

A White House Pullback on Tapes

Washington

Responding to objections from the Watergate special prosecutor, the White House has agreed to halt implementation — at least temporarily — of its decision to give former President Nixon control over the tapes and documents made during his administration.

According to ^(12 SEP) informed sources, presidential counsel Philip Buchen assured representatives of the special prosecutor's office in a White House meeting on Thursday that a White House negotiated agreement with Mr. Nixon will not take effect, pending further discussion about the disposition of tapes and documents.

Under the agreement negotiated between the White House and Mr. Nixon's attorneys, the former President would retain control over access to his papers and tapes. In addition, the agreement, which was made public Sunday, preserves Mr. Nixon's ability to fight subpoenas of the tapes and documents through the courts.

During the White House meeting with Buchen on Thursday, informed sources reported, deputy special prosecutor Henry Ruth asserted that the agreement restricts the government in its continuing investigation of the Watergate conspiracy.

Attorneys from the special prosecutor's office argued that Buchen should reopen negotiations with Mr. Nixon to obtain a less restrictive agreement.

Buchen refused to say he would reopen negotiations, the sources said, but assured Ruth that control of the Nixon material would not shift until completion of further discussions with the special prosecutor's office.

According to the sources, Ruth and his associates attacked the legal foundation of the agreement with Mr. Nixon, which was the opinion by Attorney General William B. Saxbe that the papers and tapes are "the property of Richard M. Nixon when his term of office ended."

To the contrary, Ruth reportedly argued a stronger argument could be made

that the right of the government to access to the material for criminal investigations should have priority over any claim of Mr. Nixon's. The sources said that special Watergate prosecutor Leon Jaworski, who was not at the White House meeting, had given prior approval to Ruth's objection to the agreement.

The agreement on control of the Nixon materials was assigned by the former President and General Services Administrator Arthur F. Sampson on Sept. 6 and was announced Sunday along with President Ford's pardon of Mr. Nixon.

One government attorney said yesterday that he believes the agreement could not be revoked because it says "upon your acceptance we both shall be bound by the terms of this agreement."

Spokesman for the White House and office of the special prosecutor had no comment about Thursday's White House meeting and the decision to suspend implementation of the agreement.

During the meeting, according to the sources, the representatives of the special prosecutor complained that the agreement put them in no more advantageous a position to obtain subpoenaed materials than when Mr. Nixon was in office.

Associated Press