

Arguments Submitted by St. Clair on Behalf

Special to The New York Times

WASHINGTON, July 18—Following is the text of the statement of information submitted on behalf of President Nixon responding to evidence gathered by the House Judiciary Committee's impeachment inquiry on White House surveillance and campaign activity. The statement is the second volume of evidence submitted by the White House in connection with the impeachment inquiry. An earlier reply, published in *The New York Times* on July 12, dealt with the Watergate break-in and cover-up.

STATEMENT OF INFORMATION Submitted on Behalf of the President White House Surveillance Activities

1. On June 5, 1971, Ehrlichman sent a memorandum to Dean in which he stated there was a recent episode in which information was leaked to a newspaperman and asking whether this is in violation of any statute and also if there is any oath or commitment taken by intelligence people regarding secrecy of information in their possession. Tod Hullin inquired of Dean as to the status of this request in a memorandum dated June 25, 1971. Dean inquired of Hullin on June 29, 1971, whether in light of *The New York Times* matter the report was still wanted. On July 2, 1971, Dean forwarded this memorandum for Ehrlichman, dated June 16, 1971, to Hullin.
2. The Special Investigative Unit was established to deal with the problem of security leaks and only afterwards did it become a field operative investigative force, because, in part, of problems arising with the F.B.I.
3. On June 30, 1971, General Haig sent a memorandum to the heads of all U. S. departments and agencies indicating the President's request for a security clearance review.
4. Colson, during the period immediately following the Pentagon papers disclosure, was responsible for analyzing the accuracy of the Pentagon papers and the relationship between the White House and the Congressional committees that were planning to investigate this affair. In late June, Haldeman asked him to find a person who could assume full-time responsibility for these functions. E. Howard Hunt was finally chosen for this position.
5. On July 2, 1971, Colson sent a memorandum to Haldeman with an attachment containing a portion of Alex-

ander Bickel's argument before the Supreme Court.

6. On July 3, 1971, Colson sent a memorandum to Ray Price setting forth several points the President wanted included in a Presidential statement.

7. On or about July 15, 1971, Ehrlichman told Krogh to begin this "special" national security project. While Krogh was under the over-all aegis of Ehrlichman, he did not regularly report to Ehrlichman.

8. On July 16, 1971, Colson sent a memorandum to Ehrlichman indicating that according to a report from Stanton the F.B.I. made an extensive investigation of the Rand Corporation centering on an alleged leak of documents by Ellsberg and the F.B.I. had a "solid case" but the F.B.I. elected not to act.

9. The F.B.I. made two unsuccessful attempts to interview Dr. Lewis Fielding on July 20 and 26, 1971.

10. On July 21, 1971, David Young attended a meeting at C.I.A. headquarters, Langley, Va., discussing the C.I.A.'s involvement with the Pentagon papers.

11. On July 24, 1971, the President held a meeting with Ehrlichman and Krogh, to discuss efforts to identify the source of the SALT leak and the use of a polygraph on State Department personnel suspected of being the source of the leak. The President did not authorize the use of illegal means by the unit.

12. On July 26, 1971, David Young attended a meeting at the State Department to discuss the specifics related to the preparation of the Pentagon papers.

13. On July 26, 1971, Colson sent a memorandum to Ehrlichman recommending that a study be prepared of top secret leaks that appeared in *The New York Times* and suggesting that Krogh and Young could do this.

14. On July 28, 1971, Young prepared a memorandum for the record summarizing a meeting he attended concerning over-all White House direction of the matters surrounding the Ellsberg inquiry.

Status of the Inquiry

15. On July 30, 1971, Krogh and Young sent a memorandum to Ehrlichman on the status of the Ellsberg inquiry.

16. On Aug. 9, 1971, Young attended a meeting at C.I.A. headquarters to discuss the problem of leaks.

17. On Aug. 13, 1971, Young and Krogh sent a memorandum to Ehrlichman indicating that an attached newspaper article endangered the life of a clandestine C.I.A. operative.

18. Ehrlichman testified that he first learned of the Ellsberg break-in when he returned from a vacation on Cape Cod and that was a few days after the event.

19. Following a National Security Council meeting on March 28, 1969, the President directed that the several studies be conducted on alternative solutions

to the Vietnam war. One alternative to be studied was a unilateral troop withdrawal. The study directive was issued on April 1, 1969, and on April 6, 1969, *The New York Times* printed an article by Max Frankel indicating that the United States was considering unilateral withdrawal from Vietnam. At the time that article was published no official discussions regarding this alternative had been taken up with the Government of South Vietnam.

20. On June 3, 1969, shortly after the decision had been reached to begin withdrawal of troops from Vietnam, George Sherman reported the decision in *The Evening Star* and indicated that it would be made public following the President's meeting with South Vietnam's President Nguyen Van Thieu. Fredrick Smith made a similar advance release in the June 4, 1969, *New York Times*. The decision to begin withdrawing troops had not been formally discussed with the South Vietnamese at the time of the disclosure.

Raids on Cambodia

21. In early March, 1969, a decision was reached to conduct B-52 raids into Cambodia. These raids were conducted secretly to maintain the tacit approval of neutralist Cambodian Prince Norodom Sihanouk.

However, on May 6, 1969, William Beecher accurately reported these raids in *The New York Times*, jeopardizing the relationship with Prince Sihanouk.

22. In the May 1, 1969, *New York Times*, William Beecher reported the five strategic options under study for the SALT negotiations with close estimates of the costs for each option. These were published before they were considered by the National Security Council.

23. On June 18, 1969, in *The New York Times*, Peter Grose reported on the secret official estimates for the first strike capabilities of the Soviet Union. This was published during the SALT negotiations, thereby prematurely revealing the intelligence basis upon which the United States was developing its SALT position.

24. Hedrick Smith, in the June 3, 1969, edition of *The New York Times*, reported that the President had determined to remove nuclear weapons from Okinawa in the upcoming negotiations with Japan over the reversion of the island. The article stated that the President's decision had not yet been communicated to Japan, thereby pre-empting the possibility of obtaining a more favorable outcome during the negotiations.

25. Morton Halperin was chief of the National Security Council planning group and therefore was one of several persons having access to the information which leaked. In this position and during his tenure as consultant to the N.S.C. Dr. Halperin received extensive exposure to classified information,

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much of which remains confidential to this day. Dr. Halperin was removed from access to sensitive material regarding national security matters following publication of one of the Beecher articles in The New York Times.

(NOTE: There was no paragraph 26 in the notebook presented to the Committee on the Judiciary.)

27. A letter dated Sept. 12, 1973, from Attorney General Elliot Richardson to the Senate Foreign Relations Committee referring to the placement of these 17 national security wiretaps stated that "the Department of Justice scrupulously observes the law as interpreted by the courts."

28. There was clear legal authority on the legality of warrantless national security wiretaps at the time the 17 wiretaps were conducted.

(NOTE: Objection has been raised by Congressman Seiberling that the last sentence is a conclusion rather than a statement of information within the rules of procedure of the committee.)

29. After the termination of these 17 taps, the Supreme Court stated that the legality of foreign policy warrantless wiretapping was an open question. Attorney General Richardson has indicated that under these circumstances, the Department of Justice can reasonably rely on decisions of lower courts in justifying these wiretaps. Under current legal standards, warrantless foreign policy wiretapping is legal.

(NOTE: Objection has been raised by Congressman Seiberling that the entire paragraph is a conclusion rather than a statement of information within the rules of procedure of the committee.)

30. On May 31, 1974, the court-appointed panel of experts filed a final pointed panel of experts filed their final June 20, 1972, E.O.B. [Executive Office Building] tape.

One of the bases supporting the panel's final conclusions is the assumption that the Uher 5000 recorder used by Rose Mary Woods was functioning normally when it produced the erasure and buzz on the June 20, 1972, E.O.B. tape.

31. Standard Research Institute, Dektor Counterintelligence and Security, Inc., and Home Services, Inc., believe that the Uher 5000 was malfunctioning at the time the erasure on the June 20, 1972, E.O.B. tape was produced. They also disagree with the panel's conclusion that the erasure was produced exclusively by keyboard manipulation and not by internal machine malfunction.

32. Haldeman's contemporaneous notes of his June 20, 1972, meeting with the President do not reflect that the President had prior knowledge of the Watergate burglary or was aware of any subsequent cover-up