

# Nixon Stand on Court Unclear

By Jules Witcover

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President Nixon's official spokesman repeatedly refused yesterday to say whether Mr. Nixon will obey the decision of the Supreme Court on Special Watergate Prosecutor Leon Jaworski's appeal to obtain more White House tapes.

Gerald L. Warren, the White House deputy press secretary, turned aside a barrage of questions phrased different ways, all seeking to elicit a reaffirmation of the President's statement last year that he would obey a Supreme Court order on the issue.

Last July 26, Warren reported that the President would abide by a "definitive" decision of the Supreme Court on the production of tapes. But Charles Alan Wright, the University of Texas law professor who was then a White House legal consultant, said Supreme Court rulings were not always definitive, and failure of the court to treat fully the issue of separation of powers could lead to Mr. Nixon's continued refusal to release tapes and other material subpoenaed.

Asked at a news conference last Aug. 22 whether he would obey a Supreme Court order in this regard, the President said: "As far as the statement that Mr. Warren has made with regard to the President's position of complying with a definitive order of the Supreme Court is concerned, that statement stands."

At one point yesterday, Warren said that anything he would say now on the subject of a presidential response to a Supreme Court order, "beyond what the counsel would say, would be irresponsible."

Warren noted that the White House counsel's office will file a brief on June 21,

"and will argue when arguments are called for before the Supreme Court."

Asked why the question of the President abiding by a Supreme Court decision was so difficult to answer and why the White House was unwilling to answer it, Warren said:

"The matter is before the Supreme Court. Briefs and arguments will be attended to, and I am not going to practice law from this podium."

Asked whether he could conceive of any situation in which the President would not obey a Supreme Court ruling, Warren said: "I could not deal with such a hypothetical question." He referred reporters to a state-

ment yesterday by James D. St. Clair, the President's Watergate and impeachment defense lawyer.

"What he said was that he has confidence... in our legal and constitutional positions and confidence in the court to sustain our position," Warren said, "and that he is not going to speculate further nor am I."

Warren also refused all comment on the guilty plea that former presidential special counsel Charles W. Colson entered yesterday to a charge of obstruction of justice in the Daniel Ellsberg case.

"It's not our practice to comment on pleas entered in courts," Warren said.

In other White House

matters yesterday, the President:

- Asked Congress to appropriate an additional \$50 million for the Department of Interior for the Indian Revolving Loan Fund, \$10 million for operation of various Indian programs and \$20 million for the Indian Loan Guaranty and Insurance Fund.

- Asked Congress to increase the Community Development Program in the Department of Housing and Urban Development by \$200 million for unanticipated costs and \$100 million for additional disaster relief required by the April tornadoes.

- Signed the fiscal 1975 appropriations bill for the Peace Corps, which also authorizes up to \$1 million in salary, retirement and other employee benefits.

- Signed a bill implementing a convention between the United States and Japan for the protection of migratory birds and birds in danger of extinction.

Warren also announced that the President will go by helicopter to Annapolis Wednesday morning to deliver the commencement address to the 124th graduating class of the U. S. Naval Academy at the Navy-Marine Corps Stadium. Warren said Mr. Nixon will touch on foreign policy and defense matters in his speech.

Warren reported that the President had accepted "with great personal regret" the resignation of Andrew F. Brimmer as a member of the board of governors of the Federal Reserve System.

Brimmer, the first black appointed to the Board, had served since 1966; his term was to have run to Jan. 31, 1980. He is to join the faculty of the Harvard Graduate School of Business Administration in September.

The President also announced three nominations:

- Robert Coleman Gresham, of Silver Spring, for a second term on the Interstate Commerce Commission. He has been on the commission since Dec. 15, 1969, and was vice chairman for 1972. The appointment is for a full seven-year term.

- Robert R. Elliott, of Gainesville, Va., to be general counsel of the Department of Housing and Urban Development, succeeding James L. Mitchell, who has been under secretary of HUD since April.

- James V. Day, of Kennebunk, Maine, for another five-year term on the Federal Maritime Commission. Day was appointed to the commission in 1962 and was reappointed in 1965 and 1969.