

SENATE UNIT BACKS FEDERAL CUSTODY OF NIXON'S TAPES

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Bill Would Nullify Agreement
Giving Former President
Control of Documents

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HOUSE PANELS ALSO ACT

Subcommittee Seeks Data on Decision to Pardon— Budget Request Slashed

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Special to The New York Times

WASHINGTON, Sept. 24—
The Senate Government Operations Committee approved today three pieces of legislation designed to preserve Government custody of former President Richard M. Nixon's tapes and papers.

The committee's 9-to-0 vote came as two other Congressional panels dealt with Mr. Nixon's pardon and the Federal money he has sought as a private citizen.

A subcommittee of the House Judiciary Committee began to consider several proposals aimed at insuring full disclosure of Watergate evidence and events leading up to the pardon.

The subcommittee's chairman, Representative William L. Hungate, Democrat of Missouri, indicated that he planned to call President Ford's top aides—perhaps Philip W. Buchen, Mr. Ford's counsel, or John O. Marsh Jr., a counselor to the President—to testify next week about the circumstances surrounding the pardon.

Budget Cut Voted

Later in the day, the House Appropriations Committee ratified a step taken last week by one of its subcommittees and voted to cut by more than half the budget request for Mr. Nixon's transition to private life.

The principal measure adopted by the Government Operations Committee would nullify the formal agreement between the Ford Administration and Mr. Nixon governing the handling of the former President's tapes and papers.

That agreement, which was signed early this month as ar-

rangements were being completed for Mr. Nixon's pardon, gives the former President control over access to the tapes, permits him to destroy any of them after Sept. 1, 1979, and provides that all the tapes will be destroyed upon Mr. Nixon's death or Sept. 1, 1984, whichever comes first.

The bill approved by the committee today would allow Mr. Nixon access to the tapes

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but would leave them under Government control forever and would prohibit their destruction without further legislation.

The measure was sponsored by Senators Gaylord Nelson, Democrat of Wisconsin, Sam J. Edvin Jr., Democrat of North Carolina, and Jacob K. Javits, Republican of New York.

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The widespread disenchantment in Congress over the tapes agreement makes it likely that the bill or one similar to it will be passed before Congress adjourns this year. Mr. Ford has not indicated whether he will veto legislation to preserve custody of the former President's tapes and papers.

Senator Edmund S. Muskie, Democrat of Maine, said he was troubled by a part of the agreement that calls for destruction of the tapes at Mr. Nixon's death. "Because of the uncertainty of human life," Mr. Muskie told the committee, Congress must act quickly on the measure.

Senator Javits, who acted as chief spokesman for the legislation, said the bill challenged the concept—implicit in the agreement—that the tapes and papers were owned by Mr. Nixon.

'No More of It'

While a film crew hired by his re-election campaign recorded his actions and speech, Senator Javits declared: "The pardon itself was bad enough. We'll have no more of it."

The other measures adopted by the committee at the same time as the bill were resolutions urging Mr. Ford to act to preserve access to tapes and documents.

One of the proposals under consideration by the Subcommittee on Criminal Justice of the House Judiciary Committee would require Leon Jaworski, the special Watergate prosecutor, to file a public report of all the evidence his office has collected concerning Mr. Nixon.

Two other proposals before the panel would demand from the President answers to a series of questions about the circumstances surrounding his decision to grant Mr. Nixon an unconditional pardon for criminal offenses he might have committed during his Presidency.

Ford's Reply

Mr. Hungate sent the President a letter last week posing the questions. Mr. Ford replied, in a letter made public today, that most of the questions had been addressed in his news conference last week and at White House briefings by his aides. He included with his reply transcripts of the news conference and the briefing.

Mr. Hungate said that the "form of the response is not that tactful," and added that some might call it "an insult."

Another subcommittee member, Representative Don Edwards, Democrat of California, said, "I found his response not only cavalier but very close to being disrespectful of the House of Representatives and this committee."

The proposals, sponsored by Representatives Bella S. Abzug, Democrat of Manhattan, and John Conyers Jr., Democrat of Michigan, are called resolutions of inquiry.

Prodding the President

In the past, such resolutions have not been pressed to a vote but have prodded the executive branch into providing more complete responses to information sought by Congress.

The questions propounded by Mrs. Abzug and Mr. Conyers involve such matters as the kind of legal advice the President received before granting the pardon, the communications with Mr. Nixon before the pardon was granted, and the information Mr. Ford received about the state of the former President's health.

At his news conference last week, Mr. Ford insisted that no deal had been made before Mr. Nixon's resignation last month and that the pardon had been granted solely because Mr. Ford had thought it was in the best interest of the nation to grant it.

Late this afternoon, the sub-

committee decided informally to request once more specific written answers to the questions and to ask the White House to provide testimony on the matter next week.

The request for testimony from an aide to Mr. Ford means that the new President will have to face, for the first time, the question of whether he will assert executive privilege to keep his assistants from testifying before Congressional committees.

Mr. Hungate received a letter today from Mr. Buchen assuring him that "no further action" would be taken to turn over the tapes to Mr. Nixon until pending court orders, subpoenas and requests had been received and Congress had given the matter thorough consideration.

Mr. Buchen's assurances were clearly not enough to satisfy most members of Congress.

The measure approved by the House Appropriations Committee would allocate none of the \$110,000 sought by the Ford Administration to construct a vault in California to store the Nixon tapes.