

White House Puts Ban On Testimony By Nixon

K Post 5/30/73

WASHINGTON (AP) — The Watergate investigators, judicial and congressional, will get no testimony from President Nixon, the White House said Tuesday.

"We feel it would be constitutionally inappropriate," said press secretary Ronald L. Ziegler. "It would do violence to the separation of powers."

Ziegler said the ban applies to sworn testimony, informal

statements and written responses to written questions.

The questions arose again after a story in the Washington Post quoted federal prosecutors as telling Justice Department superiors "there is justification for calling" the President before the federal grand jury.

Ziegler called the story "a shocking and irresponsible abuse of authority on the part of the federal prosecutors" if it

is true. Ziegler said the White House has ordered an investigation of what he termed a leak of information dealing with a grand jury investigation.

Nothing in the Constitution grants immunity to a president. He may be summoned to court and is liable to arrest.

Thomas Jefferson established a precedent in refusing to appear as a witness in 1807 at the treason trial of Aaron Burr, but the action did not bind future presidents.

Presidents Franklin Pierce and Ulysses S. Grant were arrested for horse-and-carriage traffic violations.

Ziegler said J. Fred Buzhardt Jr., a special White House counsel, telephoned Atty. Gen. Elliot L. Richardson Monday night to investigate the source of the Post's report.

Richardson was ordered to take appropriate action.

Asked about a possible presidential appearance before the Senate Watergate committee, Ziegler said: "There's none."

Later, Cox issued a statement that:

"The U.S. attorney and his aides have been instructed to refrain from any kind of statement, comment, or speculation about any aspect of the investigation. All officials in the Department of Justice will be so instructed. No previous statement or comment about any aspect of the investigation has been authorized by me."

Cox said he prepared the statement before receiving Buzhardt's telephone call.

Referring to "extraordinary statements" in the press about theories of possible prosecution and evidence expected from witnesses, Cox said he will make all such decisions.

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"I have not had time to review the results of the ongoing investigation," he said, "and have neither endorsed nor disapproved any charges or theory of the case."

Cox announced that James F. Neal, a 43-year-old attorney from Nashville, Tenn., joined his staff to work with U.S. attorney's office prosecutors in preparing the Watergate case.

Two other attorneys previously joined the staff: Phillip E. Heymann, 40, and James Vorenberg, 45, who were Harvard law professors along with Cox.

In federal court Tuesday, Roy Sheppard was granted immunity for his testimony before the Senate committee which resumes its televised hearings June 5. Sheppard is the trucking company employe who removed cartons of documents from the White House after the Watergate breakin last year, reportedly on orders.

At a White House briefing Tuesday, Henry A. Kissinger acknowledged his office supplied the names of Kissinger

aides to be tapped in an investigation of news leaks in 1969.

"It was legal, it followed regular procedures and it followed established criteria," the President's national security adviser told newsmen.

"I don't find wiretapping a particularly attractive procedure," Kissinger said. "I don't find leakage of documents a particularly attractive procedure."