

5/4/74 WPS

Court Asks Nixon Data In AIM Case

ST. PAUL, Minn., May 3 (AP)—A federal judge signed a subpoena today ordering President Nixon to turn over any White House tapes dealing with the armed occupation of Wounded Knee, S.D., last year.

U.S. District Court Judge Fred J. Nichol issued the subpoena, which was prepared by lawyers for two American Indian Movement leaders on trial in connection with the occupation.

Dennis Banks and Russell Means are charged in 10 felony counts that include burglary, theft, arson, assault on federal officers and illegal possession of firearms.

Issued to the President or his authorized representative, the subpoena orders that all tape recordings of conversations related to the occupation between Mr. Nixon and any other person, including former White House counsel John W. Dean III, be produced in Nichol's court here May 28. The White House had no comment.

Accompanying the subpoena was a transcript of remarks made Thursday by defense counsel William Kunstler. He had told the court that a record of hearings before a Senate committee concerning L. Patrick Gray's appointment as FBI director prompted the defense subpoena.

Kunstler said Gray testified to senators on March 22, 1973, that he had discussed the Wounded Knee case with Dean the previous day.

Kunstler said tape recordings of White House conversations might show, among other things, that Indians negotiating with the government at Wounded Knee were doing so in good faith.

Guy Fritze, a Wounded Knee resident when the occupation began Feb. 27, 1973, testified for the third day today.

Under cross-examination by Kunstler, Fritze revised some earlier testimony he had given. He had said that Means and Banks were armed with pistols he recognized as having been in the Wounded Knee Trading Post before it was broken into the night of the takeover.