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Sirica Due to Get 20 Tapes by Tuesday

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By George Lardner Jr.
Washington Post Staff Writer

White House lawyers agreed yesterday to surrender 20 of President Nixon's subpoenaed Watergate tape recordings by Tuesday and to turn over the rest to U.S. District Court Judge John J. Sirica as quickly as possible.

The agreement came only after Sirica sent Mr. Nixon's attorneys and Watergate special prosecutor into his jury room with a warning that he wanted a quick timetable set.

The judge said he would have imposed his own deadlines if the lawyers were

still dicker when they came out.

Anxious to start the Watergate cover-up trial by Sept. 9, Sirica sternly emphasized that he would do everything in his power to prevent any delays. He reserved the right to prod the White House again if the agreement breaks down.

Mr. Nixon's chief defense lawyer, James D. St. Clair, said he saw no problem in producing the first 20 tapes by 4 p.m. Tuesday for the judge's private inspection. Those 20 have been partially disclosed in White House-edited transcripts that the President made public April

30. They are part of the tapes of 64 conversations that were subpoenaed.

St. Clair, however, was less certain about the next—and perhaps most critical—batch of tapes which Watergate prosecutors wanted surrendered to the judge by next Friday. The White House lawyer said he hoped a "substantial" number of them would be ready then, but he said he could make no more definite promise before conferring with the President.

This second set of tapes, Special Prosecutor Leon Jaworski told the court, includes 13 White House con-

versations which the Watergate prosecution force regards as crucial.

All but one of those 13 conversations, Jaworski said, were included in an abortive compromise proposal that the President considered in early May — until

revealed the proposed compromise for the first time, Jaworski said it grew out of his disclosure on May 5 to both St. Clair and White House chief of staff Alexander M. Haig Jr. that the Watergate grand jury had named Mr. Nixon as a co-conspirator in the cover-

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up case. Jaworski said he warned them that he might have to disclose this fact in court if the White House continued to resist his trial subpoena for the tapes of 64 conversations.

Evidently using that as his pressure point, Jaworski said he then proposed an out-of-court settlement for the "very minimum" number of 38 tapes which the prosecutors considered essential.

The proposition included the 20 tapes partly disclosed in White House transcripts and 18 others that still remain secret. Most of these 18 were listed on the 64-tape subpoena, but at least some of them had not been—such as a March 20, 1973, conversation between the President and White House adviser John D. Ehrlichman.

(Nineteen minutes of conversation are missing from that Nixon-Ehrlichman tape.)

In any event, St. Clair told Sirica on May 6 that the White House was considering "possible compliance" with Jaworski's demands. Meanwhile, Mr. Nixon had his appointments secretary, Stephen Bull, obtain a large number of the tapes on the 18-item list for the President's review.

"The President of the United States listened to a number of these tapes on Monday, (May 6) and Tuesday (May 7)," Jaworski said.

"I can't say he listened to all of them, but I think it is true that he did."

The White House then rejected the compromise. On the afternoon of May 7, St. Clair announced that the President had decided not to surrender any of the tapes after all. The court battle for the larger total of

64 taped conversations resumed, culminating in the Supreme Court's decision Wednesday that all of them were subject to judicial review for evidence relevant to the cover-up trial.

At the outset of yesterday's hearing, St. Clair told the court that Mr. Nixon wants to make sure he has heard each tape before it is given to the judge. "The President feels quite strongly that he should know what he is turning over," St. Clair said.

The White House lawyer said the Secret Service started making copies of all the subpoenaed tapes yesterday morning. The original six-hour reels containing the subpoenaed conversations—along with tape copies of each individual conversation—will be furnished to Sirica.

St. Clair, however, said he could not promise all of them in "x number of days"—partly because the President wants to listen at least to those he hasn't heard, partly because of possible mechanical difficulties, and partly because White House lawyers must draw up an index of whatever individual segments Mr. Nixon still considers privileged.

Apparently unimpressed, Sirica noted that his original May 20 order calling for the 64 taped conversations demanded their production, along with the White House index, in 11 days. He asked St. Clair whether the Supreme Court had not upheld his order "in all respects."

St. Clair mustered a smile and agreed that the high court had done just that, by a vote of "eight to zero."

Sirica then sent the opposing lawyers into his jury room and said he would "set

the time limits myself" if they came out without an agreement. The judge also extracted a promise from St. Clair to listen to the tapes himself so that the court would have at least one White House lawyer available who knew what they contained.

Reluctant at first, St. Clair called himself "a poor listener" but he agreed to accept the responsibility.

After a 70-minute negotiating session in Sirica's jury room, the President's lawyer promised the 20 tapes by Tuesday and a progress report on the rest of the recordings by next Friday.

The chief prosecutor in the Watergate cover-up case, James F. Neal, said St. Clair had also agreed to make next Friday the "target date" for delivery of the 13 conversations, a dozen of which had been involved in the abortive compromise.

The 13th is a tape of a meeting between Mr. Nixon and former White House chief of staff H.R. (Rob) Haldeman on March 22, 1973; St. Clair recently offered a controversial White House transcript of a small segment of that conversation to the House Judiciary Committee. It has the President commenting in the past tense on an event that did not take place until the next day.

Neal said he thought St. Clair had also agreed that the White House would keep supplying the court with additional tapes "as soon as they are ready ... even if it's just one, two or three of them."

St. Clair said he would have to review the plan with the President before making any final commitments on the points Neal raised.



By Tom Allen—The Washington Post

THE SHORT AND TALL OF IT—If you're a photographer at the impeachment session and happen to be short you stand on a chair.

The judge was satisfied, at least for the moment. "All right," he said as he ended the hearing, "now I think we're getting somewhere."