

White House To Keep Nixon Tapes

Washington

President Ford, acting through his new legal counsel, yesterday ordered former President Richard M. Nixon's tape recordings and other documents held in White House custody until legal issues involving the Watergate affair are resolved.

The move to block removal of Mr. Nixon's tapes and documents, at least temporarily, came just two days after Mr. Nixon's former Watergate lawyers held that the materials were his personal property and would be returned to his control.

In announcing the lawyers' ruling on Wednesday, a White House spokesman said that President Ford had not taken part in the decision but that, after it had been made, he had concurred in it.

Some of those close to Mr. Ford confirmed yesterday that he was upset when he learned subsequently that the decision had been made by James St. Clair and J. Fred Buzhardt Jr., the two Nixon lawyers, without full consultation with the office of Leon Jaworski, the special Watergate prosecutor.

J. F. terHorst, the President's press secretary, told reporters at a breakfast gathering yesterday: "We don't want to get caught in the backwash of Watergate."

Fearful that his administration was being tainted by the Watergate tapes issue, Mr. Ford appointed Philip W. Buchen Thursday as his own White House counsel.

St. Clair left the White House legal staff Wednesday.

The White House has announced that Buzhardt had also resigned, but would remain on "during the transition period."

Within hours after his appointment, Buchen met

Thursday with representatives of Jaworski's office. Buzhardt also attended the meeting.

Following that meeting,

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the special prosecutor's office announced that it had been agreed "that none of the files will be moved pending further discussions" and not until the special prosecutor's office "is satisfied with these arrangements."

The White House role in blocking immediate removal of the tapes and documents was disclosed yesterday by terHorst.

Speaking on behalf of Buchen, the press secretary said that the tapes and documents are still in the temporary custody of the White House.

"In the interests of allowing timely consideration of possible legal issues raised by the special prosecutor or others," he said, "movement of the tapes and documents is being deferred."

terHorst said that Buchen had informed him that this development "in no way constitutes a denial that the materials are the personal property of the former president."

Instead, he said, Buchen felt the action would allow "for orderly and more studied efforts to resolve questions of when and under what conditions possession and sole control of the property should be transferred."

terHorst said that no time had been set, prior to this latest development, for removal of the tapes and other materials.

He also said he knew of no request by Mr. Nixon for prompt return of the materials.

The press secretary said it was his understanding that the temporary hold involved all of Mr. Nixon's personal papers, tapes and documents now in "the physical possession of the White House," not just those that might have a bearing on the Watergate affair.

Among the tapes still in White House custody are 150 recorded conversations between Mr. Nixon and his aides that were subpoenaed

by the House Judiciary Committee during its inquiry into the impeachment of the former president. The subpoena was never complied with.

The informal, unwritten opinion issued Wednesday by St. Clair and Buzhardt was based on what the White House termed historical precedents, dating back to George Washington, that former presidents were entitled to take with them the records of their administrations.

The custom in recent years has been for former presidents, or their heirs, to place such documents in presidential libraries.

Technically, such materials, purchased with government funds, are government property.

In announcing the ruling on Wednesday of the two Watergate lawyers, the White House said that the decision had been made after consultation with the special Watergate prosecutor's office.

Later, however, a White House spokesman amended this by saying that the prosecutor's office had been informed, but not consulted, before the decision was announced.

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