

SENATE BIDS FORD UNDO NIXON PACT AND RETAIN TAPES

Votes, 56-7, to Bar Their
Destruction Without the
Consent of Congress

HOUSE GETS MEASURE

G.O.P. Leaders Attack Bill
as Politically Motivated
and Also Vindictive

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WASHINGTON, Oct. 4—The Senate voted 56 to 7 today to direct the Ford Administration to retain custody of former President Richard M. Nixon's White House tape recordings and papers.

The measure approved by the Senate and sent to the House contained a flat prohibition against the destruction of any Watergate tapes without the consent of Congress.

It was the most decisive step taken to date by Congress in an effort to nullify the agreement giving Mr. Nixon control of the documentary remnants of his Presidency and calling for destruction of the tapes on his death.

G.O.P. Chiefs Charge Politics

Some Republicans, including the party's Senate leaders, attacked the legislation, charging that it was politically motivated, vindictive and probably an unconstitutional abridgment of the former President's rights. But the Republican leaders voted for the measure after attempts to alter or delay action on it were defeated by margins of three to one.

The Senate action came shortly after the Senate Appropriations Committee agreed unanimously to give Mr. Nixon only \$200,000 of the \$850,000 expense and pension funds requested by President Ford. The same figure was adopted Wednesday by the House, which stipulated that none of the \$200,000 could be used to transfer Mr. Nixon's records from Washington.

Called Emergency Bill

The bill approved by the

Senate was described as "emergency" legislation by its principal sponsors, Senators Sam J. Ervin Jr., Democrat of North Carolina, and Gaylord Nelson, Democrat of Wisconsin.

They warned that unless Congress nullified the tapes agreement signed last month by Mr. Nixon and Arthur F. Sampson, the head of the General Services Administration, the courts and public might forever be denied access to the full details of the Watergate scandal.

The agreement would permit Mr. Nixon to destroy any of the tapes after five years and specifies that all of the recordings would be destroyed on Sept. 1, 1984, or on Mr. Nixon's death.

The Senate Republican leader, Hugh Scott of Pennsylvania, and other opponents of the Senate bill insisted during prolonged debate yesterday and today that they also favored legislation that would prevent

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destruction of Watergate recordings.

But Mr. Scott called the bill "a political measure brought at a political time for a political purpose" and contended that its application to Mr. Nixon alone would be "legislative distortion of the Constitution, no matter what lofty objectives are intended."

Senator Roman L. Hruska, Republican of Nebraska, charged that the measure could have "a chilling effect" on the free speech of future Presidents, that it violated the separation of powers section of the Constitution, that it invaded Mr. Nixon's privacy and that it was a bill of attainder punishing the former President by denying him personal property.

Recommittal Beaten

Senator Ervin, his face flushed and voice rising, thrust his hands in his pockets as he rose to declare he had "never heard so many constitutional objections which don't exist, compounded in my life."

He said that the bill provided only for custody—and not ownership—of the Presidential papers, and that it would permit

Mr. Nixon to seek money damages in the Federal courts if he believed the legislation was an infringement on literary or other use of the documents.

Before adopting the legislation, the Senate defeated, 51 to 15, a motion by Mr. Hruska to recommit it for study by the Judiciary Committee, and voted, 52 to 14, against substitute language offered by Mr. Hruska to establish public ownership of the papers of all Federal elected officials—including those in Congress.

Proponents of the bill pledged, and the debate today may have presaged, consideration in the next Congress of more far-reaching legislation that would end the tradition under which Presidents, Senators and Representatives have taken their papers with them, as "personal" property, when they left office.

Senator Ervin said, however, that because of concern over the possibility of the "untimely decedence" of Mr. Nixon, it would be inappropriate to try to come to grips with the broader issue in the Watergate tapes legislation. He said it would "put too many burdens on a little nag that has to make a speedy journey."

Hearings have already been held before a House Adminis-

tration subcommittee on proposals to set up a commission that would recommend rules and procedures to govern records of federal officials.

Eisenhower View

John S. D. Eisenhower, the son of the late President, testified before the subcommittee today that former Presidents should retain literary rights to their papers but that "the basic assumption that Presidential papers are personal property probably should be done away with."

Legislation similar to that adopted by the Senate today is being prepared in the House by Representative Peter W. Rodino Jr., the New Jersey Democrat who was chairman of the impeachment hearings of the House Judiciary Committee. The House is expected to act on the matter after the elections next month.

The Senate also passed a nonbinding resolution yesterday, urging President Ford to "take all steps necessary" to preserve judicial and public access to the Watergate tapes and papers. The bill approved today would compel Mr. Ford to do so if passed by the House and either signed by the President or approved over a veto.