

Excerpts From Nixon's Responses to the

Special to The New York Times

WASHINGTON, March 11—Following are excerpts from the text of the sworn answers, in writing, to questions put to former President Richard M. Nixon by the Senate Select Committee on Intelligence. The answers were released by Mr. Nixon's attorneys.

Opening Statement

The following submission of responses to the interrogatories propounded to me by the Senate Select Committee to study governmental operations with respect to intelligence activities, as was my offer to meet informally with the ranking members of the committee to discuss any matter within the committee's jurisdiction, is made voluntarily and following careful consideration of the propriety of a former President responding to Congressional questions pertaining to activities which occurred during his term in office.

It is my opinion that Congress cannot compel a President to testify concerning the conduct of his office, either in justification or in explanation of actions he took. The existence of such power in the Congress would, without doubt, impair the Executive and his subordinates in the exercise of the Constitutional responsibilities of the Presidency. The end results would be most unfortunate. The totally uninhibited flow of communication which is essential to the Executive branch would be so chilled as to rend candid advice unobtainable. No President could carry out his responsibilities if the advice he received were to be filtered by the prospect of completed disclosure at a future date. The result would be the interference and interruption of the open and frank interchange which is absolutely essential for a President to fulfill his duties.

Truman Letter Quoted

As President Truman stated in a letter to a Congressional committee in 1953, this principle applies to a former President as well as to a sitting President. In his words:

"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."

In their wisdom, the founders of this country provided—through the Constitutional separation of powers—the safeguards prerequisite to three strong, independent branches of government. The zeal with which the Congress has guarded and defended its own prerogatives and independence is a clear indication of its support of that doctrine where the Congress is involved.

FRIDAY, MARCH 12, 1976

Senate Select Committee

The Decision to Respond

I believe, however, it is consistent with my view of the respective powers and privileges of the President and Congress for me to reply voluntarily to the committee's request for information. In responding, I may be able to assist the committee in its very difficult task for evaluating the intelligence community of this nation. By doing so voluntarily, future Presidents or former Presidents need not be concerned that by this precedent they may be compelled to respond to Congressional demands.

Whether it is wise for a President, in his discretion, to provide testimony concerning his Presidential actions, is a matter which must be decided by each President in light of the conditions at that time. Undoubtedly, as has been the case during the 200 years of this nation's history, the instances warranting such action may be rare. But when the appropriate circumstances arise, each President must feel confident that he can act in a spirit of cooperation, if he so decides, without impairing either the stature or independence of his successors.

Finally, I believe it is appropriate to inform the committee that the responses which follow are based totally upon my present recollection of events—many of which were relatively insignificant in comparison to the principal activities for which I had responsibility as President—relating to a period some six years ago. Despite the difficulty in responding to questions purely from memory, I wish to assure the committee that my responses represent an effort to respond as fully as possible.

Interrogatory 10

With respect to my answer to Interrogatory No. 2 concerning N.S.A. [National Security Agent] intercepts of non-voice communications, it is my recollection that:

A. The intercepts occurred in the course of two investigation programs I authorized for the purpose of discovering the sources of unauthorized disclosures of very sensitive, security-classified information. The first investigation involved primarily members of the National Security Council staff. The second investigation involved an employee of the Joint Chiefs of Staff.

B. The first investigation occurred between approximately May 9, 1969, and Feb. 10, 1971. The second investigation occurred between approximately December 1971 and June 1972.

C. My knowledge of both investigations stemmed from my participation in authorizing their implementation.

D. I authorized both investigations.

E. I did not participate in the termination of the first investigation. With regard to the second investigation, I did not participate in the decision to terminate the intercepts. However, when the identity of the individual who had disclosed classified information was discovered, I directed that he be reassigned from his then present duties to a less

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sensitive position and that his activities be monitored for a period sufficient to insure that he was not continuing to disclose classified information to which he had been exposed during his earlier assignment.

Secret Service Intercept

With respect to my answer to Interrogatory No. 3 concerning the secret service intercept of telephonic communications, it is my recollection that:

A. The intercepts occurred as a result of efforts to determine whether my brother, Donald Nixon, was the target of attempts by individuals to compromise him or myself.

B. The intercepts occurred during an approximately three-week period in 1970.

C. I discussed with John Ehrlichman my concern that my brother's trips abroad had brought him in contact with persons who might attempt to compromise him or myself. I directed Mr. Ehrlichman to have my brother's activities monitored to determine whether this was in fact occurring. I subsequently learned that the surveillance revealed no attempts to compromise my brother or myself and that the surveillance was therefore terminated.

With respect to my answer to Interrogatory No. 3 concerning F.B.I. or C.I.A. capability to intercept telephonic or other communications involving certain foreign embassies, the complete state of my knowledge is as set forth in that answer.

With respect to my answer to Interrogatory No. 4 concerning the unauthorized entry into a place of business, it is my recollection that:

A. The entry was into the office of a psychiatrist.

B. I do not know on what date the entry occurred.

C. I received the information from the counsel to the President, John Dean, in a conversation on March 17, 1973.

D. I did not directly authorize or approve of the action.

E. I learned of the event nearly two years after it occurred and therefore had no reason to act to terminate it.

With respect to my answer to Interrogatory No. 5, the complete state of my knowledge is as set forth in that answer.

History of Prior Administrations

With respect to my answer to Interrogatory No. 9, it is my recollection that:

A. I learned from J. Edgar Hoover that during each of the five previous Administrations which he had served as Director of the F.B.I., that agency had conducted, without a search warrant, telephonic intercepts in connection with investigations to discover the sources of unauthorized disclosures of classified information. I also learned, perhaps from Mr. Hoover or others, that prior Administrations had engaged in surreptitious entries and intercepts of voice and non-voice communications.

B. My understanding was that these activities, or certain of them, had taken place at various times during each of the five Administrations preceding mine.

C. My information concerning the use of telephonic intercepts by prior Administrations to discover the sources of unauthorized disclosures of classified information came from the Director of the F.B.I. in discussions in which he informed me that based upon over 20 years' experience, the F.B.I. had concluded that this investigative method was the most effective means of discovering the source of unauthorized disclosures, with regard to the use of unauthorized entries and intercepts of voice and nonvoice communications by prior Administrations, I cannot specifically recall when and from whom I received the information except as reflected in the special report of the Interagency Committee on Intelligence (ad hoc).

Interrogatory 34

I assume that the reference to "actions otherwise 'illegal'" in this interrogatory means actions which if undertaken by private persons, would violate criminal laws. It is quite obvious that there are certain inherently governmental actions which, if undertaken by the sovereign* in protection of the interest of the nations' security, are lawful but which, if undertaken by private persons, are not. In the most extreme case, for example, forceable removal of persons from their homes for the purpose of sequestering them in confined areas, if done by a person—or even by government employees under normal circumstances—would be considered kidnapping and unlawful imprisonment. Yet under the exigencies of war, President Roosevelt, acting pursuant to a broad war-powers delegation from Congress, ordered such action be taken against Americans of Japanese ancestry because he believed it to be in the interest of national security. Similarly under extreme conditions but not at that point constituting a declared war, President Lincoln confiscated vessels violating a naval blockade, seized rail and telegraph lines leading to Washington, and paid troops from Treasury funds without the required Congressional appropriation. In 1969, during my Administration, warrantless wiretapping, even by the Government, was unlawful, but if undertaken because of a Presidential determination that it was in the interest of a national security was lawful. Support for the legality of such action is found, for example, in the concurring opinion of Justice White in *Katz v. United States*.

This is not to say, of course, that any action President might authorize in the interest of national security would be lawful. The Supreme Court's disapproval of President Truman's seizure of the steel mills is an example. But it is naive to attempt to categorize activities a President might authorize as "legal" or "illegal" without reference to the circumstances under which he concludes that the activity is necessary. Assassination of a foreign leader—an act I never had cause to consider and which under most circumstances would be abhorrent to any President—might have been less abhorrent and, in fact, justified during World War II as a means of preventing



Dr. Salvador Allende Gossens receiving the Presidential sash from Tomás Pablo, Senate leader, at inaugural ceremony in Santiago on Nov. 3, 1970. Behind Dr. Allende is Eduardo Frei Montalva, the outgoing President. Associated Press

further Nazi atrocities and ending the slaughter. Additionally, the opening of mail sent to selected priority targets of foreign intelligence, although impinging upon individual freedom, may nevertheless serve a salutary purpose when—as it has in the past—it results in preventing the disclosure of sensitive military and state secrets to the enemies of this country.

In short, there have been—and will be in the future—circumstances in which Presidents may lawfully authorize actions in the interests of the security of this country, which, if undertaken by other persons or even by the President under different circumstances, would be illegal.

Interrogatory 39

It is my present recollection that the Sept. 15, 1970, meeting referred to in Interrogatory No. 36 was held for the purpose of discussing the prospect of Salvador Allende's election to the Presidency of Chile. At that time, as more fully set forth in response to Interrogatory No. 44, I was greatly concerned that Mr. Allende's presence in that office would directly and adversely affect the security interests of the United States. During the meeting in my office, I informed Mr. Helms that I wanted the C.I.A. to determine whether it was possible for a political opponent of Mr. Allende to be elected President by the Chilean Congress. It was my opinion that any effort to bring about a political defeat of Mr. Allende could succeed only if the participation of the C.I.A. was not disclosed. Therefore, I instructed Mr. Helms that the C.I.A. should proceed covertly. I further informed Mr. Helms that to be successful, any effort to defeat Mr. Allende would have to be supported by the military factions in Chile.

Because the C.I.A.'s covert activity in supporting Mr. Allende's political opponents might at some point be discovered, I instructed that the American embassy in Chile not be involved. I did this so that the American embassy could remain a viable operation regardless of the outcome of the election.

I further instructed Mr. Helms and Dr. Kissinger that any action which the United States could take which might impact adversely on the Chilean economy—such as terminating all foreign aid assistance to Chile except that for humanitarian purposes—should be taken as an additional step in preventing Mr. Allende from becoming President of Chile, thereby negating the Communist influence within that country.

Interrogatory 44

In 1964 Salvador Allende made a very strong bid for the Presidency of Chile. I was aware that at that time the incumbent Administration in the United States determined that it was in the interests of this nation to impede Mr. Allende's becoming President because of his alignment with and support from various Communist countries, especially Cuba. It is important to remember, of course, that President Kennedy, only two years before, had faced the Cuban crisis in which the Soviet Union had gained a military base of operations in the Western Hemisphere and had even begun installation of nuclear missiles. The expansion of Cuban-styled Communist infiltration into Chile would have provided a "beachhead" for guerrilla operations throughout

*Comment by Anthony Lewis, *NYP* 15 Mar 76.

South America. There was a great deal of concern expressed in 1964 and again in 1970 by neighboring South American countries that if Mr. Allende were elected President, Chile would quickly become a haven for Communist operatives who could infiltrate and undermine independent governments throughout South America. I was aware that the Administration of President Kennedy and President Johnson expended approximately \$4 million on behalf of Mr. Allende's opponents and had prevented Mr. Allende from becoming President.

It was in this context that in September 1970, after Mr. Allende had received a plurality but not a majority of the general electorate's votes, that I determined that the C.I.A. should attempt to bring about Mr. Allende's defeat in the Congressional election procedure. The same national security interests which I had understood prompted Pres-

idents Kennedy and Johnson to act from 1962 to 1964 prompted my concern and the decision to act in 1970.

Interrogatory 45

I do not recall discussing during the Sept. 15, 1970 meeting specific means to be used by the C.I.A. to attempt to prevent Mr. Allende from assuming the Presidency of Chile. I recall the meeting as one that focused upon the policy considerations which should influence my decision to act and upon the general means available to accomplish the objective. As I have previously stated, I recall discussing the direct expenditure of funds to assist Mr. Allende's opponents, the termination of United States financial aid and assistance programs as a means of adversely affecting the Chilean economy and the effort to enlist support of various factions, including the military, behind a candidate who could defeat Mr. Allende in the Congressional confirmation procedure.

I do not recall specifically issuing instructions that the activity being conducted by the C.I.A. in Chile not be disclosed to the Department of State or the Department of Defense. However, I do recall instructing that the C.I.A.'s activities in Chile be carried out covertly in order to be effective and that knowledge of the C.I.A.'s actions be kept on a need-to-know basis only.

Interrogatory 48

I do not recall being aware that the C.I.A.'s activities in Chile were being carried out under designations such as "Track I" or "Track II." In any event, I do not know what, if any, of the C.I.A.'s activities in Chile were known to:

- A. Secretary of State Rogers;
- B. Secretary of Defense Laird;
- C. Under Secretary of State for Political Affairs U. Alexis Johnson;
- D. Deputy Secretary of Defense (David) Packard; or
- E. Chairman of Joint Chiefs of Staff Adm. (Thomas) Moorer.

Interrogatory 52

My present recollection is that in mid-October 1970, Dr. Kissinger informed me that the C.I.A. had reported to him that their efforts to enlist the support of various factions in attempts by Mr. Allende's opponents to prevent Allende from becoming President had not been successful and likely would not be. Dr. Kissinger told me that under the circumstances he had instructed the C.I.A. to abandon the effort. I informed Dr. Kissinger that I agreed with that instruction.

Interrogatory 54

I do not recall receiving information, while President, concerning plans for a military coup in Chile involving the kidnapping of Gen. René Schneider or any other Chilean.

Interrogatory 55

My recollection is that I was not aware that the C.I.A. passed machine guns or other material to Chilean military officials known to the C.I.A. to be planning a coup attempt.

Interrogatory 56

I recall that during, I believe, September 1970, I received a call from Mr. Donald Kendall [chairman of Pepsico, Inc.] who informed me that Mr. Augustin Edwards [owner of the Chilean newspaper El Mercurio of Santiago], a man I had met during my years in private life, was in this country and was interested in informing appropriate officials here concerning recent developments in Chile. I told Mr. Kendall that he should have Mr. Edwards talk to Dr. Kissinger or Attorney General Mitchell, who was a member of the National Security Council. I do not recall whether I subsequently instructed either Mr. Mitchell or Dr. Kissinger to meet with Mr. Edwards. It is quite possible that I did.

Interrogatory 57

I do not recall directing Mr. Helms to meet with Mr. Edwards nor do I recall instructing anyone on my staff to so instruct him.

Interrogatory 58

I do not recall that either the timing or the purpose of the Sept. 15, 1970, meeting concerning Chile had any rela-

tionship to Mr. Augustin Edwards' presence in Washington or the information he may have conveyed to Dr. Kissinger, Attorney General Mitchell, or Director Helms. Therefore, I do not believe that any instructions Director Helms may have received during that meeting were given as a result of information, concerning conditions in Chile, supplied from Mr. Edwards to Mr. Kendall.

Interrogatory 59

I do not remember informing Mr. Kendall, in words or substance, that I would see to it that the C.I.A. received appropriate instructions so as to allow it to take action aimed at preventing Allende from becoming President of Chile.

Interrogatory 60

I do not recall receiving information, while President, that the International Telephone and Telegraph Corporation had made any offer of money to the United States Government to be used for the purpose of preventing Allende from taking office.

Interrogatory 65

None of the instructions I recall issuing prior to Mr. Allende's becoming President of Chile, nor any of the information I recall receiving during that period, led me to believe that it was necessary to issue instructions to the C.I.A., to insure that Chilean military officials, with whom the United States had been in contact prior to Allende's inauguration, knew it was not the desire of the United States Government that a military coup topple the Allende Government.

Interrogatory 67

It is my opinion that the actions which I authorized the C.I.A. to take in September 1970 to prevent Mr. Allende from becoming President of Chile, and which with my approval were terminated in October 1970, were not a factor in bringing about the 1973 military coup.

Interrogatory 73

Considering the pressures and the enormous problems confronted by the intelligence community, I believe that, with some unfortunate exceptions, the quality of intelligence received during my Administration was relatively adequate. Intelligence collection is a very difficult, highly sophisticated art and the United States has progressed in its development. Naturally, any President, holding the tremendous power he does—including the power to wage nuclear war—desires and needs the very best intelligence information available. It is comforting, for example, when sitting down to difficult negotiations, to know the fallback positions of our adversaries or their areas of vulnerability—an advantage that can be gained or lost not only through adept intelligence work but through deliberate or unwitting leaks of such information; a problem I faced at various times during my Administration and have referred to earlier.

Desiring the very best intelligence information, of course, will in itself lead a President to believe that improvements are possible and warranted. On the international level, for example, better intelligence concerning the 1973 Yom Kippur war in the Middle East might have permitted moves to avert it. On the domestic front, the need for improved information is equally as great. Terrorist activity in the United States, which had reached unprecedented heights in the late 1960's and early 1970's, seems again to be on the increase. The tragic bombing at La Guardia Airport, in which 11 persons were killed, may only be a forerunner to a new round of premeditated violence. It was in a similar context in 1970—a time at which incidents of bombings and hijackings had reached an all-time high—that I requested officials of the various intelligence agencies to evaluate domestic intelligence capabilities in this country and to recommend steps for its improvement. What many persons refused to recognize when the existence of the Huston evaluation became known, but what your committee's investigation has now established beyond doubt, is that none of the recommendations contained in the Huston evaluation departed from actions taken under at least four or five earlier Administrations. Indeed, the recommendations set forth in that study were in most respects similar to the recommendations emanating from the current reviews of the intelligence community. The difference, of course, was that in utilizing the various intelligence methods suggested, such as C.I.A. informants within the United States to trace Communist alliances with terrorist organizations who had threatened domestic violence to protest the Vietnam War, my Administration was viewed as bent upon stifling dissenting political views. The intermixture of protected political activity, civil disobedience, and acts of terrorism—all under the antiwar rubric—was so great that to move against terrorism was to be guilty of political suppression. Unfortunately, the tools available to get at the one while avoiding the other were not as delicate as the surgeon's scalpel. Perhaps this committee's recommendations in the area of improved domestic intelligence will more closely resemble the instruments of a surgeon. If, however, by overreacting to past excesses this committee impedes domestic or foreign intelligence capabilities, it may later find that in a period of terrorists bombings, kidnapping and assassinations, the public interest will require more authoritarian measures—despite their impact on personal liberties—than the more delicate but less effective alternatives.

Interrogatory 77

In 1947 as a freshman Congressman and member of the Herter Committee, I visited a devastated European continent. Seeing Berlin in the agonies of partition and seeing Italy under the severe challenge of Communist takeover. Indeed, seeing Europe emerge from war in an age of stark ideological conflict—all these as well as other factors fostered my firm belief in the need for a strong, determined and effective intelligence system during a period of cold war.

The world has change since 1947, and I have been privileged to have played a role in much of that change. Tragically, however, there is much that has not

changed. The realities of international war in an age of stark ideological con-intelligence or for an agency of intelligence. Throughout history, where the great powers are concerned, during a period of détente the danger of war goes down but the danger of conquest without war goes up.

Consequently, I have found recent efforts to emasculate the Central Intelligence Agency and related intelligence organizations to be not only incredibly shortsighted but potentially dangerous to the security of all free nations. The greatest disservice of the Select Committee would be to take any action or make any recommendation which would diminish by the slightest degree the capabilities of our intelligence community.

Even as a distant observer I can say without reservation that the revelations and investigations over the past year have had the obvious effect of lessening United States intelligence capabilities in the world. Even the least sophisticated among us can see that morale among these essential public servants is probably at an all-time low.

The Issue of Responsible Journalism

The secrecy that is crucial to a successful intelligence system has been routinely violated, causing in many quarters a casual indifference to the need for security. For the national media to publish and disseminate classified national security information is in my view irresponsible journalism. That they and those who leak classified information to them in violation of the law would continue to be oblivious to the harm they are doing to the nation, reflects not on their patriotism but on their intelligence and judgment.

From my experience in the Executive branch I would be prepared to predict that because of what has happened over the past year, vital intelligence sources have dried up. I am certain that other governments' readiness to accept our word as bond and to be assured that we can keep their confidences have steadily diminished. What new opportunities have been lost or what unwished consequences we might have suffered because of constant attacks in the media and by the Congress are not possible to know. It is all too likely that we will learn of them "the hard way."

I realize it is in vogue to rail against covert activities and clandestine operations. Some have even rhetorically questioned the very need for secrecy in the conduct of foreign affairs. Perhaps there was a time when some of this criticism was necessary or even helpful. However, I think that paraphrasing an old aphorism is apt here: Nothing exceeds like excess.

The pendulum has swung too far. Were today's conditions in existence seven years ago it is highly questionable whether the historic new opening could have been made to the People's Republic of China. Efforts to get the return of our P.O.W.'s and achieve an honorable peace in Vietnam might well have been aborted. Significant new initiatives in the Middle East would have been delayed. Nuclear arms limitations and other agreements with the Soviet Union—difficult achievements under the best of conditions—would have been much more difficult.

Recommendations For Reform

Therefore, I make the following recommendations:

1. That Congressional oversight responsibilities, which are appropriate as a mechanism for legislative participation in the policy decisions affecting intelligence activities be delegated to a joint Committee consisting of not more than 12 Senators and Representatives.

2. That no information or material made available to the Joint Oversight Committee be made available to any Congressional staff member, except the staff of the Joint Committee, which should be limited to not more than six members.

3. That a statute be enacted making it a criminal violation to reveal to any unauthorized person information classified pursuant to applicable law or executive order.

4 That a committee consisting of representatives from each of the intelligence agencies be established to coordinate their respective activities.

5. That the Joint Intelligence Committee study the question of the extent to which continued limitations on C.I.A. domestic intelligence activities, where there is a direct connection to matters of foreign espionage, sabotage or counterintelligence, should be continued.

Freedom without security produces anarchy. Security without freedom produces dictatorship. Maintaining the delicate balance between freedom and security has been the genius of the American democracy and the reason it has survived for 200 years. Failure to provide this balance has been the cause for the failure of democratic governments to survive in many other parts of the world.

The Executive, the Congress, and the Judiciary have inherited a great legacy and have a special responsibility to maintain that balance so that our American system of government will continue to survive in a time when security and freedom are in jeopardy at home and abroad.

It is important at this time to step back and assess not only what action should or must be taken with respect to a particular matter, but also the immediate circumstances which seem to compel that action be taken at all. In assessing the present circumstances, it is my opinion that the indiscriminate denigration that has been heaped recently upon the Central Intelligence Agency, the Federal Bureau of Investigation and our other intelligence agencies has been most unfortunate. In the zeal of some to reform and others to expose, we have come very near throwing the baby out with the bath water. We live in imperfect times in an uncertain world. As a nation we need every possibly capability, not merely to survive but to be better able to build the kind of world in peace that has been man's perpetual goal. I fear that the moralizing and posturing with regard to our intelligence agencies over the past year have caused us to lose much of that capability. Let us hope that it does not cause us to lose the peace.