

Sirica Sets Hearing Wednesday On Jaworski Subpoena of Tapes

By ANTHONY RIPLEY
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WASHINGTON, May 2— Judge John J. Sirica today scheduled a hearing for 10 A.M., Wednesday, on arguments on whether President Nixon must honor the latest subpoena from the Watergate special prosecutor's office.

The special prosecutor, Leon Jaworski, has argued that he needs tapes of 64 conversations to prepare for the trial of seven men in the Watergate cover-up conspiracy case. He asked for a subpoena on April 16.

The White House refused yesterday to honor the subpoena, citing executive privilege and the need to maintain the confidentiality of Mr. Nixon's conversations.

James D. St. Clair, Mr. Nixon's lawyer, argued, "we continue to believe that it is for the President of the United States, rather than for a court, to decide when the public interest requires that he exercise his constitutional privilege to refuse to produce information."

He also argued that Mr. Jaworski had failed to show that the conversations were relevant to the case or admissible in United States District Court.

Defendants Listed

Mr. Jaworski has argued that he also needs the conversations to provide the defendants with information that would help them to prepare their cases.

The defendants are John N. Mitchell, former Attorney General; H. R. Haldeman, former White House chief of staff; John D. Ehrlichman, former assistant to the President; Charles W. Colson, former special counsel to the President; Gordon C. Strachan, former aide to Mr. Haldeman; Robert C. Mardian, former aide to Mr. Mitchell, and Kenneth Wells Parkinson, former lawyer for the Committee for the Re-election of the President.

Judge Sirica's office also announced that the full technical report on the 18½-minute gap on a June 20, 1972, tape recording of Mr. Nixon and Mr. Haldeman would be submitted at 11 A.M. Saturday. The judge will meet in his chambers with two members of the panel of experts who have been studying the tapes since late last year.

Also at the meeting will be lawyers for the White House and the special prosecutor's office.

Dr. Todd Christofferson, Judge Sirica's law clerk, said that there were no plans to make the technical report public. However, he said, the judge may decide to issue a statement on the report, and on the meeting.



Associated Press

John McCayhill, an assistant to White House counsel James D. St. Clair, arriving at U.S. District Court yesterday.

At the hearing today before Judge Sirica, Philip A. Lacovara, counsel for the special prosecutor, argued that some of the 64 conversations could be released at once because they were in the transcripts of Presidential conversations released Tuesday.

There is "no confidentiality left" in those conversations, Mr. Lacovara argued.

A White House lawyer, John M. Cahill, replied that the President had waived privilege in respect to the transcripts but not to tapes on which the transcripts were based.

Judge Sirica said that he would handle the matter Wednesday. He gave the special prosecutor until 2 P.M. Monday to reply to the White House motion to quash the subpoena.