

Sirica Grants Delay on Tapes Suit

Washington

The Senate Watergate committee yesterday apparently lost its last chance to gain access to President Nixon's White House tape recordings in time to uncover any secrets the tapes may contain for the final series of committee hearings.

The parallel effort to make the tapes available, at least in part, to the Watergate grand jury continued, as Mr. Nixon filed a request with the U.S. Court of Appeals here to overrule last week's decision that he must surrender the recordings.

Chief Judge John J. Sirica of the federal district court here granted the President's attorney a two-week delay in filing Mr. Nixon's response to the latest motion by the Senate committee, making it virtually impossible to reach a final ruling on that case before Congress adjourns its 1973 session.

The judge rejected protests by Samuel Dash, chief

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counsel to the Senate committee, that permitting the delay would create "a matter of crisis" for the senators and amount to "ruling the Senate really out of court."

"The court believes this is a very important case," Sirica said from the bench after 15 minutes of arguments, "and it is determined not to be pushed into a half-baked job."

Meanwhile, Mr. Nixon's lawyers, having gained a temporary respite in one Watergate suit, filed with the Court of Appeals for the District of Columbia a request to overturn Sirica's ruling in the case being brought by Archibald Cox, the Justice Department's special prosecutor.

RULING

Sirica held last week that the White House tapes should be delivered to him for a private examination, to determine what part of their contents can properly be passed on to the Watergate grand jury, over which Cox presides.

The President appealed that ruling yesterday in an effort to block any access to all the tapes, which he says are private presidential documents.

Cox will appeal today, in an apparent effort to have the appellate court define more clearly the standards that the judge would apply in his screening.

Trying to persuade Sirica to require a prompt reply by the White House in the Senate committee suit, Dash said that the senators are "in terms of urgency, ahead of the special prosecutor's needs" because the deadlines they face are nearer.

The life of the Watergate grand jury expires on December 4, Dash said, but Congress is officially sched-

uled to adjourn for the year on October 15. While this date will probably not be met, the counsel predicted, the committee is aiming at completing its hearings by November 1.

Dash had argued that if Sirica granted the delay, "We will not be able to get it (the evidence of the tapes) in time for hearings. At a time when the President has been making public statements that there should not be delay, this matter should go forward . . . This matter hangs like a cloud over the country. These are not usual times, these are unusual times."

But the judge said in ruling from the bench that "the White House is not dragging its feet" in this case, that the request for delay was "a reasonable one" and that he himself has not completed reading the 35-page committee motion filed last Wednesday.

In relatively brief papers filed with the Court of Appeals in the Cox case, the President's lawyers asked Chief Judge David Bazelon and his eight colleagues to hear the case sitting as a group and to reverse Sirica's decision as "clearly erroneous."

Ordinarily, the Court of Appeals sits in panels of three judges each, with the members chosen by lot. To empanel the entire court, Bazelon must obtain the assent of a majority of the nine judges.

In another hearing before Sirica yesterday, attorneys for Cox denied that the government plans to call former presidential adviser John D. Ehrlichman as a witness against former Attorney General John N. Mitchell and former Commerce Secretary Maurice Stans.

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