

Nixon Asserts His Rights On Release of His Papers

In Deposition, He Pledges to Make Data Public, but Says That Only He Should Decide What Should Be Released

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WASHINGTON, Aug. 20—Former President Richard M. Nixon, seeking possession of his Presidential documents and tape recordings, said in a sworn statement released today that he would make the material public "as expeditiously as possible," but that he and his family alone had the right to decide what should be released.

Mr. Nixon's assertion that only he, his wife and his daugh-

Excerpts from the deposition
by Nixon are on Page 26.

ters could make "the delicate judgments with regard to what is private and what is personal and what is political and what is embarrassing; what is national security" was made in a deposition taken late last month at the Coast Guard station adjacent to his estate at San Clemente, Calif. 25-122

In the six and half-hour question-and-answer session, in which he was questioned by lawyers representing the United States Government and others, Mr. Nixon provided some fresh insights into the operations of the White House during his tenure and into his view of Presidency.

His deposition was taken in connection with a suit filed by Mr. Nixon challenging the constitutionality of a law passed late last year that gave custody of his Presidential files to the Government. Since then, others who feel that their interests are vitally affected have joined the Government as "intervening defendants."

The seven lawyers who questioned Mr. Nixon included those appearing for the United States and the Administrator of General Services and lawyers for the intervening defendants. The latter include the Watergate special prosecutor, the columnist Jack Anderson and the Reporters Committee

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for Freedom of the Press.

In giving the deposition, Mr. Nixon was accompanied by two of his lawyers, Herbert J. Miller Jr. and R. Stan Mortenson.

The deposition, filed in United States District Court here this morning, was the first extensive public statement made by Mr. Nixon since he left office last August.

Mr. Nixon, it appears from the 168-page deposition, answered questions in detail and often discursively, as when a question bore on his image of the Presidency or its rights and responsibilities.

Some Answers Terse

To other questions, however, his responses were terse. At one point, he was asked if he knew what was meant by "the Watergate cover-up." His answer was, "I know what several people have written."

Occasionally, too, there was some sniping, as when William A. Dobrovir, Mr. Anderson's attorney, asked Mr. Nixon whether it would be "longer than five years" before he made "full disclosure of all the Watergate matters."

Mr. Nixon replied: "I can't tell until I see how big the task is. Most of the tapes are not as audible as the one you played at that cocktail party."

This was a reference to an incident in December, 1973, when Mr. Dobrovir played a portion of a subpoenaed Presidential tape recording at a Georgetown cocktail party. Mr. Dobrovir later said that this had been "a very foolish mistake."

Johnson Role Cited

In the course of the questioning, Mr. Nixon also made the following remarks and comments:

¶The Oval Office taping system at the Nixon White House was installed at the recommendation of the late President Lyndon B. Johnson, and neither Mr. Nixon's long-time private secretary, Rose Mary Woods, nor any member of his family knew of its existence.

¶He did not, as reported on the basis of a tape transcript, refer to Judge John J. Sirica as a "wop." Mr. Nixon said that what he really said, in response to a characterization of Judge Sirica as "a tough judge," was, "That is the kind I want."

¶The March 22, 1973, conversation between Mr. Nixon and John W. Dean 3d, then his White House counsel, does not, Mr. Nixon said, indicate that he ordered the Watergate cover-up. The conversation in-

cluded the sentence in which Mr. Nixon said, "I want you to all stonewall it," followed shortly by: "On the other hand, uh, uh, I would prefer as I said to you, that you do it the other way."

In the deposition, Mr. Nixon made a point of saying, "The other way that I preferred, as I indicated, was that all should go before the grand jury and testify freely without claiming any privilege."

¶None of the gifts received by Mr. Nixon or his wife have been sold or "appropriated." He added, "All stories to the effect of that are to the contrary and totally inaccurate."

Most of his staff members were against his decision to go to court to oppose publication of the Pentagon papers, "because it was no skin off our back," but Mr. Nixon felt that the real issue was that of confidentiality and the necessary protection of the classification system.

Returns to Old Theme

Throughout the questioning, Mr. Nixon returned again and again to the theme that characterized his public statements about the White House tapes during his Presidency: What he was protecting was not himself, but the Presidency, and any erosion of Presidential confidentiality would do a great disservice to all future Presidents.

For example, Mr. Nixon said that he always sought the widest possible range of viewpoints before making decisions, and he therefore wanted members of his Administration "to present their views with all the bark off."

A few sentences later, he said: "In my view, this principle of confidentiality, which I realize is not in vogue these days in many quarters, is indispensable for making great decisions. There would have been no opening to China without total, absolute secrecy and confidentiality . . . because any leak would have destroyed the fragile framework that we had built up."

The former President warned that "once this precedent is established of appropriating not only the President's private thoughts and papers and diaries, et cetera, but also all of the information that comes in to him with the assumption that it is to be secret, once it happens here, then, inevitably, in my opinion, it will move on and affect future Presidents."

He also suggested that, ultimately, both the judiciary and Congress could be affected.

'Misses the Point'

Mr. Nixon was asked if he would consider his interests "satisfied" if he were given a complete copy of all the Presidential materials — which include some 42 million documents—for his own use, with the originals retained by the Government, or vice versa.

He replied that such a proposal "misses the point of the whole case," which is "not just access for me for purposes of writing my memoirs," but "much more fundamental and profound. It goes to the issue of—a number of issues, but particularly the separation of powers issue."

All of the Nixon material is currently held by the Government under court order.

In discussion of precisely how he would define a Presidential document, Mr. Nixon detailed

the way in which materials, and members of his Administration, made their way to the Oval Office. He indicated that Miss Woods, his confidential secretary, was the route through which friends, advisers and Cabinet members sent materials to Mr. Nixon, although "sometimes they [Cabinet members] would come directly into the office and hand them to me."

This was done, he said, to avoid the feeling that he was cut off by a "palace guard."

Mr. Nixon frequently referred to his predecessors in the White House, sometimes as far back as Thomas Jefferson, but more usually those who immediately preceded him.

"I shall determine," he said, "but not the Congress, I shall determine what can appropriately be made public." He said that he would be following the "same guidelines" as former Presidents had, naming Presidents Johnson, Kennedy, Eisenhower and Hoover.

Excerpts from the deposition were used in a brief filed yesterday by Mr. Nixon's lawyers. The brief contends that the law he is challenging was passed "to inflict a very real punishment upon a specific individual whom many in Congress believed was guilty of criminal acts."

The 209-page brief asserts that all other Presidents retained ownership of their papers. A three-judge panel will hear arguments in the case late next month. (27 SEP - sfc)