

Suit Seeking Access to Papers President Donated to Archives

Special to The New York Times

WASHINGTON, Dec. 28—A lawsuit seeking access to the Vice-Presidential papers donated by President Nixon to the National Archives was filed today in United States District Court here.

The suit was brought under the Freedom of Information Act by Robert M. Brandon, director of the Taxx Reform Research Group, an affiliate of Ralph Nader's Public Citizen, Inc.

It charges that access to the papers was denied Mr. Brandon by the General Services Administration, and that restrictions on access were invalid because nearly all the papers were Government property before the donation.

A spokesman for the G.S.A. said that the restrictions on the papers had been imposed by Mr. Nixon as a condition of the gift, and that even without them there would still be restrictions based upon national security needs. He noted that papers of previous Presidents were still kept from public access upon the orders of those Presidents.

The G.S.A. and its administrator, Arthur F. Sampson, were named as defendants in the suit.

The papers were donated in two batches, one with a transferral deed dated Dec. 30, 1968, another with a deed in 1969, Mr. Brandon said, because of debate over the validity of the deed.

Nixon Signed One Deed

Mr. Nixon signed the 1968 deed, but he did not sign the 1969 one. Although it was signed on the President's behalf by a deputy counsel from the White House, no power of attorney from Mr. Nixon was included with the deed.

Mr. Brandon contends in the suit that even if the papers were Mr. Nixon's to donate, the donation was invalid because the deed was not properly signed and contained restrictions so numerous as to make the donation nothing more than a transferral of custody. Mr. Brandon also said the G.S.A. had not yet issued a valid acceptance of the papers.

Financial records released Dec. 8 by the White House showed that Mr. Nixon had made a gift of his Vice-Presidential papers to the Archives,

and that the worth of the 1969 donation had been privately appraised at \$576,000. It was also disclosed at the time that Mr. Nixon had already taken a tax deduction of \$480,000 on that donation.

In a statement released with the filing of the suit, Mr. Brandon said:

"These papers were prepared at the expense of the American people by a public official as part of his official duties.

"They should be the property of the Government and not the private property of Mr. Nixon. We are being asked to pay for the preparation of these papers and then to pay again by giving Mr. Nixon a whopping tax deduction. And now we can't even see what we've twice paid for."