

## White House Reply Due Today

# Tapes Issue in Court

### Washington

The constitutional battle over whether President Nixon can be forced to relinquish tapes of Watergate conversations begins in the courts today when the President's attorneys reply to the subpoenas served Monday.

While it is clear that they will reject the demand to turn over the tapes both to the Senate Watergate committee and to special prosecutor Archibald Cox, their tactics are a closely-guarded secret.

Chairman Sam J. Ervin (Dem.-N.C.) of the Senate Watergate committee said he hoped the White House would move to quash the subpoenas so that the committee could then ask the courts to sustain the committee's subpoenas.

A fight all the way to the Supreme Court is expected. Some legal experts suggested yesterday that a decision could be expedited and might be handed down within 90 days.

### LETTER

The President set the stage for the constitutional test Monday when he wrote to Ervin refusing to turn over the requested tapes of conversations with aides. The tapes also were denied Cox, who, like the Senate committee, promptly issued a subpoena, returnable in Federal Court here at 10 a.m. today.

If the White House ignores the subpoenas, Ervin indicated that the committee lawyers would ask the U.S. District Court for a declaratory judgment to enforce compliance.

Ervin said a 1928 Senate resolution gives such authority to a committee so that his panel would not have to go before the full Senate for a new resolution empowering it to litigate in court.

At the White House, Republican leaders predicted that the President would surrender the tapes if the Supreme Court ordered him to do so. The comments were made by Senate minor-

ity leader Rugh Scott (Rep.-Pa.) and Gerald R. Ford (Rep.-Mich.) following a meeting with the President on his legislative program.

### CONFIDENCE

But they expressed confidence the Supreme Court would uphold the President's position that the tapes are presidential papers and should not be divulged.

Ervin said that if the President "has any respect for law and order" he should comply with any court orders requiring him to furnish the tapes.

Ervin said the committee would not, however, attempt to cite the President for con-

tempt if he refuses to comply with the subpoenas.

A resolution backing the committee's demand for the tapes or a contempt citation would require a Senate vote, thus taking on the semblance of an informal censure proceeding against the President.

### ALTERNATIVE

Republican Senators said that if they should vote for a resolution they may seem to be repudiating the President and declaring him guilty. If they vote against it, they may be accused of participation in a cover-up.

"It would put us between the rock and the hard place," Senator Bob Dole

(Rep.-Kan.) commented.

"It might look like an impeachment proceeding against the President — it could open up no end of debate," said Senator Milton R. Young (Rep.-N.D.).

Dole said on the NBC-TV Today show that the majority of Republicans in the House and Senate believe the tapes should be released.

Dole, a former Republican National Committee chairman, said the President "ought to put the cards on the table and discuss it with those of us who are loyal to the President. If the President's not involved, why not inform some of us? I think it's long past that we can

say the Watergate will just go away."

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