

Sirica's Ruling on Watergate Tapes

Washington

Watergate prosecutors won a preliminary victory yesterday in a developing battle over the use of White House tapes as evidence in the Watergate coverup trial.

Overruling objections from defense attorneys, U.S. District Judge John J. Sirica permitted the prosecutors to begin presenting evidence toward authenticating tapes even though the judge hasn't yet decided whether they can be used as evidence.

A principal issue involved is the prosecutors' attempt to use tapes they can't authenticate through the testimony of a participant in the conversation.

After Sirica's ruling the prosecutors called Alexander P. Butterfield, the man who first publicly disclosed the existence of the tapes, and he described how he helped the prosecution identify the voices on nearly 30 tapes.

Butterfield, administrator of the Federal Aviation Administration, was a special assistant to former President Nixon during four years and two months on the White House staff.

Butterfield went through a pile of tapes placed in front of him on the witness stand and verified that he had listened to each and initialed it.

Earlier testimony was given by three FBI agents who interviewed defendants John N. Mitchell and John D. Ehrlichman within weeks of the June 17, 1972, break-in at Democratic National Committee headquarters.

The agents testified that

both Mitchell and Ehrlichman told them in separate interviews that all they knew of the break-in was what they had read in the newspapers.

One of the charges against each is that those statements were false.

Daniel C. Mahan, an FBI agent, testified that he interviewed both Mitchell and Ehrlichman as part of his assignment "to determine all the persons involved in the break-in."

Mitchell was interviewed on July 6, 1972, and, according to Mahan's written report, he stated, "he had no knowledge of the break-in of the Democratic National Committee headquarters other than what he has read

in newspaper accounts of that incident."

On July 26, 1972, Ehrlichman told Mahan "that he is in possession of no information relative to the break-in of the Democratic National Committee headquarters on June 17, 1972, other than what he has read in the newspaper accounts of that incident."

"Mr. Ehrlichman stated that he has sought no information in this regard either from the Republican National Committee or from the Committee to Re-elect the President of the United States. He also advised that he has received no information in regard to that incident and, in fact, did not wish to receive any, due to a pending suit filed by the

Democratic party against the Republicans," the report said.

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