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London Times, in Shift, Scores Nixon

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Special to The New York Times

LONDON, July 25 — President Nixon's refusal to release the tape recordings of his conversations about the Watergate case was criticized today by The Times of London, which had been one of his most sympathetic supporters in the controversy.

In an editorial, The Times said that the President had an "inescapable duty" to assist in the investigation of criminal activity and urged him to make the tapes available to Archibald Cox, the special prosecutor in the case. It said the President had decided on "an astonishingly dangerous gamble with the Presidency of the United States at stake."

The new coolness toward President Nixon came seven weeks after William Rees-Mogg, editor of the newspaper, touched off a controversy with an editorial charging that The Washington Post and The New York Times were interfering with the course of justice by publishing "vast quantities of prejudicial matter" on Watergate.

"Natural Inference"

In effect, the newspaper today accused Mr. Nixon of interfering with the course of justice. It said that the tapes "plainly provide highly relevant information which could be used as evidence in the court."

"When an accused man refuses to produce evidence which would decide the matter," The Times of London said, "the natural inference is that he does not do it because he dare not do it. It is like an accused man refusing to give evidence in his own behalf. This inference will be drawn almost universally."

The Times, which noted that it had probably taken the most sympathetic view of Mr. Nixon's situation of any international newspaper, quoted a statement made by George Washington in 1792:

"The executive ought to communicate such papers as the public good would permit and ought to refuse those the disclosures of which would injure the public."

The editorial stressed that revelation of the tapes would be in the public good. All the statements in defense of the President in the affair, it said, will not be believed "when the proof or disproof is in the hands of the President and he will not produce it."

'ital Evidence'

Even if the Supreme Court decides in favor of the President and allows him to withhold the tapes, The Times said, the decision "will not remove the sting from his refusal to produce the vital evidence."

"If one accepts President Nixon's letter," the editorial continued, "he has embarked on this great constitutional crisis in order to prevent the disclosure of evidence which would not be decisive one way or the other. Even if he is telling the truth, he has decided on an astonishingly dangerous gamble with the Presidency of the United States at stake."

Other British newspapers have joined in rising criticism of the President's decision. The conservative Financial Times rejected today Mr. Nixon's contention that the tapes contain comments that people could interpret in different ways and said that the presumption of guilt "is becoming more difficul to resist."

'Matter Easily Settled'

"The matter is easily settled," the newspaper said in an editorial. "It seems wrong that where the English language is concerned the President should be the sole judge of interpretation. He may or may not be damned if the tapes are published, but the presumption of guilt being what it is today, he will certainly be damned if they aren't."

Only The Daily Telegraph, another conservative newspaper, defended Mr. Nixon's position today. It said, "There are good reasons for the President's refusal to hand over the tapes or other documents in the White House" and added that their disclosure "may be inconclusive or actually misleading without full knowledge of the framework and atmosphere in which they took place."