

Sirica Delays Decision on Tapes

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U.S. District Court Judge John J. Sirica yesterday postponed for at least five days a decision on whether to order the White House to produce any more tape recordings of conversations by President Nixon and his aides.

He also scheduled a new report in the meantime on an 18½-minute gap in a tape the White House has already turned over.

The President had been scheduled to answer the Watergate special prosecutor's subpoena for the additional tapes by 10 a.m. yesterday. But Judge Sirica gave the prosecutor's office until 2 p.m. Monday to file legal briefs showing why the

President should be forced to turn over the tapes.

A hearing before Judge Sirica is scheduled Wednesday.

Although he has publicly released transcripts of some of them, Mr. Nixon has claimed executive privilege on the subpoenaed tapes themselves and asked that the subpoena be quashed.

The special prosecutor's attempt to get the additional White House tapes sets up the second confrontation in a year over such material. And this time, lawyers for both sides indicate that they will appeal any adverse ruling to the Supreme Court.

In a similar struggle last fall, Sirica rejected the President's claim of executive privilege and ordered Mr. Nixon to turn over five

tape recordings to the special prosecutor.

The U.S. Court of Appeals upheld Sirica's ruling and Mr. Nixon turned over the five tapes without further appeal.

One of those five tapes—from June 20, 1972—turned out to have an 18½-minute hum wiping out a discussion of Watergate. A six-man panel of electronics experts told Sirica in an interim report that the hum was caused by at least five manual erasures.

The panel then conducted additional tests on the tape, and Sirica's office said two members of the panel will deliver another report to the judge Saturday.

The report will not be made public immediately, Sirica's spokesman said.

Meanwhile, the U.S. Court

of Appeals asked the Senate Watergate committee yesterday to file additional legal briefs in its separate attempt to gain access to five presidential tapes.

The appeals court, in a brief order, said the Senate committee should give specific reasons it should be given access to the five tapes since the President has made public the transcripts of those conversations.

The Senate committee has been seeking the five tapes since last summer. A first suit filed to enforce its subpoena was thrown out by Judge Sirica for lack of jurisdiction, but later Congress passed specific legislation authorizing such a suit. U.S. District Court Judge Gerhard A. Gesell then denied the Senate unit access.