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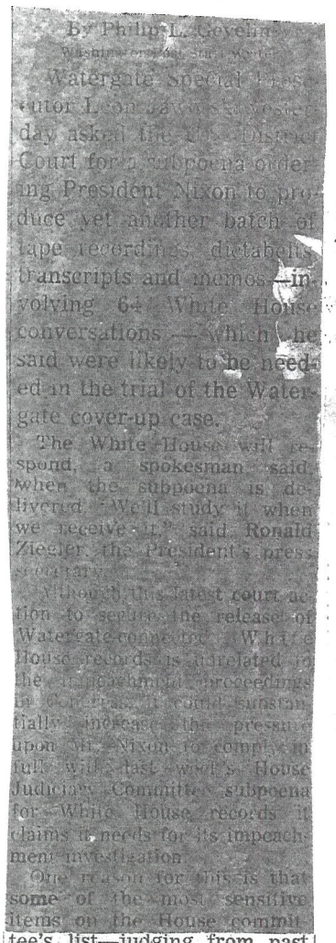
JAWORSKI ASKS NEW SUBPOENA OF NIXON TALKS

Overlaps With Hill Requests



By Philip L. Coyle
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Watergate Special Prosecutor Leon Jaworski yesterday asked the U.S. District Court for a subpoena ordering President Nixon to produce yet another batch of tape recordings, dictabelt transcripts and memos—involving 64 White House conversations—which he said were likely to be needed in the trial of the Watergate cover-up case.

The White House will respond, a spokesman said, when the subpoena is delivered. "We'll study it when we receive it," said Ronald Ziegler, the President's press secretary.

Although this latest court action to secure the release of Watergate-connected White House records is unrelated to the impeachment proceedings in the House, it could substantially increase the pressure upon Mr. Nixon to comply in full with last week's House Judiciary Committee subpoena for White House records it claims it needs for its impeachment investigation.

One reason for this is that some of the most sensitive items on the House committee's list—judging from past White House reaction — are also on the itemized list of records which Jaworski demanded yesterday in court.

This could put the President in an awkward position—assuming yesterday's subpoena request is upheld by the courts. For Mr. Nixon has consistently claimed publicly that he has given the prosecutor's office everything that it has asked for. And he has also indicated more than once that he is willing to give the Judiciary Committee investigators everything that the prosecutor gets. To comply with yesterday's requested subpoena would thus put Mr. Nixon under stronger political pressure to comply in full with the Judiciary Committee's requests as well.

In yesterday's affidavit to the court, Jaworski said that much of the material he is now seeking had been requested from the White House as early as January 9, and that the request had been repeated twice since then without receiving a "definitive response" from the President's special counsel, James D. St. Clair.

Most of the requested records had to do with conversations between the President and former White House aides H. R. Haldeman, John Ehrlichman and Charles Colson, three of the seven defendants in the cover-up case.

See WATERGATE, A17, Col. 1

WATERGATE, From A1

The prosecutor argued that the material contained, "or is likely to contain", evidence that would either be "relevant" to the prosecution's case or possibly "helpful" to one or more of the defendants.

Although the Watergate cover-up trial is not scheduled to begin until September 9, Jaworski asked Judge Sirica to require a reply from the President by April 23, contending that examination of the material is an "arduous and time-consuming process and should be commenced at the earliest possible opportunity."

The prosecutor's affidavit noted that it would be necessary to "analyze" the material thoroughly to see what part of it would actually be used in the court room and that transcripts would have to be made of any relevant tapes. Moreover, he said, if the White House chooses to contest the subpoena in the courts, as it did in the case of the first request for such material from Jaworski's predecessor, Archibald Cox last July, this, too, would take time. "It would be best for all concerned that such litigation be initiated promptly," he told the court, "in order to avoid the possibility of postponing the trial."

This is Jaworski's second resort to a subpoena to acquire White House documents. Last March 15, he asked for a relative handful of records bearing on the "sale" of ambassadorships and these were handed over two weeks later. Yesterday's action culminated a much more prolonged effort to get material which the prosecutor's office has argued was not essential to the grand jury or to the securing of an indictment but which it thought would be needed in the conduct of the cover-up trial itself.

With his affidavit, the prosecutor included copies of a one-sided correspondence with St. Clair which began on January 9 of this year with a request for recordings of 25 specified Presidential meetings and telephone conversations. As Jaworski subsequently recounted in a letter to the Senate Judiciary Committee on Feb. 14, the White House two weeks later asked for a statement of "particularized need" in each case, which was furnished that same day — together with a request for recordings of two additional conversations.

On March 12, Jaworski renewed his request in a second letter to St. Clair, adding demands for a few more recordings and asking for a firm answer by March 19 and delivery of the material by June 15. Although there apparently were some conversations back and forth, St. Clair still had not responded, in a "definitive" way, by April 11, at which time Jaworski served notice in a third letter to St. Clair that "in accordance with my responsibility to secure a prompt and fair trial for the government and the defendants," he would fell it necessary to seek a subpoena on April 16.

By this time the White House argument for delay in the release of Watergate-related material had taken a new turn. Where once the President had been arguing that he would give the House Judiciary Committee only as much as he gave the special prosecutor, St. Clair was not indicating, according to the Jaworski letter of April 11, that the White House would give the prosecutor's office only as much material as it was giving the House Judiciary Committee — but presumably no more.

There is a significant overlap in what the special prosecutor and the House committee are seeking. The prosecutor's request for records of 64 individual conversations, both by telephone and face to face, are catalogued as 46 separate items, largely by the date on which they took place, and of these 46 items, some 17 are included among the House committee's requests.

In the hectic maneuvering just before the committee voted to issue a subpoena last Thursday, St. Clair offered to yield up, without a subpoena, the records of conversations involving Mr. Nixon, Haldeman, Ehrlichman and former White House counsel John W. Dean III, which took place between Feb. 20 and March 30, 1973. (These items are also among those sought by Jaworski yesterday.)

But St. Clair's offer did not include the records of a series of conversations, involving the President and Haldeman and Ehrlichman between April 14 and April 17, 1973, which the Judiciary Committee was also seeking. And these conversations comprise 11 of the items on Jaworski's list which accompanied his subpoena request yesterday.