

A SUBPOENA SEEKS MORE NIXON FILES

MAR 22 1974

Jaworski Reports Writ Was Served on Friday—Reply Called For by Monday
NYTimes

By R. W. APPLE Jr.

Special to The New York Times

WASHINGTON, March 21—Leon Jaworski, the special Watergate prosecutor, disclosed today that he had subpoenaed additional documents from the White House files.

The subpoena was served last Friday and must be answered by Monday. James D. St. Clair, the special White House counsel on Watergate matters, said that a response was under consideration, "without indicating what it might be."

If President Nixon and his aides decide to fight the subpoena, a constitutional confrontation similar to the one provoked last year by Mr. Jaworski's predecessor, Archibald Cox, could be set in motion.

Mr. Cox was dismissed as a result of the 1973 confrontation, but Gerald L. Warren, the deputy Presidential press secretary, said this morning that Mr. Nixon was giving no consideration to the idea of dismissing Mr. Jaworski.

Neither Mr. Warren nor Mr. Jaworski would provide details on the number or subjects of documents covered by the subpoena. Mr. Jaworski told newsmen, however, that there could be further subpoenas "relating to areas under investigation."

An official of the prosecutor's office said that the subpoena involved neither the Watergate cover-up nor the

Continued on Page 26, Column 5

Subpoena Requests More Nixon Files

Continued From Page 1, Col. 7

break-in at the office of Daniel Ellsberg's former psychiatrist.

Presumably, therefore, the subpoena dealt with one of the other areas under investigation by the three Watergate grand juries—the International Telephone and Telegraph case, the milk fund case, political contributions and the erasure of 18 minutes from one of the White House tapes.

On Feb. 14, Mr. Jaworski wrote to Senator James O. Eastland, Democrat of Mississippi who is chairman of the Senate Judiciary Committee, complaining that the President had refused to give him material that he needed for his Watergate investigation.

The material at issue included 27 tapes relating to the Watergate cover-up as well as political donations of milk producers and the activities of the White-House's so-called "plumbers" unit.

The subpoena may deal with some or all of this data.

Mr. St. Clair, appearing on the National Broadcasting Company's "Today" program, did not clear up the confusion.

"We have recently received a subpoena," he said. "I don't think it would cover material he [Mr. Jaworski] has recently been denied. But this would be, maybe, a quibble. Let's say we recently have received a subpoena."

In any event, Mr. Jaworski's action will undercut one of the principal debating points Mr. Nixon has used in his recent public campaign to re-establish his credibility.

The President has repeatedly defended his refusal to yield to a subpoena from the House

Judiciary Committee, which is arguing that Mr. Jaworski had investigating impeachment, by arguing that Mr. Jaworski had all the material he needed and noting that the House group had received everything Mr. Jaworski had.

Mr. Jaworski never said that he had all the materials he needed. Mr. Nixon apparently based his comments on Mr. Jaworski's comment, in an interview with The New York Times on Feb. 26, that his office knew the full story of the Watergate case.

His subpoena indicates that, even if he knows the full story, he does not feel he has sufficient material to frame all the indictments.

At the regular White House news briefing this morning, Mr. Warren conceded that Mr. Nixon knew of the subpoena on Tuesday night, when he conducted a nationally telecast question-and-answer session in Houston. In that case, Mr. Warren was asked, why did the President not mention it?

Mr. Warren replied that the President was not asked a direct question on the subject. The deputy press secretary

was also asked why his superior, Ronald L. Ziegler, flatly denied the receipt of any new subpoena when questioned yesterday by Adam Clymer, the White House correspondent of The Baltimore Sun. Mr. Warren said he did not know.

Ziegler Comment Noted

Mr. Jaworski's new subpoena was the first directed at the President by the special prosecutor's office since last July, when Mr. Cox subpoenaed tapes of nine Presidential conversations. Mr. Nixon balked and a legal struggle ensued, with the White House losing both in the District Court and the Court of Appeals.

At that juncture, the President attempted to work out a compromise. Mr. Cox resisted and was dismissed. In the uproar that followed, Mr. Nixon agreed to supply the tapes "voluntarily," with the proviso that he set no precedent.

Thus the legal issue of Presidential vulnerability to a subpoena did not reach the Supreme Court. If Mr. Nixon again refuses to honor the subpoena, the constitutional struggle could resume.