

Excerpts From Deposition Taken From Nixon

by Lawyers

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WASHINGTON, Aug. 20—Following are excerpts from a deposition taken from former President Richard M. Nixon by lawyers for the Government, which is the defendant in Mr. Nixon's suit to gain custody of his Presidential tapes and documents, and intervening defendants:

Q. Now, as President, can you estimate how much of your time was spent in preparing yourself written documents?

A. When the Presidency, as you know, became a much more burdensome office, in terms of various duties to be carried out. As you know there was a time in our history when Presidential speeches might be better because Presidents like Lincoln wrote their own, Jefferson and so forth. In this century, I would say I have spent more of my time preparing my own speeches and other public statements than any President since Woodrow Wilson. I would say he probably spent, in this century, more time than any other President for that purpose, with the possible exception of Theodore Roosevelt. But I would suggest here again that it depends on the individual. It depends on what other duties he has.

When the country was younger, when the country didn't have the responsibilities that it has in the world today, when the Government was much smaller, the President had the luxury of preparing speeches and materials and did so. I had always had the custom, before I became President, of doing virtually all of my own work. I carried on as much as I could on any important speeches; I did most of the preparation myself with very good assistance from staff suggestions. But when it came to the final drafts I had to do them myself.

I realize that I am not answering your question specifically. But I cannot at this time say I spent 5 per cent of my time or a third of my time preparing speeches. I do say, however, that I spent a very great proportion of my time, more than any President in modern history, doing my own work, because it had been my custom. And I don't say that critically of previous Presidents, because it is very likely those who wrote speeches for them may have written better speeches than they would have for themselves.

'Demands on Your Time'

Q. There were great demands on your time?

A. That is true, great demands on a President's time in this period when the United States has reached the status of a full-fledged world power, particularly when other powers that used to be in that category, for example the European powers, no longer can carry their share of the load.

Q. We discussed a moment ago the fact that there were great demands on your time as there are on the time of any other President. Did you establish procedures designed to insure that you only were presented with the documents that were essential for you to read?

A. Oh, yes. The procedures were to have advisers in various areas who would screen the flow of paper work coming into the President's office or coming in for his, at least, consideration, and then to have those documents put into what I called my reading file. Some of them, of course, required reading almost immediately. If, for example, a veto message was involved, something of that sort, where there was a time limit. Some of them might require—didn't have the same urgency—decision far down the line, and I asked for that too.

So in the field of foreign affairs I would rely on Dr. Kissinger to screen the great amount of material that came in from the various agencies who had interest in foreign affairs and that included others in the State Department, as you well know, and also from various private groups and private citizens who had views

which I valued, I might not always accept them.

Mr. [John D.] Erlichman, he was head of the Domestic Council, and Mr. Moynihan [Daniel Patrick, domestic adviser] would screen the documents in that field and in the political area generally Mr. Haldeman [H.R., chief of staff] might screen the documents. And I also had ways in which individuals who felt they couldn't get through the so-called palace guard could get to me directly. And a number of friends, former advisors, when I was a Senator, Congressman or Vice President or out of office and so forth, would send their materials to my personal secretary, Miss [Rose Mary] Woods. And a great amount of material came through her to me.

In my view this principle of confidentiality, which I realize is not in vogue these days in many quarters, is indispensable for making of great decisions. There would have been no opening to China without total absolute secrecy and confidentiality. Not because anything wrong was involved but because any leak would have destroyed the fragile framework that we had built up over a period of years starting from the time I ventured that opinion, before I became President, in an article to Foreign Affairs.

There was a situation there would have been also in the domestic field very great difficulty in implementing the program that we had for desegregation of schools in the South unless it had been done with some degree of confidentiality and the assurance so that a President could have candid, very frank discussions with people on both sides with regard to the problem and by gaining their confidence, then he able to make decisions would enable him to move forward on an issue.

There also comes to mind the new economic policy, which was announced on Aug. 15th, 1971. It was developed in the first instance in a long conversation that I had with Connally [John B., Secretary of the Treasury] in the Oval Office. It was discussed in great length in memoranda from people within the Administration who had diametrically opposed views and who wrote

those memoranda to me, all of which I read, and who then when they were together when we met at Camp David, expressed those views. I made the decision. The views resulted in the floating of the dollar, wage-price controls, the freeze.

And the other matters, particularly the imposition of the 10 per cent import duty, as you recall, on foreign cars and so forth.

I give those two examples and there are others, only to show that while the word secrecy is one to us in a free society is abhorrent, that in terms of decision making it is indispensable.

For example, the long and tortuous process which resulted in ending the draft and ending the American involvement in Vietnam and ending the press of war required secret negotiations over many, many months. At any time had there been disclosure thereof of it at any time the individuals with whom we were in contact had thought that their preliminary reviews would be made public, the American involvement I think would not have ended as soon as it did.

Different Points of View

I am not suggesting that as far as a President or any other officeholder is concerned, that to the greatest extent possible not only his decisions but how he reaches those decisions should be made public, but I am suggesting that, and I know that if individuals who advise a President do not assume that their advice is going to be given in conference, they are going to be giving advice that has a unique quality. Some did anyway. But the best advisers I had, I must say, were those who expressed views far, far apart.

And I speak here not only for my own office, my own tenure in office as an individual but for the office of the Presidency in the future and for that matter for all of those who hold office, because once this precedent is established of appropriating not only the President's private thoughts and papers and diaries, et cetera, but also all of the information that comes into him with the assumption that it is to be secret, once it happens here then inevitably, in my

opinion, it will move on and affect future Presidencies. It could move over possibly even to the judiciary, very unlikely to the Congress because the Congress, as you know, is quite jealous of its prerogative, in a sense.

Q. Do you believe, Mr. Nixon, that the public is entitled to full disclosure of everything that is in the Presidential materials that relate to the break-in at the Democratic National Committee headquarters on June 17, 1972, and subsequent efforts by anyone to conceal the involvement of the Committee for the Re-election of the President with that break-in?

A. Well, the answer to your question at this point is not at this time, in view of the legal proceedings that are under way.

I find that less than 1 per cent of the Presidential materials, they number 42 million documents, conversations and so forth, is Watergate-related in any respect. But we are not talking about a great deal of material.

'Not at This Time'

Q. When should this material be made fully public? You said not at this time.

A. Well, first of all we have to get the decision made with regard to this action that we have brought so that I can have the opportunity to obtain the material and to segregate those portions that are private and personal. And, of course, whatever portions that might involve the national security, there has to be a check.

I notice, for example with regard to tapes, that President Johnson placed a 50-year limitation, as you probably know, with regard to his tapes.

Q. My question is still with Watergate.

A. I am not quite through and I have not interrupted counsel in his counsel's questions. And if counsel will show me the same regard I would appreciate it.

President Johnson has placed a 50-year limitation with regard to any materials that were on tapes and now that he has passed away, of course whether or not members of his family or others may decide to move before that time, to make some of them public, remains to be seen. But I think that is too long.

In the agreement that I have, that I will eventually work out, the letter of intent with the University of Southern California and so forth, I intend to provide for making first, of course, for proper review of the tapes, which can only be undertaken by me and members of my family, because of the private and personal considerations that are here and

for making them public as soon as those reviews are completed.

Q. Let me ask the question then, Mr. Nixon. Do you have a time period that you expect, within which to make full disclosure of all the Watergate matters?

A. No.

Q. Do you expect it to be longer than five years?

A. I can't tell until I see how big the task is.

Q. How long do you expect it will take for you and the members of your family to review all the tapes, Mr. Nixon?

A. I don't know. But we will do it as expeditiously as possible.

President's Responsibility

Q. Do you believe that the President has an ongoing constitutional responsibility to protect the confidentiality of communications?

A. I certainly do.

Q. And does that responsibility extend to communications with former Presidents — of former Presidents?

A. It always has.

Q. And did you not seek to protect that interest when you sought, when you authorized the litigation to prevent the publication of the Pentagon papers?

A. Yes, that is correct. I should point out that from a political standpoint, some of the members of my staff totally disagreed. In fact, most of them were against my decision to litigate on the Pentagon papers matter, because it was no skin off our back. After all, when we came into power there were 300 men being killed every day and 550,000 in Vietnam at that time. We were drafting 34,000 a month, and this all reflects on the previous Administration.

Well, the way I saw it was that far more important than who the Pentagon papers may have reflected on, as to how we got in Vietnam and what we had done in Vietnam was the office of the Presidency of the United States, that is why I felt that for the individual who removed the papers, top secret papers, although most of them were not particularly important some were vitally important, should not have been given a badge of honor and the paper that published them should not have received the Pulitzer Prize.

A. A very good example of that occurred when during the course of the tortuous proceedings the story appeared in major newspapers to the effect that in a conversation with Mr. Dean [John W. 3d, Presidential counsel] a taped conversation on Feb. 28th, that he had said, had told me that according to the transcript Judge Sirica

was a very, in effect, tough judge and that I responded by saying, "he is a God darn wop." That was not only printed in The New York Times, it was on television and on radio. It was never adequately retracted.

What the tape actually was when I listened to it, because I recall, I knew that I had never used that term; I knew I didn't have that opinion. What the tape actually said when he said, "He is a tough judge," was, "That is the kind I want." *

Reason for the System

What I believe I testified to, and this will save the reporter going back to have to read his notes, was this: That the question which was raised as to whether or not the taping system recorded primarily for purposes of writing my memoirs.

I pointed out that President Johnson had mentioned that particular factor in recommending that one be put in. I said as far as I was concerned I considered it important from the standpoint of making the historical record, having in mind also certainly as a subsidiary but not then the most compelling reason the possibility that sometime in the future I might do some writing and that having available the tapes would be helpful in seeing that it was accurate.

I pointed out that as far as I was concerned, too, that I was particularly interested in the national security area but I did not limit it to that because there are other areas which I have also indicated, the matter of welfare reform, the desegregation issue, the issues which seemed so minuscule but are so important. Some like abortion, et cetera. All of these, of course, are on tape.

Q. If the contents of the recordings made in the White House during your term in office were disclosed, would it have any impact upon your ability to associate with individuals who you had previously associated with?

A. Oh, yes.

Q. Would you explain what impact that would have.

A. Well, the discussions that occurred in a President's office, particularly when the individual who was talking to the President feels that he can talk in confidence, as our affidavit indicates, not only free-wheeling but sometimes blunt and sometimes clearly apart from what we would use, we would describe in the narrow way of being personally embarrassing, they would be quite honest in giving their views.

For example, this would be particularly the case where an appointment was being made for the judiciary or to the Cabinet or to other

top Government positions. Here are all the files, the raw files of the F.B.I. and letters would come in from various individuals.

Direct Statements

Members of Congress would either come in or write indicating their pros and cons and so forth and so on. And the individuals who wrote or talked to me, would write and talk to me in a very direct way and say things. And if they became public, it would not only be personally embarrassing to them but more likely would make it impossible for me to have a continuing association with them in the future on the basis as I have had in the past.

I don't mean by that that the Presidency in the White House listens to and expresses rather derogatory opinions about every individual whose name is up, but in order to make the right kind of appointment, for example, you have got to consider where a lawyer is concerned, not only his legal qualifications but his relationships with his family, his personal habits, his reputation in every respect, and all of that of course would be considered before a decision was made.

The same would be true with regard to some of the very controversial political issues, and I mean personal issues that came in.

I am sorry, domestic issues as distinguished from foreign policy issues. Needless to say, foreign policy, the enormous division in the country with regard to the war, all of that, it was bluntly discussed and is well known. But the country also has had very, very strong disagreements with regard to such volatile subjects as busing, desegregation, welfare reform, et cetera. And I have had discussions, for example, with members of Congress, both the House and the Senate, of both parties, some of whom have been my friends going back over 25 years, where they thought they were talking in confidence and where if what they said got out it might not only affect what they would feel is their right to express themselves freely in the future, because every man must live with his public statements.

He has great enough difficulty doing that. But having to live here with private statements that he thought were off the record would be more difficult. But, insofar, as I am concerned, of course, it would have a most devastating effect in terms of many of the individuals who talked to me or wrote to me in confidence and then found their confidence has been destroyed.

* Not in transcript of 28 Feb 73, in either the WH or HJC version.

The reference to Sirica is in the transcript of 13 Mar 73 and includes several derogatory remarks about Sirica, principally by Dean. This is followed by:

HJC, p. 68-69:

Dean. He is known as a hanging judge. Uh -
President. That's the kind that I want.
Dean. That's right. [Laughs]

WH, p. 141-143:

D He is known as a hanging judge.
P (unintelligible)
D That's right.