

SENATORS DELAY NIXON DATA CALL

AUG 23 1975

Deadline Extended for Two Days so Court Can Rule

NYTimes

By NICHOLAS M. HORROCK
Special to The New York Times

WASHINGTON, Aug. 22—The Senate Select Committee on Intelligence extended today for two days the deadline on its subpoenas for tape recordings and documents from President Nixon's files to permit a Federal appeals court panel to rule on procedural matters, a committee spokesman said.

The subpoenas, issued to Philip W. Buchen, counsel to President Ford, and Arthur F. Sampson, General Services Administrator, sought materials on Mr. Nixon's policy toward Chile and the planning of domestic intelligence operations in 1970. The subpoenas had required that the material be produced by Monday.

Complex Legal Battle

The Senate committee's counsel extended the deadline until Wednesday. Members of the committee are expected to meet early next week to discuss the issue, a spokesman said.

Earlier this week, White House lawyers filed a motion with the United States Court of Appeals for the District of Columbia Circuit to clear up procedural matters and permit them to make a search of President Nixon's papers and tapes. A White House spokesman said earlier this month that the

President's lawyers did not feel Mr. Ford had the power to give materials from Mr. Nixon's papers to a Congressional investigating committee.

Mr. Nixon's documents, 42 million items including the famous White House tapes, are the subject of a long and complex legal battle. Last year, Congress passed a bill that gave the ownership of the bulk of the material to the Government. Mr. Nixon contested this law and also earlier court rulings that deprived him of custody.

The matter is before the courts. President Ford's Administration has custody of the materials in the meantime. However, White House lawyers have said that they construe court orders on their access to the materials as making it impossible for them to surrender the data covered by the subpoena.

In a motion filed Tuesday, the White House asked the appeals court to permit it to apply to a district court for permission to search the Nixon papers to see if the material sought in the subpoena in fact existed. Mr. Nixon's lawyers may oppose the White House move.

If the White House ascertains that material sought in the subpoenas exists, one White House source said, the legal question of whether the White House has the power to surrender the material to Congress can be decided.

The subpoenas seek tapes and documents that may relate to the Senate Select Committee's investigation of the efforts of the Nixon Administration in the fall of 1970 to

prevent Dr. Salvador Allende Gossens from becoming President of Chile. The committee also has asked for materials that may relate to the development of a domestic intelligence program in the same year by Tom Charles Huston, who then was a White House Aide.