

# Nixon Tapes Can Be Sold, Court Rules

## Washington

The U.S. Court of Appeals here ruled yesterday by a vote of 2 to 1 that the White House tape recordings that were used as evidence in the Watergate coverup trial may be reproduced, broadcast and sold to the public in records as soon as a suitable plan for distributing the tapes is developed.

The ruling reversed a decision last year by Judge John J. Sirica of the U.S. District Court banning public distribution of the recordings, at least until the appeals of four former White House aides, who had been convicted in the trial, had been finally decided.

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subpoenaed for use in a criminal trial," the law office said in a brief statement. "Accordingly, we will appeal."

If Mr. Nixon is successful in his appeal, public disclosure of the tapes could be delayed for many more months — at least until, as Sirica had specified, the final resolution of the appeals in the coverup case.

The appellate court recently affirmed the convictions of three of the defendants in the coverup case, John N. Mitchell, John D. Ehrlichman and H. R. Haldeman, and reversed the conviction of the fourth, Robert C. Mardian. The first three are entitled to appeal their cases to the Supreme Court, an often lengthy process; if Mardian is retried, any subsequent appeals could take many months more.

If Mr. Nixon should lose his appeal, however, or if the Supreme Court should refuse to hear it, the case would be sent back to Sirica for the development of a plan for distributing the tapes.

"Distribution should be prompt," the appeals court said, "and on an equal basis for all persons desiring copies."

The appeals court rested its

The Appeals Court acted at the behest of the three commercial television networks, the Public Broadcasting System, an association of radio broadcasters, and a record manufacturer — over the strong opposition of former president Richard Nixon.

Last night, the office of Mr. Nixon's attorney, Herbert J. Miller, announced that the ruling would be appealed.

"The effect of the Court of Appeals' decision is to permit the commercial exploitation of recordings of presidential conversations

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decision on what it called a "precious" common law right, one that predates the Constitution itself — the right to inspect and copy public records.

The tapes involved in the court's decision are all those played to the jurors, press and spectators at the coverup trial. There were 30 tapes in all, of which 28 were from Mr. Nixon's White House recordings.

U.S. District Judge Robert R. Mehrige Jr. of Virginia, who was assigned to the court of appeals panel that heard the case, joined Judge Bazelon's opinion. Court of Appeals Judge George E. MacKinnon dissented on several grounds, including that the tapes could be altered or erased. He contended they should not be exposed to possible damage as long as there is a possibility they may be needed as evidence in a re-trial.

*New York Times*

## Bank Robbery

### Los Angeles

A man walked into a Hollywood bank shortly after opening yesterday, shoved a note to a teller, and escaped with \$527.

*Associated Press*