

Sirica's Rulings on Watergate Tapes

Washington

Judge John Sirica yesterday rejected President Nixon's offer to give the court several non-subpoenaed tape recordings of Watergate-related conversations. (12 NOV)

Sirica said the offer, if accepted, would turn the court into a "depository" and "clearing house" for extraneous material.

The President, Sirica said, should not ask the court to take on so inappropriate a role.

All that the court should do and indeed "wishes" to do, he said in a memorandum, is "deal with the subject matter before it"—the enforcement of the grand

jury subpoena for recordings and other material relevant to nine particular White House conversations.

The White House now contends that two of those nine conversations were never recorded. Sirica said in a memorandum filed with the clerk of the U.S. district court here, that the court's job is simply to determine "the possible justification for this response." It wants evidence regarding the "failure to produce subpoenaed material" he said not material that has not been subpoenaed.

Mr. Nixon made his offer on Monday, in a statement as part of his effort to quell the disbelief and criticism brought on by the belated

announcement of the non-existence of the tapes.

According to Sirica, Mr. Nixon is perfectly free to make public, in full or in part, as much extra material as he wishes. He is not free, however, in the judge's view to enlist the court's assistance in the release.

"If the President thinks it advisable to waive any privilege and make tapes or other material public, he of course is free to do so at any time," Sirica wrote.

Should he want to provide the grand jury with materials that do not relate to the present hearing or materials that have not been subpoenaed, he should do so through the grand jury's counsel, the special prosecu-

tor and not through the court. It would not be appropriate for the court to usurp the place of the special prosecutor and act as a clearing house for matters relevant to the grand jury's investigations."

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