

Special to The New York Times

WASHINGTON, Feb. 14—
 Following is the text of a letter from Leon Jaworski, the special Watergate prosecutor, to Senator James O. Eastland, chairman of the Senate Judiciary Committee, informing him of the White House's refusal to provide tape recordings and other data. Both Mr. Jaworski and the White House declined to release the White House letter on the ground that it was "confidential."

In your letter to me of Nov. 29, 1973, you asked that I advise the committee on the status of our requests to the White House for evidence relating to investigations within the special prosecutor's jurisdiction. I previously had assured the committee in response to a question by Senator Mathias, that I would make such a report available (hearings on special prosecutor. Nov. 20, 1973, Pt. 2, P. 579), and I reaffirmed that commitment in response to a question by Senator Byrd when testifying in conjunction with then Attorney General-designate Saxbe on Dec. 12, 1973 (hearings on nomination of William B. Saxbe, P. 38, 43).

Moreover, as I am certain you are aware, the guidelines for the special prosecutor worked out under your committee's supervision expressly provide that the special prosecutor may make public reports as he deems appropriate.

I delayed answering your letter until Dec. 13, 1973, be-

cause at that time I was beginning discussions with General Haig and Mr. Buzhardt regarding the production of evidence. As I indicated in my response, the White House by then had provided us with copies of recordings of nine Presidential conversations. Moreover, we had made arrangements for a member of our staff to examine the files of the White House special investigations unit, known as the plumbers. Several requests were still in dispute, however, and I represented that I would give you a detailed report at an appropriate date.

I am now in a position to fulfill this responsibility to the committee. On Feb. 4, James D. St. Clair, special counsel to the President, wrote to me, informing me that the President has decided not to comply with our outstanding requests for recordings for the grand jury investigations of the Watergate break-in and cover-up and certain dairy industry contributions, asserting that to do so would be inconsistent with the public interest and the constitutional integrity of the office of the Presidency.

Refusal to Reconsider

I met with Mr. St. Clair on Feb. 8 in order to explore all possible avenues for resolving this impasse. As a result of this meeting, I represented to Mr. St. Clair that if the outstanding requests were granted, we would have no further requests for evidence relating to the grand

Watergate break-in and cover-up. This was in response to the President's concern that there would be an endless stream of requests.

Nevertheless, late yesterday Mr. St. Clair informed me by letter that the President has refused to reconsider this earlier decision to terminate his cooperation with this investigation, at least with regard to producing any tape recordings of Presidential conversations. Accordingly, it is now clear that evidence I deem material to our investigations will not be forthcoming.

Important Material

In order that the committee may be fully apprised, I believe it would be appropriate to outline not only the material we have been refused, but also the material we have received.

First, in the area of the Watergate break-in and cover-up, the White House produced seven recordings, a cassette and a dictabelt pursuant to the order of Judge Siraca, upheld by the Court of Appeals, compelling compliance with the grand jury's subpoena duces tecum. In addition, the White House has provided us copies of four additional Presidential conversations and allowed me access to six others.

Based upon these recordings and additional evidence that have come into our possession, on Jan. 9 I requested the White House to produce copies of the recordings of 25 specified Presiden-

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tial meetings and telephone conversations. About two weeks later, the White House asked for a statement of "particularized need" for each recording. I provided the statement on the same day—Jan. 22, including two additional conversations. That statement shows that there is reason to believe that each of the conversations is material to a particular facet of our investigation.

Although it is true that the grand jury will be able to return indictments without the benefit of this material, the material is important to a complete and thorough investigation and may contain evidence necessary for any future trials.

I should add here that I never have insisted that any material considered by me irrelevant to our investigations should be produced. Where the White House has contended that certain conversations were actually not relevant or were of a sensitive nature, I have agreed to go to the White House—alone—to listen to the conversations. There was no indication in the latest refusals that any requested recording is either irrelevant to our inquiries or subject to some particularized privilege.

The second major area in which the White House now has refused cooperation involves the contributions of the dairy industry during 1971 and 1972. Having disqualified myself in that investigation, I am reporting on

the basis of advice received from my deputy, Mr. Henry Ruth.

The investigation of possible offenses arising out of these contributions is far from complete, and the White House refusal to produce the requested tape recording and Presidential documents will retard the scope of this investigation. I am told that Mr. St. Clair advised Mr. Ruth orally that the White House would take under consideration a request narrower in scope. (Thus far, the White House has produced three recordings, as well as most of the documentation in the possession of the Civil Division of the Justice Department which was ordered produced in court in a related civil proceeding.)

Documents on 'Plumbers'

In the area of the plumbers investigation, the White House has supplied one tape recorder and a number of documents. As I indicated above, a member of our staff was permitted to review the files of the special investigations unit, and we subsequently were provided with the documents from those files relevant to our investigation. Also, after a search by Mr. Buzhardt, the White House delivered documents from the files of a former staff member but refused to permit us to review the files to make our own determination of relevance. The White House also has refused to let us review the files of another former staff member,

requested as early as August, 1973.

So that there is no misunderstanding of the extent of the White House's past cooperation, I call your attention to the letter I addressed to you on Nov. 14, 1973, regarding requests made by Mr. Cox. We also have received copies of three recordings relating to our I.T.T. investigation, and we have been promised certain documents in connection with an F.B.I. investigation, at our request, into the possible obstruction of justice arising out of the destruction of alteration of evidence.

Finally, there are six requests for documents relating to distinct areas of investigation still pending. Two requests date back respectively to August and October, 1973; the other four were made in November and December, 1973. Although some documents were produced pursuant to two of these and Mr. Buzhardt reported as to another that his limited search did not disclose any material, we have reason to believe that there are additional documents somewhere in the White House files. Mr. St. Clair has informed us that he has not had an opportunity to review these requests since replacing Mr. Buzhardt as special counsel to the President.

If I can be of any assistance to the committee, please do not hesitate to call on me.