

SUBPOENA SCORED BY WHITE HOUSE

Warren Says Call for Tapes
and Data Is 'Incredible'

By JOHN HERBERS
Special to The New York Times

WASHINGTON, Dec. 21—A spokesman for President Nixon said today that the Senate Watergate committee's 60-page subpoena asking for hundreds of documents and tape recordings was "incredible" and raised the possibility that Mr. Nixon might not honor it in full.

The subpoena, delivered to the White House Wednesday, asks for tapes on 418 White House conversations and telephone calls and for more than 1,000 documents. Subjects covered are the Watergate burglary, the \$100,000 Howard R. Hughes gift for Mr. Nixon through his friend, C. G. Rebozo, the contributions made to the Nixon campaign by the milk companies and other campaign contributions.

Further, the subpoena asks for any documents that would link President Nixon's brother, Donald F. Nixon, with Mr. Hughes, with Robert L. Vesco, the fugitive industrialist, or with gambling interests in Las Vegas and the Bahamas.

Until today, the White House had declined any comment on the subpoena, but it was believed that the President would comply as part of his current effort to make disclosures to the courts and public.

Strong Reply Hinted

Gerald L. Warren, deputy press secretary, said, "The subpoena has been received. The request is very large and incredible. When we have something to say about this extraordinary request I am sure that it will be more than casual comment."

Pressed as to whether Mr. Nixon would comply in full, Mr. Warren called attention to a remark made by one of the White House lawyers that complying with the subpoena might well "shut down the executive branch."

Staff members of the committee agreed that an extraordinary volume of documents and tapes had been subpoenaed. They said that Senator Sam J. Ervin Jr., Democrat of North Carolina, the chairman, had requested a broad spectrum of material that might bear on matters under investigation at least in part because for a time the White House had provided the material for civil and criminal courts but had denied it

to the committee.

One of Mr. Nixon's allies in Congress, Senator Carl T. Curtis, Republican of Nebraska, said the subpoena amounted to a "witch hunt."

"There is not a court in the land that wouldn't recall such a subpoena," he said.

On another matter, Mr. Warren said that President Nixon had not known about a White House request for a special tax investigation of 575 "enemies" of the Administration until he read about it in the newspapers.

Dean and Shultz Cited

The staff of the Joint Congressional committee on Internal Revenue said yesterday that the list had been given to the Internal Revenue Service for a special tax audit by John W. Dean 3d, former White House counsel, on the request of John D. Ehrlichman, former Presidential assistant for domestic affairs.

The committee staff said that Treasury Secretary George P. Shultz had ordered that the request not be carried out.

"President Nixon feels that Secretary Shultz and the I.R.S. acquitted themselves well" by ignoring the request, Mr. Warren said. Had the President been aware of the move at the time, he added, "it would never have been submitted."

Mr. Shultz told reporters that he and Johnnie M. Walters, then Commissioner of Internal Revenue, had discussed the proposal.

"We agreed it was a lousy idea and we killed it," he said. Pressed to explain why he had not told the President, Mr.

Shultz replied with a note of irritation in his voice: "Because we thought it was a crummy idea and we killed it dead and that was the end of it."

Meantime, in United States District Court, Judge John J. Sirica turned over to the special prosecutor today the remaining Watergate-related portions of the subpoenaed White House tapes and documents. He had agreed to a White House request to withhold from the grand jury material on the tapes that does not pertain to the Watergate case.

With the recent disclosures, the White House staff appeared to be strained and somewhat disorganized. As part of the campaign to show that Mr. Nixon has nothing to hide, his staff had planned to release this weekend another batch of documents, materials and transcripts which was done two weeks ago on his personal finances.

The White House has said it will make public documents pertaining to Watergate, the International Telephone and Telegraph and milk price cases and other matters. But Mr. Warren said today the work volume had proved to be so voluminous that none of the material would be ready for release until after Christmas.