

NIXON AIDE FIGHTS RELEASE OF TAPES

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Tells Judges Disclosure of
5 Dean Talks Would Have
'Profound' Public Impact

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WASHINGTON, April 2—An attorney for President Nixon told the United States Court of Appeals today that public disclosure of five tape recordings of conversations between the President and John W. Dean 3d, his former counsel, would have a "profound impact on public opinion."

He was immediately asked by one judge whether "there's still something lurking in those tapes that hasn't been disclosed which would be of tremendous value?"

The attorney, John J. Chester, sidestepped the question, saying that he had not listened to the tapes. He added, "The President has asserted executive privilege for reasons best known to himself. I'm not in a position to measure the motivation."

Mr. Chester's remarks before the Court of Appeals for the District of Columbia Circuit were made at a hearing on a subpoena by the Senate Watergate committee for the five tapes, involving Mr. Dean, who is Mr. Nixon's chief accuser in the Watergate case. Mr. Chester argued on behalf of Mr. Nixon that the subpoena should not be enforced.

At the hearing, Samuel Dash, chief counsel for the Senate committee, disclosed that the committee might withhold from the public whatever "findings

of fact" and findings about Mr. Nixon it made. He said it might do this to avoid prejudicing the forthcoming trials of Watergate defendants.

Mr. Dash also told the court that the committee was willing to submit to a "stringent protective order" by the court regarding public disclosure of the five tapes, should the court order them made available.

Mr. Dash said that the committee had a "compelling need" for the tape recordings.

"What we have is a major discrepancy" between Mr. Dean's version of the Watergate affair and the White House version, he told the seven judges. He said that the information on the tapes was needed if the committee was to resolve the discrepancies, which he said it must do whether or not it wrote a fact-finding report.

Among other things, he said, the committee could not recommend certain legislative changes unless it knew the facts regarding Mr. Nixon.

Seven Tapes Yielded

The committee issued its subpoena for the tapes last summer, the same day that the special Watergate prosecution issued its own subpoena for tapes and other material relating to nine Presidential conversations. The nine included four of the five sought by the Senate committee.

Mr. Nixon initially resisted both subpoenas, contending that the doctrine of executive privilege gave him an absolute right to withhold the material.

The Court of Appeals subsequently ruled that Mr. Nixon must comply with the prosecution subpoena, and the White House eventually gave Federal District Judge John J. Sirica tapes for seven of the nine conversations, saying that the two others had not been recorded.

Judge Sirica then gave the

prosecution copies of those tapes he found relevant, among them tapes of three conversations the committee was also seeking. The three were a Watergate-related conversation between the President and Mr. Dean on March 13, 1973, the day Mr. Dean originally gave as the date of his conversation with Mr. Nixon regarding hush money for the Watergate burglars; and two conversations on March 21, 1973, the day Mr. Dean now says, and Mr. Nixon agrees, that hush money was discussed.

Judge Sirica also gave the prosecution part of a fourth tape sought by the committee — of a conversation on Sept. 15, 1972, the day the grand jury returned the indictment against the original Watergate burglars.

The fifth tape sought by the committee records a conversation on Feb. 28, 1973, in which Mr. Dean, the former White House counsel says, told Mr. Nixon that he, Mr. Dean, might be involved in an obstruction of justice regarding the Watergate case.

That tape has been made available to the prosecution in New York trial of former Attorney General John N. Mitchell and former Commerce Secretary Maurice H. Stans and, apparently, to the Watergate prosecution as well. In addition, the White House has given all five to the House Judiciary Committee for its impeachment inquiry.

The Watergate committee, however, has so far been unable to get the tapes.