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STATEMENT OF INFORMATION

APPENDIX I

H E A R I N G S

BEFORE *THE*

COMMITTEE ON THE JUDICIARY
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803

A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE
ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT
GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO
EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH
RICHARD M. NIXON
PRESIDENT OF THE UNITED STATES OF AMERICA

PRESIDENTIAL STATEMENTS

ON THE

WATERGATE BREAK-IN
AND ITS INVESTIGATION

MAY-JUNE 1974

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON: 1974

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INTRODUCTORY NOTE

This is a chronological compilation of Presidential statements on the Watergate break-in excerpted from Volumes 8, 9 and 10 of The Weekly Compilation of Presidential Documents.

Statements which were made as part of Presidential News Conferences or other question and answer sessions are reproduced in their entirety, along with the questions responded to. The remaining questions and answers are not included. Letters, Statements and Addresses to the Nation are included in their entirety, with the single exception of the President's State of the Union Address of January 30, 1974. Only the last portion of that address, the part dealing with Watergate, has been included.

At the end of each document is a citation showing the volume and page numbers of The Weekly Compilation of Presidential Documents from which the document was reproduced.

The impeachment inquiry staff library has available for reference a complete set of The Weekly Compilation of Presidential Documents from 1969 to the present.

THE PRESIDENT'S NEWS CONFERENCE OF JUNE 22, 1972

Q Mr. O'Brien has said that the people who bugged his headquarters had a direct link to the White House

Have you had any sort of investigation made to determine whether this is true?

THE PRESIDENT. Mr. Ziegler and also Mr. Mitchell, speaking for the campaign committee, have responded to questions on this in great detail. They have stated my position and have also stated the facts accurately.

This kind of activity, as Mr. Ziegler has indicated has no place whatever in our electoral process, or in our governmental process. And, as Mr. Ziegler has stated, the White House has had no involvement whatever in this particular incident.

As far as the matter now is concerned, it is under investigation, as it should be, by the proper legal authorities by the District of Columbia police, and by the FBI. I will not comment on those matters, particularly since possible criminal charges are involved.

8 Presidential Documents, 1078-79

(2)

THE PRESIDENT

NEWS CONFERENCE OF

AUGUST 29, 1972

THE PRESIDENT We will go right ahead with your questions, because I know you want to cover perhaps some international as well as domestic matters, including, I understand, for the first time, political matters.

Q Sir. President, are you personally investigating the mishandling of some of your campaign funds, and do you agree with former Secretary- Connally that these charges are harmful to your reelection?

THE PRESIDENT. Well, I commented upon this on other occasions, and I will repeat my position now.

With regard to the matter of the handling of **campaign** funds, we have a new law here in which technical violations have occurred and are occurring, apparently, on both sides. As far as we are concerned, we have in charge, in Secretary Stans, a man who is an honest man and one who is very meticulous, as I have learned from having him as my treasurer and finance chairman in two previous campaigns, in the handling of matters of this sort.

Whatever technical violations have occurred, certainly he will correct them and will thoroughly comply with the law. He is conducting any investigation on this matter, and co. conducting it very, very thoroughly, because he doesn't want any evidence at all to be outstanding, indicating th at we have not complied with the law.

Q Mr. President, wouldn't it be a good idea for a special prosecutor, even from your standpoint, to be appointed to investigate the contribution situation and also the Watergate case?

THE PRESIDENT. With regard to who is investigating it now, I think it would be well to notice that the FBI is conducting a full field investigation. The Department of Justice, of course, is in charge of the prosecution and presentin;, the matter to the grand jury The Senate Banking and Currency Committee is conducting an investigation The Government Accounting Office, an independent agency, is conducting an ins estigation of those aspects which involve the campaign spending law. Now, with all of these investigations that are being conducted, I don't believe that adding another special prosecutor would serve any useful pu,pose

8 Presidential Documents, 1306-07

The other point that I should make is that these investigations, the investigation by the GAO, the investigation by the FBI, by the Department of Justice, have, at my had the total cooperation of the—not only- the White House—but also of all agencies of the Government In addition to that, within our own staff, under my direction, Counsel to the President, Mr. Dean, has conducted a complete investigation of all leads *which* might involve any present members of the White House Staff or anybody in the Government. I can say categorically that his investigation indicates that no one in the **White** House Staff, no one in this Administration, presently employed, was involved in this very bizarre incident.

At the same lime, the committee itself is **conducting its** own investigation, independent of the rest, because the committee desires to clear the air and to be-sure that as far as any people who have responsibility for this campaign are concerned, that there is nothing that hangs over them. Before Mr. Mitchell left as campaign chairman he had employed a

very good law firm with investigatory experience to look into the matter. Mr. MacGregor has continued that investigation and is continuing it now I will say in that respect that anyone on the campaign committee, Mr. MacGregor has assured me, who does not cooperate with the investigation or anyone against whom charges are leveled where there is a prima facie case that those charges might indicate involvement will be **do** charged immediately. That, of course, will be true also of anybody in the Government. I think under these circumstance we are doing everything we can to take this incident and to investigate it and not **to cover it up. What** really hurts in matters of this sort is not the fact that they occur, because overzealous people in campaigns do things that are wrong. What really hurts is if you try to cover it up. I would say that here we are, with control of the agencies of the Government and presumably with control of the investigatory agencies of the Government with the exception of the GRO, which is independent. We have cooperated completely We have indicated that we want all the facts brought out and that as far as any people who are guilty are concerned, they should be prosecuted.

This kind of activity, as I have often indicated, has no place whatever in our political process. We want the air cleared. We want it cleared as soon as possible

(3)

THE PRESIDENT'S

NEWS CONFERENCE OF

OCTOBER 5, 1972

Q Mr., President, don't you think that your Administration and the public would be served considerably and that the men under indictment would be treated better, if you people would come through and make a clean breast about what you were trying to get done at the Watergate?

THE PRESIDENT. One thing that has always puzzled -me about it is why anybody would have tried to get anything out of the Watergate. But be that as it may, that decision having been made at lower levels, with which I had no knowledge, and, as I pointed out

Q. Surely you know now, sir.

THE PRESIDENT. Just a minute. I certainly feel that under the circumstances that we have got to look at what has happened and to put the matter into perspective

Now when we talk about a clean breast, let's look at what has happened. The FBI assigned 133 agents to this investigation. It followed out 1,800 leads. It conducted 1,500 interviews

Incidentally, I conducted the investigation of the Hiss case. I know that is a very unpopular subject to raise in some quarters, but I conducted it. It was successful. The FBI did a magnificent job, but that investigation, involving the security of this country, was basically a Sunday school exercise compared to the amount of effort that was put into this.

I agreed with the amount of effort that was put into it. I wanted every lead carried out to the end because I wanted to be sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-election had anything to do with this kind of reprehensible activity.

Now, the grand jury has handed down indictments. It has indicted incidentally two who were with the Committee for the Re-election and one who refused to cooperate and another who was apprehended. Under these circumstances, the grand jury now having acted, it is now time to have the judicial process go forward and for the evidence to be presented.

I would say finally with regard to commenting on any of those who have been indicted, with regard to saying anything about the judicial process, I am going to follow the good advice, which I appreciate, of the members of the press corps, my constant, and I trust will always continue to be, very responsible critics.

I stepped into one on that when you recall I made inadvertently a comment in Denver about an individual who had been indicted in California, the Manson case. I was vigorously criticized for making any comment about the case, and so of course, I know you would want me to follow the same single standard by not commenting on this

case.

8 Presidential Documents 1486, 1489

(4)

THE PRESIDENT'S NEWS CONFERENCE OF MARCH 2, 1973

Q. Mr. Presidents now that the Watergate case is over, the trial is over, could you give us your view on the verdict and what implications you see in the verdict on public confidence in the political system?

THE PRESIDENT. No, it would not be proper for me to comment on the case when it not only is not over, but particularly when it is also on appeal.

I will simply say with regard to the Watergate case what I have said previously, that the investigation conducted by Mr. Dean, the White House Counsel, in which, incidentally, he had access to the FBI records on this particular matter because I directed him to conduct this investigation, indicates that no one on the White House Staff, at the time he conducted the investigation—that was last July and August—was involved or had knowledge of the Watergate matter. And, as far as the balance of the case is concerned, it is now under investigation by a Congressional committee and that committee should go forward, conduct its investigation in an even-handed way, going into charges made against both candidates, both political parties. And if it does, as Senator Ervin has indicated it will, we will, of course cooperate with the committee just as I cooperated with the grand jury.

Q. Mr. President, yesterday at the Gray hearings, Senator Tunney suggested he might ask the committee to ask for John Dean to appear before that hearing to talk

9 Presidential Documents 214, 219-20

about the Watergate case and the FBI-White House relationship. Would you object to that?

THE PRESIDENT. No, of course.

Q. Why?

THE PRESIDENT. Well, because it is executive privilege. I mean you can't—I, of course—no President could ever agree to allow the Counsel to the President to go down and testify before a committee.

On the other hand, as far as any committee of the Congress is concerned, where information is requested that a member of the White House Staff may have, we will make arrangements to provide that information, but members of the White House Staff, in that position at least, cannot be brought before a Congressional committee in a formal hearing for testimony. I stand on the same position there that every *President* has stood on.

REPORTER. Thank you, Mr. President.

Q. Mr. President, on that particular point, if **the Counsel** was involved

THE PRESIDENT. He always gets two. (Laughter)

Q.—if the Counsel was involved in an illegal or improper act and the prima facie case came to light, then would you change the rules relative to the White House Counsel?

THE PRESIDENT. I do not expect that to happen, and if it should happen I would have to answer that question at that point.

Let me say, too, that I know that, since you are on your feet, Clark L. Louenhoffla that you had asked about the **Executive Privilege statement, and we will have that** available toward the end of next week or the first of the following week, for sure, because obviously, the Ervin Committee is interested in that statement, and that will answer, I think, some of the questions with regard to how information can be obtained from a member of the White House Staff, but consistent with executive privilege.

REPORTER. Thank you again.

NOTE President Nixon's thirtieth news conference was held at 11:08 a.m. on Friday, March 2, 1973, in the Briefing Room at the White House.

(5)

Executive Privilege

Statement by the President. March 12, 1973

During my press conference of January 31, 1973, I stated that I would issue a statement outlining my views on executive privilege.

The doctrine of executive privilege is well established. It was first invoked by President Washington, and it has been recognized and utilized by our Presidents for almost 200 years since that time. The doctrine is rooted in the Constitution, which vests "the Executive Power" solely in the President, and it is designed to protect communication **within** the executive branch in a variety of circumstances in time of both war and peace. Without such protection, our military security, our relations with other countries, our law enforcement procedure, and many other aspects of the national interest could be significantly damaged and the decision making process of the executive branch could be impaired.

The general policy of this Administration regarding the use of executive privilege during the next 4 years will be the same as the one we have followed during the past 4 years and which I outlined in my press conference: Executive privilege will not be used as a shield to prevent embarrassing information from being made available but will be exercised only in those particular instances in which disclosure would harm the public interest.

I first enunciated this policy in a memorandum of March 24, 1969, which I sent to Cabinet officers and heads of agencies. The memorandum read in part:

"The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval."

In recent weeks, questions have been raised about the availability of officials in the executive branch to present testimony before committees of the Congress. As my 1969 memorandum dealt primarily with guidelines for providing information to the Congress and did not focus specifically on appearances by officers of the executive branch and members of the President's personal staff, it would be useful to outline my policies concerning the latter question.

During the first 4 years of my *Presidency*, hundreds of Administration officials spent thousands of hours freely testifying before committees of the Congress. Secretary of Defense Laird, for instance, made 86 separate appearances before Congressional committees, engaging in over 397 hours of testimony. By contrast,

there were only three occasions during the first term of my Administration when executive privilege was invoked anywhere in the executive branch in response to a Congressional request for information. These faces speak not of a closed Administration but of one that is pledged to openness and is proud to stand on its record.

Requests for Congressional appearances by members of the President's personal staff present a different situation and raise different considerations. Such requests have been relatively infrequent through the years, and in past administrations they have been routinely declined. I have followed that same tradition in my Administration, and I intend to continue it during the remainder of my term.

Under the doctrine of separation of powers, the manner in which the President personally exercises his assigned executive powers is not subject to questioning by another branch of Government. If the **President is not subject to** such questioning, it is equally appropriate that members of his staff not be so questioned, for their roles are in effect an extension of the Presidency.

This tradition rests on more than Constitutional doctrine: It is also a practical necessity. To insure the effective discharge of the executive responsibility, a President must be able to place absolute confidence in the advice and assistance offered by the members of his staff. And in the performance of their duties for the President, those staff members must not be inhibited by the possibility that their advice and assistance will ever become a matter of public debate, either during their tenure in Government or at a later date. Otherwise, the candor with which advice is rendered and the quality of such assistance will inevitably be compromised and weakened. What is at stake, therefore, is not simply a question of confidentiality but the integrity of the decisionmaking process at the very highest levels of our Government.

The considerations I have just outlined have been and must be recognized in other fields, in and out of government. A law clerk, for instance is not subject to interrogation about the factors or discussions that preceded a decision of the judge.

For these reasons, just as I shall not invoke executive privilege lightly, I shall also look to the Constitution to continue this proper tradition in asking for executive branch testimony only from the officer properly constituted to provide the information sought, and only when the eliciting of such testimony will serve a genuine legislative purpose.

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As I stated in my press conference on January 31, the question of whether circumstances warrant the exercise of executive privilege should be determined on a case-by case basis; In making such decisions, I shall rely on the following guidelines:

In the case of a department or agency, every official shall comply with a reasonable request for an appearance before the Congress, provided that the performance of the duties of his office will not be seriously impaired thereby. If the official believes that a Congressional request for a particular document or for testimony on a particular point raises a substantial question as to the need for invoking executive privilege, he shall comply with the procedures set forth in my memorandum of March 24, 1969

Thus, executive privilege will not be invoked until the compelling need for its exercise has been clearly demonstrated and the request has been approved first by the Attorney General and then by the President

2. A Cabinet officer or any other Government official who also holds a position as a member of the President's personal staff shall comply with any reasonable request to testify in his non-White House capacity, provided that the performance of his duties will not be seriously impaired thereby. If the official believes that the request raises a substantial question as to the need for invoking executive privilege, he shall comply with the procedures set forth in my memorandum of March 24, 1969.

3. A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a **formal appearance** before a committee of the Congress. At the same time, it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the Constitutional separation of the branches.

9 Presidential Documents 253-54

NOTE: The text of the memorandum to which the statement refers was also made available by the White House Press Office, and follows:

March 24, 1969

MEMORANDUM FOR THE HEAD OF EXECUTIVE DEPARTMENT
AG:clz

SUBJECT: ESTABLISHING A PROCEDURE TO GOV COMPLIANCE

WITH CO: "4CaZISIO.XAL DEMANDS FOX INFORMATION:-- --"

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those rare Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive

privilege

1. If the head of an Executive department or agency (hereafter referred to as "department head") believes that compliance with a request for information from a Congressional agency to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, the Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President's decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination is made. Care shall be taken to indicate that the purpose of this request is to protect the privilege pending the determination, and that the request does not constitute a claim of privilege

(7)

THE PRESIDENT'S NEWS CONFERENCE OF MARCH 15, 1973

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Q. Mr.. President, do you plan to stick by your decision not to allow Mr Dean to testify before the Congress, even if it means the defeat of Mr.. Gray's nomination?

THE PRESIDENT. I have noted some speculation to the effect that the Senate might hold Mr.. Gray as hostage to a decision on Mr. Dean I cannot believe that such responsible Members of the United States Senate would do that, because as far as I am concerned, my decision has been made.

I answered that question rather abruptly, you recall, the last time it was asked by one of the ladies of the press here. I did not mean to be abrupt, I simply meant to be firm.

Mr. Dean is Counsel to the White House He is also one who was counsel to a number of people on the White House Staff. He has, in effect, what I would call a double privilege, the lawyer-client relationship, as well as the Presidential privilege.

And in terms of privilege, I think we could put it another way. I consider it my constitutional responsibility to defend the principle of separation of powers. I recognize that many Members of the Congress disagree with my interpretation of that responsibility.

But while we are talking on that subject—and I will go on at some length here because it may anticipate some of your other questions I am very proud of the fact that in this Administration we have been more forthcoming in terms of the relationship between the executive, the White House, and the Congress, than any administration in my memory. We have not drawn a curtain down and said that there could be no information furnished by members

* See page 255 of this issue.

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of the White House Staff because of their special relationship to the President.

All we have said is that it must be under certain circumstances, certain guidelines, that do not infringe upon or impair the separation of powers that are so essential to the survival of our system.

In that connection, I might say that I had mentioned previously that I was once on the other side of the fence, but what I am doing here in this case is cooperating with the Congress in a way that I asked the then President, Mr. Truman, to cooperate with a committee of the Congress 25 years ago and in which

he refused.

I don't say that critically *of* him now~he had his reasons, I have mine. But what we asked for in the hearings on the Hiss case—and all of you who covered it, like Bill Theis and others, will remember—what we asked for was not that the head of the FBI or anybody from the White House Staff testify. There was very widespread information that there was a report of an investigation that had been made in the Administration about the Hiss case. We asked for that report. We asked for the FBI information with regard to that report

And Mr. Truman, the day we started our investigation, issued an executive order in which he ordered everybody in the executive department to refuse to cooperate with the committee under any circumstance.: The FBI refused all information. We got no report from the Department of Justice. And we had to go forward and break the case ourselves.

We did. And, to the credit of the Administration, after we broke the case, they proceeded to conduct the prosecution and the FBI went into it.

I would like to say, incidentally, that I talked to Mr. Hoover at that time. It was with reluctance that he did not turn over that information—reluctance, because he

¹ See Public Papers of the Presidents, Harry S. Truman 19th volume, Item 170[41].

felt that the information, the investigation they had conducted, was very pertinent to what the committee was doing.

Now, I thought that decision was wrong. And so when this Administration has come in, I have always insisted that we should cooperate with Members of the Congress and with the committees of the Congress. And that is why we have furnished information. But, however, I am not going to have the Counsel to the President of the United States testify in a formal session for the Congress. However, Mr. Dean will furnish information when any of it is requested, provided it is pertinent to the investigation.

Q. Mr. President, would you then be willing to have Mr. Dean sit down informally and let some of the Senators question him, as they have with Dr. Kissinger?

THE

you know, not only informally meet with Members of the Congress on matters of substance, the same is true with members of the press. As you know, Dr. Kissinger meets with you ladies and gentlemen of the press and answers questions on matters of substance.

In this case, where we have the relationship that we have with Mr. Dean and the President of the United States—his Counsel that would not be a proper way to handle it. He will, however—the important thing is, he will furnish all pertinent information. He will be completely forthcoming—something that other Administrations have totally refused to do until we got here. And I am very proud of the fact that we are forthcoming, and I would respectfully suggest that Members of the Congress might look at that record as they decide to test it.

Q. Mr. President, are you concerned, sir, that any of the confidential FBI interviews that were conducted in their Watergate investigation were in any way compromised by Pat Gray's having given information to John Dean or talked with John Ehrlichman or others?

THE PRESIDENT? ~ ~ ~

r. No, I am not concerned about that. I would say that there is no possibility whatever that any information from the FBI, that may have been provided in the line of their duties to a member of the White House Staff, would be bandied about in the press.

I would express concern on another point. In my longtime association with Mr. Hoover, he always was hardline in dealing with the Member of the Congress and with Congressional committees in terms of what he called "raw files," and when I first came into this office, he showed me a raw file I had not seen any before.

And when I saw the gossip, the hearsay, and unsubstantiated kind of slanderous statements—libelous, in this case, because they were in writing, having been made orally and then transmitted into writing—I was really shocked.

Mr. Hoover, after showing me the raw file then gave me an appraisal by the FBI of what could be believed and what could not be believed. And in the case of this particular individual—the reason I saw the file, it involved a check of an individual that I was nominating for a position, and I needed to get the facts, and, of course, I always have access to those files. What we found was that every charge that had been made against the individual was false.

Now, for the FBI, before a full committee of the Congress, to furnish raw files and then to have them leak out to the press, I think could do innocent people a great deal of damage. I understand why Mr. Gray did, because his hearing was involved. But I would say that should not be a precedent for the future.

The way Mr. Hoover handled it with Members of the Congress was that he would show the raw file, for example, to Mr. Eastland, the chairman of a committee, and the ranking minority member, where a judge was up for confirmation. But nothing ever leaked from those files. And the sanctity of those files must be maintained, and I believe that the practice of the FBI furnishing raw files to full committees must stop with this particular one.

Q. Mr. President, one of the revelations made by Mr. Gray during the course of the hearings has been that Mr. Kalmbach was involved with Mr. Chapin in the hiring of Mr. Segretti for amounts up to \$40,000. Can you tell us, sir, did you know of that relationship, and did you know of that transaction, and if not, can you tell us your opinion of it now that it has been revealed by Mr. Gray?

THE

PRESIDENT. This gives me an opportunity to not only answer that question, but many others that I note you have been asking Mr. Ziegler.

First—and incidentally, I am not complaining about the fact you are asking the question of me or Mr. Ziegler; it is a very proper question—a Senate committee is conducting investigations. These investigations will soon, I understand, over a period of many months I respect the right of the Senate to conduct those investigations. We will cooperate; we will cooperate fully with the Senate, just as we did with the grand jury, as we did with

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the FBI, and as we did with the courts when they were conducting their investigations previously in what was called the Watergate matter.

As far as these investigations are concerned, there are all kinds of information, charges, et cetera, et cetera, that have been made and will be made in the future. I could comment upon them. Mr. Ziegler could in the future. I will not. He will not. And the reason that we will not is that when the committee completes its investigation, we will then have comment, if we consider it appropriate to do so. But it is the right of the committee to conduct the investigation. All the facts can come out.

I have confidence in all of the White House people who have been named. I will express that confidence again. But I am not going to comment on any individual matter that the committee may go into.

Let me say, with regard to the committee, too, I do not intend to raise questions about its conduct. I have been very pleased to note that Senator Ervin—at least this is the way I read what he says—has indicated that the investigation will be bipartisan, that it will look into charges that have been made against both election campaigns, and that is as it should be. He has also indicated that he, **as a great constitutional lawyer, will accept no hearsay**, that he will not tolerate any guilt by innuendo, he will not tolerate any guilt by association.

As long as the committee conducts its investigations with those very high guidelines—guidelines I tried to follow, incidentally, in the Hiss case; not perhaps as well as I might have, but I did what many thought was pretty well—but in any event, as long as it is conducted that way, I do not intend to make any statements with regard to matters before the committee. That is for the committee to look into.

Q. Mr. President, does your **offer to cooperate with** the Ervin committee include the possibility that you would allow your aides to testify before his committee. And if it does not, would you be willing to comply with a court order, if Ervin went to **court to get one, that required some** testimony from White House aides?

THE PRESIDENT. In answer to **your first part of the question**, the statement that we **made yesterday answered** that completely—not yesterday, the 12th I think **it was**, my statement on executive privilege; George T. Member of the White House Staff will **not appear before a committee of Congress** in any formal session.

We will furnish information under the proper circumstances. We will consider each matter on a case-by-case basis.

With regard to the second point, that is not before us. Let me say, however, that if the Senate feels at this time that this is a matter of separation of powers—where, as T said,

this Administration has been more forthcoming than any Democratic Administration I know of—if the Senate feel that they want a court test, we would welcome it. Perhaps this is the time to have the highest court of this land make a definitive decision with regard to this matter.

I am not suggesting that we are asking for it. But I would suggest that if the Member of the Senate, in their wisdom, decide that they want to test this matter in the courts, we will, of course, present our side of the case. And we think that the Supreme Court will uphold, as it always

usually has, the great constitutional principle of separation of powers rather than to uphold the Senate

Q Mr. President, isn't there an essential difference really between your investigation of the Hiss case and the request of this subcommittee to Mr. Dean to appear? In the former, foreign affairs was involved and possibly security matters, where here they only wish to question Mr. Dean about the breaking into the Watergate?

THE PRESIDENT. Yes-, I would say the difference is very significant. As a matter of fact, when a committee of Congress was investigating espionage against the Government of this country, that committee should have had complete cooperation from at least the executive branch of the Government in the form that we asked. And that we asked was to get the report that we knew they had already made of their investigation.

Now, this investigation does not involve espionage against the United States. It is, as we know, espionage by one political organization against another. And I would say that as far as your question is concerned, that the argument would be that the Congress would have a far greater right and would be on much stronger ground to ask the Government to cooperate in a matter involving espionage against the Government than in a matter like this involving politics.

Q Mr. President, you have talked about the responsibility within the White House and the responsibility between Congress and the White House. Where do you feel your responsibility for the Committee to Re-elect the President begins and ends, Mr. Mitchell or any other people who were working for them?

THE PRESIDENT: Well, the responsibility there of course is one that will be replied to by Mr. Mitchell, Mr. Stans, and all of those in due course. None of them have the privilege, none of them, of course, will refuse to testify, none has when he is asked to. And I am sure they will give very good accounts of themselves, as they have in the court matters that they have been asked to

Director of the Federal Bureau of Investigation

*Statement by the President on His Intention To
Withdraw the Nomination of L. Patrick Gray III,
at Aft. Gray's Request. April 5, 1973*

Pat Gray is an able, honest, and dedicated American

Because I asked my counsel, John Dean, to conduct a thorough investigation of alleged involvement in the Watergate episode, Director Gray was asked to make FBI reports available to Mr. Dean. His compliance with this completely proper and necessary request exposed Mr. Gray to totally unfair innuendo and suspicion, and thereby seriously tarnished his fine record as Acting Director and promising future at the Bureau

In view of the action of **the Senate Judiciary Committee** today, it is obvious that Mr. **Gray's nomination will** not be confirmed by the Senate. Mr. Gray has asked that I withdraw his nomination. In fairness to Mr. Gray, and out of my overriding concern for the effective conduct of the vitally important business of the FBI, I have regretfully agreed to withdraw Mr. Gray's nomination.

I have asked Mr. Gray to remain Acting Director until a new nominee is confirmed.

NOTE: The statement was released at San Clemente, Cal.

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The Watergate Investigation

The President's Remarks Announcing Developments and Procedures To Be Followed in Connection with the Investigation. April 17, 1973

Ladies and gentlemen:

I have two announcements to make. Because of their technical nature, I shall read both of the announcements to the members of the press corps.

The first announcement relates to the appearance of White House people before the Senate Select Committee, better known as the Ervin Committee.

For several weeks, Senator Ervin and Senator Baker and their counsel have been in contact with White House representatives John Ehrlichman and Leonard C. Berenson. They have been talking about ground rules which would preserve the separation of powers without suppressing the

facts.

I believe now an agreement has been reached which is satisfactory to both sides. The ground rules as adopted, totally preserve the doctrine of separation of powers. They provide that the appearance of a witness, in the first instance, be in executive session, if appropriate.

Second, executive privilege is expressly reserved and may be asserted during the course of the questioning as to any question.

Now, much has been made of the issue as to whether the proceedings could be televised. To me, this has never been a central issue, especially if the separation of powers problem is otherwise solved, as I now think it is.

All members of the White House Staff will appear voluntarily when requested by the committee. They will testify under oath, and they will answer fully all proper questions.

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I should point out that this arrangement is one that covers this hearing only in which wrongdoing has been charged. This kind of arrangement, of course, would not apply to other hearings. Each of them will be considered on its merits.

My second **announcement concerns the Watergate case** directly).

On **March 21, as a result of serious charges which came to my attention, some** of which were publicly reported, I began intensive new inquiries into this whole matter.

Last Sunday afternoon, the Attorney General, Assistant Attorney General Peterson, and I met at length in the EOB to review the facts which had come to me in my investigation and also to review the progress of the Department of Justice investigation.

I can report today that **there have been** major developments in the case concerning which it would be improper to be more specific now, **except to say that real progress** has been made in finding the truth.

If any person in the executive branch or in the Government is indicted by the grand jury, my policy will be to immediately suspend him. If he is convicted, he will, of course, be automatically discharged.

I have expressed to the appropriate authorities my view that no individual holding, in the past or at present, a position of major importance in the Administration should be given immunity from prosecution.

The judicial process is moving ahead as it should, and I shall aid it in all appropriate ways and have so informed

the appropriate authorities

As I have **said before and I have said throughout this** entire matter, all Government employees and especially White House Staff employees are expected fully to cooperate in this matter. I condemn any attempts to cover up in this case, no matter Who is involv ed.

Thank you.

NOTE: The President spoke at 4:42 p.m.. in the Briefing Room at the White House.

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Attorney General and White House Staff

Statement by the President Announcing Resignations and Appointments, Together With Assignment of Responsibilities Regarding the Watergate Investigations April 30, 1973

I have today received and accepted the resignation of Richard G. Kleindienst as Attorney General of the United States. I am appointing Elliot L. Richardson to succeed him as Attorney General and will submit Mr. Richardson's name to the Senate for confirmation immediately.

Mr. Kleindienst asked to be relieved as Attorney General because he felt that he could not appropriately continue as head of the Justice Department now that it appears its investigation of the Watergate and related cases may implicate individuals with whom he has had a close personal and professional association. In making this decision, Mr. Kleindienst has acted in accordance with the highest standards of public service and legal ethics. I am accepting his resignation with regret and with deep appreciation for his dedicated service to this Administration.

Pending Secretary Richardson's confirmation as Attorney General, I have asked him to involve himself immediately in the investigative process surrounding the Watergate matter. As Attorney General, Mr. Richardson will assume full responsibility and authority for coordinating all Federal agencies in uncovering the whole truth about this matter and recommending appropriate changes in the law to prevent future campaign abuses of the sort recently uncovered. He will have total support from me in getting this job done.

In addition, I have today accepted the resignations of two of my closest friends and most trusted assistants in the White House, H. R. Haldeman and John D. Ehrlichman.

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I know that their decision to resign was difficult; my decision to accept it was difficult; but I respect and appreciate the attitude that led them to it.

I emphasize that neither the submission nor the acceptance of their resignations at this time should be seen by anyone as evidence of any wrongdoing by either one. Such an assumption would be both unfair and unfounded.

Throughout our association, each of these men has demonstrated a spirit of selflessness and dedication that I have seldom seen equaled. Their contributions to the work of this Administration have been enormous. I **greatly regret** their departure.

Finally, I have today requested and accepted the resignation of John W. Dean III from his position on the White House Staff as Counsel.

Effective immediately, Leonard Garment, Special Consultant to the President, will take on additional duties as Counsel to the President, and will continue acting in this capacity until a permanent successor to Mr. Dean is named. Mr. Garment will represent the White House in all matters relating to the Watergate investigation and will report directly to me.

THE WATERGATE INVESTIGATION

The President's Address to the Nation". April 30, 1973

Good evening.

I want to talk to you tonight from my heart on a subject of deep concern to every American.

In recent months, members of my Administration and officials of the Committee for the Re-election of the President—including some of my closest friends and most trusted aides—have been charged with involvement in what has come to be known as the Watergate affair. These include charges of illegal activity during and preceding the 1972 Presidential election and charges that responsible officials participated in efforts to cover up that illegal activity.

The inevitable result of these charges has been to raise serious questions about the integrity of the White House itself. Tonight I wish to address those questions.

Last June 17, while I was in Florida trying to get a few days rest after my visit to Moscow, I first learned from news reports of the Watergate breach. I was appalled at this senseless, illegal action, and I was shocked to learn that employees of the Re-election Committee were apparently among those guilty. I immediately ordered an investigation by appropriate Government authorities. On September 15, as you will recall, indictments were brought against seven defendants in the case.

As the investigations went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my Administration were in any way involved. I received repeated assurances that there were not. Because of these continuing reassurances, because I believed the reports I was getting, because I had faith in the persons from whom I was getting them, I discounted the stories in the press that appeared to implicate members of my Administration or other officials of the campaign committee.

Until March of this year, I remained convinced that the denials were true and that the charges of involvement by members of the White House Staff were false. The comments I made during this period, and the comments made by my Press Secretary in my behalf, were based on the information

provided to us at the time we made those comments. However

new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me.

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

I again ordered that all persons in the Government or at the Reelection Committee should cooperate fully with the FBI, the prosecutors, and the grand jury. I also ordered that anyone who refused to cooperate in telling the truth would be asked to resign from government service. And, with ground rules adopted that would preserve the basic constitutional separation of powers between the Congress and the Presidency, I directed that members of the White House Staff should appear and testify voluntarily under oath before the Senate committee which was investigating Watergate.

I was determined that we should get to the bottom of the matter, and that the truth should be fully brought out—no matter who was involved.

At the same time, I was determined not to take precipitate action, and to avoid, if at all possible, any action that would appear to reflect on innocent people. I wanted to be fair. But I knew that in the final analysis, the integrity of this office—public faith in the integrity of this office—would have to take priority over all personal considerations.

Today, in one of the most difficult decisions of my Presidency, I accepted the resignations of two of my closest associates in the White House—Bob Haldeman, John Ehrlichman—two of the finest public servants it has been my privilege to know.

I want to stress that in accepting these resignations, I mean to leave no implication whatever of personal wrongdoing on their part, and I leave no implication tonight of implication on the part of others who have been charged in this matter. But in matters as sensitive as guarding the integrity of our democratic process, it is essential not only that rigorous legal and ethical standards be observed, but also that the public, you, have total confidence that they are both being observed and enforced by those in authority and particularly by the President of the United States. They agreed with me that this move was necessary in order to restore that confidence.

Because Attorney General Kleindienst—though a distinguished public servant, my personal friend for 20 years, with no personal involvement whatever in this matter—has been a close personal and professional associate of some of those who are involved in this case, he and I both felt that it was also necessary to name a new Attorney General.

The Counsel to the President, John Dean, has also resigned.

As the new Attorney General, I have today named Elliot Richardson, a man of unimpeachable integrity and rigorously high principle. I have directed him to do everything necessary to ensure that the Department of Justice has the confidence and the trust of every law abiding person in this country.

I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have

instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case.

Whatever may appear to have been the case before, whatever improper activities may yet be discovered in connection with this whole sordid affair, I want the American people, I want you to know beyond the shadow of a doubt that during my term as President, justice will be pursued fairly, fully, and impartially, no matter who is involved. This office is a sacred trust and I am determined to be worthy of that trust.

Looking back at the history of this case, two questions arise:

How could it have happened?

Who is to blame?

Political commentators have correctly observed that during my 27 years in politics I have always previously insisted on running my own campaigns for office.

But 1972 presented a very different situation. In both domestic and foreign policy, 1972 was a year of crucially important decisions, of intense negotiations, of vital new directions, particularly in working toward the goal which has been my overriding concern throughout my political career—the goal of bringing peace to America, peace to the world.

That is why I decided, as the 1972 campaign approached, that the Presidency should come first and politics second. To the maximum extent possible, therefore, I sought to delegate campaign operations, to remove the day-today campaign decisions from the President's office and from the White House. I also, as you recall, severely limited **the number of my** own campaign appearances.

Who, then, is to blame for what happened in this case?

For specific criminal actions by specific individuals, those who committed those actions must, of course, bear the liability and pay the penalty.

For the fact that alleged improper actions took place within the White House or within my campaign organization, the easiest course would be for me to blame those to whom I delegated the responsibility to run the campaign. But that would be a cowardly thing to do.

I will not place the blame on subordinates—on people whose zeal exceeded their judgement, and who may have done wrong in a cause they deeply believed to be right.

In any organization, the man at the top must bear the responsibility. That responsibility, therefore, belongs here, in this office. I accept it. And I pledge to you tonight, from this office, that I will do everything in my power to ensure that the guilty are brought to justice, and that such abuses are purged from our political processes in the years to come, long after I have left this office.

Some people, quite properly appalled at the abuses that occurred will say that Watergate demonstrates the bankruptcy of the American political system. I believe precisely the opposite is true. Watergate represented a series of illegal acts and bad judgments by a number of individuals. It was the system that has brought the facts to light and that will bring those guilty to justice—a system that in this case has included a determined grand jury, honest prosecutors, a courageous judge, John Sirica, and a vigorous free press.

It is essential now that we place our faith in that system—and especially in the judicial system. It is essential that we let the judicial process go forward, respecting those safeguards that are established to protect the innocent as well as to convict the guilty. It is essential that in reacting to the excesses of others, we not fall into excesses ourselves.

It is also essential that we not be so distracted by events such as this that we neglect the vital work before us, before this Nation, before America, at a time of critical importance to America and the world.

Since March, when I first learned that the Watergate affair might, in fact, be far more serious than I had been led to believe, it has claimed far too much of my time and my attention.

Whatever may now transpire in the case, whatever the actions of the grand jury, whatever the outcome of any eventual trials, I must now turn my full attention—and I shall do so—once again to the larger duties of this office. I owe it to this great office that I hold, and I owe it to you—to my country.

I know that as Attorney General, Elliot Richardson will be both fair and he will be fearless in pursuing this case wherever it leads. I am confident that with him in charge, justice will be done.

There is vital work to be done toward our goal of a lasting structure of peace in the world—work that cannot wait, work that I must do.

Tomorrow, for example, Chancellor Brandt of West Germany will visit the White House for talks that are a vital element of "The Year of Europe," as 1973 has been called. We are already preparing for the next Soviet-American summit meeting later this year.

This is also a year in which we are seeking to negotiate a mutual and balanced reduction of armed forces in Europe, which will reduce our defense budget and allow us to have funds for other purposes at home so desperately needed. It is the year when the United States and Soviet negotiators will seek to work out the second and even more important round of our talks on limiting nuclear arms, and of reducing the danger of a nuclear war that would destroy civilization as we know it. It is a year in which we confront the difficult tasks of maintaining peace in Southeast Asia and in the potentially explosive Middle East.

There is also vital work to be done right here in America: to ensure prosperity, and that means a good job for everyone who wants to work; to control inflation, that I know worries every housewife, everyone who tries to balance a family budget in America; to set in motion new and better ways of ensuring progress toward a better life for all Americans.

When I think of this office—of what it means—I think of all the things that I want to accomplish for this Nation, of all the things I want to accomplish for you.

On Christmas Eve, during my terrible personal ordeal of the renewed bombing of North Vietnam, which after 12 years of war, finally helped to bring America peace with honor, I sat down just before midnight. I wrote out some of my goals for my second term as President.

Let me read them to you.

"To make it possible for our children, and for our children's children, to live in a world of peace.

"To make this country be more than ever a land of opportunity—of equal opportunity, full opportunity for every American.

"To provide jobs for all who can work, and generous help for those who cannot work.

"To establish a climate of decency, and civility, in which each person respects the feelings and the dignity and the God-given rights of his neighbor.

"To make this a land in which each person can dare to dream, can live his dreams—not in fear, but in hope—proud of his community, proud of his country, proud of what America has meant to himself and to the world."

These are great goals. I believe we can, we must work for them. We can achieve them. But we cannot achieve these goals unless we dedicate ourselves to another goal.

We must maintain the integrity of the White House, and that integrity must be real, not transparent. There can be no whitewash at the White House.

We must reform our political process—ridding it not only of the violations of the law, but also of the ugly mob violence, and other inexcusable campaign tactics that have been too often practiced and too readily accepted in the past, including those that may have been a response by one side to the excesses or expected excesses of the other side. Two wrongs do not make a right.

I have been in public life for more than a quarter of a century. Like any other calling, politics has good people, and bad people. And let me tell you, the great majority in politics—in the Congress, in the Federal Government, in the State Government—are good people. **I know that it** can be very easy, under the intensive pressures of a campaign, for even well-intentioned people to fall into shady tactics—to rationalize this on the grounds that what is at stake is of such **importance to the Nation that** the end justifies the means. And both of our great parties have been guilty of such tactics in the past.

In recent years, however, the campaign excesses that have occurred on all sides have provided a sobering demonstration of how far this false doctrine can take us. The lesson is clear: America, in its political campaigns, must not again fall into the trap of letting the end, **however great** that end is, justify the means.

I urge the leaders of both political parties, I urge **citizens, all of you**, everywhere, to join in working toward a new set of standards, new rules and procedures to ensure that future elections will be as nearly free of such abuses as they possibly can be made. This is my goal. I ask you to join in making it America's goal.

When I was inaugurated for a second term this past January 20, I gave each member of my Cabinet and each member of my senior White House Staff a special 4-year calendar, with each day marked to show the number of days remaining to the Administration. In the inscription on each calendar, I wrote these words: "The Presidential term which begins today consists of 1,461 days—no more, no less. Each can be a day of strengthening and renewal for America; each can add depth and dimension to the American experience. If we strive together, if we make the most of the challenge and the opportunity that these days offer us, they can stand out as great days for America, and great moments in the history of the world."

Republican Party Dinner

The **President's Remarks at a** Republican Fundraising Dinner at the Washington *Hilton* Hotel. May 9, 1973

Mr./r. Vice President, and all of the distinguished guests, because everyone here is a distinguished guest tonight:

I had been hearing that this would be less than an enthusiastic dinner tonight, and I must say you have proved that perhaps the critics were wrong.

I do know, too, that this is an evening when you have been paying tribute to some who have led our party in the past year in fact over the past years, to Chairman Bob Dole, Bob Wilson, and Peter Dominick, and I wish to pay tribute to them, too, and also to the new leaders—the new leadership that is up here, George Bush, and Bob Michel, Bill Brock. They are a great team, and they are a team that the Vice President and I will be very proud to work with for the victory that we are going to win in 1974.

Having mentioned the Vice President, I thank him for his indefatigable campaigning in all the years since we have been together in Washington. He has had to carry, as is often the lot of the Vice President, the campaigning load when the President has some other responsibilities to undertake, and he has carried that load with great dedication and great effectiveness, and I am proud to have him as a member of our team.

Now, as is always my custom, before speaking before any audience of such a distinguished group as this, I asked the chairman what I should talk about, and it just happened this afternoon I met with the chairman, Chairman Bush, and also his other two colleagues and our new finance chairman, Mr. Wilson from Tennessee, and we had a discussion about this dinner tonight and what you would like to hear about.

You already heard the Vice President praise the accomplishments of the Administration and so for me to add to that would simply be, of course, adding praise for what he says I have done, but which you have made possible, and all of us working together have made possible, and I will have something to say about that as I conclude tonight.

But it has always been my practice before any kind of audience to take on those subjects that some people think you don't want to take on because they are difficult.

Let me say, I didn't get where I am by ducking tough issues; I am keenly aware of the fact that many Americans—everybody in this room, for example—are concerned about the developments that we have been reading about and hearing about in recent weeks and recent months.

I expressed my concern just a few days ago on national television. I will not add to what I said then, except to make some comments that I think are quite appropriate at this time.

In the American political process, one of the most

difficult tasks of all comes when charges are made against high officials in an Administration. That is a very great test of an Administration, and many times, in the history of our country, Administrations have failed to meet the test of investigating those charges that might be embarrassing to the Administration, because they were made against high officials in an Administration.

We have had such a situation. We have been confronted with it. We are dealing with it. And I will simply say to you tonight that this Nation, Republicans, Democrats, Independents, all Americans, can have confidence in the fact that the new nominee for Attorney General, Elliot Richardson, and the special prosecutor that he will appoint in this case, will have the total cooperation of the executive branch of this Government; they will get to the bottom of this thing; they will **see to it that all** of those who are guilty are prosecuted and are brought to justice. That is a pledge I make tonight and that I think the American people are entitled to.

But I would add that the place where **that should** happen is in the courts of law. Charges are these days made rather easily, as we know, in our political process, and there is sometimes a tendency for us to convict the innocent in our own mind before they have the opportunity to be heard, before they have **the opportunity, even** if charges are made, to be tried.

And let us resolve tonight that until we hear the evidence, until those **who have been charged have had a** chance to present their case in a court of law, let's uphold the great American tradition that an individual, even a government official, is innocent until he is proven ^{guilty}.

I also want to add a word with regard to what all this is going to mean to the next 3 1/2 and a bit more years that we have in office as a **result of the election last** November. I can assure you that we will get to the bottom of this very deplorable incident. We shall do everything that we can to develop new legislative tools which will deal with this kind of abuse and other abuses as practiced too often in many campaigns by both parties over the years.

But the most important thing I want to say tonight is this: We are not going to allow this deplorable incident to deter us or deflect us from going forward toward achieving the great goals that an overwhelming majority of the American people elected us to achieve in November of 1972.

We received the greatest popular majority in history for good reasons. The American people had a clear choice, and the same reasons and that same choice exists today as did exist then. And when we look at those goals, ^{some} of which the Vice President has referred to so eloquently, when we look at those goals, it is our responsibility at this time to go forward now and achieve them, and that we do intend to do. And I can assure you that whether it is in a Cabinet meeting that we will be having in the

morning or whether it is a meeting with legislative leaders, which we will be having next week, that you can be sure the business of your Government is going forward and we are going to make the next 4 years better than the last 4 years and that is something Americans are entitled to.

As you know, in a few weeks I shall probably be meeting with the leader of the Soviet Union in a return visit that he will be making to the United States. And as the Vice President has indicated, we have had great progress over the past year, particularly in trying to work towards not just ending a war that had gone on much too long—12 years, as a matter of fact—but in building a more peaceful world so that, for example, the leaders of one-fourth of all the people in the world wouldn't be out there isolated from the rest of the world, with the danger of a confrontation 15 to 20 years from now being inherited by our children, and making progress as we have made it with the other great super power, the Soviet Union, progress that does not resolve the basic differences between our various systems of government and our philosophies. They are there; they will remain. But progress towards seeing to it that differences can be resolved around a conference table after a hard bargain, which is what we did last year and what we intend to do as a result of very careful planning that is now going forward this year as well.

What I would like to say to you, my friends, is this: Every individual, I am sure, who occupies the office of President, tries to think of one thing he wants more than anything else, and I could name many goals tonight that I would want more than anything else. But more important than anything else for the present President of the United States is the goal of building a new structure of peace in the world.

And the reason that is the most important goal is that unless the President of the United States, backed by the people of the United States and the Congress, takes the leadership in this field, we will not have peace. That is the truth of the matter, because **there is no other free nation** that is strong enough, and there is no other group of nations that has the will to provide that leadership.

We have tried to meet that responsibility over the past 4 years, and we have made progress. We are going to continue to meet that responsibility over the next 3 1/2 years, as I have indicated.

But in order to meet it, it is essential that we concentrate our minds and our hearts and our souls and our energy toward achieving that goal as well as the others that I have mentioned in my speech a few days ago and that the Vice President referred to in his introduction today.

And that brings me to a personal note referring to everybody here. I have had, as you know, some political ups and downs during my 97 years in politics, and I have

9 Presidential Documents 660-61

known times when I wondered if I had very many friends, and every man or woman who has been in politics knows that when you win, they are all your

friends, and when you lose, it is pretty hard to find them, except when you lose and they are still there they are the real friends.

Let me say, I don't stand here tonight as a loser. We stand here tonight as winners, and we are going to win again. But I shall always remember this group tonight, remember that when the going was tough, you hung in there, remember that when the challenge was greatest, you didn't lose your faith. And if some of you think, Why does this kind of challenge have to come to us? Why do we have to endure it?", let me remind you that the finest steel has to go through the hottest fire, and I can assure you, my friends, this room is full of fine steel tonight.

Thank you.

NOTE: The President spoke at 10:04 p.m. in the International Ballroom at the Washington Hilton Hotel. The dinner was cosponsored by the National Republican Senatorial Committee the National Republican Congressional Committee ant the Republican National Committee.

(20)

[REDACTED]

The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the **truth about Watergate** and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has

already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.

The purpose of this statement is threefold:

—First, to set forth the facts about my own relationship to the Watergate matter;

—Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere;

—Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security "cover" on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled in the Watergate case.

—The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

—The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

—The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior administrations, on which the Government's records were incomplete.

Here is the background of these three security operations initiated in my Administration.

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1969 WIRETAPS

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with longstanding precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

THE 1970 INTELLIGENCE PLAN

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Rioting and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969-70 school year brought nearly 1,800 campus demonstrations and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May 1970, **FBI Director Hoover shut off his agency's liaison with the CIA** altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (Gen. Donald V. Bennett), and the Director of the National Security Agency (Adm. Nod Gayler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations, and on July 23 the agencies were notified by memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified 5 days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

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T}[E SPECIAL INVESTIGATIONS
UNIT

On Sunday, June 13, 1971, The New York Times published the first installment of what came to be known as "The Pentagon Papers." Not until a few hours before publication did any responsible Government official know that they had been stolen. Most officials did not know they existed. No senior official of the Government had read them or knew with certainty what they contained.

All the Government knew, at first, was that the papers comprised 47 volumes and some 7,000 pages, which had been taken from the most sensitive files of the Departments of State and Defense and the CIA, covering military and diplomatic moves in a war that was still going on.

Moreover, a majority of the documents published with the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary action.

Therefore during the week following the Pentagon **Papers publication, I approved the creation of a Special Investigations Unit** within the White House—which later came to be known as the "plumbers." This was a **small** group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman, and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had **no knowledge of any** illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record

of events related to the Vietnam war, on which the Government's records were inadequate (many previous records having been removed with the change of administrations) and which bore directly on the negotiations then in progress. Additional assignments included tracing down other national security leaks, including one that seriously compromised the U.S. negotiating position in the SALT talks.

The work of the unit tapered off around the end of 1971. The nature of its work was such that it involved matters that, from a national security standpoint, were highly sensitive then and remain so today.

These intelligence activities had no connection with the break-in of the Democratic headquarters, or the aftermath.

I considered it my responsibility to see that the Watergate investigation did not impinge adversely upon the national security area. For example, on April 18, 1973, when I learned that Mr. Hunt, a former member of the Special Investigations Unit at the White House, was to be questioned by the U.S. Attorney, I directed Assistant Attorney General Petersen to pursue every issue involving Watergate but to confine his investigation to Watergate and related matters and to stay out of national security matters. Subsequently, on April 25, 1973, Attorney General Kleindienst informed me that because the Government had clear evidence that Mr. Hunt was involved in the break-in of the office of the psychiatrist who had treated Mr. Ellsberg, he, the Attorney General, believed that despite the fact that no evidence had been obtained from Hunt's acts, a report should nevertheless be made to the court trying the Ellsberg case. I concurred, and directed that the information be transmitted to Judge Byrne immediately.

(23)

[REDACTED]

WATERGATE

The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice, and, with the five burglars themselves already in custody, I assumed that they would be.

Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.

In this area, I felt it was important to avoid disclosure of the details of the national security matter with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in **or of related acts** be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fundraising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fundraising. Nor did I authorize any offer of executive

clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurances that Mr. Dean's own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

(1) I had no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal

wiretaps, which I felt were necessary from a national security standpoint and, in the climate then prevailing, also necessary from a domestic security standpoint.

(3) People who had been involved in the national security operations later, without my knowledge or approval, undertook illegal activities in the political campaign of 1972.

(4) Elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved. They also led me to surmise, correctly, that since persons originally recruited for covert national security activities had participated in Watergate, an unrestricted investigation of Watergate might lead to and expose those covert national security operations.

(5) I sought to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the Attorney General, and the Acting Director of the FBI.

(6) I also specifically instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the FBI would not carry its investigation into areas that might compromise these covert national security activities, or those of the CIA.

(7) At no time did I authorize or know about any offer of executive clemency for the Watergate defendants. Neither did I know until the time of my own investigation of any efforts to provide them with funds.

(24)

[REDACTED]

CONCLUSION

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about- a Watergate cover-up and less to the reassurances.

With hindsight, several other things also become clear:

—With respect to campaign practices, and also with respect to campaign finances, it should now be obvious that no campaign in history has ever been subjected to the kind of intensive and searching inquiry that has been focused on the campaign waged in my behalf in 1972.

It is clear that unethical, as well as illegal, activities took place in the course of that campaign.

None of these took place with my specific approval or knowledge. To the extent that I may in any way have contributed to the climate in which they took place, I did not intend to; to the extent that I failed to prevent them, I should have been more vigilant.

It was to help ensure against any repetition of this in the future that last week I proposed the establishment of a top-level, bipartisan, independent commission to recommend a comprehensive reform of campaign laws and practices. Given the priority I believe it deserves, such reform should be possible before the next Congressional elections in 1974

—It now appears that there were persons who may have gone beyond my directives, and sought to expand on

my efforts to protect the national security operations in order to cover up any involvement they or certain others might have had in Watergate. The extent to which this is true, and who may have participated and to what degree, are questions that it would not be proper to address here. The proper forum for settling these matters is in the courts.

—To the extent that I have been able to determine what probably happened in the tangled course of this affair, on the basis of my own recollections and of the conflicting accounts and evidence that I have seen, it would appear that one factor at work was that at critical points various people, each with his own perspective and his own responsibilities, saw the same situation with different eyes and heard the same words with different ears. What might have seemed insignificant to one seemed significant to another; what one saw in terms of public responsibility, another saw in terms of political opportunity; and mixed through it all, I am sure, was a concern on the part of many that the Watergate scandal should not be allowed to get in the way of what the Administration sought to achieve.

9 Presidential Documents 693-96

The truth about Watergate should be brought out—in an orderly way, recognizing that the safeguards of judicial procedure are designed to find the truth, not to hide the truth.

With his selection of Archibald Cox—who served both President Kennedy and President Johnson as Solicitor General—as the special supervisory **prosecutor for matters** related to the case, Attorney General-designate Richardson has demonstrated his own determination to see the truth brought out. In this effort he has my full support.

Considering the number of persons involved in this case whose testimony might be subject to a claim of executive privilege, I recognize that a clear definition of that claim

has become central to the effort to arrive at the truth.

Accordingly, executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up.

I want to emphasize that this statement is limited to my own recollections of what I said and did relating to security and to the Watergate. I have specifically avoided any attempt to explain what other parties may have said and done. My own information on those other matters is fragmentary, and to some extent contradictory. Additional information may be forthcoming of which I am unaware. It is also my understanding that the information which has been conveyed to me has also become available to those prosecuting these matters. Under such circumstances, it would be prejudicial and unfair of me to render my opinions on the activities of others; those judgments must be left to the judicial process, our best hope for achieving the just result that we all seek.

As more information is developed, I have no doubt that more questions will be raised. To the extent that I am able, I shall also seek to set forth the facts as known to me with respect to those questions.

(S)

The Watergate Investigation

Text of the President's Letter to Senator Sam J. Ervin, Or., Chairman, Senate Select Committee on Presidential Campaign Activities. Dated July 6, 1973. Released July 7, 1973

Dear Mr. Chairman:

I am advised that members of the Senate Select Committee have raised the desirability of my testifying before the Committee. I am further advised that the Committee has requested access to Presidential papers prepared or received by former members of my staff.

In this letter I shall state the reasons why I **shall not testify** before the Committee or permit access to Presidential papers.

I want to strongly emphasize that my decision, in both cases, is based on my Constitutional obligation to **preserve** intact the powers and prerogatives of the Presidency and not upon any desire to withhold information relevant to your inquiry.

My staff is under instructions to cooperate fully with yours in furnishing information pertinent to your inquiry. On 22 May 1973, I directed that the right of executive privilege, "as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation," no longer be invoked for present or former members of the White House staff. In the case of my former Counsel, I waived in addition the attorney-client privilege.

These acts of cooperation with the Committee have been genuine, extensive and, in the history of such matters, extraordinary.

The pending requests, however, would move us from proper Presidential cooperation with a Senate Committee to jeopardizing the fundamental Constitutional role of the Presidency.

This I must and shall resist.

No President could function if the private papers of his office, prepared by his personal staff, were open to public scrutiny. Formulation of sound public policy requires that the President and his personal staff be able to communicate among themselves in complete candor, and that their tentative judgments, their exploration of alternatives, and their frank comments on **issues** and personalities at home and abroad remain confidential. I recognize that in your investigation as in others of previous years, arguments can be and have been made for the identification and perusal by the President or his Counsel of selected documents for **possible release to the Committees** or their staffs. But such a **course, I have concluded**, would inevitably result in the **attrition, and the** eventual destruction, of the **indispensable principle of confidentiality** of Presidential paper.

The question of **testimony by members of the White House staff** presents a difficult but different problem. While notes and papers often involve a wideranging variety and intermingling of confidential matters, testimony can, at least, be limited to matters

within the scope of the investigation. For **this reason, and because of the** special nature of this particular investigation, I have agreed to permit the unrestricted testimony of present and former White House staff members before your Committee.

The question of my own testimony, however, is another matter. I have concluded that if I were to testify before the Committee irreparable damage would be done to the Constitutional principle of separation of powers. My position in this regard is supported by ample precedents with which you are familiar and which need not be recited here. It is appropriate, however, to refer to one particular occasion on which this issue was raised.

In 1953 a Committee of the House of Representatives sought to subpoena former President Truman to inquire about matters of which he had personal knowledge while he had served as President. As you may recall, President Truman declined to comply with the subpoena on the ground that the separation of powers forbade his appearance. This position was not challenged by the Congress

It is difficult to improve upon President Trumans discussion of this matter. Therefore, I request that his letter, which is enclosed for the Committee's convenience, be made part of the Committee's record.

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The Constitutional doctrine of separation of powers as fundamental to our structure of government. In my view, as in the view of previous President, its preservation is vital. In this respect, the duty of every President to protect and defend the Constitutional rights and power of his office is an obligation that runs directly to the people of this country

The White House staff will continue to cooperate fully with the Committee in furnishing information relevant to **its** investigation except in those instances where I determine that meeting the Committee's demands would violate my Constitutional responsibility to defend the office of the Presidency against encroachment by other Branches.

At an appropriate time during your hearings, I intend to address publicly the subjects you are considering. In the meantime, in the **context of Senate Resolution 50, I consider** it my Constitutional responsibility to decline to appear personally under any circumstances before your Committee or to grant access; to Presidential files.

I respect the **responsibilities placed upon you and your** colleagues by Senate Resolution 60. **I believe you and your Committee colleagues equally respect the responsibility** placed upon me to **protect the rights and power; of the Presidency** under the Constitution.

Sincerely,
RICHARD NIXON

[Honorable Sam J Ervin, Jr, Chairman, Select Committee on Presidential Campaign Activities, United States Senate, Washington, DC]

Enclosure

REGISTRY LETTER

November 12, 1953

Dear Sir:

have your subpoena dated November 9, 1953, directing my appearance before your committee on Friday, November 13, in Washington. The subpoena does not state the matters upon which you seek my testimony, but I assume from the press stories that you seek to examine me with respect to matters which occurred during my tenure of the Presidency of the United States

In spite of my personal willingness to cooperate with your committee, I feel constrained by my duty to the people of the United States to decline to comply with the subpoena

In doing so, I am carrying out the provisions of the Constitution of the United States, and am following a long line of precedents, commencing with George Washington himself in 1796. Since his day, Presidents Jefferson, Monroe, Jackson, Tyler, Polk, Fillmore, Buchanan, Lincoln, Grant, Hayes, Cleveland, Theodore Roosevelt, Coolidge, Hoover and Franklin D Roosevelt have declined to respond to subpoenas or demands for information of various kinds by Congress

The underlying reason for this clearly established and universally recognized constitutional doctrine has been succinctly set forth by Charles Evans Warren, one of our leading constitutional authorities, as follows

9 Presidential Documents 891--9Z

"In this long series of contests by the Executive to maintain his constitutional integrity, one sees a legitimate conclusion from our theory of government. Under our Constitution, each branch of the Government is designed to be a coordinate representative of the will of the people. Defense by the Executive of his constitutional powers becomes in very truth, therefore, defense of popular rights—defense of power which the people granted to him

"It was in that sense that President Cleveland spoke of his duty to the people not to relinquish any of the powers of his great office. It was in that sense that President Buchanan stated the people have rights and prerogatives in the execution of his office by the President which every President is under a duty to see 'shall never be violated in his person' but 'passed to his successors unimpaired' by the adoption of a dangerous precedent. In maintaining his rights against a trespassing Congress, the President defends not himself, but popular government; he represents not himself but the people"

President Jackson repelled an attempt by the Congress to break down the separation of powers in these words

"For myself I shall repel all such attempt as an invasion of the principles of justice as well as the Constitution, and I shall esteem it my sacred duty to the people of the United States to resist them as I would the establishment of a Spanish Inquisition"

I might commend to your reading the opinion of one of the committees of the House of Representatives in 1879, House Report 141

March 3, 1879, Forty-fifth Congress, Third Session, in which the House Judiciary Committee said the following:

"The Executive is as independent of either house of Congress as either house of Congress is independent of him, and they cannot call for the records of his actions, or the action of his officers against his consent, any more than he can call for any of the journals or records of the House or Senate."

It must be obvious to you that if the doctrine of separation of powers and the independence of the Presidency is to have any validity at all, it must be equally applicable to a President after his term of office has expired when he is sought to be examined with respect to any acts occurring while he is President.

The doctrine would be shattered, and the President, contrary to our fundamental theory of constitutional government, would become a mere arm of the Legislative Branch of the Government if he would feel during his term of office that his every act might be subject to official inquiry and possible distortion for political purposes.

If your intention, however, is to inquire into any acts as a private individual either before or after my Presidency and unrelated to any acts as President, I shall be happy to appear

Yours Very Truly,

[REDACTED] HARRY S. TRILS[A;V

[Honorable Harold H. Velde, Chairman, Committee on Un-American Activities, US House of Representatives, Washington, DC

NOTE: The text of the letter was released at San Clemente, Calif

(27)

Testimony of Secret Service Agents Before Congressional Committees

*The President's Letter to Secretary of the Treasury
George P. Shultz. Dated July 16, 1973. Released July
17, 1973*

Dear Secretary Shultz
hereby direct that no
officer or agent of the
Secret Service shall
give testimony to
Congressional
committees concerning
matters observed or
learned while
performing protective
functions for the
President or in their
duties at the White
House.

This applies to the Senate Select Committee
which is investigating matters relating to the
Watergate breakin and the current efforts which I am
informed are being made to subpoena present or
former members of the White House detail of the
Secret Service.

You will please communicate this information to
the Director of the Secret Service promptly and
either you or he should then personally notify the
Chairman of the Senate Select Committee. You
should further advise the Chairman that requests for
information on procedures in the White House will
be given prompt consideration when received by me.

Sincerely,

RICHARD NIXON'

 [Honorable
George P.
Shultz, Sec retary Treasury Department, Washington, D C]

9 Presidential Documents 905

(28)

Recordings of Presidential Conversations

The President's Letter to Senator Sam J. Ervin, Jr., Chairman, Senate Select Committee on Presidential Campaign Activities. July 23, 1973

Dear Mr. Chairman:

I have considered your request that I permit the Committee to have access to tapes of my private conversations with a number of my closest aides. I have concluded that the principles stated in my letter to you of July 6th preclude me from complying with that request, and I shall not do so. Indeed the special nature of tape recordings of private conversations is such that these principles apply with even greater force to tapes of private Presidential conversations than to Presidential papers.

If release of the tapes would settle the central questions at issue in the Watergate inquiries, then their disclosure might serve a substantial public interest that would have to be weighed very heavily against the negatives of disclosure.

The fact is that the tapes would not finally settle the central issues before your Committee. Before their existence became publicly known, I personally listened to a number of them. The tapes are entirely consistent with what I know to be the truth and what I have stated to be the truth. However, as in any verbatim recording of informal conversations, they contain comments that persons with different perspectives and motivations would inevitably interpret in different ways. Furthermore, there are inseparably interspersed in them a great many very frank and very private comments, on a wide range of issues and individuals, wholly extraneous to the Committee's inquiry. Even more important, the tapes could be accurately understood or interpreted only by reference to an enormous number of other documents and tapes, so that to open them at all would begin an endless process

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of disclosure and explanation of private Presidential records totally unrelated to Watergate, and highly confidential in nature. They are the clearest possible example of why Presidential documents must be kept confidential.

Accordingly, the tapes, which have been under my sole personal control, will remain so. None has been transcribed or made public and none will be.

On May 22nd I described my knowledge of the Watergate matter and its aftermath in categorical and unambiguous terms that I know to be true. In my letter of July 6th, I informed you that at an appropriate time during the hearings I intend to address publicly the subjects you are considering. I still intend to do so and in a way that preserves the Constitutional principle of separation of powers, and thus serves the interests not just of the Congress or of the President, but of the people.

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 Senator Sam J. Ervin Jr.,
Chairman, Senate Select Committees on Presidential
Campaign Activities. Dated July 25, 1973. Released July
26, 1973*

It continues to be true, as it was when I wrote you on July 6th, that my staff is under instructions to co-operate 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

Dear Mr. Chairman:

Select Committee as "genuine, ex White House Counsel have received on my behalf the tentative and, in the history of such matter, extraordinary at

two subpoenas issued by you, on behalf of the Select Committee, on July 23rd. Executive privilege is being invoked only with regard to

One of these calls on me to furnish to the Select Committee recordings and documents that cannot be made public consistent with the confidentiality essential to the function and myself. For the reasons stated to you in my letters of July 6th and July 23rd, I must respectfully refuse to consent to giving any investigative products those recordings. To the extent that

The other subpoena calls on me to furnish all records I have custody of other documents or information relevant of any kind relating directly or indirectly to the "activities to the work of the Select Committee and that are properly, 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 requests from the Select Committee will be

Sincerely,
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NIXON
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 sweep of, but vague terms of the subpoena.

(Honorable Sam J Ervin, Jr, Chairman, Select Committee on
Presidential Campaign Activities, United States Senate, Washington,
D C 205101

9 Presidential Documents 933

(30)



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 76, 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 9³rd at the request of Archibald Cox. The subpoena calls on me to produce for a Grand Jury certain tape recordings as well as certain specified documents. With the utmost respect for the court of which you are Chief Judge, and for the branch of government of which it is a part, I must decline to obey the command of that subpoena. In doing so I follow the example of a long line of my predecessors as President of the United States who have consistently adhered to the position that the President is not subject to compulsory process from the courts.

The independence of the three branches of our government is at the very heart of our Constitutional system. It would be wholly inadmissible for the President to seek to compel some particular action by the courts. It is equally inadmissible for the courts to seek to compel some particular action from the President.

That the President is not subject to compulsory process from the other branches of government does not mean, of course, that all information in the custody of the President must forever remain unavailable to the courts. Like all of my predecessors, I have always made relevant material available to the courts except in those rare instances when to do so would be inconsistent with the public interest. The principle that guides my actions in this regard was well stated by Attorney General Speed in 1865:

Upon principles of public policy there are some kinds of evidence which the law excludes or dispenses with * iF * The official transactions between the heads of departments of the Government and their subordinate officers are, in general, treated as "privileged communications." The President of the United States, the heads of the great departments of the Government, and the Governors of the several States, it has been decided, are not bound to produce papers or disclose information communicated to them where, on their own judgment, the disclosure would, on public considerations, be inexpedient. These are familiar rules laid down by every author on the law of evidence.

A similar principle has been stated by many other Attorneys General, it has been recognized by the courts, and it has been acted upon by many Presidents.

In the light of that principle, I am voluntarily

transmitting for the use of the Grand Jury the memorandum from XV. Richard Howard to Bruce Kehrli in which they are interested as well as the described memoranda from Cordon Strachan to H. R. Haldeman. I have concluded, however, that it would be inconsistent with the public interest and with the Constitutional position of the Presidency to make available recordings of meetings and telephone conversations in which I was a participant and I must respectfully decline to do so.

Sincerely,

RICHARD Nixon

(Honorable John J Sirica, U. S. Court House, 3rd and Constitution Avenue,
N. XV, Room 2428, Washington, D C 20001 j

[cc: H Honorable Archibald Cox, Special Prosecutor]

9 Presidential Documents 933-34

(31)

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THE WATERGATE INVESTIGATION

The President's Address to the Nation. August 15, 1973

Good evening:

Now that most of the major witnesses in the Watergate phase of the Senate Committee hearings on campaign practices have been heard, the time has come for me to speak out about the charges made and to provide a perspective on the issue for the American people.

For over 4 months, Watergate has dominated the news media. During the past 3 months, the three major networks have devoted an average of over 22 hours of television time each week to this subject. The Senate committee has heard over 2 million words of testimony.

This investigation began as an effort to discover the **facts about the** break-in and bugging of the Democratic National Headquarters and other campaign abuses.

But as the weeks have gone by, it has become clear that both the hearings themselves and some of the commentaries on them have become increasingly absorbed in an effort to implicate the President personally in the illegal activities that took place.

Because the abuses occurred during my Administration, and in the campaign for my re-election, I accept full responsibility for them. I regret that these events took place, and I do not question the right of a Senate committee to investigate charges made against the President to the extent that this is relevant to legislative duties.

However, it is my Constitutional responsibility to defend the integrity of this great office against false charges. I also believe that it is important to address the overriding question of what we as a nation can **learn from** this experience and what we should now do. I intend to discuss both of these subjects tonight.

The record of the Senate hearings is lengthy. The **facts are complicated**, the evidence conflicting. It would not be right for me to try **to sort** out the evidence, to rebut specific witnesses, or to pronounce my own judgments about their credibility. That is for the committee and for the courts.

I shall not attempt to deal tonight with the various charges in detail. Rather, I shall attempt to put the events in perspective from the standpoint of the Presidency.

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On May 22, before the major witnesses had testified, I issued a detailed statement addressing the charges that had been made against the President.

I have today issued another written statement, which addresses the charges that have been made since then as they relate to my own conduct, and which describes the efforts that I made to discover the facts about the matter.

On May 22, I stated in very specific terms—and I state again to every one of you listening tonight these facts—I had no prior knowledge of the Watergate break-in; I neither took part in nor knew about any of the subsequent coverup activities; I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

That was and that is the simple truth.

In all of the millions of words of testimony, there is not the slightest suggestion that I had any knowledge of the planning for the Watergate break-in. As for the coverup, my statement has been challenged by only one of the 35 witnesses who appeared—a witness who offered no evidence beyond his own impressions, and whose testimony has been contradicted by every other witness in a position to know the facts.

Tonight, let me explain to you what I did about Watergate after the break-in occurred, so that you can better understand the fact that I also had no knowledge of the so-called coverup.

From the time when the break-in occurred, I pressed repeatedly to know the facts, and particularly whether there was any involvement of anyone in the White House. I considered two things essential:

First, that the investigation should be thorough and aboveboard; and second, that if there were any higher involvement, we should get the facts out first. As I said at my August 29 press conference last year, "What really hurts in matters of this sort is not the fact that they occur, because overzealous people in campaigns do things that are wrong. What really hurts is if you try to cover it up." I believed that then, and certainly the experience of this last year has proved that to be true.

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I knew that the Justice Department and the FBI were conducting intensive investigations—as I had insisted that they should. The White House Counsel, John Dean, was assigned to monitor these investigations, and particularly to check into any possible White House involvement. Throughout the summer of 1972, I continued to press the question, and I continued to get the same answer: I was told again and again that there was no indication that any persons were involved other than the seven who were known to have planned and carried out the operation, and who were subsequently indicted and convicted.

On September 12 at a meeting that I held with the Cabinet, the senior White House Staff, and a number of legislative leaders, Attorney General Kleindienst reported on the investigation. He told us it had been the most extensive investigation since the assassination of President Kennedy and that it had established that only those seven were involved.

On September 15, the day the seven were indicted, I met with **John** Dean, the White House Counsel. He gave me no reason whatever to believe that any others were guilty; I assumed that the indictments of only the seven by the grand jury confirmed the reports he had **been giving to** that effect throughout the summer.

On February 16, I met with Acting Director Gray prior to submitting his name to the Senate for confirmation as permanent Director of the FBI. I stressed to him that he would be questioned closely about the FBI's conduct of the Watergate investigation. I asked him if he **still** had full confidence in it. He replied that he did, that he was proud of its thoroughness, and that he could defend it with enthusiasm before the committee.

Because I trusted the agencies conducting the investigations, because I believed the reports I was getting, I did not believe the newspaper accounts that suggested a coverup. I was convinced there was no coverup, because I was convinced that no one had anything to cover up.

It was not until March 21 of this year that I received new information from the White House Counsel that led me to conclude that the reports I had been getting for over 9 months were not true. On that day, I launched an intensive effort of my own to get the facts and to **get the** facts out. Whatever the facts might be, I wanted the White House to be the first to make them public.

At first, I entrusted the task of getting me the facts to Mr. Dean. When, after spending a week at Camp Daxid, he failed to produce the written report I had asked for, I turned to John Ehrlichman and to the Attorney General—while also making independent inquiries of my own. By mid-April, I had received Mr. Ehrlichman's report and also one from the Attorney General based on new information uncovered by the Justice Department. These reports made it clear to me that the situation was far more serious than I had imagined. It at once became evident to me that

the responsibility for the investigation in the case should be given to the Criminal Division of the Justice Department.

I turned over all the information I had to the head of that department, Assistant Attorney General Henry Petersen, a career government employee with an impeccable nonpartisan record, and I instructed him to pursue the matter thoroughly. I ordered all members of the Administration to testify fully before the grand jury.

And with my concurrence, on May 18 Attorney General Richardson appointed a Special Prosecutor to handle the matter, and the case is now before the grand jury.

Far from trying to hide the facts, my effort throughout has been to discover the facts—and to lay those facts before the appropriate law enforcement authorities so that justice could be done and the guilty dealt with.

I relied on the best law enforcement agencies in the country to find and report the truth. I believed they had done so—just as they believed they had done so.

Many have urged that in order to help prove the truth of what I have said, I should turn over to the Special Prosecutor and the Senate Committee recordings of conversations that I held in **my office or on** my telephone.

However, a much more important principle is involved in **this** question than what the tapes might prove about Watergate.

Each day a President of the United States is required **to make difficult** decisions on grave issues. It is absolutely necessary, if **the President** is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals. This kind of frank discussion is only possible when those who take part in **it know that** what they say is in strictest confidence.

The Presidency is not the only office that requires confidentiality. A Member of Congress must be able to talk in confidence with his assistants; judges must be able to confer in confidence with their law clerks and with each other. For very good reasons, no branch of Government has ever compelled disclosure of confidential conversations between officers of other branches of Government and their advisers about Government business.

This need for confidence is not confined to Government officials. The law has long recognized that there are kinds of conversations that are entitled to be kept confidential, even at the cost of doing without critical evidence in a legal proceeding. This rule applies, for example, to conversations between a lawyer and a client, between a priest and a penitent, and between a husband and wife. In each case it is thought so important that the parties be able to talk freely to each other that for hundreds of years the law has said these conversations are "privileged" and that their disclosure cannot be compelled in a court.

It is even more important that the confidentiality of conversations between a President and his advisers be protected. This is no mere luxury, to be dispensed with whenever a particular issue raises sufficient uproar. It is absolutely essential to the conduct of the Presidency, in this and in all future Administrations.

If I were to make public these tapes, containing as they do blunt and candid remarks on many different subjects, the confidentiality of the Office of the President would always be suspect from now on. It would

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make no difference whether it was to serve the interests of a court, of a Senate committee, or the President himself—the same damage would be done to the principle, and that damage would be irreparable

Persons talking with the President would never again be sure that recordings or notes of what they said would not suddenly be made public. No one would want to advance tentative ideas that might later seem unsound. No diplomat would want to speak candidly in those sensitive negotiations which could bring peace or avoid war. No Senator or Congressman would want to talk; frankly about the Congressional horse-trading that might get a vital bill passed. No one would want to speak bluntly about public figures here and abroad.

That is why I shall continue to oppose efforts which would set a precedent that would cripple all future Presidents by inhibiting conversations between them and those they look to for advice.

This principle of confidentiality of Presidential conversations is at stake in the question of these tapes. I must and I shall oppose any efforts to destroy this principle, which is so vital to the conduct of this great office.

Turning now to the basic issues which have been raised by Watergate, I recognize that merely answering the charges that have been made against the President is not enough. The word "Watergate" has come to represent a much broader set of concerns.

To most of us, "Watergate" has come to mean not just a burglary and bugging of party headquarters, but a whole series of acts that either represent or appear to represent an abuse of trust. It has come to stand for excessive partisanship, for "enemy lists," for efforts to use the great institutions of Government for partisan political purposes.

For many Americans, the term "Watergate" also has come to include a number of national security matters that have been brought into the investigation, such as those involved in my efforts to stop massive leaks of vital diplomatic and military secrets, and to counter the wave of bombings and burnings and other violent assaults of just a few years ago.

Let me speak first of the political abuses.

I know from long experience that a political campaign is always a hard and a tough contest. A candidate for high office has an obligation to his party, to his supporters, and to the cause he represents. He must always put forth his best efforts to win. But he also has an obligation to the country to conduct that contest within the law and within **the limits** of decency.

No political campaign ever justifies obstructing justice, or harassing individuals, or compromising those great agencies of **Government that** should and must be above politics. To the **extent that these things were** done in the 1972 campaign, they were serious abuses, and I deplore them.

Practices of that kind do not represent what I believe Government should be, or what I believe politics should be. In a free society the institutions of government belong to the people. They must never be used against the people.

And in the future, my Administration will be more vigilant in ensuring that such abuses do not take place, and that officials at every level understand that they are not to take place.

And I reject the cynical view that politics is inevitably or even usually a dirty business. Let us not allow what a few overzealous, ^calolls people did in wa tergate to tar the reputation of the millions of dedicated Amer i



cans of both parties who fought hard but clean for the candidates of their choice in 1972 By their unselfish efforts, these people make our system work and they keep America free

I pledge to you tonight that I will do all that I can to ensure that one of the results of Watergate is a new level of political decency and integrity in America—in which what has been wrong in our politics no longer corrupts or demeans what is right in our politics

Let me turn now to the difficult questions that arise in protecting the national security

It is important to recognize that these are difficult questions and that reasonable and patriotic men and women may differ on how they should be answered

Only last year, the Supreme Court said that implicit in the President's Constitutional duty is "the power to protect our Government against those who would subvert or overthrow it by unlawful means " How to carry out this duty is often a delicate question to which there is no easy answer

For example, every President since World War II has believed that in internal security matters the President has the power to authorize wiretaps without first obtaining a search warrant

An act of Congress in 1968 had seemed to recognize such power Last year the Supreme Court held to the contrary And my Administration is, of course, now complying with that Supreme **Court decision But until** the Supreme Court spoke, I had been acting, as did my predecessors—President Truman, President Eisenhower, President Kennedy, and President Johnson—in a reasonable belief that in certain circumstances the **Constitution permitted and sometimes** even required such **measures to** protect the national security in the public interest

Although it is the President's duty to protect the security of the country, we, of course, must be extremely careful in the way we go about this for if we lose our liberties we will have little use for security Instances have now come to light in which a zeal for security did go too far and did interfere impermissibly with individual liberty It is essential **that such mistakes** not be repeated But it is also essential that we do not overreact to particular mistakes by tying the President's hands in a **way that would risk** sacrificing our security, and with it all our liberties

I shall continue to meet my Constitutional responsibility to protect the security of this Nation so that Americans may enjoy their freedom. But I shall and can do so by Constitutional means, in ways that will not threaten that freedom

As we look at Watergate in a longer perspective, we can see that its abuses resulted from the assumption by those involved that **their cause** placed them beyond the reach of those rules that apply to other persons and that hold a free society together

That attitude can never be tolerated in our country However, it did not suddenly develop in the year 1972 It became fashionable in the 1960's, as individuals and groups increasingly asserted the right to take the law into their own hands, insisting that their purposes represented a higher morality Then their attitude was praised in the press and even from some of our pulpits as evidence of a new idealism Those of us who insisted on the old restraints, who warned of the overriding importance of operating within the law and by the rules, were accused of being reactionaries

That same attitude brought a rising spiral of violence and fear, of riots and arson and bombings, all in the name of peace and in the name of justice Political discussion turned into savage debate Free speech was brutally suppressed as hecklers shouted down or even physically assaulted those with whom they disagreed Serious people raised serious questions about whether we could survive as a free democracy

The notion that the end justifies the means proved contagious Thus, it is not surprising, even though it is deplorable, that some persons in 1972 adopted the morality that they themselves had rightly condemned and committed acts that have no place in our political system

Those acts cannot be defended Those who were guilty of abuses must be punished But ultimately, the answer does not lie merely in the jailing of a few overzealous persons who mistakenly thought their cause justified their violations of the law

Rather, it lies in a commitment by all of us to show a renewed **respect** for the mutual restraints that are the mark of a free and a civilized society It requires that we learn once again to work}; together, if not united in all of our purposes, then at least united in respect for the system by which our conflicts are peacefully resolved and our liberties maintained

If there are laws we disagree with, let us work; to change them, **but let us obey them until they are changed** If we have disagreements over Government policies, let us work those out in a decent and **civilized way, within** the law, and with respect for our differences

We must recognize that one excess begets another, **and that the extremes** of violence and discord in the 1960's contributed to the **extremes of** Watergate

Both are wrong Both should be condemned No individual, no group, and no political party has a corner on the market on morality in America

If we learn the important lessons of Watergate, if we do **what is necessary** to prevent such abuses in the future—on both sides—we can emerge from this experience a better and a stronger Nation

Let me turn now to an issue that is important above all else, and that is critically affecting your life today, and will affect your life and your children's life in the years to come

After 12 weeks and 2 million words of **televised testimony, we have** reached a point at which a continued, backward-looking obsession with Watergate is causing this Nation to neglect matters of far greater importance to all of the American people

We must not stay so mired in Watergate that we fail to respond to challenges of surpassing importance to America and the world **We cannot let** an obsession with the past destroy our hopes for the future

Legislation vital to your health and well-being sits unattended on the Congressional calendar Confidence at home and abroad in our economy, our currency, our foreign policy is being sapped by uncertainty Critical negotiations are taking place on strategic weapons and on troop levels in Europe that can affect the security of this Nation and the peace of the world long after Watergate is forgotten Vital events are taking place in Southeast Asia which could lead to a tragedy, for the cause of peace

These are matters that cannot wait They cry out for action now and either you, your elected representatives here in Washington, ought to get on with the jobs that need to be done—for you—or even one of you ought to be demanding to know why



The time has come to turn Watergate over to the courts, where the questions of guilt or innocence belong. The time has come for the rest of us to get on with the urgent business of our Nation.

Last November, the American people were given the clearest choice of this century. Your votes were a mandate, which I accepted, to complete the initiatives we began in my first term and to fulfill the promises I made for my second term.

This Administration was elected to control inflation—to **reduce the** power and size of Government—to cut the cost of Government so that you can cut the cost of living—to preserve and defend those fundamental values that have made America great—to keep the Nation's military strength second to none to achieve peace with honor in Southeast Asia, and to bring home our prisoners of war—to build a new prosperity, without inflation and without war—to create a structure of peace in the world that would endure long after we are gone.

These are great goals, they are worthy of a great people, and I **would not** be true to your trust if I let myself be turned aside from **achieving those** goals.

If you share my belief in these goals—if you want the mandate you **gave** this Administration to be carried out—then I ask for **your help** to ensure that those who would **exploit Watergate in order to keep us from** doing what we were elected to do will not succeed.

I ask tonight for your understanding, so that as a Nation **we can learn** the lessons of Watergate and gain from that experience.

I ask for your help in reaffirming our dedication to the principles of decency, honor, and respect for the institutions that have sustained our progress through these past two centuries.

And I ask for your support in getting on once again with meeting your problems, improving your life, building your future.

With your help, with God's help, we will achieve **those great goals** for America.

Thank you and good evening.

NOTE: The President spoke at 9 p.m. in his Oval Office at the White House. His address was broadcast live on radio and television.

9 Presidential Documents 984-91

The Watergate Investigation

Statement by the President. August 15, 1973

On May 17 the Senate Select Committee began its hearings on Watergate. Five days later, on May 22, I issued a detailed statement discussing my relationship to the matter. I stated categorically that I had no prior knowledge of the Watergate operation and that I neither knew of nor took part in any subsequent efforts to cover it up. I also stated that I could not invoke executive privilege as to testimony by, present and former members of my White House Staff with respect to possible criminal acts then under investigation.

Thirty-five witnesses have testified so far. The record is more than 7,500 pages and some 2 million words long. The allegations are many, the facts are complicated, and the evidence is not only extensive but very much in conflict. It would be neither fair nor appropriate for me to assess the evidence or comment on specific witnesses or their credibility. **That is the function of the Senate Committee and the courts.** What I intend to do here is to cover the principal issues relating to my own **conduct** which have been raised since my statement of May 22, and thereby to place the testimony **on those issues in perspective.**

I said on May 9 that I had no prior knowledge of the Watergate operation. In all the testimony, there is not the slightest evidence to the contrary. Not a single witness has testified that I had any knowledge of the planning for the Watergate break-in.

It is also true, as I said on May 29, that I took no part in, and was not aware of, any subsequent efforts to

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cover up the illegal acts associated with the Watergate break-in.

In the summer of 1972, I had given orders for the Justice Department and the FBI to conduct a thorough and aggressive investigation of the Watergate break-in, and I relied on their investigation to disclose the facts. My only concern about the scope of the investigation was that it might lead into CIA or other national security operations of a sensitive nature. Mr. Gray, the Acting Director of the FBI, told me by telephone on July 6 that he had met with General Walters, that General Walters had told him the CIA was not involved, and that CIA activities would not be compromised by the FBI investigation. As a result, any problems that Mr. Gray may have had in coordinating with the CIA were moot. I concluded by instructing him to press forward vigorously with his own investigation.

During the summer of 1972, I repeatedly asked for reports on the progress of the investigation. Every report I received was that no persons, other than the seven who were subsequently indicted, were involved in the Watergate operation. On September 12, at a meeting attended by me, and by the Cabinet, senior members of the White House Staff, and a number of legislative leaders, Attorney General Kleindienst reported on the investigation. He informed us that it had been the most intensive investigation since the assassination of President Kennedy and that it had been established that no one at the White House, and no higher-ups in the campaign committee, were involved. His report seemed to be confirmed by the action of the grand jury on September 15, when it indicted only the five persons arrested at the Watergate, plus Messrs. Liddy and Hunt.

Those indictments also seemed to me to confirm the validity of the reports that Mr. Dean had been providing to me, through other members of the White House Staff—and on which I had based my August 29 statement that no one then employed at the White House was involved. It was in that context that I met with Mr. Dean on September 15, and he gave me no reason at that meeting to believe any others were involved.

Not only was I unaware of any coverup, but at that time, and until March 21, I was unaware that there was anything to cover up.

Then and later, I continued to have full faith in the investigations that had been conducted and in the reports I had received, based on those investigations. On February 16, I met with Mr. Gray prior to submitting his name to the Senate for confirmation as permanent Director of the FBI. I stressed to him that he would be questioned closely about the FBI's conduct of the Watergate investigation and asked him if he still had full confidence in it. He replied that he did, that he was proud of its thoroughness, and that he could defend it with enthusiasm.

My interest in Watergate rose in February and March as the Senate Committee was organized and the hearings were held on the Gray nomination. I began meeting frequently with my counsel, Mr. Dean, in connection with those matters. At that time, on a number of occasions, I urged my staff to get all the facts out, because I was confident that full disclosure of the facts would show that persons in the White House and at the Committee for the Re-election of the President were the victims of unjustified innuendoes in the press. I was searching for a way to disclose all of the facts without disturbing the confidentiality of communications with and among my

personal staff, since that confidentiality is essential to the functioning of any President.

It was on March 91 that I was given new information that indicated that the reports I had been getting were not true. I was told then for the first time that the planning of the Watergate break-in went beyond those who had been tried and convicted and that at least one, and possibly more, persons at the Re-election Committee were involved. It was on that day also that I **learned of some** of the activities upon which charges of coverup are now based. I was told then that funds had been raised for payments to the defendants, with the knowledge and approval of persons both on the White House Staff and at the Re-election Committee. But I was only told that the money had been used for attorneys' fees and family support, not that it had been paid to procure silence from the recipients. I was also told that a member of my staff had talked to one of the defendants about clemency, but not that offers of clemency had been made. I was told that one of the defendants was currently attempting to blackmail the White House by demanding payment of \$120,000 as the price of not talking about other activities, unrelated to Watergate, in which he had engaged. These allegations were made in general terms, they were portrayed to me as being based in part on supposition, and they were largely unsupported by details or evidence

These allegations were very troubling, and they gave a new dimension to the Watergate matter. They also reinforced my determination that the full facts must be made available to the grand jury or to the **Senate Committee**. If anything illegal had happened, I wanted it to be dealt with appropriately according to the law. If anyone at the White House or high up in my campaign had been involved in wrongdoing of any kind, I wanted the White House to take the lead in making that known.

When I received this disturbing information on March 91, I immediately began new inquiries into the case and an examination of the best means to give to the grand jury or Senate Committee what we then knew and what we might later learn. On March 21, I arranged to meet the following day with Messrs. Haldeman, Ehrlichman, Dean and Mitchell to discuss the appropriate method to get the facts out. On March 23, I sent Mr. Dean to Camp David, where he was instructed to

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write a complete report on all that he knew of the entire Watergate matter. On March 28, I had Mr. Ehrlichman call the Attorney General to find out if he had additional information about Watergate generally or White House involvement. The Attorney General was told that I wanted to hear directly from him, and not through any staff people, if he had any information on White House involvement or if information of that kind should come to him. The Attorney General indicated to Mr. Ehrlichman that he had no such information. When I learned on March 30 that Mr. Dean had been unable to complete his report, I instructed Mr. Ehrlichman to conduct an independent inquiry and bring all the facts to me. On April 14, Mr. Ehrlichman gave me his findings, and I directed that he report them to the Attorney General immediately. On April 15, Attorney General Kleindienst and Assistant Attorney General Petersen told me of new information that had been received by the prosecutors.

By that time the fragmentary information I had been given on March 21 had been supplemented in important ways, particularly by Mr. Ehrlichman's report to me on April 14, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15, and by independent inquiries I had been making on my own. At that point, I realized that I would not be able personally to **find out** all of the facts and make them public, and I concluded that the matter was best handled by the Justice Department and the grand jury. On April 17, I announced that new inquiries were underway, as a result of what I had learned on March 21 and in my own investigation since that time. I instructed all Government employees to cooperate with the judicial process as it moved ahead on this matter and expressed my personal view that no immunity should be given to any individual who had held a position of major importance in this Administration.

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up.

On May 22 I said that at no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer. I reaffirm that statement. Indeed, I made my view clear to Atr. Ehrlichman in July 1972, that under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout.

On May 22 I said that "it was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne." After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17 that I first learned of the break-in at the office of Dr. Fielding, and that as 4 days before the beginning of my own investigation on March 21. I was

told then that nothing by **way of evidence had been obtained** in the break-in. On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen to stick to the Watergate investigation and stay out of national security matters. On April 25 Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred and authorized him to report the break-in to Judge Byrne.

In view of the incident of Dr. Fielding's office, let me

emphasize two things.

First, it was and is important that many of the matters worked on by the Special Investigations Unit not be publicly disclosed because disclosure would unquestionably damage the national security. This is why I have exercised executive privilege on **some of these matters in connection** with the testimony of Mr. Ehrlichman and others. The Senate Committee has learned through its investigation the general facts of some of these security matters and has to date wisely declined to **make them public or** to contest in these respects my claim of executive privilege.

Second, I at no time authorized the use of illegal means by the Special **aware** of the break-in of Dr. Fielding's office until March 17, 1973.

Many persons will ask why, when the facts are as I **have** stated them, I do not make public the tape recordings of my meetings and conversations with members of the White House Staff during this period.

I am aware that such terms as "separation of powers" and "executive privilege" are lawyers' terms, **and that** those doctrines have been called "abstruse" and "esoteric." Let me state the commonsense of the matter. Every day a President of the United States is required to make difficult decisions on grave issues. It is absolutely essential, if the President is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals and that they be able to talk in the same fashion with him. Indeed, on occasion, they must be able to "blow off steam" about important public figures. This kind of frank discussion is only possible when those who take part in it can feel assured that what they say is in the strictest confidence.

The Presidency is not the only office that requires confidentiality if it is to function effectively. A Member of Congress must be able to talk in confidence with his assistants. Judges must be able to confer in confidence with their law clerks and with each other. Throughout our entire history the need for this kind of confidentiality

has been recognized. No branch of Government has ever compelled disclosure of confidential conversations between officers of other branches of Government and their advisers about Government business.

The argument is often raised that these tapes are somehow different because the conversations may bear on illegal acts, and because the commission of illegal acts is not an official duty. This misses the point entirely. Even if others, from their own standpoint, may have been thinking about how to cover up an illegal act, from my standpoint I was concerned with how to uncover the illegal acts. It is my responsibility under the Constitution to see that the laws are faithfully executed, and in pursuing the facts about Watergate I was doing precisely that. Therefore, the precedent would not be one concerning illegal actions only; it would be one that would risk exposing private Presidential conversations involving the whole range of official duties.

The need for **confidence is not something confined** to the Government officials. The law has long recognized that there are many relations sufficiently important that things said in that relation are entitled to be kept confidential, even at the cost of doing without what might be critical evidence in a legal proceeding. Among these are, for example, the relations between a lawyer and his client, between a priest and a penitent, and between a husband and wife. In each case it is thought to be so important that the parties be able to talk freely with each other, that they not feel restrained in their conversation by fear that what they say may someday come out in court, that the law recognizes that these conversations are "privileged" and that their disclosure cannot be compelled.

If I were to make public these tapes, containing as they do blunt and candid remarks on many subjects that have nothing to do with Watergate, the confidentiality of the Office of the President would always be suspect. Persons talking with a President would never again be sure that recordings or notes of what they said would not at some future time be made public, and they would guard their words against that possibility. No one would want to risk being **known as the person who recommended** a policy that ultimately did not work. No one would want to advance tentative ideas, not fully thought through, that might have possible merit but that might, on further examination, prove unsound. No one would want to speak bluntly about public figures here and abroad. I shall therefore vigorously oppose any action which would set a precedent that would cripple all future Presidents by inhibiting conversations between them and the persons they look to for advice.

This principle of confidentiality in Presidential communications is what is at stake in the question of the tapes. I shall continue to oppose any efforts to destroy that principle, which is indispensable to the conduct of the Presidency.

I recognize that this statement does not answer many

of the questions and contentions raised during the Watergate hearings. It has not been my intention to attempt any such comprehensive and detailed response, nor has it been my intention to address myself to all matters covered in my May 22 statement. With the Senate hearings and the grand jury investigations still proceeding, with much of the testimony in conflict, it would be neither possible to provide nor appropriate to attempt a definitive account of all that took place. Neither do I believe I could enter **upon an endless course of explaining and rebutting a complex of point-by-point claims and charges** arising out of **that conflicting testimony which** may engage **committees and courts for months or years** to come, and still be able to carry out my duties as President. While the

judicial and legislative branches resolve these **matters**,
I will continue to discharge to the best of my ability my
Constitutional responsibilities as President of the United
States.

9 Presidential Documents 991-94

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[REDACTED]

THE PRESIDENT'S NEWS CONFERENCE OF . AUGUST 22, 1973

'9). Afl. President, on Watergate, you have said that disclosure of the tapes could jeopardize and cripple the

functions of the Presidency. Question: If disclosure carries such a risk, why did you make the tapes in the first place. and what is your reaction to surveys that show that three out of four Americans believe you were wrong to make the tapes?

THE PRESIDENT. Well, with regard to the questions .15 a) why Americans feel we were wrong to make the tapes, that is not particularly surprising. I think that most Americans do not like the idea of the taping of conversations, and frankly, it is not something that particularly appeals to me.

As a matter of fact, that is why, when I arrived in the White House and saw this rather complex situation set up where there was a taping capacity, not only in the President's office, the room outside of his office, but also in the Cabinet Room, and at Camp David, and in other areas that I had the entire system dismantled.

It was put into place again in June of 1970 (1971) because my advisers felt it was important in terms particular of national security affairs to have a record for future years that would be an accurate one, but a record which would only be disclosed at the discretion of the President, or according to directives that he would set forth.

As you know, of course, this kind of capability not only existed during the Johnson Administration, it also existed in the Kennedy Administration, and I can see why both President Johnson and President Kennedy did have the capability because—not because they wanted to infringe upon the privacy of anybody, but because they felt that they had some obligation, particularly in the field of foreign policy and some domestic areas, to have a record that would be accurate.

As far as I am concerned, we now do not have that capability, and I am just as happy that we don't. As a matter of fact, I have a practice, whenever I am not too tired at night, of dictating my own recollections of the day. I think that perhaps will be the more accurate record of history in the end.

I think we go to the UP IIOW, and then we will come to the television.

Q. Mr. President, on July 6, 1972, you were warned by Patrick Gray- that you were being mortally wounded by some of your top aides. Can you explain why you did not ask who they were, why, what was going on?

THE PRESIDENT. Well, in the telephone conversation that you refer to that has been, of course, quite widely reported in the press, as well as on television, Mr. Gray said that he was concerned that as far as the investigation that he had responsibility for, that some of my top aides were not cooperating.

Whether the term was used as ' mortally wounded' or not, I don't know. Some believe that it was, some believe that it was not, that is irrelevant. He could have said that.

The main point was, however, I asked him whether

or not he had discussed this matter with General Walters
I knew there had been meetings between
General Walters, representing the CIA, to be sure that
the CIA would not be involved in the investigation
and
the Director of the
FBI.

He said that he had told me that General Walters

agreed that the investigation should proceed, and I told him to go forward
with it. I pressed on the investigation to which he has so
testified.

It seemed to me that with that kind of a reaction to Mr.
Gray, that that was adequate for the purpose of carrying
out the responsibilities.

As far as the individuals were concerned, I assume that
the individuals that he was referring to involved this
operation with the CIA. That is why I asked him the
Walters question. When he cleared that up, he went
forward with the investigation, and he must have thought it
was a very good investigation because when I sent his
name down to the Senate for confirmation the next year, I
asked him about his investigation. He said he was very
proud of it. He said it was the most thorough investigation
that had ever taken place since the assassination of
President Kennedy, that he could defend it with
enthusiasm, and that under the circumstances, therefore,
he had carried out the directive that I had given him on
July 6.

So, there was no question about Mr. Gray having direct
orders from the President to carry out an investigation that
was thorough.

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Mr. Jarriel.

Q. **Mr. President, Assistant Attorney General Henry Petersen has testified that on April 15 of this year he met with you and warned you at that time there might be enough evidence to warrant indictments against three of your top aides, Messrs. Ehrlichman, Haldeman, and Dean. You accepted their resignations on April 30, calling Mr. Haldeman and Mr. Ehrlichman two of the finest public servants you had known. After that you permitted Mr. Haldeman, after he had left the White House, to hear confidential tapes of conversations you had had in your office with Mr. Dean. My question is, why did you permit a man who you knew might be indicted to hear those tapes which you now will not permit the American public or the federal prosecutors handling the case to listen to?**

THE PRESIDENT. The only tape that has been referred to, that Mr. Haldeman has listened to, he listened to at my request, and he listened to that tape—that was the one on September 15, Mr. Jarriel—because he had been present and was there. I asked him to listen to it in order to be sure that as far as any allegations that had been made by Mr. Dean with regard to that conversation is concerned, I **wanted to be sure that we were absolutely** correct in our response. That is all he listened to. He did not listen to any tapes in which only Mr. Dean and I participated. He listened only to the tape on September 15—this is after he left office—in which he had participated in the conversation throughout.

Q. Mr. President, out of the lingering doubts and your denial of any involvement is concerning your failure to

make the tapes available; either to the Senate committee

or the Special Prosecutor. You have made it perfectly

clear. You don't intend to release tapes.

roll: PRESIDENT. PCI (C) (r)

2. Perfectly clear. But is there any way that you could have the Special Prosecutor listen to the tapes and give a report so that that might satisfy the public mind?

The Special Prosecutor (the public mind, and it should not. The second point is that as Mr. Wright who argued the case, I understand very well, before Judge Sirica this morning, has indicated to release the tapes listened to—he indicated this also in his brief—either by a prosecutor or by a judge or in camera, or in any way, would violate the principle of confidentiality, and I believe he is correct. That is why we are standing firm on the proposition that we will not agree to the Senate committee's desire to have, for example, its chief investigator listen to the tapes, or the Special Prosecutor's desire to hear the tapes, and also why we will oppose, as Mr. Wright did in his argument this morning, any compromise of the principle of confidentiality.

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Let me explain very carefully that the principle of confidentiality either exists or it does not exist. Once it is compromised, once it is known that a conversation that is held with the President can be subject to a subpoena by a Senate committee, by a grand jury, by a prosecutor, and be listened to by anyone, the principle of confidentiality is thereby irreparably damaged. Incidentally, let me say that now that tapes are no longer being made, I suppose it could be argued that, what difference does it make now, now that these tapes are also in the past. •What is involved here is not only the tapes; what is involved, as you ladies

and gentlemen well know, is the request on the part of the Senate committee and the Special Prosecutor, as well, that we turn over Presidential papers, in other words, the records of conversations with the President made by his associates. Those papers, and the tapes-as well, cannot be turned over without breaching the principle of confidentiality. It was President Truman that made that argument very effectively in his letter to a Senate committee, or his response to a Congressional committee, a House committee it was, in 1953, when they asked him to turn over his papers. So whether it is a paper or whether it is a tape, what we have to bear in mind is that for a President to conduct the affairs of this office and conduct them effectively, he must be able to do so with the principle of confidentiality intact. Otherwise, the individuals who come to talk to him, whether it is his advisers, or whether it is a visitor in the domestic field, or whether it is someone in a foreign field, will always be speaking in a cunuch-like way, rather than laying it on the line as it has to be laid on the line if you are going to have the creative kind of discussion that we have often had, and it has been responsible for some of our successes in the foreign policy period, particularly in the past few years.

C). .(tr. Pres dent, could you tell us echo you personally tahi~(l to in directing that investigations be made both in June Of '72, shortly after the Watergate incident, and l:lst ?sIarc11 21. When fou got rlesv ceic1tr1cc and orclertcl a mart intensiveinvestigator)

IrSi: PRE.Sr!)E;9r. CCItaWnl) 1:1 IUn(, 1, of c.~lursc, nTl~e(l to Afr. l;:IC(ICgOt firKt of all} •\h{) •X:IS tlIC sh.lilm;~ll of the comillittee. ifc told m(that lie X>out() (.on(iill(t .z thor(!ll investigation as fax to his entirt coln:littCC stelfi '92j concnrtd. ;pparentlv that i t;t-riation tsar verv clfccive except for Llr. Alagruder, ~vho stayed on. But Sir. Wiac(Jregor does not have to assume responsibility for that. I say not responsibility for it because basically what happened there •ras that hc believed Wlr. Magruder, and many others have believed him, too. He proved, however to be •s rong.



THE PRESIDENT. YOU are always respectful Mr. Rather. **You know that.**

Q. Thank you, Mr. President. **It concerns the events surrounding Mr. Ehrlichman's contact, and on one occasion your own contact with the judge in the Pentagon Papers case, Judge Byrne.**

THE PRESIDENT. Yes.

Q. I understand your own explanation of events and putting together your statement with Mr. Ehrlichman's testimony, and what Judge Byrne has said, what happened here is that sometime late in March, March 17, I believe you said, you first found out about the break-in at the psychiatrist's office of Mr. Ellsberg, that you asked to have that looked into, and that you later, I think in late April, instructed Attorney General [redacted] to inform the judge.

Now, my question is this. If while the Pentagon Papers trial was going on, Mr. Ehrlichman secretly met once with the judge in that case, you secretly met another time the judge with Mr. Ehrlichman. Now, **you are a lawyer, and** given the state of the situation and what you knew, could you give us some reason why the American people should not believe that that was at least a subtle attempt to bribe the judge in that case, and it gave at least the appearance of a lack of moral leadership?

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It Ad as appl a.simately 1 (! (1a!-s later that Air. I;l;indienst c aln. hi and sai(l that. aft r a rex-i(ss of the situation •.n the pr,) >ccutol-'s omit (: hi \N'.vih ngton, in Chicle :ilr. Perersean.(! . '>(a {):.rtic.patcd, that the believed that it xvas heat that zv-e bend over baclonvards in this case and send this rca:or(l of the I,llsberg hreal;-in, even though there was no videll(: obtained from it that could have affected the ur! OFIC way or another, send it to the judge.

\\'herl they made that recommendation to me, I direrted that it be done, instantly It xvas done. Incidentally, the proiccutor argued this case just the way that I have argued it to you, and xvwhether or not it had an effect on thu eventual outcome, I do not know.

.At least, as far as sve know, LIr. Ellsberg Vent free, this being one of the factors, but that is the explanation of ss hat happened and, obviously, you, in your commentary tonight, can attach anvthing you want to it.

I hope you svill be just as fair and objective as I try to be in giving you the answer.

MMMMMA:M*

Q. Atr. President, at any time during the l5'atergate crisis did you ever consider resigning and would you consider resigning **if YOU** felt that your capacity to govern had been seriously weakened, and in that connection how much do you think your capacity to govern has been

• wakened '

THE PRESIDENT. The answer to the first two questions is no, the answer to the third question is that it is ttrue that as far as the capacity to govern is concerned that to be under a constant barrage—12 to 15 minutes a night on each of the three major networks for 4 months—tends to raLse some questions in the people's mind with regard to the President, and it may raise some questions with regard to the capacity to govern. But I also know this. I •sas elected to do a job. \\'atergate is an episode that I deeply deplore, and had I been mnning the campaign- rather than truing to run the countr,v and particularly the foreign policy of this country at this time it would never have happened, but that is water under the bridge, it is gone no:v.

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The point that I make now is that we are proceeding as best we know how to get all those guilty brought to justice in Watergate. But now we must move on from Watergate to the business of the people, and the business of the people is continuing with initiatives we've begun in the first Administration.

Q. Mr. President.

THE PRESIDENT. Just a moment.

We've had 30 minutes of this press conference. I have let to have, for example, one question on the business of the people, which shows you how we are consumed with it. I am not criticizing the members of the press because we naturally give very little attention in this issue, but let me tell you from those people are going to perhaps be interested in what happened in terms of the efforts of the United States to build a structure of peace in the world. Even we are perhaps going to be interested in the efforts of [the] world to have a kind of prosperity that we have all had since 1955—that is, prosperity without scar and without inflation—because throughout the Kennedy years and throughout the Johnson years whatever prosperity we had was at the cost of either inflation or war or both. I don't say that critically of them, I am simply saying we have got to do better than that.

My goal is to move forward then, to move forward to build a structure of peace. And when you say, do I consider resigning, the answer is no, I shall not resign. I have 3 1/2 years to go or almost 3 1/2 years, and I am going to use every day of those 3 1/2 years trying to get the people of the United States to recognize that whatever mistakes we have made that in the long run this Administration by making this world safer for their children and this Administration by making their lives better at home for themselves and their children deserves high marks rather than low marks. Now whether I succeed or not, we can judge then.

Q. Mr. President.

THE PRESIDENT. We always have to have Blair Deakin for one.

Q. As long as we are on the subject of the American tradition and following up Mr. **Rather's question**, what was authorized, even if the burglary of Dr. Fielding's office was not, what was authorized was the 1970 plan which by your own description permitted illegal acts, illegal breaking and entering, mail surveillance and the like.

Now under the Constitution you swore an oath to execute the laws of the United States faithfully. If you were serving in Congress, would you not be considering impeachment proceedings and discussing impeachment possibility against an elected public official who had violated his oath of office?

THE PRESIDENT. I would if I had violated the oath of office. I would also, however refer you to the recent decision of the Supreme Court or at least an opinion that even last year which indicates inherent power in the Presidency to protect the national security in cases like this. I should also point out to you that in the 3 Kennedy years and the 3 Johnson years through 1966, when burglarizing of this type did take place, when it was authorized on a very large scale, there was no talk of impeachment and it was quite well known.

I shall also point out that when you ladies and gentlemen indicate your great interest in wiretaps, and I understand that, that the height of the wiretaps was when Robert Kennedy was Attorney General in 1963. I don't criticize it, however. He had over 250 in 1963, and of course the average in the Eisenhower Administration and the Administration is about 110. But if he had had ten more and as a result of wiretaps had been able to discover the Oswald plan, it would have been worth it.

So I will go to another question.

Q. Now, Mr. President, do you still consider Haldeman and Ehrlichman two of the finest public servants you have ever known?

THE PRESIDENT. I certainly do. I do not know of any other public servants as men who have got to be judged by their entire record, not by simply part of it. Mr. Ehrlichman and Mr. Haldeman, for 45/2 years, **have sensed with great distinction**, with great dedication, and like everybody in this deplorable Watergate business, at great personal sacrifice and with no personal gain.

We admit the scandalous conduct. Thank God there has been no personal gain involved. That would be going much too far, I suppose.

But the point that I make with regard to Mr. Haldeman and Mr. Ehrlichman is that I think, too, that as all the facts come out, that—and when they have an opportunity to have their case heard in court and not simply to be tried before a committee, and tried in the press, and tried in television—they will be exonerated.

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[REDACTED]

Lr. Homer.

Q. **Mr. President, could you tell us your recollection of what you told John Dean on March 21 on the subject of raising funds for the Watergate defendants?**

THE PRESIDENTS Certainly. Wlr. Ha'sdemari has testified to that, and his statement is accurate. BasicallY, what Air. Dean svas concerned about on Larch 21 seas not so much the raising of money for the defendants, but the raise ing of money for the defendants for thre purpose of Keeping them still—in other •vordsa, so-called hush money. The one •would be legal—in other •vords, raising a defense fund for any group, any individual, as you know, is perfectly legal and it is done all the time. But if you raise funds for the purpose of keeping an individual from talking, that is obstruction of justice.

Stir. Dean said also on March 21 that there lsas an attempt, as he put it, to blackmail the White Hotuse, to blackmail the White House by one of the defendimts. Incidentally, that defendant has denied it, but at least this •vas what Air. Dean *had* claimed, and that unless certain amounts of mone) svere paid, I think it svas \$120,000 for **attorneys fees and other support, that this p.^rtlcutar defendant •would make a statement, not with regard to Watergate, but with regard to some national security rr.atters in which Wlr. Ehrlichman had particular responsibility.**

2vly reaction, very briefly, •vas this: I said, as **you look** at thin I said, "Isn't it quite obvious, first, that if it is going to have any chance to succeed, that these individui31-s aren't going to sit **there in jail for 4 years? They are going** to have clemency; isn't that correct>'

He said, "Yes." I said, ' Eve can't give clemencies He agreed. Then, I •vent to another point. I said, "The second point is that isn't it also quite obvious, as far as this is concerned, that •while sve could raise the money'—and he indicated in answer to my question, it would probably take a rllifli~--n dollars over4 years to take care of this defendant, arl('i others, on this lxiiad of basis—the T,problem eras, hose (lo yowl get the monev to them, and aLso, hoss do xou get around the problem of clemency, because they are not >,,:; g t.) vt:}~ in jail simply because their farn ties are being t;t~;erl cart- ot'. And so, that svas why I concluded, as Air. 1-1;ltda man r < calls perhaps, and did testify very tffectively, oHC. •when I said, ' Jolln, it is sarong, it won't svor!;. \\'e r(HH t give clemency and eve have got to set this story out. :tmd therefore, I direct you, and I direct Haldeman, and

I direct 1 hrhCllrnan, and r direct Mitchell to

get together tomorrow and then meet with me as to how sve get this story out."

And that is how the meeting on the 29d tool; place.

(49)

C). Llr. President, earlier in the news conference you solid that you gave Wlr. Haldeman the right to listen to one tape because you wanted to be sure that "we are correct." I think I am quoting you correctly.

Noxx, you have indicaa:d that you still feel that A:lr. Haldeman and Ak. Ehrlichman are two of the finest public servants that you have ever known. You have met with their lawyer at least twice that sve know of. Are you and Llr. Hald man and AI r. E hrlich man coordinating their and >our defense and, if so, why ?

THE PRESIDENT. NO, no, as far as my defense is concerned, I make it myself. As far as their defense is concerned, their lawyer has demonstrated very •vell before

the committee that he can handle it very well without any assistance from me.

Mr. Theis.

Q. I believe, President, knowing to the full the executive privilege, there are a couple of questions that come to mind

~1 ;[E PRESIDENT. I thought we got past that Clark, than NV]LS a year ago)

(2. But we have the future

THE PRESIDENT: SFT. -X11 right, fine.

Q. Where is the check on authoritarianism by the executive if the President is to be the sole judge of what the executive branch makes available and suppresses? And will you obey a Supreme Court order if you are asked and directed to produce the tapes or other documents for the Senate committee or for the Special Prosecutor? And, if this is not enough—[laughter]—is there any limitation on the President, short of impeachment, to compel the production of evidence of a criminal nature?

a HE PRESIDENT. IS there any thing else?

Q. No, I think that would be enough. [Laughter]

THE PRESIDENT. IVO, I was not being facetious but I realize it is a complicated question. The answer to the first question is that we limitation on the President in almost all fields like this is, of course, the limitation of public opinion, and, of course, Congressional and other pressures that may arise. As far as executive privilege is concerned in the 'Watergate matter' and, I must say, the ITT file and so forth, that this Administration has, I think, gone further in terms of waiving executive privilege than any Administration in my memory, certainly a lot further than Mr. Truman was willing to go when I was on the other side, as you recall, urging that he waive executive privilege.

Dow, with regard to what the Supreme Court said or say, the White House Press Secretary, Assistant Press Secretary, Sir. Warren, has responded to that already. I won't go beyond that, and particularly I won't make any statement on that at this time while the matter is still being considered by Judge Sirica. I understand his decision will come down on Wednesday, and then we will make a determination. But as far as the statement that Mr. Warren has made with regard to the President's position of complying with a definitive order of the Supreme Court is concerned, that statement stands.

Q. Sir, last week in your speech you referred to those as he would exploit Watergate to keep you from doing your job. Could you specifically detail who "those" are?

THE PRESIDENT. I would suggest that where the shoe fits, people should wear it. I would think that some political figures, some members of the press, perhaps, some members of the television, perhaps would exploit it. I don't impute, interestingly enough, motives, however, that are improper because here is what is involved. There are a great number of people in this country that would prefer that I resign. There are a great number of people in this country that didn't accept the mandate of 1979. After all, I know that most of the members of the press corps were not enthusiastic, and I understand that, about either my

election in '68 or '79. That is not unusual.

Frankly if I had allowed what the press predicted or the polls predicted, I would have never been elected President. But what I am saying is this, people who did not accept the mandate of '72, who do not want the strong America that I want to build, who do not want the foreign policy leadership that I want to give, who do not want to cut down the size of this government bureaucracy that burdens us so greatly and to give more of our government back to the people, people who do not want these things, naturally, would exploit any issue, if it weren't Watergate, anything else, in order to keep the President from doing his job.

And so I say I impute no improper motives to them, I think they would prefer that I fail. On the other hand, I am not going to fail, I am here to do a job, and I am going to do the best I can, and I am sure the fair-minded members of this press corps—and that is most of you—will report when I do well, and I am sure you will report when I do badly.

9 Presidential Documents 1016-24

Q. **Mr. President, during March and April, you received from your staff on several occasions information about criminal wrongdoing and some indication that members of your staff might have been involved.** My question, sir, is why didn't you turn this information over immediately to the **prosecutors instead of having your own** staff continue to make these investigations?

THE PRESIDENT. Well, for the very obvious reason that in March, for example, the man that was in constant contact with the prosecutors was my Counsel, Air. Dean. Mr. Dean was talking to Mr. Petersen. I assumed that anything he was telling me he was telling the prosecutors. And in April, after Mr. Dean left the investigation, Sir. Ehrlichman was in charge. I would assume, and incidentally, Mr. Ehrlichman did talk to Mr. Kleindienst. That is why it was done that way. The President does not pick up the phone and call the Attorney General every time something comes up on a matter; he depends on his Counsel or whoever he has given the job to—or he has given that assignment to to do the job. And that is what I

expected in this instance.

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THE PRESIDENT'S NEWS CONFERENCE OF SEPTEMBER 5, 1973

Q. Mr. President, in association with the legal dispute going on over possession of the Presidential tapes relating to Watergate conversations in your office, you and your attorneys have said you would abide only by a definitive ruling of the Supreme Court in this case. As it moves along, the definitive ruling—an interpretation of "definitive ruling" takes on great importance. Would you elaborate for us what you mean by a "definitive ruling"?

THE PRESIDENT. NO, Mr. Jalliel, that would not be appropriate. I discussed this with White House Counsel, and, as you know, the matter is now on appeal and the appellate procedure will now go to the Circuit Court of Appeals in the District of Columbia and, if necessary, further on. The matter of definitive ruling is one that will be discussed in the appeal procedure and for me, in advance of the discussion, the briefs, the oral arguments, to discuss that would be inappropriate.

Q. Mr. President?

THE PRESIDENTS think we should come to Mr. Rather now.

Q. Mr. President, if I may follow on to my colleague Tom Jarriel's question, while I can understand

THE PRESIDENT. It shows the two networks working together.

Q. No, not always, Mr. President.

THE PRESIDENT. Thank heaven You are competitors.

Q. This is a question that we find a lot of people ask us

THE PRESIDENT. Sitreiy.

Q. As you know, President Lincoln said, "No man is above the law." Now, for most, if not every other Ameri

can, any Supreme Court decision is final, whether the person, in terms of the decision, finds it definitive or not. Would you explain to us why you feel that you are in a different category, why, as it applies to you, that you will abide only by what you call a definitive decision and that you won't even define "definitive"?

THE PRESIDENT. Well, Mr. Rather, with all due deference to your comment with regard to Pruident Lincoln, he was a very strong President and, as you may recall, he indicated several times during his Presidency that he would move in the national interest in a way that many thought was perhaps in violation of law, the suspension of the writ of habeas corpus, for example, during the Civil War for 15,000 people, and other items, to mention only one.

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As far as I am concerned, I am simply saying that the President of the United States, under our Constitution, has a responsibility to this office to maintain the separation of power and also maintain the ability of not only this President but future Presidents to conduct the office in the interests of the people.

Now, in order to do that, it is essential that the confidentiality of discussions that the President has—with his advisers, with Members of **Congress, with visitors from** abroad, with others who come in—that those discussions be uninhibited, that they be candid, they be freewheeling.

Now, in the event that Presidential papers, **or in the** event that Presidential conversations as recorded on tapes, in my opinion, were made available to a court, to a judge

in camera, or to a committee of Congress, that principle would be so seriously jeopardized that it would probably destroy that principle—the confidentiality which is so essential and indispensable for the proper conduct of the Presidency.

That is why I have taken the hard line that I have taken with regard to complying with the lower court's order.

Now, when we come to the Supreme Court, the question there is what kind of an order is the Supreme Court going to issue, if any. And as I have said, in answer to Mr. Jarriel, it would not be appropriate for me to comment on whether an order would be definitive or not. I will simply say that as far as I am concerned, we are going to fight the tape issue. We believe, my Counsel believe, that we will prevail in the appellate courts.

And so, consequently, I will not respond to your question until we go through the appellate procedure.

Q. Mr. President, to follow up on that Watergate question, you have referred repeatedly to having ordered a new Watergate investigation on the 91st of March of this year. Several high officials of your Administration, Mr. Petersen, Mr. Gray, and Sir. Eileindienst have testified before the Senate committee that they didn't know anything about it, this investigation that you referred to.

[REDACTED]

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And I wonder if you could explain how it is that they apparently didn't know anything about this ne investigation?

THE PRESIDENT. XWell, because I had ordered the investigation from within the White House itself. The investigation, up to that time, had been conducted by Mr. Dean, and I thought by him working as he had been in close communication with the Justice Department.

T turned the investigation—asked Mr. Dean to continue his investigation as I, as you remember, said last week, 2 weeks ago, in answer to a similar question. When he was unable to write a report, I turned to Mr. Ehrlichman. Mr. Ehrlichman did talk to the Attorney General, I should remind you, on the 27th of March, I think it was the 27th of March. The Attorney General was quite aware of that and Mr. Ehrlichman, in addition, questioned all of the major figures involved and reported to me on the 14th of April, and then, at my suggestion direction, turned over his report to the Attorney General on the 15th of April. An investigation was conducted in the most thorough way.

Q. Mr. President, you listed scveral areas of domestic concern

THE PRESIDENT. NOW we have the three networks.

Q. You listed several areas of domestic concern in the message you are going to send to CongTess, but it has also been written that one of the major problems facing your Administration now is rebuilding confidence in your leadership.

Do you share that view, and, if so, how do you plan to cope with it?

THE PRESIDENT. Mr. Valeriani, that is a problem, it is true. It is rather difficult to have the President of the United States on prime time television—not prime time, although I would suppose the newscasters would say the news programs are really the prime time—but for 4 months to have the President of the United States by innuendo, by leak, by, frankly, leers and sneers of commentators, which is their perfect right, attacked in every way without having some of that confidence **being worn** away.

NOW, how is it restored? Well, it is restored by the President not allowing his own confidence to be destroyed; that is to begin. And, second, it is restored by doing something. We have tried to do things. The country hasn't paid a great deal of attention to it, and I may say the media hasn't paid a great deal of attention to it because your attention, quite understandably, is in the more fascinating area of Watergate.

Perhaps that will now change. Perhaps as we move in the foreign policy initiatives now, having ended one war, to build a structure of peace, moving not only with the Soviet Union and with the PRC—where Dr. Kissinger incidentally will go, after he is confirmed by the Senate,

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which I hope will be soon—but as **we move in those** areas and as we move on the domestic front, the people will be concerned about what the President does, and I think that that will restore the confidence. What the President says will not restore it, and what you ladies and gentlemen say will certainly not restore it.

Q. Mr. President, to follow up on the tapes question, earlier you have told us that your reasons are based on principle—separation of powers, executive privilege, things of this sort. Can you assure us that the tapes do not reRect unfavorably on your Watergate position, that there is nothing in the tapes that would reflect unfavorably?

TE[E PRESIDENT. There is nothing whatever. As a

matter of fact, the only time I listened to the tapes, to certain tapes—and I didn't listen to all of them, of course—was on June 4. There is nothing whatever in the tapes that is inconsistent with the statement that I made on June 22 or of the statement that I made to you ladies and gentlemen in answer to several questions, rather searching questions I might say, and very polite questions 2 weeks ago, for the most part, and finally nothing that differs whatever from the statement that I made on the 15th of August. That is not my concern.

My concern is the one that I have expressed, and it just does not cover tapes, it covers the appearance of a President before a Congressional committee, which Mr. Truman very properly turned down in 1953, although some of us at that time thought he should have appeared. This was after he had left the Presidency but it had to do with matters while he was President. It covers papers of the President written for him and communications with him, and it covers conversations with the President that are recorded on tape. Confidentiality once destroyed cannot in my opinion be restored.

Q. Mr. President, could I ask you one more question about the tapes. If you win the case in the Supreme Court

THE PRESIDENT. That's the fifth one.

Q. and establish the right of confidentiality for Presidents, then would you be willing voluntarily to disclose the tapes to dispel the doubt about their content?

THE PRESIDENT. Well, again I would like to respond to that question in a categorical way but I shall not due to the fact that when the matter, as it is at the present time, is actually in the appeal process, White House Counsel advise that it would not be appropriate to comment in any way about what is going to happen during that process. You put that question to me a little later, I will be glad to respond to it.

HELEN THOMAS(UPI). Thank you, Mr. President.

NOTE: President Nixon's thirty-third news conference was held at 3:05 p.m. on Wednesday, September 5, 1973, in the East Room at the White House. It was broadcast live on radio and television.

9 Presidential Documents 1049,

1054-56



Availability of Information From Presidential Tapes

*Statement by the President Announced by Procurement
October 19, 1973*

For a number of months, there has been a strain imposed on the American people by the aftermath of Watergate, and **the inquiries into and court suits arising** out of that incident. **Increasing apprehension over the possibility** of a constitutional confrontation in the tapes cases has become especially damaging.

Our Government, like our Nation, must remain strong and effective. What matters most, in this critical hour, is our ability to act—and to act in a way that enables us to control events, not to be paralyzed and overwhelmed by them. At home, the Watergate issue has taken on overtones of a partisan political contest. Concurrently, there are those in the international community who may be tempted by our Watergate-related difficulties at home to misread America's unity and resolve in meeting the challenges we confront abroad.

I have concluded that it is necessary to take decisive actions that will avoid any possibility of a constitutional crisis and that will lay the groundwork upon which we can assure unity of purpose at home and end the temptation abroad to test our resolve.

It is with this awareness that I have considered the decision of the Court of Appeals for the District of Columbia. I am confident that the dissenting opinions which are in accord with what until now has always been regarded as the law, would be sustained upon review by the Supreme Court. I have concluded, however, that it is not in the **national interest to leave this matter unresolved for the period that might be required for a review by the highest court.**

Throughout this week, the Attorney General, Elliot Richardson, at my instance, has been holding discussions with Special Prosecutor Archibald Cox, looking to the possibility of a compromise that would avoid **the necessity of** Supreme Court review. With the greatest reluctance, I have concluded that in this one instance I must permit a breach in the confidentiality that is **so necessary to the** conduct of the Presidency. Accordingly, the Attorney General made **what he regarded as a reasonable proposal** for compromise, and one that goes beyond what any President in history has offered. It was a proposal that would comply with the spirit of the decision of the Court of Appeals. It would have allowed justice to proceed undiverted, while maintaining the principle of an independent executive branch. It would have given the Special Prosecutor the information he claims he needs for use in the grand jury. It would also have resolved any lingering thought that the President himself might have been involved in a Watergate coverup.

The proposal was that, as quickly as the materials could be prepared, there would be submitted to Judge Sirica, through a statement prepared by me personally from the subpoenaed tapes, a full disclosure of everything contained in those tapes that has any bearing on Watergate. The authenticity of this summary would be assured by giving unlimited access to the tapes to a very distinguished man, highly respected by all elements in American life for his integrity, his fairness, and his patriotism, so that that man could satisfy himself that the statement prepared by me did

indeed include fairly and accurately anything on the tapes that might be regarded as related to Watergate. In return, so that the constitutional tensions of Watergate would not be continued, it would be understood that there would be no further attempt by the Special Prosecutor to subpoena still more tapes or other Presidential papers of a similar nature.

I am pleased to be able to say that Chairman Sam Ervin and Vice Chairman Howard Baker of the Senate Select Committee have agreed to this procedure and that at their request, and mine, Senator John Stennis has consented to listen to every requested tape and verify that the statement I am preparing is full and accurate. Some may ask why, if I am willing to let Senator Stennis hear the tapes for this purpose, I am not willing merely to submit them to the court for inspection in private. I do so out of no lack of respect for Judge Sirica, in whose discretion and integrity I have the utmost confidence, but because to allow the tapes to be heard by one judge would create a precedent that would be available to 400 district judges. Further, it would create a precedent that Presidents are required to submit to judicial demands that purport to override Presidential determinations on requirements for confidentiality.

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[REDACTED]

To my regret, the Special Prosecutor rejected this proposal. Nevertheless, it is my judgment that in the present circumstances and existing international environment, it is in the overriding national interest that a constitutional confrontation on this issue be avoided. I have, therefore, instructed White House counsel not to seek Supreme Court review from the decision of the Court of Appeals. At the same time, I will voluntarily make available to Judge Sirica—and also to the Senate Select Committee—a statement of the Watergate-related portions of the tapes, prepared and authenticated in the fashion I have described.

I want to repeat that I have taken this step with the greatest reluctance, only to bring the issue of Watergate tapes to an end and to assure our full attention to more pressing business affecting the very security of the nation. Accordingly, though I have not wished to intrude upon the independence of the Special Prosecutor, I have felt it necessary to direct him, as an employee of the executive branch, to make no further attempts by judicial process to obtain tapes, notes, or memoranda of Presidential conversations. I believe that with the statement that will be provided to the court, any legitimate need of the Special Prosecutor is fully satisfied and that he can proceed to obtain indictments against those who may have committed any crimes. And I believe that by these actions I have taken today America will be spared the anguish of further indecision and litigation about tapes.

Our constitutional history reflects not only the language and inferences of that great document, but also the choices of clash and accommodation made by responsible leaders at critical moments. Under the Constitution it is the duty of the President to see that the laws of the Nation are faithfully executed. My actions today are in accordance with that duty, and in that spirit of accommodation.

9 Presidential Documents 1265-66

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THE PRESIDENT'S NEWS CONFERENCE OF OCTOBER 26, 1973

OPENING STATEMENT

PRESIDENTIAL TAPES

Today White House counsel contacted Judge Sirica—we tried yesterday, but he was in Boston, as you know—and arrangements were made to meet with Judge Sirica on Tuesday to work out the delivery of the tapes to Judge Sirica

WATERGATE SPECIAL PROSECUTOR

Also, in consultations that we have had in the White House today, we have decided that next we will name the Acting Attorney General, Mr. Bork, will appoint a new special prosecutor for what is called the Watergate matter. The special prosecutor will have independence. He will have total cooperation from the executive branch, and he will have as a primary responsibility to bring this matter which has so long concerned the American people, bring it to an expeditious conclusion, because we have to remember that under our Constitution it has always been held that justice delayed is justice denied. It is time for those who are guilty to be prosecuted, and for those who are innocent to be cleared. And I can assure you ladies and gentlemen, and all of our listeners tonight, that I have no greater interest than to see that the new special prosecutor has the cooperation from the executive branch and the independence that he needs to bring about that

conclusion.

And now I will go to Mr. Cormier [Frank Cormier, Associated Press]

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QUESTION S

Q. I. President, would the new special prosecutor have your go-ahead to go to court if necessary to obtain evidence from your files that he felt were vital?

THE PRESIDENT Well Well, Sir. Cormier, I would like to state that that would not be necessary I believe that as we look at the events which led to the dismissal of Mr. Cox, we find that these are matters that can be worked out and should be worked out in cooperation and not by **having a suit filed by a special prosecutor within the executive branch against the President of the United States.**

This, incidentally, is not a new attitude on the part of a President. Every President since George Washington has tried to protect the confidentiality of Presidential conversations, and you remember the famous case in Thomas Jefferson where Chief Justice Marshall, then sitting as a trial judge, subpoenaed the letter which Jefferson had written which Marshall thought or felt was necessary evidence in the trial of Aaron Burr. Jefferson to do so but it did not result in a suit which had happened with of course, a compromise in which a summary of the contents of the letter which was relevant to the trial was produced by Jefferson and the Chief Justice of the United States, acting in his capacity as Chief Justice, accepted that

That is exactly, of course, what we tried to do in this instant case.

I think it would be well if I could take just a moment, Mr. Cormier, in answering your question to point out what we tried to do and why we feel it was the proper solution to a very aggravating and difficult problem.

The matter of the tapes has been one that has concerned me because of my feeling that I have a constitutional responsibility to defend the Office of the Presidency from any encroachments on confidentiality which might affect future Presidents in their abilities to **conduct the** kind of conversations and discussions they need to conduct to carry on the responsibilities of this Office. And, of course, the special prosecutor felt **that he needed the tapes for the purpose of his prosecution.**

That was why, working with the Attorney General, we **worked out what we thought was an acceptable compromise, one in which Judge Stennis, now Senator Stennis, would hear the tapes and would provide a complete and full disclosure, not only to Judge Sirica, but also to the Senate Committee.**

Attorney General Richardson approved of this proposition. Senator Palmer, Senator Ervin approved of the proposition. Mr. Cox was the only one that rejected it.

Under the circumstances, when he rejected it and indicated **that despite the approval of the Attorney General, of course, of the President, and of the two major Senators on the Ervin Committee, when he rejected the proposal, I had no choice but to dismiss him.**

Under those circumstances, Mr. Richardson, Mr. Ruckelshaus felt that because of the nature of **their** confirmation that their commitment to Mr. Cox had to take precedence over any commitment they might have to **carry out an order from the President.**

Under those circumstances, I accepted with regret the resignations of two fine public servants.

Now we come to a new special prosecutor. We will cooperate with him, and I do not anticipate that we will come to the time when he would consider it necessary to take the President to court. I think our cooperation will be adequate.

Q. This is perhaps another way of asking Frank's question, but if the special prosecutor considers that

information contained in Presidential documents is needed to prosecute the Watergate case, will you give him the documents, beyond the nine tapes? The which you have already **given him?**

THE President. I have answered that question before. We will not provide Presidential documents to a special prosecutor. We will provide, as we have in great numbers, all kinds of documents from the White House, but if it is a document involving a conversation with the President, I would have to stand on the principle of confidentiality. **However, information that is needed from such documents would be provided That is what we have been trying to**

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[REDACTED]

O Mr. PRESIDENT, you know in the Congress there is a great deal of suspicion over any arrangement which will permit the executive branch to investigate(- itself or which will establish a special! prosecutor which you may fire again And 53 Senators, a majority, have now cosponsored a resolution which would permit Judge Sirica to establish and name an independent prosecutor, separate and apart from the \\hi(e House and the executive branch Do you)clieixe this arrangement would be constitutional, and would you go along with it?

THE PRESIDENT. Well Well, I would suggest that the action that we are going to take appointing a special prosecutor, would be satisfactory to the Congress, and that they 0 would not proceed with that particular matter

Mr. Rather [Dan Rather, CBS News'

Q Mr. President, I wonder if you could share with us your thoughts, tell us what goes through your mind when you hear people, people who love this country, and people who believe in you, say reluctantly v t}l at perhaps you should resign or be impeached

THE PRESIDENT. Well **ell I am glad we don t take the vote of this room, let me say And I understand the feelings of people with regard to impeachment and resignation** As a matter of fact, Mr. Rather you may remember that when I made **the rather difficult decision—I thought the most difficult decision of my first term**—on December 13 the bombing by B-52's of North— **that exactly the same words were used on the networks**, I don't mean by you, but they X were quoted on the networks—**that were used now tyrant, dictator, he has lost** his senses, he should resign, he should be impeached

But I stuck it out, and as a result of that, **we not only** got our prisoners of war home, as I have e of often said, on their feet rather than on their knees but we e brought peace to Vietnam, something we haven't had and didn't for over 12 years

It was a hard decision, and it was one that many of my friends in the press who]Io had consistently supported me on the war up to that time disagreed with Now, in this instance I realize there are people who feel that the actions that I have taken w with regard to [he dismissal of Mr. Cox are grounds for impeachment

I W ould respectfully suggest su that even en Mr. Cox and Mr Richardson have ag,reCd that the President had the right c()llrtitutionill right to dismiss anybody in the Federal Government? ment and second, I should also point out that as

far as the tapes)c-r are concerned(rned, rather than being in de of the law, I am in compliance with the law

As far as what goes through my mind, I would simply say that I intend to continue to carry out, to the best of my ability, the responsibilities I was elected to carry out last November The events of this past week--I know, for example-, in your head office in New York, some thought that it was s simply a blown-up exercise; there wasn't a real crisis I wish it had been that It was.~~~~~s a real crisis It was the most difficult crisis we have had since the Cuban confrontation of 1962

But because we had had our initiative with the Soviet Union, because I had a basis of communication with Mr Brezhnev, we not only avoided a confrontation, but we moved a great step forward toward real peace in the Mideast

Now as long as **I can carry out that** kind of responsibility, I am going to continue to do this job

Q Mr President

THE PRESIDENT. Mr. Lisagor [Peter Lisagor, Chicago Daily News]

Q **There have been reports that you felt that Mr Cox**

was somehow out to get you I would like to ask you if you did feel that, and if so, what evidence did you have?

THE PRESIDENT. Mr Lisagor, I understand Mr. Cox is **going to testify next week under oath before the Judiciary Committee, and I would suggest that he perhaps would be better qualified to answer that question**

As far as I am concerned, we had cooperated with the Special Prosecutor We tried to work out in a cooperative way this matter of the production of the tapes He seemed to be more interested in the issue than he was in a settlement, and under the circumstances, I had no choice but to dismiss him But I am not going to question his motives as to whether or not he was out to get me Perhaps the Senators would like to ask that question

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[REDACTED]

Q Mr President, in 1968, before you were elected you wrote that too many shocks can drain a nation of its energy and even cause a rebellion against creative change and progress Do you think America is at that point now?

THE PRESIDENT. I think that many would speculate— I have e noted a lot on the networks particularly and some- even in the newspapers?apers But this is a very strong country, and tilt American people, I think, e can ride through the shocks that they has e—

The difference now from what it was in the days of shock>, even when Err. Lisagor and I first met 25 years ago is the electronic media I have never heard or seen such outrageous vicious distorted reporting in 27 years of public life I am not l)lanlillg anybody for that t Perhaps what happened is that What sac did brought it about, and therefore, the media decided that they would have e to take that particular line

But when people- are pounded night after night With that kind of frantic, hysterical reporting, it naturally'^es their confidence And yet, I should point out that even in this week, when many thought that the President was shellshocked, unable to act, the President acted de-,ixcly in the interests of peace, in the interests of the country, and I can assure you that whatever er shocks gentl men of the press may have, or others, political people, these shocks will not affect me in my doing my job

Q Mr. President, after the tapes are presented to Judge Sirica and they are processed under the procedure out

lined by the U. S. Court of Appeals, will you make those tapes public?

THE PRESIDENT. NO, **that is not the procedure that the court has ordered**, and it would not be proper Judge Sirica, **under the Circuit Court's order, is to listen to the tapes**, and then is to present to the grand jury the pertinent **evidence with regard to its investigation** Publica tion of the tapes has not been ordered by the Circuit Court of Appeals, and Judge Sirica, of course, would not do anything **that would be in contravention of what the Circuit Court of Appeals has ordered**

Q Mr. President

THE PRESIDENT. Mr terHorst [J F. terHorst, Detroit News].

Q **Last May you went before** the American people and you said executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussing of possible criminal conduct, including the **Watergate affair and the alleged coverup**

If you have revised or modified this position, as you **seem to have done, could you explain the rationale of a law-and-order Administration covering up evidence, prima facie evidence, of high crimes and misdemeanors?**

THE PRESIDENT. Well, I should point out that perhaps all of the other reporters in the room are aware are of the fact that we have waived executive privilege on all individuals within the Administration It has been the greatest waiver er of executive privilege in the whole history of this Nation

And as far as any other matters are concerned, the matters of the tapes, the matters of Presidential er, those are matters in which the President has a responsibility to defend this office, Which I shall continue to do

MR. CORMIER. **Thank** you, Mr. President

NOTE: President Nixon's thirty!-filth news conference was held at 7:01 p.m. on Friday, October 26 19/., in the East Room at the White House. It was broadcast live on radio and television

Presidential Tapes and Documents

*Statement by the President Outlining Procedures
To Provide Information Related to the Watergate
Investigation to the Chief Judge of the United States
District Court for the District of Columbia.
November 12, 1973*

As a consequence of the public disclosure, 2 weeks ago, that two conversations of the President were not recorded on the White House recording system, doubts have arisen about just what happened to these conversations and why they were not recorded. The purpose of this statement is to help dispel those doubts and to spell out certain steps I will take to offer information to the court that will help determine the substance of all nine conversations subpoenaed by the court.

First, there are no missing tapes. There are two conversations requested by the courts which were not recorded. The first is a 4-minute conversation with the former Attorney General, John Mitchell, on June 20, 1972. The second is a meeting of 55 minutes with John Dean, late in the evening of Sunday, April 15, 1973.

There is no question in my mind but that the open court hearing, now being conducted, will demonstrate to the court's satisfaction the truth of our statements that these two conversations were never recorded. In fact there is no affirmative evidence to the contrary. I believe that when the court concludes its evaluation of the testimony and documentary evidence, public doubt on this issue will be completely and satisfactorily removed.

In the meantime I believe it important to make a statement about this proceeding so that misconceptions about this matter do not persist, simply because certain basic facts as are not presented to the American public.

First, the Senate Select Committee did not subpoena the substance of the two unrecorded conversations. I That

material was requested only by the Special Prosecutor, and the court, who believed the substance of nine presidential conversations was necessary for completion of the Watergate investigation.

We are complying fully with the Federal court decision. In seven of nine instances, the actual recording of the conversation is being submitted; this includes five conversations in which John Dean participated—September 15, 1972, March 13, 1973, two on March 21, 1973, one on March 22, 1973. For all nine conversations covered by the subpoena, such contemporaneous notes and memoranda as were made of the conversations are being provided in accordance with the court order.

Before discussing these matters, the issue of when and why the recorded conversations were listened to by me and by others on my behalf, should be placed in chronological perspective.

On June 4, 1973, I listened to the tape recordings of a number of conversations I had with John Dean in order to refresh my memory of those discussions. All of the conversations to which I listened that day had taken place prior to March 21, 1973. My purpose in reviewing the recordings of my conversations with Mr. Dean was to confirm my recollection that he had not reported certain facts to me prior to March 21, 1973. In late April 1973, I asked H. R. Haldeman to listen and report on the conversation of March 21, 1973, in which he had been present for a substantial portion of time. My primary purpose in having Mr. Haldeman listen to this tape was to confirm my recollection that March 9, 1973, was the date

on which John Dean had first reported certain facts to me

There had been rumors and reports to the contrary— one of them suggesting that John Dean and I had met 30 or 40 times to discuss Watergate—and I wanted to refresh my recollection as to what was the precise and entire truth

On September 29, 1973, I began a review of the tape recordings subpoenaed by the Special Prosecutor for the grand jury and by the Senate Select Committee. The reason was it had been my deliberate intention to litigate

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[REDACTED]

the matter up to Supreme Court, it necessary, to protect the right of confidentiality and the ^{related} principle of separation of powers By late September, however, I had come to the conclusion that the national interest would be better served by a reasonable compromise

Thus, in late September, I began to consider various approaches which led to what has come to be known as the "Stennis Compromise"—turning over to both the Senate committee and the court the full substance of the relevant recorded conversations, leaving the verification of the precision and accuracy of that substance to Senator Stennis That compromise offer, accepted by the Senate Committee Chairman and Vice Chairman, proved unacceptable to the Special Prosecutor

It was during this process that I first became aware of the possibility that two of the 10 conversations in question had not been recorded

I proceeded with a review of the eight recorded conversations and subsequently ordered a further search for recordings of the two **conversations in question and an investigation into the circumstances which caused the conversations not to be recorded** The search and investigation were not finally completed until October 27

One of the conversations for which no recording could be found was a 4-minute telephone call I made to John Mitchell on the evening of June 20, 1972. The only telephone calls which were recorded in the residence of the White House were those made in the Lincoln Sitting Room which I use as an office Telephone conversations in the family quarters have never been recorded during this Administration The telephone call with John Mitchell was one that I made on the telephone in the family quarters just before going in to dinner, and consequently it was not recorded

My conversation with John Dean on Sunday evening, April 15, 1973, was not **recorded because the tape on the recording machine for my Executive Office Building office was used up and ran out earlier in the day** The tape which was on the operating recorder on Sunday, April 15, 1973, contains recordings of the conversations in my Executive Office Building office on Saturday, April 14, 1973 It also contains a portion of **the first conversation I had in that office on Sunday, April 15, 1973, which was with Attorney General Kleindienst** During that conversation the tape ran out Normally, I see very few people in my Executive Office Building office on the weekends However, on the weekend of April 14 and 15, the activity in my Executive Office Building office was unusual and unanticipated Certain reports made to me by my staff early in the morning of April 15, 1973, led me to have lengthy discussions with staff members during the day in my office in the Executive Office Building In addition, international developments required a lengthy meeting with my Assistant for National Security Affairs late that morning

On Sunday, April 15, 1973, I began another series of meetings in my Executive Office Building office at about 1 p.m. The first meeting was with Attorney General Kleindienst Thereafter the meetings continued until late

in the evening With the exception of a break of about 2 hours for dinner I did not meet with John Dean until approximately 9 o'clock that evening Since the tape on the recorder for my Executive Office Building office had run out during my afternoon meeting with Attorney General Kleindienst, the Dean meeting was not recorded

It should be pointed out that the court order calls for evidentiary materials such as notes and memoranda in addition to recordings of specified conversations The court order spells out a detailed procedure for turning materials over for Judge Sirica's private review In recent days, in an effort to locate materials for the court, a diligent search has been made for materials that might shed further light on the

substance of the conversations in question, including the unrecorded conversations with John Mitchell on June 20, 1972, and with John Dean, on the evening of April 15, 1973

Since I have been in office, I have maintained a personal diary file which consists of notes which I have personally taken during meetings and of dictation belts on which I record recollections. The dictation belts and notes are placed in my personal diary file by my secretary. They are sealed **under specific instructions that they not be transcribed**

In the course of searching my personal diary files, I have located a dictation belt that I dictated at 8:30 p.m. on June 20, 1972, on which, among other activities of the day, I referred to a telephone call with John Mitchell. The portion of the belt relating to the conversation with John Mitchell will be submitted to the court.

We have also located the dictation belt of my recollections of the conversations in question for March 21, 1973, and the relevant portions of **these recollections together** with the actual recordings of the conversations, of course,

will also be submitted to the court in compliance with its order.

Over the weekend of November 4 and 5, 1973, upon checking my personal diary file for April 15, 1973, to locate information to be produced in accordance with the court's order, I found that my file for that day consists of personal notes of the conversation held with **John Dean** the evening of April 15, 1973, but not a dictation belt. My original handwritten notes, made during my meeting with John Dean on the evening of April 15, 1973, will be submitted to the court.

On June 11, 1973, the Special Prosecutor requested a tape of a conversation I had with John Dean on April 15, 1973 (which which I had previously offered to let Assistant Attorney General Petersen hear).

As has been pointed out, my personal diary file consists of notes of conversations and dictation belts of recollections, and I believed in June that I had dictated my recollections of April 15, 1973, of conversations. Which occurred on that day. The response to the Special Prosecutor made on June 16, 1973, referred to such a dictation belt. At that time, however, I did not review my file to confirm that it contained the belt.

I have made a diligent search for other evidentiary materials that might shed light on the substance of my conversation with John Dean on the evening of April 15, 1973. Other than my contemporaneous notes of that meeting mentioned above, I have found no such evidence. However, I did meet with John Dean on Monday, April 16, 1973, on two occasions. The first was in the morning in the Oval Office; the second was in the afternoon in the Executive Office Building office. This was my final meeting with Mr. Dean before he left the White House staff. Both of these conversations were recorded on the White House recording system. I recently reviewed the recordings of these conversations. A comparison of my notes of the April 15, 1973, meeting and the recording of the conversation with Mr. Dean on the morning of April 16, 1973, shows both conversations covered much the same subject matter. There are references throughout the conversation on the morning of April 16 to the conversation held the evening before.

I shall voluntarily submit to the court, under the procedures applicable to recordings of conversations already covered by the court order, these recordings of my two conversations with John Dean on April 16, 1973.

In addition, as stated above and consistent with the court order, the court will be provided with:

- (1) The portion of the dictation belt containing my recollection of the June 20, 1972, conversation with Mr. Mitchell
- (2) **The portion of the dictation belt of my recollections of the meetings with Mr. Dean on March 21, 1973**
- (3) Contemporaneous notes from the April 15, 1973, conversation with Mr. Dean
- (4) All other materials covered by the court order

I have also authorized my Counsel to **make available** to the court certain tape recordings not covered by the court order to assist the court in verifying that the two conversations in question were not recorded. The additional tape recordings to be provided are (a) the full reel of telephone recordings covering the period of June 20, 1972, and (b) the two reels of tape which were on the recorders for my Executive Office Building office on April 15, 1973. This will permit the court to check **the** sequence of the conversations against my daily logs of meetings and telephone conversations already provided to the court, and thus further demonstrate that the Mitchell and Dean conversations in question were not recorded.

I have also agreed that a group of court-approved independent experts employing the most advanced technological methods shall examine all tapes in question for any evidence of alterations to the tapes.

It is my hope that these steps will clear up this aspect of the Watergate matter once and for all.

9 Presidential Documents 1329-31

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Associated Press Managing
Editors Association

*The President's Remarks in a Question-and-Answer
Session at the Association's Annual Convention in
Orlando, Florida, November 17, 1973*

TSIE PRESIDENT. *President Quinn and ladies and gentlemen:*

When Jack Horner who has been a correspondent in Washington and other places around the world, retired after 40 years, he once told me that if I thought that the White House Press Corps answered (asked) tough questions, he (I) should hear the kind of questions the managing editors asked him Consequently, I welcome this opportunity tonight to **meet with the managing editors of the Nation's newspapers**

I will not have an opening statement because I know, with 400 of you, it will be hard to get through all of the questions you have, and I understand the President has a prerogative of asking the first question

Mr. Quinn [John C Quinn, Gannett Newspapers, and president, Associated Press Managing Editors Association]

Q Mr. President, this morning, Governor Askew of Florida addressed this group and recalled the words of Benjamin Franklin When leaving the Constitutional Convention he was asked, "What have you given us, sir, a monarch or a republic?" Franklin answered, "A republic, sir, if you can keep it "

Mr, President, in the prevailing pessimism of the lingering matter we call Watergate, can se keep that republic, sir, and how?

THE PRESIDENT. Well, Mr. Quinn, I would certainly not be standing here answering these questions unless I had a firm belief that we could keep the republic, that we must keep it, not only for ourselves, but for the whole world I recognize that because of mistakes that were made, and I must take responsibility for those mistakes, whether in the campaign or during the course of an administration, that there are those who wonder w whether this republic can survive But I also know that the hopes of the whole world for peace, not only now but in the years to come, rests in the United States of America. And I can assure you that as long as I am physically able to handle the position to which I was elected and then reelected I. last November,

' Gannett D. (Jack) was a reporter with the Washington Star from 19:17 until his retirement ill November 1973. Since 1954 he was White House rre for that newspaper.



I am going to work for the cause of peace in the world, for the cause of prosperity without war and without inflation at home, and also to the best of my ability to restore confidence in the White House and in the President himself. It is a big job, but I think it can be done, and I intend to do it.

Q Mr. President, I am George Gill of the Louisville Courier-Journal. Would you please tell us, sir, when did you personally discover that two of the nine subpoenaed White House tapes did not exist, and why did you apparently delay for a matter of weeks disclosing this matter to the Federal court and to the public?

THE PRESIDENT. Well, the first time that the fact that there were no recordings of the two conversations to which you referred—that they did not exist—came to my attention on approximately September 29 or September 30.

At that time, I was informed only that they might not exist because a search was not made, because seven of the nine recordings requested did exist, and my secretary, listening to them for me and making notes for me, proceeded to go through those seven tapes.

I should point out, incidentally, that the two which did not exist, in which there were no tape recordings of the conversations, were not ones that were requested by the Senate committee, and consequently, we felt that we should go forward with the ones that were requested by both the Senate committee and the others.

When we finally determined that they could not be in existence was on October 26 of this year. And we learned it then when I directed the White House Counsel, Mr. Buzhardt, to question the Secret Service operatives as to what had happened to make sure that there might not be a possibility, due to the fact that the mechanism was as not operating properly, that we might find them in some other place.

He questioned them for 2 days and reported on the 27th that he could not find them. He then, having had a date made—and he asked for the date sooner with Judge Sirica, he asked for a date on Thursday, you may recall I pointed that out in my press conference on the 96th—Judge Sirica saw him on Tuesday in The White House Counsel reported to Judge Sirica that the two tapes did not exist and gave him the reasons for it.

The judge decided, and I think quite properly, that the reasons for the tape not existing should be made public and those involved with access to the tapes and those who operated the machines should be questioned so that there would be no question of the White House, somebody around the President, or even the President himself, having destroyed evidence that was important even though the Senate committee had not, as I have already pointed out, subpoenaed either of these two tapes. And since we are on this subject, and I do not want to be

taking all of the time on it except that I know there is going to be an enormous interest in it, not only among this audience here, but among our television viewers, let me point this out.

I have done everything that I possibly can to provide the evidence that would have existed had we found the

tapes:

First, with regard to the tape of June 20, as you may recall, it was a 5-minute telephone conversation with the former Attorney General, John Mitchell, who had just left as campaign manager or was planning to leave as campaign manager at that time.

I have a practice of keeping a personal diary—I can assure you not every day. Sometimes you are too tired at the end of a day to either make notes or dictate it into a

dictabelt

On that **particular day I happened to have dictated** a dictabelt, and on the dictabelt for June 90, which I found, I found **that I had referred to the conversation to John Mitchell, and I think it is fair to disclose to this audience what was there because it will be disclosed to the court** It has already been offered to the court and eventually I assume will be **made public**

It said, first that T called John Mitchell to cheer him up because I knew he was terribly disheartened by what **had happened in the so-called Watergate matter Second. he expressed chagrin to me that the organization over which he had control could have gotten out of hand in this way That was what was on that tape**

Now, turning to the one on April 15, I thought I might have a dictabelt of that conversation as well

Let me tell you first why the telephone conversation was not recorded. not because of any deliberate attempt to keep the recording from the public, hut because the only telephones in the residence of the White **House which** are recorded—the only telephone, there is only one, is the one that is in the office, the little Lincoln Sitting Room right off the Lincoln Bedroom The call I made to John Mitchell was made at the end of the day at about 6 30 just before going into dinner from the family quarters, and no telephones in the family **quarters ever were** recorded That is why the recording did not exist

Turning to April 15, the conversation referred to there was at the end of the process in which Mr. Dean came in to tell me what he had told the U. S. attorneys that day He saw me at 9 o'clock at night, Sunday night There should have been a recording Everybody thought there prob)ahly was a recording The reason there was not a recording is that the tape machines over the weeken only can carry 6) hours of conversation and usually that is more than enough. I)ecansc I do not use the EOB office that is, the Executive Office Building office rather than the Oval Office over the weekend to that extent

But that weekend(end I was in the EOB for a long a with Mr Kissinger on foreign policy matters I was there for 9 other hours, or 9 or 3 other hours, and the tape

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ran out in the middle of a conversation with Mr. Klein- ill the
mi(ldlc of the afternoon, Sunday afternoon

And a later conversation I had, the rest of Kleindienst's
s conversation, a later conversation I had also with Mr.
l'ctcrse n, and the conversation at 9 o'clock at night with
.)jeall was not there

So I tried to find whatever recording whatever record
that would help the prosecutor in th is instance to
reconstruct the evidence e, because it was the evidence
that he was after and not just the tape

What I found was not a dictabelt What I found was my
handwritten notes made at the time of the conversation I
have turned those over to or have authorized my counsel
to turn those notes over to the judge, so that he can have
them checked for authenticity, and I understand there are
ways that he can tell that they were written at that time
Those handwritten notes are available

And then I did one other thing which I think will also be
helpful The next day I had a conversation with Mr Dean
in the morning at 10 o'clock That conversation was
recorded, and in that conv ersation there are repeated
references to what was said the night before, and when
compared with my handwritten notes it is clear that we
are discussing the same subjects

That entire tape as well as the conversation I had in the
afternoon with Mr. Dean for about 20 minutes will be
made available to the court ev en though the court has
not subpoenaed them

I would just simply say in conclusion you can be very
sure that this kind of a subject is one that is a difficult one
to explain It appears that it is impossible that when we
have c an Apollo system that we could have two missing
tapes when the White House is concerned Let me explain
for one moment what the system w as This is no Apollo
system I found that it cost—I just learned this—\$2 500 T
found that instead of having the kind of equipment that
was there when President Johnson was there which was
incidentally much better equipment but I found—and I am
not saying that critically—hut I found that in this instance
it was a Son a little Sony that they had and that what they
had arc these little lapel mikes in my desks And as a
result the conversations in the Oval Office. the
conversations in the Cabinet Room, and particularly those
in the EOB, those are the three rooms, only those three
rooms where they recorded—for example, the Western White
House had no recording equipment and my house in Key
Biscayne had(l none—hut as far as those particular
recordings are concerned the reason that you have heard
that there are difficulties in hearing them is that the
system itself W;1\$ not a sophisticated system

I do not mean to suggest by that that the judge by
listening to them will not be able to get the facts and I
would simply conclude by saying this I think I know s what
is on these tapes from has ing listened to some those
before March 21. and also from having seen from my sec
retary's notes the highlights of others And I call assure

you that those t tapes when they arc prese:nted t o the
judge and, I h hope, ev entually to the gr and jury, and I
trust in some way we can find a way at least to get the
substance to the American people, they will prove these
things without question

One, that I had no knowledge Whatever of the
Watergate break-in before it occurred

Two, that I never authorized the offer of to anybody
and, as a matter of fact, turned it down when it was
suggested It was not recommended by any member of my
staff but it was, on occasion, suggested as a result of news
reports that clemency might become a factor

And third, as far as any knowledge with regard to the
payment of l)blackmail money, w which, as you recall,
was the charge th. t was made, that Mr. Hunt's attorney

had asked for \$ 1 90,000 in money to be paid to him or he would tell things about members of **the White House Staff, not** about Watergate, that might be embarrassing

Testimony had been given before the Senate committee that I was told that before the 21st of March, actually told it on the 13th of March I know I heard it for the first time the 21 st of of arch, and I will reveal this much of the conversation—I am sure the judge wouldn't t mind

I recall very) well Mr. Dean, after the conv ersation began, telling me, Mr. President, there are some things about this I haven't told you I think you should know them " And then he proceeded then for the first time to tell me about that money

Now, I realize that some will Wonder about the truth of these particular statements that I have made I am going to hand out later—I won't hand them out, but I will have one of sour executives hand out my May 22 statement, my August 15 statement, and one with regard to these two tapes You can believe them if you want—I can tell you it is the truth because I have listened to or have had knowledge of from someone I have confidence in, as to what is in the tapes

Q Mr. President, Richard Tuttle, Democrat and Chronicle, Rochester New York Could you tell us sour personal reaction and your political reaction—**and within that word I mean your credibility with the American people**—sour reaction to the discovery that the Dean and Mitchell tapes did not exist?

UHE President. Well, my personal reaction was one of very great disappointment. because I wanted the evidence out, and I knew that when there was any indication that something didn't exist, immediately there should be the impression that some way!-, either the President, or more likely. perhaps somebody on the President s staff, knew there was something on those tapes that it wouldn't t be wise to get out But let me point out again. while I was disappointed, let me say I would have been a lot more disappointed if the tapes that had been considered im-1)~~~ both Mr. Cox, the Special Prosecutor **and the** Ervin committee, if any one of those had been missing

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[REDACTED]

because I should point out the tape of September 15 when, as you recall, has been testified that I was first informed there was a coverup—that, of course, is there

The tape of March 13, where it has been testified, as I pointed out in the answer to the Louisville Courier-Journal where it has been testified that I was informed then of the demands for money for purposes of blackmail, that is available. And the tape of March 21, where we discussed this in great detail, as well as three other tapes in which Mr. Dean participated, three other conversations, are all available.

But as far as these two tapes are concerned, even though they were not considered by the Ervin committee to be an indispensable part of their investigation, the fact that they were not there was a great disappointment, and I just wish we had had a better system—I frankly wish we hadn't had a **system at all, then I wouldn't have to answer this** question.

Q Mr. President, John Dougherty [Rochester Times-], did you tell Mr. Cox to stay out of the Ellsberg case, and if you did, **why and do you** think that **the new** Special Prosecutor should be kept from investigating the Ellsberg case?

THE PRESIDENT. I have never spoken to Mr. Cox at all; as a matter of fact, however I did talk to Mr. Petersen about it, before Mr. Cox took over.

I told Mr. Petersen that the job that he had—and I would have said the same thing to Mr. Cox—was to investigate the Watergate matter that national security matters were not matters that should be investigated, because there were some very highly sensitive matters involved, not only in Ellsberg but also another matter so sensitive that even Senator Ervin and Senator Baker have decided that they should not delve further into them.

I don't mean that that we are going to throw the cloak of national security over something because we are guilty of something. I am simply saying that where the national security would be disserved by having an investigation, the President has the responsibility to protect it, and I am going to do so.

Q Paul Poorman from the Detroit News. Are you personally satisfied sir, that the investigation of the Watergate matter is complete, to your satisfaction and if so, could you tell us what your plans are to tell the American people about the facts of the case with regard to your credibility on this matter?

THE PRESIDENT. I regard whether the investigation is complete. As you know, there is now a new Special Prosecutor, Mr. Jaworski. He is a Democrat. He has always supported the Democratic ticket. He is a highly respected lawyer, former president of the ABA in

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the year 1971 I must have met him. I have never talked to him personally and certainly have never talked to him about this matter. I refuse to do because I want him to be completely independent.

He cannot be removed unless there is a consensus of the top leadership of both the House and Senate, Democrat and Republican: the Speaker and the Majority and Minority Leaders of the House and the President promote the Majority and **Minority Leaders of the Senate and the ranking two members** of the Judiciary Committees of both the House **and Senate, which, incidentally, gives you, as you can see, a very substantial majority, as far as the Democrats are concerned.**

The second point, and the point I am trying to make is,

one, **he is qualified; two, he is independent and** will have cooperation; and three, he **will not be removed unless the Congress, particularly the leaders of the Congress, and particularly the Democratic leaders who have a strong majority on this group that I have named, agree that he should be removed, and I do not expect that** that time will come

As to what I can tell the American people, this is one forum, and there may be others As to what the situation is as to when it call be done, it is. of course necessary to let the grand jury proceed as quickly as possible to a conclusion and I should point out to you, as you may recall Mr. Petersen testified before the Ervin committee that when he was removed from his position—you recall he was removed in April and a Special Prosecutor was put in—that the case was 90 percent ready For 6 months, under the Special Prosecutor who was then appointed, the case has not been brought to a conclusion

And I think that now after 6 months of **delay, it is** time that the case **is** brought to a conclusion If it was 90 percent finished in April, they ought to be able to finish t now

Those who al-c guilty! or presumed to be guilty. should be indicted Those who are not guilty at least should get some • x iden c of being cleared because in the meantime, the reputations of men, some maybe who are not guilty, have been probably irreparably damaged by wh hat has happened in the hearings that they have appeared before pub)licly They have already been convicted and they may never recover find that isn't our system of government

The place to try a man or a woman for a crime is in the courts and not to convict them either in the newspapers or on tel v ision before he has a fair trial in the courts

Q Mr. Presidents I'm Bob Haiman from the St Petersburg Times in St Petersburg Florida When Mr. Ehrlichman and Al Hal(lenlan left your administration you said they were guilty's ill the Watergate affair, and they were . quote, two of the finest public servants you had ever known, end quote After what has transpired

[REDACTED]

and been revealed since then, do you still feel the same way! about i)otll men and l both, statments)

THE PRESIDENT First, I hold that both men and others who have been charged are guilty! until I have evidence that they are not guilty and I know that every newspaper man and newspaper woman ill this whole audience would agree with that statement That is our American system Second, A[r Haldeman and Mr. Ehrlichman had been and were dedicated, fine public servants, and I believe, it is m! belief based on what I know now, that when these proceedings are completed that they will come out all right

On the other hand, they have e appeared before the grand jury before they will be appearing again, and as I pointed out in answer to an earlier question, it probably does not make any difference, unfortunately, whether the grand jury indicts them or not, whether they are tried or not, because, unfortunately they have already been convicted in the minds of millions of Americans by what happened before a Senate committee

AIR. QUIN 5. 3,I'r President, may I suggest that you may have misspoke yourself when you said that you assumed Haldeman and Ehrlichman are considered **guilty until** proven not guilty

THE PRESIDENT. Yes, I **certainly did, if I said that— thank you for correcting me**

Q. Richard Smyser, from **The Oak Ridger in Oak Ridge**, Tennessee Senator Mark **Hatfield said recently** that we demand so much of a President, we ask him to play so many roles that no man can hold that kind of responsibility without having to share that responsibility with all Americans

To what extent do you think that this explains possibly how something like Watergate can occur?

THE PRESIDENT I could stand here before this audience and make all kinds of excuses, and most of you probably would understand because you are busy also '77 was a very busy year for me It w was a year when we had the visit to China, it was a year when we had the visit to Moscow and the first limited nuclear ban on defensive weapons, you recall, as well as some other very significant events

It was a year too when we had the very difficult decisions on May! 8, the bombing and mining of Hai- and then the negotiations and then in T)ceemher of course, the very very difficult—perhaps the most difficult—decision I made of the De(cember bombing, which did lead to the breakthrough and the uneasy peace hut it is peace with . all of the Ame(ricans home, all of our PO\ N" home, and peace at least for a w while in that pe rioid

Now, during that period of time, frankly, I didn't manage the campaign I didn't run the campaign People around me didn't bring things to me that they probably should have because I was frankly just too busy trying to do the Nation's business to run the polities

My adv ice to all new politicians, incidentally, is always run your own campaigns I used to run mine and I was always criticized for it because you **know whenever you** lose you are always criticized for **running your own campaign** But my point is Senator Hatfield is correct, whether you are a Senator or a Congressman, you are sometimes very busy, you don't watch these things When you are President, you don't watch them as closely as you might And on that, I say if mistakes are made, however, I am not blaming the people down below The man at the top has got to take the heat for all of them

Q May I ask one other question, sir?

T111. PRESID)FNT. Sure

Q DO you feel that the executive privilege is absolute?

THE PRESIDENT XT. 1, of course do not have waived (I ex- privilege with regard to all (f the members of m! staff who have any knowledge(dg(of or who have had(l an! charges made against th(m in the(Watergate';wterg;lte matt r I ha x of course voluntarily! waived((l privilege(".,t' with regard(i to to ning OVUM the tapes, and so forth

Let me point out it was voluntary on m! part, and deliberately so to avoid a precedent that might destroy the principle of confi(lentialit) for future Presidents, which is terribly important.

If it had gone to the Supreme Court—and I know many of my friends argued "Why not carry it to the Supreme Court and let them decide it?"—that would, first, have had a confrontation with the Supreme Court, between the Supreme Court and the President And second it would have established very possibly a precedent a precedent breaking down constitutionality that • would plague future Presidencies(not just President

I could just say in that respect too, that **I have referred** to what I called the Jefferson rule It is the rule, I think, that we should generally follow—a President should follow—with the courts when they want information. and a President should also follow with committees of Congress, when they want information from his personal files Jefferson, as you know, in that very!, very famous ease, had correspondence w hich it was felt might bear upon the guilt or innocence of Aaron Burr Chief Justice Marshall, sitting as a trial judge, held that Jefferson, as President. had to turn over **the correspondence Jefferson refused**

What he did was to turn over a summary **of the correspondence, all that he considered was proper to be turned over** for the purposes of the trial

[REDACTED]

* * * * *

* * * * *

And then Marshall, sitting as Chief Justice, ruled for the President

Now, why did Jefferson do that? Jefferson didn't do that to protect Jefferson He did that to protect the Presidency And that is exactly what I will do in **these cases** It isn't for the purpose of protecting the President; it is for the purpose of seeing that the Presidency, where great decisions have to be made—and great decisions cannot be made unless there is very free flow of conversation, and that means confidentiality—I have a responsibility to protect that Presidency

At the same time, **I will do ev erything I can to cooper** participation

I will come to you next, sorry

.....

Q Mr. President, Larry Allison from the Long Beach, California, Independent Press-Telegram Back; to Watergate Former Attorney General John Mitchell has testified that the reason he did not give you details on the Watergate problems was that you did not ask him

Now,, I realize that you were very l)usv at that time, as you said, but there were reports in newspapers that linked people very high in your staff with Watergate problems l

Could you tell us, sir, why you did not ask; Mr. Mitchell wh at he knew?

TSIE PRESIDE:NT. For the very simple reason that when I talked to Mr. Mitchell—and I saw him often in that period—that I had every reason to believe that if he were involved, if he had any information to convey, he would tell me I thought that he would As a matter of fact, when I called him on the telephone, what did he say—he expressed chagrin that anything like that could have happened in his organization

Looking back;, maybe I should have cross-examined him and said, "John, did you do it?" I probably should have asked him, but the reason I didn't is that I expected him to tell me, and he had every opportunity to, and decided he wouldn t, apparently At least—nosv, that doesn't mean to tell me that he was involved, because you understand that is still a matter that is open The question is Whether he could have told me about **other people** that **might he involved where he had information** where **members of my staff did not have information**

Yes, sir



Presidential Tapes and Documents

The President's Letter to Senator Sam J. Ervin, Jr., Chairman, Senate Select Committee on Presidential Campaign Activities, in Response to the Committee's Subpoenas. January 4, 1974

Dear Mr. Chairman:

This letter is in response to the three subpoenas issued by you as Chairman of the Senate Select Committee on Presidential Campaign Activities and received on my behalf by White House Counsel on December 19, 1973

These subpoenas call upon the President to produce all of the material in his "custody or possession, or the custody of the Executive Office of the President, or the White House, actual or constructive " which are described in extensive attachments Only six months ago, your Committee concluded that recordings of five conversations were necessary for your legislative determination Now, in one subpoena alone, you list, with widely varying precision, some 492 personal and telephone conversations of the President ranging in time from mid-1971 to late 1973 for which recordings and related documents are sought; and, in addition, in the same subpoena, recordings and related documents are sought for categories of Presidential conversations, identified only by participants and time spans measured in months and years A second subpoena seeks production of thirty-seven categories of documents or materials, one of which is " 'President Richard Nixon's Daily Diary' for January 1, 1970, to December 19, 1973," a period of approximately four years.

As I stated in my letter to you of July 6, 1973, "Formulation of sound public policy requires that the President and his personal staff be able to communicate among themselves in complete candor, and that their tentative judgments, their exploration of alternatives, and their frank comments on issues and personalities at home and abroad remain confidential " I anticipated that even quite limited, selected disclosures of Presidential recordings and documents would inevitably result in the attrition, and the eventual destruction of the indispensable principle of confidentiality of Presidential papers "

To produce the material you now seek would unquestionably destroy any vestige of confidentiality of Presidential communications, thereby irreparably impairing the constitutional functions of the Office of the Presidency Neither the Judiciary nor the Congress could survive a similar power asserted by the Executive Branch to rummage through their files and confidential processes Under the circumstances, I can only view your subpoena as an overt attempt to intrude into the Executive to a degree that constitutes an unconstitutional usurpation of power

As you are aware, substantial numbers of materials have been provided to the Office of the Special Prosecutor for possible use with grand juries With respect to whatever portions of the materials covered by your subpoena may be relevant to matters now subject to grand jury investigation, and potentially criminal trials, disclosures to you, and through you to the public, could seriously impair the ability of the Office of the Special Prosecutor to complete its investigations and successfully prosecute the criminal cases which may arise from the grand juries

Incurring these adverse consequences by complying with your subpoena would, on the other hand, serve no legislative purpose which I can discern.

I recognize that in the current environment, there **may be some attempt to distort my position as only an effort to withhold information, but I take this position to protect the Office of the President against incursions by**

another Branch, which I believe, as have my predecessors in office, is of utmost Constitutional importance.

Accordingly, in order to protect the fundamental structure of our government of three separate but equal Branches, I must and do respectfully decline to produce **the materials called for in your subpoenas.**

Sincerely,
RICHARD NIXON

[The Honorable Sam J. Ervin, Jr., Chairman, Select Committee on Presidential Campaign Activities, United States Senate, Wash., D.C. 205101

NOTE: The text of the letter. wa relea ed at San Clemente, Calif.

10 Presidential Documents 11-12

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THE STATE OF THE UNION

*The President's Address Delivered Before a Joint Session of the Congress.
January 30, 1974*

Mr. Speaker, and Mr. President and my distinguished colleagues and our guests:

I would like to add a personal word with regard to an issue that has been of great concern to all Americans over the past year I refer, of course, to the investigations of the so-called Watergate affair

As you know, I have provided to the Special Prosecutor voluntarily a great deal of material I believe that I have provided all the material that he needs to conclude his investigations and to proceed to prosecute the guilty and to clear the innocent

I believe the time has come to bring that investigation and the other investigations of this matter to an end One year of Watergate is enough

And the time has come, my colleagues, for not only the executive the President, but the Members of Congress, for all of us to join together in devoting our full energies to these great issues that I have discussed tonight which involve the welfare of all of the American people in so many different ways as well as the peace of the world

I recognize that the House Judiciary Committee has a special responsibility in this area, and I want to indicate on this occasion that I will cooperate with the Judiciary Committee in its investigation I will cooperate so that it can conclude its investigation, make its decision, and I will cooperate in any way that I consider consistent with my responsibilities to the Office of the Presidency of the United States

There is only one limitation I will follow the precedent that has been followed by and defended by every President from George Washington to Lyndon B. Johnson of never doing anything that weakens the Office of the President of the United States or impairs the ability of the Presidents of the future to make the great decisions that are so essential to this Nation and to the world

Another point I should like to make very briefly Like every Member of the House and Senate assembled here tonight, I was elected to the office that I hold And like every Member of the House and Senate, when I was elected to that office, I knew that I was elected for the purpose of doing a job and doing it as well as I possibly can And I want you to know that I have no intention whatever of ever walking away from the job that the people elected me to do for the people of the United States

Now, needless to say, it would be understatement if I were not to admit that the year 1973 was not a very easy year for me personally or for my family And as I have already indicated, the year 1974 presents very great and serious problems as very great and serious opportunities are also presented

But my colleagues, this I believe With the help of God, who has blessed this land so richly, with the cooperation of the Congress, and with the support of the American people, we can and we will make the year 1974 a year of unprecedented progress toward our goal of building a structure of lasting peace in the world

10 Presidential Documents 113, 121

(69)

THE PRESIDENT'S NEWS CONFERENCE OF FEBRUARY 25, 1974

Q. Mr. President, to heal the divisions in this country, would you be willing to waive executive privilege to give the Judiciary Committee what it says it needs to end any question of your involvement in Watergate?

THE PRESIDENT. Miss Thomas, as you know, the matter of the Judiciary Committee's investigation is now being discussed by White House Counsel, Mr. St. Clair, and Mr. Doar. And as I indicated in my State of the Union address, I am prepared to cooperate with the committee in any way consistent with my constitutional responsibility to defend the Office of the Presidency against any action which would weaken that office and the ability of future Presidents to carry out the great responsibilities that any President will have.

Mr. Doar is conducting those negotiations with Mr. St. Clair, and whatever is eventually arranged, which will bring a prompt resolution of this matter, I will cooperate on.

Q. Mr. President, to follow up Miss Thomas' question, you say you will cooperate with the Judiciary Committee, but you can't say yet precisely to what extent. Can you tell us if you anticipate you will be able to cooperate at least to the extent you cooperated with Mr. Jaworski in terms of turning over to the Judiciary Committee roughly the same tapes and documents that Mr. Jaworski has?

THE PRESIDENT. Well, this is a matter, Mr. Jarriel (TOM Jarriel, ABC News), that has been discussed by Mr. St. Clair with Mr. Doar, and the decision will be made based on what arrangements are developed between the two for the confidentiality of those particular items where they must remain confidential, and also based on whether or not turning over to the committee will, in any way, jeopardize the rights of defendants or impair the ability of the prosecution to carry on its proper functions in the cases that may develop. It is a matter that we are talking about, and it is a matter where we will be cooperative within those guidelines.

Q. Mr. President, may I follow on to my colleague's question and also to Miss Thomas' question. Within the past week or 10 days, the House Judiciary Committee and the Justice Department have issued differing interpretations of what by constitutional definition is an impeachable offense for a President.

Now, as we all know, you are an experienced student of the Constitution, and I think people would be inter

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ested to know what you consider to be an impeachable offense for a President, particularly on the dividing line, whether it requires that the House determine that they believe that the President may have committed a crime or whether dereliction of duty, not upholding the Constitution, is enough in itself to constitute an impeachable offense?

THE PRESIDENT. Well, Mr. Rather [Dan Rather, CBS News], you don't have to be a constitutional lawyer to know that the Constitution is very precise in defining what is an impeachable offense. And in this respect it is the opinion of White House counsel and a number of other constitutional lawyers, who are perhaps more up to date on this than I am at this time, that a criminal offense on the part of the President is the

requirement for impeachment.

This is a matter which will be **presented, however, to the committee by Mr. St. Clair in a brief which he presently is preparing.**

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Q. Mr. President, has the Special Prosecutor requested your testimony in any form, and, if asked, would you testify?

THE PRESIDENT . Well, I believe it is a matter of record that the Special Prosecutor transmitted a request that I testify before the grand jury, and on constitutional grounds, I respectfully declined to do so.

I did offer, of course, to respond to any interrogatories that the Special Prosecutor might want to submit or to meet with him personally and answer questions, and he indicated that he did not want to proceed in that way.

Q. Mr. President, however an impeachable offense is defined, under the system, the impeachment proceeding is the courtroom of the President. You have said many times that these matters belong in the courts. So, wouldn't it be in your best interests and in the best interest of the country to have this matter finally resolved in a proper judicial forum, that is, a full impeachment trial in the Senate?

THE PRESIDENT . Well, a full impeachment trial in the Senate, under our Constitution, comes only when the House determines that there is an impeachable offense. It is my belief that the House, after it conducts its inquiry will not reach that determination. I do not expect to be impeached.



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THE PRESIDENT'S
NEWS CONFERENCE OF
MARCH 6, 1974

Q. Mr. President, your lawyer announced today that you will turn over to the House Judiciary Committee all of the materials that you made available to the Special Prosecutor. I am wondering, sir, **what** about other materials that the committee might want to see that the Prosecutor didn't see?

THE PRESIDENT. Mr. **Cormier**, that matter has been under discussion, as you probably know, between Mr. St. Clair, White House Counsel, and Mr. **Doar**, the counsel for the committee. And Mr. St. Clair has made, I think, a very forthcoming offer. He has indicated that we will respond to any written interrogatories under oath that the committee may have on matters that they do not think are covered adequately by the materials that have been submitted to Mr. Jaworski. And, in addition, he has indicated that in the event that that is not satisfactory, in order to bring the matter to a complete and, we hope, early conclusion, that the President will be glad to meet with members of the committee, perhaps the Chairman and the ranking minority member of the committee, at the White House to answer any further questions under oath that they may have.

As far as other materials are concerned, those matters will continue to be under discussion between White House counsel and Mr. Doar. It is the goal for all of us, I think, the goal of the committee—I think it would be theirs, it certainly is mine—to get a prompt conclusion to this matter as soon as possible.

And I would say further that, as far as the materials we have turned over, they include not only the famous subpoenaed tapes, which were turned over to Mr. Jaworski, but they include, in addition to that, 11 additional tapes, a total of 19 tapes, over 700 documents, and enough material that Mr. Jaworski was able to say that he knew all and that the grand jury had all, the information that it needed in order to bring to a conclusion its Watergate investigation.

Miss Thomas.

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Q. Mr. President, Mr. Haldeman, your former top aide in the White House, has been charged with perjury because he testified that you said it would be wrong to pay hush money to silence the Watergate defendants, and last August you said that was accurate. Can you, and will you, provide proof that you did indeed say it would be wrong?

THE PRESIDENT. Miss Thomas, it would be improper, as, of course, you know, for me to comment on the substance of any charges or indictment that have been made against any of the defendants in this matter. However, it is proper for me to comment on what I said and what I did on the 21st of March, which is the date in question.

On that occasion, Mr. Dean asked to see me, and when he came into the office, soon after his arrival he said that he wanted to tell me some things that he had not told me about the Watergate matter. And for the first time, on March 21, he told me that payments had been made to defendants for the purpose of keeping them quiet, not simply for their defense.

If it had been simply for their defense, that would have been proper, I understand. But if it was for the purpose of keeping them quiet—you describe it as "hush money"—that, of course, would have been an obstruction of justice.

I examined him at great length. We examined all of the options at great length during our discussion, and we considered them on a tentative basis—every option as to what the defendants would do, as to who in the White House might be involved, and other information that up to that time had not been disclosed to me by Mr. Dean.

Then we came to what I considered to be the bottom line. I pointed out that raising the money, paying the money, was something that could be done, but I pointed out that that was linked to clemency, that no individual is simply going to stay in jail because people are taking care of his family or his counsel, as the case might be, and that unless a promise of clemency was made, that the objective of so-called "hush money" would not be achieved.

I am paraphrasing what was a relatively long conversation.

I then said that to pay clemency was wrong. In fact, I think I can quote it directly. I said, "It is wrong; that is for sure." Mr. Haldeman was present when I said that Mr. Dean was present. Both agreed with my conclusion.

Now, when individuals read the entire transcript of the 21st meeting or hear the entire tape where we discussed all of these options, they may reach different interpretations, but I know what I meant, and I know also what I did.

I meant that the whole transaction was wrong, the transaction for the purpose of keeping this whole matter covered up. That was why I directed that Mr. Haldeman, Mr. Ehrlichman, Mr. Dean, and Mr. Mitchell, who was then in New York, meet in Washington that evening, if

possible—it turned out that they could not meet until the next day—so that we could find what would be the best way to get the whole story out.

I also know what I did with regard to clemency and with regard to the payment of money. I never at any time authorized clemency for any of the defendants. I never at any time authorized the payment of money to any of the defendants. And after we had met on the 22d, I sent Mr. Dean to Camp David to write a full report of everything that he knew.

That report was not forthcoming, and, consequently, on the 30th of August (March), a week later, I directed Mr. Ehrlichman to conduct an independent investigation, which he did conduct, and presented to me on the 14th of April.

And also on the 30th, on that same day—Mr. Ziegler

announced this to the press corps, after I had issued the direction—I directed that all members of the White House Staff who were called by the grand jury should appear before the grand jury and testify fully with regard to any **knowledge whatever they had with regard to their involvement**, if they were involved, or anybody else's involvement.

In other words, the policy was one of full disclosure, and that was the decision **that was made at the conclusion of the meeting**.

Q. Mr. President.

THE PRESIDENT. Mr. Theis [J. William Theis, Hearst Newspapers and Hearst Headline Service].

Q. Without regard to past **events or hush money or anything** like that, **would you now consider granting clemency** to any former assistants who might ultimately be convicted?

THE PRESIDENT. The matter of clemency, Mr. Theis, is something that can only be granted and only be considered on an individual basis, depending upon the circumstances involved.

I can only say that under no circumstances has any defendant or potential defendant been **offered clemency** and none will be offered clemency. That would be improper, and I will not engage in that activity.

Q. Mr. President, to follow up an earlier answer, as I understand it, you said that you are not ruling out the possibility that you might grant clemency to a former aide. Is that correct, you are really not ruling that out, and if so, why?

(72)

[REDACTED]

TIME PRESIDENT. NO, Mr. Schram [Martin J. Schram, Newsday], I am simply saying that I am not ruling out granting clemency to any individual depending upon a personal tragedy or something of that sort.

What I am saying, that I am not going to grant clemency because then happen to be involved in Watergate—that I am ruling out.

Q. Mr. President.

THE PRESIDENT. YOU had one last week, Clark, now [Clark R. Mollenhoff, Des Moines Register and Tribune].

Mr. Healy [Paul F. Healy, New York Daily News].

In fact you had two.

Q. Mr. President, many people are saying that Watergate played a prominent role in the election of a Democrat in the Congressional district in Cincinnati yesterday. What is your opinion of that?

THE PRESIDENT. It might have. In fact, it was said also it may have had an effect on the election in Michigan.

But reflecting for a moment on off-year elections—and I know you are somewhat of an expert on this; of course, all of you are experts on off-year elections—a first point is that we have had six since the 1972 elections. The Republicans have won three, and we have lost three. In fact, yesterday we won in California, as you know, and when one Republican can beat eight Democrats in one race, that is a pretty good showing.

The other point is that as far as off-year elections, as distinguished from the British system where they seem to point as to what will happen in the general election, they seem to have exactly the reverse effect in this country.

For example, I found that between 1964 and 1966 the Republicans won five and the Democrats won seven Congressional seats, and yet the Republicans won 47 seats in 1966.

Also, reflecting to the past, after General Eisenhower's landslide victory in 1956, we lost 47 seats in the House just 9 years later in 1958, because of a recession. And after President Johnson's landslide victory in 1964, his party lost 47 seats in the House, just 2 years later, because of a war.

This year we are not going to have a war. We are going to be making further progress toward peace—at least that is our goal, and I think we will achieve it—and we are not going to have a recession.

So I believe that the dire predictions that are made as to what is going to happen in November because of what has been happening this spring will be proved to be wrong.

Q. Mr. President.

THE PRESIDENT. Mr. Kempster [Norman Kempster Washington Star-News].

Q. Mr. President, in your answer to Mr. Cormier's question, you spoke of an expeditious conclusion of the impeachment hearings in the House. Would it not serve the purpose of a speedy conclusion of these hearings for you to give the committee whatever materials, tapes, and documents they consider pertinent to their investigation?

THE PRESIDENT. It would not lead to a speedy conclusion; it would delay it in my opinion. Because if all that is really involved in this instance is to cart everything that is in the White House down to a committee and to have them paw through it on a fishing expedition, it will take them not a matter of months, so that they can complete their investigation and, we trust, their decision by the first of May, which I understand is Mr. Rodino's object, but it would take them months and perhaps even as long as a year.

We will furnish the information we furnished Mr. Jaworski, the Special Prosecutor, all of which he considered to be relevant. We will furnish, as I have indicated, written interrogatories on any other relevant material. And we will also agree to meet with the Chairman, the ranking member, as

designated by the committee, to answer any other questions they may have. I believe that that will serve the purpose.

Q. Mr. President, your attorneys have taken what is seen as the narrow view on impeachment, saying that impeachment **should be limited to very serious crimes** committed in one's official capacity. My question is, would you consider the **crimes returned in the indictments last week, those of perjury, obstruction of justice, and conspiracy, to be impeachable crimes if they did apply** to you?

THE PRESIDENT. Well I have also quit beating my wife. *[Laughter]*

Of course, the crime of perjury is a serious crime, and, of course, the crime of obstruction of justice is a serious crime and would be an impeachable offense, and I do not expect that the House committee will find that the President is **guilty of any of these crimes to which you have** referred.

When you refer to a **narrow view of what is an impeachable crime**, I would say that might leave in the minds of some of our viewers and listeners, a connotation which would be inaccurate. It is the constitutional view. The Constitution is very precise. Even Senator Ervin agrees that that view is the right one, and if Senator Ervin agrees, it must be the right one.

Q. Mr. President, Attorney General Saxbe has expressed the [REDACTED] opinion that at some point in the [REDACTED] impeach

ment procedure you might have to start paying for your own legal defense. Sir, do you have any plans to hire your own lawyers at your own, rather than public, expense?

TITLE PRESIDENT. TV the Attorney General should rule that I should pay for my own defense, I shall, of course, do so.

I should point out, however, that I am not a defendant until the House passes a bill of impeachment. I would then be a defendant, and if the Attorney General of the United States should rule that the President should pay for his defense, I will find somebody to loan me the money.
Laughter

Q. Mr. President., I would like to follow up on a comment that you made just a minute ago, where, taking back to March, you said that you had ruled out immunity from prosecution for all of your aides and in the same answer you said you wanted full disclosure of all of the facts about Watergate. One of the purposes of granting immunity from prosecution is to get disclosure from a person who knows what is going **on to crack the case**. And some people have suggested that the order against immunity from prosecution was aimed at deterring John Dean from testifying and disclosing the facts.

Now, how would you answer that thesis?

THE PRESIDENT. Well, on the contrary, I think that the use of immunity for any major White House employee would be highly improper. After all, **someone who** has the position of Counsel to the President should come forward and testify as to everything that he knows, and he should not require as the price for telling the truth getting immunity. That was my view then; it is my view now.

I should also point out that in the case of Mr. Ehrlichman, Mr. Haldeman, Mr. Colson, all of **whom have** been indicted, it is significant to note that none of them have used the shield of the fifth amendment as they could have and pled self-incrimination.

None of them have bargained for pleas, as they could have in order to get a lighter sentence. Each of them has testified freely before the committee; each of them has testified before the grand jury; each apparently believes in his innocence.

Under these circumstances, while they have been convicted in the pros over and over again, while they have been convicted before committees over and over again, they are now before a court, and they are entitled to, they will receive from me and, I think, from every fairminded American the presumption of innocence that any individual is entitled to because a court of law is the proper place for such matters to be decided.

Q. Mr. President, you said earlier, if my notes are correct, that on March 21, Mr. Dean told **you for the first** time that payments were made to defendants to keep them quiet and that you considered a number of options. Did you not consider the option of blowing the whistle, of turning that information over to the authorities immediately, and on reflection now do you think you should have?

T, - HE PRESIDENT. As a matter of fact, among the options we considered was getting out a full report. a report that he would write. Among the options we considered the next day—and we started to consider it that day—was to have everybody testify before the Ervin committee and waive executive privilege, which was a course of action which Attorney General Mitchell recommended.

Yes, the option of a full disclosure at that time by everybody concerned was one that was considered. The difficulty that I had was that for months these matters had not

I been brought to my attention. I had not been informed of the payments to the defendants. I had not been informed with regard to the alleged coverup. I had not been informed about the possible involvement of some White House aides.

I felt it was my responsibility to conduct my own investigation with all the assistance I could get from those who could provide information before moving to what would be a proper way of getting this story out to the country.

At all times it had been my goal to have a complete disclosure of this whole situation because, as you know, I have said there can be no cloud over the White House. I want that cloud removed. That is one of the reasons we have cooperated as we have with the Special Prosecutor. We will also cooperate with the Rodino committee. The facts will come out.

Q. Mr. President, I have a followup on that question right there, on the March 21st meeting. You have referred to your own personal desire to have complete disclosure, and you have also mentioned here this evening that anybody who heard the tape of that March 21st meeting, or different people hearing that tape, or reading the transcript, might get different impressions. Have you ever considered the option of making that tape and transcript public so that the American people can read it, and hear it, and make their own judgment on what happened at that meeting?

T } { E PRESIDENT. Yes, I have. We have a problem there, however, in that that tape, as well as others, as was, I think, probably implied at least in the hearing today, affects the rights of the defendants and also the possibilities of the prosecution, and under the circumstances, of course, we must be, to a certain extent, guided by that.

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I think eventually the entire tape will be made available. And as far as I am concerned, when any individual who is looking at it objectively, not only hears it or reads what the transcript is but also sees what was done after that particular conversation took place, will conclude, first, that the President had no knowledge before the 21st, which Mr. Dean himself said when he came into the meeting, second, that the President never authorized clemency, in fact, rejected it on several occasions in that meeting, and third, that the President never authorized the payment of money to the defendants for the purpose of hushing them up.

Q. Mr. President, you have spoken tonight of your willingness to take questions under oath in the White House from the senior Democratic and Republican members of the House Judiciary Committee. Would you consider, as an aid to rebuilding public confidence in your leadership and in speeding up the procedure, in taking questions in a public forum from the entire House Judiciary Committee?

THE PRESIDENT. This is a matter which I am leaving to Mr. St. Clair and Mr. Doar to work out as to what proper procedure could be developed. What I want is one that will get the facts as, get them quickly, and one that will not delay the proceedings. But Mr. Doar and Mr. St. Clair are discussing the matter, and I will defer any response until they have completed their discussions.

Q. Mr. President, is Mr. Wilson, the attorney for Messrs. Haldeman and Ehrlichman, working with the White House or with you in concert in any way, and secondly, you have said that when others hear the tape of the 21st, they may well reach a different interpretation than the one you have presented tonight. Why is that?

THE PRESIDENT. First, Mr. Wilson, **of course, is not** working with the White House, and neither are the attorneys for any of the other **defendants. His only contact** with the White House is one that would be perfectly proper in terms of information that a defendant or potential defendant would be entitled to.

As far as interpretations of tapes, not only this one but others, are concerned, any individual who wants to can take anyone's statement and interpret it any way he wants.

What I say is that I know what I said, I know **what I** meant, I know **what I did, and I think that any fairminded** person will reach the same conclusion that I have repeated here several times tonight.

10 Presidential Documents 292-98

Q. Mr. President, just to follow up an earlier question about Watergate and the indictments, I was wondering if you figured out, sir, why the payment of \$75,000 in alleged hush money occurred the same day you said you disapproved of the practice? I am talking about the March 21st conversation.

THE PRESIDENT. I have no information as to when a payment was made, to what you have referred. I have information on is as to my own actions and my own directions, and my actions and directions were clear and very precise. I did not authorize payments, and I did not have knowledge of payments to which you have referred.

MR. CORMIER. Thank you Mr. President.

Q. Mr. President, can I ask you—

THE PRESIDENT. Well, Mr. Lisagor [Peter Lisagor, Chicago Daily News] isn't wire service, but he always has a question.

Q. —some **legal scholars**, including Senator Erwin, have said that the truth will never be fully established unless all witnesses subject themselves, or submit to **cross-examination**. Are there circumstances under which you would submit to cross-examination if it would serve to clear up this Watergate affair?

THE PRESIDENT. Well first, Nfr. Lisagor, I will do nothing to weaken the office of the Presidency, and to submit to cross-examination under circumstances that would, in effect, put the President in the box when he was not indicted, in effect, by the House of Representatives—where **he would** be in **the box if he went** to the Senate—I think would be improper. However, as far as I am concerned, as I have indicated, I will have written interrogatories, and I will be willing to meet with the ranking members of the Judiciary Committee, both of whom I understand **are** very good lawyers and very good cross-examiners, to take any questions that they may have if they have any at the conclusion of their own investigation.

MR. CORMIER. Thank you, Mr. President.

NOTE: President Nixon's thirty-seventh news conference was held at 7:31 p.m. on Wednesday, March 6, 1974, in the East Room at the White House. It was broadcast live on radio and television.

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[REDACTED]

The Executives' Club of Chicago

*The President's Remarks in a Question-and-Session at a Luncheon Meeting of the Club.
March 15, 1974*

Q. Mr. President, forgetting all other considerations of whether the Watergate situation was or is as publicized or not because it is still in the process of being litigated, do you not think that the entire incident has begun to affect the quality of life in this country, particularly in the great deal of uncertainties that people have about it, and also begun to influence the concepts of ethics, particularly of our young people, and for those reasons alone would it not be better that you resign at this time and allow yourself the public forum as a private citizen to answer all accusations on all parts?

THE PRESIDENT. NOW ladies and gentlemen, that is a perfectly proper question, and it has been raised not only by the gentleman who has asked it but by several respected publications in this area as well as in other parts of the country, and some Members of the Congress as well.

Let me respond to it first by saying that of course Watergate has had a disturbing effect not only on young people but on other people. It was a wrong and very stupid action to begin with. I have said that and I believe it now.

Second, as far as Watergate is concerned, it has been carried on, it has been I believe overpublicized, and a lot of charges have been made that frankly have proved to be false.

I am sure that many people in this audience have read, at one time or other, either in your news magazines, possibly in a newspaper, certainly heard on television and radio such charges as this: That the President helped to plan the Watergate thing before and had knowledge of it; that the President was informed of the cover-up on September 15th of 1973; that the President was informed that payments were being made on March 13 and that a blackmail attempt was being made on the White House on March 13 rather than on March 21 when I said was the first time those matters were brought to my attention; that the President had authorized the issuance of clemency or a promise of clemency to some of the defendants and that the President had ordered the burglarizing—again, a very stupid act apart from the fact of its being wrong and illegal—of Dr. Ellsberg's psychiatrist's office in California.

Now, all of those charges have been made. Many of the Americans, perhaps a majority, believe them. They are all totally false, and the investigations will prove it, whatever the Congress does, the tapes, et cetera, when they all come out, will establish that they are false.

The President learned for the first time on March 9th of 1973 that a blackmail attempt was being made on the White House, not on March 13. The President learned

for the first time at that time that payments had been made to the defendants, and let me point out that payments had been made but—correcting what may have been a misapprehension when I spoke to the press on March 6 in Washington—it was alleged that the payments that had been made to defendants were made for the purpose of keeping them still

However, Mr. Ehrlichman, Mr. Haldeman, Mr. Mitchell have all denied that that was the case, and they certainly should be allowed the light in court to establish their innocence or guilt without our concluding that that was the case.

But be that as it may, Watergate has hung over the country, and it continues to hang over the country. It will continue to as the Judiciary Committee continues its investigation not only of voluminous documents that we have already presented to the Special Prosecutor, not only of all the material they have from the Ervin committee that has conducted months of hearings—and they have access to that—but in addition, scores of tapes and thousands of documents more, which would mean that not just one year **but two years or three years we are going to** have this hanging over the country.

That is why I want a prompt and just conclusion and will cooperate, as I indicated in answer to the first question, with the committee consistent with my responsibility to defend the office of the **that prompt** and just conclusion.

Now, under these **circumstances, because the impression** has been created, as you have very well indicated, doubts, mistrust of the President—I recognize that—why doesn't the President resign? Because if the President resigned when he was not guilty of charges, then every President in the future could be forced out of office by simply leveling some charges and getting the media to carry them and getting a few Congressmen and Senators who were on the other side to **exploit them**.

Why doesn't the President resign because his popularity is low? I already **have referred to that question. Because** if the time comes in this country when a President makes decisions based on where he stands in the polls rather than what is right or what is wrong, we will have a very weak President.

The Nation and the world need a strong President. Now, personally, I will say finally, from a personal standpoint, resignation is an easy copout. Resignation, of course, might satisfy some of my good friendly partisans who would rather not have the problem of Watergate bothering them. But on the other hand, apart from the personal standpoint, resignation of this President on charges of which he is not guilty, resignation simply because he happened to be low in the polls, would forever change our form of government. It will lead to weak and instable Presidencies in the future and I will not be a party to the destruction of the Presidency of the United States.

Yes, sir.

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[REDACTED]

[REDACTED]

Q. Mr. President, there is a debate over the definition of an "impeachable offense." Should this question be determined by Congress or the judiciary?

THE PRESIDENT . I think it is determined by the Constitution. And I think the Constitution very clearly, as Mr. St. Clair, our very able counsel, pointed out in his brief to the Judiciary Committee, the Constitution in this case defines an impeachable offense, as I indicated earlier, as being treason, bribery, or other high crimes and misdemeanors.

Now, this President is not guilty of any of those crimes, and as far as the Congress is concerned, it would seem to me that—particularly members of the Judiciary Committee, all schooled in the law—would want to follow the Constitution rather than to broaden that definition to include something that the Constitution-framers did not have in mind.

O. Mr. President, intense two-way loyalty has been a hallmark of your public life and your Administration. If it can be shown to you conclusively that your in-person testimony on behalf of your former colleagues is vital to their defense, would you not consider stepping forward and taking the witness stand?

THE PRESIDENT believe that for the President of the United States to appear in a court of law, any court of law, for the purpose of testifying, would he setting a precedent that would be most unfortunate. I believe that any information that I have has been made available which could affect the guilt or innocence of the individuals involved, and I think the appearance of the President of the United States in any one of these cases would be a precedent which we would regret later.

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NATIONAL ASSOCIATION OF BROADCASTERS

The President's Remarks in a Question- Answer Session at the Association's Annual Convention in Houston, Texas. March 19, 1974

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Q. Mr.. President, Bos Johnson, WSAZ Television, Huntington, W. Va. You said repeatedly that you will not resign, and yet today, Senator James Buckley called for you to perform an extraordinary act of statesmanship and courage, voluntary resignation as he put it, the only way by which the Watergate crisis can be resolved.

Would you comment on the import of this statement coming from a conservative United States Senator, and whether it might cause you to reassess your position?

THE PRESIDENT. Well first, it does not cause me to reassess my position, although I, of course, do respect the point of view expressed by the Senator and by others, perhaps some sitting here, who share that view.

The point I wish to make, however, is that when we speak of courage, if I could address that from a personal standpoint first of all, it perhaps would be an act of courage to resign. I should also point out, however, that while it might be an act of courage to run away from a job that you were elected to do, it also takes courage to stand and fight for what you believe is right, and that is what I intend to do.

Mr. Johnson, I would not want to leave your question simply with a personal judgment. I am thin king of the statesmanship which Senator Buckley also addressed. From the standpoint of statesmanship, for a 'resident of the United States, any President, to resign because of charges made against him which he knew were false and because he had fallen in the polls, I think would not be statesmanship. It might be good politics, but it would be bad statesmanship. And it would mean that our system of government would be changed for all Presidents and all generations in the future.

What I mean by that, very simply is this: The Constitution provides a method by which a President can be removed from office, impeachment—impeachment for treasons and other high crimes and misdemeanors. Now, if a President is not guilty of those crimes, if only charges have been made which he knows are false, and if simply because as a result of those false charges and as a result

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of his falling in the polls he decides to resign, it would mean that every future President would be presiding over a very unstable Government in the United States of America.

The United States and the free world, the whole world, needs a strong American President, not an American President who every time the polls go down, says, "Well, maybe I'd better resign."

Let me give you an example: I have often said to members of the Washington press corps that the most difficult decision I made in my first term was the very last in December, of 1972. You recall then that I found it necessary, because of **the breakdown in negotiations** in Paris, with the North Vietnamese, to order the bombing of military targets in North Vietnam in the Hanoi and Haiphong region by -52's.

The bombing began, we lost planes, and at that time I can assure you that not only my friends but many others who had supported the actions that I had taken to attempt to bring the war in Vietnam to an honorable conclusion,

criticized and criticized very strongly what I had done.

Great newspapers like the Chicago Tribune, the Washington Star, that had previously editorially supported me, for example, were among them, and many Senators as well as other public figures spoke out. As a matter of fact, one Senator said, "The President has taken leave of his senses." Now I had no hard feelings about that. I made him Attorney General. *Laughter*

The day after Christmas, **some of my closest advisers** felt that because a poll that they had taken privately indicated that I had dropped 20 points in the polls since the bombing began, that I should consider stopping it. I considered their advice. I did not take it.

I ordered the bombing to continue. I ordered it, as a matter of fact, to be increased on military targets. Five days later, the deadlock was broken, and as a result of that action, an unpopular action, but an action which I felt was right, the longest war in America's history was brought to a conclusion, and our prisoners-of-war were brought home, as I have often said, on their feet rather than on their knees.



Now, I want future Presidents to be able to make hard decisions even though they think they may be unpopular, even though they think they may bring them down in the polls, even though they may think they may bring upon them criticism from the Congress which could result in demands that he resign or he impeached.

I want future Presidents to be able to take the strong, right decisions that he believes are right. That is what I did then, and that is what I intend to do in the future.

After that answer, it is only right for me to turn to the left. *Laughter*

Q. Mr. President, I am Paul McGonigle, from KOY Radio in Phoenix. You have become so accessible of late, not only with Washington news conferences but with appearances such as these, a group of us were talking a while ago that it is difficult to think of something new to ask on a subject that hasn't been beaten to death like Watergate, for example, and—[laughter]

THE PRESIDENT. Oh, ask that, I am used to it. [Laughter].

MR. MCGONIGLE. What I would like to ask you, sir, is why this accessibility has not marked your Administration throughout the entire tenure of your years in the White House?

THE PRESIDENT. Well, with forums like this I think I should be more accessible, I agree.

No, seriously, the press conference is a very useful medium through which a President can convey his views to the American people. There are times, however, when a press conference, a President determines, would not be useful, because of very sensitive negotiations that are going on where even a "no comment" could be very unhelpful.

I would suggest that in the future, as I see the future, it is likely that I will continue to have a considerable number of meetings with the press, and I would welcome the opportunity to take the questions that people from Phoenix and the Washington press corps ask. I will try to answer them as responsibly as possible.

Q. Mr. President, Chris Clark, WLAC-TV, Nashville, Tennessee. Mr. President, it appears likely that the House Judiciary Committee might subpoena the tapes and records which you have refused to give to them. My question is this: Will you honor such a subpoena and turn over such records if that becomes the case?

THE PRESIDENT. Well, I think in response to that question, I should put it in perspective by pointing out what we have already provided to the **committee, and what our** general policy is, and what the status appears to be at the present time with regard to possible future furnishing of information. I have already directed that all of the information that we turned over to the Special Prosecutor, which includes 19 tapes and over 700 documents, be turned over to the House Judiciary Committee. In addition, I have directed that seven Government agencies turn over several boxloads of documents that they requested be turned over so that they could conduct their investigation.

In addition to that, as you know, Judge Sirica yesterday directed that the records of the grand jury, any records that might be pertinent to this investigation, be turned over to them. That was done not only without our opposition but with our acquiescence because we want them to have all the facts they need to conduct a thorough inquiry. Before, however, they have examined any of this material, they demanded 42 more tapes, several hundred documents, and access to every document and/or tape, in effect, which is

in the White House.

Now on that point we are still discussing the matter with Mr. Doar, the counsel for the committee, and of course he is discussing it with the committee members. The reason that we do not say "Come in and bring your U-Haul trailer and haul it out" very simply is this: It is not because of a lack of desire to cooperate. It is, first, because we believe that the committee has enough information to conduct its investigation and to see whether any charges it may have against the President are true or false.

Second, insofar as additional documents are concerned, in other words, virtually a hunting license, or fishing license or whatever you may want to call it, within the White House is concerned, I am following the precedent that every President, Democratic and Republican, since the time of Washington has followed, and that is of defending the confidentiality of Presidential conversations and communications.

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I realize that many think, and I understand that, that this is simply a way of hiding information that they should be entitled to, but that isn't the real reason. The reason goes far deeper than that.

In order to make the decisions that a President must make, he must have free, uninhibited conversations with his advisers and with others, and if the time comes when those who come to advise the President assume that anything they say, even though it is very unpopular at the moment, is going to be turned over later and made public, all he is going to find is a hunch of yes-men around him or ones that are going to play it so safe that he isn't going to get the variety of views he needs to make the right kind of decision.

So, as far as the House committee is concerned, we will cooperate. I have agreed, also, as you know, to answer any questions that are submitted in writing. I have agreed to meet with the chairman of the committee and the ranking member of the committee to answer orally any other questions that they have, and Mr. St. Clair, White House Counsel, is discussing with Mr. Doar what other methods might be found whereby we can cooperate.

But of one thing I am sure: To provide this huge amount of documents and all of the tapes would only have the effect of prolonging an investigation that has already gone on too long because, believe me, dragging out Watergate drags down America, and I want to bring it to a conclusion as quickly as we can.

Q. Mr. President, Carl Connerton, KWBA Radio at Baytown. In the early portion of 1960, you made a statement at what you called your last press conference, stating that the press wouldn't have Nixon to kick around anymore. Here it is mid-1970, do you feel that the press is kicking Nixon around again?

THE PRESIDENT. Before this audience, I answer that? [*Laughter*] No, I realize that perhaps—the year was 1967—after I lost for President I probably didn't feel I should have any difficulties with the press, I had had enough already. So, after 1969, with no political future, I said that I didn't intend to be participating in politics and thoroughly expected that that would be the case. And that, therefore, the press would enjoy kicking somebody else around rather than me.

But to come to the heart of your question, there is always my friend, now retired, of the Washington Star, Jack Horner, senior White House correspondent for many years, said, "There is always an adversary relationship between the President and the press"—that is healthy, that is good.

I think the press has a right to criticize the President, and I think the President has the right of self-defense. I would suggest, also, that we should follow this rule: The President should treat the press just as fairly as the press treats him.

Q. Henry Keys, United Press International, Washington Mr.. President, I wonder if you would explain the difference between a statement you made last August regarding payments to the Watergate defendants and what you said at your press conference this month.

You will recall that in August, you said you were told that the funds were being raised for attorneys' fees and this month that Mr. Dean had told you the money was to be used for keeping the defendants quiet, not simply for their defense. Could you explain the difference between those statements?

THE PRESIDENT Well, as I stated in Chicago, my statement on March 6 was incorrect insofar as it said that I learned that payment had been made prior to the time that the demand for blackmail by Mr. Hunt—alleged demand for blackmail, I should say, since it has not yet

been tried—that payments had been made for the purpose of keeping defendants still.

I should have said they were alleged to have been made, because as a matter of fact, those who were alleged to have made payments to defendants for their defense fees and for their support, Mr. Ehrlichman, Mr. Haldeman, Mr. Mitchell, all have denied that that was the case. They have said it was only for the support of the defendants and only for their attorney's fees, which would be completely proper.

Under the circumstances, therefore, it would **not be** appropriate for me to say anything further on this point, because **these men have a right, now, in a court of law**, to establish their innocence or to have established the guilt, if they are guilty, of whether or not the payments were made for one purpose or the other.

Q. Mr. President, I am Don Owen from KSLA-TV in Shreveport, Louisiana. You made the statement that to drag out Watergate is to drag down this country. Do you feel that this country would be better off tonight and in the immediate years ahead if the Watergate break-in had gone undetected and that the actions of that group of people had never been reported to the American people?

THE PRESIDENT. Certainly not. The action was wrong; the action was stupid. It should never have happened. It should not have been covered up, and I have done the very best that I can over the past year to see that it is uncovered.

I have cooperated completely with not only the grand jury but also with other investigative agencies and have waived executive privilege perhaps further than I should

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in terms of the office of the Presidency in order to cooperate.

When something happens like this, to say "Cover it up, forget it," when it is wrong, this of course is completely against our American system of values, and I would very, very seriously deplore it.

I would also suggest, not by way of defense, but I was often criticized after the 1960 campaign that I always ran my own campaigns. In the year 1972, I am afraid I was too busy with the trip to China, the decision on May 8 with regard to the bombing and mining in the Haiphong area, the trip to the Soviet Union, the negotiations in Vietnam which brought that war to a conclusion, that I frankly paid too little attention to the campaign.

Now, I don't intend to be in another campaign, needless to say, but I also want to say that if I had any advice for candidates in the future, "Run your own campaign, regardless of what the press says."

Q. Thank you, Mr. President. **Dan Rather, with CBS News.** Aglr. President, Mr. President

THE PRESIDENT. **Are you running for something?**
[Laughter]

Q. No, sir, Mr.. President; are you? [Laughter]

Mr. President, I believe earlier that you said that you had cooperated completely with the grand jury investigation. It was my impression—and I could be wrong about this—but that the record shows that that is not quite the fact, that number one, that the grand jury asked that you come down and tell your side of some stories they had heard, and that you declined to do that, and number two, that the Special Watergate Prosecutor, Nfr. Jaworski, indicated in a letter to the Senate that he did not get all of the evidence that he thought he needed, and I would be interested in hearing you reconcile what I believe is on the record of these previous statements.

My basic question is this: That in recent days you have, in effect, attempted to define the limits of the House Judiciary Committee investigation, what evidence that they have access to. Now since the Constitution, and I

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think without qualification, clearly assigns to the House of Representatives impeachment investigations, how can the House meet its constitutional responsibilities while you, the person under investigation, are allowed to limit their access to potential evidence?

LIE PRESIDENT. Which one of the questions do you want me to answer? [Laughter]

First, with regard to the first part of the question, Mr. Rather what I was referring to with regard to cooperation was that Stlr. Jaworski, at the time he handed down the indictments, said that he had the full story on Watergate. You reported that on CBS, I think, as did other reporters, quite properly.

Now as far as appearing before the grand jury was concerned, I respectfully declined to do so, and incidentally, I would advise no President of the United States to appear before any grand jury. That would be not in the interest of the Presidency of the United States.

Now, if you would repeat your second question so that we can keep our train of thought.

MR. RATHER. Well, the second question had to do with the House impeachment investigation. I pointed out that you have sought to limit, to define the limits of that investigation, what evidence they have access to and what evidence they should not have access to.

Now, given the constitutional assignment to the House of Representatives of an impeachment investigation without qualification, how can the House committee do its job as long as you, the person under investigation, is

allowed to limit their access to potential evidence?

THE PRESIDENT. Well, Mr. Rather, referring to the House of Representatives, just like the President, it is bound by the Constitution. The Constitution says specifically that a President shall be impeached for treason, bribery, or other high crimes or misdemeanors.

It is the Constitution that defines what the House should have access to and the limits of its investigation, and I am suggesting that the House follow the Constitution. If they do, I will.

[REDACTED]

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Q. Mr. President, Tom Brokaw of NBC News. Following on my colleague, Mr. Rather's question, you referred here tonight as you have in the past, about what you call the precedents of past Presidents in withholding White House material from the House Judiciary Committee. But other Presidents protecting confidentiality of their conversations were not the subject of impeachment investigations Mr. President, and in fact many of them wrote that the House Judiciary Committee, at least Congress, had the right to demand White House materials in the course of impeachment investigations. And history shows that Andrea Johnson gave up everything that the Congress asked him for when he was the subject of an impeachment investigation.

So, Mr. President, my question is this: Aren't your statements to that matter historically inaccurate or at least misleading?

THE PRESIDENT. Mr. Brokaw, it is true, as you say, that the only other President who was exposed to an impeachment investigation was Andrew Johnson, and in so far as that particular part of your question is concerned, you are correct.

However, in so far as the principle of confidentiality is concerned, that principle still stands, and it affects an impeachment investigation, as well as any other investigation. Because in the future if all that a Congress under the control of an opposition party had to do in order to get a President out of office was to make an unreasonable demand to go through all of the files of the Presidency, a demand which a President would have to refuse, then it would mean that no President would be strong enough to stay in office to resist that kind of demand and that kind of pressure. It would lead to instability. And it would destroy, as I have indicated before, the principle of confidentiality.

With regard to the problem, I simply want to say this: It is difficult to find a proper way to meet the demands of the Congress. I am trying to do so and trying to be as forthcoming as possible. But I also have another responsibility. I must think not of myself but I must think also of future Presidents of this country, and I am not going to do anything, and I am not going to give up to any demand that I believe would weaken the Presidency of the United States. I will not participate in the destruction of the office of the President of the United States while I am in this office.

Mr. JOHNSON. Thank you, Mr. President.

NOTE: The President spoke at 7 p.m., c.d.t., in Jesse Jones Hall, Houston, Tex. His remarks were broadcast live on radio and television.

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SUBPOENA OF PRESIDENTIAL TAPES AND MATERIALS

The President's Address to the Nation Announcing His Answer to the Subpoena From the House Judiciary Committee. April 29, 1974

Good evening:

I have asked for this time tonight in order to announce my answer to the House Judiciary Committee's subpoena for additional Watergate tapes, and to tell you something about the actions I shall be taking tomorrow—about what I hope they will mean to you **and about the very** difficult choices that were presented to me

These actions will at last, once and for all, show that what I knew and what I did with regard to the Watergate break-in and coverup were just as I have described them to you from the very beginning

I have spent many hours during the past few weeks thinking about what I would say to the American people if I were to reach the decision I shall announce tonight And so, my words have not been lightly chosen; I can assure you they are deeply felt

It was almost 2 years ago, in June 1972, that five men broke into the Democratic National Committee headquarters in Washington It turned out that they were connected with my reelection committee, and the Watergate break-in became a major issue in the campaign

The full resources of the FBI and the Justice Department were used to investigate the incident thoroughly I instructed my staff and campaign aides to cooperate fully with the investigation The FBI conducted nearly 1,500 interviews For 9 months—until March 1973—I was assured by those charged with conducting and monitoring the investigations that no one in the White House was involved

Nevertheless, for more than a year, there have been allegations and insinuations that I knew about the planning of the Watergate break-in and that I was involved in an extensive plot to cover it up The House Judiciary Committee is now investigating these charges

On March 6, I ordered all materials that I had previously furnished to the Special Prosecutor turned over to the committee These included tape recordings of 19 Presidential conversations and more than 700 documents from private White House files

On April 11, the Judiciary Committee issued a subpoena for 49 additional tapes of conversations which it contended were necessary for its investigation I agreed to respond to that subpoena by tomorrow

In these folders that you see over here on my left are more than 1,200 pages of transcripts of private conversations I [REDACTED] participated in be

tween September 15, 1972, and April 27 of 1973, with my principal aides and associates with regard to Watergate They include all the relevant portions of all of the subpoenaed conversations that were recorded, that is, all portions that relate to the question of what I knew about Watergate or the coverup and what I did about it

They also include transcripts of other conversations which were not subpoenaed, but which have a significant bearing on the question of Presidential actions with regard to Watergate These will be delivered to the committee tomorrow

In these transcripts, portions not relevant to my knowledge or actions with regard to Watergate are not included, but everything that is relevant is included—the rough as well as the smooth, the strategy sessions, the exploration of alternatives, the weighing of human and political costs

As far as what the President personally knew and did with regard to Watergate and the coverup is concerned, these materials— together with those already made available—will tell it all

I shall invite Chairman Rodino and the committee's ranking minority member, Congressman Hutchinson of Michigan, to come to the White House and listen to the actual, full tapes of these conversations, so that they can determine for themselves beyond question that the transcripts are accurate and that everything on the tapes relevant to my knowledge and my actions on Watergate is included If there should be any disagreement over whether omitted material is relevant, I shall meet with them personally in an effort to settle the matter I believe this arrangement is fair, and I think it is appropriate

For many days now, I have spent many hours of my own time personally reviewing these materials, and personally deciding questions of relevancy I believe it is appropriate that the committee's review should also be made by its own senior elected officials, and not by staff employees

The task of Chairman Rodino and Congressman Hutchinson will be made simpler than was mine by the fact that the work of preparing the transcripts has been completed All they will need to do is to satisfy themselves of their authenticity and their completeness

Ever since the existence of the White House taping system was first made known last summer, I have tried vigorously to guard the privacy of the tapes I have been well aware that my effort to protect the confidentiality of Presidential conversations has heightened the sense of mystery about Watergate and, in fact, has caused increased suspicions of the President Many people assume that the tapes must incriminate the President, or that otherwise, he would not insist on their privacy

But the problem I confronted was this Unless a President can protect the privacy of the advice he gets, he cannot get the advice he needs

This principle is recognized in the constitutional doctrine of executive privilege, which has been defended and maintained by every President since Washington and which has been recognized

by the courts whenever tested as inherent in the Presidency I consider it to be my constitutional responsibility to defend this principle

Three factors have now combined to persuade me that a major unprecedented exception to that principle is now necessary

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First, in the present circumstances, the House of Representatives must be able to reach an informed judgment about the President's role in Watergate

Second, I am making a major exception to the principle of confidentiality because I believe such action is now necessary in order to restore the principle itself, by clearing the air of the central question that has brought such pressures upon it—and also to provide the evidence which will allow this matter to be brought to a prompt conclusion

Third, in the context of the current impeachment climate, I believe all the American people, as well as their Representatives in Congress, are entitled to have not only the facts but also the evidence that demonstrates those facts

I want there to be no question remaining about the fact that the President has nothing to hide in this matter

The impeachment of a President is a remedy of last resort; it is the most solemn act of our entire constitutional process. Now, regardless of whether or not it succeeded, the action of the House in voting a formal accusation requiring trial by the Senate would put the Nation through a wrenching ordeal it has endured only once in its lifetime, a century ago, and never since America has become a world power with global responsibilities

The impact of such an ordeal would be felt throughout the world, and it would have its effect on the lives of all Americans for many years to come

Because this is an issue that profoundly affects all the American people, in addition to turning over these transcripts to the House Judiciary Committee, I have directed that they should all be made public—all of these that you see here

To complete the record, I shall also release to the public transcripts of all those portions of the tapes already turned over to the Special Prosecutor and to the committee that relate to Presidential actions or knowledge of the Watergate affair

During the past year, the wildest accusations have been given banner headlines and ready credence, as well as rumor, gossip, innuendo, accounts from unnamed sources of what a prospective witness might testify to have filled the morning newspapers and then are repeated on the evening newscasts day after day

Time and again, a familiar pattern repeated itself. A charge would be reported the first day as what it was—just an allegation. But it would then be referred back to the next day and thereafter as if it were true

The distinction between fact and speculation grew blurred. Eventually, all seeped into the public consciousness as a vague general impression of massive wrongdoing, implicating everybody, gaining credibility by its endless repetition

The basic question at issue today is whether the President personally acted improperly in the Watergate matter. Month after month of rumor, insinuation, and charges by just one Watergate witness—John Dean—suggested that the President did act improperly

This sparked the demands for an impeachment inquiry. This is the question that must be answered. And this is the question that will be answered by these [redacted] transcripts that I have ordered published tomorrow

These transcripts cover hour upon hour of discussions that I held with Mr Haldeman, John Ehrlichman, John Dean, John Mitchell, former Attorney General Kleindienst, Assistant Attorney General Petersen, and others with regard to Watergate

They were discussions in which I was probing to find out what had happened, who was responsible, what were the various degrees of responsibilities, what were the legal culpabilities, what were the political ramifications, and what actions were necessary and appropriate on the part of the President

I realize that these transcripts will provide grist for many sensational stories in the press Parts will seem to be contradictory with one another, and parts will be in conflict with some of the testimony given in the Senate Watergate committee hearings

I have been reluctant to release these tapes not just because they will embarrass me and those with whom I have talked—which they will—and not just because they will become the subject of speculation and even ridicule—which they will—and not just because certain parts of them will be seized upon by political and journalistic opponents—which they will.

I have been reluctant because in these and in all the other conversations in this office, people have spoken their minds freely, never dreaming that specific sentences or even parts of sentences would be picked out as the subjects of national attention and controversy

I have been reluctant because the principle of confidentiality is absolutely essential to the conduct of the Presidency In reading the raw transcripts of these conversations I believe it will be more readily apparent why that principle is essential and must be maintained in the future These conversations are unusual in their subject matter, but the same kind of uninhibited discussion—and it is that—the same brutal candor, is necessary in discussing how to bring warring factions to the peace table

or how to move necessary legislation through the Congress

Names are named in these transcripts Therefore, it is important to remember that much that appears in them is no more than hearsay or speculation, exchanged as I was trying to find out what really had happened, while my principal aides were reporting to me on rumors and reports that they had heard, while we discussed the various, often conflicting stories that different persons were telling

As the transcripts will demonstrate, my concerns during this period covered a wide range The first and obvious one was to find out just exactly what had happened and who was involved

A second concern was for the people who had been, or might become, involved in Watergate Some were close advisers, valued friends, others whom I had trusted And I was also concerned about the human impact on others, especially some of the young people and their families who had come to Washington to work in my Administration, whose lives might be suddenly ruined by something they had done in an excess of loyalty or in the mistaken belief that it would serve the interests of the President

And then I was quite frankly concerned about the political implications This represented potentially a devastating blow to the Administration and to its programs, one which I knew would be

exploited for all it

was worth by hostile elements in the Congress as well as in the media I wanted to do what was right, but I wanted to do it in a way that would cause the least unnecessary damage in a highly charged political atmosphere to the Administration

And fourth, as a lawyer, I felt very strongly that I had to conduct myself in a way that would not prejudice the rights of potential defendants

And fifth, I was striving to sort out a complex tangle, not only of facts but also questions of legal and moral responsibility I wanted, above all, to be fair I wanted to draw distinctions, where those were appropriate, between persons who were active and willing participants on the one hand, and on the other, those who might have gotten inadvertently caught up in the web and be technically indictable but morally innocent

Despite the confusions and contradictions, what does come through clearly is this

John Dean charged in sworn Senate testimony that I was "fully aware of the coverup" at the time of our first meeting on September 15, 1972 These transcripts show clearly that I first learned of it when Mr Dean himself told me about it in this office on March 21—some 6 months later

Incidentally, these transcripts—covering hours upon hours of conversations—should place in somewhat better perspective the controversy over the 185/2 minute gap in the tape of a conversation I had with Mr Haldeman back in 1972

Now, how it was caused is still a mystery to me and I think to many of the experts, as well But I am absolutely certain, however, of one thing

that it was not caused intentionally by my secretary, Rosemary Woods, or any of my White House assistants And certainly if the theory were true that during those 185/2 minutes Mr. Haldeman and I cooked up some sort of a Watergate coverup scheme, as so many have been quick to surmise, it hardly seems likely that in all of our subsequent conversations—many of them are here—which neither of us ever expected would see the light of day, there is nothing remotely indicating such a scheme; indeed, quite the contrary

From the beginning, I have said that in many places on the tapes there were ambiguities—statements and comments that different people with different perspectives might interpret in drastically different ways— but although the words may be ambiguous, though the discussions may have explored many alternatives, the record of my actions is totally clear now, and I still believe it was totally correct then

A prime example is one of the most controversial discussions, that with Mr Dean on March 21—the one in which he first told me of the coverup, with Mr. Haldeman joining us midway through the conversation

His revelations to me on March 21 were a sharp surprise even though the report he gave to me was far from complete, especially since he did not reveal at that time the extent of his own criminal involvement

I was particularly concerned by his report that one of the Watergate defendants, Howard Hunt, was threatening blackmail unless he and his lawyer were immediately given \$120,000 for legal fees and family support and that he was attempting to blackmail the White House, not by threatening exposure on the

Watergate matter, but by threatening to

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reveal activities that would expose extremely sensitive, highly secret national security matters that he had worked on before Watergate

I probed, questioned, tried to learn all Mr. Dean knew about who was involved, what was involved I asked more than 150 questions of Mr. Dean in the course of that conversation

He said to me, and I quote from the transcripts directly "I can just tell from our conversation that these are things that you have no knowledge of "

It was only considerably later that I learned how much there was that he did not tell me then—for example, that he himself had authorized promises of clemency, that he had personally handled money for the Watergate defendants, and that he had suborned perjury of a witness

I knew that I needed more facts I knew that I needed the judgments of more people I knew the facts about the Watergate coverup would have to be made public, but I had to find out more about what they were before I could decide how they could best be made public

I returned several times to the immediate problem posed by Mr. Hunt's blackmail threat, which to me was not a Watergate problem, but one which I regarded, rightly or wrongly, as a potential national security problem of very serious proportions I considered long and hard whether it might in fact be better to let the payment go forward, at least temporarily, in the hope that this national security matter would not be exposed in the course of uncovering the Watergate coverup

I believed then, and I believe today, that I had a responsibility as President to consider every option, including this one, where production of sensitive national security matters was at issue—protection of such matters In the course of considering it and of "just thinking out loud," as I put it at one point, I several times suggested that meeting Hunt's demands might be necessary

But then I also traced through where that would lead The money could be raised But money demands would lead inescapably to clemency demands, and clemency could not be granted I said, and I quote directly from the tape "It is wrong, that's for sure " I pointed out, and I quote again from the tape "But in the end we are going to be bled to death And in the end it is all going to come out any way Then you get the worst of both worlds We are going to lose, and people are going to—"

And Mr Haldeman interrupts me and says "And look like dopes !"

And I responded, "And in effect look like a coverup So that we cannot do "

Now I recognize that this tape of March 21 is one which different meanings could be read in by different people But by the end of the meeting, as the tape shows, my decision was to convene a new grand jury and to send everyone before the grand jury with instructions to testify

Whatever the potential for misinterpretation there may be as a result of the different options that were discussed at different times during the meeting, my conclusion at the end of the meeting was clear And my actions and reactions as demonstrated on the tapes that follow that date show clearly that I did not intend the further payment to Hunt or anyone else be made These are some of the [REDACTED] actions that I took in the weeks that followed in my effort to find the truth, to carry out my responsibilities to enforce the law

As a tape of our meeting on March 22, the next day, indicates, I directed Mr Dean to go to Camp David with instructions to put together a written report I learned 5 days later, on March 26, that **he was unable** to complete it And so on March 27 I assigned John Ehrlichman to try to find out what had happened, who was at fault, and in what ways and to what degree

One of the transcripts I am making public is a call that Mr Ehrlichman made to the Attorney General on March 28, in which **he asked the Attorney General** to report to me, the President, directly, any information **he might find indicating possible involvement of John Mitchell** or by anyone in the White House I had Mr Haldeman separately pursue other, independent lines of inquiry

Throughout, I was trying to reach determinations on matters of both substance and procedure on what the facts were and what was the best way to move the case forward I concluded **that I wanted everyone** to go before the grand jury and testify freely and fully This decision, as you will recall, was publicly announced on March 30, 1973 I waived executive privilege in order to permit everybody to testify I specifically waived executive privilege with regard to conversations with the President, and I waived the attorney-client privilege with John Dean in order to permit him to testify fully and, I hope, truthfully

Finally, on April 11 - 3 weeks after I learned of the coverup from Mr. Dean—Mr Ehrlichman reported to me on the results of his investigation As he acknowledged, much of what he had gathered was hearsay, but he had gathered enough to make it clear that the next step was to make his findings completely available to the Attorney General, which I instructed him to do

And the next day, Sunday, April 15, Attorney General Kleindienst asked to see me, and he reported new information which had come to his attention on this matter And although he was in no way whatever involved in Watergate, because of his close personal ties, not only to John Mitchell but to other potential people who might be involved, he quite properly removed himself from the case

We agreed that Assistant Attorney General Henry Petersen, the head of the Criminal Division, a Democrat and career prosecutor, should be placed in complete charge of the investigation

Later that day I met with Mr. Petersen I continued to meet with him, to talk with him, to consult with him, to offer him the full cooperation of the White House, as you will see from these transcripts, even to the point of retaining John Dean on the White House Staff for an extra 2 weeks after he admitted his criminal involvement because Mr. Petersen thought that would make it easier for the prosecutor to get his cooperation in breaking the case if it should become necessary to grant Mr. Dean s demand for immunity

On April 15, when I heard that one of the obstacles to breaking the case was Gordon Liddy s refusal to talk, I telephoned Mr. Petersen and directed that he should make clear not only to Mr. Liddy but to everyone that—and now I quote directly from the tape of that telephone call— "As far as the President is concerned, everybody in this case is to talk and to tell the truth " I told him if necessary I would personally meet with

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—

Mr Liddy's lawyer to assure him that I wanted Liddy to talk and **to tell** the truth

From the time Mr Petersen took charge, the case was solidly within the criminal justice system, pursued personally by the Nation's top professional prosecutor with the active, personal assistance of the President of the United States

I made clear there was to be no coverup

Let me quote just a few lines from the transcripts—you can read them to verify them—so that you can hear for yourself the orders I was giving in this period

Speaking to Haldeman and Ehrlichman, I said: " It is ridiculous to talk about clemency They all knew that "

Speaking to Ehrlichman, I said "We all have to do the right thing We just cannot have this kind of a business "

Speaking to Haldeman and Ehrlichman, I said: "The boil had to be pricked We have to prick the boil and take the heat **Now that's** what we are doing here "

Speaking to Henry Petersen, I said "I want you to be sure to understand that you know we are going to get to the bottom of this thing "

Speaking to John Dean, I said "Tell the truth That is the thing I have told everybody around here "

And then speaking to Haldeman "And you tell Magruder, now Jeb, this evidence is coming in, you ought to go to the grand jury Purge yourself if you're perjured and tell this whole story "

I am confident that the American people will see these transcripts for what they are, fragmentary records from a time more than a year ago that now seems very distant, the records of a President and of a man suddenly being confronted and having to cope with information which, if true, would have the most farreaching consequences not only for his personal reputation but, more important, for his hopes, his plans, his goals for the people who had elected him as their leader

If read with an open and a fair mind and read together with the record of the actions I took, these transcripts will show that what I have stated from the beginning to be the truth has been the truth: that I personally had no knowledge of the break-in before it occurred, that I had no knowledge of the coverup until I was informed of it by John Dean on March 21, that I never offered clemency for the defendants, and that after March 21 my actions were directed toward finding the facts and seeing that justice was done, fairly and according to the law

The facts are there The conversations are there The record of actions is there

To anyone who reads his way through this mass of materials I have provided, it will be totally abundantly clear that as far as the President's role with regard to Watergate is concerned, the entire story is there

As you will see, now that you also will have this mass of evidence I have provided, I have tried to cooperate with the House Judiciary Committee And I repeat tonight the offer that I have made

previously: to answer written interrogatories under oath and if there are then issues still unresolved to meet personally with the [REDACTED] Chairman of the committee and with Congressman Hutchinson to answer their questions under oath

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As the committee conducts its inquiry, I also consider it only essential and fair that my counsel, Mr. St Clair, should be present to cross-examine witnesses and introduce evidence in an effort to establish the truth

I am confident that for the overwhelming majority of those who study the evidence that I shall release tomorrow—those who are willing to look at it fully, fairly, and objectively—the evidence will be persuasive and, I hope, conclusive

We live in a time of very great challenge and great opportunity for America

We live at a time when peace may become possible in the Middle East for the first time in a generation

We are at last in the process of fulfilling the hope of mankind for a limitation on nuclear arms—a process that will continue when I meet with the Soviet leaders in Moscow in a few weeks

We are well on the way toward building a peace that can last, not just for this hut for other generations as well

And here at home, there is vital work to be done in moving to control inflation, to develop our energy resources, to strengthen our economy so that Americans can enjoy what they have not had since 1956 full prosperity without war and without inflation

Every day absorbed by Watergate is a day lost from the work that must be done—by your President and by your Congress—work that must be done in dealing with the great problems that affect your prosperity, affect your security, that could affect your lives

The materials I make public tomorrow will provide all the additional evidence needed to get Watergate behind us and to get it behind

us now

Never before in the history of the **Presidency have records that are** so private been made so public

• In giving you these records—blemishes and all—I am placing my trust in the basic fairness of the American people

I know in my own heart that through the long painful, and difficult process revealed in these transcripts, I was trying in that period to discover what was right and to do what was right

I hope and I trust that when you have seen the evidence in its entirety, you will see the truth of that statement

As for myself, I intend to go forward, to the best of my ability with the work that you elected me to do I shall do so in a spirit perhaps best summed up a century ago by another President when he was being subjected to unmerciful attack Abraham Lincoln said

"I do the very best I know how—the very best I can; and I mean to keep doing so until the end If the end brings me out all right, what is said against me won't amount to anything If the end brings me out wrong, ten angels swearing I was right would make no difference "

Thank you and good evening

NOXF.: The President spoke at 9:01 p.m. in the Oval Office at the White House. His address was broadcast live on radio and television. [REDACTED] or the text of a document submitted to the House Judiciary Committee in answer to the subpoena see the following item.

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Subpoena of Presidential Tapes and Materials

*Document Submitted to the House Judiciary
Committee in Answer to the Committee's
Subpoena. April 30, 1974*

On April 11, 1974, the Committee on the Judiciary of the House of Representatives of the Congress caused a subpoena to be issued to the President of the United States, returnable on April 25, 1974. The subpoena called for the production of tapes and other materials relating to forty-two Presidential conversations. With respect to all but three of these conversations, the subpoena called for the production of the tapes and related materials without regard to the subject matter, or matters, dealt with in these conversations. In the President's view, such a broad scale subpoena is unwarranted. As the U.S. Court of Appeals in *Nixon vs. Sirica* has stated, "wholesale public access to Executive deliberations and documents would cripple the Executive as a co-equal branch," and as the President has repeatedly stated, he will not participate in the destruction of the office of the Presidency of the United States by permitting unlimited access to Presidential conversations and documents.

The President, on the other hand, does recognize that the House Committee on the Judiciary has constitutional responsibilities to examine fully into his conduct and therefore the President has provided the annexed transcripts of all or portions of the subpoenaed conversations that were recorded and of a number of additional non-subpoenaed conversations that clearly show what knowledge the President had of an alleged cover-up of the Watergate break-in and what actions he took when he was informed of the cover-up. The President believes that these are the matters that primarily concern the Congress and the American people.

In order that the Committee may be satisfied that he has in fact disclosed this pertinent material to the Committee, the President has invited the Chairman and ranking minority member to review the subpoenaed tapes to satisfy themselves that a full and complete disclosure of the pertinent contents of these tapes has, indeed, been made. If, after such review they have any questions regarding his conduct, the President has stated that he stands ready to respond under oath to written interrogatories and to meet with the Chairman and ranking minority member of the Committee at the White House to discuss these matters if they so desire.

The President is making this response, which exceeds the material called for in the subpoena, in order that the Committee will be able to carry out its responsibilities and bring this matter to an expeditious conclusion.

The attached transcripts represent the best efforts accurately to transcribe the material contained on the re-

coding tapes. **Expletives have been omitted in the interest of good taste, except where necessary to depict accurately the context of the conversation. Characterization of third persons, in fairness to them, and other material not relating to the President's conduct has been omitted, except where inclusion is relevant and material as bearing on the President's conduct.**

In order that the material submitted in this response to **the Committee's subpoena can be viewed in the context of the events surrounding the Watergate incident and thereafter, the following summary is provided.**

The Break-in at the Watergate- Jane 17, 1972

When the **break-in at Watergate occurred and the participants** were arrested, the President was in Florida. As he has stated many times, he had no prior knowledge of this activity and had **nothing whatsoever to do with it.** l>1-0 one has stated **otherwise, not even Mr.. Dean, former** Counsel to the President, who is the only one who has made any charges against the President. During the course of Dean's conversation with **the President on February 28, 1973,** the President stated to Dean:

P. Of course I am not dumb and I will never forget when I heard about this - forced entry and bugging. I thought "what is this? What is the matter with these people, are they crazy?" I thought they were nuts.

During the conversation between the President and Dean on the morning of **March 21, 1973, the tape of** which has also previously been provided the Committee, Dean strongly **disclaimed to the President that anyone** at the White House know of the break-in in advance.

D. I honestly believe that no one over here knew that. I know that as God is my maker I had no knowledge that they were going to do this

In the conversation of the President with Mr.. Haldeman and Mr.. Ehrlichman on the 27th of March 1973, the following exchange, which conclusively demonstrates the President's lack of foreknowledge, took place:

H. O'Brien raised the question whether Dean actually had no knowledge of what was going on in the intelligence area between the time of the meetings in Mitchell's office, when he said don't do anything, and the time of the Watergate discovery. And I put that very question to Dean, and he said, "Absolutely nothing"

P. I would—the reason I would totally agree that I would believe Dean there (unintelligible) he would be lying to> us about that But I would believe for another reason— that he thought it was a stupid damn idea.

E. There just isn't a scintilla of hint that Dean knew about this. Dean was pretty good all through that period of time in sharing things, and he was tracking with a number of us on—

P. Well, you know the thing the reason that (unintelligible) thought—and this incidentally covers Colson—and I don't know whether— I know that most everybody except Bob, and perhaps you, think Colson knew all about it. But I was talking to Colson, remember exclusively about—and maybe that was the point exclusively about issues . . .



P Right. That WAS what it is. But in all those talks he had plenty of opportunity. He was always coming to me With ideas but Colson in that entire period, John, didn't mention it. I think he would have said, "Look we we gotten some information but he never said they were. Haldeman, in this whole period, Haldeman I am sure— Bob and you, he talked to both of you about the campaign. Never a word. I mean maybe all of you knew but didn't tell me, but I can't believe that Colson—well—

Allegations of a Cover-up Prior to March 21, 1973

Of all the witnesses who have testified publicly with respect to allegations of an illegal cover-up of the Watergate break-in prior to March 21, 1973, only Mr. Dean has accused the President of participation in such a coverup. In his testimony before the Senate Select Committee Dean stated (Bk. 4, p. 1435) that he was "certain after the September 15 meeting that the President was fully aware of the cover-up". However, in answering questions of Senator Baker, he modified this by stating it "is an inference of mine." (Bk. 4, p. 1475) Later he admitted he had no personal knowledge that the President knew on September 15th about a cover-up of Watergate. (Bk. 4, p.1482)

The tape of the conversation between the President and Dean on September 15, 1972, does not in any way support Dean's testimony that the President was "fully aware of the cover-up." The tape of September 15, 1972, does indeed contain a passage in which the President does congratulate Dean for doing a good job:

P. Oh well, this is a can of worms as you know a lot of this stuff that went on. And the people who worked this way are awfully embarrassed. But the way you have handled all this seems to me has been very skillful putting your fingers in the leaks that have sprung here and sprung there.

This was said in the context not of a criminal plot to obstruct justice as Dean alleges, but rather in the context of the politics of the matter, such as civil suits, counter-suits, Democratic efforts to exploit Watergate as a political issue and the like. The reference to "putting your finger in the leaks" was clearly related to the handling of the political and public relations aspect of the matter. At no point was the word "contained" used as Dean insisted had been the case in his testimony. (Bk.4, pp. 1476,1477)

This is an example of the possible ambiguities that the President says exists in these tapes that someone with a motive to discredit the President could take out of context and distort to suit his own purposes.

If Dean did in fact believe that the President was aware of efforts illegally to conceal the break-in prior to March 21, 1973, it is strange that Dean on that date felt compelled to disclose to the President for the first time what he later testified the President already knew.

Further questions of Dean's credibility concerning the President's conduct are raised by his testimony before the Senate Select Committee that it was on March 13, 1973,

I References to, testimony before the Senate Select committee are indicated "Bk —, p — f

that he told the President about money demands and threats of blackmail (Bk. 3, pp. 995, 996). He said he was "very clear" about this date. (Bk. 4, p.1567) It now develops that the conversation with the President, on the date of which Dean was so clear, did not in fact take place until the morning of March 21 1973, as the President has always contended. At no point in the tape of the March 13, 1973, conference between the President and Dean is there any reference to threats of blackmail or raising a million dollars. These references are contained in the tape of the March 21, 1973, **A.M. meeting between the President and Dean.**

This discrepancy in Dean's testimony from the tapes of these two meetings is surprising in the light of Dean's self-professed excellent memory (Bk. 4, p. 1433) and the certainty with which he fixed the date of the blackmail disclosure as **March 13, 1973, rather than March 21, 1973.** Curiously, on April 16, 1973, as evidenced by the recording of his meeting on that morning with the President, Dean recalled very specifically that his revelation to the President was on the Wednesday preceding the Friday (March 23) that the Watergate defendants were sentenced.

Dean's **testimony to the Senate may have** been simply an error, of course, or it may have been an effort to have his disclosures to the President predate what was then at least thought to be the date of the last payment to Hunt's attorney for his fees, namely March 20, 1973, (Bk. 9, p. 3799). As far as the President is concerned, however, it makes no difference when this payment was made; he not only opposed the payment, but never even knew that it had been made until mid-April when the facts were finally disclosed to him.

In this connection it is interesting to note that Dean testified that on March 30, 1973, he told his attorneys "everything that I could remember." (Bk. 3, p. 1009) Yet Dean's list of April 14 of persons whom he believed were indictable did not include the President. (Ex. 34 37) Attorney General Kleindienst testified that Mr. Sil, who had been interviewing Mr. Dean and conferring at length with his counsel, reported on the night of April 14, 1973, that "Nothing was said to me that night that would implicate the President of the United States." (Bk. 9, p. 3586) This same thing was confirmed by Mr. Petersen who testified that as of April 27 they had no information implicating the President. (Bk. 9, pp. 3635, 3636) In fact it was not until after April 30, 1973, when Dean was discharged that he for the first time charged the President with knowledge of a cover-up as early as September 15, 1979.

*The of March 21, 1973, .4.,13. Between the President and
Dean and later Haldeman*

On or about February 97, 1973, Dean had been instructed to report directly to the
President regarding the Executive Privilege issues raised in the context of the Gray

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[REDACTED]

[REDACTED]

on,ination hearings and the prospective Ervin Committee hearings, rather than to Ehrlichman as it was taking up too much of Mr.. Ehrlichman's time from his regular duties. (Bk. 7! p. 27394 Previous to this Dean had been keeping himself informed as to the progress of the FBI and Department of Justice investigation on Watergate so that he could keep Ehrlichman and Haldeman informed. Both Attorney General Kleindienst and Mr.. Petersen confirmed that Dean had represented to them that he was "responsible to keep the President informed." (Bk. 9, p. 3618); that he "had been delegated by the President to be posted and kept informed throughout the course of the investigation". (Bk. 9, pp. 3575, 3576, 3652) It is equally clear from the recorded conversations between Dean and the President that he did not keep the President fully informed until March 91, 1973.4 Indeed, on April 16, 1973, Dean so acknowledged that fact to the President, when he said:

▷x have tried all along to make sure that anything I passed to you didn't cause you any personal problem.

An analysis of the March 91, 1973, A.M.. conversation thus becomes important in assessing the conduct of the President. On the previous evening the President and Dean talked by telephone and Dean requested a meeting with the President. They met the next morning, alone, at first, and later Mr. Haldeman joined them about **half way through the meeting, rather than for only the last few minutes, as Dean testified. (Bk. 4, p. 1383) After some preliminary remarks concerning the Gray confirmation hearings, Dean stated the real purpose for the meeting:**

▷ The reason that i thought we ought to talk this morning is because in our conversations i *have the impression that you don't if now everything I know* and it makes it very difficult for you to make judgments that only you can make on some of these things and i thought that—(Emphasis supplied)

He then proceeded to detail for the President what he believed the President should be made aware of, first in the "overall".

Dean stated, "We have a cancer within, close to the Presidency, that is growing." and that "people are going to start perjuring themselves . . ." He described the genesis of the DNC break-in; the employment of Liddy;

Apparently Dean even on March 21, 1973, concealed other matters from the President as Well. In *U. S. v. Stans. et al*, he testified that despite the fact that he had made calls to the SEC he told the President "no one at the White House has done anything for Vesco.~~~ of course the statement to the was not true if Dean did make such calls for he certainly was at the White House

Among the other significant matters which Dean did not report to the President, even on March 21, 1973 were (1 s that Dean had assisted Magruder in preparing his perjured Grand Jury testimony; (2) that Dean had authorized promises of executive clemency to be made to Watergate defendants (3) that he had personally handled money which went to the Watergate defendants: (4) tha. he had delivered documents from Hunt s safe to F.B.I. Director Gray; (5) that Dean had personally destroyed documents from Hunt's safe: or (6) that Dean had ordered Hunt out (,f the country, and then retracted the order

the formulation of a series of plans by **Liddy which Dean** disavowed, as did Mr.. Haldeman; the belief that the CREP had a lawful intelligence gathering operation and the receipt of information from this source; and the arrest

at the DNC on June 17, 1979 He then informed the President of a call to Liddy shortly thereafter inquiring ". . . whether anybody in the White House was involved in this" and the response "No,, they weren't."

Dean then advised the **President of the allegation that Magruder and Porter had committed perjury before the grand jury in denying knowledge that the DISC was to be bugged.** He did not tell the President he had helped "prepare" Magruder's testimony as he later admitted before the Senate Committee. (Bk. **3, p. 1206**) **Dean said** he did not know what Mitchell had testified to before the grand jury.

Dean next **laid out for the President what happened** after June 17. He informed the President "I was under pretty clear instructions not to investigate this . . . I worked on a theory of containment - to try to hold it right where it was", and he admitted that he was "totally aware" of what the FBI and grand jury was doing. Throughout these disclosures the President asked Dean a number of questions such as:

P. Tell me this: did Mitchell go along?

P. Did Colson **know what they (I iddy and Hunt) were talking** about?

P. Did he (Colson) talk with Haldeman?

P. Did he (Haldeman) know where it (the information) was coming from?

All together the President asked Dean **more than** 150 questions in the course of this meeting.

Dean then described to the President the commencement of what he alleges was a cover-up involving himself and others. Implicit in these revelations, of course, is that the President was not involved but rather he was learning of these allegations for the first time. In fact, later in the conversation, Dean said:

D. I know, sir, **I** can just tell from our conversation that them are things you have no knowledge of. (Emphasis supplied)

Dean next recited receiving **a demand "from Hunt to me"** through an intermediary for "\$120,000 for persona} expenses and attorney's fees".

D. D. . he wanted it **as of the close of business yesterday** (March 20)

Dean told how he rejected the demand

D. "If you want money, you came to the wrong man, fellow

I am not involved in the money. I don't know a thing about it. I can't help ! you You better scramble about elsewhere "

Dean also claimed that Hunt had threatened Ehrlichman if he was'nt paid the money he demanded. Dean analyzed the Situation as he saw it pointing out that a number of people know about these events, including Mrs. Hunt who had died in a plane crash. .-\t the mention of Mrs.. Hunt, the President interjected that this was a "great

sadness" and that he "recalled a conversation with some one about Hunt's problem on account of his wife and the President said that "of course commutation could be considered on the basis of his wife's death, and that was the only-conversation I ever had in that light." During their conversations, the President repeatedly and categorically rejected the idea of clemency.

Following this lengthy description of what had transpired the conversation dealt with what should be done about the situation presented by Hunt's demands. A number of alternatives were considered. Dean pointed out that the blackmail would continue, that it would cost a million dollars and it would be difficult to handle.

D. What really bothers me is this growing situation As I say, it is growing because of the continued need to provide support for the Watergate people who are going to hold us up for everything we've got, and the need for some people to perjure themselves as they go down the road here. If this thing ever blows, then we are in a cover-up situation I think it would be extremely damaging to you and the—
P. Sure. The whole concept of administration (of) justice which we cannot have.

Dean then made a recommendation: Dean was unsure of the best course to follow, but stated the approach he preferred.

D. That's right. I am coming down to what I really think, is that Bob and John and John Mitchell and I can sit down and spend a day, or however long, to figure out, one, how this can be carved away from you, so that it does not damage you or the Presidency. It just can't You are not involved in it and it is something you shouldn't .

P. That is true!

The President then began to press Dean for his advice as to what should be done.

P. So what you really come to is what we do . . . Complete disclosure isn't that the best way to do it?

D. - Well, one way to do it is

P - That would be my view

Dean then suggested that another grand jury be convened but Dean points out that "some people are going to have to go to jail. That is the long and the short of it also."

Among the alternatives considered were the payment of the money generally and the payment of the amount demanded by Hunt, specifically. The mechanics of these alternatives, such as how the money could be raised and delivered, were explored.

The President expressed the belief that the money could be raised, and perhaps, even, a way could be found to deliver it. However, he recognized and pointed out that blackmail would continue endlessly and in the final analysis would not be successful unless the Watergate defendants were given executive clemency which he said adamantly, could not be done. The President stated:

P. No, it is wrong that's for sure.

After the alternatives were explored, the President's conclusion regarding the demands for money were clearly stated:

P.... But in the end, we are going to be bled to death. **And in** the end, it is all going to come out anyway. Then you get the worst of both worlds We are going to lox and the people are going to—

H. And look like dopes

P. And in effect look like a cover-up. So that we can't do. .

Restating it, the President said:

P. But my point is, do you ever have any choice on Hunt? That is the point. No matter what we do here now, John, whatever he wants if he doesn't set it—immunity, etc. he is going to blow the whistle.

Finally the discussion as to what should be done was concluded by the President, at least tentatively deciding to have another grand jury investigation at which members of the White House staff would appear and testify.

P. I hate to leave with differences in view of all this stripped land. I could understand this, but I think I want another grand jury proceeding and we will have the White House appear before them. Is that right, John?

D. Uh huh.

Further discussion ensued concerning the benefits of calling for a grand jury investigation - political as well as substantive - and the meeting ended with an agreement to have Dean, Mitchell, Haldeman and Ehrlichman meet the next day to consider what they would recommend. The conclusion of the meeting, however, was not ambiguous:

ous:

H. We should change that a little bit. John's point is exact w right. The erosion here now is going to you, and that is the thing that we have to turn off at whatever cost. We have to turn it **off at the lowest cost we can, but at whatever cost it takes.**

D. That's what we have to do.

P. Well, the erosion is inevitably going to come here, apart from anything and all the people saying well the Watergate isn't a major issue. It isn't. But it will be. It's bound to (Unintelligible) has to so out. Delaying it, the great danger to the White House area. we don't, is that the White House can't do it. Right?

D. Ye, Sir.

As the President has stated, the transcript of the meeting on the morning of March 9, 1973, contains ambiguities and statements which taken out of context could be construed to have a variety of meanings. The conversation was wide ranging, consideration was given to a number of different possibilities, but several things clearly stand out:

1.

1. The President had not previously **been aware of any** payments made allegedly to purchase silence on the part of the Watergate defendants.
2. The President rejected the payment of \$ 190,000 or any other sum to Hunt or other Watergate defendants.
3. The President determined that the best way to proceed was to have White House people appear before a grand jury even though it meant that some people might have to go to jail.

Tapes of recorded conversations following the meeting in the morning of March 21, 1973, further establish that

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the President not only did not approve of any payment to Hunt, but he did not even know a payment had been made to Hunt's lawyer in the amount of \$75,000.

In the afternoon of the same day, March 21, 1973, the President met again with Dean, Haldeman and now Ehrlichman. This conversation makes it even more clear that the President did not suggest that blackmail should be paid to Hunt. Ehrlichman pointed out:

E. The problem of the Hunt thing or some of these other people, there is just no sign off on them That problem goes on and on

The President again reiterated his view:

P. Maybe we face the situation We can't do a thing about the participants If it is going to be that way eventually why not now? That is what you are sort of resigned to, isn't it?

And later near the end of the meeting:

P. You see, if we go your route of cutting the cancer out—if we cut it out now Take a Hunt, well wouldn't that knock the hell out from under him ?

D. That's right.

Shortly after this the President terminated the meeting, apparently rather abruptly, inquiring as to the time for the meeting the next day among Mitchell, Dean, Haldeman and Ehrlichman.

Again the recorded conversation clearly discloses that not only did the President not approve or even know of a payment made or to be made to Hunt. It is in fact quite clear that, subject to some other solution being suggested at a meeting scheduled for the next day at which Mr. Mitchell would attend, **he favored** "cutting the cancer out . . . now".

The President next met with his principal aides and now Mitchell on the afternoon of March 22, 1973. This was the first meeting of the President with John Mitchell following the disclosures of March 21, 1973. Mitchell and the others had met that morning as the President had requested. If the allegations of the grand jury as stated in pending indictments are correct as to when the arrangements for the payment of Hunt's legal fees were made, they would have had to have been made prior to this meeting on the afternoon of March 22nd. The tape recording of this meeting establishes that no one at the meeting disclosed to the President that such an arrangement had been made. In fact, the President was not informed about these arrangements until mid-April when Ehrlichman was reporting the results of his investigation to the President. In attempting to pin down what had happened, the President was given two versions, one by Ehrlichman and Haldeman on April 14 and another by John Dean on April 16.

Ehrlichman and Haldeman explained to the President what had transpired:

P. What happened?

E. And he just said, "It's taken care of."

H. Mitchell raised the problem to Dean and said, "What have you done about that other problem?" Dean said, he kind of looked at us, and then said, "Well, you know, I don't know." And Mitchell said, "Oh, I guess that's been taken care of." Apparently through LaRue.

P. Apparently who?

H. LaRue. Dean told us, LaRue

On April 16 Dean described how it happened that Hunt's legal fees were paid. After repeating Hunt's threat against Ehrlichman he said:

D. . Alright I took that to John Ehrlichman Ehrlichman said "Have you talked to Mitchell about it?" I said "No I have not." He said "Well, will you talk to Mitchell?" I said "Yes I will " I talked to Mitchell. I just passed it along to

- him And then we were meeting down here a few days later in Bob's office with Bob, and Ehrlichman and Mitchell and myself, and Ehrlichman said at that time, Well is that problem with Hunt straightened out?" He said it to me and I said "Well, ask the man who may know; Mitchell." Mitchell said "I think **that problem is solved.**"

P. That's all ?

D. **That's all he said.**

If Dean's disclosure to the President on April 16, 1973, about the payment of Hunt's legal fees is to be believed, then it is clear that this fact was concealed from the President when he met with Mitchell and the others on the afternoon of March 22nd. The explanation for this concealment perhaps is contained in a significant statement made by Dean to the President at their meeting on the morning of April 16, 1973:

D. I have tried all along to make sure that anything I **passed** to you myself didn't cause you any personal problems.

This explanation for not making a full disclosure to the President may have been well intentioned at the time but in the last analysis only served to prolong the investigation.

The Conduct of the President Following the Disclosures *Made on March 21, 1973*

Dean disclosed for the first time on March 21, 1973, that he had been engaged in conduct that might have amounted to obstruction of justice and allegations that other high officials and former officials were also involved. These matters were thoroughly probed by the President in his talk with Dean, with the President often taking the role of devil's advocate; sometimes merely thinking out loud.

Having received this information of possible obstruction of justice having taken place following the break-in at the DSC the President promptly undertook an investigation into the facts. The record discloses that the President started his investigation the night of his meeting with Dean on March 21st, as confirmed by Dean in his conversation with the President on April 16, 1973.

P. Then it was that night that I started my investigation.

D. That's right . . .

P.... That is when I frankly became interested in the case and I said, "Now I want to find out the score and set in motion Ehrlichman, Mitchell and - not Mitchell but a few others

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At the meeting with Mitchell and the others on the afternoon of March 22nd, the President instructed Dean to prepare a written report of his earlier oral disclosures:

H. I think you (Dean) ought to hole up for the weekend and do that and get it done.

P. sure.

H. Give it your full attention and get it done.

P. I think you need-why don't you do this? Why don't you go up to camp David.

D. I might do it, I might do it

P. Completely away from the phone Just go up there and (inaudible). I want a written report. (Emphasis supplied) Later during this same conversation the President said:

P. I feel that at a very minimum we've got to have this statement Let's look at it. I don't know what it where is it If it opens up doors, it opens up doors you know.

The recording of this conversation in which the President instructed Dean to go to Camp David to write a report should be compared with Dean's testimony in which he stated:

"He (the President) never at any time asked me to write a report, and it wasn't until after I had arrived at camp David that I received a call from Haldeman asking me to write the report up." (Bk. 4, p. 1385) (Emphasis supplied)

Dean in fact did go to Camp David and apparently did some work on such a report but he never completed the task. The President then assigned Ehrlichman to investigate these allegations.

By as early as March 27, the President met with Ehrlichman and Haldeman to discuss the evidence thus far developed and how it would be best to proceed.

Again the President stated his resolve that White House officials should appear before the grand jury:

P.... Actually if called, we are not going to refuse for anybody called before the grand jury to go, are we, John?

The President then reviewed with Haldeman and Ehrlichman the evidence developed to that time. They stated that they had not yet talked to Mitchell and indicated this would have to be done. They reviewed what they had been advised was Magruder's current position as to what had happened and compared that with what Dean had told them. They reported that Hunt was before the grand jury that same day. It is interesting to note that neither the President, Haldeman nor Ehrlichman say anything that indicate surprise in Hunt's testifying before the grand jury. If in fact he had been paid to keep quiet, it might have been expected that someone would have expressed at least disappointment that he was testifying before the grand jury less than a week later.

They confirmed to the President, as Dean had, that no one at the White House had prior knowledge of the Watergate break-in. Ehrlichman said, "There just isn't a scintilla of a hint that Dean knew about this." The President asked about the possibility of Colson having prior knowledge and Ehrlichman said, ' His response was one of total surprise . . . He was totally nonplussed, as the rest of

us." Ehrlichman then reviewed with the President the earlier concern that they had for national security leaks and the steps taken to find out about how they occurred.

It was decided to ask Mitchell to come to Washington to receive a report of the facts developed so far and a call was placed to him for that purpose. It was also decided that Ehrlichman should also call the Attorney General and review the information on hand with him. It was during this meeting that the possibility of having a commission or a special prosecutor appointed in order to avoid the appearance of the Administration investigating itself and a call was placed to former Attorney General Rogers to ask him to meet with the President to discuss the situation.

The next day Ehrlichman, pursuant to the President's direction given the previous day, called Attorney General Kleindienst and among other things advised him that he was to report directly to the President if any evidence turns up of any wrongdoing on the part of anyone in the White House or about Mitchell. Kleindienst raised the question of a possibility of a conflict of interest and suggests that thought be given to appointing a special prosecutor.

On March 30, 1973, **consideration was given to the content of a press briefing with respect to White House officials appearing before the grand jury. As a result** thereof, Mr. Ziegler stated at the Press briefing that day: "With regard to the grand jury, the President reiterate his instructions that any member of the White House staff who is called by the grand jury will appear before the grand jury to answer questions regarding that individual's alleged know ledge or possible involvement in the Watergate matter."

Even prior to the completion of Ehrlichman's investigation, the President was taking steps to get the additional facts before the grand jury. On April 8, 1973, on the airplane returning to Washington from California, the President met with Haldeman and Ehrlichman and directed they meet with Dean that day and urge him to go to the grand jury—"I am not going to wait, he is going to go." (Bk. 7, p. 2757) Haldeman and Ehrlichman met with Dean that afternoon from 5 to 7. At 7:33 Ehrlichman reported the results of that meeting to the **President** by telephone:

P. Oh, John, Hi

E. I just wanted to post you on the Dean meeting. It went fine He is going to wait until after he'd had a chance to talk with Mitchell and to pass the word to Magruder through his lawyers that he is going to appear at the grand jury His feeling is that Liddy has pulled the plug on Magruder and that (unintelligible) he thinks he knows it now And he says there's no love lost there. and that that was Liddy's motive in communicating informally.

Indeed, Dean did, in fact, communicate his intentions to Mitchell and Ma,ruder not to support Magruder's previous testimony to the grand jury. (Bk. 6, p. 1006) This no doubt was the push, initially stimulated by the President, which got Magruder to go to the U.S. \.ttor

' Copy sub,llitted with transcript of conversations.

[REDACTED]

neys on the following Saturday, April 14, and change his testimony.

On the morning of April 14, 1973, the President met again with Haldeman and Ehrlichman to discuss the Watergate matter. This was an in-depth discussion lasting more than two and one-half hours. The obvious purpose was to review the results of three week's investigation on the part of Ehrlichman and Haldeman and determine what course of action they would recommend.

Several conclusions were reached at that meeting by the President. From Ehrlichman's report on what Ehrlichman called "hearsay" facts, the President concluded, with regard to Mitchell:

P I'm not convinced he's guilty but I am convinced that he ought to go before a grand jury

There was a discussion as to who would be the appropriate person to talk to Mitchell and tell him that continued silence did not well serve the President. Ultimately, it was decided that Haldeman should call Mitchell to come to Washington and that Ehrlichman should talk to him.

With respect to Magruder, the President said:

P We've come full circle on the Mitchell thing. The Mitchell thing must come first. That is something today. We've got to make this move today. If it fails, just to get back our position I think you ought to talk to Magruder.

H I agree.

P And you tell Magruder, now Jeb, this evidence is coming in, you ought to go to the grand jury. Purge yourself if you're perjured and tell this whole story.

H I think we have to.

P. Then, well Bob, you don't agree with that?

H No, I do.

The President instructed Ehrlichman to see Magruder, also, and tell him that he did not serve the President by remaining silent.

The President's decision to urge Mitchell and Magruder to go to the grand jury was based on his recognition of his duty to act on the body of information Ehrlichman had reported to him:

E Here's the situation Look again at the big picture. You now are possessed of a body of fact.

P. That's right

E. And you've got to - you can't just sit there.

P That's right.

At another point in the discussion, the same point was reiterated:

E Well, you see that isn't that kind of knowledge that we had was not action knowledge like the kind of knowledge that I put together last night I hadn't known really what had been bothering me this week

P. Yes.

E But what's been bothering me is

P That with knowledge we're still not doing anything

E. Right.

P. That's exactly right. The law and order—That's the way I am. You know it's a pain for me to do it - the Mitchell thing is damn painful.

A decision was reached to speak to both Mitchell and Magruder before turning such information as they had developed over to the Department of Justice in order to afford them ' an opportunity to come forward". The President told Ehrlichman that when he met with Mitchell to advise him that "the President has said let the chips fall where they may. He will not furnish cover for anybody."

The President summed up the situation by stating:

P. No, seriously, as I have told both of you, the boil had to be pricked. In a very different sense- that's what December 18th was about. We have to prick the boil and take the heat. Now that's what we're doing here. We're going to prick this boil and take the heat. I am I overstating?

E. No, I think that's right. The idea is this will prick the boil. It may not. The history of this thing has to be though that you did not tuck this under the rug yesterday or today, and hope it would go away.

The decision was also **made by the President that Ehrlichman** should provide the information which he had collected to the Attorney General. **Ehrlichman called the Attorney General**, but did not reach him.

Mitchell came to Washington that afternoon and met with Ehrlichman. Immediately following that meeting, Ehrlichman reported to the President, stating Mitchell protested his innocence, stating:

"You know, these characters pulled this thing off without my knowledge . . . I never saw Liddy for months at a time . . . I didn't know what they were up to and nobody was more surprised than I was . . . I can't let people get away with this kind of thing . . . I am just going to have to defend myself every way I can.

Ehrlichman said **he explained to Mitchell that the President did not want anyone to stand mute on his account**; that everyone had a right to stand mute for his own reasons but that the "interests of the President . . . were not served by a person standing mute for that reason alone."

Ehrlichman **said that he advised Mitchell that the information that had been collected would be turned over** to the Attorney General and that Mitchell agreed this would be appropriate.

Even later on April 14, Ehrlichman finally was able to reach Magruder and met with Magruder and his lawyers for the purpose of informing him that he should not remain silent out of any misplaced loyalty to the President. Ehrlichman found, however, that Magruder had just come from a meeting with the U.S. Attorneys where he had told the full story (as he knew it. He, Magruder, told Ehrlichman what he had told the U.S. Attorney, which Ehrlichman duly reported to the President.

1) during this meeting with the President, Ehrlichman's earlier call to the .-Attorney General was completed, and

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Ehrlichman spoke to the Attorney General from the President's office. Ehrlichman told the Attorney General that he had been conducting an investigation for about the past three weeks for the President as a substitute for Dean on White House and broader involvement. He also told him that he had reported his findings to the President the day before and that he had advised people not to be reticent on the President's behalf about coming forward. He informed the Attorney General that he had talked to Mitchell and had tried to reach Magruder, but that he had not been able to meet with Magruder until after Magruder had conferred with the U.S. Attorney. He offered to make all of his information available if it would be in any way useful.

Following the telephone call Ehrlichman said that the Attorney General wanted him to meet with Henry Petersen the next day regarding the information he had obtained. During the course of the conversation relating to Magruder changing his testimony the President stated:

P. It's the right things we all have to do the right things damn it! We just cannot have this kind of business, John Just cannot be

Late on the evening of April 14th, after the Correspondents' dinner, the President spoke by telephone first with Haldeman and then with Ehrlichman. The President told each that he now thought all persons involved should testify in public before the Ervin Committee.

On the morning of Sunday, April 15th, the President talked with Ehrlichman and told him that he had received a call from the Attorney General who had advised him that he had been up most of the night with the U.S. Attorney, and with Assistant Attorney General Petersen. The Attorney General had requested to see the President, personally, the President told Ehrlichman, and the President had agreed to see him after Church. The President and Ehrlichman again reviewed the available evidence developed during Ehrlichman's investigation and the status of relations with the media.

In the early afternoon of April 15, the President met with Attorney General Kleindienst. Kleindienst confirmed to the President that the U.S. Attorneys had broken the case and knew largely the whole story as a result of Magruder's discussions with them and from disclosures made by Dean's attorneys, who were also talking to the U.S. Attorney. The Attorney General anticipated indictments of Mitchell, Dean and Magruder and others, possibly including Haldeman and Ehrlichman. Kleindienst indicated that he felt that he could not have anything to do with these cases especially because of his association with Mitchell, Mardian and LaRue. The President expressed reservations about having a special prosecutor:

P. First it's a reflection - it's sort of an admitting mea culpa for our whole system of justice I don't want to do that

The President then suggested that Kleindienst step aside and that the Deputy Attorney General, Dean Sneed, be

placed in charge of the matter. The President expressed confidence in Silbert doing a thorough job.

Kleindienst pointed out that even if he were to withdraw, his deputy is still the President's appointee and that he would be "in a tough situation . . ." Kleindienst recommended that a Special Prosecutor be appointed and a number of names were suggested. The President's reaction to the idea of a Special Prosecutor was negative.

P. " . . . I want to get some other judgments because I—I'm open on this I lean against it and I think it's too much of a reflection on our system of justice and everything else."

Following a further review of the evidence, Kleindienst

raised the question about what the President should do in the event charges are made against White House officials. The President resisted the suggestion that they be asked to step aside on the basis of charges alone.

P. . . the question really is basically whether an individual, you know, can be totally, totally—I mean, the point is if a guy isn't guilty, you shouldn't let him go.

K That's right, you shouldn't.

P. It's like me—wait now—let's stand **up for people** if there—even though they are under attack.

Further discussion on this subject included the suggestion that Assistant Attorney General Henry Petersen might be placed in charge rather than the Deputy Attorney General. Kleindienst pointed out, "He's the first career Assistant Attorney General I think in the history of the Department."

Shortly after this the tape at the President's office in the Executive Office Building ran out. It is clear, however, from a recorded telephone conversation between the President and Kleindienst that he and Henry Petersen met later in the afternoon with the President. This was verified by Mr. Petersen's testimony before the Senate Committee. It was during this meeting that the President assigned the responsibility for the on-going investigation to Mr. Petersen.

At his meeting with the President, Assistant Attorney General Petersen presented to the President a summary of the allegations which related to Haldeman, Ehrlichman and Strachan, and that the summary indicated no case of criminal conduct by Haldeman and Ehrlichman at that time. (Bk. 9, p. 3875)

The President, on the afternoon of April 15, 1973, had every reason to believe that the judicial process was moving rapidly to complete the case. He continued to attempt to assist. He had four telephone conversations with Petersen after their meeting. In the afternoon, having been told that Liddy would not talk unless authorized by "higher authority who all assumed was Mitchell, the President directed Petersen to pass the word to Liddy through his counsel that the President wanted him to cooperate. Subsequently, the President told Petersen that Dean doubted Liddy would accept the word of Petersen so Petersen was directed to tell Liddy's counsel that the

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President personally would confirm his urging of Liddy to cooperate. The President stated:

PX just want him (Liddy) to be sure to understand that as far as the President is concerned, everybody in this case is to talk and to tell the truth. You are to tell everybody, and you don't even have to call me on that with anybody. You just say those are your orders.

The President continued to seek additional facts and details about the whole matter. Petersen could not reveal the details of the further disclosures by Dean's attorney so the President sought Petersen's advice about getting further information from Dean.

P. Right Let me ask you this - why don't I get him in now if I can find him and have a talk with him?

HP. I don't see any objection to that, Mr.. President.

P. Is that all right with you?

HP. Yes, sir.

P. All right - I am going to get him over because I am not going to screw around with this, thing. As I told you.

HP. All right.

P. But I want to be sure you understand that you know we are going to get to the bottom of this thing.

HP. I think the thing that

P. What do you want me to say to him? Ask him to tell me the whole truth?

After talking with Dean and reviewing Dean's further information, the President raised the question about when Dean and perhaps Haldeman and Ehrlichman should resign and Petersen responded, "We would like to wait. Mr. President."

On the morning of April 16, the President began a long series of meetings on the entire subject. Being uncertain of when the case would become public, the President decided he wanted resignations or requests for leave in hand from those against whom there were allegations. He had Ehrlichman draft such letters, and discussed them with Haldeman and Ehrlichman.

The President then met with Dean and discussed with him the manner in which his possible resignation would be handled. Dean resisted the idea of his resigning without Haldeman and Ehrlichman resigning as well. The President reviewed with Dean the disclosures Dean made to the President on March 21st, and on the evening of April 15th.

The President had some more advice for John Dean on this occasion:

P Thank God Don't ever do it, John. Tell the truth That is the thing I have told everybody around here - tell the truth! All they do, John, is compound it That Hiss would be free today if he hadn't lied. if he had said, "Yes I knew Chambers and as a young man I was involved with some Communist activities hut I broke it off a number of years ago.> And Chamber would have dropped it. if you are going t., he, yo.l. go to jail for the he rather than the Crime so believe me, don't ever lie."

As to the President's actions, he told Dean:

P. No., I do I t want, understand when I say don't he.

Don t lie about me either.

D No, - won r sir - son—

The President met with **Haldeman at noon on April 16th** to discuss at length how and when Haldeman should make a public disclosure of his actions in the Segretti and

Watergate matters. Haldeman reported that Mr. Garment recommended that he and Ehrlichman resign. Garment had been assigned by the President on April 9 to work on the matter. The President stated that he would discuss that problem with William Rogers that afternoon and asked Haldeman to get with Ehrlichman and fill in, Rogers on the facts.

The President met in the early afternoon alone with Henry Petersen for nearly two hours in the Executive Office Building. They discussed the effect the Senate Committee hearings would have on the trials in the event indictments are returned.

The President then asked Petersen what he should do about Dean's resignation.

- HP Yes. As Prosecutor I would do something different but from your point of view I don't think you can sit on ^{AL} think we have the information under control but that's a dangerous thing to say in this City.

p Ah

HP

p.

HP. And if this information comes out I think you should have his resignation and it should be effective . . .

Petersen, however, urged the President not to announce the resignation if the information did not get out, as that would be "counter-productive" in their negotiations with Dean's counsel. Petersen reviewed the status of the evidence at length with the President with a view toward making a press release before an indictment or information was filed in open Court.

During the course of the conversation Petersen informed the President that they were considering giving Dean immunity. As for Haldeman and Ehrlichman, Petersen recommended that they resign. The status of the situation was reviewed as follows:

Okay. All right come to the Haldeman/Ehrlichman thing. You see you said yesterday they should resign Let me tell you they should resign in my view if they get splashed with this Now the point is, is the timing I think that it's, I want to get your advice on it, I think it would be really hanging the guy before something comes in if I say look, you guys resign because I understand that Mr. Dean in the one instance, and Magruder in another instance, made some charges against you And I got their oral resignations 11st night and they volunteered it. They said, look, we want to go any time So I just want your advice on it I don't know what to do, frankly. (Inaudible) so I guess there's nothing in a hurry about that is then ? I mean I—Dean's resignation. I have talked, to him about it this morning and told him to write it out.

(I audible)

It's under way—I asked for it. How about Haldeman and Ehrli(hlllan)? I just wonder if you have them walk the plank before Magruder splashes and what hav e you or what not I mean I have information, true, as to what Magruder's going to do. (Inaudible) nothing like this (inaudible)

HP Or for that matter, Mr President

(100)

HP Its confidence in the Office of the Presidency.

P. Right. You wouldn't want—do you think they ought to resign ight now?

HP. Mr.President, I am sorry to say it I think that mindful of the need for confidence in your office—yes.

P. (Inaudible) basis?

HP. That has nothing to do—that has nothing to do with guilt or innocence.

At the end of the meeting with Petersen, the President had every reason to believe that a public disclosure of the entire case in court would be made within forty-eight hours and perhaps sooner. The remaining questions for Presidential decision were: (1) What action he should take on the resignation, suspension or leave of Haldeman, Ehrlichman and Dean and whether it should be before or after they were formally charged; (2) what position he should take on immunity for Dean; and (3) what statement he should issue prior to the public disclosure in court.

On the afternoon of April 17, the President discussed the problem of granting immunity to White House officials with Henry Petersen. Petersen pointed out that he was opposed to immunity but he pointed out that they might need Dean's testimony in order to get Haldeman and Ehrlichman. The President agreed that under those circumstances he might have to move on Haldeman and Ehrlichman, provided Dean's testimony was corroborated. The President told Petersen:

P. That's the point. Well, I feel it strongly- I mean - just understand I am not trying to protect anybody - I just want the damn fact if you can get the facts from Dean and I don't care whether

HP. Mr. President, if I thought you were trying to protect somebody, I would have walked out.

As for Dean, the President told Petersen:

P. ". . . No I am not going to condemn Dean until he has a chance to present himself. No he is in exactly the same position they are in "

The President remained convinced, however, that a grant of immunity to a senior aide would appear as a cover-up.

P. What you say - Look we are having you here as a witness and we want you to talk.

HP. That is described as immunity by estoppel

HP. That is really the prosecutor's bargain

P. That is much better basically than immunity - let me say I am not, I guess my point on Dean is a matter of principle - it is a question of the fact that I am not trying to do Dean in - I would like to see him save himself but I think find a way to do it without - if you go the immunity route I think we are going to catch holy hell for it.

HP Scares hell out of me

The President went over the draft of his proposed statement with Petersen. Petersen further counseled the President that no discussion of the facts of the case could be made without prejudicing the case and the rights of the defendants.

Later on the afternoon of April 17, the President issued his statement, revealing that he had new facts and had begun his own investigation on March 21; that White House staff members who were indicted would be suspended, and if they were convicted, they would be

discharged. He announced that all members of the White House staff would appear and testify before the Senate Committee. The President further stated that:

I have expressed to the appropriate authorities my view that no individual holding, in the past or present, a position of major importance in the Administration should be given immunity from prosecution.

In addition he stated that all White House staff employees were expected fully to cooperate in this matter.

After making his public statement, the President met with Secretary of State Rogers, and they were joined later by Haldeman and Ehrlichman. Secretary Rogers reiterated his advice that the President could not permit any senior official to be given immunity. He also reiterated his advice that for the President to discharge his senior aides before they were formally charged with a crime would highly prejudice their legal rights and convict them without a trial.

The President had concluded **that he should treat Dean**, Haldeman and Ehrlichman in the same manner. Petersen had advised the President that action on Dean would prejudice the negotiations of the U.S. Attorneys with Dean's lawyers, and that Dean's testimony might be needed for the case.

On the evening of April 19, the President met with Messrs. Wilson and Strickler, counsel retained by Haldeman and Ehrlichman upon recommendation of Secretary Rogers. Wilson and Strickler made strong arguments that Haldeman and Ehrlichman had no criminal liability and should not be discharged.

The President **continued to struggle with the question** of administrative action against his aides.

On April 27, **Petersen reported to the President that** Dean's lawyer was threatening that unless Dean got immunity, "We will bring the President in - not in this case but in other things."

On the question of immunity in **the face of these** threats, the President told Petersen:

P. All right. We have got the immunity problem resolved.

Do it, Dean if you need to, but boy I am telling you—there ain't going to be any blackmail.

On April 27, the President was also advised by Petersen that the negotiations with Dean's attorneys had bogged down, and action by the President against Dean, Haldeman and Ehrlichman would now be helpful to the U.S. Attorney.

Three days later, on April 30, the President gave a nationwide address. He announced that he accepted the resignations of Haldeman, Ehrlichman, Attorney General Kleindienst and Dean. The President then announced the nomination of Elliot Richardson as the new Attorney General.

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P. I see, I see — that's fair enough.

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Throughout the period of the Watergate affair the raw material of these recorded confidential conversations establishes that the President had no prior knowledge of the break-in and that he had no knowledge of any coverup prior to March 21, 1973. In all of the thousands of words spoken, even though they often are unclear and ambiguous, not once does it appear that the President of the United States was engaged in a criminal plot to obstruct justice.

On March 21, 1973, when the President learned for the first time of allegations of such a plot and an alleged attempt to blackmail the White House, he sought to find out the facts first from John Dean then others. When it appeared as a result of these investigations that there was reason to believe that there may have been some wrongdoing he conferred with the Attorney General and with the Assistant in charge of the criminal division of the Department of Justice and cooperated fully to bring the matter expeditiously before the grand jury.

Ultimately Dean has plead guilty to a felony and seven former White House officials stand indicted. Their innocence or guilt will be determined in a court of law.

This is as it should be.

The recent acquittals of former Secretary Stans and former Attorney General Mitchell in the Vesco case demonstrate the wisdom of the President's actions in insisting that the orderly process of the judicial system be utilized to determine the guilt or innocence of individuals charged with crime, rather than participating in trials in the public media.

April 30, 1974

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

This document, together with transcripts of recorded Presidential conversations, was printed by the Government Printing Office under the title "Submission of Recorded Presidential Conversations to the Committee on the Judiciary of the House of Representatives by President Richard Nixon—April 30, 1974" (1308 pp.)

It can be obtained from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402, for \$12.25.

10 Presidential Documents 450-

Subpoena of Presidential Tapes and Materials

*The President's Letter to Peter W. Rodino, Jr.,
Chairman of the House Judiciary Committee, in
Response to the Committee's Subpoenas. 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 3(), 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 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,

RICHARD NIXON'

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

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Remarks by

DEAN BURCH
Counsellor to the President

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THE REPUBLICAN NATIONAL COMMITTEE

Washington, D. C
April 26, 1974

This is the third time that one Republican National Committee or another has had Dean Burch to contend with -- which says more about the Committee's endurance than its instinct for self-preservation. The first time we met, I walked out of the room as your new Chairman, and a few months later the Republican Party took its worst shellacking of the century. The second time I walked away unemployed, and the Party promptly pulled up its socks and began to rebuild. From that point on, it's been mostly roses.

A lot of people were involved in that rebuilding job, and many of them are in this room today -- Ray Bliss, for example, and such consummate political pros as AB Hermann and Jo Good. And while they were tending the store, there was another consummate pro out on the hustings, establishing and re-establishing his credentials as a prime architect of our Party.

That fulltime Party loyalist was Richard Nixon of course. I would simply submit to you that his powers of regeneration and his skills of leadership are in superb working condition, and I'd remind you that wherever and whenever we needed him most -any time, any place, to charge up the faithful or to convince the undecided -- he has always been right there. It's time, I think, to return loyalty for loyalty.

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For myself, I Want all of you to know how sweet it is to be back in political harness again after four years of forced nonpartisanship as Chairman of the Federal Communications Commission. And I want to reassure George Bush that I am not muscling into his territory. One of my assignments is to maintain White House liaison with this Committee, with Bob Michel's on the House side and Bill Brock's in the Senate, and with the Party generally. But the organization has never been in abler or more experienced hands. My job will be to help as best I can, and to make sure that my boss knows how the troops are doing and what's going on in the trenches -- and vice versa. I'm going to be available.

Talking about the Republican Party as if it consisted of three national committees, of course, is to turn the political process on its head. This year we have a House of Representatives to elect, and one-third . of the Senate. But there are also 37 governorships at stake -- 14 of them with Republican incumbents -- and literally thousands of other State and county and local offices to be filled. Not a one of these offices can be conceded to the Democrats. Every one of them is essential to good and effective government. And winning our share is the **ultimate measure of** our Party's strength -- which is another way of saying that you can never build an enduring Republican majority from the top down.

Every member of the RNC knows this. If you didn't you'd **never have gotten** here in the first place, and you wouldn't hold your jobs very long. I'm really reminding myself, and everyone who operates at the national level, that political reality does not begin with each mornings Washington Post and end with the CBS Evening News. "Liberal chic" is not where this country's at, and it does not represent the convictions of the nascent Republican majority.

I deeply believe that the convictions of most Americans are **indistinguishable** from the principles of our Party and from the programs and policies of this Republican Administration. I'm not going to play chicken-and-egg -they're simply indistinguishable. By the same token, I submit to you that Richard Nixon is our President and the leader of our Party, and that these two roles are indistinguishable: our hopes and our goals and our fortunes are as one. His record of accomplishment is our record. And I say this with intense pride -- it is a record solidly based **in Republican** principle. The President's record is a platform for Republican candidates to grab hold of and to run on.

Clearly, the Republican Party did not invent peace. But the fact remains,

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this Republican President did inherit the longest war in our country's history -and he brought that war to an end. He ended it with honor--honor to the men who fought there, and to those who died there, and with honor to our POW's who came home with heads high.

And this is but one foundation stone. President Nixon is building a structure of peace that promises future generations a condition we've not known for generations past -- a world in which conflict has given way to dialogue, and confrontation to negotiation. There is no need for me to recite every detail of this long, arduous, continuing process. You know the record as well as I do. But never forget, and never let the opposition forget, that this is the record of a Republican President and that's our Party I'm talking about.

On the domestic side, if I had to put a single conceptual stamp on the Nixon record, it would be this -- central to every major proposal and running through every domestic initiative, there is the determination to stem the tide of centralization and to return power and resources to the people. Where they live. And I mean that in both the literal and figurative sense: power to define their own needs, and adequate resources to do something about meeting those needs.

The New Federalism is not just a slogan, and Revenue Sharing is no gimmick. They go to the heart of scores of Administration proposals --- most of them gathering dust in Congress I might add -- that would represent a virtual revolution in American government and a return to first principles. They would spell an end to the discredited notion that unmet needs and unresolved problems will just go away if we throw enough Federal dollars at them.

The thrust of both the New Federalism and of Revenue Sharing is reliance on selfgoverning States and local communities, on free markets, and on free people conducting their own business as they see fit -- but I very much doubt that this audience requires more convincing. These are the first principles of this free Republic. They are the guiding principles of the Nixon domestic record. And they are the fundamental principles of our Party. Out of them, there-is a new Republican majority to be built.

Does this mean that every Republican candidate in every race in every State and every Congressional District has to embrace every element of the Nixon record? No, of course not. There is room within the four walls of Republicanism for local variations and for differences of emphasis. It does mean that the President's programs and leadership, and his preeminence in the councils



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of the world, are incomparable strengths. And it means that our candidates can run as Nixon Republicans and they can win as Nixon R epublicans .

Let me be very candid about this. It would be fatuous to stand here and simply disregard the currents of discontent that also are running wherever Republican gather. There are such currents, and they have to be faced. I don't have any perfect answers for you -- just some thoughts for your consideration.

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For one thing -- and a major thing it is -- the country is gripped with an unacceptable rate of inflation. It is unacceptable to the American people, and to the President. In principal part, it is a reflection of the energy crunch and a hangover as well. And just as we have turned the corner in controlling the energy shortage, so too there are solid indications that the worst of inflation will be behind us by the end of the second quarter and the beginning of the third. It is no time for complacency -- but, just as important, it's no time for panic, or for extreme remedies that would predictably make the situation worse, not better.

In any case, it's a long long way from April to November, and the situation can change dramatically. Think back to 1966, for example, and the rebuilding process that I mentioned at the outset. In the spring of that year, almost no one was predicting a great Republican resurgence. By Novembers the incumbent Democrats could no longer keep the Vietnam war hidden from the voters, and we did rack up substantial gains in Congress and across the country. (I said almost no one was able to predict that victory but there was one notable exception. Richard Nixon was virtually on the money. He said we'd gain 40 House seats - and we gained 47!) I have no objection to running scared. But **it's hardly good** politics to run for cover.

Nor should we run away from Watergate or the **impeachment inquiry**. These are facts of life. They deeply affect the leader of our Party and they deeply affect all of us, and we'd be foolish to pretend otherwise.

Indeed, we simply will not be given the luxury of **pretending otherwise**. If I were planning strategy for the Democrats, the scenario would practically write itself. I would in the first place pile charge on charge and innuendo on innuendo, in hopes that sooner **or later something** would stick -- and my bets would be on later rather than sooner. Because, in the second place, I would bend every effort to stretching out the inquiry through the summer and into the **fall, possibly** even beyond November. It would be good if not particularly responsible politics to do just that.

I am not suggesting that any such strategy is under way. I earnestly hope and trust it is not, because on the bottom line of this constitutional inquiry there must be two entries. One is the truth. And the other is justice -justice for the President and justice for the embattled institutions of our government and justice, ultimately, for the American people.



The President wants the truth to be known, as do we all, he wants it fully, and he wants it promptly. He is willing to pay most any price -- except that of the continued viability of our essential Constitutional processes. One of these is the principle of confidentiality. Another is the principle of executive privilege. And a third -- perhaps most fundamental of all -- is the principle of presumption of innocence. It is becoming downright unfashionable these days to say such things. There is almost a presumption of guilt when anyone does so. But it would be the ultimate irony, in my judgment, if these great Constitutional principles were themselves to be added to the list of Watergate's victims.

When all is said and done -- in the House and Senate, in the press, in all the media, in tens of millions of living rooms -- the jury in this proceeding will be the American people. This is wholly proper. And, whatever the outcome, I would remind you that the jury in this case is still out. It has neither heard nor weighed the whole body of evidence -- indeed, it hasn't even heard the charges!

I ask today that you suspend judgment. Early next week, **when the** President responds to the Committee subpoena, a massive body of evidence will supplant charges and allegations and innuendo. And out of this factual record the whole story will emerge and the **whole** truth become known. That body of evidence will be substantial. It will be relevant. It will be compelling and persuasive. I genuinely believe, beginning early next week, that the end of Watergate will be in sight.

But that, of course, will be for you to judge -- because each one of you is a member of that jury. There is only one thing I know for sure, which is that a critically important election is scheduled for November. It is critical to the success of this Administration, and it is critical to the future of our Party.

We can go into it defensively, and get whipped before we start. Or we can go into it with pride and confidence in our Party's leadership and the record of that leadership -- in which case I detect the sweet smell of success. For our country. For our Party. For our President.

Thanks for giving me a third chance, and I'll look forward '~ all again at the victory celebration in November.

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rd to seeing you

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To