

# Nixon Asked to Personally Reply

Washington

A Federal judge yesterday quashed a Senate Watergate committee subpoena for White House documents as too vague, but asked President Nixon to explain in a personal letter his reasons for refusing to obey a separate committee subpoena for five Watergate tapes.

In the case of the five tapes sought by Senator Sam J. Ervin's committee, U.S. District Judge Gerhard A. Gesell said Mr. Nixon's objections were "too general and not sufficiently contemporaneous to enable the court to determine the effect of that claim" of executive privilege.

Gesell asked Mr. Nixon to submit a personally signed letter by February 6 specifying whether he still wants to claim executive privilege for any or all of the five subpoenaed tapes.

On the Ervin committee's other subpoena for all documents of two dozen White House and campaign committee aides, Gesell said the subpoena was "too vague" and lacked "the restraints of specificity and reasonableness which derive from the 4th Amendment: forbidding unreasonable search and sei-

"The subpoena is accordingly quashed, and the committee's prayer for its enforcement denied," Gesell wrote in a two-page order.

Gesell also asked Watergate special prosecutor Leon Jaworski to estimate what effect it would have on future Watergate prosecutions

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to turn the five tapes over to the Ervin committee.

The five tapes all deal with conversations Mr. Nixon had with former White House counsel John W. Dean III, his chief accuser during the Ervin committee hearings last summer. Dean testified he believed Mr. Nixon knew of the Watergate coverup as early as mid-September, 1972, three months after the break-in at Democratic headquarters in the Watergate complex.

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