

NYTimes SEP 5 1973  
**The Tapes: A Prediction**

To the Editor:

Basing his legal position in the Watergate tapes on the necessity of preserving Presidential confidentiality, Mr. Nixon is very adroitly sidestepping the real legal issues—i.e., the judiciary's right to determine if executive privilege was properly invoked and the right of a court to enforce a subpoena (positions clearly outlined by Judge Sirica)—and thus burying the tapes.

It requires no unearthly wisdom to see Mr. Nixon's "game plan." It goes as follows: If the Supreme Court sustains Judge Sirica's ruling, Mr. Nixon will respond by stating that he is unable to comply with the Court's ruling because it failed to render "a clear-cut decision on the issue of Presidential confidentiality"; if the Supreme Court adjudicates the matter on the unlikely ground of Presidential confidentiality and rules, also unlikely, against Mr. Nixon, the President will respond by explaining that the Court decision, if actualized, would irreparably damage the operations of the executive and, therefore, cannot be implemented.

Let us face it, short of impeachment, the tapes will not be released.

GEORGE P. GURA  
Brooklyn, Aug. 30, 1973