon to Forward Decision on Tapes Monday

By Jules Witcover

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The White House confirmed yesterday that President Nixon has made his decision on the release of taped presidential conversations bearing on the Watergate affair and will let the Senate Watergate committee know on Monday what it is.

Deputy press secretary Gerald L. Warren would not say what the decision is, but other informed sources already have said the answer will be in the negative.

"There is no change in the President's basic decision stated in his July 7 letter" to Chairman Sam J. Ervin Jr. (D-N.C.), Warren said. In that letter, Mr. Nixon said, "I shall not testify before the committee or permit access to presidential papers." The President is expected to tell Ervin he considers the tapes to be in the same

category as his White House papers—the internal business of the executive branch not to be revealed to the legislature.

The President's refusal to release the tapes made in the Oval Office and elsewhere by automatic devices installed in the spring of 1971 should trigger a showdown on the issue of executive privilege between Mr. Nixon and the committee.

Sen. Herman E. Talmadge (D-Ga.), a committee member, said yesterday that if the President's refusal leads to a vote on subpoenaing the tapes, "I anticipate that the vote will be unanimous." Failure of the White House to comply probably would push the issue into the courts, where it "might be litigated for several years," Talmadge said. "I think if the President were to do that, he would make a great mistake."

Still unresolved, in the wake of the testimony of former White House aide Alexander P. Butterfield that an automatic bugging system exists in the White House, is the question whether it will continue to be used.

Warren said the White House would have something to say on the matter early next week, but he declined to say whether private conversations between Mr. Nixon and the Shah of Iran, who comes here Tuesday, will be taped.

The White House also will have a response, he said, to a letter from the Chesapeake and Potomac Telephone Co. reminding the White House that Federal Communications Commission regulations require a "beeper" warning on recorded phone conversations. One major figure in the Watergate case, former

Nixon aide John D. Ehrlichman, said yesterday he was "delighted" to know the tapes had been made and he expected "they will be sort of the ultimate evidence in this thing."

Ehrlichman, interviewed by the British Independent Television News, said the tapes "certainly" should be produced for the committee.

"I may have said some things about some people to the President that were very frank and candid and unvarnished," he said, "but as far as events or circumstances or my position in this whole controversy, I don't have a thing to worry about as far as those tapes are concerned."

On Capitol Hill, one of Mr. Nixon's chief defenders in the Watergate controversy, Sen. Carl T. Curtis (R-Neb.), said the White House had shown him the affidavits earlier leaked to

selected reporters indicating that White House bugging was practiced in the Johnson administration.

Curtis, like the reporters who saw them, declined to identify who signed the affidavits, other than indicating they were two officials in the previous administration.

Curtis also drew attention to a newscast in New Mexico three weeks ago reporting that former Republican Gov. David F. Cargo said phones in the governor's mansion in Santa Fe were bugged during a visit in 1968 by then vice-presidential candidate Spiro T. Agnew.

Curtis, who already has called for an end to the Ervin committee hearings as "an attack on the President," called on the committee to look into this report and others about wiretapping in past administrations.