

LAWYERS FOR NIXON WILL REQUEST U.S. APPEALS COURT TO OVERTURN SIRICA ORDER TO SURRENDER TAPES

HIGHER TEST SEEN

Loser on the Appeal Expected to Go to Supreme Court

By JOHN HERBERS

Special to The New York Times

LAGUNA BEACH, Calif., Aug. 30—President Nixon and his lawyers decided today to appeal Judge John J. Sirica's ruling that the President must turn over White House tapes of conversations involving the Watergate case so he could decide on their use by a grand jury.

After a one-hour meeting between the President and his chief lawyers in the case—Charles Alan Wright and J. Fred Buzhardt—the White House issued the following statement:

"The President met today with his White House counsel, and it has been decided that counsel will seek review in the Court of Appeals for the District of Columbia of Judge Sirica's order. Appropriate papers for obtaining review are being prepared and will be filed prior to the expiration of the stay of the order next Thursday."

Judge Bars Request

The decision to appeal through the normal channels rather than to ignore Judge Sirica's order or take other legal steps virtually assured that the constitutional issue would go before the Supreme Court. Through a spokesman, President Nixon has let it be known that he would abide by a "definitive order" of the high court.

Meanwhile, Judge Sirica refused today to consolidate the parallel lawsuits being brought against President Nixon by Archibald Cox, the Justice Department's special prosecutor, and the Senate Watergate committee.

Both the prosecutor and the committee, headed by Senator Sam J. Ervin Jr., are asking the court to compel the President to release tape recordings of White House conversations that involved the Watergate break-in and the subsequent cover-up. [Details on Page 6.]

Doubts Are Recalled

It is now considered virtually certain that whichever side loses in the appeals court—President Nixon or Mr. Cox—will appeal to the Supreme Court.

A statement issued by the White House yesterday in response to Judge Sirica's ruling raised doubts about what steps the President might take in his insistence that the tapes not be released under any circumstances, as a matter of constitutional principle.

The statement said that the President would not comply with Judge Sirica's order and had not decided whether to appeal or "how otherwise to sustain the President's position."

The President's spokesmen would not elaborate on the statement, but White House sources encouraged speculation that the alternatives to appeal included simple refusal to obey the order and asking Judge Sirica to reconsider the issue by consolidating into one case the efforts of Mr. Cox and the Senate Watergate committee to obtain the tapes.

Last night, Mr. Wright and Mr. Buzhardt, who had been pressing the President's case in Washington, were flown to the Western White House in Santa Clemente.

They met this morning with the President. Gen. Alexander

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M. Haig Jr., the President's chief of staff, said that the reason for the statement yesterday was that "a number of options were open."

"It was decided today that this [appeal] was the best way to go," he said.

He said that President Nixon's firm position against release of the tapes had not changed since his news conference last week.

At that conference, Mr. Nixon said that release of the tapes under any circumstances would set a precedent under which the private conversations between a President and his advisers, necessary for reaching responsible decisions, would be compromised, and he and future Presidents would not receive the kind of candid advice they needed.