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President Suddenly Yields
He'll Give Tapes to Court

Nixon's Lawyers End Fight Over the Secret Watergate Documents

Washington

President Nixon agreed yesterday in an abrupt and historic turnabout to surrender his secret Watergate tapes to the courts.

The decision was announced at a tense courtroom hearing in the face of widespread public demands for Mr. Nixon's impeachment and the first formal steps in the House to consider it.

The President's chief constitutional lawyer, Charles Alan Wright, said Mr. Nixon had hoped that his proposal last Friday to submit a personal, written summary of evidence gleaned from the tapes "would end a constitutional crisis."

But since then, Wright said, it became obvious that the crisis was not over.

Even if Chief U.S. District Judge John J. Sirica had accepted the plan, the President's lawyer said, "there would have been those who would have said, 'The President is defying the law.'

"This President," Wright told Judge Sirica, "does not defy the law and he has authorized me to say he will comply in full with the orders of the court."

GRIN

Caught by surprise, Judge Sirica broke into a grin and said he was "very happy that the President has reached the decision."

Wright said the tapes would be indexed and submitted "as expeditiously as possible," perhaps in a few days.

The White House must also submit, with sharply limited exceptions, any memoranda, papers, transcripts or other writings related to the nine meetings and conversations at issue between the President and his advisers.

SENATE

In abandoning the plan first proposed Friday for a summary of the evidence, the White House also left the Senate Watergate committee empty-handed.

White House officials said the committee will have to go without even the summary of the tapes it had been offered Friday. Committee subpoenas of the data

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have been thrown out by the courts.

Judge Sirica had demanded the tapes only in connection with the court action by ousted special Watergate prosecutor Archibald Cox, who subpoenaed them on behalf of the Watergate grand jury.

Under judge Sirica's August 29 order for the tapes, basically upheld by the U.S. Court of Appeals, Mr. Nixon can decline to transmit any portions of the tapes that relate to "national defense or foreign relations" so long as Sirica does not insist on inspecting those segments. Presumably these exceptions also apply to any related White House documents.

ALL

But beyond that, the President must produce "all other items" covered by Judge Sirica's blanket order for private judicial review of the recordings. The tapes and documents are to be submitted with a White House index setting out what segments Mr. Nixon believes should be withheld from the Watergate grand jury on grounds other than national security, and what segments he thinks can be disclosed without further ado.

The President's sudden shift came only after the dismissal of Cox, the proclaimed abolition of the Watergate special prosecution force, and the forced resignations of Attorney General Elliot L. Richardson and Deputy Attorney General William Ruckelshaus for refusing to fire Cox.

The court of appeals had ruled on October 12 that Mr. Nixon would have to yield

the tapes for Sirica's inspection unless the president could reach "some agreement with the special prosecutor" out of court.

REJECT

Cox has rejected the President's proposal in secret negotiations, but Mr. Nixon sought to impose it anyway, and said he was ordering Cox "as an employee of the executive branch" to cease his attempts to obtain any "tapes, notes or memoranda of presidential conversations."

The special prosecutor immediately challenged the order as a violation of his independent charter. He said at a Saturday conference that he would keep pressing for the tapes in court, perhaps by asking that Mr. Nixon be held in contempt. The special prosecutor was fired that night at Mr. Nixon's direction by hurriedly designated acting attorney general Robert H. Bork.

Until yesterday afternoon's dramatic turnabout, Mr. Nixon had been expected to stick to his controversial "compromise."

FAREWELL

Cox himself had just finished saying farewell to the special prosecution force's office when the President's announcement was made.

"I know that all citizens will be happy, as I am, that the President wisely chose to respect the rule of law," he said.

Judge Sirica's second-floor courtroom was packed when he opened the hearing at 2:07 p.m. At no point during the session did he even acknowledge the existence of Mr. Nixon's compromise.

Instead, he began with a stern-faced recital of the Court of Appeals' October 12 judgment, which went back to him for enforcement when Mr. Nixon failed to appeal it to the Supreme Court by last Friday midnight's deadline.

COMMAND

Sirica then read his own August 29 order commanding "the respondent, President Richard M. Nixon" to produce the tapes. He finished by quoting the segments of the Court of Ap-

Nixon on TV Today

President Nixon's speech will be carried live at 6 p.m. today by television channels 4, 5 and 7 and radio stations KCBS and KGO.

peals' ruling setting out the elaborate procedure to be followed for in camera inspection.

Finally, Sirica looked at the White House lawyers sitting before him and asked if they were prepared to file "the response of the President" to his August 29 order as modified by the Court of Appeals.

Wright moved to the lectern and said he was not. Then he electrified the courtroom with his announcement: "I am, however, authorized to say that the President of the United States would comply in all respects with the order of August 29 as modified by the order of the Court of Appeals."

"It will require some time, as your honor realizes, to put those materials together, to do the indexing, itemizing as the Court of Appeals calls for."

QUESTION

Sirica drew the 15-minute session to a close with a final question about when the tapes might be expected. Then he retired to his chambers where a flood of letters and telegrams, many urging him to keep the President's feet to the fire, had piled up.

"I'm not going to start gloating over this thing like a lot of people," Sirica told reporters. "I'm not that kind. I'm very happy, like any judge would be, about the position taken by the President."

The judge declined to indicate what he would have done if the President had persisted in withholding the tapes.

Washington Post



UPI Telephoto
JUDGE SIRICA
He'll hear the tapes



AP Wirephoto
CHARLES WRIGHT
The President's attorney