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Court Blocks Nixon's Bid For Tapes

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A three-judge U.S. District Court ruled yesterday that Richard Nixon is not legally entitled to have the tapes and documents from his years in the White House, partly because he might "distort or destroy" them to hide possible misconduct in office.

Mr. Nixon's lawyers said that immediately after the ruling the former President ordered them to take an appeal of the panel's decision to the Supreme Court. They would not say what Mr. Nixon told them when informed of the ruling, but one said, "it was printable language."

The three judges unanimously rejected Mr. Nixon's claim the 1974 law giving custody of the papers to the General Services Administration violated his constitutional rights to privacy and free speech and was a congressional infringement on presidential powers.

But the court, noting "sensitivity to constitutional protections," barred the GSA from transferring or making public any Nixon material until after the Supreme Court rules on the appeal.

It also allowed Mr. Nixon or his agents to photocopy the documents for use in the memoirs the former President is writing.

Judge Carl McGowan, who wrote the decision, said any President might be tempted to distort his record in office through papers that would eventually be examined by historians.

But McGowan added, "that risk might rationally be thought by Congress to be considerably magnified by reference to the circumstances surrounding Mr. Nixon's departure from office."

He said Watergate investigations that "suggest that there was misconduct on the part of Mr. Nixon and his close associates are too familiar and too well recorded elsewhere to merit elaboration by us.

"The temptation to distort or destroy the historical record might be thought by Congress to be less resistable in the event that the materials provided some foundation for allegations that misconduct took place.

"Without indicating any view about the accuracy of these or any other allegations, we believe that Congress had before it an adequate basis for concluding that responsible processing of the materials in accordance with important public interests could be better ensured if the materials were entrusted to government archivists," McGowan said.

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