
Erwin Sends Plea
to President

Washington

President Nixon ordered the Secret Service yesterday to withhold from the Senate Watergate committee all information about secretly made recordings of the President's White House conversations.

But the Senate committee, in what its ranking Republican termed a "spirit of conciliation," appealed directly to the President to make available the tape recordings of discussions that may be crucial to the Watergate case.

The clash over the recordings, barely one day after their existence had been disclosed at the Watergate hearings, underscored their potential importance as the key to a determination of the scope of White House involvement in the Watergate break-in and coverup.

BAKER

Senator Howard H. Baker Jr. of Tennessee, the senior Republican on the committee, declared that it is "a matter of monumental importance" for the investigators to gain access to relevant tapes.

But the President's instructions that "no officer or agent of the Secret Service shall give testimony" about the agency's role in recording the conversations, coupled with a White House spokesman's assertion that Mr. Nixon considered the tapes to be "presidential documents," appeared to forecast a determination by the White House to keep the recordings secret.

In declining to permit the Secret Service to disclose the taped information, the White House cited the doctrine of executive privilege. Earlier in the day, Ronald L. Ziegler, the White House press secretary, said that the contents of the tapes would be withheld because they fall into the category

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of presidential papers.

The President said ten days ago that he was obliged by the Constitution's separation of powers to withhold presidential documents from Congress.

John W. Dean III, the dismissed White House legal counsel, testified last month that discussions he had with Mr. Nixon between Sept. 15, 1972, and April, 1973, had convinced him the President was personally enmeshed in the Watergate coverup.

Alexander P. Butterfield, a former White House aide who is now the head of the Federal Aviation Administration, disclosed at the Watergate hearings Monday that listening devices had been installed in 1971 in three offices and on four telephones used by the President.

Butterfield testified that the devices would have automatically recorded conversations of the sort described by Dean.

The committee's initial effort to determine who had official custody of the tape recordings, as a prelude to a formal request for copies of the pertinent tapes, was blocked by Mr. Nixon's order barring interrogation of "present or former members" of the Secret Service detail assigned to the White House.

ORDER

The President's order was relayed hurriedly to Senator Sam J. Ervin Jr. of North Carolina, the Democratic chairman of the Watergate committee, as Ervin, Baker and committee lawyers began a private noon-time interview of Al Wong, the deputy assistant director of the Secret Service.

Wong had been chief of the Technical Services Division of the Secret Service at the time that Butterfield said the division had installed the listening devices for Mr. Nixon and arranged for storage of the tapes.

The tapes, Butterfield said, were meant to form part of the historical record of the Nixon administration

for eventual use in a presidential library.

LETTER

Mr. Nixon's ban on testimony by the agents was contained in a letter, dated Monday, to the Cabinet officer who has jurisdiction over the Secret Service, Secretary of the Treasury George P. Shultz.

The letter, dispatched to the committee with a brief covering note, specifically ruled out testimony "concerning matters observed or learned" by the agents while they were "performing protective functions for the President or in their duties at the White House."

At least three other Secret Service and Treasury officials — including Edgar L. Morgan, a former presidential assistant who is currently the assistant secretary for enforcement — halted the interview of Wong and said that the President's letter to Shultz formed the basis of a claim of executive privilege in the matter.

Under the doctrine of executive privilege, presidential documents have traditionally been withheld from Congress.

PLEA

The full seven-member Watergate committee was assembled hastily, 15 minutes before the hearings were to have resumed yesterday afternoon, in Ervin's office.

For an hour, the senators conferred privately with the administration officials and then voted to sidestep the issue of Secret Service testimony and ask Mr. Nixon directly for the tapes.

Both Ervin and Baker seized on the final sentence of Mr. Nixon's letter as the basis for a plea for release of the tapes.

The letter instructed Shultz to advise Ervin "that requests for information on procedures in the White House will be given prompt consideration when received by me."

REQUEST

Ervin, recounting the development of the new dispute with the White House when he reconvened the hearing in the afternoon, said that the committee is "desirous of adjusting this matter, if possible, on an amicable basis with the White House."

Accordingly, the senator

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said, the committee had authorized him to write to the President to ask "cooperation in making available to the committee records and tapes which are relevant to the Watergate investigation.

He added, pointedly: "I sincerely hope that this course of action will bear fruit and that we will be able to get access to the records and tapes which we think are relevant."

Baker, endorsing Ervin's statement, declared that the request was being made "in a spirit of conciliation" and in an attempt to determine the following:

• Who is the custodian of the tapes?

Senate investigators said privately that the custodianship could be important in determining how to proceed with an attempt to subpoena the tapes in the event that the President refuses to volunteer them.

• Who has had access to the tapes?

Butterfield said Monday that only a handful of senior White House officials knew the tapes exist, but that they could have obtained temporary custody of one or more tapes from time to time.

He said that he occasionally had done so — as the official serving both as liaison with the Secret Service and as superintendent of documents destined for a Nixon library — in efforts to assure that the recording devices worked properly.

• How, finally, can the Senate committee obtain both the technical information and access to the tapes?

Baker said that the committee seeks only those tapes that relate to the lawful inquiry of this committee, and not, as he stated it, "to a general fishing expedition" among tapes that would be "clearly protected" by the doctrine of executive privilege — such as those dealing with diplomacy or internal White House communications unconnected to Watergate.

"We are, I hope, being both patient and optimistic in taking this course of action," Baker said, noting that the committee had, for now, decided against a legal effort to "compel testimony from Secret Service agents."

White House press secretary Ziegler declined repeat-

edly in a briefing yesterday morning to state specifically whether the White House would make the tapes available. But when he was asked

if the President regards the tapes as presidential documents, Ziegler said that Mr. Nixon does.

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