

Plan for Public Access To Nixon Papers Gains

By Spencer Rich
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A move to force President Ford to grant full public access to all of Richard M. Nixon's Watergate tapes and documents is gaining momentum in the Senate, and may win approval from the Government Operations Committee on Thursday.

The proposal is being spurred by Majority Leader Mike Mansfield (D-Mont.), who took the Senate floor yesterday to assert that a presidential order giving Mr. Nixon custody of the tapes and papers may eventually result in destruction or suppression of vital parts of the Watergate evidence.

Mansfield wants President Ford, regardless of his agreement with Mr. Nixon on the papers, to retain physical control for the time being and to see that all materials pertinent to the Watergate scandal and related matters are made public.

Yesterday, his proposal gained the backing of Sen. Jacob K. Javits (N.Y.), second-ranking Republican on the Government Operations Committee. Sen. Sam J. Ervin Jr. (D-N.C.), chairman of Government Operations, also favors the concept, and senior Republican Charles H. Percy (Ill.) is expected to back it as well.

Mansfield's initial plan, introduced last week, declared it the sense of the Senate that President Ford should assure public access to the Nixon documents. Such a resolution isn't binding, but Javits said yesterday that when the proposal is voted on Thursday, he expects the committee to "bust it up in the proper way so that it is binding."

There is substantial resentment on Capitol Hill about the agreement between Mr. Ford and Mr. Nixon turning over the papers and tapes. Stacked up behind Mansfield's proposal, which talks only of public access to the materials, are a number of bills that have



SEN. MIKE MANSFIELD
 ... explains proposal



SEN. JACOB K. JAVITS
 ... backs Mansfield

the effect of reversing the Ford-Nixon agreement and making the papers the possession of the United States. All will be before the Government Operations Committee, but immediate action is expected only on the Mansfield proposal. The others:

- Sen. Birch Bayh (D-Ind.) on Feb. 4 introduced legislation declaring that public papers of elected officials of the United States are the property of the government and cannot be taken away at the end of a term of office.

- Javits said yesterday he is introducing legislation similar to Bayh's bill, but applying only to the President and Vice President, starting with Mr. Nixon.

- Ervin and Sen. Gaylord Nelson (D-Wis.) have agreed to cosponsor legislation providing that, regardless of the Ford-Nixon agreement, the government shall retain complete possession of all tapes recorded during Mr. Nixon's term in office. Some form of compensation to Mr. Nixon for government retention of the tapes would be possible under this bill.

Mansfield told the Senate, "The public papers of the presidency used in the trans-

action of the people's business belong not to any one person, but to the government and through the government to the people. There is no law which states that these papers become the property of a retiring or resigning President."

Mansfield said it is only custom that permits presidents to take their public papers away when they leave office, and he thinks it's wrong. He said he opposes the General Services Administration's request for \$110,000 to build a vault in California to help store the Nixon documents, saying the proper storage place is the National Archives.

He cited an 1841 opinion by Justice Joseph Story that under certain condition "it may be the right and even the duty of the government to give them (public documents) publicity, even against the will of the writers."

On Sept. 9, The Washington Post incorrectly reported that as part of the agreement concerning his tapes and presidential papers, Mr. Nixon would possess both of the keys necessary for access to them. In fact, Mr. Nixon will hold one key and officials of the General Services Administration will have the other.