

Making Records of the Presidential

By Tom Zito

A court ruling early this month that designated the White House tapes as public property has provoked a flurry of cogitation in the record industry. Several major companies are considering albums of former President Nixon's conversations with his aides. And yesterday one company—Warner Brothers Records—detailed its plans for packaging the tapes as an 11-LP boxed set, complete with transcripts of the material and possible recorded commentary by actor George C. Scott.

Walter Pincus, a New Republic editor here who has been writing on Watergate and the issue of access to the tapes, has been working on the record project for almost three weeks.

"Journalistically this is unprecedented," Pincus said yesterday. "It's a fascinating thing for a journalist to do. Part of it is to try to do what I'm trying to do in my [New Republic] pieces, only on records this time. They've let me structure this exactly the way I want to. The challenge is to make it tell a story that's fair and at the same time interesting. It's got to be done as a documentary that's carefully put in context. That's really what my job is."

Pincus, who is formally listed as project consultant on the venture, is working under record producer Mickey Kapp, who has been heavily involved recently in creating special record sets that are mass marketed on TV.

"We're not dealing with rock 'n' roll this time and we're well aware of it," said Stan Cornyn, a Warner Brothers senior vice president. "Speed is not going to be of the essence on this project. Undoubtedly this idea is being considered at most record companies, and once the tapes are released it would be possible to get a record out in no time at all. We want this to be a serious piece of journalism. Along with the networks, we were one of the four first petitioners for access.

"We're looking for a narrator who will have an image of respect. We're negotiating with George C. Scott right now. We're also in the

Tapes

process of designing a tasteful album cover. First we'll put out a two-record set that will list for \$9.98. Then we'll follow that with the 11-record set that should sell for about \$25. Of course, the number of records in that box will depend on how much material is in the tapes. We want this to be a complete set, whether it takes 11 or 20 records."

The legal precedent for a record album of the White House tapes was created when U.S. District Court Judge Gerhard A. Gesell ruled on Dec. 5 that "former President Nixon has no right to prevent normal public access to these public documents which have already been released in full text. His words cannot be retrieved; they are public property . . ."

Judge Gesell has set a Jan. 3 deadline for the networks, Warner Brothers and other interested parties to propose a plan for reproducing and distributing the tapes. His order specifically prohibited

any "overcommercialization" of the tapes, although sources indicated that the order did not preclude the production of phonograph records from the tapes.

Release of the tapes is now keyed to the conclusion of the Watergate cover-up trial, as well as Judge Gesell's ruling on an action instituted by Nixon lawyer Herbert J. Miller Jr. Miller has asked that the question of releasing the tapes be certified—that the issue be presented to a higher court of appeal for a ruling before a final order is made because of what Miller contends is an unusual legal question. Judge Gesell will decide on whether or not to "certify" the question after parties interested in obtaining the tapes have submitted their arguments in the matter.

Should Judge Gesell decide against certifying the question, the former President can still appeal the order to a higher court.



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Then-President Nixon, above, smiles after agreeing to release transcripts of the White House tapes to the House Judiciary committee last April; Warner Brothers Records is currently negotiating with actor George C. Scott, left, for possible commentary to accompany an 11-record set of the tapes.