

August 15, 1973

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

On May 17th the Senate Select Committee began its hearings on Watergate. Five days later, on May 22nd, 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 would 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 two 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 22nd 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 22nd, that I took no part in, and was not aware of, any subsequent efforts to 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 6th 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 15th, when it indicted only the five persons arrested at the Watergate, plus Messrs. Liddy and Hunt.

(MORE)

Office of the White House Press Secretary

THE WHITE HOUSE

ACCOMPANYING STATEMENT BY THE PRESIDENT

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.

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Knowledge?

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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.

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MAY 22, 1973

Office of the White House Press Secretary

THE WHITE HOUSE

STATEMENT BY THE PRESIDENT

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.

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 long-standing 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 1800 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.

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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 (General Donald V. Bennett) and the Director of the National Security Agency (Admiral Noel 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 five 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.

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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.

The 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.

(MORE)

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 actions.

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.

MORE

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 18th, 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.

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 matters 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.

(MORE)

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 fund raising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fund raising. Nor did I authorize any offer of Executive clemency for any of the defendants.

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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.

*Ronald
Elm*

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.

*Through
Gray
said
No.*

(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.

No

(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.

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(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.

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.

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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.

I -- 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. *Sen. Comm.*

Preclude to deny denial

-- 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.

Preclude

calls scandal.

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.

(MORE)

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.

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by the Harry Ransom Humanities Research Center, The University of Texas at Austin, P.O. Box

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MAY 22, 1973

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

PRESS CONFERENCE

OF

LEONARD GARMENT, SPECIAL CONSULTANT TO THE PRESIDENT
AND COUNSEL TO THE PRESIDENT

AND

J. FRED BUZHARDT, SPECIAL COUNSEL TO THE PRESIDENT

THE BRIEFING ROOM

4:23 P.M. EDT

MR. ZIEGLER: We have given you a statement by the President relating to the news events of recent days and months, and also an accompanying statement by the President. I think you have all had a chance to read that, and the President clearly states in the accompanying statement, and also in the longer statement, the reasons for issuing this material at this time.

Leonard Garment, Special Consultant to the President, and also Counsel to the President, together with Fred Buzhardt, are here to discuss the statements with you today and will attempt to take some of your questions in the framework which is set forth by the President in the material that you have.

I think we will begin with some overall observations by Len Garment.

MR. GARMENT: The first thing I would like to point out is that the statement that you have today is an effort to set forth factual material and comments by the President on that material. The statement is quite obviously not an effort to set forth comprehensively information with regard to every transaction that has been discussed or made the subject of allegations, either in pending proceedings or in the press, within recent months and weeks.

Finally, as an introductory comment, the purpose of this general briefing is not to argue the details of the various cases or to undertake to reconcile the numerous conflicting accounts with respect to the innumerable transactions and allegations and counter-claims by various parties involved in the Watergate affair.

Overall, I would say that there are three questions with respect to the statement that might be usefully addressed in very general fashion by me, preliminary to your questions. First, what is the nature and intent of the statement; secondly, why is it issued at this time; and third, what will happen after the statement is issued and comments are made upon it?

Q ~~And fourth, why isn't the President making it.~~

MR. GARMENT: We will take the questions when I finish my direct statement, Miss Thomas.

MORE

MR. GARMENT: I would not undertake to do anything more than to address you to this statement. I don't think it would be fair to stand here and indulge in characterization of persons who are under investigation, whatever may be the inferences that you or others might draw from the state of the proof as it presently stands, either in court or as a matter of general public discussion, and I think all of us should feel quite strongly about that proposition.

Q Len, sticking to the report, I would like to put the specific question, whether this plan that the President approved on July 28th -- five days before that, in July of 1970 -- whether this plan authorized breaking and entering in so-called domestic security cases.

MR. GARMENT: I really don't know. Basically, what I know about the document is that it was signed by the officers of the major intelligence agencies of the government, including Mr. Helms, Admiral Gayler, General Bennett, and J. Edgar Hoover.

Q Have you read it, Len?

MR. GARMENT: I have read parts of it.

Q Did it authorize breaking and entering into domestic security cases? That is a simple question.

Q Buzhardt knows.

MR. BUZHARDT: I would not address it further for the simple reason it is a classified document. I have no authority to declassify the document.

Q Classified or otherwise, do you realize you are leaving unanswered the question whether or not the President of the United States approved felonies? Do you understand that?

Q You certainly know enough about law to know that, Fred.

Q That is the question you are leaving unanswered, Mr. Buzhardt.

MR. BUZHARDT: I know quite well what the law is.

MORE

MR. GARMENT: I think the point has been made, and Jim, this is something you know, and this is without addressing this particular document, but there are certain areas of concern, those involving national security, passing the question of whether in this particular case --

Q That is why I asked if this was national or domestic.

MR. GARMENT: Jim, hear me out.

In this instance, the subject matters embraced in this overall intelligence review included major elements of foreign intelligence as well as domestic intelligence. Whether and to what extent the kind of activities described somewhat euphemistically as a surreptitious entry in the tradition of papers of this sort, and a procedure, that I might add, has, as I understand it, been utilized on a clandestine basis, with the approval of Chief Executives for many, many years.

Q I am not interested in previous Administrations. I want to find out about this one.

MR. GARMENT: Jim, in all fairness, you made a certain very specific charge with respect to this particular President, and the approval even of a plan that was never implemented --

Q That was a question, Len.

MR. GARMENT -- of particular kinds of activities, and I am addressing myself to the proposition that activities of that sort in the area of national security have been traditionally authorized by Presidents in order to meet problems that go beyond the boundary of the ordinary civil law.

Q Fine, that is why I --

MR. GARMENT: These are issues of self defense as to which activities of a sort that are not ordinarily discussed and debated in public places have gone on for many years, and we all know that.

Q Well, would you tell us, please --

Q But what about --

MR. ZIEGLER: Gentlemen, let's settle down. Ted, just a second. We will take a few more of your questions and, Ted, in your persistence, you can proceed.

Q In answer to the question, you have made a point of saying this was signed by the four intelligence officials, but they did not initiate it or initially recommend it.

MR. GARMENT: I don't mean to suggest that.

Q Wasn't it done by the White House and/or Mr. Mitchell? Who initiated it?

MR. GARMENT: I don't know who initiated it, accurately, Ted, nor do I mean to suggest that the four individuals who I mentioned were themselves proponents of any particular part of that plan. But this was the subject matter of a discussion and a discussion among these agencies in this particular document.

Q On Page 9, the President talks about misunderstandings --

MR. ZIEGLER: Gentlemen, I think Mr. Buzhardt would like to add to that comment.

MR. BUZHARDT: I might be able to clear a little of the confusion. There was a discussion, as the paper says, by the President, with the Directors of the intelligence agencies. It resulted in him appointing an interagency committee to study certain problems, and to, if possible, make recommendations to overcome those problems.

That was done, which resulted in a number of optional courses of actions. The study itself, which was quite lengthy, was signed by the four Directors of the intelligence agencies, as pointed out in the document.

MR. GARMENT: One fact, and I don't mean to offer this in an argumentative fashion, but I think it is a fact, and it does go to the question of perspective, that the document undertakes to develop, and that, I hope, is borne in mind in dealing with the particular line of questions, and that is that this study group started its work in the early summer of 1970, and I think one must consider the circumstances, the domestic circumstances, at the time of Cambodia and Kent State and what was the climate of the country and what was the climate here and around the White House and in Washington at that time.

I would be, myself, indulging in speculation to say that the intensity with which certain options were explored during that period of time followed a kind of declining fever chart that itself reflected the mood of the country into the Fall when the plan was abandoned.

Q Mr. Garment, you used the term beyond the boundary of the ordinary civil law. Does that mean the Presidents of the United States have broken the law if they can justify that, using national security, and doesn't that lead precisely to Watergate?

MR. GARMENT: Really, I would leave that to historians.

MR. ZIEGLER: One of the efforts of this paper, as we have attempted to spell out in the statements by the President, is to separate out that type of conclusion and put it in perspective. It is that very conclusion that this paper addresses itself to. It addresses itself to it clearly and I think we have answered the questions that we can on this subject, and I would just suggest that we cannot go beyond what has been said.

Q Mr. Ziegler, are you saying here that President Johnson, President Kennedy, President Eisenhower, President Roosevelt and on back, they did this same thing?

MR. ZIEGLER: Sarah, what we are saying is what is spelled out from the perspective of the President of the United States as it is in this paper, and I am not saying anything about anyone else, except we are addressing ourselves to the paper which we have before us, and which we have provided in an effort to put this into perspective.

Q But they say 1960 several times.

MR. ZIEGLER: That was an observation made in the paper.

Q Why are we all interpreting scripture for the President?

MR. ZIEGLER: Excuse me?

Q Why isn't the President here to interpret the scripture for himself?

MR. ZIEGLER: I think I answered a question like that earlier -- indeed, I did -- and that is that the President will be addressing this at some point in the near future in a forum, but I think I would make one final observation, and that is that I think the intensity of this briefing, and the intensity of the questions, of course, is brought about by the massive convergence of stories that we have had to deal with here over the past months.

What we have attempted to do with this paper is to put into perspective the allegations being leveled at the President of the United States and the White House. It is an effort, as stated in the paper, and this is where we are today.

Q Ron, would you tell us if the President is shaken by this? Does he perceive of himself as being tried by the press in this? Would you give us some indication of what his mental condition is?

MR. ZIEGLER: Well, I would call your attention to the accompanying statement by the President where he makes an observation.

Q I want to make sure, on the recollection aspect. The President has just recollected that less than three weeks after the Watergate break-in his FBI Director warned him that higher up White House officials were involved? He just recollected that recently? Is that correct?

MR. ZIEGLER: The statement which you have before you addresses certain matters which have recently come into the press. This is one of the matters which has come into the press, not because of the press -- we are not being critical of the press -- but because of statements by an individual or as a result of documents, as a result of testimony.

The reason that the President clearly states in the paper you have and recalls that event is to put into perspective what took place and the circumstances surrounding that phone call, which have become distorted with all sorts of implications and suggestions as the result of testimony, leaked testimony, and comments by others about the matter. This is the way the President recalls it and indeed, this is the way it took place from the President's perspective.

Q Ron, based on this briefing alone, I come away with the impression that the President engaged in a conspiracy to commit an illegal act; that is, the evidence is here on the top of page 3 that the President approved an illegal act.

Now, there has not been any statement from Mr. Garment or Mr. Buzhardt or anyone else to counter that suspicion and I am wondering if you can clear it up?

MR. ZIEGLER: First of all, there was no act. Second of all, the President did not engage in a conspiracy, as he clearly states in both statements, and there you have a specific comment in relation to that assertion.

Q Ron, you don't need to commit a burglary to be involved in a conspiracy to commit burglary.

MR. GARMENT: It does reach a point of, not no return, but of diminishing return, because if we are going to discuss the question of what overt acts are required before you have the elements of a substantive offense -- we are talking about matters that were discussed in connection with the questions of national security in a setting of what was perceived to be and what was in fact a situation of considerable international tension and in addition, there was at that time substantial evidence of leaks of the most sensitive kind of material involving the discussions that were then entrained with respect to the SALT talks and other matters of similar consequence.

I think that the document is of a very high security classification for the reason that it does represent the efforts at the highest level of Government to deal with problems of national self-defense.

Q One more question. Because it has been bandied about for eleven months now, when there was the so-called Dean report, if there was one, who reported the results to the President? How was it done and was the President satisfied? Did he ask no questions?

MR. GARMENT: Helen, I followed a number of the briefings on this, and I think that they do accurately describe the situation that took place at that time.

Q You are not giving me an answer.

MR. GARMENT: I think you have had answers on this subject.

Q No. Who?

MR. GARMENT: Well, I think you have from Ron.

Q Tell us again what you know.

MR. GARMENT: I really don't want to cover all that ground.

MR. ZIEGLER: The position is stated in the previous briefings.

MORE

Q It was not stated in previous briefings.

Q Just tell us the facts as you know them. We don't have that clear. 76

MR. GARMENT: Miss McClendon, I have not myself undertaken to study the record, and to determine independently what took place with respect to that investigation. I know generally that there was asked, one might say, what was believed to be an investigation or an alleged investigation during that period.

There were constant reports that were made to Ron Ziegler with respect to the results of an investigation for purposes of enabling him to respond to questions on that subject, and as I understand it, those comments referring to an investigation allegedly underway were made to Ron by John Dean.

Q Why can't you say whether there was an investigation and who told the President the results?

MR. ZIEGLER: We went through this, Helen, in a briefing when you were on vacation.

Q Nobody knows it.

MR. ZIEGLER: The fact of the matter is -- and I will be very brief here, and we are going to conclude -- and that is that the President of the United States asked members of his staff -- we have referred to senior members of his staff -- to find out whether or not anyone in the White House was involved in the matter.

He received repeated assurances from members of his staff, senior members of his staff, based upon the assurances that they received from the Counsel's office, that no one in the White House was involved in the Watergate matter.

And those assurances were not only provided to senior members of the staff, they were provided to my office, members of my staff, stating clearly that no one in the White House was involved, and that is precisely the information that the President received from a number of individuals.

Q For example? Will you name them? I mean, did Dean actually talk to the President and tell him no one was involved?

MR. ZIEGLER: Well, we have already stated that the information that came from the Counsel's office did not go directly to the President, but was passed to him by senior members of the staff.

Q Who, for example?

MR. ZIEGLER: Members of the staff who he met with. I think you are well aware of.

Q Then you can't say there ever was information that went from the Counsel through these senior people? All you can say is these senior people say the information went from the Counsel to the President?

MORE

MR. ZIEGLER: Let me say, on many occasions, prior to press conferences and so forth, memoranda are submitted to the President. Those memoranda are submitted to the President and pass by a number of staff people. They pass by the Counsel's office, they pass by John Ehrlichman's office, they pass by other members of the White House staff office. That material constantly refers to an investigation was made.

Q On that precise point --

Q You have already said before this was not written; isn't that right, Ron?

Q Excuse me a moment, but on that precise point, I spoke with Pat Buchanan who prepared the written memoranda for the President before that August 29th press conference. Now Pat Buchanan cannot say that he ever spoke to John Dean before he prepared that. He says he doesn't know who he spoke to.

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MR. ZIEGLER: Marty, I was making reference not to the August 29th matter specifically. I was making reference to many occasions that followed that period where constant assurances were provided to the President that an investigation had been undertaken and that no one was involved. And it is not only assurances that we are involved in here. We are also involved in the very process that took place around here itself.

Q Does the President feel betrayed by his senior aides?

MR. GARMENT: You know, Helen, it may be difficult to credit this fact, but there are a number of people who are under investigation at this time, and it does strike me personally as being very unfair to ask for specific statements to be made as to who said what to whom on particular days. We have undertaken to the extent we can to provide information on subjects that are legitimately matters of concern to the press without undertaking to say things that will jeopardize the rights of people who are under investigation by Grand Juries and by the Senate advisory committee, and if that places Ron Ziegler and others in a difficult position, then that is an inevitable fact.

There is a very difficult balance here between the enormous responsibility you have to inquire into facts for the purpose of advising the public, through the press, but there is also a very important obligation to individuals who are under investigation by Grand Juries not to prejudice their rights, and the effort to balance the two does create some very difficult problems for a Press Secretary who undertakes to respond to the extent he can and has worked within an atmosphere that does not respect and need not ordinarily respect very precise legal boundaries.

But we are dealing with an unusual situation in which, I think, a certain amount of thought has to be given to the problems that are presented to the Press Secretary and to representatives of the President in making assertions of fact with respect to matters that may be in controversy in legal proceedings that involve the possibility of criminal punishment.

Q On page 6 it says, "It now seems that later, through whatever complex of individual motives and possible misunderstanding. . ." Now, does the misunderstanding or possible misunderstanding go to the orders that the President gave which were misunderstood by subordinates?

MR. GARMENT: No, I don't think we are undertaking to say that specifically. I think that passage in the President's statement recites something which all of you would recognize as part of your own experience in relationships among this group and elsewhere: that it is very hard to be completely precise and exhaustive with respect to what the facts are with respect to complex transactions in which a number of people having different motivations and backgrounds and interests are called upon at a later date to state precisely what happened and for what reason.

THE PRESS: Thank you.

END

(AT 5:35 P.M. EDT)

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 cover-up, but at that time, and until March 21st, 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 21st 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 cover-up 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.

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When I received this disturbing information on March 21st, 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 21st, 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 23rd, I sent Mr. Dean to Camp David, where he was instructed to write a complete report on all that he knew of the entire Watergate matter. On March 28th, 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 30th 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 15th, 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 21st had been supplemented in important ways, particularly by Mr. Ehrlichman's report to me on April 14th, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15th, 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 17th, I announced that new inquiries were underway, as a result of what I had learned on March 21st 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 22nd 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 Mr. 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 22nd 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 17th that I first learned of the break-in at the office of Dr. Fielding, and that was four days before the beginning of my own investigation on March 21st. I was told then that nothing by way of evidence had been obtained in the break-in. On April 18th 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 25th 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.

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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 Investigations Unit, and I was not 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 common sense 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 need 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.

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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 22nd 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.

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