

Sirica Bars Committee Plea for Tapes

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WASHINGTON, May 30. —

Federal District Judge John J. Sirica turned down today a request by the House Judiciary Committee for Watergate recordings, saying that his court would not be "dragged into" a contest between impeachment investigators and the White House.

Albert E. Jenner Jr., the minority counsel who was acting for the House committee, approached Judge Sirica on the issue last week and followed up with a letter requesting access to full tape recordings of four White House conversations.

Judge Sirica met Tuesday in his chambers with Mr. Jenner and lawyers from the White House, the special prosecutor's office and the defendants in the Watergate cover-up conspiracy case to discuss the matter. The judge refused Mr. Jenner's request in a memorandum filed today in Federal District Court.

The tapes of the four conversations sought were delivered to Judge Sirica from the White House in response to

the grand jury subpoena handled by the former special prosecutor, Archibald Cox, Mr. Cox was dismissed on President Nixon's orders while pressing to obtain tapes. The President then turned over the tapes to the court.

Limited Court Function

Judge Sirica said in his memorandum today that the only reason the court had the tapes was to sort out those items appropriate for the grand jury's consideration, while holding back other items that the court felt were properly within the President's claim of executive privilege.

"In the Court of Appeals decision under which the tapes were produced," Judge Sirica wrote in his decision today, "there is no intimation that this screening function should later be converted to a pass-through or conduit function whereby the court would make the tapes available to other parties demonstrating an interest therein."

The committee, he continued, apparently "approaches" the court because the court "happens to be" temporary custodian of the original tapes.

"Requests to listen and copy

should be directed to the President," the judge stated.

He noted that both the House committee and the President had avoided taking, before the courts, any matters dealing with impeachment. The matter of impeachment is to be settled in Congress, not in the courts, according to the Constitution.

"The court ought not inject itself or be dragged into the potential controversy particularly when both parties have consciously avoided attempts to invoke the court's jurisdiction," the judge stated.

The House request, he said, has nothing to do with the original grand jury subpoena.

The memorandum noted that one of the Watergate grand juries had recommended that evidence relating to the President be turned over to the House committee and that the evidence involved included tapes.

However, the judge argued in a footnote, the evidence belonged to the grand jury and could be used as the grand jury saw fit.

The committee has portions of the tapes it is seeking but not the full recordings that are stored with Judge Sirica.

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