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Government to control Nixon papers

WASHINGTON (AP) — A special three-judge federal court ruled Wednesday that the government, and not former President Richard M. Nixon, should decide on public access to millions of documents and the White House tapes of his presidency.

The court said, contrary to Nixon's claims, a new federal law providing public access to the materials is constitutional.

At issue are 42 million documents and 820 reels of tapes, including those played during the Watergate cover-up trial and impeachment hearings of the House Judiciary Committee.

The three judges said government archivists should screen the materials to ensure that Nixon's rights to privacy are preserved, and determine what should be made public.

If Nixon were to review the record of his White House years, the court said, there is "always some risk that those items that might paint a different picture from the one he would like to

report will be subject to destruction or alteration, or otherwise be unavailable to various government agencies and members of the public."

The 106-page opinion was written by U.S. Appeals Court Judge Carl E. MacGowan. Another appeals court judge, Edward A. Tamm and U.S. District Judge Aubrey E. Robinson Jr. joined in the ruling.

They said the Nixon materials, except for limited purposes, would remain locked up pending a Supreme Court appeal. Nixon's lawyers confirmed they would appeal, probably in the high court's session beginning next fall.

The legal battle over the Nixon materials began almost simultaneously with his resignation from the White House Aug. 9, 1974. Aides to President Ford worked out a double-key arrangement under which Nixon and government officials would have mutual access to the tapes and documents, which would have been stored near Nixon's San Clemente, Calif., home.

Special Watergate Prosecutor Leon Jaworski objected, saying some materials were needed for criminal prosecutions and expressing doubts that they would be available if Nixon retained control.

Nixon went to court seeking possession of the materials. On Dec. 19, 1974, President Ford signed the Presidential Recordings and Materials Act, giving the government possession and ordering the General Services Administration to set out rules for public access.

Nixon lawyer Herbert J. Miller Jr. also challenged the constitutionality of the new law, saying it violated the former president's right to privacy and would jeopardize confidential conversations between presidents and their aides.

In its ruling Wednesday, the three judges said, federal archivists who have handled the papers of other presidents have "an unblemished record for discretion ..."