

St. Clair's Statement and Excerpts From Ziegler's News Briefing

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MIAMI, Feb. 15—Following are a statement by James St. Clair, the President's lawyer, issued today by the White House, and excerpts from a briefing with reporters this morning by Ronald L. Ziegler on the St. Clair statement:

St. Clair Statement

The President has fully cooperated with the special prosecutor and his staff to the extent consistent with the constitutional responsibilities of the office of the Presidency. Recording of Presidential conversations and papers voluntarily have been produced in a volume unprecedented in our history.

In response to a subpoena the President produced recordings of eight conversations for review by Judge Sirica. Of these only four and a portion of a fifth were ruled pertinent. In addition, recordings of 17 additional Presidential conversations and more than 700 documents were voluntarily furnished on request.

In responding to these requests of the special prosecutor no attempt was made to confine the materials furnished to the strict narrow guidelines established by the Court of Appeals as an exception to "the presumption of privilege premised on the public interest in confidentiality."

As soon as all these requests for recordings of Presidential conversations and documents had been furnished the special prosecutor's office on Jan. 9, 1974, after more than 19 months of grand jury investigation submitted a request for 40 more tapes and an unspecified number of additional documents. The production of this material would have the necessary result of further delaying grand jury deliberations many months.

A careful review of this request led me to the conclusion that this new material was at best only corroborative of or cumulative to evidence already before the grand jury and therefore was not essential to its deliberations. Apparently the special prosecutor agrees since he states in his letter that "the grand jury will be able to return indictments without the benefit of this material."

The President believes that he has furnished sufficient evidence to determine whether probable cause exists that a crime has been committed and, if so, by whom. Under these circumstances the President determined that continued and seemingly unending incursions into the confidentiality of Presidential communications was unwarranted and instructed me to advise the special prosecutor that he respectfully declined to produce the additional material requested.

At the same time, the President has asked me to continue the private conversations I have been conducting with the special prosecutor.

He has also given me firm instructions, to cooperate fully, consistent with the principles of confidentiality of Presidential conversations, with a view toward bringing this matter to a prompt and just conclusion.

Ziegler Briefing

Q. Ron, on Nov. 8 Mr. Jaworski announced, and I quote, "There are absolutely no restraints on my freedom to seek evidence, including Presidential tapes and documents." Is the President's position now that while Jaworski is still free to seek the evidence, the White House will see to it that he won't find what he seeks, and if he persists will he be fired?

A. The statement that we have issued by Jim St. Clair reflects the White House attitude on this matter. I would say in response to the latter part of your question, in the discussions that have been held on this between the President and Mr. St. Clair, and I think this is also spelled out in the statement by Mr. St. Clair, the desire here is not in any way to move to a point of confrontation with the special prosecutor. That is not the objective nor the intent. Nor has there been any discussion whatsoever along the line where Mr. Jaworski would not continue with his work.

I think the desire here is to proceed quickly without further delay and after 19 months to complete the work and to proceed with any findings that the grand jury and the special prosecutor have been able to make determinations on this 19-month period—consistent with the principles as outlined from our standpoint by Jim St. Clair.

Q. Does this leave open the possibility that the President will release these tapes and documents if they are needed in the trials?

A. The question concerns releasing tapes and documents, the additional 40 and others that are referred to in the St. Clair statement, if they are needed in the trials. I talked to St. Clair about that question this morning, and he said the only thing I can say is what he feels now. This is not something that is before the counsel's office for consideration, so he said there is no way to answer the question.

A Careful Review

Q. Ron, in this statement Mr. St. Clair says there has been a careful review of the request by Mr. Jaworski. Has Mr. St. Clair made a review

of the evidence requested by Mr. Jaworski? A. I don't understand your question.

Q. Has he heard the tapes and looked at the documents that Jaworski wants?

A. To my knowledge, he has not. The decision is based on the question of the principle of separation of power, on how far we have gone up to this point on a voluntary basis and on the other elements which are

contained in the St. Clair statement.

Q. Will you spell out what you mean by the fact that you are not seeking a confrontation? Let me put it this way, are you asking or will you ask Mr. Jaworski to cease and desist seeking these further documents and tapes?

A. Well, here again, that is not something we have considered doing. We simply are referring to a position that the counsel's office has taken and is taking on the request for extensive amounts of material after we have given a lot already on a voluntary basis, but we have never talked about it in those terms.

Q. Ron, has the White House investigated today's report that still other tapes may have gaps on them, and what has the White House found?

A. I talked to Jim St. Clair in the counsel's office today, and we can't figure out what that particular source is referring to. I would have to respond to you that way. In the discussions that we have had this morning—and this is a source story with no really official backing to it—that we can't figure out what the source was referring to. Maybe the special prosecutor's office can address this.

Nixon Made Decision

Q. This statement seems to indicate the President made the decision, not Mr. St. Clair, and I would like to get that clarified. Which one of the two in fact, based on the evidence that exists, has made the decision not to continue to cooperate?

A. The decision referred to here by Mr. St. Clair's statement is obviously a decision

made by the President of the United States. It is a decision that was made in discussion with Mr. St. Clair.

Q. If the Special Prosecutor doesn't know what is on the tapes and he is asked to know what is on them, and Mr. St. Clair doesn't know and the President doesn't know—nobody has listened to these tapes—how does anybody know that this material was at best only corroborative or cumulative?

A. I will answer your question as I did before. Mr. St. Clair has had a discussion with the Special Prosecutor's office regarding the desire for the additional materials. In the course of that discussion, obviously they talked about the rele-

vancy and why these were requested, and it was based on the determination that Mr. St. Clair made after that discussion that he drew this conclusion.

Let me get out of your mind, therefore, the fact that the conclusion was based on listening to the materials. The conclusion was drawn on the basis of the discussion with the Special Prosecutor and the general awareness of the desire on the part of the Special Prosecutor for the material. That is the best I can do for you.

Q. What is the reason that nobody has listened to the tapes? Why? A. We just have not.

Q. Why? A. Well, because the decision was not based on that process.
