

Richardson Calls Tapes Key Issue

Washington

Former Attorney General Elliot L. Richardson declared yesterday that "the case is close" as to whether President Nixon has engaged in criminal conduct.

The tapes sought by the House Judiciary Committee "could very well tip it one way or another," Richardson said.

(The President was at his retreat at Camp David, Md., yesterday considering how to comply with the committee's subpoena for the tape recordings. He must make a decision by the deadline at 10 a.m. tomorrow.)

Richardson, who resigned last October 20 rather than carry out Mr. Nixon's order to fire then-special Watergate prosecutor Archibald Cox, said he did not believe that merely supplying transcripts of those tapes would meet the command of the panel's subpoena.

And "a failure to produce tapes would, I think, legitimately give rise to adverse inference as to any ambiguities that otherwise exist," he said.

Richardson was interviewed on NBC's "Meet the Press" program.

Asked if he believes there is sufficient evidence to prove Mr. Nixon had committed an indictable offense, Richardson replied, "I don't think that the evidence that we know about as newspaper readers, or television listeners, is quite enough. I think the case is close, and this, of course, is why the tapes are important as they are."

As to what specific evidence he saw as "close," Richardson responded that "What would bother me is the pattern. The direct answer is I don't think that the evidence is sufficient in any given situation; milk, ITT, coverup of Watergate, to directly implicate the President. But the cumulative

pattern of these things surrounding the President, in each case involving somebody next to him in responsibility, creates a really troublesome question.

"A failure on his part now to fully meet the requests for tapes justifies an adverse inference on this very question."

Richardson said that barring a direct turnover of the tapes, a satisfactory response might be to allow top committee members "to meet with the President's counsel . . . and for them together to go over the tapes and decide what is relevant to the committee's needs."

Richardson was asked if he agreed with presidential counselor Dean Burch's recent declarations that Republicans should stand by Mr. Nixon and return "loyalty for loyalty." His reply:

"They owe him about as much as he give them last time around in the congressional election, and I don't think that is a whole lot.

"Given the present state of play, I would say that Mr. Burch's was probably a prescription for suicide on the part of most Republican congressional candidates."

Richardson affirmed that "If you make a long enough list" of possible GOP contenders for the presidency in 1976 "I think I would be on it."

Republican Senator Jacob K. Javits (Rep-N.Y.) also said yesterday that turning over transcripts would likely be viewed as inadequate. As for a plan such as suggested by Richardson, he declared that "If two members or three members or four members are gonna know what's on the tapes, they might as well go the whole way."

Javits appeared on CBS' "Face the Nation."

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