

Nixon Lawyers Reply on Tapes

Washington

President Nixon's lawyers urged a federal court to reject the Senate Watergate committee's effort to obtain the White House Watergate tapes, contending the President "is answerable to only one constitutional proceeding" — an impeachment action.

In a 71-page brief filed with U.S. District Court Judge John J. Sirica, White House attorneys sounded again their argument that court lacks jurisdiction to force Mr. Nixon to release tape recordings of meetings and telephone conversations related to the Watergate scandal.

The Senate committee's suit is separate from one brought by special Watergate prosecutor Archibald Cox. Sirica ruled in the Cox case that Mr. Nixon must turn the tapes over to the nation—a decision the White House has carried to the U.S. Court of Appeals.

A compromise suggested by the appeals court, designed to keep the White House-Cox dispute out of

court, failed last week and the appeals court now is in the process of deciding the question.

In bringing their suit, Senate committee lawyers said the purpose was, as the White House brief noted, "to discover evidence from the President's records, indeed from his own private conversations that might establish presidential complicity in the commission of serious crimes."

The White House lawyers argued that there is a categorical bar to compulsory process designed to elicit evidence of criminal conduct on the part of the President of the United States, for he is answerable in only one constitutional proceeding.

"That proceeding requires deliberate action of the whole Congress under the impeachment clause, not the filing of a discretionary suit by a select committee of the Senate under a general enabling resolution," the lawyers added.

Mr. Nixon's lawyers contended also that the Senate suit poses a greater threat than Cox's action to the doctrine of separation of powers.

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