

Jaworski Issues Subpoena For More Nixon Documents

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Watergate Special Prosecutor Leon Jaworski has issued a subpoena to the White House for additional documents that bear on the administration scandals.

The subpoena is the first directed at the President since last July, when former Special Prosecutor Archibald Cox demanded tape recordings of nine presidential conversations and was turned down.

Jaworski would not reveal what was requested in the new subpoena, but it was understood to cover material sought by federal grand juries that are investigating the administration's settlement of antitrust cases against International Telephone and Telegraph Corp., contributions of \$427,500 to Mr. Nixon's re-election campaign by three big dairy farm cooperatives, and the controversial 18½-minute gap in one of the White House Watergate tapes.

The special prosecutor's office would not say if tape recordings are included in the material sought.

Jaworski's subpoena, was issued last Friday but was not disclosed until yesterday. The subpoena says the White House must comply by Monday.

The White House said the special prosecutor's subpoena was under consideration, but presidential aides gave no hint of the likely response.

The President has asserted adamantly in several recent public appearances—one as recently as Tuesday in Houston—that he has given Jaworski all the material needed to complete the Watergate investigation. The White House said Mr. Nixon was aware of the subpoena when he spoke in Houston at the National Association of Broadcasters.

Despite the firmness of Mr. Nixon's stand on the issue, White House deputy press secretary Gerald L. Warren said yesterday that no consideration was being given to firing Jaworski.

Jaworski refused to specify which documents are covered in the subpoena, other than to say, "It obviously relates to one of the areas we're investigating."

Sources in the Watergate special prosecution force, however, noted that the grand jury summons was not a trial subpoena, which eliminates any material relating to the cover-up of the June 17, 1972, break-in at Democratic National Committee headquarters, or to the break-in of the office of Daniel Ellsberg's psychiatrist in Los Angeles. Both of those cases are awaiting trial.

If the summons had been a trial subpoena, it would have been signed by a judge and, along with supportive affidavits, would have been on file in U.S. District Court. In this instance, it does not have to be made public.

That limits the possibilities.

One grand jury empaneled in August is investigating the ITT, milk fund and campaign finance cases, while another panel is exploring, at the request of Judge John J. Sirica, why the 18½ minutes are missing from a June 20, 1972, tape-recorded conversation between Mr. Nixon and former White House domestic affairs adviser John D. Ehrlichman.

Jaworski, who signed the subpoena, refused to say which grand jury had asked that it be issued.

"It'll ripen in a few days," he told reporters. He was at the U.S. courthouse for a Court of Appeals hearing on whether a sealed report from the original Watergate grand jury should be turned over to the House Judiciary committee for its impeachment inquiry on President Nixon.

The subpoena, it was learned, simply lists in abbreviated form the material sought. Jaworski's views on the legal justification for the requests already have been given to the White House, according to a spokesman for the special prosecutor's office.

The subpoenaed material reportedly is among the tapes and documents that Mr. Nixon's lawyers, after weeks of fruitless bargaining with Jaworski and his staff, flatly refused last month to turn over to the special prosecutor.

On the basis of an invitation by the Senate Judiciary Committee to consider any disputes between Jaworski and the White House over evidence, the special prosecutor complained last month to the committee's chairman, Sen. James O. Eastland (D-Miss.), that repeated requests for a wide range of tapes and documents vital to several investigations had been rejected.

Jaworski said that 27 tapes and documents—not included in last Friday's subpoena—were needed to further the investigation of the Watergate break-in, and

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that still more tapes and documents were needed for inquiries into the milk fund case and other investigations.

The special prosecutor indicated at the time that he considered the material important enough to warrant subpoenas after the initial Watergate indictments had been returned by the grand jury.

If the President and his attorneys decide to refuse to comply with the new subpoena, a special prosecutor's office source said, Jaworski could ask the court to issue an order requiring the White House to show cause why it should not be compelled to comply. In that case, the contents of the subpoena would be made public.

A show cause order could lead to the same kind of confrontation that ended in Mr. Nixon's firing of original Special Prosecutor Cox Oct. 20.

Between now and Monday, the White House lawyers could seek an extension of the subpoena's returnable date. James D. St. Clair, special counsel to the President, could not be reached for comment yesterday.

When asked whether more subpoenas would be issued for additional evidence, Jaworski said, "There could well be." He said, "Such subpoenas are going to be issued for evidence we feel is material."

In a regular White House briefing yesterday, Warren was asked why press secretary Ronald L. Ziegler on Wednesday denied to a reporter that a new subpoena had been received. Warren said he could not explain and that he felt that any attempt to do so in Ziegler's absence would be unfair.

Later, the White House quoted as having told the reporter he was unaware of any subpoena and would have to check.

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