

AIDES SAY NIXON STRIVES TO AVOID JAWORSKI CLASH

FEB 16 1974

He Bids St. Clair Continue Talks With Prosecution— Names Burch to Staff
NYTimes

By JOHN HERBERS

Special to The New York Times

MIAMI, Feb. 15 — The White House said today that despite President Nixon's refusal to turn over tapes and documents to Leon Jaworski, the President wanted to avoid another "point of confrontation" with the Watergate prosecution.

Therefore, he instructed his lawyer to continue private conversations with Mr. Jawor-

Lawyer's statement, excerpts from briefing, Page 14.

ski and to cooperate with him "fully, consistent with the principles of confidentiality of Presidential conversations."

This seemed to leave the way open for the President to yield the materials at a later date, but his assistants would not say that this was his intention. For the present, he is standing firm against "seemingly unending incursion into the confidentiality of Presidential communications."

Lawyer Issues Statement

The President's position was set out in a statement by his lawyer, James D. St. Clair, and an interpretation of that statement by Ronald L. Ziegler, his press secretary, in a question-and-answer session with reporters.

Mr. St. Clair, responding to Mr. Jaworski's disclosure yesterday of the President's refusal to yield the material, said that the tape recordings and documents sought were "at best only corroborative of or cumulative to evidence already before the grand jury and therefore was not essential to its deliberations."

However, Mr. Ziegler said that neither Mr. St. Clair, the President nor anyone else in the White House had listened to the tapes or read the documents.

Meantime, in an action that could shore up the President's defense against impeachment, Mr. Nixon appointed Dean Burch, chairman of the Federal

Communications Commission, as a Presidential counselor for domestic matters.

Mr. Burch, a former chairman of the Republican National Committee, has been closely associated with Senator Barry Goldwater of Arizona, who has been critical of the President's handling of Watergate matters and could be a key figure in the outcome of the impeachment proceedings underway in the House of Representatives.

Senator Goldwater has con-

Continued on Page 14, Column 3

Continued From Page 1, Col. 5

sistently urged the President to appoint advisers with broad political experience. Mr. Burch, like the Senator, has wide contacts among conservative Republicans, many of whom have recently been critical of the President.

A 'General Adviser'

Mr. Ziegler said that Mr. Burch would join the White House Staff in three or four weeks. He will not replace anyone there now and will act as a "general adviser and will be involved in special projects" for the President, Mr. Ziegler said.

Mr. St. Clair, in his statement, said that if the White House produced the material sought by Mr. Jaworski, the process of preparing it would have "the necessary result of further delaying grand jury deliberations many months."

Mr. St. Clair said "a careful review" of the request by Mr. Jaworski had led him to conclude that the new material was only corroborative of that already before the grand jury. Yesterday, Mr. Jaworski said that the material he sought "is important to a complete and thorough investigation and may contain evidence necessary for any future trials."

But he conceded in a letter to the Senate Judiciary Committee that it was possible to return indictments in the main Watergate case without obtaining further information.

Mr. St. Clair took note of this and said:

"The President believes that he has furnished sufficient evidence to determine whether probable cause exists that a crime has been committed and, if so, by whom.

"Under those circumstances, he President determined that continued and seemingly unending incursions into the confidentiality of Presidential communications was unwarranted and instructed me to advise the special prosecutor that he respectfully declined to produce the additional material requested."

Talks Will Continue

"At the same time," he continued, "the President has asked me to continue the private conversations I have been conducting with the special prosecutor. He has also given

me firm instructions to cooperate fully, consistent with the principles of confidentiality of Presidential conversations, with a view toward bringing the matter to a prompt and just conclusion."

Mr. Ziegler said, in interpreting Mr. St. Clair's statement, that "the desire here is not in any way to move to a point of confrontation with the special prosecutor," in the way that was done with Mr. Jaworski's predecessor, Archibald Cox, whom the President dismissed last October.

Thus, Mr. Nixon seemed to be at a point midway between two opposing positions he took last year—in the summer, an absolute refusal to release materials on the ground of executive privilege, and in the fall, after the courts had ruled against him, a declaration to release all materials sought by the prosecution.