

WXPost
Sirica Upholds White House
 on Tapes

By George Lardner Jr.

Washington Post Staff Writer

U.S. District Judge John J. Sirica yesterday sustained most of the White House's claims of executive privilege for two subpoenaed Watergate tapes and part of a third recording.

The judge said the conversations and related documents that he was withholding from the Watergate grand jury had nothing to do with the Watergate scandal.

The only exception, Sirica said in a five-page order, involved a short part of a June 30, 1972, meeting in the Executive Office Building between President Nixon, then White House chief of staff H. R. Haldeman, and former Attorney General John N. Mitchell.

The President's chief courtroom lawyer, Samuel J. Powers, told reporters that satisfied with Sirica's decisions and planned no appeal.

The White House has said that the long June 30 session, which dealt with Mitchell's impending resignation as chairman of the President's 1972 re-election committee, contained only "a few passing and collateral references to Watergate which are not substantive."

Accordingly, the Presi-

dent's lawyers had asked that the entire recording be kept confidential. They said there was nothing in it "concerning possible criminal conduct or discussions of possible criminal conduct."

Without elaborating, Sirica said he felt the portions of the discussion touching on Watergate should still be turned over to Special Prosecutor Leon Jaworski for possible grand jury presentation. White House lawyers agreed earlier this week in a letter that the Judge placed under seal.

An aide to the judge said the two segments were "very brief" and together took up no more than five minutes of the 1¼-hour meeting.

The other two recordings dealt with yesterday involved the President's back-to-back meetings with White House adviser John D. Ehrlichman and then Haldeman on June 20, 1972, and a meeting between the President, Haldeman and then White House counsel John W. Dean III on Sept. 15, 1972.

The tape of the meetings on June 20, three days after the Watergate scandal broke, was erased for an 18¼-minute interval just before the start of a discussion

of the case between Mr. Nixon and Haldeman.

The White House said the recording as it now stands, however, should be withheld from the grand jury since it no longer contains anything about Watergate.

Judge Sirica agreed, except for the portion of the tape, including the 18¼-minute "hum," which was played in open court last month during hearings on the still unexplained erasure. He said the claim of privilege for that segment was waived. It lasts about 39 minutes and runs from the last few minutes of the President's meeting with Ehrlichman, through the long "hum," to the resumption of conversation with Haldeman.

The Sept. 15, 1972, meeting dealt "directly or indirectly" with the Watergate scandal for slightly over 33 minutes. Sirica authorized that segment for grand jury consideration, and agreed with the White House that the final 17 minutes had nothing to do with Watergate and should be withheld.

Dean has testified that Mr. Nixon congratulated him at the Sept. 15 meeting on the "good job" he had done and was pleased that the case had "stopped with

(Watergate conspirator G. Gordon) Liddy." Dean said he then told the President that all he had been able to do was "contain" the case and "assist in keeping it out of the White House."

Haldeman has agreed there was discussion of various aspects of the Watergate case, but denies that the President congratulated Dean on Dean's efforts to thwart the investigation.