

Attorney Apologizes For Playing Nixon Tape

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By George Lardner, Jr.
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One of President Nixon's tapes was played at a Georgetown party this week and caused reverberations yesterday in federal court.

U. S. District Judge William B. Jones heard about the unauthorized playback via press and radio reports yesterday morning and quickly summoned the attorney responsible for it to his courtroom for an explanation.

The abashed lawyer, William A. Dobrovir, acknowledged playing the subpoenaed tape for what he described as an impulsive five minutes at a Georgetown home Monday evening.

He said it all started when he told his friends that he had "the hottest item in town" in his pocket.

"I made a very foolish mistake," Dobrovir admitted.

The tape recording, involving a March 23, 1971 meeting between President Nixon and dairy industry leaders, had been subpoenaed by Dobrovir for a civil suit challenging the administration's controversial increase in milk price supports.

Dobrovir, who filed the lawsuit on behalf of Ralph Nader and several consumer groups, promised not to treat potential evidence that comes into his hands so lightly again. The White House, waiving any claim of executive privilege for the

See **DOBROVIR**, A19, Col. 1



By Margaret Thomas—The Washington Post

Attorney William Dobrovir leaves U.S. District Court.

DOBROVIR, From A1

recording, let Dobrovir have the tape last week.

Judge Jones accepted the 40-year-old lawyer's explanation and said he was satisfied the episode would not be repeated. At the request of Justice Department lawyers, he said he would sign a protective order covering milk suit documents and recordings produced under subpoena, but he ruled out a companion request for a broader order prohibiting Dobrovir from making public statements about the case.

At the White House and on Capitol Hill, there were sterner reactions. Presidential counselor Melvin R. Laird told a White House press conference, when his resignation was announced, that he thought the episode "disgusting."

"I just can't believe that kind of use would be made of confidential information," Laird said.

Laird said if he were the President, "I would be very careful" about surrendering any more tapes.

Senate Republican Leader Hugh Scott said he thought the District of Columbia Bar Association should "look into this matter of highly questionable ethics." Senate Democratic Leader Mike Mansfield said the incident was "most unfortunate."

Dobrovir said the tape was given him without any restrictions, but admitted that he should never have used it as a party favor. He

said he told The Washington Post last Saturday that he had the recording and this resulted in a flurry of press inquiries on Monday about when it would be released.

The attorney said he borrowed a couple of tape recorders from Fred Graham, a CBS newsman, found the quality of the tape "quite poor," and made two cassette copies at varying speeds in hopes one of these might be easier to hear at home on his own hi-fi equipment. Graham said he heard portions of the tapes on an "off the record" basis in Dobrovir's office Monday.

On the way home that evening with one of the cassettes in his pocket, Dobrovir said he stopped off at the home of a woman friend in Georgetown who had invited him over for a drink.

Dobrovir said there were seven guests including himself, "sitting around the fireplace, eating salami and chopped liver, having a drink" when he foolishly announced, "Well, I've got in my pocket the hottest news item in town . . . It was suggested—it may have even been I who suggested it . . . 'Can we hear a little bit of it?'"

One of the guests was Kevin Delany, assistant bureau chief in Washington for ABC News. Dobrovir said he told Delaney that the playing was off the record, but Delaney apparently understood that the restriction applied only to the contents, which Dobrovir

said were still "very difficult to understand."

On Tuesday afternoon, Dobrovir said he got a telephone call from David Schoumacher of ABC News who asked to hear the tape. When Dobrovir refused, Schoumacher asked him: "Well, didn't you play it at this cocktail party?"

Schoumacher said Dobrovir told him, "Well, that was just for fun." ABC reported the episode on its Tuesday night broadcasts. Dobrovir said he couldn't remember saying "just for fun," but he said that he does, have "a flip way of talking sometimes, which I certainly regret at this time."

Judge Jones said he thought it "only right and proper" that he conduct an inquiry. He satisfied himself at the outset that the tape Dobrovir played was not the one for which the White House has claimed executive privilege and turned over to Judge Jones for secret inspection.

Dobrovir assured him that it was not. The second recording is of a meeting that Mr. Nixon had with high administration officials in his Oval Office on March 23, 1971—following the meeting with dairy industry leaders—to discuss higher price supports.

After hearing out Dobrovir and Justice Department lawyers assigned to the case; the judge said he had no intention of pre-judging "the Department of Justice

or post-judging Dobrovir's conduct. Jones told Justice Department lawyers they should take any complaint to the court's committee on grievances if they felt strongly about it.

In asking for an order prohibiting public statements by Dobrovir, Justice Department attorney Irwin Goldbloom cited the American Bar Association's Code of Professional Responsibility for civil suits.

Judge Jones replied that

has issued some statements that fly in the face of that cannon at times."

The judge ended the hearing with the hope that the incident would not impede the progress of the suit itself, which has charged that the administration's increase of milk price supports in 1971 was a payoff for contributions to the Nixon campaign. Jones emphasized that he considers the allegations in the lawsuit "to be very serious."
