

St. Clair Agrees to Begin Yielding Tapes on Tuesday

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Special to The New York Times

WASHINGTON, July 26 — Under pressure from Federal Judge John J. Sirica, President Nixon's chief defense lawyer tentatively agreed today to begin turning over the subpoenaed records of 64 White House conversations by next Tuesday afternoon.

The lawyer, James D. St. Clair, made the agreement subject to approval by Mr. Nixon.

This afternoon, at the Western White House in San Clemente, a senior official said that he saw "no problems in the arrangement" worked out by the lawyer.

Gerald L. Warren, the deputy White House press secretary, said in San Clemente that a draft of a court order embodying the agreement was being sent to the Western White House by Telecopier.

Under procedures worked out in District Court here today, Judge Sirica will sign the order once Mr. Nixon signals his agreement.

Mr. Nixon fought the subpoena for months. But on Tuesday, the Supreme Court unanimously upheld Judge Sirica's order compelling Mr. Nixon to comply, and that night the President said that he would respect the decision.

The agreement provides that the White House will give Judge Sirica, by 4 P.M. Tuesday, the original tape recordings

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of 20 conversations that were included, to varying extents, in the edited White House transcripts that Mr. Nixon released to the public on April 30.

The agreement sets the following Friday, Aug. 2, as the "target date" for turning over records of as many of the remaining 44 conversations as possible.

In processing the tapes, moreover, Mr. St. Clair is to concentrate first on those that the Watergate special prosecution, which issued the subpoena, considers "priority."

Mr. St. Clair worked out the timetable with Leon Jaworski, the special prosecutor, at a meeting convened by Judge Sirica midway in a hearing at the United States Court House into the question of compliance

with the subpoena.

At the start of the hearing, Mr. St. Clair told the judge that it would take some time — though not an inordinate amount — to process the tapes.

But Mr. Jaworski, who wants the tapes for use in the forthcoming Watergate trial, said that unless they were turned over quickly, the trial would be delayed beyond its scheduled Sept. 9 starting date. He asked for an order requiring Mr. St. Clair to turn over all the tapes within 10 days.

Court's Decision Recalled

Judge Sirica told the lawyers he wanted the trial to begin as scheduled. He reminded Mr. St. Clair of the Supreme Court's decision. He suggested that the processing of the tapes and records — in which the White House must make an index analysis of the material and describe which parts it believes should be withheld from the prosecution — need not be lengthy.

Then he called a recess, telling the lawyers to get together and work on a timetable.

"If you can't," he said, "I'll set the time."

Seventy-five minutes later, the lawyers returned with their arrangement.

Compromise Rejected

At the hearing, Mr. Jaworski disclosed that he and Mr. St. Clair had at one point considered an out-of-court compromise on the subpoena in which Mr. Nixon would agree to turn over tapes of 18 conversations selected by the prosecution as especially important. He would also turn over the tapes of the 20 conversations of which portions were included in the edited White House transcripts.

In return, Mr. Jaworski would drop his pursuit of the remaining tapes.

Mr. Nixon rejected the compromise a few days later, however. According to Mr. Jaworski, the President decided to reject it after listening to some of the tapes in question.

Mr. St. Clair, commenting on the incident at the hearing and then later to reporters outside the courthouse, did not contest Mr. Jaworski's account. He said, however, that one part of the proposed compromise was that there would be no disclosure, at that point of the fact that the Watergate grand jury had named Mr. Nixon as an undicted co-conspirator in the Watergate case.

Mr. Nixon, Mr. St. Clair said, did not "want to enter into that."

When the compromise plan collapsed, the prosecution re-

sumed its efforts to force compliance through the courts, and, in justifying the subpoena, disclosed the grand jury action in secret session. News of the disclosure later leaked to the press.

The hearing today was also marked by some veiled complaints by each side about the other. Mr. Jaworski, in asking the court to issue an order that allowed no argument, said that the record of White House compliance with prosecution requests was "sad" and "disappointing." He offered the judge copies of correspondence between the prosecution and the White House detailing some prosecution requests.

Mr. St. Clair then said that the record was also "sad" from the President's point of view because of the way in which material turned over to the prosecution subsequently found its way to the press. He offered no example.

Members of the prosecution staff expressed satisfaction with the arrangement worked out with Mr. St. Clair. As one lawyer put it, the arrangement meant that for the first time there was a "better than 50-50 chance" that the Watergate trial would start on time.

Lawyers for all six defendants in the case were at court today for the hearing. Some of them, though, suggested that it was unlikely that the trial would start on time. Many if not all of the defendants, they said, may well be called to testify this fall in the impeachment trial.