

White House, Prosecutor Seek Accord on Evidence

NYTimes

By ANTHONY RIPLEY FEB 9 1974
Special to The New York Times

WASHINGTON, Feb. 8— James D. St. Clair, President Nixon's lawyer, met today with Leon Jaworski, the Watergate special prosecutor, in an attempt to resolve an apparent dispute over access to White House tape recordings and documents.

Both sides reported that the meeting was "lengthy," but they gave no details.

James S. Doyle, a spokesman for the special prosecutor, said that the meeting took place at Mr. Jaworski's office this morning and "the matter remains under discussion."

John A. McCahill, an assistant White House counsel, Henry S. Ruth Jr., the deputy special prosecutor, and Philip A. Lascovara, counsel to Mr. Jaworski.

In contrast to the stormy confrontation with the former special prosecutor, Archibald Cox, over White House tapes and documents, Mr. Jaworski in mid-December had worked out an easy relationship that had continued until this week.

Up to last Monday, the White House had turned over 17 tapes and more than 700 documents, according to Gerald L. Warren, the deputy White House's press secretary.

Nixon Signals Change

Charles R. Breyer, a lawyer on Mr. Jaworski's staff, regularly went to the White House to go through files under the supervision of the Secret Service.

The special prosecutor's office said in January that Mr. Breyer would identify a general area in which he was interested, and when he came across a pertinent document, he would set it aside.

J. Fred Buzhardt Jr., Mr. St. Clair's predecessor, would then be consulted. If Mr. Buzhardt approved, Mr. Breyer was allowed to copy the document and take it back to the special prosecutor's office.

At the time, Mr. Doyle described the level of cooperation as "impressive."

However, Mr. Nixon, in his State of the Union Message to Congress on Jan. 30, signaled a change in that level of cooperation when he said:

"I believe I have provided all the material he [Mr. Jaworski] needs to conclude his investigations and to proceed to prosecute the guilty and to clear the innocent."

The next day, Mr. St. Clair told reporters outside the Federal Courthouse here, "There has to come to an end at some point."

Mr. Warren was asked about the meeting at today's White House news briefing, but would say only that it was lengthy.

Mr. Warren conceded, as reported yesterday, that the White House press secretary, Ronald L. Ziegler, appeared yesterday before one of the Watergate grand juries at the request of Mr. Jaworski.

Sirica Releases Letter

In a related matter, Chief Judge John J. Sirica of United States District Court here released today a letter sent to the panel of six electronics experts, jointly named by the White House and the special prosecutor, who have been examining the authenticity of seven tape recordings.

These tapes are among those originally sought by Mr. Cox, who was dismissed after refusing to accept a compromise on the tapes issue. One of them contained an 18½-minute buzzing that the experts unanimously agreed showed evidence of having been erased and re-recorded at least five times.

The panel is still examining the six other tapes and a dictation machine belt and a cassette recording, both of Mr. Nixon's voice, the contain mysterious blank spaces.

The judge said he had met with Mr. Jaworski's staff and the White House to set priorities for the panel.

"It is the court's preference, having in mind the grand jury's continuing investigation, that you work concurrently on completion of the report and new experiments if possible," Judge Sirica stated.

"Nevertheless, the decision is left to your professional judgment as a group."

Reinecke Raises Question

In another related matter, The Los Angeles Times reported that Lieut. Gov. Ed Reinecke of California had written Mr. Jaworski asking if the special prosecutor was considering an indictment against him in the International Telephone and Telegraph Corporation case.

Mr. Reinecke, a candidate for the Republican nomination for Governor, said that if he was to be indicted, he would withdraw from the race. He asked for a decision within a week.

He was named in a memorandum from a former I.T.T.

lobbyist, Dita D. Beard, as one of five men outside the corporation aware of a "noble commitment" of \$400,000 by an I.T.T. subsidiary to the 1972 Republican National Convention.

Sources in California confirmed the newspaper's report and said that the letter went to the special prosecutor's office on Monday and had not been answered yet.

The special prosecutor's office declined to comment.