

CLIFFORD G. MCINTIRE, of Perham, Maine, legislative director, American Farm Bureau Federation and former Member of Congress from Maine.

For a term of 4 years:

GALE B. AYDELOTT, of Denver, Colo., chairman and president, Denver and Rio Grande Western Railroad and president, Rio Grande Industries.

JAMES E. BURKE, of Freehold, N.J., vice president, United Transportation Union.

For a term of 6 years:

W. K. SMITH, of Minnetonka, Minn., vice president and director of transportation, General Mills, Inc.

FRANK H. BLATZ, JR., of Plainfield, N.J., partner in the Plainfield law firm of Blatz and Blatz and former mayor of Plainfield.

SAMUEL B. PAYNE, of Shelburne, Mass., investment banker, limited partner in Morgan Stanley and Co., New York.

The United States Railway Association was established by Public Law 93-236 of January 2, 1974, to plan and finance a new rail system for the Northeastern region of the United States. Its Board of Directors will include 11 members: the Chairman; three Government members (Secretary of Transportation, Chairman of the Interstate Commerce Commission, and Secretary of the Treasury, or their designees); and seven members appointed by the President with the advice and consent of the Senate. On April 30, 1974, the President announced that he would nominate Arthur D. Lewis, of New Canaan, Conn., to be Chairman of the Board.

The seven Board members appointed by the President are to be made from among recommendations of: the Association of American Railroads (Mr. Aydelott), the AFL-CIO (Mr. Burke), the National Governors' Conference (Governor Scranton), the National League of Cities and U.S. Conference of Mayors (Mr. Blatz), financial institutions and the financial community (Mr. Payne), and two from among recommendations of shippers and organizations representative of shipping interests including small shippers (Mr. Smith, Mr. McIntire).

Subpoena of Materials Relating to the Ellsberg Case

Letter to U.S. District Judge Gerhard A. Gesell From James D. St. Clair, Special Counsel to the President. May 30, 1974

Dear Judge Gesell:

In re United States of America v. John Ehrlichman, et al—Cr. No. 74-116

At the Court's request I have consulted with the President of the United States concerning the possibility that you might dismiss these cases if the material demanded by the defendants Colson and Ehrlichman in subpoenas issued by this Court on May 22, 1974, and made returnable on May 24, 1974, at 2:00 p.m. is not produced.

During the course of our colloquy on May 24, 1974, the Court observed that it was appropriate to find out at

the outset whether or not these cases can be tried rather than to proceed therewith only to find out at a later date that they cannot be tried. I concurred in this view.

So that the Court may be fully informed in this regard, the President has directed me to advise you that at least the item described in Paragraph 2 of Defendant Colson's subpoena, which was submitted and accepted *in camera* by the United States Supreme Court in connection with *New York Times Co. v. U.S.*, 403 U.S. 714 (1971), cannot be made public without substantial risk to the security of the United States.

In addition, I am informed that the defendants have filed further requests for production of documents since the hearing on May 24, 1974. At the direction of the President, I must also advise you that a number of these documents in all likelihood cannot be made public without substantial risk to the security of the United States.

The President is unaware of any basis on which these documents could be relevant or material in this proceeding but, of course, he cannot be the judge whether these or any other documents meet the "strict rule of relevancy and materiality" that this Court stated in its Memorandum and Order of May 24, 1974, would be applicable. The President has noted that the Court stated at the hearing on May 24, 1974, that nothing would be received under a protective order prohibiting disclosure of the contents of any document.

The President stands ready to make available to the Court for *in camera* inspection by the Court, and for disclosure to Defendants' counsel under a protective order preventing further disclosure the document described in Item 2 of Defendant Colson's subpoena upon the condition that should the Court find all or any part of the document relevant and material, the decision of whether the document or the relevant portion of it shall be declassified shall remain one for the Chief Executive and will not be assumed by the Court.

The Court should be aware that Special Prosecutor Jaworski was advised as early as December 11, 1973, that certain critical national security materials could not be made available for use in a public trial if an indictment were returned with respect to the activities of the Special Investigations Unit (sub-nominee "the Plumbers"). The Special Prosecutor expressed the opinion at that time that such materials would not be relevant and therefore did not pose a bar to the prosecution of alleged offenses arising out of the activities of this unit.

The President is not desirous of having these, or in fact, any indictments of former governmental officials dismissed without a full and fair trial but he must implement the constitutional responsibilities of his office by not jeopardizing the national security even if it means that the Court determines that these cases must ultimately be dismissed. As the Court of course is aware, it does happen on occasion that the paramount interest of national security does result in the dismissal of criminal prosecu-

tions thought to depend upon disclosure of classified information. *U.S. v. Ayers, et al*, No. Cr. 48104 (E.D. Mich., dismissed October 15, 1973).

With respect to the first item of each of the two subpoenas, the President has authorized me to advise the Court that he will authorize Defendants Colson's and Ehrlichman's counsel to share the access of their respective clients to those materials, if any, within the described files that relate to the issues in this case. As to any materials which the respective defendants believe relevant to their defense, the President will then weigh the competing interest as to whether the documents should be produced. Members of the Special Prosecutor's office will be provided access to all of such materials made available to the Defendants and their counsel.

While we believe that the above procedure should be satisfactory to the parties, the President has instructed me to cooperate fully with the Court and the Special Prosecutor to seek to avoid a dismissal of these cases. Accordingly, I stand ready to confer with the Court and the Special Prosecutor to exhaust all means available to avoid this result consistent with the President's responsibilities.

Sincerely,

JAMES D. ST. CLAIR
Special Counsel to the President

[Honorable Gerhard Gesell, U.S. District Court, Constitution Avenue at John Marshall Place, Washington, D.C.]

cc: Leon Jaworski, Esq., Special Prosecutor, Watergate Special Prosecution Force, 1425 K Street, NW, Washington, D.C. 20005
Sidney Dickstein, Esq., David Shapiro, Esq., Dickstein, Shapiro & Morin, 1735 New York Avenue, NW, Washington, D.C. 20006
William S. Frates, Esq., Andrew C. Hall, Esq., Frates Floyd Pearson Stewart Proenza & Richman, Twelfth Floor—Concord Building, Miami, Florida 33130

NOTE: The text of the letter was made available by the White House Press Office. It was not issued in the form of a White House press release.

Trade Agreement Between the United States and the European Community

Statement by the President. May 31, 1974

I am pleased to announce this morning that trade negotiators from the United States and the European Community, meeting in Brussels, have agreed on a formula for reducing Community import duties on a significant number and volume of American exports. These reductions are in compensation for changes which occurred when the European Community was enlarged to include Great Britain, Ireland, and Denmark.

The resolution of this important issue, following long and arduous negotiations over a period of several months,

represents a major step toward improved Atlantic relationships. It also helps to clear the way for prompt Senate action on the Trade Reform Act.

For their efforts in negotiating this agreement, Sir Christopher Soames, Vice President of the European Community Commission, and Ambassador William D. Eberle, the U.S. Special Representative for Trade Negotiations, both deserve the thanks of the entire Atlantic Community.

It is the hope of the United States that the spirit which prevailed during these negotiations will continue in the months and years ahead as we seek to resolve other important and sensitive issues.

The President's Visit to the Soviet Union

Announcement of the Date of the Visit. May 31, 1974

In accordance with the agreement on regular Soviet-American meetings on the highest level and the invitation extended at the time of General Secretary Leonid Brezhnev's visit to the United States in June 1973, President Nixon will make an official visit to the Soviet Union beginning on June 27, 1974.

NOTE: The announcement was made by Gerald L. Warren, Deputy Press Secretary to the President, for release at 12 noon, May 31, 1974. Mr. Warren stated that the announcement was also being made in Moscow. It was not issued in the form of a White House press release.

U.S.-Egyptian Joint Cooperation Commission

Announcement of the Formation of the Commission To Promote Cooperation in the Economic, Scientific, and Cultural Fields. May 31, 1974

The Governments of the United States and Egypt agreed today to the formation of a joint cooperation commission which will be designed to promote intensified cooperation in the economic, scientific and cultural fields between the two countries. Both Governments are convinced that such a joint commission will enable the United States and Egypt to develop far-reaching programs to their mutual benefit. Today's agreement is a result of a series of discussions between President Anwar Sadat and Secretary of State Henry A. Kissinger and reflects the deep desire of the two countries to strengthen their overall relationships. In agreeing to establish this joint commission, both Governments are further reaffirm-