

Broadcast Likely Of Nixon Tapes

Washington

The White House tapes played at the Watergate cover-up trial probably will be released for public broadcast after the trial ends, a federal judge indicated yesterday.

"The public should have the opportunity to hear them," U.S. District Judge Gerhard A. Gesell said in a memorandum.

He ruled that former President Nixon, who has protested public release of the tapes, "has no right to prevent normal access to these public documents . . .

"His words cannot be retrieved; they are public property and his opposition is accordingly rejected," Gesell said.

The three networks, ABC, CBS and NBC, the Public Broadcasting System, the Radio and Television News Directors Association, and

record firms asked to be allowed to copy the tapes.

"The tape exhibits are in evidence and have therefore come into the public domain," Gesell ruled. "The courts are a branch of government and criminal proceeding involving officials holding high positions of public trust must peculiarly remain open for the closest scrutiny and discussion by citizens."

Gesell noted, however, that "before the tapes can be released, certain immediate obstacles must be overcome."

He said material not played at the cover-up trial must be excised, a process that might take several weeks, and that no attempt should be made to copy the tapes until after the trial ends.

"If any release is to be made," the judge cautioned, "it must obviously be ac-

complished on a basis which does not permit over-commercialization of the evidence." He said the press and others interested must be treated equally.

Gesell asked all parties in the case to suggest appropriate ways for releasing the tapes, saying he was doing so "without in any way indicating whether it is practical or possible" to do so.

He asked for the suggestions before January 3.

To date, 31 tapes have been played for the jury — all but two of conversations involving Mr. Nixon.

Gesell noted that none of the five defendants in the case, the prosecutor or the judge, John J. Sirica, have objected to the tapes release.

Mr. Nixon had claimed a property right upon the tapes and a privilege against disclosure.

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