

Nixon Told to Give Tapes to Jaworski

Time Sought

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By Richard L. Lyons
Washington Post Staff Writer

President Nixon's lawyer said last night he needed another day to report whether Mr. Nixon will give the House Judiciary Committee requested tape conversations about dairy contributions and the ITT case for its impeachment inquiry of the President.

James D. St. Clair, the President's lawyer, told the committee's special counsel, John Doar, last week that he would tell the committee no later than yesterday whether 66 tapes of White House conversations on these two possible grounds for impeachment would be given to the committee.

A committee spokesman said St. Clair telephoned last night and said "he would discuss it with us tomorrow [Tuesday]." St. Clair was in federal court here yesterday in connection with a subpoena by Watergate special prosecutor Leon Jaworski demanding more Watergate tapes from the White House.

Two weeks ago St. Clair stated flatly that Mr. Nixon would turn over no more

Appeal Planned

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President Nixon was ordered yesterday to turn over tapes and other records of 64 conversations that are being sought by Watergate Special Prosecutor Leon Jaworski.

U.S. District Court Judge John J. Sirica instructed the President to produce the material by May 31 unless he plans to appeal the ruling. A major legal confrontation over the confidentiality of presidential conversations was indicated later when the White House announced that Judge Sirica's order would be promptly appealed.

If the case were to end with a Supreme Court ruling against the President, there is the possibility that he might not obey it. In the past, the White House has said it would obey any "definitive" ruling of the Supreme Court, but has never explained precisely what "definitive" means in that context.

James D. St. Clair, the President's chief defense counsel, took a hard line on

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See **PROSECUTOR**, A6, Col. 4

Nixon Ordered to Yield Tapes

PROSECUTOR, From A1
the issue in an interview on May 7 with several reporters. Asked about being forced to turn over more tapes and records, he said flatly, "The President is not going to stand for it."

He declined, in that same interview, to say specifically what happen if the Supreme Court ruled against Mr. Nixon. "I don't have to answer yes or no," St. Clair said. "I am saying I don't think we will ever get to that point."

Jaworski subpoenaed the records last month, arguing that they are necessary for the case of seven former officials facing trial this fall for the Watergate cover-up.

The material is widely believed also to throw more light on President Nixon's behavior and knowledge after the Watergate break-in.

The conversations covered by the subpoena took place between June 20, 1972—three days after the break-in at the Democratic National

Committee headquarters—and June 4, 1973.

They involve talks with Mr. Nixon's former White House special counsel, Charles Colson, and conversations allegedly dealing with payments of hush money to Watergate defendants and attempts to use the Central Intelligence Agency to limit the Watergate investigation.

Under the order issued yesterday, the tapes and related documents are to be turned over to Judge Sirica, who will listen to the conversations and determine which of them should be made available to prosecutors preparing for the trial.

The White House would be expected to make a detailed analysis of the recordings, indicating specifically why its claims of executive privilege should prevent the tapes from being turned over to the prosecutor. Sirica has ruled, in effect, that matters related specifically to Watergate cannot be covered by claims of executive privilege. The White House

is expected to challenge that in its appeal.

In seeking to block Jaworski's subpoena, Mr. Nixon personally stated that the disclosure of any more of his conversations "would be contrary to the public interest."

The White House also had contended that Jaworski did not need the conversations in preparing for the trial. Sirica overruled that argument. He said the prosecutor demonstrated a need for the material "sufficiently compelling to warrant judicial examination in chambers incident to weighing claims of privilege where the privilege has not been relinquished."

Jaworski's subpoena had been vigorously opposed by the White House. At one point, St. Clair said that perhaps he and Jaworski could reach an "accommodation" on what needed to be turned over. But the next day Mr. Nixon insisted that no more tapes of his conversations would be surrendered to the prosecutor's office.

St. Clair Asks Time on Tapes Bid

IMPEACH, From A1

Watergate tapes. The committee responded by issuing a subpoena for 11 of the 76 it had requested on April 19. The material is to be delivered by 10 a.m. Wednesday.

But while rejecting any more Watergate requests, St. Clair expressed the belief that the President would turn over dairy and International Telephone and Telegraph Corp. case tapes, if any could be found. St. Clair said he believed many of the conversations requested had not been taped.

Rodino had scheduled a committee meeting last Thursday to consider issuing a subpoena for the 46 dairy and 20 ITT tapes, but then canceled it to give the White House one last chance to comply voluntarily.

The committee is seeking to determine whether the President ordered a boost in milk price supports in March, 1971, worth an estimated \$500 million to the dairy industry in exchange for large campaign contributions. It is also seeking to determine whether Mr.

Nixon acted improperly in the settlement of an anti-trust suit against ITT, which had pledged a contribution to help finance the 1972 Republican National Convention.

Rodino said in an interview on Washington's TV Channel 26 last night that if the President refuses to turn over materials the committee feels it needs to make a judgment, members can under the law—draw the inference that this is a sign of guilt.

Rep. Tom Railsback (R-Ill.), a senior committee

member, said it would be very difficult for congressmen "to vote to exonerate the President if he does not give the committee what it believes it needs."

Rodino said the committee will continue its examination of evidence for or against the President in the Watergate break-in and cover-up at closed sessions this week. Both Rodino and Rep. Edward Hutchinson (R-Mich.), the committee's senior Republican, turned down St. Clair's request that the committee open up all its sessions immediately because of a leak of a transcript that St. Clair felt jeopardized the President's chance for a fair hearing.

Rodino reiterated in the televised "Washington Straight Talk" interview that it would not serve the public interest and could jeopardize chances of fair trials for indicted persons if the committee considered in public information it received under promises of confidentiality. The committee will conduct public hearings after it has examined the confidential material, said Rodino.

Rodino said the committee members will hear five hours of taped conversations during the day-long sessions starting today. One is the tape of the March 21, 1973, conversation between Mr. Nixon and then-White House Counsel John W. DEAN III, where Mr. Nixon said he first learned hush money was being paid Watergate burglars. Some committee members feel that the President's comments in the March 21 conversation implicate him in the Watergate cover-up and provide grounds for an obstruction of justice charge.