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President To Reply On Tapes

Judiciary Unit Deadline Is 10 Thursday

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The President returned to the White House yesterday from Camp David where, it was reported, he spent part of the weekend examining how and when—or whether—to respond to the subpoena for tapes of 42 of his and his aides' conversations.

There were reports that the President had scheduled a series of afternoon meetings at his White House office, but a White House spokesman would say only that Mr. Nixon worked in his office all afternoon after returning to Washington about 2 p.m.

The deadline for responding to the subpoena of the House committee is 10 a.m. Thursday. The President can, of course, choose to respond before the deadline. At one time, it was reported, the White House would have a response ready by the time Congress resumed after its Easter vacation—today or Tuesday—but now that is no longer considered likely.

Another subpoena, from Watergate Special Prosecutor Leon Jaworski, which was served on the White House last week, has a due date of May 2.

These were the alternatives said to be under consideration by the President and his advisers on the House subpoena:

- To refuse to respond to the subpoena altogether. This would be, in effect, to draw the line at this time — to "call a halt to it here," in the words of one administration official.
- To respond to the subpoena by Thursday and then draw the line at that point. This would be akin to saying: "This — but no more."
- To respond to the subpoena in a form other than that defined by the House committee.

The Los Angeles Times reported yesterday that the latter option is the one most

likely to be exercised by the President.

It said that the White House would send transcripts of at most 36 tapes conversations — but not the tapes themselves — to the House committee.

The transcripts, said the Los Angeles Times, are "hundreds and hundreds of pages" long. The only deletions from the transcripts, it was said, would

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be for vulgarity or for derogatory remarks not pertinent to the substance of the conversation.

However, it was not known how the accuracy and authenticity of the transcripts would be established.

Most of the 42 subpoenaed tapes deal with the President's conversations before and soon after March 21, 1973. That was the date when, he insists, he first learned of the scope of the Watergate matter.

The Los Angeles Times reported that the White House will claim that one subpoenaed conversation did not ever take place. Further, it will claim that tapes for five other conversations do not exist because the White House recording system ran out of tape.

That leaves 36 conversations on the list included in the House subpoena. There was no guarantee, however, that transcripts of all 36 conversations might be delivered to the House Judiciary Committee.

"Hundreds of man-hours have gone into the statement's preparations," one official was quoted as saying by the Times. "It will be as thorough and comprehensive a delivery of factual data to the Judiciary Committee as can be compiled within human capabilities and continually changing focus of within the handicap of the demands for evidence."

The House Judiciary Committee has a meeting scheduled for the hour in which the President's response is due. However, committee chairman Peter W. Rodino indicated yesterday that the committee would not precipitately cite the President for contempt of Congress should he fail to deliver precisely what the committee demanded in its subpoena. Neither would it seek to dispatch the House sergeant-at-arms to the White House to take physical possession of the materials it seeks.

Rodino told United Press International that the committee will continue to press for all of the 42 subpoenaed tapes but that he is determined at this time to avoid a constitutional confrontation with the

President.

However, the committee may decide whether the President's response is unsatisfactory and whether it might be included in a bill of impeachment against the President.

Meanwhile, Republican Sen. Charles Percy of Illinois said that he would not be satisfied with White House-prepared transcripts of the tapes. He commented on the television interview program, "Issues and Answers" (ABC, WMAL) that he perceived an "obstruction to justice" in the White House action thus far and that he thought a refusal by the President to offer anything but the tapes themselves to the House Judiciary Committee could end up in a bill of impeachment by the House.

Asked whether he thought that the White House is changing its strategy on the Watergate matter and becoming more forthcoming, Percy said:

"I continue to see reluctance, dragging of feet, almost what might be considered the hindrance of justice, and obstruction to justice."

"On the one hand, the word's being said, 'Let's get Watergate behind us,' and then everything possible is being done to prolong it, rather than get it out on the table—to drag it out."

"And I feel that we are moving toward a very dangerous position of confrontation if the subpoenas of both the House and the special prosecutor are not fully lived up to."

"There is a chance now that justice is being impeded. I know, for instance, that the work of the grand juries is being impeded and slowed up because Mr. Jaworski in a letter to me this week indicated that much in those same words."

"The White House seems to be setting up itself as the judge as to what the special prosecutor should have, when Mr. Jaworski has clearly indicated to me that the White House is not privy to the scope of the investigation he is conducting and therefore cannot be the judge as to what evidence he needs in order to carry out his responsibilities."