

Los Angeles Times Is Ordered To Give Court Tape of Interview

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WASHINGTON, Dec. 14—

The Los Angeles Times was ordered today to produce in court next Tuesday its tape recordings of an interview with Alfred C. Baldwin 3d, a principal Government witness in the Watergate bugging case.

Chief Judge John J. Sirica of the United States District Court here, acting at the request of a defendant in the pending criminal proceeding, approved subpoenas for three Washington representatives of The Times.

John Lawrence, the newspaper's bureau chief here, who was among those subpoenaed, said The Times would oppose making available the tapes.

"Our policy has always been to oppose subpoenas," Mr. Lawrence said, "and we will certainly oppose this one." The stand is based primarily on the First Amendment's free press guarantee, he said.

Also subpoenaed were Jack Nelson and Ronald J. Ostrow, who filed reports for The Times based on Mr. Baldwin's description of the raid on the offices of the Democratic National Committee and of related events.

Baldwin Destroyed Records

Attorneys for E. Howard Hunt Jr., one of the seven men indicted in connection with the June 17 break-in, have argued that they need the tapes for the possible impeachment of Mr. Baldwin when he appears as a prosecution witness.

Reporters in recent cases have been found in contempt of court for refusing to identify the sources of articles, but in this case, Mr. Baldwin was named in the newspaper.

Mr. Baldwin has said that on advice of counsel he destroyed his own recordings of the interview. Thus, the defense argued, it has been "forced to seek the evidence from the only remaining source."

Pressure from the defense, rather than the Government, is thought to be unusual for such cases. The prosecution said that it never intended to seek the subpoenas, but it contended that the First Amendment would not preclude them.

The trial of the seven men is scheduled to begin on Jan. 8. The subpoenas were made returnable Tuesday so that if they are opposed by The Los Angeles Times, there would be a change to settle the issue without delaying the case.

The newspaper is expected to file a motion to quash the subpoenas. This would be its first opportunity to speak for itself on the matter because Judge Sirica had refused to hear its position before the subpoenas were issued.

Tuesday's return date coincides with a scheduled pre-trial conference. If the judge refuses to quash the subpoenas, the three newspapermen could be held in contempt. Sentencing could be delayed pending appeal, however.

The eavesdropping on Democratic headquarters became a politically explosive issue partly because of the Republican backgrounds of the defendants. Mr. Hunt, for example, has served as a White House consultant in the Nixon Administration.