

How Nixon Answered On the Tapes

Washington

President Nixon refused to say yesterday what sort of Supreme Court decision he would consider "definitive" enough to obey in the controversy over making White House tape recordings available to a federal judge for possible transmittal to the Watergate grand jury.

The President has said that he will obey a "definitive" order of the Supreme Court. He told a news conference that his lawyers will discuss what constitutes such an order during the current appeal proceedings.

Last week, U.S. District Judge John J. Sirica ordered

Back Page Col. 2

TAPES

From Page 1

Mr. Nixon to present the tapes to him so that, in the privacy of his chambers, he could review them before deciding whether to turn the tapes over to the grand jury.

Mr. Nixon also declined to say whether he might make the tapes available voluntarily to resolve public doubt about their contents, if the Supreme Court ruled that he was legally entitled to keep them secret as a matter of presidential privilege.

ADVICE

In replying to questions about the lawsuit brought by special prosecutor Archibald Cox to obtain the tapes, the President maintained throughout that he was respecting the advice of his attorneys to avoid legal comment while the case is under appeal.

Sirica ruled a week ago that the President must surrender nine tape recordings for his private examination, to determine what portions, if any, should properly be submitted to the Watergate grand jury.

In response to other questions, the President said that his lawyers have told him they believe Sirica's decision will be reversed on appeal.

AUTHORITY

A reporter asked the President why, in the light of broad public acceptance of the authority of the Supreme Court, "you will abide only by what you call a 'definitive' decision?"

"As far as I am concerned," Mr. Nixon replied,

"I am simply saying that the President of the United States under our Constitution has a responsibility to this office to maintain the separation of powers and also maintain the ability of not only this President but future Presidents to conduct the office in the interest of the people.

"Now in order to do that, it is essential that the confi-

**More Watergate News
on Page 8.**

dentiality of discussions that the President has with his advisers, with Members of Congress, with visitors from abroad, with others who come in — that those discussions be uninhibited; that they be candid, that they be free-wheeling.

"Now, in the event that presidential papers — or in the event that presidential conversations as recorded on tapes . . . were made available to a court, to a judge in camera or to a committee of Congress, that principle would be so seriously jeopardized that it would probably destroy that principle, the confidentiality which is so essential and indispensable for the proper conduct of the presidency.

"That's why I have taken the hard line that I have taken with regard to complying with the lower court's order. Now, when we come to the Supreme Court, the question there is what kind of an order is the Supreme Court going to issue, if any."

New York Times