

Stans Data Privilege Claim Rejected

Timothy S. Robinson

Washington Post Staff Writer

U.S. District Chief Judge George L. Hart Jr. yesterday afternoon ordered correspondence between President Nixon and former Commerce Secretary Maurice Stans turned over to the Watergate grand jury investigating charges that large contributors to President Nixon's 1972 re-election campaign sought, or were promised, federal jobs in return for their donations.

Judge Hart used yesterday morning's Supreme Court decision in the presidential tapes case as a basis for rejecting President Nixon's personally invoked claim of executive privilege on the documents, which were sought by Watergate

special prosecutor Leon Jaworski.

The grand jury has received "circumstantial and direct evidence" to that effect in its investigations of possible violations of bribery, conspiracy and campaign contribution laws in connection with the 1972 presidential re-election campaign, Jaworski has said.

The President, however, had invoked the executive privilege claim on any correspondence between himself and Stans concerning job appointments, saying the documents should remain secret to protect the disclosure of candid reports on jobs recommendations to a President from his advisers.

Judge Hart said in his three-page opinion yesterday afternoon, however, that

the documents must be turned over to the grand jury because they "may be relevant" to the inquiry.

"An examination of the papers indicates that some of the papers relate to possible ambassadorial appointments, but this court does not deem them to relate to 'diplomatic or sensitive national security secrets' as those terms are defined and used" in the Supreme Court decision, Judge Hart said.

Judge Hart again adopted the language of the Supreme Court decision in adding:

"The court concludes that any privilege attaching to the papers in question and sought for use before the grand jury cannot prevail over the fundamental demands in the fair administration of criminal justice."

The approximately 10 to 15 documents, which are said to range in length from one page to several pages, will be released only to the prosecutor under court seal for use by the grand jury and will not be made public, for now. Judge Hart stayed the effect of his order until July 31 to give lawyers an opportunity to appeal his decision.

Hart had previously turned over to the grand jury three briefcases of Stans' files that Stans had said were his personal papers and sought to keep from the grand jury for that reason. Hart rejected that argument, saying the files related to the fund-raising conducted by Stans for the re-election campaign while he was Commerce Secretary and after he left that office.