

PAPERS AND TAPES ISSUES IN CAPITAL

Impoundment of Nixon Data in White House Is Urged by Some in Congress

By RICHARD D. LYONS
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WASHINGTON, Aug. 9—On the heels of Richard M. Nixon's resignation, some members of Congress were urging impoundment of Presidential documents still in the White House. A few even demanded that the Watergate investigations be continued.

But Representative Peter W. Rodino Jr. said after a morning discussion of whether his House Judiciary Committee should make another attempt to obtain the 147 subpoenaed Presidential tape recordings that "we're not an investigative body."

"Our inquiry is at an end," the New Jersey Democrat said in expressing what seemed to be the feeling of the majority of the membership of both houses of Congress.

Yet the disposition and even ownership of the vast amount of Presidential records, some of which could be used as evidence in forthcoming trials, was a recurring question that remained unresolved.

As Representative Jonathan

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B. Bingham, Democrat of the Bronx, put it in a speech on the House floor:

"The tapes and documents must be produced—the full story of Watergate is not known."

Over 13,000 cubic feet of records, papers and audio-visual materials dealing with the Nixon Administration are stored in the National Archives here. But an immense number of records still remain in the White House and neither Mr. Nixon nor his aides have told Dr. James B. Rhodes, the Archivist of the United States, what is to be done with them.

In a tradition dating back to George Washington, Presidential papers are considered the property of the outgoing chief executive to dispose of as he wishes.

A bill to make these and any other records generated by a Federal official the property of the public was introduced six months ago by Senator Burch Bayh, Democrat of Indiana, but little action has been taken on the proposal.

Mr. Nixon's papers are a special case since, unlike the documents of other past Presidents, these could shed light on Watergate-related investigations and possible prosecutions, including that of Mr. Nixon himself.

During a news conference at the White House this afternoon, J. F. terHorst, President Ford's press secretary, said the Nixon documents were under the supervision of James D. St. Clair, who will stay on as special counsel to Mr. Ford, as he was to Mr. Nixon.

'Yet to Be Determined'

Larry Speaks, an aide to Mr. St. Clair, said in response to a question that "I really don't know who the papers and tapes belong to. This is something that has yet to be determined."

Senator John V. Tunney, Democrat of California, said he had drafted a resolution to have the White House files

impounded. But Mr. Tunney said he had declined to introduce the resolution on finding out that Leon Jaworski, the special Watergate prosecutor, had that power.

John Barker, a spokesman for Mr. Jaworski, said "nothing has been done" about impounding the files, and left the impression that it was not considered necessary.

Agents of the Federal Bureau of Investigation were not ordered to the White House to protect the files, unlike last October when agents were ordered to the Justice Department to protect files when the then special Watergate prosecutor, Archibald Cox, was dismissed.

Some members of the House Judiciary Committee, but clearly not a majority, feel that the work of completing its impeachment report will not be over until the subpoenaed tapes and documents are handed over to be included in the final report, which is to be turned over to the House next week.

Miss Holtzman's View

Representative Elizabeth Holtzman, Democrat of Brooklyn, said some committee members had "expressed the thought that the investigation should continue into what Hunt and Liddy were doing elsewhere."

Miss Holtzman said that the operations of E. Howard Hunt Jr. and G. Gordon Liddy, convicted Watergate conspirators and members of the so-called "plumbers" unit, set up to stop leaks of information, had focused mainly on the Watergate break-in itself and the break-in of the office of Daniel Ellsberg's former psychiatrist.

Another issue, she said, was whether the House should go on record as approving the final impeachment report, which would have the effect of underscoring Mr. Nixon's complicity in the Watergate scandal and allied impeachable offenses.

Mr. Rodino is seeking some way to have the House approve

the report, but exactly how is undecided. He may seek a "sense of the House" type of resolution, which would state that the report represents the views of the whole House.

But support for further Congressional investigations and the enforcement of subpoenas against Mr. Nixon appears to be virtually dead in both houses.

But Mr. Bingham said, "Until the full story of Richard Nixon's involvement in the Watergate cover-up and abuse of Presidential powers is known, history and the American people may forever suffer an incomplete understanding of these traumatic events and the lessons they must teach."

He said that "at a minimum" the subpoenaed tapes should be turned over to the Judiciary Committee and that Congress should act "to assure that all pertinent Presidential records are preserved and laid open." He continued:

"In addition, we should consider legislation requiring that all Presidential papers, documents, tapes, etc., be turned over to the National Archives so that they be made available to the Congress and the public. In this instance, the past practice of allowing departing presidents to take their papers with them and dispose of them as they wish should not be followed."

The bill introduced by Senator Bayh, S. 2951, would require "that all papers and documents dealing with official business that are generated by and for an elected Federal official be turned over to the National Archives within 180 days after the official leaves office."

The bill would establish that the papers are owned by the Federal Government, but it contains a provision that the National Archives can send the papers to a public library such as a Presidential library. There have been plans to build a Nixon library to house such papers, but its fate is undecided.