

the chips were down, it was that spirit of restraint which prevailed.

I trust that the two branches can forge an effective partnership on behalf of budgetary responsibility again in this new fiscal year—and that one year from now the figures will show that the budget for fiscal year 1974 was in balance. The fact that we nearly achieved a balance in the second half of fiscal year 1973 encourages us to believe this a realistic objective.

It should not be overlooked, however, that the veto of certain bills and the reserving of certain funds was essential in achieving our budgetary goals for the past 12 months. Inflation continues to be our most important economic problem—and budget and monetary restraint continue to be our most important tools for fighting it. Our Phase IV controls will help to moderate inflation, but a balanced budget and monetary restraint must be our major weapons against rising prices.

With the economy now operating at a high level, revenues in fiscal year 1974 should approximate, without any tax increases, the overall level of expenditures I proposed last January—about \$269 billion. Balancing the budget therefore means that we must hold expenditures to that level in the coming year, despite the fact that higher prices, higher interest rates, and new legislation will all be working to drive spending higher. I am confident that with the continuing cooperation of the Congress we can meet that goal and thus help protect the American people against the twin dangers of higher prices and higher taxes.

## Response to Subpoena of Recordings and Documents

*The President's Letter to Senator Sam J. Ervin, Jr., Chairman, Senate Select Committee on Presidential Campaign Activities. Dated July 25, 1973. Released July 26, 1973*

*Dear Mr. Chairman:*

White House Counsel have received on my behalf the two subpoenas issued by you, on behalf of the Select Committee, on July 23rd.

One of these calls on me to furnish to the Select Committee recordings of five meetings between Mr. John Dean and myself. For the reasons stated to you in my letters of July 6th and July 23rd, I must respectfully refuse to produce those recordings.

The other subpoena calls on me to furnish all records of any kind relating directly or indirectly to the "activities, participation, responsibilities or involvement" of 25 named individuals "in any alleged criminal acts related to the Presidential election of 1972." Some of the records that might arguably fit within that subpoena are Presidential papers that must be kept confidential for reasons

stated in my letter of July 6th. It is quite possible that there are other records in my custody that would be within the ambit of that subpoena and that I could, consistent with the public interest and my Constitutional responsibilities, provide to the Select Committee. All specific requests from the Select Committee will be carefully considered and my staff and I, as we have done in the past, will cooperate with the Select Committee by making available any information and documents that can appropriately be produced. You will understand, however, I am sure, that it would simply not be feasible for my staff and me to review thousands of documents to decide which do and which do not fit within the sweeping but vague terms of the subpoena.

It continues to be true, as it was when I wrote you on July 6th, that my staff is under instructions to cooperate fully with yours in furnishing information pertinent to your inquiry. I have directed that executive privilege not be invoked with regard to testimony by present and former members of my staff concerning possible criminal conduct or discussions of possible criminal conduct. I have waived the attorney-client privilege with regard to my former Counsel. In my July 6th letter I described these acts of cooperation with the Select Committee as "genuine, extensive and, in the history of such matters, extraordinary." That cooperation has continued and it will continue. Executive privilege is being invoked only with regard to documents and recordings that cannot be made public consistent with the confidentiality essential to the functioning of the Office of the President.

I cannot and will not consent to giving any investigatory body private Presidential papers. To the extent that I have custody of other documents or information relevant to the work of the Select Committee and that can properly be made public, I will be glad to make these available in response to specific requests.

Sincerely,

RICHARD NIXON

[Honorable Sam J. Ervin, Jr., Chairman, Select Committee on Presidential Campaign Activities, United States Senate, Washington, D.C. 20510]

## Response to Subpoena of Recordings and Documents

*The President's Letter to Chief Judge John J. Sirica, United States District Court for the District of Columbia. Dated July 25, 1973. Released July 26, 1973*

*Dear Judge Sirica:*

White House Counsel have received on my behalf a subpoena duces tecum issued out of the United States District Court for the District of Columbia on July 23rd