

Nixon Argues His Right to Release Data

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Former President Nixon said in a court document filed yesterday that the time has not yet come for "full disclosure" on the Watergate cover-up, and that the amount and timing of the final release of his materials bearing on the scandal is his decision alone.

"... I shall determine, ... not the Congress, I shall determine what can appropriately be made public. The President should have a right to make a determination as to whether or not and how and when there should be a disclosure," Nixon said.

The comments came in a 171-page deposition filed in Nixon's lawsuit seeking control and custody of government held documents from his presidency, including the White House tape recordings.

The testimony, given last month to 10 attorneys who sat around a hardwood conference table at Nixon's San Clemente, Calif., estate, is the first public release of Nixon's being questioned under oath since he resigned the presidency, Aug. 9, 1974.

See NIXON, A8, Col. 1

NIXON, From A1

Nixon also testified under oath before members of the Watergate special prosecutor's office and Watergate grand jury members, but that testimony has not been made public.

Nixon said in the deposition released yesterday that he intends to release the tape recordings and other materials "as expeditiously as possible" if they are turned over to him at the conclusion of his lawsuit.

But he made clear that any disclosure would come only after his personal review of the materials. "I am indicating my

intention to disclose, to make public the tapes, having in mind the national security problem, the embarrassment, the private (sic) issue. By 'embarrassment,' I am speaking of personal embarrassment and not speaking of embarrassment with illegality, of course," Nixon said.

Persons present at the deposition said Nixon appeared fit and tanned and was wearing a dark blue suit. His answers were sometimes short and sarcastic and alternatively lengthy and rambling.

The deposition was limited to Nixon's contention that the presidential materials from his administration should belong to him and should not be made public property as they would be under the terms of the congressional act he is challenging.

The tapes and documents at issue in the suit are being stored in a White House vault. Only the Watergate special prosecutor's office and certain White House aides have had access to the materials, the former for use in ongoing investigations and the latter for use in national security matters.

On at least nine occasions, Nixon's attorneys objected to his answering questions relating specifically to the Watergate scandal that drove him from office, saying the questions were "irrelevant."

Nixon accused attorney William Dobrovir, who was representing columnist Jack Anderson, of interrupting his answers at times.

On one occasion Nixon made a direct reference to Dobrovir's playing out of court a White House tape that he had obtained in an unrelated court suit. Dobrovir was chastized by a judge for that incident the day after it was disclosed.

Dobrovir had asked Nixon how long it might take to review the tapes if they were turned over to him, and Nixon replied that he could not be sure because "most of the tapes are not as audible as the one you played at that cocktail party."

Interlaced throughout the deposition was Nixon's view that virtually every document sent to the White House in his 5-year tenure belongs to him, as he claims they would have belonged to any other

President who happened to be in office at the time.

"Any memorandum that is supposed to influence presidential acts . . . is presidential material," Nixon said at one point, even if the material had not been personally seen or reviewed by the President.

Nixon estimated that he had seen about 200,000 of the 42 million documents at issue in the suit.

He repeatedly said that complete confidentiality of such materials is the only way a President can be assured that he is obtaining candid advice.

"... While the word 'secrecy' is one to us in a free society (that) is abhorrent, in terms of decision-making it is indispensable," Nixon said.

In other parts of the deposition, Nixon:

- Said he wrote more than half his speeches personally, after getting "good assistance" from his staff speech writers. "I would say I have spent more of my time preparing my own speeches and other public statements than any President since Woodrow Wilson," Nixon said.

- Criticized reporters who got information from what he called government "leakers," saying such reporters should get both sides of a story.

- Said neither his wife, Pat, his family, nor his personal secretary, Rose Mary Woods, was aware of the White House taping system before its existence was made public by former White House aide Alexander P. Butterfield.

- Said former President Johnson gave him two pieces of advice when he took office: install the White House taping system, and claim the donation of his vice presidential papers as an income tax deduction.

- Denied he had ever referred to U.S. District Court Judge John J. Sirica as "that god-darned Wop." He said that persons had misunderstood the tape in question, and that when former White House counsel John W. Dean III had referred to Sirica as a "tough judge," he had replied, "That is the kind I want."

- Denied he had ever sold or kept gifts sent by foreign governments when he was President. "All stories to the effect of that . . . are inaccurate," he said.