

THE WHITE HOUSE

WASHINGTON

May 22, 1974

Dear Mr. Chairman:

This letter is in response to two subpoenas of the House of Representatives dated May 15, 1974, one calling for the production of tapes of additional Presidential conversations and the other calling for the production of my daily diary for extended periods of time in 1972 and 1973. Neither subpoena specifies in any way the subject matters into which the Committee seeks to inquire. I can only presume that the material sought must be thought to relate in some unspecified way to what has generally been known as "Watergate."

On April 30, 1974, in response to a subpoena of the House of Representatives dated April 11, 1974, I submitted transcripts not only of all the recorded Presidential conversations that took place that were called for in the subpoena, but also of a number of additional Presidential conversations that had not been subpoenaed. I did this so that the record of my knowledge and actions in the Watergate matter would be fully disclosed, once and for all.

Even while my response to this original subpoena was being prepared, on April 19, 1974, my counsel received a request from the Judiciary Committee's counsel for the production of tapes of more than 140 additional Presidential conversations -- of which 76 were alleged to relate to Watergate -- together with a request for additional Presidential diaries for extended periods of time in 1972 and 1973.

The subpoenas dated May 15 call for the tapes of the first 11 of the conversations that were requested on April 19, and for all of the diaries that were requested on April 19. My

counsel has informed me that the intention of the Committee is to also issue a series of subpoenas covering all 76 of the conversations requested on April 19 that are thought to relate to Watergate. It is obvious that the subpoenaed diaries are intended to be used to identify even more Presidential conversations, as a basis for yet additional subpoenas.

Thus, it is clear that the continued succession of demands for additional Presidential conversations has become a never-ending process, and that to continue providing these conversations in response to the constantly escalating requests would constitute such a massive invasion into the confidentiality of Presidential conversations that the institution of the Presidency itself would be fatally compromised.

The Committee has the full story of Watergate, in so far as it relates to Presidential knowledge and Presidential actions. Production of these additional conversations would merely prolong the inquiry without yielding significant additional evidence. More fundamentally, continuing ad infinitum the process of yielding up additional conversations in response to an endless series of demands would fatally weaken this office not only in this Administration but for future Presidencies as well.

Accordingly, I respectfully decline to produce the tapes of Presidential conversations and Presidential diaries referred to in your request of April 19, 1974, that are called for in part in the subpoenas dated May 15, 1974, and those allegedly dealing with Watergate that may be called for in such further subpoenas as may hereafter be issued.

However, I again remind you that if the Committee desires further information from me about any of these conversations

- 3 -

or other matters related to its inquiry, I stand ready to answer, under oath, pertinent written interrogatories, and to be interviewed under oath by you and the ranking Minority Member at the White House.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert F. Kennedy". The signature is fluid and cursive, with a large initial "R" and "K".

The Honorable Peter W. Rodino, Jr.
Chairman
Committee on the Judiciary
House of Representatives
Washington, D. C.