

# Tapes Can Be Public—Sirica

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## No Court Obstacle Seen

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U.S. District Court Chief Judge John J. Sirica said yesterday that President Nixon can make his subpoenaed Watergate tapes and other related material public anytime he wants.

The White House said Mr. Nixon was considering several methods of releasing the long-secret information, but has reached no decision on how or when he will do it.

"He wants to get this thing cleared up in the proper way," deputy presidential secretary Gerald L. Warren told reporters.

The White House has insisted in the past that court orders demanding the tapes and other documents bearing on nine of Mr. Nixon's disputed conversations about the Watergate scandal effectively barred the President from making them public.

Sirica issued a three-page memorandum

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### SIRICA, From A1

dum yesterday afternoon dispelling that impression.

"If the President thinks it advisable to waive any privilege and make tapes or other material public, he of course is free to do so at any time," Sirica said.

At the same time, the judge emphasized that he would not accept any subpoenaed material such as the two additional Watergate tape recordings that Mr. Nixon said on Monday would be turned over.

If the President wants to give the Watergate grand jury more than it has so far asked for, the judge said, "he should do so through the grand jury's counsel,

(the special prosecutor, and not through the court."

Mr. Nixon said Monday that he was planning to give Judge Sirica the tapes of two conversations he had with then-White House counsel John W. Dean III last April 16, the first in the Oval Office that morning and the second later the same day in the President's Executive Office Building suite. The President said that the morning meeting "covered much the same subject matter" as a key conversation with Dean the night before.

A tape of the April 15 meeting was subpoenaed by former Watergate Special Prosecutor Archibald Cox on the grand jury's behalf,

but the White House says it "determined" only late last month that the conversation had never been recorded.

Dean has accused the President of making remarks at the April 15 meeting that implicated Mr. Nixon in the Watergate cover-up. Mr. Nixon asked for Dean's resignation at the Oval Office meeting the next morning. Dean has said he refused and told the President that afternoon that he would not be "a scapegoat" for the Watergate scandal. He was fired April 30.

Judge Sirica said, however, that the April 16 talks with Dean "have no connection" with the grand jury's

subpoena "and would more appropriately be disclosed publicly or delivered to the special prosecutor if the President desires to release them." The judge said he did not want to "usurp the place of the special prosecutor and act as a clearinghouse for matters relevant to the grand jury's investigations."

Mr. Nixon had said Monday he would also make available the reels of tape covering the dates of the two conversations that he said were never recorded—the April 15 meeting with Dean and a June 20, 1972, phone call to former Attorney General John N. Mitchell. In his statement Monday, the President expressed the view that these reels were not covered by the court order. Sirica indicated that they were and said he would personally inspect them.

But the judge said he did not want to go beyond that either to launch an investigation of his own "regarding material or activities foreign to the present subpoena or to become a depository of non-subpoenaed matter."

(The subpoenaed Watergate tapes are to be turned

over to Sirica next Tuesday for examination by a panel of experts who will machine-check them for any evidence of tampering. The panel has yet to be named, but one of the congressmen who met with Mr. Nixon yesterday morning, Rep. William S. Cohen (R-Maine), said that the President told them it would include technicians from the National Security Agency.

In his memorandum, Sirica said expert testimony on the findings will be heard in open court—probably after Thanksgiving.

A secret hearing will then be held on Nov. 30 to consider any claims of privilege the President might assert for particular segments of the subpoenaed tapes. After that, the judge will examine the tapes to determine what should be turned over to the grand jury.