

Los Angeles Times Gives Judge Tapes

By Lawrence Meyer
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The Los Angeles Times yesterday turned over tapes of an interview with a key government witness in the Watergate bugging case to a federal judge after the witness asked two Times reporters to release the tapes.

The release of the tapes by The Times brought to an immediate halt contempt of court proceedings that threatened to bring The Times before the Supreme Court in a major controversy over freedom of the press.

According to a lawyer for the witness, Alfred C. Baldwin III, The Times was asked to release the tapes in order to avoid casting any doubt on Baldwin's testimony when he appears at the trial of seven men charged in connection with the break-in and alleged bugging of the Democratic National Committee's Watergate headquarters on June 17.

In a telegram to the two Times reporters, Jack Nelson and Ronald J. Ostrow, Baldwin's lawyers said, "We appreciate the fact that both of you as reporters for The Los Angeles Times have steadfastly honored your agreement of confidentiality.

"We emphasize that this action by our client (Baldwin) is being taken voluntarily without consultation with you or The Los Angeles Times and without pressure from the government or defense counsel in

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the Watergate case or from any other source."

Baldwin's lawyers, John V. Cassidanto and Robert C. Mirto, said the tapes were being released to Chief U.S. District Judge John J. Sirica for his examination "with the understanding that the voices on the tapes other than that of Mr. Baldwin will be excised by the court."

In a hearing yesterday, Sirica accepted the tapes from The Times with that understanding. The judge ordered the tapes to be sealed until he had a chance to listen to them.

Cassidanto said in a telephone interview yesterday that the tapes contained nothing new of substance concerning the Watergate case that had not already appeared in a story by Baldwin as told to Nelson that appeared in The Times Oct. 5. The Washington Post carried Baldwin's story on Oct. 6.

In that story, Baldwin told of monitoring telephone conversations in the Democratic Party's headquarters from a motel across the street. In addition, he described what he said were some of the activities of E. Howard Hunt Jr., G. Gordon Liddy and James W. McCord Jr., all defendants in the case. Hunt and Liddy are former White House aides. McCord was security director at the time of incident for the Committee for the Re-election of the President.

Baldwin said in his interview with Nelson that he left logs of the monitored telephone conversations at the President's re-election committee but said he could not remember to whom he addressed the logs.

Baldwin is reported to have told others that he could remember the names of three White House or Nixon campaign aides who received memos describing the telephone conversations: William E. Timmons, in charge of congressional relations for the White House; and Robert Odle and Glenn Sedam, campaign aides.

"There's no mystery on the tapes," Cassidanto said. "The confidential matter on those tapes is mainly attorneys' voices and a lot of irrelevancies."

Lawyers for Hunt say they want the tapes to see if Baldwin's statements to the Times contradicts his court testimony. After Baldwin filed an affidavit saying he destroyed his tapes of the interviews, Hunt's lawyers subpoenaed the tapes held by The Los Angeles Times.

The Times resisted the subpoena, arguing that Nelson and Ostrow had explicitly agreed with Baldwin that nothing would be disclosed from the interviews without his approval. The Times argued that to violate the agreement under court order would cause news sources to refuse to disclose information to reporters on a confidential basis.

The Times claimed that the First Amendment's freedom of the press rights barred the court from ordering the production of the tapes. Sirica, relying on a decision last June by the Supreme Court holding that reporters could not refuse to testify before grand juries, ordered the tapes produced. When The Times refused, Sirica jailed John Lawrence, Washington bureau chief of The Times.

The U.S. Court of Appeals on Tuesday released Lawrence two hours after Sirica jailed the newsmen. Wednesday, after a hearing, the Court of Appeals announced that it would not continue the stay of Lawrence's imprisonment. The three-judge panel allowed Lawrence to remain free until Friday afternoon to allow Times lawyers to appeal to the Supreme Court.

During Wednesday's hearing, Circuit Judge Harold Leventhal asked lawyers for The Times and Hunt if any attempt had been made to have Baldwin release The Times from the agreement of confidentiality.

Principal Assistant U.S. Attorney Earl J. Silbert, chief prosecutor in the Watergate case, was present at the hearing. Yesterday Silbert told Sirica that following the hearing he called Cassidanto to see if Baldwin would release the

tapes. Hunt's lawyer, William O. Bittman, also was trying to reach Cassidanto. By the time Bittman and Cassidanto spoke, the outlines of the agreement had been reached.

Following the hearing, Nelson and Ostrow said they were satisfied that they had kept their bargain with Baldwin but not happy with the conclusion of the issue. "I don't think it's any bell-ringing day for the First Amendment," Ostrow said. "With all the other things going on . . . I just don't think it does much for the First Amendment and I think there's more of this coming, I really do."

Nelson, a Pulitzer Prize-winning investigative reporter, said he is "unhappy that it came to a situation where we didn't have any (court) vindication of the newsman-source relationship." Nelson said he thought that if the case had gone to the Supreme Court the decision "would have been pretty hard on us."

With Baldwin requesting that the tapes be released, Nelson said, "It wouldn't have been practical for us to hold out." Nelson said he hoped that the incident would give impetus to several bills members of Congress have said they will introduce to protect journalists' privileges under the First Amendment.