

FAIR AND WINDY. Mostly fair weather should prevail over Tucson today with gusty afternoon winds and some afternoon and evening showers over the mountain areas.

Cool weather remained in the northern half of the nation. Details on Page 4A.

Global

WHEAT SUPPLIES. The U.S. tells those attending a U.N. conference on wheat that U.S. stockpiles of wheat, though shrinking, are sufficient to meet demands from all over the world.

SOVIETS ESTABLISH COPYRIGHTS. Alexander Solzhenitsyn, Nobel laureate from Russia, takes a dim view of his country's creation of a "copyright agency."

CAMBODIAN FIGHTING. Government troops claim successes on two major highways and in Kompong Cham while insurgents tighten their hold on the vital supply road to the rice paddies.

CHILEAN DENATIONALIZATION. A spokesman for the junta that overthrew the Chilean government Sept. 11 announces that they want a return to private investment in the country's copper mines.

PROSTITUTES' PROTEST. Roman harlots are on strike against military and police forces since a postal employe, Titti Sciascia, 34, was suspended for posing bare-breasted on a bridge across the Tiber.

ROOSEVELT TO TESTIFY. Elliott Roosevelt, the son of Franklin D. Roosevelt, agrees to testify before the Senate subcommittee on investigations about charges that he contracted for the murder of Bahamian President Lynden O. Pindling.

U.N. MEMBERSHIP OPPOSED. Pakistan's Prime Minister Bhutto tells the United Nations General Assembly that Pakistan would oppose membership for Bangladesh while that country holds 195 Pakistanis for war-crimes trials.

National

DEFENSE SPENDING. The debate on defense spending coming up in the Senate will pit two powerful personalities against each other in a long awaited showdown.

STERILIZATIONS. The Department of Health, Education and Welfare proposes new regulations to protect the interests of poor people sterilized in clinics supported by federal funds.

HEAVY VOLUME ON MARKET. Stock prices post broad gains as the market scores its heaviest volume for the year to date.

SEXTUPLETS GAINING. The mother of the Stanek sextuplets says she is encouraged by medical reports that three of the five children that have survived were gaining in their lung-disease battle.

Local

LAND TAX PROPOSED. Mayor Lew Murphy says in a speech at the University of Arizona that one way to stop urban sprawl might be to make it unprofitable — through taxation — for inner city land to remain undeveloped.

NURSING-HOME BEDS. The Tucson Health Planning Council, moving swiftly after gaining state approval to expand nursing-home facilities, gives tentative approval for 110 new beds in the city.

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Family Finds Itself In Crime Data Bank

BOSTON (AP) — A letter from an irate citizen who found nearly all of his family listed in the FBI's crime file data bank has spurred Gov. Francis W. Sargent to protest the computerized system.

Sargent says he is writing to all of the nation's governors urging them to join in petitioning the Justice Department and Congress to provide safeguards on the data system.

The governor also released the letter, which said: "A scary thing happened to me last spring. A relative of mine got a job as a deputy sheriff. One bored night on dispatcher duty, he ran his family through the National Crime Information Center. Ten out of 11 of us were listed."

None had criminal records. But the man found his mother listed because, when she was 18, neighbors complained of a noisy party. His stepfather's name was there because he reported receiving a bad check.

White House, Cox Fail To Reach Accord On Tapes

By DONALD M. ROTHBERG

WASHINGTON (AP) — The White House and the special Watergate prosecutor told a federal appeals court Thursday that they had been unable to compromise on access to presidential tapes recordings.

The U.S. Court of Appeals had suggested the compromise, and failure between the two parties to agree set the stage for an expected showdown on the judiciary's right to compel President Nixon to surrender the tapes.

In nearly identical letters to the clerk of the seven-member appeals court, both parties said they had met on three occasions this week and regretted to advise the court "that these sincere efforts were not fruitful."

They said they had agreed to say nothing about their discussions beyond the notification to the court, which had set Thursday as a deadline for response to its suggested compromise.

The court had proposed that both sides ex-

plore the possibility of letting special prosecutor Archibald Cox listen to the tapes and determine what portions were essential evidence for the Watergate grand jury.

The letters disclosed that Cox and J. Fred Buzhardt, special White House counsel, had met on Monday and Tuesday and that a final meeting was held Thursday.

Participants in the final meeting, which lasted several hours, included Cox, Buzhardt, Prof. Charles Alan Wright, special legal consultant to the President for the tapes case, and Leonard Garment, White House counsel.

The failure to reach an out-of-court settlement left it to the appeals court to decide the case on the constitutional issues raised.

When it suggested that the parties try for a compromise, the court had cautioned that its suggestion should not be taken as an indication of how it ultimately might rule.

Whatever decision is forthcoming is considered certain to be appealed to the Supreme

Court. Nixon has said he would abide by a definitive decision from the highest court but he has refused to discuss what he would consider a definitive judgment.

The court made its suggestion in an unusual unsigned memorandum and asked both sides to determine whether "the approach indicated in this memorandum has been fruitful."

The court said that if the parties failed to reach a compromise settlement, it would then

\*Agnew developments on Page 8A.

judge the case "with the knowledge that it has not hesitated to explore the possibility of avoiding constitutional adjudication."

The long battle over the tapes entered the courts last July when Cox subpoenaed the recordings of nine presidential conversations about Watergate.

After considering written and oral arguments from both sides, U.S. District Court

Judge John J. Sirica ordered the President on Aug. 29 to give him the tapes to hear in private so he could determine if the President's claim that they should be kept secret was valid.

Both the White House and Cox disputed Sirica's ruling and asked the court of appeals to change it.

Cox wanted the court to order the tapes given to the grand jury or to allow him to listen to them along with Sirica.

The White House maintained its position that under the Constitution the three branches of government are equal and therefore the courts have no power to force the President to obey a judicial order.

The Senate Watergate committee also has filed suit seeking White House tapes and documents. On Thursday, Sirica scheduled oral arguments on that suit for Oct. 1. The White House is scheduled to file written arguments on Monday.

In other Watergate developments:

— Watergate conspirator G. Gordon Liddy pleaded innocent in Los Angeles to state charges of conspiracy and burglary in connection with the 1971 break-in at the office of Daniel Ellsberg's psychiatrist.

A public defender was appointed to represent Liddy, who told the court had no money to retain a lawyer. Liddy is serving a federal prison term for his part in the June 17, 1972, break-in at Democratic National Committee headquarters.

—The attorney who last January refused to let four defendants plead guilty in the Watergate trial sued President Nixon and several men connected with his 1972 re-election campaign for \$10 million.

Lawyer Henry B. Rothblatt claimed in a local superior court he was subject to "malicious interference with an attorney-client contact" and suffered loss of fees and reputation. He asked \$1 million to recover legal payments and \$9 million in punitive damages.

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'Security' Taps Criticized By Senate Panel Vote On Nomination Of Kissinger Set Today

By BERNARD GWERTZMAN

WASHINGTON — The Senate Foreign Relations Committee said Thursday that "very little, if any justification, was presented in most instances" for the White House-sanctioned wiretapping on the phones of four news men and 13 officials from 1969 to 1971.

In a formal report to the Senate recommending the confirmation of Henry A. Kissinger as secretary of state — the vote is set for today — the committee leveled the harshest authoritative criticism against the wiretapping. President Nixon has defended it as necessary to find the source of leaks of sensitive national security information.

It repeated that that committee, in examining the wiretapping record, found no grounds to bar Kissinger as secretary of state. It added: "The committee was deeply concerned, however, over the pattern of casual and arbitrary infringement of individual rights which this inquiry brought to light."

Kissinger had testified before the committee — which voted to approve his nomination Tuesday — that his role in the wiretapping was to provide the names of individuals who had access to information that had been leaked to the press.

The wiretapping was carried out by the FBI, with the approval of the then Atty. Gen. John N. Mitchell.

The committee was permitted to study an FBI report on the wiretaps, but it decided not to make public any of the details of the wiretapping, such as the names of those under surveillance.

These names, however, have appeared in the press, some of them seemed to have little connection with national security matters.

"Examination of the FBI report on these wiretaps revealed that very little, if any justification was presented in most instances, and that the attorney general's review was routine," the report said.

"At the time of the surveillance in question, adequate standards of probable cause were not applied and adequate procedural safeguards with respect to authorizing the terminating the taps were not observed," it said.

The committee, noting that it had decided on Tuesday to launch a study on wiretapping, said that it "intends to keep this matter under review to insure that neither officers or employees of the Department of State, the National Security Council, or any other agency, nor private citizens are subjected to the treatment to which officers of the Department of State and the NSC and members of the press were exposed during the recent past and to see what can be done to make sure that under cover of 'national security,' surveillance does not take place which is not related to a bona fide national security situation."

In its formal report to the Senate recommending confirmation of Kissinger, the committee welcomed the nominee's assurances of intention to initiate a new era of mutual trust.

"For its part, the committee is particularly anxious to restore the fabric of confidence which has been so badly damaged over the past decade," the report said.

"It would be naive to assume that the executive and legislative branches will always agree. But if the issues are debated openly and clearly, it should be possible to avoid the public confusion, mistrust and alienation which have developed during the past decade."

The committee conceded that "from time to time in recent years each of the branches may have become overly assertive of its own powers." It added: "It is clear that the American constitutional system works best when each branch has a clear sense of the limits of its authority and of the rights of the other."

"We hope," it concluded, "that this balance can be restored for neither branch is all-wise or all-powerful."

Kissinger's confirmation is scheduled to take place this morning, and he will be sworn in by Nixon either this afternoon or Saturday.



To The Victor . . .

Billie Jean King holds the winner's trophy high in the air after defeating Bobby Riggs in the \$100,000 winner-take-all tennis match in the Houston Astrodome. She set Riggs down, 6-4, 6-3, 6-3. Story on Page 1D. (AP Wirephoto).

State's High Court Backs Nudity Ban

PHOENIX — The Arizona Supreme Court issued a unanimous opinion Thursday upholding Tucson's ordinances against topless and bottomless dancing.

Tucson City Atty. Herbert E. Williams said immediately that one of six local cabarets could expect police raids as soon as he reads the decision and consults with police legal counsel.

Written by Justice Fred C. Struckmeyer Jr., the court ruled on a case against Edgar D. Yauch, owner of the Body Shop in Tucson, and Leota J. Porter, a dancer at that club.

The seven-page decision, climaxing a long and complicated history of litigation, denied that Tucson's ordinances violate the First and Fourteenth amendments to the U.S. Constitution and said they are but "statutory applications of the English common law offense known as indecent exposure."

The City of Tucson, Struckmeyer wrote, can legally prohibit nudity in public places in the interest of promoting health, safety, morals and the general welfare of the community.

In attempting to clear up some of the vague provisions in the Tucson ordinances, the court defined public places as "restaurants, nightclubs, bars, cabarets, etc., where spirituous liquors and food are dispensed."

Aimed at "crass, commercial exploitation of sex," the ruling noted, however, that the ordinances were not designed to suppress ideas conveyed in legitimate theater such as dances, plays, exhibitions, shows "or other entertainment where the dissemination of ideas is the objective."

"We cannot say," Struckmeyer wrote, "that these ordinances are aimed at serious works which left the spirit, improve the mind, enrich the human personality and develop character."

The Arizona court's opinion Thursday came after the landmark U.S. Supreme Court decision June 21 that left obscenity standards and their enforcement up to each community.

Recall Effort Killed Unless Suit Is Filed

By ERNIE HELTSLEY Star Phoenix Bureau

PHOENIX — The 16-month-old recall effort against Gov. Jack Williams was killed Thursday unless the issue is taken to the courts.

Secretary of State Wesley Bolin announced, after consulting with State Atty. Gen. Gary Nelson, that the recall forces fell 21,194 signatures short of the 102,852 signers required by Arizona law.

Gerald Pollock, an announced candidate to oppose Williams in the recall election, said at an afternoon press conference that after hearing from recall workers he will decide within a week whether he will continue as a candidate and if a suit will be filed.

Bolin said that only 81,658 signatures of the 177,000 filed by the recall movement were valid. Nearly 70,000 were invalid because of a variety of reasons such as non-registration of the signers.

An additional 26,651 were declared invalid, he said, because they were obtained by deputy registrars. Under advice from Nelson on July 27, these signatures were presumed invalid because of the potential use of coercion in getting voters to sign. He said the registrars did not come forth to prove otherwise.

Bruce Myerson, a Phoenix attorney and coordinator of the recall drive, said the sponsors would decide next week whether to seek reversal of the ruling.

"It is clear that certain public officials of the state as well as the highest leaders of the Republican Party have combined through a series of legal and illegal acts to deny citizens their right to vote in the recall election," said Myerson, also UFW legal counsel.

The governor said he had not seen the decision and would have "no comment at all."

The quickest action available to recall supporters now is a "special action" before the Arizona Supreme Court, Nelson said.

The UFW mounted the recall drive in May 1972 after the Legislature enacted the State Farm Labor Relations Act and the Governor rejected a plea from UFW leader Cesar Chavez to meet on the Capitol mall with protesters of the act to hear their views.

The Farm Labor Act bans strikes at harvest time, secondary boycotts and sets out rules farm worker organizers must follow.

Other political foes of the Governor were attracted to the recall campaign, and the petitions were delivered to the secretary of state's office last March. Another result of the campaign was passage of another law this year putting a 120-day limit on petition drives to gather signatures for recall elections.

Williams' four-year term ends in December of next year. The required number of signa-

tures for recall are one-quarter of the votes cast for governor in 1970.

Pollock said Bolin's decision was "grossly disillusioning" in that 50,000 to 70,000 signatures more than required were thrown out because of a law the "power structure just made up."

He said Arizona is the only state he knows of that puts the burden of proof of the validity of recall signatures on the petitioners. He said that elsewhere the burden is on the challengers — in this case the state.

Pollock defined the power structure as Nelson, Bolin, Maricopa County Recorder Paul Marston, other friends of the governor and "one newspaper tycoon (Eugene Pulliam, publisher of the Arizona Republic and Phoenix Gazette)."

He said he favored filing a lawsuit to challenge Bolin's decision, but that he would await responses from recall workers before deciding.

"If there were a Democrat in office (instead of Republican Williams) don't you think there would be a recall?" Pollock asked reporters.

Council To Okay Gas Price Hikes

WASHINGTON (AP) — Gasoline retailers will be allowed to raise prices soon, probably by Oct. 2, Director John Dunlop of the Cost of Living Council said Thursday.

The Cost of Living Council announced last week that gasoline dealers would have until next Tuesday to submit information on their prices and profit margins and that the council would "act promptly to make appropriate upward adjustments in the ceiling prices."

Pressed by Sen. Charles Percy, R-Ill., Dunlop told a congressional subcommittee Thursday that "I would hope it would require no longer than a week" beyond next Tuesday for the council to act. That would be Oct. 2.

Dunlop said the action probably will result in hikes of one or two cents per gallon.

Dunlop told the subcommittee that the council also will consider permanent changes in Phase 4 profit-margin regulations applying to gasoline dealers. But he said that, although the council will consider changing the tight regulations on the petroleum industry, there are no plans to change them.

Demand Flagging Severely

Beef Prices May Drop, Suppliers Say

There is plenty of beef around but the demand is weak and the price may drop next week. That's the view of livestock market men, markets and suppliers.

"Beef is just not moving," said Ed Ayers, of the Livestock Marketing Service in Phoenix. "We have handled only about 5,800 head this week and that is way below normal. Usually we handle between 12,000 and 13,000 in a week."

Ayers said choice beef was bringing \$44 a hundredweight in Phoenix in volume lots and the meat trade was slow.

Wayne Fisher, president of the Lucky Stores in Dublin, Calif., said the price of beef supplied by the packers was running about \$3 over the freeze price of \$74 per 100 pounds.

He said his firm projected that the price on choice beef would be coming down between \$2 and \$3 per hundredweight in the coming week.

Managers of other markets supplying Tucson — Food Giant, Safeway, Bayless, Associated Grocers — agreed with this assessment of the beef situation.

Dick Stringer, manager of Tucson Prime Meats, one of the leading suppliers of meat to Tucson cafes, said, "There are no big high prices as everyone feared or expected."

"Now that there is plenty of beef available, no one wants to buy. Steaks and prime ribs are carrying the price load while chunks and rounds are depressed."

"When beef was in short supply, right after the freeze ended, everyone wanted to buy, now that there is plenty of beef, there is no demand."

Ayers said the price of beef in the major markets — Amarillo and Los Angeles — was running about \$6 below the prices last week. Amarillo was selling choice beef at \$66 a 100

pounds and Los Angeles at \$77. "The difference is in the freight costs," Ayers said.

In Chicago, the chairman of the National Live Stock and Meat Board said Thursday that reduced prices being paid at stockyards are signs that good meat values for consumers are in prospect.

"Choice beef carcasses sold at Omaha Wednesday at 69 cents a pound, down nearly 10 per cent from their high point," said John A. Copeland.

"Pork loins were off 30 per cent and lambs down 36 per cent from recent highs and it shouldn't take long for all this to be reflected in retail prices," Copeland said.

"In addition to increasing slaughter levels in recent weeks, the industry is in the first stage of a normal season bulge in marketing of all species," he said.