

Nixon Says Tapes Must Stay Secret

Washington

President Nixon told a federal judge in a letter yesterday that giving tape recordings to the Senate Watergate committee would infringe on the confidentiality of his office and possibly prejudice criminal trials.

The President's position was stated in a five-paragraph letter to U.S. District Judge Gerhard A. Gesell. The judge is attempting to decide whether to order Mr. Nixon to comply with a Senate subpoena for five tapes made of conversations in the President's office.

Mr. Nixon declared that, unlike using the tapes in secret before a grand jury, the Senate "has made known its intentions to make these materials public."

The President said that "the publication of all these tapes to the world at large would seriously infringe upon the principle of confidentiality, which is vital to the performance of my constitutional responsibilities as President."

Mr. Nixon added, "It is incumbent upon me to be sensitive to the possible adverse effects upon ongoing and forthcoming criminal proceedings should the contents of these subpoenaed conver-

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sations be made public at an inappropriate time."

Special Watergate prosecutor Leon Jaworski, asked by the court to comment on possible effects on criminal trials of going ahead with the subpoenas, conceded that four of the five tapes sought would be "important and material evidence" at future criminal trials. However, he took no position on the advisability of turning the tapes over to the Senate Watergate committee.

Four of the tape recordings sought in the Senate subpoena were originally sought by former special prosecutor Archibald Cox. The tapes demand was said

to have been an important part of Mr. Nixon's decision to dismiss Cox.

The Watergate grand jury has already heard four of the tapes and the fifth has been turned over to Jaworski.

In his letter, Mr. Nixon labeled the Senate action "political" and said it was "inappropriate for resolution by the judicial branch." He reasserted his claim that turning over the tapes "would not be in the national interest."

Four tapes sought by the Senate Committee are the same tapes Cox sought. They are:

- Sept. 15, 1972—A conversation between Mr. Nixon, former counsel John W. Dean III and H.R. Haldeman, former White House chief of staff. Dean has testified that the President complimented him on a "good job" in containing the extent of the investigation into the Watergate burglary. Haldeman has contradicted that version in his testimony.

- March 13, 1973 — The same three men met and Dean claimed there was talk of executive clemency and of \$1 million to be raised to buy the silence of the original seven Watergate trial defendants. Both the President and Haldeman have denied such a conversation.

- March 31, 1973 — Two separate tapes made that day are sought. The first includes Mr. Nixon, Haldeman and Dean. All accounts agree they talked solely of Watergate and that Dean spoke of a "cancer" on the presidency. The second meeting included John D. Ehrlichman, former assistant to the President, and the conversation covered only Watergate.

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