

# President Will Not Testify In Inquiries on Watergate

## White House Bars Both Oral and Written Statements on the Ground They Are 'Constitutionally Inappropriate'

By R. W. APPLE Jr. 3/30/73

Special to The New York Times

WASHINGTON, May 29 — President Nixon will not testify, either orally or in writing, to either the grand jury or the Senate committee investigating the Watergate case, the White House said today.

"We feel it would be constitutionally inappropriate," said the Presidential press secretary, Ronald L. Ziegler, in response to questions at a news briefing. "It would do violence to the separation of powers."

The questions about Presidential testimony were raised as a result of a report, printed in this morning's Washington Post, that the Watergate prosecutors had told the Justice Department that there was justification for calling Mr. Nixon before the grand jury.

Mr. Ziegler called the report, if true, "a shocking and irresponsible abuse of authority on the part of the Federal prosecutors." He added that J. Fred Buzhardt Jr., a special White House counsel, had telephoned Attorney General Elliot L. Richardson and Archibald Cox, the special prosecutor, to protest.

### Cox Issues Statement

Late in the afternoon, Mr. Cox issued a statement reaffirming that he would make all decisions "about the conduct of the investigation." He said that he had made no such decision to date and had authorized no comments by others on the case.

Mr. Buzhardt's telephone calls appeared to have violated the White House pledge to keep hands off the investigation and prosecution, and the final paragraph of Mr. Cox's statement seemed to constitute a reassertion of his independence.

"I prepared this statement prior to Mr. Buzhardt's telephone call," the Harvard University professor said. "I gave him the substance of it then and later read it to him, solely to confirm the accuracy of what I had said."

The implication of the final phrase was that Mr. Cox had not sought White House approval.

In another Watergate devel-

opment, Henry A. Kissinger, Mr. Nixon's national security adviser, conceded that his office had supplied the names of some of the National Security Council staff members whose phones were tapped beginning in 1969.

### Holds Himself Responsible

Asked what he meant by his "office," Mr. Kissinger responded, "I am responsible for what happens in my office, and I won't give the names of the people who did it."

He denied supplying any names—indeed, denied authorizing, approving or having any prior knowledge of the taps—in an interview with The New York Times on May 14.

Mr. Kissinger's appearance at the briefing began with questions about Mr. Nixon's visit to Iceland beginning tomorrow, then turned to his talks in Paris with Le Duc Tho of North Vietnam and finally, took up the bugging scandal.

He described wiretapping as "a distasteful thing in general" but defended its usage to safeguard national security information. Leaks such as those that occurred in 1969, 1970 and 1971, he said, make it difficult to work effectively within the bureaucracy and also violate the necessary confidentiality of communications with foreign governments.

Mr. Kissinger said that he had given "no thought to resigning." But when asked whether he had lost credibility, he replied, "I don't know whether it has affected my credibility. To what extent it affects my position is for others to judge, not for me."

The Presidential adviser in-

sisted that he had had no role in the investigation of the leaks of the Pentagon papers, although he said that he considered the leaks "dangerous." In the course of the investigation, the office of Dr. Daniel Ellsberg's former psychiatrist was broken into, and Mr. Kissinger said that he "certainly disapproved" of such buglaries.

### A Simple 'No'

In discussing The Washington Post article, Mr. Ziegler replied simply, "No," when asked if Mr. Nixon might appear under oath before the grand jury. Later, he applied the same answer to questions about informal, unsworn testimony to the prosecutors and to written answers to written questions.

Mr. Ziegler said that the White House's "very, very severe concern" about The Post's report stemmed from concern about the secrecy of the grand jury process and from apprehension about charges being leveled anonymously and indirectly against the President.

In a burst of activity that followed the assertion that the White House had been so distracted by the Watergate scandal that it could barely function, Mr. Ziegler announced the declaration of disaster areas in Arkansas and Alabama as a result of recent storms, plus a long series of appointments. Among the latter were the following:

Robert F. Hampton to serve for another term as chairman of the Civil Service Commission, ending March 1, 1979.

John W. Barnum of New York to be Under Secretary of Transportation, replacing Egil Krogh Jr., who resigned in the Watergate case.

John K. Tabor to be Under Secretary of Commerce, succeeding James T. Lynn, new Secretary of Housing and Urban Development.

### COX'S STATEMENT

During the past week, the press has carried extraordinary statements about the theory or theories of a possible Watergate prosecution and the evidence expected from one or more witnesses.

All decisions about theories of investigation or prosecution, the grant of immunity, 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.

The United States 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.

I am well aware of the intense public interest in all aspects of the investigation and will try to find ways to give the public all the information consistent with a prosecutor's professional obligations and a careful, thorough and fair investigation and, if indictments are warranted, a fair trial of those accused.

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.