

# PRESIDENT DEFIES HOUSE SUBPOENA FOR MORE TAPES

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Letter to Rodino Rules Out  
Possibility of Yielding on  
Demands for Evidence

## STAND STIRS CRITICISM

Nixon, Citing Separation of  
Powers, Asserts Someone  
Must 'Draw a Line'  
NYTimes

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WASHINGTON, June 10 —

President Nixon, apparently moving closer to a constitutional confrontation with Congress, said today that he must "draw a line" and refuse to provide the House Judiciary Committee with additional Watergate evidence.

In a letter to Peter W. Rodino Jr., chairman of the committee, Mr. Nixon again ruled out any possibility that he would turn over 45 tape recordings and documents subpoenaed by the committee for its impeachment inquiry.

Mr. Nixon's letter drew quick criticism from members of the committee and other members of Congress. His flat refusal to obey the subpoena seemed clearly to increase the prob-

*Nixon and St. Clair letters to  
Rodino are on Page 30.*

ability that the committee will vote to present a bill of impeachment to the full House of Representatives.

## Other Moves on Evidence

The letter to the committee was one of three actions today in which President Nixon reasserted his right to limit evidence to both Congress and the courts.

In a letter to Judge Gerhard A. Gesell of the United States District Court, Mr. Nixon insisted again that only he had the right to determine which White House documents could be made available to the defense of John D. Ehrlichman, his former aide, in the "plumbers" case involving a break-in at the office of Daniel Ellsberg's former psychiatrist.

Also, the White House said today it would appeal a ruling by District Judge John J. Sirica ordering Mr. Nixon to turn over to the court part of a tape recording that the judge said was "relevant" to an investigation of possible abuse of the Internal Revenue Service by the Administration.

## 'Full Story' Seen Out

The President's letter to Representative Rodino, delivered as Mr. Nixon was departing for the Middle East, said he was taking the position on the subpoena to preserve "the principle of the separation of powers and of the executive as a co-equal branch."

Mr. Nixon also said in a justification of his refusal that he had already provided the committee voluntarily with "a voluminous body of materials" that give "the full story of Watergate."

The letter urged the committee not to pursue "the chimera

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of additional evidence from additional tapes."

"Once embarked on a process of continually demanding additional tapes whenever those the committee already has failed to turn up evidence of guilt, there would be no end unless a line were drawn somewhere by someone," the letter declared. It added, "Since it is clear that the committee will not draw such a line, I have done so."

In a letter to President Nixon on May 30, Mr. Rodino warned that the committee would draw "adverse inference" from the refusal to turn over the subpoenaed materials—presumably meaning that the committee would infer that the President was seeking to conceal guilt.

The White House has rejected the suggestion that any "adverse inference" could be drawn from the President's refusal to turn over additional materials to the judiciary committee, to the special Watergate prosecutor or to the courts.

A close aide of the President insisted: "This is not stonewalling on the part of the President. It is a very responsible and necessary position to take."

"The President feels he has shared his personal side far beyond what any American President has done before," the aide continued. "He feels that in some ways he has gone too far and will accept no further encroachments on his prerogatives."

In his letter today, the President said that a proceeding such as the present impeachment inquiry "places a great strain on our constitutional system, and on the pattern of practice of self-restraint by the three branches that has maintained the balances of that system for nearly two centuries."

In an apparent reference to the demands of the judiciary panel for White House tapes and documents, Mr. Nixon declared, "Whenever one branch attempts to press too hard in intruding on the constitutional prerogatives of another, that balance is threatened."

"From the start of these proceedings," the letter continued, "I have tried to cooperate as

far as I reasonably could in order to avert a constitutional confrontation. But I am determined to do nothing which, by the precedents it set, would render the executive branch henceforth and forevermore subservient to the legislative branch, and would thereby destroy the constitutional balance."

The Speaker of the House of Representatives, Carl Albert, Democrat of Oklahoma, rejected the President's argument and in a statement said: "The Presidency of the United States is not at stake in this matter, and those who say it is are simply going beyond the realm of reason. We want a strong president, we want a strong Congress, we want a strong judicial system but all of us must live within the bounds of mutual responsibility under the Constitution."

Other critics of the President

have said that he has created the constitutional conflict with Congress as a defense strategy in the impeachment proceedings.

Although there is conflicting opinion on the claim of executive privilege exercised by the President to withhold evidence, a majority of commentators on the issue have held recently that such a claim is invalid in an impeachment process.

They argue that the House is given sole authority under the Constitution to conduct an impeachment proceeding and thus a Presidential claim of privilege would deny powers specifically granted to Congress.

Today's letter by the President directly challenges this view.

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