

Custody Of Tapes

Bill Nullifies Ford-Nixon Document Pact

By Spencer Rich
Washington Post Staff Writer

A bill giving the federal government permanent custody and control over all of former President Nixon's White House tapes and documents cleared the House and Senate yesterday. Plans are to rush it to the White House so President Ford can't pocket veto it after Congress adjourns Dec. 20 or 21.

The bill wipes out the Sept. 8 agreement between the White House and Nixon, which gave the former President control over the tapes, memoranda and other historical documents. The agreement had aroused angry charges that Nixon would have such close control over the materials that he could thwart or obstruct their use in future criminal trials in Watergate-related cases.

The bill, passed by voice vote in both houses, covers millions of documents of the Nixon presidency plus hundreds of hours of recorded tapes of White House conversations during Nixon's term. It hands them all over to the jurisdiction and custody of the

General Services Administration, to be kept in the Washington metropolitan area. They would be "immediately available for use in judicial proceedings either by subpoena or other legal process," according to Rep. John Brademas (D-Ind.), the chief House sponsor, and they might also be made available later for public inspection.

The final bill also retains a House provision setting up a national study commission to recommend permanent legislation on rules for handling the documents of all other public officials. The White House as late as yesterday morning was hunting for a member of Congress who would seek to kill this provision but found no takers.

Both Brademas and Sen. Gaylord Nelson (D-Wis.), one of the chief Senate sponsors, said there weren't any assurances that President Ford would sign the bill. In fact, Brademas said, "I had cause for apprehension" that he might pocket veto it if Congress is out of session when the 10-day period for the President to sign or reject expired.

For that reason, the bill was to be rushed to the White House last night, 10-day period would begin immediately, and with Congress still in session when it expired, a Ford veto would send the bill back to the Hill for a possible override.

The bill doesn't take any direct position on whether tapes and documents legally belong to Nixon; it leaves that up to the courts to decide, if Nixon should choose to bring suit declaring that Congress has deprived him of his property. However, the bill does specify, Nelson said on the floor, that if a court finds that any provision deprives a person of private property rights, appropriation of funds for compensation is authorized.

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