

Nixon Sues to Get Control of Tapes

Washington

Former President Nixon asked yesterday that the U.S. District Court here enforce the September 6 agreement giving him personal control over his presidential tape recordings and papers.

The move came as private negotiations over access to the tapes and papers broke down among lawyers for Mr. Nixon, special Watergate Prosecutor Leon Jaworski and the White House.

In addition, Mrs. Nixon's lawyers stated that Jaworski is preparing to go to court to seek formal subpoenas for the documents. The special prosecutor had been trying for more than a month to obtain an agreement for handling such matters without going to court.

Mr. Nixon's lawsuit was filed against Arthur F. Sampson, head of the General Services Administration; Philip W. Buchen, counsel to President Ford, and H. Stuart Knight, director of the Secret Service.

Sampson signed the controversial agreement on the tapes and papers, the Secret Service is holding them, and Buchen, at President Ford's orders, has blocked carrying out the agreement and sending the documents to California to be locked in a vault to be built near Mr. Nixon's estate at San Clement.

Mr. Nixon's lawyer, Herbert J. Miller Jr., asked the court for a temporary injunction to bar giving anyone but Mr. Nixon access to the papers and to permanently bar any action that does not follow the terms of the agreement.

A hearing on the temporary injunction is set for Monday. 21 OCT

The suit claims the agreement was legal, that the government has failed to enforce it, that the documents are the property of Mr. Nixon, that the Ford White House intends to release some of them without Mr. Nixon's approval and that the former President's rights to the papers are in jeopardy.

The suit was filed as President Ford was assuring a House subcommittee personally that "those tapes will not be delivered to anybody until a satisfactory agreement is worked out with the special prosecutor."

When the former President's pardon was announced by Mr. Ford on September 8, the White House made public the terms of the Nixon-Sampson agreement which had been signed two days earlier.

The agreement provided for transferring all documents and tapes to California where they would be

locked up with the only access being by the use of two keys — one held by the former President and the other by the Archivist of the United States. Both keys would be needed to open up the vault.

It also provided for Mr. Nixon to donate whatever tapes he chose to the government in five years and for their eventual destruction.

The arrangement brought an immediate response from the special prosecutor as he attempted to protect possible evidence needed for trials and investigations. It also stirred a flurry of bills in the Congress to have the government take protective custody of the materials.

The White House then announced it had temporarily suspended the agreement, and the Watergate special prosecutor's office began the unsuccessful meetings with the former president's lawyers.

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