

# PRESIDENT AGREES TO ALLOW ACCESS TO NIXON RECORDS

Prosecutor to Be Permitted  
to Obtain Evidence for  
All Current Inquiries

NO SUBPOENA REQUIRED

Accord Needs Approval of  
U.S. Judge—Fight Likely  
by Ford's Predecessor

By JOHN HERBERS

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WASHINGTON, Nov. 11—

The White House formally agreed today to let Henry S. Ruth Jr., the special Watergate prosecutor, have access to all of former President Richard M. Nixon's records that relate to cases under investigation.

The agreement, filed in court as a joint motion between the White House and the special prosecutor's office, provides that Mr. Nixon may not take any of his records or tape recordings from the White House without the approval of Mr. Ruth.

If approved by Judge Charles R. Richey of United States District Court, the agreement would permit Mr. Ruth to obtain evidence for the various allegations his office has had under investigation—for example, those involving the improper use of campaign contributions, the sale of ambassadorships, income tax irregularities and the improper use of Federal agencies.

### Previous Procedures

In the past, the White House has provided materials only under a series of subpoenas. Since President Ford took office last Aug. 9, his lawyers have provided only material relating to the Watergate cover-up trial, now under way, except for one tape recording that Mr. Nixon's attorneys agreed to supply.

In the view of the special prosecutor's office, the agreement would provide the kind of access to White House evidence that Government attorneys believe is needed to complete the cases under investigation.

But the arrangement is not likely to be accepted without a fight by Mr. Nixon's attorneys,

who have been seeking approval for removal of the Nixon records to California, where Mr. Nixon is in retirement.

### Hearing Sought

In the motion asking for Judge Richey's approval of the agreements, White House lawyers, other Administration officials and prosecuting attorneys said, "This agreement is founded upon the determination by Gerald R. Ford, President of the United States, that the public interest and the due administration of justice require that the special prosecutor have prompt and effective use of the materials." They asked for a hearing on the motion no later than Wednesday.

The agreement reached by the  
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White House and the special prosecutor's office was one step toward resolution of a growing controversy over Mr. Nixon's papers and tape recordings.

Representative John Brademas, Democrat of Indiana, and four other members of Congress filed a separate brief before Judge Richey today, asking him to bar removal of the Nixon documents from Washington until Congress could act on legislation that eventually would make them public property.

### Congressional Action

MI On Oct. 4, the Senate passed a bill calling for eventual public access to the records. That legislation is now before subcommittee of the House Administration Committee headed by Mr. Brademas.

A group of journalists, historians and political scientists also have brought suit seeking to give the public access to the materials.

The controversy began on Sept. 8, the day President Ford pardoned Mr. Nixon. It was announced that Arthur F. Sampson, administrator of the General Services Administration, working under White House instruction, had made an agreement with Mr. Nixon that gave him control over all of his records—the same privilege previous former Presidents had enjoyed—and called for destruction of the tape recordings after Mr. Nixon's death.

When the White House began to back off from that arrangement, Herbert J. Miller Jr., Mr. Nixon's attorney, went to Federal court and sought to force the Government to live up to the Nixon-Sampson agreement. On Oct. 21, Judge Richey ordered a delay in that agree-

ment, keeping the materials at the White House pending further litigation.

### Larger Controversy

Meanwhile, White House attorneys continued negotiations with the special prosecutor's office, and the negotiations culminated in the announcement today of their agreement on access. That agreement, however, does not affect the larger, long-range controversy as to whether the tapes and records belong solely to Mr. Nixon or to the public.

The new agreement was announced by the White House. A written statement by Ron Nessen, the White House press secretary, implied that the agreement gave form to what already was in effect.

"The special prosecutor has heretofore been provided with materials as he has needed them for ongoing criminal prosecutions, and searches of the files have been under way to provide additional materials which were requested of counsel to the President by the special prosecutor," Mr. Nessen said.

This, however, was misleading, according to officials of the special prosecutor's office. They said that, under both the Nixon and the Ford Administrations, the materials had been provided only under subpoena or with the approval of Nixon attorneys and that the formal agreement, if approved by Judge Richey, would be an important step in winding up the Watergate-related investigations.