

Text of Statement to Watergate Panel by

Special to The New York Times

WASHINGTON, July 12—
Following is the text of a statement today by Richard A. Moore, special counsel to the President, before the Senate Select Committee on Presidential Campaign activities:

My name is Richard A. Moore. I am special counsel to the President, a position to which I was appointed on April 26, 1971. But I speak today only for myself.

For the 10 years following my graduation from Yale University Law School in 1939, I practiced law in New York, with four years out for Army service in World War II. After the war I migrated to California, where I was a lawyer and later an executive in the television industry. To save the committee's time, I will not recite biographical details now, but I refer you to the résumé attached to this statement.

In California, I became a friend and supporter of Richard Nixon, and advised on the television aspects of his 1962 campaign. In 1968 I accompanied him on his campaign tours. I was then invited to join the Administration.

For a year beginning in April, 1970, I served as a special assistant to Attorney General Mitchell. I assisted him primarily in the preparation of speeches, statements and position papers on current public issues within the department's responsibilities. In April, 1971, I was appointed a special counsel to the President.

My principal role has been to assist the President and his staff in communicating their positions in the most convincing manner to the general public. Since convincing communications depend on having a convincing position to communicate, my job necessarily involves me in the substance of particular issues in the public eye. But I do not have a line responsibility either on the communications or on the substantive side. I serve primarily as an extra hand—as a source of white-haired advice and experience—whenever the President or the younger men with line responsibility seek my help.

Limited Period

I shall be glad, of course, to answer any questions concerning any aspect of these hearings, but I believe that the most significant testimony I can give to this committee relates to a limited time frame—that is basically the period from Feb. 6, 1973, the day Senator Ervin introduced his resolution creating this select committee, to March 21, 1973. March 21 is the date when President Nixon, as he later announced to the nation, learned of "serious charges" which caused him to begin intensive new inquiries into this whole matter. This was the day when Mr. Dean, at my urging, went into the President's office and, as he has testified, told him "everything."

Much of my testimony will involve my recollections about conversations with the President and John Dean. The good faith recollections of one party to a conversation often differ from those of the other. The chairman addressed himself to this point early in these proceedings when he recalled Sir Edward Coke's advice that "one scratch of a pen" is often better than the memories of a multitude of witnesses. Even the written word can be misunderstood—you may remember Elihu Root's insistence that in good legal drafting, "The words you use must not only be consistent with what you mean; they must be inconsistent with any other meaning."

"The chair reminded us (TR. P. 802) that when two men communicate with each other by word of mouth, there is a "two-fold hazard in that communication." First the man who spoke might not have expressed himself clearly and may not have said exactly what was in his mind. Secondly, even if he did express himself clearly, the man who heard may have put a different interpretation on the words than did the man who spoke them. The chairman's reminder is wise and sound and I would recommend that the principle he enunciates should be referred to as Ervin's law.

No Meetings Recalled

In December, 1971, and January, 1972, I was primarily involved with inaugural matters and can recall no direct meetings or consultations with regard to the Watergate or related matters until Feb. 6. On that day I attended a meeting in Mr. Ehrlichman's office to discuss our legislative position with respect to the proposed resolution creating this select committee. Except for the discussion at this meeting, I knew of no other planning or preparation that had been going on with regard to these hearings. Within the White House, I was a critic of this lack of preparation.

This may explain why I was called to the meetings in California on February 10-11. I had been home with intestinal flu for two days and had been planning to take the weekend off and had reservations for my wife and family at the Greenbrier for the long weekend of Feb. 9 to 12. But late on

the afternoon of Feb. 9, Mr. Dean called me at home to say that we were both asked by Mr. Ehrlichman to meet with Mr. Haldeman and himself in San Clemente on Feb. 10 to discuss the forthcoming Senate hearings. I therefore took my family and baggage to the Far West instead of heading South.

Mr. Dean and I met on Saturday, Feb. 10, 1973, at San Clemente with Messrs. Haldeman and Ehrlichman in Ehrlichman's office from 10:30 or 11:00 in the morning until 3:00 or 4:00 in the afternoon. On Sunday, we went to Mr. Haldeman's cottage at La Costa.

All four of us were present for the majority of the time. One or more of us would leave the group on occasion to make or take a telephone call or to perform some other function. Summarizing these meetings is difficult because they involved about eight hours of conversation, with none of the participants adhering to any strict agenda. In addition, the many things that were said during these sessions were heard by anywhere from two to four people (depending on who was absent at the moment), each with a different background or degree of knowledge or point of view. It was a situation where Ervin's law applied to the fourth power, if you will. With that prelude, let me now give you my best recollection of what transpired while I was present.

Question on Planning

At the outset, Mr. Ehrlichman or Mr. Haldeman asked Mr. Dean and me what we had been doing to prepare for the hearings. The answer was nothing. The focus of these hearings, they said, would be the activities of the committee to re-elect the President, and it would be the committee that would have to take the primary responsibility for the defense.

Had we had any discussion or, as they put it, any input, from John Mitchell? The answer was no. Either Mr. Haldeman or Mr. Ehrlichman then said that in that case, Dick Moore ought to sit down with John Mitchell as soon as he could and fill him in on the things that we discuss here and get Mr. Mitchell actively interested—he is the only one who could give real leadership to the people at the committee.

Either Haldeman or Ehrlichman then suggested that Mr. Dean be the White House coordinator for the hearing, and that I hold myself available to advise him. I suggested that the White House have a writer-spokesman who could issue statements or go on television, if necessary, to reply quickly to testimony or commentary that was wrong or slanted. Mr. Dean, I believe suggested that Pat Buchanan be this spokesman.

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Richard Moore, White House Counsel

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The meeting then turned to a discussion of our relationship with the minority members of the committee. It was pointed out that in an ordinary hearing there is an open relationship between the White House and the committee leadership of the same party, and the White House has a perfectly proper role in presenting its views to the members affiliated with its party on the particular committee. No one in the group had any firm view as to what was appropriate here, but the general feeling was that since this was in effect an investigation of the Administration, the normal relationship might not apply and we probably should maintain an arm's length approach even to the Republican members. In any event, it was agreed that Wally Johnson, then of the White House Congressional relations staff, would be made available for whatever liaison with the committee might be appropriate.

Separation of Powers

Early in the discussions, Mr. Ehrlichman made it clear that the President wanted our position in the hearings to be one of full cooperation, subject only to the doctrine of separation of powers. It was agreed it would be important to work out a statement on executive privilege (the President had recently promised the press he would do so) that would enable us to cooperate and supply the information that the committee wanted. It is my recollection that at this time the question whether Presidential advisors would be permitted to appear was still unresolved, although the consensus was that appearances should be permitted where the subject matter did not relate to their official duties for the President.

There was, as I have said, no prepared sequence to our discussions, and I cannot recall all the other subjects we discussed. I do recall a discussion about putting out a White House statement in advance of the hearings setting forth all the known facts about the Watergate episode. It was also agreed that more manpower would be needed by the committee to re-elect the President—possibly in the form of young lawyers and researchers to review each day's testimony and prepare rebuttals. This was among the items I agreed to discuss with Mr. Mitchell.

Mr. Dean, of course has testified about a discussion of money. His recollection differs from mine, and again

illustrates what I have called Ervin's law. The brief mention of money made at this meeting may have had a very different significance to a person with Mr. Dean's knowledge of the circumstances than it had to a person with my lack of knowledge. My recollection on that subject is as follows:

The subject came up, I believe, on the second day at the hotel. In the context of a discussion of the litigation in which the committee was then involved, John Dean, in a sort of by-the-way reference, said he had been told by the lawyers that they may be needing some more money, and did we have any ideas? Someone said, isn't that

something that John Mitchell might handle with his rich New York friends. It was suggested that since I would be meeting with Mr. Mitchell I should mention this when I saw him and I said I would.

No Details Given

As I look back now, of course, with the knowledge I subsequently began acquiring in the latter part of March, Mr. Dean's reference to a need for money might well have stimulated some further inquiries on my part at La Costa. But I did not have that knowledge on Feb. 11—at that point I knew nothing about any prior payments to any defendants or their counsel—and no one else at the meeting went into any details. Moreover, I had served for a year as special assistant to Mr. Mitchell at the Department of Justice. And I know him well. I was certain that he wasn't about to be programmed into becoming a fund raiser by Mr. Haldean and Mr. Ehrlichman, and I anticipated that Mitchell's answer would be no, as it turned out to be.

We discussed several other matters and the meeting ended, as I recall, with Ehrlichman asking me about my draft of the statement on executive privilege. He indicated that he would like a revised draft to be prepared and cleared for review by the President on the flight east. At some time during or just after the Sunday meeting, I called my secretary in Washington and dictated some changes in the statement to be cleared among those in Washington who were working on the draft.

Mr. Dean has testified that we left the meeting together and that he had a conversation with me at which time he cautioned me against conveying this fund-raising request when I saw Mr. Mitchell. I have absolutely no recollection of any such conversation and I am convinced it never took place.

Phone Call to Mitchell

I returned to my office in Washington on Feb. 13, and telephoned Mr. Mitchell to inquire whether he had any immediate plans to be in Washington. He said he did not, and I said I needed two or three hours with him to tell him about the meetings in California. He suggested that I come to New York and we could take as much time as we needed. On Feb. 15, I took a morning shuttle to New York, went to Mr. Mitchell's office, visited briefly before lunch, and after lunch we had a discussion about the California meetings and the upcoming hearings.

Knowing Mr. Mitchell as I do, I felt there were several points where he would resist being "programmed" by the White House staff, as I mentioned earlier, and I elected to get those out of the way at the start. At the beginning of our discussion I said something like this, "Well, you will be glad to know that the group in San Clemente thinks you should be taking a more active interest in the Ervin hearings." I had a somewhat blunt reply, such as, thank them very much, I am indeed interested and, as you know, I may be a star witness.

I told him it was suggested that it would be most helpful if he could spend part of each week in his law firm's Washington office. He made a chilly reply that he would come to Washington whenever he felt it necessary. Then I said to him that I didn't know what it was all about but that it had been suggested that the committee lawyers might be needing more money and that his White House friends had nominated him for the honor of being a fund raiser. I don't remember his exact words, but I believe he said something like, "Tell them to get lost."

Reported on Meetings

Thereafter I began my report of the meetings. We had a wide-ranging discussion and a pleasant visit that lasted most of the afternoon. I left his office at about 4 or 5 o'clock and took the shuttle home.

From mid-February to early March, I was not asked to participate in any follow-up to the La Costa-San Clemente discussions about preparing for these hearings, except for my continuing participation in the preparation of the statement on executive privilege by the beginning of March, the Gray nomination hearings had become a major preoccupation for me and for Mr. Dean. During those hearings, Mr. Dean's role in the Watergate investigation became a subject of headline news.

The Judiciary Committee's invitation to Mr. Dean to testify before it brought the question of executive privilege into critical focus. A Presidential press conference was scheduled for March 15, and Mr. Dean and I prepared, for the President's "briefing book" a list of more than 20 possible questions on the subject. Although it was not the President's usual practice to hold face-to-face briefing sessions before a press conference, he chose to do so on this occasion. And so began a series of meetings about which Mr. Dean has testified and which marked the first occasion I had to discuss with the President any subject related to Watergate.

The first meeting on March 14 was in progress when I was called to the President's office. Messrs. Ziegler and Dean were already there. We went over to questions and answers with considerable discussion on each. The meeting recessed temporarily while the President kept another appointment and had lunch. It reconvened after lunch for several hours.

No Word of Cover-up

At no time during this meeting, or during succeeding meetings on March 15, 19 and 20—all of which were attended only by the President, Mr. Dean and myself—did anyone say anything in my presence which related to or suggested the existence of any cover-up, or any knowledge of involvement by anyone in the White House, then or now, in the Watergate affair.

Late on the afternoon of March 15, after the President concluded his press conference, Mr. Dean and I were called to the Oval Office. We had a relaxed and informal session in which we discussed the press conference



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John N. Mitchell, left, greeting Richard A. Moore, center, and his brother, John, at Watergate hearings yesterday. Mr. Mitchell had completed his testimony and Richard Moore, White House special counsel, was about to take stand.

and the President's view of the doctrine of separation of powers.

The topic to which the President devoted most attention and emphasis was the separation of powers. He made the point that the term "executive privilege" doesn't properly express the principle. He asked Mr. Dean and me to advise others who were dealing with the subject to use the term "separation of powers." He emphasized several times that the President has the constitutional responsibility to preserve the separation of powers, a responsibility he cannot disregard.

The President made the point that he cannot command any member of Congress to come to see him at the White House, but they usually come when invited, just as our people go up to the Hill when invited. He said our Cabinet people seem to be up there testifying voluntarily practically every day. But the point is, he said, that one branch cannot, as a matter of right, command the other to appear; that, he said, would destroy the separation of powers.

A Grand Statement

On March 19, I was called to meet with the President and Mr. Dean in the President's Executive Office Building office. The President reiterated his desire to get out a general statement in advance of the hearings. He asked us to be thinking about ways that this could be done. This would include issuing a full statement or "white paper." He was also interested in our thoughts about ways to present our story to the Senate in terms of possible depositions, affidavits,

or possible conferences or meetings which would not cut across the separation of powers. He asked Dean and me to consider ways to do this.

On March 19 or possibly on March 20—before we met later that day with the President—Mr. Dean told me that Howard Hunt was demanding

that a large sum of money be given to him before his sentencing on March 23, and that he wanted the money by the 21st. If the payment were not made, Dean said, Hunt had threatened to say things that would be very serious for the White House. I replied that this was pure blackmail, and that Dean should turn it off and have nothing to do with it. I could not imagine, I said, that anything that Hunt could say would be as bad as paying blackmail. I don't recall Mr. Dean's exact words, but he expressed agreement.

This revelation was the culmination of several other guarded comments Mr. Dean had made to me in the immediately preceding days. He had said that he had been present at two meetings attended by Messrs. Mitchell, Magruder and Liddy before the bugging arrests, during which Liddy had proposed wild schemes that had been turned down—specifically, espionage, electronic surveillance and even kidnapping.

He said that the Watergate location had not been mentioned, and that he had "turned off the wild schemes." I believed then and believe today that Mr. Dean had no advance knowledge of the Watergate bugging and break in. In addition, he had said that if he ever had to testify before the grand jury, his testimony would conflict

with Mr. Magruder's, and that he had heard that if Magruder faced a perjury charge, he would take others with him.

Mr. Dean had also mentioned to me that earlier activities of Messrs. Hurt and Liddy—not directly related to Watergates—could be seriously embarrassing to the Administration if they ever came to light. He had also implied to me that he knew of payments being made to the defendants for litigation expenses, and Hunt's explicit blackmail demand raised serious questions in my mind as to the purpose of these payments.

This brings me to the afternoon of March 20, when Mr. Dean and I met with the President in the Oval Office. The meeting lasted about half an hour. The President again stated his hope that we could put out a full statement in advance of the hearings, and again he expressed his desire that we be forthcoming, as he put it. He made some comparisons as to our attitude and the attitude of previous Administrations, and he wanted us to make sure that we were the most forthcoming of all.

As I sat through the meeting of March 20 with the President and Mr. Dean in the Oval Office, I came to the conclusion in my own mind that the President could not be aware of the things that Dean was worried about or had been hinting at to me, let alone Howard Hunt's blackmail demand. Indeed, as the President talked about getting the whole story out—as he had done repeatedly in the recent meetings—it seemed crystal clear to me that he knew of nothing that was inconsistent with the previously stated conclusion that the White House was uninvolved in the Watergate affair, before or after the event.

As we closed the door of the Oval Office and turned into the hall, I decided to raise the issue directly with Mr. Dean. I said that I had the feeling that the President had no knowledge of the things that were worrying Dean. I asked Dean whether he had ever told the President about them. Dean replied that he had not, and I asked whether anyone else had. Dean said he didn't think so.

I said, "Then the President isn't being served, he is reaching a point where he is going to have to make critical decisions and he simply has to know all the facts. I think you should go in and tell him what you know, you will feel better, it will be right for him and it will be good for the Country."

I do not recall whether he told me he would take action or not, but certainly have the impression that he was receptive. In any event, the question was resolved that very evening when I received

a call at home sometime after dinner and it was Mr. Dean who said that the President had just phoned him and that he had decided that this was the moment to speak up. He said that he told the President that things had been going on that the President should know about and it was important that Dean see him alone and tell him. Dean said that the President readily agreed and told Dean to come in the following morning. I congratulated Mr. Dean and wished him well.

Dean and Nixon Meet

The next day, March 21, Mr. Dean told me that he had indeed met with the President at 10 o'clock and had talked with him for two hours and had "let it all out." I said, "Did you tell him about the Howard Hunt business?" Dean replied that he had told the President everything. I asked if the President had been surprised and he said yes.

Following this critical meeting on March 21, I had several subsequent meetings and telephone conversations with Mr. Dean alone, as well as several meetings with the President which Mr. Dean did not attend. I do not dispute Mr. Dean's account of the meetings between us as to any substantive point, and I have no direct knowledge of what transpired in Mr. Dean's subsequent meetings with the President. But nothing said in my meetings with Mr. Dean or my meetings with the President suggests in any way that before March 21 the President had known—or that Mr. Dean believed he had known—of any involvement of White House personnel in the bugging or the cover-up.

Indeed, Mr. Dean's own account that he and I agreed on the importance of persuading the President to make a prompt disclosure of all that the President had just learned is hardly compatible with a belief on Mr. Dean's part that the President himself had known the critical facts all along. In one of my talks with the President, the President kept asking himself whether there had been any sign or clue which should have led him to discover the true facts earlier. I told him that I wished that I had been more skeptical and inquisitive so that I could have served the Presidency better.

I have given you the most complete account I can as to my knowledge of the events being examined by this committee. It is my deep conviction—as one who has known the President over the years and has had many private conversations with him—that the critical facts about the Watergate did not reach the President until the events that began when John Dean met with him on March 21, 1973.