

# President Discloses Refusal to Testify

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By Carl Bernstein and Bob Woodward

Washington Post Staff Writers

President Nixon revealed last night that he had refused a request to testify before a Watergate grand jury here, and that his counteroffer to respond to written questions or meet personally with the special Watergate prosecutor was rejected.

Informed sources said later that the request for President's appearance to testify under oath was transmitted from the federal grand jury by Special Prosecutor Leon Jaworski in a letter sent to Mr. Nixon sometime during the past seven weeks.

Asked at his press conference if the special prosecutor had requested his testimony "in any form," Mr. Nixon answered, "Well, I believe it's a matter of record that the special prosecutor transmitted a request that I testify before the grand jury and on constitutional grounds I respectfully declined to do so.

"I did offer, of course, to respond to any interrogator-

ies that the special prosecutor might want to submit or to meet with him personally and to answer questions and he indicated that he did not want to proceed in that way."

Shortly after the President's press conference, deputy White House press secretary Gerald Warren said that Mr. Nixon's statement represented the first official acknowledgement that the President had been asked to testify before the grand jury in its criminal investigation of the Watergate affair. Mr. Nixon's reference to this fact being "a matter of record" could not be explained.

White House sources reported last night that the request for Mr. Nixon's appearance before the grand jury had been a tightly-held secret in the Executive Mansion, known only to the President and a small handful of his closest aides.

Citing the doctrine of exe-

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cutive privilege. Mr. Nixon refused the request and made a "counteroffer" the special prosecutor's office found unsatisfactory. Mr. Nixon referred to the counteroffer last night when he said he would respond to "any interrogatories" or meet personally with Jaworski.

According to knowledgeable sources, Mr. Nixon's offer was rejected because it fell far short of the conditions under which the grand jury hears witnesses: under oath and with the opportunity to demand full answers

to relevant questions unless the witness chooses to exercise his fifth Amendment rights.

Sources familiar with the matter said last night that Mr. Nixon's reference to a request "transmitted" by the special prosecutor was significant because the request actually originated with the grand jury, and not the special prosecutor, whose role was to transmit it by letter.

The question of whether the President would be asked to appear under oath by a grand jury was first raised by the original Watergate prosecution team in the U.S. attorney's office here last spring. Justice Department lawyers then researched the question and reached a legal consensus that a President could neither be indicted nor compelled to appear before a grand jury unless first impeached by the House of Representatives and removed from office by a Senate trial.

On June 19, 1973, then-Special Prosecutor Archibald Cox said he was studying anew the question of sub-

ed. "Whether it would be the best way to pursue the investigation and whether we would have any legal grounds are both open questions."

According to informed sources, Special Prosecutor Jaworski had not reached a final decision on whether he wanted to request Mr. Nixon's testimony when he was asked by the grand jury to seek it.

The sources declined to speculate last night whether either the special prosecutor or the grand jury would attempt to subpoena Mr. Nixon in the wake of his refusal to testify.

Mr. Nixon also had refused the request of the Senate select Watergate committee to testify before it last summer.

In a letter to Sen. Sam J. Ervin Jr. (D-N.C.) committee chairman, last July 6, Mr. Nixon said, "I have concluded that if I were to testify before the committee, irreparable damage would be done to the constitutional principle of separation of powers. My position in this regard is supported by am-

you are familiar and which need not be recited here."

Subsequent attempts by the Senate committee to meet with the President to ask him questions have been either refused or ignored. Earlier this month, under a resolution adopted by the committee, Sen. Lowell P. Weicker Jr. (R-Conn.) submitted 11 written questions to the White House to be answered by Mr. Nixon. The White House has indicated that the questions will not be answered.

In his State of the Union address last month, Mr. Nixon said that he had already supplied the special prosecutor "voluntarily a great deal of material. I believe that I have provided all the material that he needs to conclude his investigations and to proceed to prosecute the guilty and to clear the innocent.

"I believe," Mr. Nixon said, "the time has come to bring that investigation and the other investigations of this matter to an end. One year of Watergate is enough."

Contributing to this story was Washington Post staff