

# BAR LEADER URGES PRESIDENT TO HEED JUSTICES ON TAPES

MAY 27 1974

Smith Says He Is 'Shocked'  
by White House Silence  
on Supremacy of Law  
NYTimes

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Special to The New York Times

WASHINGTON, May 26

The president of the American Bar Association urged President Nixon today to comply with the ultimate decision of the Supreme Court on whether he must surrender several dozen subpoenaed tape recordings to the special Watergate prosecutor.

"All men in this nation are subject to the rule of law," said Chesterfield Smith, the head of the nation's most influential organization of lawyers. He added:

"I've been shocked and annoyed that the White House doesn't clearly state that 'Yes, I am subject to the rule of law. I'm not a king, I'm only a man elected by the people and when the Supreme Court decides that I have to do something, certainly I'm going to do it.'"

## Follows Ziegler Refusal

Mr. Smith's remarks in an interview on the NBC-TV program "Meet the Press" followed a refusal yesterday by Ronald L. Ziegler, Mr. Nixon's press secretary, to "get into" the question of whether the President intended to abide by his promise of last fall to obey a "definitive" ruling of the Supreme Court on the validity of such subpoenas.

Leon Jaworski, the special Watergate prosecutor, one of Mr. Smith's predecessors as head of the A.B.A., asked the high court on Friday night to grant an expedited review of the constitutional controversy surrounding the subpoena for 64 recordings of Presidential conversations that he has served on Mr. Nixon's lawyers.

The move by Mr. Jaworski was made under a little-used Federal statute that provides for direct appeals to the Supreme Court in cases of "imperative public importance." It followed by hours the President's lawyers' to the United States Court of Appeals for the District of Columbia Circuit

from a lower court order last week that the tapes be turned over to the prosecutor.

## Early Decision Possible

A Supreme Court decision on whether to grant Mr. Jaworski's petition for certiorari in the tapes case and thus bypass the Federal appeals court could come at the earliest on Tuesday morning, when the high court reconvenes.

Mr. Jaworski did not mention the rapidly intensifying dispute over the tape subpoenas today when he told graduates of George Washington University's National Law Center here that a needed "cleansing" of the legal profession would "come only as a result of constant self-discipline" among its members.

But Senator Robert C. Byrd of West Virginia, the Senate

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Democrat whip, echoing sentiments expressed yesterday by former Republican Attorney General Elliot L. Richardson, termed Mr. Nixon "a law and order President who says subpoenas must be answered by everyone except himself."

Mr. Byrd charged that the President had reneged on his public pledge that the special prosecutor's independence to pursue the Watergate investigation would not be limited without the prior approval of a majority of specified Congressional leaders.

Mr. Byrd, a member of the Senate Judiciary Committee, which last week backed Mr. Jaworski's demand for the tapes, spoke on the CBS-TV program "Face the Nation."

## Richardson Sees "Obligation"

Mr. Richardson, who resigned last Oct. 20 rather than carry out Mr. Nixon's directive to discharge Archibald Cox, told newsmen in Newark, Del., yesterday that the President "has an obligation to make the information [subpoenaed by Mr. Jaworski] available to any inquiry."

Mr. Richardson noted that the order to dismiss Mr. Cox, the first Watergate special prosecutor, had been issued after Mr. Cox expressed his intention to carry an earlier subpoena for White House tapes to the Supreme Court.

The former Attorney General said he believed it "unlikely" that steps would be taken to remove Mr. Jaworski from his post because, he said, of the "adverse reaction" that would ensue.

Senator Byrd and Mr. Smith differed on whether the President was, under a legal and

constitutional obligation to provide tape recordings to the House Judiciary Committee. Last week the committee's subpoena for some of the tapes was rejected by Mr. Nixon with the caveat that he would refuse to consider future demands for Watergate tapes.

In denying the committee information it deems necessary to its investigation of the grounds for his possible impeachment, Senator Byrd said, the President "could be said to be obstructing justice," in itself a criminal offense.

Mr. Byrd, one of whose principal tasks as majority whip is to keep track of the sentiments of Democratic Senators on various issues, added that "the stonewalling that the President and his lawyer have been exhibiting all the way down the line" in the face of the Jaworski and Congressional subpoenas had "hardened" the minds of some of the Senators who may ultimately have to sit as a jury in an impeachment trial. He did not elaborate.

But Mr. Smith, a Florida Democrat, asserted that under the unwritten doctrine of executive privilege, Mr. Nixon "in my legal opinion could refuse to present and give evidence to the House of Representatives simply as a matter of what I will call power."

## Tax Compromise Hinted

In Key Biscayne, Fla., where Mr. Nixon is spending the weekend, Mr. Ziegler indicated last night the possibility of a compromise over a separate request by the House Judiciary Committee for the President's personal income tax records.

Some members of the panel disclosed last week that the Internal Revenue Service had declined, on jurisdictional grounds, a committee request to make the relevant records available. But the press secre-

tary announced late yesterday that the President had directed his attorneys to work with committee lawyers in trying to find a way that the records could be turned over "under appropriate safeguards."

The Judiciary Committee will meet again on Thursday or Friday, when it is considered possible that the members will vote to issue two additional subpoenas for tapes and other documents—and perhaps to hold Mr. Nixon in formal noncompliance with three earlier ones.

Two Nixon Administration officials spoke out sharply over the weekend on the impeachment threat.

Anne Armstrong, a counselor to the President, criticized what she called a "vendetta" and an "impeachment lobby" led by "certain chieftains" of organized labor, the Americans for Democratic Action and some followers of Ralph Nader and Senator George McGovern.

Gen. Alexander M. Haig Jr., the chief of the White House staff, declared that Mr. Nixon "has in recent months been more active than at any point in my memory in doing the business of the American people."

In an interview in U.S. News & World Report, on sale tomorrow, General Haig asserted that, despite the rigors of Watergate and related scandals that have forced the President to undertake a broad legal defense of his office, the Administration was moving steadily ahead.

"Notwithstanding the difficulties," he said, "we've made further progress in bringing government back to the people," in suppressing drug traffic, and in returning "sanity" to American society in "the racial area, on the campuses and in our streets."

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