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Lawyer Got Nixon To Admit Errors

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Last Sunday's written acknowledgment by former President Nixon that he had erred in handling the Watergate affair was suggested by Mr. Nixon's defense lawyer rather than by President Ford or his emissaries in the negotiations for Mr. Nixon's pardon, according to a key participant in those negotiations.

President Ford did not instruct his aides or legal advisers to seek such a statement, the source said, although he was pleased when told that a statement of contrition would be made.

The source said he did not know why Mr. Nixon's lawyer, Washington attorney Herbert J. Miller Jr., had offered the statement, and Miller yesterday declined to comment. However, the source said it was his impression that Miller "felt

that way. He's that kind of guy."

In the statement, the former President went beyond his previous admissions of faulty judgment in dealing with Watergate, but did not acknowledge any criminal wrongdoing.

He said he had been wrong in "not acting more decisively and more forthrightly in dealing with Watergate, particularly when it reached the state of judicial proceedings."

The negotiations that led to Mr. Nixon's pardon were handled by Washington lawyer Benton L. Becker, a friend of President Ford. They were capped by a meeting with President Nixon Sept. 8 at San Clemente. The meeting was attended by Becker, Miller, and former White House

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press secretary Ronald Ziegler.

A source with knowledge of the meeting described Mr. Nixon as appearing "despondent."

"He was depressed, quiet, moody, and sullen," the source said. "He looks 20 years older than his age."

Becker and Miller arrived at San Clemente at 11 p.m. Sept. 5, and spent three hours with Ziegler, the source said.

During these and subsequent negotiations, the key

point of contention was the degree of control Mr. Nixon would have over his White House papers and tapes.

The two sides eventually agreed that Mr. Nixon would retain ownership and control over the tapes and documents, but they would be kept in the custody of the federal government.

In this way, the source said, the White House hoped to remove itself from the responsibility of producing documents or tapes when requested to do so by court order. A chief reason for this

desire, the source said, was that it would be difficult for persons not connected with Mr. Nixon to determine which tapes or papers were called for.

The source pointed out that the tapes are not indexed and carry no listing of the participants in the recorded conversations.

Under the agreement that was worked out, however, the government has responsibility for the security of the documents and tapes.

The final meeting with Mr. Nixon took place in his formal office near his San

Clemente estate. The meeting, which began at about 4 p.m., lasted half an hour, the source said.

Mr. Nixon was wearing a dark suit and tie and a white shirt.

After pleasantries were exchanged, the participants discussed terms of the agreements. Since Mr. Nixon already knew that he was to be pardoned, he did not seem relieved by the meeting, the source said.

Instead, he appeared tired and "sad." The impression, the source said, was not that Mr. Nixon had been apprehensive about being convicted but that he was showing the effects of "what he had gone through in the last six months."

When the meeting ended, Mr. Nixon expressed appreciation to Becker for "being fair."

The comment was thought by the source to mean Mr. Nixon did not feel he had been "bullied" by Becker.