

Nixon Must Wait To Get His Tapes

Washington

A federal judge barred the Ford administration yesterday from transferring Richard M. Nixon's tapes and documents to a federal depository near the former President's San Clemente home for at least ten days.

U.S. District Judge Charles R. Richey's order permitted the materials to be produced in response to civil or criminal subpoenas and provided that Mr. Nixon could have access to them solely to prepare for testifying at the Watergate trial.

Richey's order came as it was learned that the Watergate special prosecutor is likely soon to subpoena

scores of tapes and documents from the Nixon material in connection with several grand jury investigations.

Those investigations include campaign contribution inquiries, involving former Commerce Secretary Maurice H. Stans and Mr. Nixon's close friend, C.G. (Bebe) Rebozo, and the question of whether fraud was committed in the preparation of the ex-President's 1969 federal income tax return.

Richey acted partly in response to a suit filed by Mr. Nixon's lawyer, Herbert J. Miller Jr., which charged that the Ford administration had violated a September 6

agreement with Mr. Nixon under which the materials were to be transferred. Miller had sought an injunction to prevent the administration from examining or regrouping of historians, political scientists and reporters meantime had filed a suit asking to bar implementation of the controversial September 6 agreement — a request that Richey's order came close to meeting.

Plaintiffs in that suit, which was heard by Richey along with Mr. Nixon's, included the American Historical Association, the American Political Science Association, the Reporters Committee for Freedom of the Press and eight individual members of the organizations.

In sum, Mr. Nixon wants the papers transferred to a government depository in California. The historians, political scientists and reporters want the material kept in Washington where it will be available to them. They also challenge Mr. Nixon's claim that the papers belong to him.

While Richey's order is effective for ten days, he provided that it "shall be renewed upon proper application of the parties."

Richey's order put the weight of the court behind what has already occurred since the Ford administration had refused requests by Mr. Nixon's representatives to ship the materials to California. Administration officials balked after special prosecutor Leon Jaworski objected to the agreement, which was announced at the same time as President Ford's pardoning of Mr. Nixon.

The order does not bar producing tapes and documents in response to court or grand jury subpoenas. Neither does it stand in the way of Mr. Nixon raising legal objections by seeking to quash any subpoenas.

Richey's order provided that if Mr. Nixon is physically unable to examine the tapes and documents in the Executive Office Building where they are stored, he will be allowed to make copies of the materials.

Miller has said Mr. Nixon, who is recovering from phlebitis, will probably be able to testify at the Watergate trial in several weeks.

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