

President Will Appeal On Watergate Tapes

Decision Ends Day Of Debate

San Clemente

President Nixon decided yesterday to appeal the order of U.S. District Judge John J. Sirica that demands surrender of the disputed Watergate tapes for the judge's inspection.

The White House made the announcement after an hour-long meeting between Mr. Nixon and his top lawyers on the Watergate case, Charles Alan Wright and J. Fred Buzhardt.

Buzhardt and Wright were reported to have held a "spirited" debate on what Mr. Nixon's next step should be, before the President decided to pursue the customary appeals process in the courts.

The decision to carry the fight to the U.S. Court of Appeals in Washington ended a day of intense speculation over Mr. Nixon's next step in his confrontation with the courts.

LISTEN

In an unprecedented ruling on a federal grand jury's subpoena for the tape recordings of Mr. Nixon's conversations on the Watergate case, Sirica ordered the President to turn them over so that he could listen to them and decide whether any portions should go to the grand jury. Sirica handed down the order Wednesday, but gave Mr. Nixon's lawyers five business days to seek its reversal in a higher court.

Both Wright and Buzhardt, who had reportedly been scheduled to meet with the President after his return to Washington today,

instead hurriedly flew out to San Clemente after Sirica's decision.

In its first reaction to the ruling Wednesday, the White House had said that "appellate review" was not the only way to "sustain the President's position."

This statement took some White House officials by sur-

Back Page Col. 8

From Page 1

prise because it seemed to imply that the President was thinking of ignoring Sirica's order and inviting a contempt citation.

Mr. Nixon and his lawyers have steadily insisted that he is immune from court orders so long as he remains President.

In light of the confusion, White House aides said, a decision was reached yesterday morning to issue another statement declaring that an appeal would be taken.

The new statement said:

"The president met today with his White House counsel and it has been decided that counsel will seek review in the court of appeals for

More Watergate news
on Pages 10 and 11.

the District of Columbia of Judge Sirica's order.

Appropriate papers for obtaining review are being prepared and will be filed prior to the expiration of the stay of the order next Thursday."

STEPS

Aides said that other steps that had been discussed ranged from asking Sirica to reconsider his decision to appealing directly to the supreme Court. They were ambiguous on the question of whether the possibility of ig-

norning the ruling had been contemplated.

Deputy White House Press Secretary Gerald L. Warren refused to elaborate on yesterday's announcement in any fashion.

The nine-judge appellate court will resume its regular calendar business following summer vacations on September 5.

Special Watergate prosecutor Archibald Cox is hopeful that the case can be finally resolved with a Supreme Court decision by mid-October.

Cox has called the demand for the tapes especially urgent because the Watergate grand jury's 18-month term will expire in early December. It can be extended only by an act of congress, a spokesman for Cox said yesterday.

INDICT

Meanwhile, Cox has said, it would be "inappropriate to ask the grand jury to decide whether to indict or not to indict the principal figures in the Watergate matter until the courts have finally determined whether the grand jury may have access to the critical evidence" on the tapes.

The President has said that he would abide by a "definitive" Supreme Court ruling on the issue, but without giving any indication of what he would accept as definitive.

Cox's office, however, reportedly has no worries on that score. "Personally, I think the word, 'definitive,' has become inoperative," one staff member said.

The President and his Watergate advisers are said to be equally confident that the Supreme Court will uphold their contention that the constitutional separation of powers entitles Mr. Nixon to withhold the tapes, even

from judicial review.

Sirica rejected the White House claims and said a "watertight" division of powers between the executive, legislative and judicial branches of government was never intended by the framers of the constitution.

Washington Post