

SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, D. C. 20549

November 6, 1972

Honorable John Dean  
The White House  
Washington, D. C.

Dear John:

This will bring you abreast of Chairman Staggers' correspondence with me about gaining access to the IT&T files. I would appreciate any advice you would have on the draft of a response which I have prepared.

Yours,

William J. Casey  
Chairman

Enclosure

I have your letter of November 1. Your initial request was not to examine our handling of a case. It was for documents from an investigative file for unspecified purposes. It is only your most recent letter that makes for the first time a request clearly and unambiguously related to your oversight responsibilities.

In any event, we did not think that the initial request sufficiently recognized our obligation to support and protect the enforcement responsibilities of the executive branch of the government. The Justice Department is still evaluating the matter with a view to enforcement action. Until the Justice Department decides not to present the matter to a Grand Jury or a Grand Jury refuses to indict or the matter is brought to trial, the rights of possible defendants and the protection of any enforcement action call for procedures which will minimize the risk of any pre-trial publicity. For that reason we refused your request for documents from an active investigative file.

We are always anxious to cooperate in the exercise of your oversight responsibilities and we will be pleased to consent to your staff conducting the examination described in your November 1 letter.

It appears to us that review of the Commission's handling of this matter does not require disclosure of the details of evidence which was subpoenaed for enforcement purposes and which, if used for any other purpose, could infringe individual rights and jeopardize enforcement action. Certainly, we believe that no risk of this should be incurred except under circumstances satisfactory to the Justice Department which carries the responsibility for protecting the rights of possible defendants and the validity of any enforcement action. We believe therefore, that we should instruct those to be examined not to answer questions relating to evidence on possible obstruction of justice until Justice considers it appropriate or until the Justice Department has agreed on procedures for assuring, as you say in your letter, "the adequate and proper enforcement of the law and ... protecting the legal rights of all parties." Without that assurance, we think we should not permit our staff to disclose evidence which could impair individual rights or jeopardize enforcement unless we are forced to by appropriate formal action of your

committee, which I understand has not been consulted at all on this matter. If your committee should resort to its subpoena power, it will be clear that the responsibility for the impairment of anyone's rights, or of the validity of an enforcement action, is yours and not ours.