

PRESIDENT FIRM ON TAPES STAND

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Says Yielding Documents to
Senate Would Give Them
'to the World at Large'

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WASHINGTON, Feb. 6 —

President Nixon told a Federal district judge today that giving White House tape recordings to the Senate Watergate committee would be giving them "to the world at large." He said that this would infringe on the confidentiality of his office and would possibly prejudice criminal trials.

The President's position was stated in a five-paragraph letter

Text of White House letters to Judge Gesell, Page 21.

to Judge Gerhard A. Gesell, who is attempting to decide whether to order Mr. Nixon to comply with a Senate committee subpoena to produce five tapes.

Mr. Nixon declared that, unlike the grand jury, which uses the tapes in secret, the Senate committee "has made known its intentions to make these materials public."

"The publication of all these tapes to the world at large would seriously infringe upon the principle of confidentiality, which is vital to the performance of my constitutional responsibilities as President," Mr.

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Nixon said. This was an allusion to what is known as the doctrine of executive privilege.

Mr. Nixon added, "It is incumbent upon me to be sensitive to the possible adverse effects upon ongoing and forthcoming criminal proceedings should the contents of these subpoenaed conversations be made public at an inappropriate time."

The special Watergate prosecutor, Lon Jaworski, also asked by the court to comment on

possible effects that being ahead with the subpoena would have upon criminal trials. He conceded that some of the tapes sought would be important and would be evidence at trial. He stated that allowing the committee to have possession of the tapes would be turning them over

to the public. He stated that the committee subpoenaed the tapes in order to investigate the Watergate burglary. He stated that the committee had already received the tapes from the President's personal secretary, Miss Holmes, and that the committee had already reviewed the tapes.

National Interest Cited
The President's letter today, which the Senate committee rejected, and said it was inappropriate for resolution of the judicial

branch." He reasserted his contention that yielding the tapes "would not be in the national interest."

The committee sought five tape recordings last July 23 in one of two subpoenas it sent to the White House.

Judge Gesell quashed the record subpoena, calling it "too vague" because it sought all documents and tapes relating to 25 different White House and campaign aides. However, he asked for a personal assertion of executive privilege by the President if Mr. Nixon was still relying on that doctrine for a defense.

He also asked the President for "factual ground" on which to base his contention that turning the material over to the committee would "not be in the public interest." It was this explanation the President submitted today.

Tapes Sought by Cox

Also on July 23, Mr. Cox also subpoenaed nine tapes and other documents. Four of the tapes sought by the Senate committee and by Mr. Cox were the same. They concern the following.

A conversation Sept. 15, 1972, between Mr. Nixon, his former counsel, John W. Dean 3d, and H.R. Haldeman, former White House chief of staff, Mr. Dean has testified that the President complimented him on a "good job" in containing the extent of the investigation into the Watergate burglary. Mr. Haldeman has contradicted that version in his testimony.

A meeting March 13, 1973,

by the same three men, Mr. Dean contends there was talk of executive clemency and \$1-million to be raised to buy the silence of the seven original Watergate defendants. Both the President and Mr. Haldeman have denied this.

A meeting March 31, 1973, by the same three men. All accounts agree they talked solely of Watergate and that Mr. Dean spoke of a "dancer" on the Presidency.

A second meeting on March 31, 1973, that also included John D. Ehrlichman, then the chief assistant to the President

for domestic affairs. It also covered only Watergate matters.

The fifth tape sought by the committee was of a conversation on Feb. 28, 1973, from 9:12 A.M. to 10:30 A.M. Mr. Dean has testified that on this day he told Mr. Nixon of his role in the cover-up and that he was told "not to worry."

Mr. Jaworski, in his memorandum filed with the court today, noted that all four of the tapes sought in common with the committee had already been presented to the grand jury.

"Accordingly," Mr. Jaworski said, "we take no position on whether the court should con-

sider the danger of prejudicial pretrial publicity a decisive factor."

He suggested, however, that copies and not the original tape be turned over to the Senators if the court should decide to uphold the committee subpoena.