

NIXON'S LAWYERS ARGUE TAPES CASE

Challenge Court Decision on Copies for Broadcast

WASHINGTON, Dec. 19 (UPI) —Richard M. Nixon's lawyers argued today that a court decision allowing his Watergate tapes to be copied for public broadcast means they will turn up at cocktail parties and in comedy acts to the embarrassment of the former President.

In a brief filed in United States district court, Mr. Nixon's lawyers asked Judge Gerhard A. Gesell to remove a technical legal barrier so they could immediately appeal his order releasing the tapes publicly once the Watergate cover-up trial is over.

If the order stands, they said, every future demand for Mr. Nixon's tapes would have to take into consideration the possibility that tapes "will likely be reproduced in the form of cassettes and phonographs records to be played at cocktail parties, to be used in comedy acts or dramatic productions, and otherwise be exploited for every purpose and in every manner that may occur to the imaginative, the enterprising or the antagonistic recipients of the copies."

They said Mr. Nixon had the right to keep his tapes secret since they might prove "embarrassing not only to him but to others whose voices appear on the tapes in candid conversations never intended to be publicly aired."

They said the tapes could also prove embarrassing to those persons discussed in the Nixon meetings who were referred to "perhaps in the kind of offhand or blunt remarks common in private conversations between close associates."

At the request of the three major broadcast networks, Judge Gesell ruled Dec. 5 that copies of the Nixon tapes introduced as evidence at the cover-up trial could be made available to them for broadcast on radio and television. His order will not become final until after the trial is over.

Mr. Nixon's lawyers asked the judge to make the order final now so that they may appeal. They charged that release of the tapes would make them available for "every imaginable scheme for commercial exploitation of the conversations."

They said Mr. Nixon had a legal right to protect the confidentiality of the tapes and "not to have them disseminated, advertised, broadcast and otherwise trumpeted" beyond the necessity for use as evidence in criminal trials.