

Curb Asked on White House File Access

Post 11-6-74

United Press International

Attorneys for former President Nixon, citing the "privilege of presidential confidentiality," asked a federal judge yesterday to bar present or former White House aides from copying their files without Mr. Nixon's consent.

Continuing their dispute over custody of his presidential papers, his lawyers contended he retains the "right to object and prevent the copying of particular materials" if he judges it to be in the public interest.

Their claim was contained in a legal brief filed late Monday and made public yesterday.

The brief asked U.S. District Court Judge Charles R. Richey to modify an order issued last Thursday granting defendants at the Watergate cover-up trial and "any other

person" currently or presently on the White House staff the right to make copies of their files.

Nixon lawyer Herbert Miller Jr. said the former President must consent to everything requested to be copied and if he does not, the materials must be subpoenaed.

"These materials are subject to the privilege of presidential confidentiality, subject to compelled disclosure only upon a showing, pursuant to subpoena, of a specific need for evidence in a criminal proceeding . . . , Miller's brief said.

"The modifications requested . . . would restore the status quo insofar as it preserves the privilege of presidential confidentiality when requests considered illegitimate or particularly harmful

to the public interest served by the privilege are made."

Miller complained that Richey's order was "erroneous" in stating that there had been no objection to requests from Watergate cover-up defendants H.R. Haldeman and John D. Ehrlichman, once Mr. Nixon's closest aides, to copy their White House files.

He also protested Richey's order that Watergate prosecutors be given copies of everything obtained by White House aides from their files.

Richey has scheduled a hearing for Nov. 15 on whether an injunction should be issued to block transfer of Mr. Nixon's presidential papers to him in California.

Meanwhile, former White House counsel John W. Dean III, key figure in the Watergate expose, visited the old Executive office building,

Monday going through his old files and records.

Dean, who has pleaded guilty to conspiracy to obstruct justice and has been a chief witness in the Watergate cover-up trial, was accompanied by a federal marshal when he appeared at the Executive Office Building.

Sources said Dean would visit the White House throughout the week to look over the files he had when he was Mr. Nixon's legal counsel.