

For Turnover to Sirica

Tapes Analysis to Be Made

10/31/73

By Susanna McBee

Washington Post Staff Writer

The White House agreed yesterday to prepare an analysis of the presidential Watergate tapes and documents which the U.S. Court of Appeals has ordered to be turned over to John J. Sirica, chief judge of the District Court here.

After meeting for more than a hour and a half with White House Special Counsel J. Fred Buzhardt and two members of the Watergate prosecution staff, Deputy Special Prosecutor Henry S. Ruth Jr. and Counsel Philip A. Lacovara, Sirica issued a statement announcing:

"All parties agreed that the White House will prepare as soon as possible an analysis of the materials which will be transmitted to the Court together with the tapes and documents themselves."

The statement seemed to indicate that the complete, unexpurgate tapes and papers would be submitted to the court, but sources said that point was unclear.

Sirica's statement continued, "Before the Court examines the materials, it will hear argument in a closed session on the various claims of privilege. The Court will thereafter examine the tapes and written material and make individ-

ual decisions on each claim of privilege."

The judge said his rulings on the claims would be handed down at one time after he has examined them all. He added that he will meet again Friday at 2 p.m. with Buzhardt, Ruth, and Lacovara to set a timetable for turning over the materials and hearing the various arguments about them.

Yesterday's meeting followed President Nixon's decision last week to turn over the materials which had been subpoenaed by former Special Prosecutor Archibald Cox. Before making that decision, Mr. Nixon had resisted efforts to force him to produce the tapes and had fired Cox for refusing to give up his court battle to get them.

On Oct. 12 the Court of Appeals decision, which overruled the President's claim to absolute privilege or secrecy, for the tapes and documents, said Sirica may, however, consider specific claims.

It said the analysis, which the White House is now preparing, should "without compromising the confidentiality of the information . . . contain descriptions specific enough to identify the basis of the particular claim or claims."

It also said that when the

President makes a claim of privilege based on national defense or foreign relations, "he may decline to transmit that portion of the material" and ask the judge to decide whether he needs to look at the material alone in his chambers to determine whether secrecy is warranted and the material should therefore be kept from the grand jury investigating the Watergate scandal.

The court also said the President could present documents to the court in the same way—"with specification of which segments he believes may be disclosed and which not."