

# President Bars Oral or Written Watergate Quiz

## Prosecutors Told to Shun Speculation

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President Nixon will neither talk to federal prosecutors nor answer their questions about the Watergate case because it would be "constitutionally inappropriate," Presidential press secretary Ronald L. Ziegler said yesterday.

Ziegler responded to questions following a report in yesterday's Washington Post that the prosecutors have told the Justice Department that there is justification for calling Mr. Nixon before the federal grand jury investigating the Watergate scandal.

In a related development, special Watergate prosecutor Archibald Cox issued a statement yesterday after Ziegler said that Cox would be asked and Attorney General Elliot L. Richardson had been asked to "investigate the circumstance of these anonymous charges against the President of the United States."

Cox did not mention Ziegler's statement but said, "All decisions about theories of investigation or prosecution, the grant of immu-

nity, the acceptance of pleas in return for testimony, and the conduct of the investigation will be made by me. I have made no such decisions, and authorized none. I have not had time to review the results of the on-going investigation and have neither endorsed nor disapproved any charges or theory of the case."

Cox read his statement, which was distributed by the Justice Department, to reporters after meeting at the department with United States Attorney Harold H. Titus Jr., principal Assistant United States Attorney Earl J. Silbert and Assistant United States Attorneys Seymour Glanzer and Donald Campbell.

Although the statement referred to no one by name, it contained unusually strong language concerning Titus and the prosecution team. "The U.S. attorney and his aides," Cox said, "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 also announced that James F. Neal, a Nashville lawyer and former aide to Attorney General Robert F. Kennedy, was joining the special prosecutor's staff as a special assistant "for two weeks or longer if he can." Philip E. Heymann and James Vorenberg, who, like Cox, are Harvard law pro-

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fessors, were sworn yesterday as special assistants.

During the regular White House press briefing yesterday, Ziegler was asked whether the President would be willing to talk to the prosecution in the Watergate investigation. "No," Ziegler replied. Asked why not, Ziegler said, "It would be constitutionally inappropriate. It would do violence to the separation of powers."

Ziegler said that J. Fred Buzhardt, who is serving as a special counsel to Mr. Nixon for the Watergate scandal, had contacted Richardson Monday night about The Washington Post report that prosecutors believe there is justification for calling Mr. Nixon before the grand jury.

The story attributed to Justice Department sources the statement that the President's role in the Watergate case is the one key question that remains to be clarified in the grand jury investigation.

The Post reported that according to these sources, the prosecutors have told their superiors that evidence justified questioning the President about how members of Mr. Nixon's innermost circle could perpetrate a massive obstruction of justice without his knowledge.

Ziegler told The Post Monday that the story "reflects a shocking and irresponsible abuse of authority on the part of federal prosecutors, if in fact, they made the statements attributed to them." Asked yesterday what was irresponsible, Ziegler said it was that alleged proceedings of the grand jury "found their way into newspapers again."

Ziegler said Buzhardt called Cox yesterday and "expressed our severe concern and expressed our view when he said the Justice Department should find out how it happened and make sure it won't happen again."

Cox's only reference to the matter in his statement came at the conclusion: "I prepared this statement prior to Mr. Buzhardt's telephone call. I gave him the substance of it then and later read it to him, solely to confirm the accuracy of



what I had said." Cox declined to answer any questions following the reading of his statement.

Asked if Mr. Nixon would respond to written questions from the prosecutor, Ziegler said, "No."

At least one historical precedent exists for calling a President to testify while he is holding office. During the treason trial of Aaron Burr in 1807, President Thomas Jefferson was subpoenaed by the defense to give testimony.

According to an opinion by Chief Justice John Marshall,

sitting on circuit at the time, President Jefferson declined to appear in Richmond to give testimony but agreed to give a deposition in Washington.

Marshall's opinion in *United States v. Burr* was cited last June by Justice Byron White in the course of the majority opinion in *Branzburg v. Hayes*, which involved the right of a grand jury to compel testimony from a newsman. In a footnote to the opinion, White noted, "Chief Justice Marshall, sitting on circuit, opined that in proper circumstances a subpoena could be issued to the President of the United States."

Meanwhile, U.S. District Chief Judge John J. Sirica yesterday approved a grant of immunity for Roy H. Shepard to testify before

the Senate committee holding hearings on Watergate.

Attorneys for Sheppard have said in court papers that he was asked to go to the Executive Office Building two days after the Watergate burglary to get eight cartons of material that had been taken from a safe belonging to convicted Watergate conspirator E. Howard Hunt Jr.

Sheppard is now employed by a trucking firm, his attorney said yesterday. He has been identified as a former campaign worker for the Committee for the Re-election of the President.