

Nixon Loses Another Fight For His Tapes

Washington

The U.S. Court of Appeals here dealt Richard M. Nixon another setback yesterday regarding his efforts to keep his White House tapes out of the public domain.

The court ruled that he must yield tapes in civil as well as criminal cases.

The decision makes it possible for plaintiffs in various wiretap suits against Nixon to demand tapes as evidence to be played in open court.

A Supreme Court ruling, while Nixon was president, forced him to yield the tapes in criminal cases. That decision led Nixon to make public several incriminating tapes that forced his resignation and provided evidence for the Water-gate coverup trial of his associates.

The new appeals court decision, which Nixon's lawyers say they'll appeal to the Supreme Court, says the tapes must be provided in civil actions as well.

Representative John V. Del-lums (Dem-Calif.), and 1200 persons arrested in the 1971 Mayday demonstrations at the Capitol, have demanded the tapes in their civil suit against Nixon and others.

Specifically, they ask for all tapes of conversations at the White House from April 16 through May 10, 1971, at which the demonstrations were discussed.

A lower court awarded the demonstrators \$12 million in damages from the District of Columbia government. That case is being appealed and the tapes are being sought in connection with that appeal.

In yesterday's ruling, the court said in a 2-to-1 ruling that the plaintiffs had shown a specific need for the requested information, "sufficient to overcome the rebuttable presumption of privilege of a former president, assuming such a privilege exists."

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