

# JUDGE SIRICA ORDERS NIXON TO YIELD TAPES TO HIM FOR A DECISION ON GRAND JURY USE; PRESIDENT DECLARES HE 'WILL NOT COMPLY'

## APPEAL UNCERTAIN

### White House Hints at Possible Defiance of Court Ruling

By JOHN HERBERS

Special to The New York Times

SAN CLEMENTE, Calif., Aug. 29—The White House said today that President Nixon would not comply with Judge John J. Sirica's order to turn over his Watergate tape recordings to the court.

In a terse statement issued by its press office, the White House said the President was considering the possibility of appeal or "how otherwise to sustain the President's position."

This left open the clear possibility that the President might simply refuse to obey the order without first resorting to appeal.

#### Compromise Ruled Out

White House spokesmen would not elaborate on the statement, but it was plain that it was another assertion by President Nixon that he would not compromise on the issue.

In his news conference last Wednesday, Mr. Nixon said his right to withhold the tapes as a point of executive privilege was absolute.

"Let me explain the principle of confidentiality exists or it does not exist," he said. "Once it is compromised or it is known that a conversation that is held with the President can be subject to a subpoena by a Senate committee, by a grand jury, by a prosecutor, and be listened to by anyone, the principle of confidentiality is thereby irreparably damaged."

#### More Determined Now

To conduct the affairs of the Presidency, in both foreign and domestic matters, Mr. Nixon said, "he must be able to do so with the principle of confidentiality intact."

The President seems more determined now to resist compromise on the tapes than he was a few weeks ago. Last month, Gerald L. Warren, the

Deputy White House Press Secretary, said Mr. Nixon would

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abide by a "definitive decision" of the Supreme Court on use of the tapes.

The White House statement today indicating that the President might try to sustain his position in some way other than appeal raised the possibility that the issue might not reach the Supreme Court, at least though the usual appeal process.

According to legal experts, the President's lawyers could ask Judge Sirica to reverse his own ruling on some point of law. But they said a more likely course of "how otherwise to sustain the President's position" would be simply to refuse to carry out the court order.

### Ervin Applauds Ruling

By The Associated Press

Senator Sam J. Ervin Jr., chairman of the Senate Watergate committee, applauded Judge Sirica's demand for Watergate-related Presidential tapes, calling yesterday's ruling "a great victory for the search for truth."

The Senate Select Committee on Presidential Campaign Activities, which is headed by the North Carolina Democrat, has filed suit for the same tapes that Judge Sirica ordered President Nixon to surrender to the court for private examination.

"It gives me hope the committee will hear them," Senator Ervin said in New Orleans. "I think we are entitled to the tapes just as much as the courts because we have a constitutional power to conduct the investigation."

#### Statement by Baker

Senator Howard H. Baker Jr., vice chairman of the Senate panel, issued a statement

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United Press International

Senator Sam J. Ervin Jr. after he heard of the ruling about the tapes.

through his Washington office saying the ruling in the Cox case "was a wise decision that places adequate safeguards on

the national security and separation of powers issues" raised by the historic conflict.

"Judge Sirica clearly took jurisdiction of the matter and exercised the inherent power of a judge to hear evidence before it is made a part of the official record," the Tennessee Republican added.

Mr. Cox issued a brief statement after the ruling, saying: "Naturally, we are very pleased by Judge Sirica's decision. If appellate review is sought, we will do everything possible to expedite the proceedings."

Two other members of the Senate Watergate committee, Senator Daniel K. Inouye, Democrat of Hawaii, and Senator Lowell P. Weicker Jr., Republican of Connecticut, said they would have no comment on the ruling but expected the case to go to the Supreme Court.

Samuel Dash, chief counsel to the committee, and Rufus L. Edmisten, deputy counsel, also refused comment.