

Senate Watergate Committee Returns to Federal

Special to The New York Times

WASHINGTON, Jan. 7—The Senate Watergate committee went back to Federal court today to ask again that President Nixon be ordered to turn over the tape recordings and documents that the committee subpoenaed last July.

The President, the committee said, should not be allowed to "pick and choose" what evidence the public hears of the Watergate break-in and cover-up.

President Nixon refused to comply with the committee subpoenas last summer on the grounds of executive privilege and separation of powers, thus taking essentially the same stance that he reiterated last week in refusing to comply with the committee's recent subpoenas calling for more than 500 additional White House documents and tapes.

In October, Chief Judge John J. Sirica of the United States District Court ruled that the court did not have jurisdiction over the matter.

Argument for Rehearing

But in legal papers filed at the Federal Courthouse here this afternoon, the committee argued that several events had occurred since Judge Sirica's ruling that warranted a rehearing of its case.

For one thing, the committee noted, Congress passed a bill — which the President let become law, without signing it — specifically giving the District Court jurisdiction over lawsuits brought by the committee in seeking to enforce subpoenas.

The Senate also passed a resolution, the committee's legal memorandum noted, that specifically stated that the committee had authority to subpoena the President.

Beyond that, the committee said, President Nixon has turned over to the special Watergate prosecutor various tapes and documents — some of them in compliance with a court order and some voluntarily.

In fact, the committee said, tapes of four of five conversations covered by the committee's initial subpoena have been turned over to the Federal court for processing in the suit brought by the prosecutor against the President.

The committee backed up its request to the court by quoting at length from the United States Court of Appeals ruling last October, which ordered the President to comply with the prosecutor's subpoena. The appeals court had rejected Mr. Nixon's contention that executive privilege was absolute, ruling instead that the public interest in obtaining certain information must be balanced

against the public interest in protecting the confidentiality of deliberations in the executive branch. "By permitting testimony and the disclosure of evidence relating to the very matters on which the committee now seeks tapes and documents," the committee said in its legal memorandum today, "the President has effectively dissipated whatever lingering public interest in confidentiality there might otherwise be in this case."

"To permit the President to pick and choose among the evidence offered to the com-

mittee, 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 committee went on.

Judge Sirica, to whom the Court of Appeals had sent back the case after enactment of the law on jurisdiction, referred the matter to Judge Gerhard A. Gesell. President Nixon has 10 days in which to reply.

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Court Seeking Order for Nixon Tapes and

its latest subpoenas until Judge Gesell rules. "We're not going to sue on the new subpoenas until we have a court ruling on the first," Ronald D. Rontunda, an assistant counsel on the committee, said this afternoon.

The legal memorandum filed by the committee today substantially repeats some of its earlier arguments in the matter. It contends, for example, that the committee issued the subpoenas as part of a valid legislative purpose — gathering information needed for preparation of new legislation.

If the President and his top aides are found to have been involved in "serious wrongdoing," the memorandum said, the committee might recommend limiting Presidential tenure to one term and "drastically" curtailing the President's participation "in the campaign to choose his successor."

The memorandum also argued that there was no "public interest in permitting the President to suppress evidence relating to possible wrongdoing by his closest associates."

"A President is bound to his

close associates by strong ties of mutual self-interest as well as friendship," the memorandum stated. "Revelation of wrongdoing on their part would almost certainly redound to the President's own political disadvantage."

Ford's Suggestion Not Backed

SAN CLEMENTE, Calif., Jan. 7 (AP)—The Western White House refused today to endorse Vice President Ford's suggestion of possible compromise on the Senate Watergate committee's demand for numerous Presidential documents.

Documents

The deputy press secretary, Gerald L. Warren, said President Nixon's position "as it exists today is stated" in his letter on Friday rejecting the committee's subpoenas for tapes of nearly 100 conversations and hundreds of other documents.

Mr. Ford, in a television interview yesterday, said Mr. Nixon was right in refusing to heed the subpoena. But he also said that if the committee tries down and refines its request, then "there may be—and I underline 'may be'—an area of compromise."