

Nixon Stays Clear Of Ford's Idea

San Clemente

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The White House indicated yesterday that Vice President Gerald Ford was speaking on his own Sunday when he suggested that there is room for compromise on tapes and documents that President Nixon has refused to turn over to the Senate Watergate committee.

"The vice president was speaking as vice president," said deputy press secretary Gerald L. Warren. "But the facts are that nothing has changed since the President's letter."

Mr. Nixon wrote committee chairman Sam J. Ervin Jr. last Friday, refusing to honor three committee sub-

poenas seeking nearly 500 Watergate-related tapes and documents and describing the request as an attempt at "unconstitutional usurpation of power."

Samuel Dash, the committee's chief counsel, has said that the committee will reduce its requests to high-priority items before pursuing any lawsuit, and Ford appeared Sunday to be hopeful that the White House would take a less unyielding view toward a scaled-down subpoena.

"I hope and trust as we go down the road perhaps there can be some compromise," Ford said Sunday on the NBC-TV interview show, "Meet the Press."

Ervin said yesterday in an interview with the Associated Press in Morgantown, N. C., that he would welcome a compromise, but added: "The agreement should be written so there could be no misunderstanding."

Privately, the White House officials appeared to be anxious to avoid any concessions to the Watergate committee in advance of a determination by U.S. Dis-

trict Judge John J. Sirica on the committee's right to five

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White House tapes of conversations between Mr. Nixon and his deposed counsel, John W. Dean II.

Sirica rejected a committee request for the tapes last

October, but Congress has since Passed legislation giving the Watergate committee additional authority.

There appeared to be differences of tone between the White House's unyielding public position reflected in the President's letter to Ervin and in the private statements of high administration officials.

One highly placed White House aide said that it would simply be "premature" for the President to express a willingness to compromise before he sees what is requested in the "reduced list of materials" that the committee will seek. Another official pointed out that it would be relatively easy to compromise on some of the documents that already have been turned over to the Watergate special prosecutor.

After a wire service story on Warren's briefing said that the White House had "no plans" to yield any of the documents, Warren called reporters and backed off slightly from his formal comments. He said that the White House would examine any new request from the committee and "evaluate it based upon the attitude reflected in the request."

Warren said, however, that the basic position of the President is unchanged and that he has not discussed the issue with Ford since sending the reply to Ervin.

An earlier and much more modest Senate committee

request for five tapes and documents went back into District Court yesterday. The outcome of that litigation will have a major effect on the committee's latest subpoenas.

Sirica had denied the committee's request for court backing of its subpoena last year, saying he had no jurisdiction. Congress responded by passing a law conferring the authority on the court and the case was sent back by the United States Court of Appeals for reconsideration.

As the committee filed a new brief yesterday, Sirica assigned the case to U.S. District Judge Gerhard A. Gesell.

"There is no public interest in permitting suppression of evidence relating to official misconduct," the committee said in its brief.

It said Mr. Nixon has permitted testimony on matters involved in the subpoenas and should not be allowed to restrict further disclosure, adding:

"To permit the President to pick and choose among the evidence offered to the committee, withholding the best, is not only wholly unjustified but represents a serious disservice to the legislature, the public and to the integrity and accuracy of the investigatory process. The public interest in this case calls overwhelmingly for disclosures."

With one exception, the five tapes and documents originally sought are among those subpoenaed and obtained by the special Watergate prosecutor for presentation to the grand jury.

The White House has ten days to reply to the committee filing.

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