

U. of Southern California To Build a Nixon Library

NYTimes

APR 21 1975

Special to The New York Times

LOS ANGELES, April 20—Former President Richard M. Nixon and the University of Southern California said today that Mr. Nixon was giving papers and materials accumulated over his years in public office to a Presidential library to be established on the university's main campus. When completed, the library would be deeded to the Federal Government.

The joint statements left unclear, however, the question of what papers and materials the former President was legally empowered to donate to the university.

The papers and materials of the Nixon Presidency, including the White House tapes, are in Washington. Last December, President Ford signed into law a bill authorizing the Federal Government to retain ownership of Mr. Nixon's Presidential papers.

Attorneys for Mr. Nixon are challenging the constitutionality of that law, and the case is before a three-judge Federal District Court Panel, which is deciding whether it may assume jurisdiction in the matter.

Also in Washington, in the National Archives, is a sizable block of pre-Presidential papers that Mr. Nixon donated to the Government in two separate deeds in 1968 and 1969, and was used as part of Mr. Nixon's income tax deduction. A tax deduction for 1969 was ultimately disallowed by the Internal Revenue Service, but a spokesman for the General Services Administration said today that the Government still considered Mr. Nixon's gift of pre-Presidential papers legal.

A further impediment to Mr. Nixon's plans to deed his Presidential papers to the university is a series of civil suits asking that the public be given access to the former President's papers under the Freedom of Information Act. Those suits have been stayed pending a court decision on the constitutionality of the Government's decision to retain the Nixon Administration papers.

In the university's statement, John R. Hubbard, president of the university, noted some of the uncertainties involving the agreement with Mr. Nixon. Mr. Hubbard said that if the statute requiring that Mr. Nixon's Presidential materials be retained in Washington was declared invalid, plans for construction of the library would "begin immediately." But the university's statement did not say what would happen to the library plans if the papers and materials of the Nixon Administration did not become available.

Leonard Wines, a spokesman for the university, said that if not all of the principal papers were included in the bequest to the planned Presidential library, "various aspects" of the university's agreement with Mr. Nixon might have to be reconsidered.

"There are a lot of built-in contingencies," Mr. Wines said. "It is clear that, if everything is not included, those determinations" to build the library "will have to be made based on what is and isn't" available, he added.

Also left unsaid in the joint statements was what kind of facility the university would provide and under what conditions the public would have access to the material. The university said funds for the library would be raised through public subscription.

In Mr. Nixon's statement, released through the university, the former President said it had been his desire for many years

to make available "for historical research and analysis" the papers and materials acquired during his long tenure in public office, and was therefore "very pleased" with the agreement to have the papers on the university's campus.

The papers and other materials span the years of Mr. Nixon's tenure in public office, starting in 1947, when he began his first term as a Representative from California, and concluding last Aug. 9, when he resigned as President.

Mr. Nixon is not an alumnus of the university, but his wife graduated from U.S.C. in 1937 and several of Mr. Nixon's top aides attended the university.

Only last week, the Richard Nixon Foundation, which was originally established to build a Nixon library and museum, was formally dissolved, and the foundation assets turned over to Whittier College, Mr. Nixon's alma mater.

Today's agreement between the university's 33-member board of trustees and Mr. Nixon, concluded informally last night at the Palm Springs home of Walter Annenberg, the former Ambassador to Britain, came as a surprise. Earlier this week, Mr. Hubbard had acknowledged that several "very tentative" talks had been held between Mr. Nixon and university officials, but he said no agreement was near.

Whittier College and the city of Whittier had also expressed some concern that they would be left out of plans to deed Presidential materials.