

Watergate Panel Loses Tapes Bid

Washington

A federal judge yesterday dismissed for the second time the Senate Watergate committee's request that the court order President Nixon to give it five presidential tape recordings.

"The public interest does not require that the President should be forced to provide evidence... to a Senate committee in order to furnish fuel for further hearings," U.S. District Judge Gerhard A. Gesell said in dismissing the committee's suit.

Gesell said a factor "or critical importance" in his decision is "the need to safeguard pending criminal prosecutions from the possibly prejudicial effect of pre-trial publicity.

Deputy White House Press Secretary Gerald L. Warren said the White House was "pleased to note that the Senate petition has been dismissed without prejudice. Judge Gesell's decision is in accordance with the President's view that the judicial process should be allowed to continue without undue publicity."

Samuel Dash, chief counsel of the Watergate committee, issued this statement: "with regard to Judge Gesell's decision, the committee is making no comment but considering what action the committee might wish to take."

Gesell's ruling was issued several hours after special Watergate Prosecutor Leon Jaworski and James D. St. Clair, President Nixon's Watergate lawyer, met to discuss Jaworski's demands for continued access to White House files.

Neither side would say whether any progress was made at the meeting.

Last October 17, U.S. District Judge John J. Sirica dismissed the Watergate committee's suit on the grounds it failed to demon-

strate the court had jurisdiction.

The suit was revived when Congress passed a special bill resolving the jurisdictional problem. The case then was referred to Gesell.

Gesell rejected the President's contention that the courts have no power to decide disputes between a president and a committee of Congress. He said the court of Appeals ruling di-

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recting Mr. Nixon to give tapes to Sirica had come down "squarely to the contrary" of Mr. Nixon's contention.

He also rejected the President's argument that he can assert a blanket, unreviewable claim of confidentiality for all presidential communications.

But, he said, "It had not been demonstrated to the court's satisfaction that the committee has a pressing need for the subpoenaed tapes or that further public hearings before the committee concerning the content of those tapes will at this time serve the public interest."

Gesell noted that all five tapes, conversations between the President and John W. Dean III, had been given to Jaworski for use as grand jury evidence.

Public disclosure of the tapes, Gesell said, "would immediately generate consi-

derable publicity" and possibly bolster claims that it would be impossible to find an unbiased jury for any future Watergate trials.

At the White House, a spokesman acknowledged that St. Clair and Jaworski met and added, "beyond that, I have no report to give you."

It was known the meeting was called to discuss the President's desire to shut off Jaworski's access to White House files. Mr. Nixon said in his State of the Union address that he believed he had given Jaworski all the material needed, "to conclude his investigations and to proceed to prosecute the guilty and to clear the innocent."

Subsequently, St. Clair wrote a letter to Jaworski the contents of which have not been disclosed. Jaworski then asked for a meeting to clarify the letter.

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