

# Sirica to Rule Later On Tape Subpoena

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U.S. District Court Judge John J. Sirica deferred a decision yesterday after hearing arguments from presidential lawyers against surrendering any more White House tapes to the Watergate special prosecutor's office.

The arguments were made in a 2½-hour hearing on a motion to throw out the prosecutor's April 16 subpoena for tape recordings, dictabelts, transcripts and memos involving 64 post-Watergate conversations. The conversations, most of which involved President Nixon, occurred between June 20, 1972 and June 4, 1973.

Following the closed hearing, Sirica's office said arguments on the subpoena were completed, but that the judge indicated a decision would not be made this week.

James D. St. Clair, Mr. Nixon's Watergate lawyer, refused to discuss his arguments, saying only, "It's obvious we're resisting it [the subpoena]; that's why we are here." He said Sirica had given firm instructions to both sides not to comment on the issue.

The White House already had indicated that it will carry the fight over the subpoena all the way to the Supreme Court, if necessary.

When asked whether he will bypass the U.S. Circuit Court of Appeals and go directly to the high court in the event Sirica rules against him, St. Clair said yesterday, "I wouldn't want to comment on a purely hypothetical situation."

Watergate Special Prosecutor Leon Jaworski and his aides also refused to discuss the hearing, as did attorneys for former presidential aides H. R. (Bob) Haldeman and John D. Ehrlichman.

Although Jaworski's writ-

ten pleadings on the subpoena have been under seal, defense motions made public have shown that the prosecutor's memo relies on secret grand jury testimony as justification for demanding the tapes.

In asking that the subpoena be quashed, the President's lawyers have maintained that Jaworski has failed to show why the tapes are needed for the Watergate cover-up trial, which is scheduled to begin in September.

Earlier in the day, Sirica announced that the final technical report on the 18½-minute gap on one of the crucial Watergate tapes will be made public in about two weeks.

His decision followed a 2 hour and 45-minute meeting with members of the panel of experts who have studied the tape of a June 20, 1972, meeting between Mr. Nixon and Haldeman three days after the discovery of the break-in at Democratic National Committee headquarters.

In a preliminary report in January, the experts concluded that the obliterated segment was the result of at least five separate erasures, all done manually, and could not have been caused by the foot pedal that Mr. Nixon's secretary, Rose Mary Woods, said she used.

The additional tests, sources have said, indicate more strongly than before that the erasures were deliberate.

Sirica said the inch-thick experts' report will be released once it is printed in final form, but he said he had no plans to conduct hearings on its substance, Sirica refused to discuss the report, or the discussions leading to his decision to eventually make it public.