Nixon's Letter

WASHINGTON, Feb. 6 — *Following is the text of a letter from President Nixon to Federal Judge Gerhard A. Gesell on the subject of Presidential tapes:*

I have been advised by special counsel to the President of the order issued by you on January 25, 1974, in which you solicited my personal response with reference to five specified taped conversations.

As indicated in the various briefs, pleadings and other papers filed in this proceeding, it is my belief that the issue before this court constitutes a nonjusticiable political question.

Nevertheless, out of respect for this court, but without in any way departing from my view that the issues presented here are inappropriate for resolution by the judicial branch, I have made a determination that the entirety of the five recordings of Presidential conservations described on the subpoena issued by the Senate Select Committee on Presidential Campaign Activities contains privileged communications, the disclosure of which would not be in the national interest.

I am taking this position for two primary reasons. First, the Senate select committee has made known its intention to make these materials public. Unlike the secret use of four out of five of these conservations before the grand jury, the publication of all of these tapes to the world at large would seriously infringe upon the principle of confidentiality, which is vtal to the performance of my consttutional responsibilities as President.

Second, it is incumbent upon me to be sensitive to the possible adverse effects upon ongoing and forthcoming criminal proceedings should the contents of these subpoenaed conversations be made public at an inappropriate time. The dangers connected with excessive pretrial publicity are as well known to this court as they are to me. Consequently, my constitutional mandate to see that the laws are faithfully executed requires my prohibiting the disclosure of any of these materials at this time and in this forum.