

Text of Jaworski Letter

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WASHINGTON, APRIL 16 —Following is the text of a letter of April 11 from the special watergate prosecutor, Leon Jaworski, to the special Presidential counsel, James D. St. Clair explaining why he was going to seek a subpoena of White House material:

On March 12, 1974, I wrote to you requesting access to certain taped conversations and related documents that must be examined and analyzed as the Government prepares for trial in United States v. Mitchell. If the President declines to produce these materials, which we deem necessary for trial, I am compelled by my responsibilities to seek appropriate judicial process. As I indicated in my letter, any judicial proceedings, if they are necessary, must be initiated promptly in order to avoid unnecessary trial delays.

I have conferred with you several times during the last month about this matter. I have delayed seeking a subpoena in the hope that the President would comply with our request voluntarily. In deed, I have sought no more at this time than an assurance that the materials would be provided sufficiently in advance of trial to allow thorough preparation.

Your latest communication

to this office was that we would receive any materials the President produces to the Committee on the Judiciary of the House of Representatives. As to other materials requested by my letter, you have said you would not consider our request until the President decided what to provide the House Judiciary Committee.

I have emphasized repeatedly that our request is in no way tied to the requests of the House Judiciary Committee. The requests are distinguishable both factually and legally. Nevertheless, you have refused to consider them separately, and you have been unable to tell us the criteria that will govern the President's response to our request or to assure us when we will receive a definite response.

Under these circumstances, in accordance with my responsibilities to secure a prompt and fair trial for the Government and the defendants in United States v. Mitchell, I am obliged to seek a subpoena for those materials we deem necessary for trial. Accordingly, on Tuesday, April 16, we will apply to Judge Sirica for a trial subpoena pursuant to Rule 17 (c) of the Federal Rules of Criminal Procedure.