

ST. CLAIR TO FIGHT JAWORSKI'S WRIT

President's Lawyer to Move for Quashing of Subpoena of Tapes and Documents

NYTimes MAY 1 1974

By CLIFTON DANIEL
Special to The New York Times

WASHINGTON, April 30 — President Nixon, although he gave the House impeachment inquiry more than 1,300 pages of transcripts of taped conversations about Watergate today, will refuse to yield tapes and documents sought by the special Watergate prosecutor.

The President's Watergate lawyer, James D. St. Clair, told newsmen today that he would move to quash the prosecutor's subpoena, authorized April 19, calling on the President to supply by Thursday, May 2, tape recordings and documents relating to 64 conversations between Mr. Nixon and four of his former aides. The conversations took place between June, 1972, and June, 1973.

When asked on what grounds he would try to suppress the special prosecutor's subpoena, Mr. St. Clair mentioned two: that of the confidentiality of Presidential communications, and that the special prosecutor, Leon Jaworski, had not shown that the material he wanted was necessary for the prosecution of his case against seven

Continued on Page 39, Column 3

Continued From Page 1, Col. 3

former associates or President Nixon.

Cover-Up at Issue

Those seven men are accused of taking part in or lying about a conspiracy to cover up involvement in the 1972 break-in at Democratic National Committee headquarters at the Watergate office building.

"I firmly believe," Mr. St. Clair said, "that Mr. Jaworski would not have indicted those people if he did not have enough evidence to convict them."

Therefore, he implied, there was no need for further evidence.

Mr. St. Clair acknowledged that "exculpatory material"—that is, evidence favorable to the defendants—was in a different category. He said that such material, as it turned up, was being made available to the prosecution, and through the prosecution to the defense.

However, Mr. St. Clair said he did not feel that the Administration had to search through every file and listen to every tape recording in search of such exculpatory evidence.

Scheduling Not Clear

Mr. St. Clair sipped on a can of Pepsi-Cola while he talked in the office of the White House Director of Communications, Ken W. Clawson. The lawyer did not say when his motion to quash Mr. Jaworski's subpoena would be filed, but presumably it will be offered promptly to Federal District Judge John J. Sirica, who authorized it.

On the conference table in Mr. Clawson's office were stacks of the thick blue-covered paper-

back book called "Submission of Recorded Presidential Conversations to the Committee on the Judiciary of the House of Representatives by President Richard Nixon April 30, 1974."

That 1,308-page book contains the transcripts of tape recordings that President Nixon turned over to the committee. Mr. St. Clair, who said he had a hand in writing the semi-legal brief that accompanied the transcripts, said he hoped the book would "convince you"—meaning the newsmen—that it "really does tell it all"—the whole story of the President and Watergate.

Mr. St. Clair, who is on the public payroll at \$42,500 a year to defend the President against the Watergate accusations, argued that the method of authenticating the transcripts was more than adequate.

Mr. Nixon has stipulated that the chairman of the House Judiciary Committee, Peter W. Rodino Jr., Democrat of New Jersey, and the ranking Republican committee member, Edward Hutchinson of Michigan, may listen to the tapes and satisfy themselves of the accuracy of the transcripts.

Once the accuracy of the transcripts is affirmed, Mr. St. Clair said, then the committee staff has all the evidence it needs to pursue its inquiry.

However, if the committee as a whole is not satisfied with the verification procedure, Mr. St. Clair said, there is "no insuperable bar" to going back to President Nixon and asking him to let other members of the committee hear the tapes. That is not a constitutional issue, the White House lawyer said, but "a matter of practicality."