

President Planning To Withhold Tapes

Nixon Firm

On July 7

Refusal

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By Carroll Kilpatrick
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President Nixon plans to tell the Senate Watergate committee in a letter Monday that he will not release to the committee tape recordings of his conversations with former aides on Watergate-related matters.

Informed sources said that, despite strong pressure to release the tapes, Mr. Nixon as of yesterday had decided to stand by his decision announced July 7 to deny the committee access to presidential papers, including tapes.

Officials would not discuss the possibility that the President may use the tapes in some fashion in his own defense. But this posed the question whether any excerpts he may decide to use from the tapes would be accepted by the public as the whole story.

The White House was stunned yesterday when Chairman Sam J. Ervin Jr. (D-N.C.), misled by a hoax, announced at the committee hearings that the President had agreed to make available tape recordings of conversations related to the Watergate case.

Upon learning of the hoax, Mr. Nixon immediately ordered an FBI inves-

tigation to try to determine who had telephoned the misinformation to Ervin about release of the tapes.

White House aides who knew the President's thinking were amazed that Ervin fell for the phony information given him by a caller posing as Treasury Secretary George P. Shultz.

While Mr. Nixon is said to recognize that by withholding the tapes he gives his enemies fresh ammunition with which to charge that he is covering up his involvement in the scandal, he began work yesterday drafting a letter explaining his position.

It will follow generally the lines of the argument he made to Ervin July 7, when he asserted, "I shall not testify before the committee or permit access to presidential papers."

"I want to strongly emphasize that my decision in both cases," the President said in his letter then, "is based on my constitutional obligation to preserve intact the powers and prerogatives of the presidency and not upon any desire to withhold information relevant to your inquiry."

Rufus L. Edmisten, deputy counsel of the investigating committee, said that White House counsel Leonard Garment informed committee majority counsel Samuel Dash that "on Monday morning the President will be sending up a full and complete statement to all the members of the committee."

This past Monday, after disclosure that tapes had

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been made of all presidential meetings and telephone conversations in the White House since the spring of 1971, White House special counsel J. Fred Buzhardt said in a letter to Ervin that "a more detailed statement concerning these procedures will be furnished to the committee shortly."

The statement is now expected to bear the President's signature rather than Buzhardt's. It is understood that it will explain the President's position on the taping of future meetings and telephone conversations.

It could not be learned whether Mr. Nixon's letter will set a time for the President's promised meeting with Ervin, or whether the letter may indicate that the President no longer believes such a meeting should be held.

White House press secretary Ronald L. Ziegler said that "no date" has been set for the meeting with Ervin. He would not elaborate.

Asked what was being done with the tapes of presidential conversations, Ziegler said, "they have never been transcribed. The Presi-

dent mentioned to me again this morning that there has never been a transcript made of any of the tapes at all."

The President's counsels have not reviewed the tapes, Ziegler said.

Publication of the President's letter Monday will indicate his future policy regarding tping of conversations before he confers Tuesday and Wednesday with the Shah of Iran.

Mr. Nixon is scheduled to leave Bethesda naval hospital about 9 a.m. today and drive to the White House for a series of meetings with senior staff members. It had been announced earlier that he would go from the hospital directly to the Camp David, Md., retreat for the weekend.

Ziegler said that the President was feeling much better and wanted to meet with staff members before going in the afternoon to Camp David.

After a final examination yesterday afternoon, the President's doctors reported that "the physical examination indicated complete clearing of the viral pneumonia. Today's electrocardi-

ogram was again normal. The President has tolerated the program of increased activity and staff work without any discomfort or excessive fatigue."

The bulletin said that Mr. Nixon was encouraged "to relax and enjoy periods of swimming and walking over the weekend." The doctors emphasized "the importance of a short rest period in the morning and afternoon when he resumes his full schedule at the White House next week," the bulletin said.

Dr. Walter R. Tkach, the President's physician, said that Mr. Nixon's chest was "entirely clear" and that "he is now more eager than ever to jump into the work program." He said he had "cautioned" the President to report any fatigue.

But the doctor said that it would be a mistake for him to try "to bridle this man" or insist that he stay in bed now that he feels much better.

Asked to clear up a long-standing question as to whether the President has hay fever, Tkach replied: "He thinks he has hay fever, but it isn't."

Mr. Nixon occasionally suffers from a slight cold and thinks it is hay fever, the doctor said.

"Have you convinced him now?" a reporter asked.

"I don't know," the doctor replied.