

Nixon asks control of papers

WASHINGTON (AP) — Richard M. Nixon is apparently healthy, able to hold his own in heated legal give-and-take and adamant about regaining complete control of the papers and tapes accumulated during 5½ years in the White House.

A rare glimpse of the former president filtered out Wednesday with the court filing of a 167-page deposition in which he defended his challenge to a new law making the records of his presidency public property.

Two sources present for the six-hour deposition taken at Nixon's San Clemente, Calif., home July 25 said they were reminded of the days when he met the White House news corps.

"It was like the old press conferences," said one. "Long answers to simple questions."

Another source said the 62-year-old Nixon was deeply tanned, immaculately dressed in a blue suit, gave occasionally sarcastic answers, and at least once paused to take pills with a drink of water.

The transcript of the deposition shows Nixon pledged to make some White House Watergate tapes public if a three-judge court in Washington should overturn the law his attorneys are challenging.

But Nixon declined to set a date for releasing any of the 42 million documents or 5,000 hours of tapes, except to say, "We will do it as expeditiously as possible."

Only he and his family, not Congress or the government, can make "the delicate judgments with regard to what is private and what is personal and what is political and what is embarrassing, what is national security," Nixon said.

Nine times, on the advice of his two lawyers, Nixon declined to answer questions, most of them from William Dobrovir, lawyer for columnist Jack Anderson.

Among the unanswered questions was whether Nixon had reviewed a June 23, 1972, White House tape before making public statements that the full story of Watergate was out.

The tape, released four days before Nixon resigned on Aug. 9, 1974, disclosed Nixon's approval for use of the CIA to block the investigation into the original Watergate break-in.

The questioning was confined to Nixon's view on why he should have possession of the tapes and documents as have presidents before him.

Nixon's lawyers frequently interrupted Dobrovir's questions, citing grounds of relevancy or by the complaining that Nixon was forced to draw legal conclusions.

In an early Watergate incident, Dobrovir was chastised by a federal judge for playing a White House tape for friends at a private cocktail party in the capital's fashionable Georgetown section.

During the deposition, Dobrovir asked Nixon how long it would take to review the tapes before making some of them public.

"I can't tell until I see how big the task is," said Nixon across a hardwood conference table. "Most of the tapes are not as audible as the one you played at that cocktail party."

Under questioning, Nixon said the White House taping system was put in place on the recommendation of former President Lyndon B. Johnson, whom he quoted as saying his own recordings

were invaluable in the preparation of his White House memoirs.

Repeatedly, Nixon said if a president is to obtain candid advice from his aides, they must be assured that their conversations will remain private and confidential. The same principle applies to all documents sent to and from the White House, he said.

When he was president, Nixon said of his assistants, "I wanted them to present their views with all the bark off so that I could, in making up my own mind, have the full range of options in front of me."

For that reason, Nixon said it would not be enough if all the tapes and documents were duplicated with the originals staying in Washington for public use and a copy going to him for his memoirs and a presidential library at the University of Southern California.

Only a former president can make the delicate judgments necessary to insure that the conflicting needs of history and privacy and national security are met, he argued.

The next step in the tangled legal fight over the Nixon papers will come the week of Sept. 22, when a special three-judge court will hold a formal hearing.

While Nixon is seeking to have new law on presidential materials declared unconstitutional, columnist Anderson, the Reporters Committee for Freedom of the Press, some historians and individuals like playwright Lillian Hellman are hoping to gain access to the materials under its provisions.

All of the Nixon material is currently frozen under court order, either in the White House or in a General Service Administration warehouse in Suitland, Md.