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LO Post

Nixon's Statement To Ervin Committee

Following is the text of President Nixon's letter to Sen. Sam J. Ervin Jr. (D-N.C.), chairman of the Senate Watergate committee:

Dear Mr. Chairman:

White House counsel have received on my behalf the two subpoenas issued by you, on behalf of the select committee, on July 23.

One of these calls on me to furnish to the select committee recordings of five meetings between Mr. John Dean and myself. For the reasons stated to you in my letters of July 6 and July 23, I must respectfully refuse to produce those recordings.

The other subpoena calls on me to furnish all records of any kind relating directly or indirectly to the "activities, participation, responsibilities or involvement" of 25 named individuals "in any alleged criminal acts related to the presidential election of 1972." Some of the records that might arguably fit within that subpoena are presidential papers that must be kept confidential for reasons stated in my letter of July 6.

It is quite possible that there are other records in my custody that would be within the ambit of that subpoena and that I could, consistent with the public inter-

est and my constitutional responsibilities, provide to the select committee. All specific requests from the select committee will be carefully considered, and my staff and I, as we have done in the past, will cooperate with the select committee by making available any information and documents that can appropriately be produced.

You will understand, however, I am sure, that it would simply not be feasible for my staff and me to review thousands of documents to decide which do and which do not fit within the sweeping, but vague terms of the subpoena.

It continues to be true, as it was when I wrote you on July 6, that my staff is under instructions to cooperate fully with yours in furnishing information pertinent to your inquiry. I have directed that executive privilege not be invoked with regard to testimony by present and former members of my staff concerning possible criminal conduct or discussions of possible criminal conduct. I have waived the attorney-client privilege with regard to my former counsel.

In my July 6 letter I described these acts of cooperation with the select committee as "genuine, exten-

sive and, in the history of such matters, extraordinary." That cooperation has continued and it will continue. Executive privilege is being invoked only with regard to documents and recordings that cannot be made public consistent with the confidentiality essential to the functioning of the office of the President.

I cannot and will not consent to giving any investigatory body private presidential papers. To the extent that I have custody of other documents or information relevant to the work of the select committee and that can properly be made public, I will be glad to

make these available in response to specific requests.

Sincerely,
RICHARD NIXON.