

Exchange of Letters on Evidence for House Inquiry

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WASHINGTON, March 7— Following are an exchange of letters between Representative Peter W. Rodino Jr., the chairman of the House Judiciary Committee, and President Nixon, and the reply of James D. St. Clair, White House lawyer, to a committee request for evidence. The committee request, from John M. Doar, special counsel on impeachment, was not made public because it contained specific references to items of evidence.

Dear Mr. President:

In accordance with your instructions, Mr. St. Clair has consulted with John Doar and members of his staff with reference to the current investigation being conducted by the House Judiciary Committee under H. Res. 803. Mr. St. Clair was concerned about the rules of procedure which the committee would adopt with respect to the control and use of the material submitted to the committee.

Last Friday, the Judiciary Committee adopted specific rules covering the committee's responsibility during the course of the inquiry. These rules were sent to Mr. St. Clair.

I have been advised by Mr. Doar that the inquiry staff has begun to make specific requests of Mr. St. Clair for documents, materials, and things necessary to the inquiry which are in the possession of the President or under his control.

Mr. [Edward] Hutchinson [the committee's senior Republican] and I very much hope that the materials necessary to be examined will be available to the inquiry staff without difficulty or delay. I believe the President and the House realize equally the importance of having the inquiry go forward to a disposition founded on all of the evidence.

Therefore, I appreciate your remarks at the conclusion of your State of the Union Message on Jan. 30, when you said that you recognized the special responsi-

bility of the House Judiciary Committee and indicated that you would cooperate with the Judiciary Committee and its investigation.

Finally, I feel confident that the House of Representatives will faithfully discharge its constitutional responsibility.

Respectfully,
/s/ Peter W. Rodino Jr.
Chairman

Nixon Letter

Dear Mr. Chairman:

Thank you for your letter of Feb. 26, 1974.

My special counsel, Mr. St. Clair, has received requests from Mr. Doar and is responding in my behalf.

I want to take this opportunity to reiterate that I intend to cooperate with the Committee on the Judiciary in its investigation in a manner consistent with my constitutional responsibilities as President.

The interests of our country and the American people require that this matter proceed as expeditiously as possible and I am sure that you and Mr. Hutchinson will see that these proceedings are not unduly delayed.

Sincerely,
/s/ Richard Nixon

St. Clair Letter

Dear Mr. Doar:

Your letter of Feb. 25, 1974, and your letter of Feb. 28, 1974, enclosing copies of requests for production of documents and other materials directed to five of the executive departments, have been reviewed by the President and he has directed me to reply thereto.

At his direction I am instructed to advise you that the specific materials that you have requested that were furnished to the special prosecutor will be made available to you, together with any other materials that have been furnished the special prosecutor, without limitation.

In addition the President is instructing the executive department heads involved to furnish the materials requested to me for delivery to you. Providing copies of some of the materials, particularly tapes of recorded conversations since they must be produced under secret service

supervision, may take a few days but we will proceed as expeditiously as possible.

The President believes that the materials furnished voluntarily by him to the grand jury, which includes tapes of nineteen recorded Presidential conversations and more than 700 documents are more than sufficient to afford the Judiciary Committee with the entire Watergate story. The special prosecutor himself has confirmed in the public press that the grand jury now knows the whole Watergate story.

In addition to specific requests, however, you appear to have requested, in effect, access for your staff to other Presidential papers, conversations and memoranda without apparent limitation except as the staff determines they are necessary for the investigation.

Since there is really no effective index of all the Presidential documents and materials, this request, as it appears to me, means that you contemplate access by staff members to hundreds of thousands of documents and thousands of hours of recorded conversations covering the widest variety of subjects. To produce and review this material would obviously take many months.

The granting of a request for virtually unlimited access to Presidential documents, conversations and other materials would, in the President's judgment, completely destroy the Presidency as an equal coordinate branch to our Government and is beyond his constitutional ability to grant. Accordingly the President respectfully declines to grant such widespread access to these materials, assuming it is this that you have requested.

The potential scope of this request is highlighted even more by the fact that the committee has yet to determine what is an impeachable offense. As I stated at our first meeting, it would seem clear that this question, about which there is a substantial body of differing opinion, should first be resolved before such an inquiry as you contemplate should be undertaken.

Obviously, if the definition you and your staff have

argued for is adopted, the permissible scope of inquiry, while not unlimited, would be broader than would be the case if the position we have taken that only criminal conduct on the part of a President affords grounds for impeachment were adopted.

Furthermore, before such an inquiry is undertaken, it would seem clear, that fundamental fairness would require that the allegations involving the President" under investigation be identified so that the President could have at least some notice as to what allegations concerning him are the subject of this investigation. Surely a President is entitled to no less consideration than any other citizen.

As the President has stated, he is willing to cooperate with the committee within the limits of his constitutional responsibility. Toward this end he has authorized me to inform you that he stands ready to respond to relevant written interrogatories if that is deemed necessary to a full understanding of the matters under investigation.

Should the committee decide as a result of such answers that a conference with the President would be desirable I will be glad to discuss with you appropriate procedures therefore.

In the President's opinion, the Watergate matter and widespread allegations of obstruction of justice in connection therewith are at the heart of this matter. By making available to the committee without limitation all of the materials furnished to the grand jury, a list of which was furnished to you with my approval, he feels that he will have provided the committee with the necessary materials to resolve any questions concerning him. He is confident that when these are reviewed, the committee will be satisfied that no grounds for impeachment exist.

I will be glad to discuss these matters further with you if you so desire.

Sincerely yours,
James D. St. Clair
Special Counsel to the
President