

Release of Data by White House Is Sought by Judge in Tax Case

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WASHINGTON, July 18—A Federal district judge asked the White House today to release a broad spectrum of private documents and transcripts or tape recordings pertaining to "activist organizations."

The names of such organizations were not specified by Judge Charles R. Richey, apart from the Center on Corporate Responsibility, the organization involved in the court action before him.

Deputy Assistant Attorney General Richard M. Roberts told Judge Richey that the White House intended to invoke the doctrine of "executive privilege" and deny the public release of this information.

Judge Richey replied that, if necessary, he would formally order the White House to produce these documents, although he said he hoped a formal constitutional confrontation could be avoided.

The center, a public interest group, is suing the Federal Government to obtain tax-exempt status, which is says was denied because of "White House pressure."

White House Silent

The words "pressure from the White House" were handwritten on an application form for the tax exemption that was denied by the Internal Revenue Service. A photographic copy of the form was introduced into the court record.

A White House spokesman said that there would be "no comment" on Judge Richey's request. The judge gave the justice department 10 days to prepare an answer to the motion for an order to release the documents.

Attorneys for the center told the court today that they wish

to obtain material to determine the source of any such pressure, including possible Presidential conversations with subordinates.

Judge Richey said from the bench that he had communicated with Archibald Cox, the special Watergate prosecutor, concerning possible criminal violations in connection with

any such pressure. The judge said that, if necessary, he would ask the Justice Department and Chief Judge John J. Sirica to convene a grand jury to examine any criminal aspects of the case.

Dean Testimony Cited

The immediate basis for the request to examine the White House "documents, memoranda, notes, and other writings" was the testimony by the former White House counsel, John W. Dean 3d, before the Senate Watergate committee. According to the documents submitted today, Mr. Dean said that there were "at the very least attempts by the White House to develop and foster a hostile atmosphere at the Internal Revenue Service toward a class of organizations" in which the center is included.

Judge Richey said today that his decision not to sign a formal court order was not an attempt to sidestep the issue. "It's time someone met this issue [of executive privilege] head-on," he said. He added, "I want to give the White House an opportunity to say, 'Yes.'"

Mr. Roberts said that, before arriving in court this afternoon, he telephoned a "counsel at the White House." He added, "I am faced with an impoundment order—a claim of privilege

of the executive issued by the President. No one else is allowed to see those files. I cannot look at those files. If an order is issued in this court to produce it, we will invoke executive privilege regarding those files."

Lecture From Bench

The traditional doctrine of executive privilege holds that the President has the power to keep internal documents secret to protect the orderly functioning of the Government.

In an extended lecture to Mr. Roberts, Judge Richey heatedly disagreed with the concept of withholding documents. He noted that Mr. Dean, in preparing to testify before the Senate committee, had been given access to some White House files.

"If you allowed Mr. Dean to examine them, you should allow the plaintiffs an equal right to so examine," Judge Richey said, addressing, as court sources noted, the White House indirectly through Mr. Roberts. "What is good for the goose is good for the gander."

"This court has the responsibility of the administration of justice," judge Richey concluded, "I want to tell you and you can tell the people in the White House, this judge is willing to entertain an application by the plaintiffs to examine the files. So, I am requesting you to call the White House and ask them to voluntarily cooperate to make available any and all documents relating to the issues as you now know them to be. I don't care where you go, including the President."