

# White House Says Nixon to Get Tapes

Washington

The tape recordings made of thousands of hours of conversations with aides, associates and advisers are his personal property and will be returned to his control, a White House spokesman said yesterday.

President Ford's press secretary, J. F. terHorst, said that the decision was based on a "formal," although unwritten, opinion by James St. Clair and J. Fred Buzhardt, the two White House lawyers who coordinated Mr. Nixon's Watergate defense while he was president.

TerHorst said the opinion, which is consistent with historical precedents reaching back to George Washington, applied to all tapes produced during the 29 months the White House recording system was in operation.

Leon Jaworski, the special Watergate prosecutor, and Archibald Cox, his predecessor, between them subpoenaed the recordings of 73 conversations that were believed relevant to the cover-up of the Watergate case.

Also, the House Judiciary Committee issued subpoenas for more than 150 recorded conversations in connection with its inquiry into Mr. Nixon's impeachment.

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SFChronicle  
**Ford and Nixon  
Talk on Phone  
For 15 Minutes**

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President Ford telephoned former President Nixon Tuesday night and they talked for more than 15 minutes, a White House spokesman said yesterday.

In the call from his suburban Virginia home to Mr. Nixon's San Clemente estate, Mr. Ford expressed appreciation for Mr. Nixon's letter of congratulations on his Monday night address to Congress, said press secretary Jerald F. TerHorst.

Associated Press

The Judiciary Committee's subpoena was never complied with by the White House, and congressional aides said that they do not expect it to be re-issued to Mr. Nixon now that he is no longer president.

None of the tapes now in the White House is under subpoena, and officials there said that future subpoenas

would have to be addressed to Mr. Nixon personally.

"The Ford administration no longer has any stake in, or control over the tapes," a White House official said.

The White House lawyers and St. Clair, who resigned yesterday to return to private practice in Boston, also decided that Mr. Nixon is entitled to remove from the executive mansion all his personal presidential papers, according to terHorst.

The decision does not affect the status of the tapes now in Judge John J. Sirica's possession, terHorst said, adding

that the former president would regain control over them only after they are no longer necessary to the criminal justice process.

The White House official pointed out that the opinion was based on precedent, rather than law, but that virtually all former presidents have been allowed to take with them the records of their administrations, although technically the materials themselves, purchased with public funds, are government property.

The custom in recent years among former presidents has been to place such documents in presidential libraries, and Mr. Nixon has

been told by associate that plan to build such a depository for him have been set in motion.

Legal authorities are divided on whether Mr. Nixon could successfully raise claims of executive privilege in the event that demands were made by Jaworski or others for materials that might have been protected by confidentiality had he remained in office.

New York Times