

LAWYER FOR NIXON DROPS TAPES BID

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Had Sought Original Data
to Prepare Ex-President
for Trial Appearance
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By ANTHONY RIPLEY

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WASHINGTON, Oct. 30—

With former President Richard M. Nixon critically ill in California, his lawyer dropped today an urgent request for original White House tape recordings and documents.

The tapes and papers had been sought by Herbert J. Miller Jr. to prepare Mr. Nixon for an appearance at the Watergate cover-up trial under way before Judge John J. Sirica.

After four days of attempting to find needed materials among the 141 boxes of files and 950 reels of recording tape, Mr. Miller had asked another Federal District Court judge, Charles R. Richey, to transfer immediately all the tapes and papers to San Clemente, Calif., Mr. Nixon's home.

But he told Judge Richey today that "under no circumstances would I spend even 30 seconds with him trying to refresh his recollection of anything on watergate."

Overwhelming Job

He said that Mr. Nixon's appearance at the Watergate trial "is going to have to sit and wait an improvement in his health, God willing."

The originals had been sought by Mr. Miller because of what he termed an overwhelming job of having to copy them. Copying was approved by Judge Richey in an order issued Oct. 22.

That same order temporarily froze the tapes and documents at their present storage place in the Old Executive Office Building next to the White House.

Mr. Miller estimated that there were 2,500 sheets of paper in each of 38 boxes in one group of files, and that copying them would take 15 days for a person working 10 hours a day.

In addition, Mr. Miller said that 950 tape reels were involved. Copying only 10 per cent of these, he said, would take nearly 285 hours.

However, with the former President in critical condition, Mr. Miller told the court, the urgency in obtaining the documents had passed, and copies, rather than originals, would do.

Further, Mr. Miller said that he did not think that all the boxes and reels would be need-

ed after all. He said that the matter could be worked out among the lawyers.

His statements seemed to be echoes of earlier compromises Mr. Nixon made on points that for a time seemed crucial.

Clause Abandoned

One of those was the apparent abandonment of the death clause in the Sept. 6 tapes agreement. The other was allowing the Watergate special prosecutor access to further tapes and documents needed in his investigations.

When the tapes agreement was signed Sept. 6, it gave Mr. Nixon control over the materials, provided for the destruction of the tapes if Mr. Nixon died and made no provision for the special prosecutor to gain access without Mr. Nixon's permission.

But on Oct. 21, at a hearing before Judge Richey, Mr. Miller surprised many present by stating that if the special prosecutor's office subpoenaed any tapes or documents, they would be turned over.

The special prosecutor had been trying to gain access to the material since shortly after the controversial tapes agreement was announced Sept. 8, the day of Mr. Nixon's pardon by President Ford.

Those negotiations had occupied almost a month and finally broke down. The special prosecutor had been seeking access without having to go to court for a subpoena. The announcement by Mr. Miller that any subpoenas would be honored was unexpected after the lengthy negotiations.

The tapes agreement has touched off a flurry of legal actions before Judge Richey challenging the Government's right to give the tapes and documents to Mr. Nixon, challenging the pardon and seeking to make the material available for public use.

Other Claims Made

The Ford White House backed off from the agreement, saying that it would make no move to ship all the records to San Clemente until the special prosecutor's access had been worked out.

However, there were other claims for the tapes. Two suits seeking tapes were left over from the large group of civil damage lawsuits filed following the burglary of Democratic national headquarters in 1972.

One of those suits was brought by James W. McCord Jr., one of the five men who surrendered inside the headquarters in the Watergate office.

Mr. McCord filed another suit last month challenging the validity of both the pardon and the tapes agreement.