

Transcript of Letters to Ervin Panel

Sen. Sam Ervin (D-N.C.), chairman of the Senate select Watergate committee, announced before the start of the afternoon session that the committee had received a letter from Secretary of the Treasury George P. Shultz regarding testimony by officials of the Secret Service, an agency of the Treasury. Following is the transcript of Sen. Ervin's statement:

Ervin: On this morning I received a letter dated this morning, that is, July 17, 1973, from the Honorable George P. Shultz, the Secretary of the Treasury, reading as follows:

"Dear Mr. Chairman, at the direction of the President, I hereby enclose a letter relative to testimony by the Secret Service to congressional committees, sincerely yours, George P. Shultz."

The letter from the President to Secretary Shultz which was enclosed in Mr. Shultz' letter to me reads as follows:

"The White House, Washington, July 16, 1973.

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

"This applies to the Senate select committee which is investigating matters relating to the Watergate break-in and the current efforts which I am informed are being made to subpoena present or former members of the White House detail of the Secret Service.

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

"Sincerely, Richard Nixon."

The committee had subpoenaed certain of the agents of the Secret Service,

and was in the process of—and they appeared in obedience to the subpoena. Sen. (Howard) Baker (R-Tenn.) and myself as members of the committee and members of the committee staff, thereupon undertook to interrogate one of these Secret Service agents, Al Wong. At that time counsel for the Secretary of the Treasury entered a plea of executive privilege claiming that under this plea of executive privilege, the witness, Mr. Wong and the other Secret Service agents, could not be required to testify before the committee. Counsel read copies of the two letters which I have just read to sustain, to set forth and sustain, the plea of executive privilege.

As a consequence of these letters Sen. Baker and I convened a special executive session of the entire committee, feeling this is a matter of such moment that the entire committee should consider it.

After discussion the committee reached the conclusion that it was not worthwhile at the present time to engage in any controversy with the witnesses on the question of whether or not they should be required to testify before the committee, the committee feeling that this was not a matter the witnesses were permitted to determine for themselves. But the committee noted the closing sentence in the letter from the President to the Secretary of the Treasury reading as follows:

"You should further advise the chairman that requests for information on procedures in the White House will be given prompt consideration when received by me." End of quotation.

The committee hopes that the word "procedures" is much broader than the strict interpretation that that word might imply and is only interested at this stage in getting access and the right to use in the hearings of records and tapes in the possession of the White House which are relevant to the matters which the committee is authorized by Senate Resolution No. 60 to investigate.

Being desirous of adjusting this matter, if possible,

on an amicable basis with the White House, the committee decided that the chairman should send a letter to the President asking for his cooperation in making available to the committee records and tapes which are relevant to the matter which the committee is authorized to investigate, and relevant to the testimony of witnesses who have appeared before the committee or who are subpoenaed to appear before the committee, and I sincerely hope that this course of action will bear fruit and that we will be able to get access to the records and tapes which we think are relevant and necessary to our investigation in a manner that is satisfactory to everybody concerned.

Baker: Mr. Chairman, I would like to associate myself with your description of the situation as the committee finds it.

I would note further that the committee decided, as you very accurately pointed out, that it would serve no immediate purpose to engage in a conflict or controversy with the Secret Service on whether they should or should not disclose information at their disposal but rather the decision-making authority resided elsewhere.

It is in a spirit of conciliation that we are dispatching a letter which we have now authorized to the President making these requests: One, who is the custodian of the tapes.

Two, who has had access to the tapes.

Three, how do we go

about receiving that information and the tapes as they relate to the lawful inquiry of this committee, not to a general fishing expedition, not on matters that are clearly protected by executive privilege, such as foreign affairs, internal communications not related to the Watergate situation, but how do we go about getting those relevant portions of the tapes.

We are, I hope, being both patient and optimistic in taking this course of action instead of pursuing an effort to compel testimony from Secret Service agents which we might or might not prevail in this litigation or otherwise. So I commend the chairman for the action taken, for his description of the situation, and I am hopeful that we will have a response very, very promptly because these hearings are ongoing. It is a matter of monumental importance, and I hope that we can have a discussion very quickly.

Now, the last point I would make, Mr. Chairman, if I may, is the fact that it is public knowledge that a tentative meeting between you and the President had been arranged for. The President's unfortunate illness has intervened to apparently delay that or at least possibly delay that, and may I say for my part that I hope that that meeting can occur as quickly as possible, or in lieu of that meeting that at least the principal staff of this committee and principal staff of the White House might immediately begin conversations on how we could gain access to the documents and the tapes.