

Sirica Orders Grand Jury Probe of the Nixon Tapes

Jaworski

Pledges

Tough Line

Washington

U.S. District Judge John J. Sirica asked special prosecutor Leon Jaworski yesterday to conduct a grand jury investigation into "the possibility of unlawful destruction of evidence" contained in President Nixon's Watergate tapes.

Jaworski immediately agreed, and promised an "exhaustive investigation" of the entire tapes matter in cooperation with the FBI, which already has entered the case.

The President's lawyers promptly issued a statement stressing that Sirica's decision "is not a conviction of any individual nor is it even an indictment.

"It would be wrong to conclude on the basis of Judge Sirica's decision that any individual within the White House is guilty of impropriety or wrongdoing in the handling of the Watergate tapes," said the statement from the office of White House Counsel J. Fred Buzhardt.

Sirica thus suspended hearings that began October 31 to seek an explanation of White House claims that two of the subpoenaed tapes of Mr. Nixon's Watergate conversations with aides were nonexistent and that a third contained an inexplicable 18½-minute buzzing sound.

Technical experts told Sirica earlier this week that the 18½-minute gap was the result of repeated manual erasures that wiped out that portion of Mr. Nixon's June 20, 1972, conversation with former White House Chief of Staff H. R. Haldeman, three days after the Watergate

break-in.

Sirica's announcement came after White House attorney James St. Clair had lead the panel of six experts through long and highly technical testimony about their findings. At one point, Sirica interrupted to ask: "Has anything happened here today to change your opinion?"

"No," the experts all said.

"That's all I want to know," Sirica said.

After the hearing broke up, St. Clair refused to say whether Mr. Nixon will appear if he is subpoenaed to testify before the grand jury.

"That's a hypothetical question," he said. "We'll get to that when we come to it."

St. Clair agreed with Sirica.

Back Page Col. 5

From Page 1

ca's observation that evidence about the tapes is "not conclusive." St. Clair said it still is "certainly possible" there might be an innocent explanation for the 18½-minute gap on the Nixon-Haldeman tape.

Said Sirica: "It is the court's considered opinion that a distinct possibility that unlawful conduct on the part of one or more persons exists here."

The technical experts' report on Tuesday, without saying so directly, strongly suggested the erasures on the Nixon-Haldeman tape were deliberate rather than accidental.

Sirica said no conclusive reasons had been given for the White House failure to comply with subpoenas for three tapes, a June 20, 1972, conversation between Mr. Nixon and former Attorney General John N. Mitchell, an April 15, 1973, meeting with former White House Counsel John W. Dean III, and the entire Nixon meetings with Haldeman on June

20, 1972.

Buzhardt acknowledged earlier in the day that the dictation belt of Mr. Nixon's June 20 conversation with Mitchell and the recording of Mr. Nixon's March 21 meeting with Dean contained blank segments. He insisted erasures were not involved.

Buzhardt said that the dictation belt of Mr. Nixon's recollection of the Mitchell telephone conversation three days after the Watergate break-in contained a 38-second blank before picking up the President's voice in midsentence.

A cassette recording of Mr. Nixon's account of the March 21 meeting with Dean ended in midsentence, followed by 57 seconds of silence. It was during that meeting that Dean, former White House counsel, has testified he warned Mr. Nixon "there was a cancer growing on the presidency" and that Dean was prepared to tell the grand jury all he knew about the Watergate coverup.

The special Watergate prosecutor subpoenaed both Nixon recordings, along with tapes made during the actual conversations.

Buzhardt said there was a "very simple" explanation for the latest gaps.

"The president frequently held the button after he finished (dictating), and started talking before he pushed the button back down," Buzhardt said.

"Is it also possible the dictation belt was gone over with the erase button?" a deputy prosecutor asked.

"No," Buzhardt replied, as St. Clair objected that the question implied an answer. Amid the uproar, Sirica observed, "possible? Anything is possible."