

ABRUPT REVERSAL

Crisis Over Watergate Appears Deflated for the Moment

By **LESLEY OELSNER**

Special to The New York Times

WASHINGTON, Oct. 23 — President Nixon, in a stunning reversal, abruptly agreed today to turn over the Watergate tape recordings to Federal District Judge John J. Sirica.

He made his decision as he was confronted with the possibility of impeachment by the

*Sirica remarks and excerpts
from hearing, Page 32.*

House of Representatives and with the likelihood of a contempt citation from Judge Sirica.

The move ended three months of his insistence that the tapes remain in the White House and that he, as President, maintain absolute control over them.

It appeared to deflate, at least for the moment, the constitutional crisis that erupted full-blown last weekend when the President announced that he would not appeal any further two court rulings ordering him to turn over the tapes; but also that he would not comply with them, either, and that he would give the district court only a "summary" of the tapes' contents.

Lawyers Disclose Move

Mr. Nixon's decision was announced by his lawyers this afternoon before Judge Sirica, the chief judge of the Federal District Court here, who issued the original order for the tapes last Aug. 29. Yesterday the same lawyers informed Judge Sirica in writing that Mr. Nixon would provide only the summary.

The recordings of conversations in the President's office had been sought in an attempt to learn who had been telling the truth about the Republican break-in last year at the Democratic headquarters in the Watergate complex here and the subsequent cover-up.

Standing before Judge Sirica shortly after 2 o'clock this afternoon, Charles Alan Wright, the Texas law professor who has headed the President's legal defense in the Watergate affair, said that "the President

Continued on Page 32, Column 1

The New York Times

Published: October 24, 1973

Copyright © The New York Times

Nixon Agrees to Give Sirica the Watergate Tapes in Compliance With Court Order

Abrupt Reversal Appears To Deflate Federal Crisis

Continued From Page 1, Col. 8

of the United States would comply in all respects with the order of Aug. 29 as modified by the order of the Court of Appeals."

The total capitulation came just a few hours after the House began taking its first tentative steps toward impeachment and just a day after the leaders of the legal profession began mobilizing to rebuff what they considered an unprecedented attack by Mr. Nixon on the system of law.

Wright View of Problem

But even while giving in, the President, through his lawyer, continued to insist that he acted correctly all along and that the "summary" would have satisfied the court's needs.

The problem, Mr. Wright said, was that, even if Judge Sirica agreed with the President, "there would have been those who would have said the President is defying the law."

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

A few minutes later, when the brief proceedings were over and Mr. Wright went outside to meet the waiting television camera crews, he repeated the point. "The President," he said again, his voice firm and his face solemn, "does not defy the law."

Unsettled Questions

The action today does not settle all the questions about the scope and effectiveness of future prosecutions of Watergate-related crimes.

For one thing, the President's agreement to turn over the disputed tapes to Judge Sirica in a few days does not mean that the grand jury will automatically or necessarily get to hear all the tapes.

Judge Sirica's original order specified that Mr. Nixon should present the tapes to the court so that Judge Sirica could examine them in private and decide which portions, if any, should be kept confidential under the doctrine of executive privilege. Under this doctrine, Presidents have long held certain information confidential to protect the orderly operation of the Government.

When the United States Court of Appeals for the District of Columbia Circuit upheld Judge Sirica's action Oct. 12, it modified the order somewhat to specify the procedure by which the President could continue to assert his privilege. The appeals court said that it was rejecting Mr. Nixon's "all-embracing claim of prerogative" but that the President nevertheless "will have an opportunity to present more particular claims of privilege if accompanied by an analysis in manageable segments."

Directions to Prosecutor

It also specified that Mr. Nixon would be able to appeal the district court's decision on these particularized claims.

Another unanswered question is whether the prosecution will be able to obtain any other Presidential tape recordings, or any other material such as memorandums and reports.

When the President announced his "summary" plan last week, he said that he was directing Archibald Cox, the special Watergate prosecutor, "to make no further attempts by judicial process to obtain tapes, notes or memoranda of Presidential conversations." Mr. Cox's re-

fusal to abide by this order led to his dismissal by the President on Saturday.

Immediately after the court proceedings this afternoon, Henry Ruth, Mr. Cox's second-in-command, remarked that it was unclear whether the Nixon agreement today erased all the implications of the Presidential order Friday.

At a White House briefing later, Gen. Alexander M. Haig Jr., Mr. Nixon's chief of staff, said that he was not yet in a position to answer whether the White House would continue to fight efforts to obtain these other materials.

However, he indicated that the President still felt strongly that his personal papers should not be turned over to the prosecution.

Henry E. Petersen, the Assistant Attorney General who has now been placed in charge of the prosecution of Watergate-related crimes, a task he had before Mr. Cox's appointment last summer, is known to believe that the prosecution may need some more White House documents. They could become vital, he feels, to respond to defendants' contentions that the Government has possession of exculpatory evidence — material that might tend to show their innocence.

The subpoena that led to the action today originally called for memorandums as well as tape recordings. Two specific memorandums were turned over.

Options Open to Court

The question of how Judge Sirica would deal with the President's refusal to comply with a court order had caused great speculation over the weekend, both inside and out of the legal profession. The judge had several options, including citing the President for contempt of court.

Judge Sirica indicated earlier today that he had no intention of letting the Watergate prosecutions lapse.

At 10 A.M. he called in the members of the two grand juries that have been investigating the Watergate affair and told them that the juries were still "operative and intact" and that he himself would "safeguard" their rights.

"These two grand juries will continue to function and pursue their work," the judge told the 42 men and women assembled before him, 21 on each jury. "You are not dismissed and will not be dismissed except as provided by law upon the completion of your work or the conclusion of your term."

Recent Events Cited

He had summoned them to court, he told them, to "alleviate" the anxiety that they had perhaps been feeling in the wake of "events that have recently transpired."

"In due course, the questions which now plague us will be answered," he assured them, "and you may rely on the court to safeguard your rights and to preserve the integrity of your proceedings."

After the jurors left the courtroom, to resume their deliberations elsewhere in the building, a professor from George Washington University's Law School asked the court to appoint a special counsel to represent the jurors' interest. The professor, John F. Banzhaf 3d, was rebuffed.

"If the court feels it necessary to appoint a special counsel," Judge Sirica said, it would not need "any outside guidance."



Associated Press

Charles Alan Wright leaving court in Washington after announcing the President would release Watergate tapes.

The New York Times

Published: October 24, 1973

Copyright © The New York Times



Associated Press

Henry S. Ruth, left, Philip A. Lacovara, center, and Peter M. Kreindler of the staff of Archibald Cox, ousted Watergate prosecutor, on way to court yesterday in Washington. The court building is the scene of the grand-jury investigation.

The New York Times

Published: October 24, 1973

Copyright © The New York Times