

# Jaworski Faults White House on Tapes

## Sees Stalemate

By Lawrence Meyer  
Washington Post Staff Writer

Watergate Special Prosecutor Leon Jaworski said yesterday that he is having the same difficulty in obtaining White House tapes and documents from the Ford administration that he had with President Nixon.

The White House, Jaworski said, has taken a "neutral position" in a dispute between the special prosecutor and Nixon lawyers over control and access to the tapes.

Jaworski, who is stepping down as special prosecutor on Friday, said in an interview that attempts to get materials from the White House are at a "complete stalemate because of the position former President Nixon and his lawyers take."

The special prosecution force needs documents from the period when Mr. Nixon was President to complete investigations under way, including donations of milk producers to the Nixon re-election campaign. "The only way we can get the documents now is through subpoenas," Jaworski said.

Jaworski's office is preparing a new subpoena, said to demand scores and perhaps more than 100 documents and tapes relating to the milk fund investigation and other matters.

According to Jaworski, the real conflict is between his office and lawyers for Mr. Nixon. President Ford's White House counsel, Philip W. Buchen, "doesn't take a position" in the dispute, Jaworski said.

Mr. Nixon's tapes and papers remain in the possession and control of the Ford administration. On Sept. 6, an agreement was concluded between representatives of the White House and Mr. Nixon putting those materials

See TAPES, A13, Col. 1



LEON JAWORSKI  
... "I didn't sign up for life"

## TAPES, From A1

under the joint control of the General Services Administration and Mr. Nixon.

That agreement was not carried out, however, after Jaworski, who was not consulted before the agreement was signed, objected to it. Lawyers for Mr. Nixon filed suit in the U.S. District Court here last Thursday attempting to enforce Mr. Nixon's "contractual right" under the agreement to control exclusively access to the materials.

U.S. District Court Judge Charles R. Richey issued a temporary restraining order yesterday blocking implementation of the agreement.

According to Jaworski, Mr. Nixon's lawyers are trying to assert a contractual right in what is essentially a criminal matter. "We don't want to recognize that," Jaworski said. "We take the position all these matters are involved in criminal investigation."

The result of the White House's neutral position, Jaworski said, is a situation in which no one is pleased. Mr. Nixon has neither control nor access to his materials and the special prosecutor's office still is trying to obtain evidence that it was seeking when Mr. Nixon was in the White House.

The Senate passed a bill on Oct. 4 giving the federal government possession and control of all presidential materials from Mr. Nixon's tenure as President, but protecting Mr. Nixon's legal right to object to access to the tapes and papers. The bill now is pending before the House Administration Committee.

Buchen said in a telephone interview last night that President Ford had obtained an opinion from Attorney General William B. Saxbe holding that the materials belonged to Mr. Nixon "and that introduced a third party—the owner—into the picture."

According to Buchen, "It was understood that the former President should be allowed to exercise any objection, that he could not be cut out from the process."

Buchen said that the White House has responded "as quickly as we can" to every subpoena from Jaworski. "We have not responded to requests for materials and there's been no deadline put on these requests." Buchen said that he did not understand that Jaworski "is having any trouble getting documents."

Buchen said the White House encouraged Jaworski and Mr. Nixon's lawyer, Herbert J. Miller, to negotiate a procedure to give the special prosecutor access to materials he needed for continuing investigations and court proceedings.

When the Senate passed the bill concerning control of the Nixon materials, Buchen said, Miller became concerned "that any accommodation he might make would affect the course of the legislation." Buchen said he understood that the negotiations are continuing and "anything they work out is fine with us."

Jaworski said during the interview that he is confident that ultimately his office will obtain the materials it seeks. "I have felt that we are entitled to these documents, materials," Jaworski said. "It is to be regretted that we have these delays."

Jaworski also defended the performance of his staff against criticisms that more corporate violations of campaign spending laws had not been turned up. "The idea of saying you've got a couple of thousand corporations and only 19 or 20 were charged or pleaded is ridiculous," Jaworski said. "You have no right to go through a corporation's records unless you have something to go on."

Jaworski held out the possibility that more corporations or individuals may be charged in connection with illegal campaign contributions. Although he declined to be specific, Jaworski said, "I would say you will see more activity in that regard."