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Nixon May Give In on 1 Subpoena

Washington

President Nixon backed down yesterday from his opposition to the Watergate special prosecutor's subpoena for tapes and records of 64 White House conversations by indicating through his lawyers that he is willing to reach an "accommodation" with the prosecution.

His lawyers also won a five-day delay in the legal proceedings over the subpoena that, until yesterday, had been shaping up as another major battle in the courts.

The House Judiciary Committee has also served a subpoena on the President for 42 Watergate-related conversations.

Last week Mr. Nixon's attorneys had asked the U.S. District Court here to quash the special prosecutor's subpoena "in its entirety," and had strongly hinted that the President was willing to take the matter to the Supreme Court if the lower court rejected the request.

Yesterday morning, however, White House lawyers met at their own request with lawyers for the special prosecutor to discuss ways of dealing with the subpoena.

Both sides then advised U.S. District Judge John J. Sirica of the meeting and asked for a five-day delay.

Sirica granted the request yesterday afternoon, after meeting at the Federal Court House with Leon Jaworski, the special prosecutor, and James D. St. Clair, the President's chief defense counsel.

In the subpoena proceedings, Sirica postponed the date on which Jaworski must respond to the President's motion to quash from today until Friday, and rescheduled arguments on the subpoena from tomorrow to Monday.

And in a short statement later to reporters, a statement approved by all parties, Sirica implied that the President is considering not just an accommodation or compromise response to the subpoena but instead, actual compliance.

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Back Page Col. 3

From Page 1

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More Nixon news
on Pages 7-9.

ing to possible compliance with the subpoena," Sirica said in his statement.

The sudden reversal in White House policy came in the wake of widespread negative public reaction to President Nixon's release last week of edited transcripts of various Watergate-related White House conversations.

The Gallup Poll reported Saturday that Mr. Nixon's televised speech last Monday night — in which he announced the release of the transcripts — had a negative effect. According to the poll, the speech left 32 per cent of the people who watched it or read about it with a less favorable opinion of the President than they had previously had, and only 17 per cent with a more favorable impression.

The President's new stance also came after Jaworski's office made it clear that the prosecution would not drop its subpoena in the face of the President's motion to quash.

That meant that if Mr. Nixon continued to fight the

subpoena, a court battle would ensue in which testimony would be taken regarding the relevance of the material that Jaworski had subpoenaed.

That testimony, some legal observers said yesterday, could make public still more damaging evidence.

The prosecution subpoena was issued at the order of the court after Jaworski contended that he needed the materials for use in the trial in the Watergate cover-up case.

Of the 64 conversations, all but one are between Mr. Nixon and one or more of four of his former top aides: John W. Dean III, H. R. Haldeman, John D. Ehrlichman and Charles W. Colson.

The only exception is a conversation among several of these aides in which Mr. Nixon apparently did not participate.

Jaworski contends that each of the subpoenaed materials is necessary either to help make the prosecution's case or, because it is exculpatory, to be turned over to one or more defendants.

Several defendants joined in the motion. One defendant, John N. Mitchell, filed legal papers yesterday opposing the President's motion to quash the subpoena.

Portions of 20 of the 64 conversations covered by the Jaworski subpoena were included in the transcripts that Mr. Nixon released last Tuesday.

However, the White House asked the court the following day to quash the entire subpoena. Mr. Nixon filed a personal statement maintaining that those conversations not yet released were covered by executive privilege.

His lawyers argued, in addition, that Jaworski had not shown that any of the materials were relevant or admissible, and that he had not demonstrated an adequate need for them.

Mr. Nixon had said earlier that the transcript he was releasing would give the public the full story of the President's actions regarding Watergate.

In subsequent discussions

with journalists, Mr. Nixon's attorney, St. Clair, linked the release of the transcripts with the President's response to the Jaworski subpoena.

"We take the view," St. Clair said, "that especially now, since some 1200-odd pages of transcript have been made available, that clearly the prosecution must have enough evidence to proceed to try these cases."

New York Times