

Jaworski Says Nixon Is Withholding Key Tapes

A Request For 27 Recordings

Washington

President Nixon has refused to turn over a large number of additional tape recordings and documents needed in the Watergate investigations, special prosecutor Leon Jaworski said yesterday.

Jaworski, in a letter hand-delivered to the Senate Judiciary Committee, stated:

"It is now clear that evidence I deem material to our investigations will not be forthcoming."

Copies of the letter were released by the office of the committee chairman, Senator James O. Eastland (Dem-Miss.).

Jaworski, who could seek a subpoena for the documents, took a step just short of full confrontation with Mr. Nixon. Instead, he chose to inform the judiciary committee, in an arrangement worked out last year.

He had told the senators that he would notify them if there was evidence of any lack of cooperation by the White House.

Jaworski said he had sent a letter to the White House on January 9 requesting 25 separate tape recordings of presidential conversations. On January 22, he said, the White House asked him to state the "particularized need" for each recording. He replied the same day, he said, asking for two additional tapes.

"On February 4," Jaworski said, "James D. St. Clair, special counsel to the President, wrote to me, informing me that the Presi-

dent has decided not to comply with our outstanding requests for recordings . . . asserting that to do so would be inconsistent with the public interest and the constitutional integrity of the office of the presidency."

The final reply came at 6 p.m. Wednesday in a two-page letter from St. Clair.

"The President has re-

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fused to reconsider his earlier decision to terminate his cooperation with this investigation, at least with regard to producing any tape recordings of presidential conversations," Jaworski said in his letter.

Deputy presidential press secretary Gerald L. Warren, in a news briefing at the presidential estate in Key Biscayne, Fla., said the President's view was that the 17 tape recordings and more than 700 documents requested and provided thus far, "is sufficient to allow the grand jurors to proceed with their work without further delay."

He declined to release the

letter from St. Clair, saying it was sent on a "confidential basis."

Jaworski conceded in his letter that it was possible to return indictments in the main Watergate case without further information. This case is the June 17, 1972, break-in at the Democratic National Headquarters at the Watergate office building and the subsequent White House coverup.

However, he stressed, "the material is important to a complete and thorough investigation and may contain evidence necessary for any future trials."

Sources close to the prosecution indicate that Jaworski's present plans are to begin seeking indictments in

the main Watergate case after February 25. If White House attitude do not change, the sources said, the plan is to go ahead with subpoenas, possibly in March.

Eastland, reached in his office in Ruleville, Miss., declined comment, saying that he had not talked to Jaworski.

The Senate is in recess this week and judiciary committee members have scattered out across the country.

In addition to the 27 taped conversations sought, Jaworski listed other tapes and documents still needed for his investigation.

The White House has produced three tapes and some documents from the Civil Division of the Justice Department dealing with contributions to the Nixon reelection campaign from the dairy industry during 1971 and 1972. But "the investigation . . . is far from complete and the White House refusal to produce the requested tape recordings and presidential documents will retard the scope of his investigation," Jaworski wrote.

He also noted that "we have been promised certain documents in connection with an FBI investigation, at our request into the possible obstruction of justice arising out of the destruction or alteration of evidence."

This was a reference to the FBI investigation of the 18.5-minute buzzing found on a June 20, 1972, tape recording turned over to the special prosecutor in response to the subpoenas of last July 23.

Jaworski's predecessor, Archibald Cox, was dismissed on President Nixon's orders last October 20 for pressing too hard on the tapes issue.

During the public outcry that followed the dismissal, the President agreed to the

appointment of another special prosecutor to succeed Cox.

When Jaworski was named to the job on November 1, the acting attorney general at the time, Robert H. Bork, said the executive branch would give him "full cooperation."

"Should he disagree with a decision of the administration with regard to the release of presidential documents, there will be no restrictions placed on his freedom of action," Bork said at the time.

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