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# Sirica Delays Court Action On 64 Tapes

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U.S. District Court Judge John J. Sirica yesterday postponed court action on a subpoena for 64 of President Nixon's Watergate tapes following hints that the White House is considering "possible compliance."

White House special counsel James D. St. Clair said he had asked for a five-day delay to see if he and Watergate Special Prosecutor Leon Jaworski "can come to some accommodation."

Mr. Nixon had personally invoked executive privilege for the recordings last week and asked that Jaworski's subpoena for them be quashed.

The President's lawyers at the same time argued that Jaworski had shown no justification for demanding the recordings.

The special prosecutor, who said they were needed for the Watergate cover-up trial this September of seven of Mr. Nixon's former aides and campaign advisers, was scheduled to submit his formal reply to Judge Sirica at 2 p.m. yesterday.

Instead, Sirica granted a five-day postponement after a closed meeting yesterday afternoon with St. Clair, Jaworski, and lawyers for the seven defendants who are also demanding many of Mr. Nixon's tapes for their own use at the trial.

"The continuance was granted for the purpose of

facilitating discussions leading to possible compliance with the subpoena," Judge Sirica said in a short announcement after the session.

There was no indication that either Watergate prosecutors or defense attorneys would settle for anything less than the recordings themselves. White House-edited transcripts of 20 of

the 64 conversations were made public last week in response to a House Judiciary Committee subpoena, but lawyers say the transcripts would not be admissible in court in place of the tapes because of the so-called "best evidence" rule.

The House Judiciary Committee has also notified the White House following a 20-to-18 vote that the transcripts

did not satisfy its subpoena. St. Clair told reporters he expected to meet today with John Doar, the chief counsel for the committee's impeachment inquiry, concerning that dispute.

The 64 tapes Jaworski has subpoenaed include post-Watergate conversations and phone calls, most of

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them involving Mr. Nixon, between June 20, 1972, and June 4, 1973.

The recordings in dispute involve the President's talks with former White House special counsel Charles W. Colson; reported attempts to use the Central Intelligence Agency to limit the original Watergate investigation; payments of "hush" money for the original Watergate defendants, and Mr. Nixon's meetings in April of 1973 when then White House counsel John W. Dean III and former Nixon campaign deputy Jeb Stuart Magruder started talking to government prosecutors.

The White House-edited transcripts that have been made public are largely limited to meetings in February, March and April of 1973. They also contain some 1,670 segments that the White House has said were "inaudible" and "unintelligible."

White House special counsel J. Fred Buzhardt Jr. told newsmen that the voice-actuated machinery of the White House taping system was the "predominant" cause of the missing segments.

With the taping machinery switching on and off because of interruptions or pauses in conversation, Buzhardt said, the recorders made a "swurping [sic] noise" as they started to work again. As a result, he said, low-pitched voices such as Mr. Nixon's tend to get obscured, while John Dean's comes on clearly. Buzhardt said former Attorney General John N. Mitchell's voice was "almost impossible" to make out.

"I think Mr. Mitchell has the bass-est of the voices in any of the tapes," Buzhardt said.

The White House counsel spoke with newsmen at the courthouse after an appearance before the federal grand jury that has been investigating gaps and blank spots in some of Mr. Nixon's already subpoenaed Watergate tapes. He refused to comment on why he had been called.