

Sirica Keeps His Court Out

Washington

U.S. District Judge John J. Sirica turned down yesterday a request for Watergate tapes from the House Judiciary Committee, saying his court would not be "dragged into" a contest between impeachment investigators and the White House.

Albert E. Jenner Jr., the minority counsel for the impeachment inquiry, requested access last week to tape recordings of four presidential conversations in full.

Sirica met in his chambers with Jenner and lawyers from the White House, the special prosecutor's office and the defendants in the Watergate coverup conspiracy case on Tuesday to discuss the matter. 28 MAY

The judge refused Jenner's request yesterday in a memorandum filed in U.S. District Court.

The four conversations sought had been delivered to Sirica from the White House in response to a grand jury subpoena handled by former Special Watergate Prosecutor Archibald Cox. Cox was dismissed on President Nixon's order last October 20 for pressing too hard for them.

However, the President then turned the tapes over to the court.

Sirica said in his memorandum yesterday that the only reason the court had the tapes was to sort out

those items appropriate for the grand jury's consideration, while holding back other items that the court felt were properly within the President's claim of executive privilege.

"In the court of appeals decision under which the tapes were produced," Sirica wrote in yesterday's decision, "there is no intimation that this screening function should later be converted to a pass-through or conduit function whereby the court would make the tapes available to other parties demonstrating an interest therein."

He added that the commit-

tee apparently "approaches" the court because the court "happens to be" temporary custodian of the original tapes.

"Requests to listen and copy should be directed to the President," the judge stated.

He noted that the House committee and the President both had avoided taking before the courts any matters dealing with impeachment.

The matter of impeachment is to be settled in Congress, not in the courts, according to the Constitution.

The House committee had been seeking full copies of

two presidential conversations of June 20, 1972, recorded three days after burglars surrendered inside Democratic National Headquarters at the Watergate building.

It also sought the entire June 30, 1972, conversation

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that took place just before John N. Mitchell resigned as head of the President's reelection campaign, and the entire Sept. 15, 1972, conversation on the day that indictments were returned against the Watergate burglars.

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