

Post
10 22 74

Judge blocks Nixon's custody

WASHINGTON (AP) — A federal judge issued an order Monday temporarily blocking the White House from giving former President Richard M. Nixon custody of his White House papers and tapes but allowing him to look at them in the meantime.

The order by U.S. District Judge Charles R. Richey was issued in response to competing motions asking him on the one hand to force the White House to stop giving out the materials and to ship them to California and on the other hand to order them held in government custody.

Richey ordered a little of both, directing the White House to hold onto the papers at least until the broader questions of the legal issues are worked

out but at the same time directing it not to disclose any of the materials except under proper court order.

But he ordered that Nixon can have access to the materials from his administration "for the sole purpose of preparing to testify in the Watergate criminal trial" and that if he cannot physically come to Washington to look at the materials he can have copies made.

Richey, who held a hearing on the matter earlier Monday, said his order should not prevent the turning over of materials in response "to a validly issued subpoena in any civil or criminal case," or to producing such materials for the Watergate cover-up trial now going on.

Nixon's lawyers had asked for a

temporary restraining order against officials of the Ford administration to bar them from releasing the Nixon papers and to protect the President's rights under the agreement he signed on Sept. 6.

The agreement about the Nixon materials preceded by three days the pardon granted Nixon by President Ford.

Earlier Monday a group of three organizations and eight individuals also asked the judge for an injunction but seeking to preserve the tapes and papers and to wipe out the agreement.

Both suits named the head of the General Services Administration, Arthur F. Sampson, and Secret Service director H. Stuart Knight as defendants.

of tapes

In addition, the Nixon suit had presidential counsel Philip W. Buchen as a defendant.

Nixon's lawyer, Herbert J. Miller, told Richey that the former president would be willing to release materials sought by Watergate grand juries. And he said that he had written the GSA telling them that the clause providing for destruction of the tapes on Nixon's desk does not go into effect for five years.

In his order Richey noted that "the criteria for granting a temporary restraining order have been met" and said that the motions for the order "are hereby granted in part and denied in part."

The injunction granted by Richey will remain in force for 10 days and he said it will be renewed if the parties ask for it.