

## APPENDIX

### SELECT COMMITTEE INTERROGATORIES FOR FORMER PRESIDENT RICHARD M. NIXON

Throughout December 1975 and January 1976 the Senate Select Committee negotiated with the attorneys for former President Richard M. Nixon to formulate a mutually agreeable procedure to take the former President's testimony on three of the Committee's case studies—Mail Opening, Huston Plan, and Covert Action in Chile. It was agreed by both parties that the following interrogatories would be submitted to former President Nixon at San Clemente for his written response. They were submitted on February 2, 1976, and the Committee received the former President's notarized response on March 9, 1976.

#### *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 render candid advice unobtainable. No President could carry out his responsibilities if the advice he received were to be filtered by the prospect of compelled 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.

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.

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 of 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 1.*—Please state whether, while President, you received information that, at any time during your Administration, an agency or employee of the United States Government, acting without a warrant, opened mail:

A. Sent between any two persons or entities in the United States, neither of which was a foreign government or a person or entity representing a foreign government; or

B. Sent between two persons or entities in the United States, one, or both, of which was a foreign government or a person or entity representing a foreign government; or

C. Sent to, or from, any person or entity in the United States to, or from, any person, or entity outside the United States, where neither the originator nor the recipient was a foreign government or a person or entity representing a foreign government; or

D. Sent to, or from, any person or entity in the United States to, or from, any person or entity outside the United States where either

the originator or the recipient, or both, was a foreign government or a person or entity representing a foreign government.

I do not recall receiving information, while President, that an agency or employee of the United States Government, acting without a warrant, opened mail:

A. Sent between any two persons or entities in the United States, neither of which was a foreign government or a person or entity representing a foreign government; or

B. Sent between two persons or entities in the United States, one, or both, of which was a foreign government or a person or entity representing a foreign government; or

C. Sent to, or from, any person or entity in the United States to, or from, any person or entity outside the United States, where neither the originator nor the recipient was a foreign government or a person or entity representing a foreign government; or

D. Sent to, or from, any person or entity in the United States to, or from, any person or entity outside the United States where either the originator or the recipient, or both, was a foreign government or a person or entity representing a foreign government.

*Interrogatory 2.*—Please state whether, while President, you received information that, at any time during your Administration, an agency or employee of the United States Government, acting without a warrant, intercepted telex, telegraph, or other non-voice communications excluding mail:

A. Sent between two persons or entities, in the United States, neither of which was a foreign government or a person or entity representing a foreign government; or

B. Sent between two persons or entities in the United States, one, or both, of which was a foreign government or a person or entity representing a foreign government; or

C. Sent to, or from, any person or entity in the United States, to, or from, any person or entity outside the United States, where neither the originator nor the recipient was a foreign government or a person or entity representing a foreign government; or

D. Sent to, or from, any person or entity in the United States to, or from, any person or entity outside the United States, where either the originator or the recipient, or both, was a foreign government or a person representing a foreign government.

It seems to me quite likely that sometime during my Presidency I learned that the National Security Agency was engaged in, or had engaged in, both prior to and during my Administration, the practice of intercepting non-voice communications involving foreign entities, presumably without a warrant. However, I do not recall having received specific information to that effect. Nor do I recall receiving information, while President, that an agency or employee of the United States Government intercepted telex, telegraph or other non-voice communications with the cooperation of private organizations.

Except to the extent indicated, I do not recall receiving information, while President, that an agency or employee of the United States Government, acting without a warrant, intercepted telex, telegraph, or other non-voice communications excluding mail:

A. Sent between two persons or entities, in the United States, neither of which was a foreign government or a person or entity representing a foreign government; or

B. Sent between two persons or entities in the United States, one, or both, of which was a foreign government or a person or entity representing a foreign government; or

C. Sent to, or from, any person or entity in the United States, to, or from, any person or entity outside the United States, where neither the originator nor the recipient was a foreign government or a person or entity representing a foreign government; or

D. Sent to, or from, any person or entity in the United States to, or from, any person or entity outside the United States, where either the originator or the recipient, or both, was a foreign government or a person representing a foreign government.

*Interrogatory 3.*—Please state whether, while President, you received information that, at any time during your Administration, an agency or employee of the United States Government, acting without a warrant, intercepted telephonic or other communications by which voice is transmitted:

A. Between any two persons or entities in the United States, neither of which was a foreign government or a person or entity representing a foreign government; or

B. Between two persons or entities in the United States, one, or both, of which was a foreign government or a person or entity representing a foreign government; or

C. To, or from, any person or entity in the United States to, or from, any person or entity outside the United States, where neither the originator nor the recipient was a foreign government or a person or entity representing a foreign government; or

D. To, or from, any person or entity in the United States to, or from, any person or entity outside the United States, where either the originator or the recipient, or both, was a foreign government or person or entity representing a foreign government.

While President, I was aware of certain instances involving the investigations to discover the source of unauthorized disclosures of classified, national security information in which the FBI, acting without a warrant, intercepted telephonic communications which I assume would fall within the descriptions set forth in this interrogatory. I am also aware of one occasion in which the Secret Service, acting presumably without a warrant, intercepted telephonic communications. I was generally aware of the fact that the Central Intelligence Agency or Federal Bureau of Investigation had the capability to intercept telephonic or other communication involving certain foreign embassies located in the United

States. My understanding was that this capability stemmed from actions taken during prior Administrations.

Other than the instances just referred to, I do not remember being informed, while President, that during my Administration, an agency or employee of the United States Government, acting without a warrant, intercepted telephonic or other communications by which voice is transmitted:

A. Between any two persons or entities in the United States, neither of which was a foreign government or a person or entity representing a foreign government; or

B. Between two persons or entities in the United States, one, or both, of which was a foreign government or a person or entity representing a foreign government; or

C. To, or from, any person or entity in the United States to, or from, any person or entity outside the United States, where neither the originator nor the recipient was a foreign government or a person or entity representing a foreign government; or

D. To, or from, any person or entity in the United States to, or from, any person or entity outside the United States, where either the originator or the recipient, or both, was a foreign government or person or entity representing a foreign government.

*Interrogatory 4.*—Please state whether, while President, you received information that, at any time during your Administration, an agency or employee of the United States Government, acting without a warrant, engaged in “break-ins,” “surreptitious entries,” or entries otherwise not authorized by the owner or occupant of:

A. A dwelling or place of business located within the United States; or

B. A foreign embassy located within the United States.

On March 17, 1973, I learned that employees of the United States Government had engaged individuals who, acting without a warrant, had entered what I assumed to be a place of business located within the United States without the authorization of the owner or occupant.

Apart from that incident, I do not recall learning, while President, that during my Administration an agency or employee of the United States Government, acting without a warrant, engaged in “break-ins,” “surreptitious entries,” or entries otherwise not authorized by the owner or occupant of:

A. A dwelling or place of business located within the United States; or

B. A foreign embassy located within the United States.

*Interrogatory 5.*—Please state whether, while President, you received information that, at any time during your Administration, the Central Intelligence Agency, acting without a warrant, intercepted and opened mail sent from within the United States to:

A. The Soviet Union; or

B. The People’s Republic of China.

While President, I remember being generally aware of the fact that the Central Intelligence Agency, acting without a warrant, both during and prior to my Administration, conducted mail covers of mail sent from within the United States to:

A. The Soviet Union; or

B. The People's Republic of China.

However, I do not remember being informed that such mail covers included unauthorized mail openings.

*Interrogatory 6.*—Please state whether, while President, you received information that, at any time during your Administration, an agency or employee of the United States Government; acting without a warrant, intercepted telephonic communications to, or from, the Israeli Embassy in the United States.

I do not remember learning, while President, that an agency or employee of the United States Government, acting without a warrant, intercepted telephonic communications to, or from, the Israeli Embassy in the United States. However, as indicated in my response to *Interrogatory No. 3*, I was generally aware that the capability existed to conduct intercepts of telephonic communications to or from various embassies located within the United States, and, therefore, despite the absence of any specific recollection in this regard, it is possible that at some time I may have learned that telephonic intercepts of conversations to or from the Israeli Embassy occurred.

*Interrogatory 7.*—Please state whether, while President, you received information that, at any time during your Administration, an agency or employee of the United States Government, acting without a warrant, engaged in a surreptitious, or otherwise unauthorized, entry into the Chilean Embassy in the United States.

I do not remember being informed, while President, that at any time during my Administration an agency or employee of the United States Government, acting without a warrant, engaged in a surreptitious or otherwise unauthorized entry into the Chilean Embassy in the United States.

*Interrogatory 8.*—On April 17, 1975, John Ehrlichman gave the following testimony before the President's Commission on CIA Activities Within the United States:

*Question.* Were you, Mr. Ehrlichman, aware at any time while you were on the White House staff of a program of intercepting mail in New York or any other port, mail headed into the United States from, or headed out to, any of the Communist countries?

*Answer.* I knew that was going on because I had seen reports that cited those kinds of sources in connection with this, the bombings, the dissident activities.

Please state whether:

A. Mr. Ehrlichman ever informed you that he knew, or suspected, that some of the information in intelligence reports received by the White House was derived by means of mail openings; or

B. You, upon reading such reports, concluded, or suspected, that some of the information in said reports was derived by means of mail openings.

I do not recall John Ehrlichman ever informing me that he knew, or suspected, that some of the information in intelligence reports received by the White House was derived by means of mail openings. I do not know, of course, what intelligence reports Mr. Ehrlichman was referring to in his testimony cited in Interrogatory No. 8. However, with regard to intelligence reports which I may have reviewed, I do not recall concluding or suspecting that the information—or any part thereof—was derived by means of mail openings.

*Interrogatory 9.*—Please state whether, while Vice President or President, you received information that, at any time prior to your Administration, an agency or employee of the United States Government, acting without a warrant, conducted any of the activities referred to in Interrogatories 1, 2, 3, 4, or 5.

I remember learning on various occasions that, during Administrations prior to mine, agencies or employees of the United States Government, acting presumably without a warrant, conducted wiretaps, surreptitious or unauthorized entries, and intercepts of voice and non-voice communications.

*Interrogatory 10.*—If your answer to Interrogatories 1 through 9, inclusive, or any subsection of Interrogatories 1 through 9, inclusive, is in the affirmative, please state:

A. The nature of any such activity as to which you received information;

B. The year, or years, in which any such activity occurred;

C. When and from whom you received information as to the existence of any such activity;

D. Whether you directed, authorized, or approved any such activity;

E. Whether you took any action to:

(1) terminate any such activity; or

(2) prevent any such activity from occurring again after you first learned of it.

With respect to my answer to Interrogatory No. 2 concerning N.S.A. intercepts of non-voice communications, the complete state of my knowledge is as set forth in that answer.

With respect to my answer to Interrogatory No. 3 concerning F.B.I. intercepts of telephonic 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 February 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 sensitive position and that his activities be monitored for a period sufficient to ensure that he was not continuing to disclose classified information to which he had been exposed during his earlier assignment.

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 then counsel to the President, John Dean, in a conversation on March 17, 1973.

D. I did not direct, 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.

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 source 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 twenty 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 non-voice communications by prior Administrations, I cannot specifically recall when and from whom I received the information except as reflected in the Special Report of Interagency Committee on Intelligence (Ad Hoc).

*Interrogatory 11.*—Please state, as to any activity mentioned in your answer to Interrogatory 9, whether you believe that any such activity was, at the time of its occurrence, legal.

With respect to the intercept of telephonic communications by the F.B.I. for the purpose of discovering the source of unauthorized disclosure of classified information affecting the security of this country, it was my belief that such activity was legal. As to the use of surreptitious entries and intercepts of non-voice communications by prior Administrations, I do not recall learning the specific circumstances in which those actions were taken, and therefore did not have reason to form a belief as to their legality at the time I learned of the actions, nor do I have an adequate basis for forming such a belief now.

*Interrogatory 12.*—If your answer to Interrogatory 11 is in the affirmative, please:

- A. Identify the activity; and
- B. State the reasons for your belief as to the legality of the activity.

The basis for my opinion that the use of telephonic intercepts to discover the source of unauthorized disclosures of classified information was lawful stemmed from discussions I had with the Director of the F.B.I. and the Attorney General of the United States in which I was informed that this method of investigation had been employed for that purpose by five prior Administrations, that it was the most effective means of conducting the investigations, and that the decisions of the Supreme Court and various lower courts at that time permitted the use of wiretaps when the investigation involved matters directly affecting the security of this nation and in

particular—as in that instance—the President’s ability to conduct foreign policy.

*Interrogatory 13.*—Attached at Tabs A, B, C, and D, respectively, are:

A. The Special Report Interagency Committee on Intelligence (Ad Hoc);

B. The Domestic Intelligence Gathering Plan, including recommendations and rationale of Tom Charles Huston;

C. A July 14, 1970 memorandum from H. R. Haldeman to Tom Charles Huston; and

D. A July 23, 1970 memorandum from Tom Charles Huston to Richard Helms, indicating carbon copy sent to the President and H. R. Haldeman.<sup>1</sup>

As to each document, please state:

A. Whether you have seen the document, or any part of it; and

B. If your answer is in the affirmative, please state:

- (1) When you first saw the document;
- (2) The circumstances under which you saw it; and
- (3) With whom you have discussed it.

I do not have a specific, independent recollection of having seen any of the four documents listed in Interrogatory No.

13. I assume that I saw item A, and probably item B, at or about the time they were prepared. I do not believe that I have previously seen or discussed items C and D although it is possible that I did but do not remember doing so. With regard to when I may have seen items A or B, the circumstances under which I may have seen them, or with whom I may have discussed them, see the responses to Interrogatories Nos. 14 to 32.

*Interrogatory 14.*—Please state whether you discussed the Special Report Interagency Committee on Intelligence (Ad Hoc) (Tab A) with:

A. H. R. Haldeman;

B. John N. Mitchell; or

C. John D. Ehrlichman.

I do not specifically recall discussing the Special Report Interagency Committee on Intelligence (Ad Hoc) with H. R. Haldeman. However, I assume that I informed Mr. Haldeman at some point following my meeting with the Interagency Committee that I approved the Committee’s recommendations and that he should arrange for the implementation of those recommendations.

Sometime after my approval of the Committee’s recommendations, but before July 28, 1970, I recall talking with John N. Mitchell concerning the Committee’s report.

Although it is possible that I did, I do not recall discussing the Committee’s report with John D. Ehrlichman.

*Interrogatory 15.*—Please state whether you discussed the Domestic Intelligence Gathering Plan (Tab B) with:

A. H. R. Haldeman;

B. John N. Mitchell; or

C. John D. Ehrlichman.

<sup>1</sup> See Hearings Vol. 2, Huston Plan: Exhibit 1, pp. 141-188 (Tab A); Exhibit 2, pp. 189-197 (Tab B); Exhibit 3, p. 198 (Tab C); Exhibit 4, pp. 199-202 (Tab D).

I do not recall discussing the Domestic Intelligence Gathering Plan, as contrasted with the Special Report Interagency Committee on Intelligence (Ad Hoc), with H. R. Haldeman, John N. Mitchell, or John D. Ehrlichman, except insofar as the discussions referred to in response to Interrogatory No. 14 may have encompassed the Domestic Intelligence Gathering Plan.

*Interrogatory 16.*—Please state whether you discussed the July 23, 1970 memo (Tab D) from Tom Charles Huston to Richard Helms with:

- A. H. R. Haldeman;
- B. John N. Mitchell; or
- C. John D. Ehrlichman.

I do not recall discussing the July 23, 1970 memorandum from Tom Charles Huston to Richard Helms with H. R. Haldeman, John N. Mitchell or John Ehrlichman.

*Interrogatory 17.*—With respect to any discussion identified in response to Interrogatories 13, 14, 15, or 16, please relate the substance of the discussion.

With respect to the possible discussion of the Committee's report with H. R. Haldeman, as referred to in Interrogatory No. 14, the likely substance of that conversation—as best I can recall—is set forth in response to Interrogatory No. 14.

With respect to the discussion with Attorney General Mitchell, as referred to in my response to Interrogatory No. 14, I recall that Mr. Mitchell informed me that Mr. Hoover, Director of the F.B.I. and Chairman of the Interagency Committee on Intelligence, disagreed with my approval of the Committee's special report. I recall this aspect of the conversation because I was surprised to learn of Mr. Hoover's disagreement in view of the fact that only a few days earlier he had attended the meeting of the Committee in my office in which we had discussed the Committee's report and recommendations. At that time he had not voiced any objections or reservations to implementation of the Committee's recommendations. Mr. Mitchell informed me that it was Director Hoover's opinion that initiating a program which would permit several government intelligence agencies to utilize the investigative techniques outlined in the Committee's report would significantly increase the possibility of their public disclosure. Mr. Mitchell explained to me that Mr. Hoover believed that although each of the intelligence gathering methods outlined in the Committee's recommendations had been utilized by one or more previous Administrations, their sensitivity would likely generate media criticism if they were employed. Mr. Mitchell further informed me that it was his opinion that the risk of disclosure of the possible illegal actions, such as unauthorized entry into foreign embassies to install a microphone transmitter, was greater than the possible benefit to be derived. Based upon this conversation with Attorney General Mitchell, I decided to revoke the

approval originally extended to the Committee's recommendations.

*Interrogatory 18.*—The July 14, 1970 memorandum attached at Tab C, and the July 23, 1970 memorandum attached at Tab D, indicate that you approved certain recommendations and made certain decisions relating to the so-called "Huston Plan." Please state whether you approved any of the recommendations or made any of the decisions attributed to you in the attached documents.

With regard to H. R. Haldeman's memorandum of July 14, 1970 to Mr. Huston, I do not recall what recommendation Tom Huston made concerning the implementation procedures and do not remember what, if any, objections I had to the recommendation. With regard to Tom Huston's memorandum of July 23, 1970 to Richard Helms, to the extent the decisions attributed to me under headings 1 through 8 are consistent with the recommendations of the Interagency Committee on Intelligence, I did approve the actions.

*Interrogatory 19.*—If your answer to Interrogatory 18 is in the affirmative, please state your reason for approving each such recommendation or making each such decision.

In my view, the principal recommendation of the Interagency Committee on Intelligence (Ad Hoc) was that the functions of the various agencies be coordinated to reduce needless duplication of intelligence gathering activities and to provide for effective interchange of intelligence information. I am pleased to see that one of the recommendations that has resulted from the Senate Select Committee's Investigation is that there be greater coordination among the various intelligence agencies.

With regard to the Interagency Committee's specific recommendations for implementation of described investigative techniques, my approval was based largely on the fact that the procedures were consistent with those employed by prior administrations and had been found to be effective by the intelligence agencies.

*Interrogatory 20.*—If your answer to Interrogatory 18 is negative, please state the respects in which the July 14 and July 23 memoranda are incorrect.

See response to Interrogatory No. 18.

*Interrogatory 21.*—Please state whether, sometime after July 23, 1970, you withdrew approval of, or otherwise rescinded, the recommendations or decisions referred to in Interrogatory 19.

See response to Interrogatory No. 17.

*Interrogatory 22.*—If your answer to Interrogatory 21 is in the affirmative, please state, with respect to each such recommendation or decision, approval of which was withdrawn, your reasons for withdrawing approval.

See response to Interrogatory No. 17.

*Interrogatory 23.*—Please state whether you were advised, orally or in writing, at any time, that any of the recommendations or decisions

referred to in the referenced documents (Tabs A through D) were, or might be construed to be, illegal.

To the extent that I may have reviewed the Special Report Interagency Committee on Intelligence, I would have been informed that certain recommendations or decisions set forth in that report were, or might be construed to be, illegal. I do not recall any discussion concerning the possible illegality of any of the intelligence gathering techniques described in the report during my meeting with the Committee. My only recollection of a discussion concerning the possible illegality of any of the investigative techniques is as described in response to Interrogatory No. 17.

*Interrogatory 24.*—If your answer to Interrogatory 23 is in the affirmative, please state, as to each recommendation or decision as to which you were advised:

- A. The specific recommendations or decisions as to which you were so advised;
- B. Who so advised you; and
- C. When you were so advised.

See response to Interrogatories No. 17 and No. 23.

*Interrogatory 25.*—Please state, with respect to the recommendations and decisions referred to in Interrogatory 21, whether you discussed with anyone the legality, or possible illegality of any of these recommendations or decisions.

See response to Interrogatory No. 17.

*Interrogatory 26.*—If your answer to Interrogatory 25 is in the affirmative, please state:

- A. With whom such discussion took place; and
- B. When such discussion, or discussions, took place.

See response to Interrogatory No. 17.

*Interrogatory 27.*—Please state, with respect to the recommendations and decisions referred to in Interrogatory 21, whether you were informed by John N. Mitchell, either directly or through H. R. Halde- man, that some, or all, of the decisions were, or might be considered to be, illegal.

Except as set forth in my response to Interrogatory No. 17, I do not recall being informed by John N. Mitchell, through H. R. Haldeman, that some, or all, of the decisions were, or might be considered to be, illegal.

*Interrogatory 28.*—If your answer to Interrogatory 27 is in the affirmative, please state when you were so informed.

See response to Interrogatory No. 27.

*Interrogatory 29.*—Please state whether, while President, you received information that any of the recommendations contained in the Special Report (Tab A) involved programs which were in operation.

- A. Prior to July 23, 1970;
- B. Subsequent to July 23, 1970, but prior to any withdrawal on your part of approval of them; or
- C. Subsequent to a withdrawal on your part of approval of them.

Except as discussed in the Special Report Committee on Intelligence (Ad Hoc) and as described in my response to Interrogatory No. 9, I do not recall receiving information, while President, that any of the recommendations contained in the Special Report involved programs which were in operation:

- A. Prior to July 23, 1970;
- B. Subsequent to July 23, 1970, but prior to my withdrawal of the approval of them; or
- C. Subsequent to an withdrawal of approval of them.

*Interrogatory 30.*—Please state whether, while President, you received information that any of the recommendations contained in the Huston Analysis (Tab B) involved programs which were in operation:

- A. Prior to July 23, 1970;
- B. Subsequent to July 23, 1970, but prior to any withdrawal on your part of approval of them; or
- C. Subsequent to a withdrawal on your part of approval of them.

Except as discussed in the Special Report Committee on Intelligence (Ad Hoc) and as described in my response to Interrogatory No. 9, I do not recall receiving information, while President, that any of the recommendations contained in the Domestic Intelligence Gathering Plan involved programs which were in operation:

- A. Prior to July 23, 1970;
- B. Subsequent to July 23, 1970, but prior to my withdrawal of the approval of them; or
- C. Subsequent to my withdrawal of approval of them.

*Interrogatory 31.*—Please state whether, while President, you received information that any of the decisions attributed to you in the July 23, 1970 memorandum (Tab D) involved programs which were in operation:

- A. Prior to July 23, 1970;
- B. Subsequent to July 23, 1970, but prior to any withdrawal on your part of approval of them; or
- C. Subsequent to a withdrawal on your part of approval of them.

Except as discussed in the Special Report Committee on Intelligence (Ad Hoc) and as described in my response to Interrogatory No. 9, I do not recall receiving information, while President, that any of the decisions attributed to me in the July 23, 1970 memorandum from H. R. Haldeman to Tom Huston involved programs which were in operation:

- A. Prior to July 23, 1970;
- B. Subsequent to July 23, 1970, but prior to my withdrawal of the approval of them; or
- C. Subsequent to my withdrawal of approval of them.

*Interrogatory 32.*—If your answer to any part of Interrogatories 29, 30, or 31 is in the affirmative, please identify the activity and state:

- A. How you learned that such activity, or activities, were in operation;
- B. Who informed you; and
- C. When you were so informed.

See responses to Interrogatories No. 29, No. 30, and No. 31.

*Interrogatory 33.*—The Committee has received evidence as to a number of illegalities and improprieties committed by, or on behalf of, various components of the United States intelligence community. What controls within the Executive, Legislative, or Judicial branches of government could, in your view, best assure that abuses will not occur in the future?

In general I believe the intelligence reorganization plans and the recommendations prepared by the Ford Administration following intense study of this matter are appropriate.

*Interrogatory 34.*—Please state whether you believe that actions, otherwise “illegal,” may be legally undertaken pursuant to Presidential, or other high-level authorization, following a determination by the President, or some other senior government official, that the actions are necessary to protect the “national security” of the United States.

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 nation’s 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 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 a 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 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 35.*—If your answer to Interrogatory 34 is in the affirmative:

A. Please state:

- (1) The basis of your belief;
- (2) The individual or individuals who may, in your belief, authorize such actions;
- (3) The limitations, if any, on the type of action which may be so authorized; and

B. Please supply illustrations or examples of such actions.

See response to Interrogatory No. 34.

*Interrogatory 36.*—Testimony has been received by the Committee to the effect that on September 15, 1970, you met with Richard Helms, Henry Kissinger, and John Mitchell at the White House to discuss Chile. The document attached at Tab E has been identified by Richard Helms as being handwritten notes taken by him during this September 15, 1970 meeting.<sup>2</sup> Please state whether these notes accurately reflect, in whole or in part, the substance of your instructions to Richard Helms:

A. On September 15, 1970;

B. At any other time.

My recollection of the September 15, 1970 meeting among myself, Henry Kissinger, Richard Helms and John Mitchell is set forth in response to Interrogatory No. 39. Except to the extent Mr. Helms' handwritten notes may coincide with my expressed recollection of that meeting, I am unable to state whether Mr. Helms' notes accurately reflect in whole or in part, the discussions at that meeting or the substance of my instructions to Mr. Helms communicated then or at any other time.

*Interrogatory 37.*—With specific reference to the following phrases contained in the Helms notes:

- (1) "not concerned risks involved"
- (2) "no involvement of embassy"
- (3) "game plan"
- (4) "make the economy scream"

<sup>2</sup> See Hearings, Vol. 7, Exhibit 2, p. 96.

Please state whether you used, during the September 15, 1970 meeting, any of the above phrases or any phrase substantially similar to any of the above phrases.

I do not recall using any of the four phrases set forth in Interrogatory No. 37, or any phrase substantially similar to those four phrases, during the September 15, 1970 meeting referred to in Interrogatory No. 36.

*Interrogatory 38.*—If your answer to Interrogatory 37 is in the affirmative, please describe what you meant to convey by each such phrase.

See response to Interrogatory No. 37.

*Interrogatory 39.*—If your answer to Interrogatory 37 is in the negative, please state whether during a meeting with Richard Helms you, in discussing the possibility of Allende's becoming the President of Chile, referred to:

- (1) Risks involved in a CIA activity in Chile;
- (2) The American Embassy in Chile; or
- (3) The Chilean economy.

It is my present recollection that the September 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 40.*—If your answer to Interrogatory 39 is in the affirmative, please relate the nature of your reference to these subjects.

See response to Interrogatory No. 39.

*Interrogatory 41.*—Please state whether, on September 15, 1970, you instructed Richard Helms to have the Central Intelligence Agency attempt to prevent Salvador Allende from assuming the office of President of Chile.

See response to Interrogatory No. 39.

*Interrogatory 42.*—If your answer to Interrogatory 41 is in the negative, please state whether you gave such an instruction to someone other than Richard Helms.

See response to Interrogatory No. 39.

*Interrogatory 43.*—If your answer to Interrogatory 42 is in the affirmative, please identify each individual who received such an instruction from you.

See response to Interrogatory No. 39.

*Interrogatory 44.*—Please state what national security interests of the United States, if any, were threatened by an Allende presidency in Chile.

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 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 Administrations of President Kennedy and President Johnson expended approximately four million dollars 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 Presidents Kennedy and Johnson to act from 1962-1964, prompted my concern and the decision to act in 1970.

*Interrogatory 45.*—Richard Helms has testified that if he ever carried a Marshall's baton in his knapsack out of the Oval Office, it was following the September 15, 1970 meeting referred to above. Please state what your understanding was, on September 15, 1970, as to the means by which the Central Intelligence Agency would attempt to prevent Allende from assuming the presidency of Chile.

I do not recall discussing during the September 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.

*Interrogatory 46.*—The Committee has received testimony to the effect that information concerning the activity being conducted by the Central Intelligence Agency in Chile, as a result of instructions received from you on September 15, 1970, was not to be made available to the Department of State or the Department of Defense. Please state whether you issued instructions that the Department of State or the Department of Defense were not to be informed of certain CIA activities in Chile.

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 47.*—If your answer to Interrogatory 46 is in the affirmative, please state the reasons why you instructed such information to be withheld from the Departments of State and Defense.

See response to Interrogatory No. 46.

*Interrogatory 48.*—Please state whether the activities conducted in Chile by the CIA as a result of instructions received by Richard Helms from you in September 1970, known within the CIA as "Track II" activities, were known to:

- A. Secretary of State Rogers;
- B. Secretary of Defense Laird;
- C. Under Secretary of State for Political Affairs Johnson;
- D. Deputy Secretary of Defense Packard; or
- E. Chairman of the Joint Chiefs of Staff Admiral Moorer.

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. Undersecretary of State for Political Affairs Johnson;
- D. Deputy Secretary of Defense Packard; or
- E. Chairman of Joint Chiefs of Staff Admiral Moorer.

*Interrogatory 49.*—Please state approximately how frequently during the period September 15, 1970 through October 24, 1970, you were personally consulted with regard to CIA activities in Chile.

I do not presently recall being personally consulted with regard to C.I.A. activities in Chile at any time during the period September 15, 1970 through October 24, 1970, except as described in response to Interrogatory No. 52.

*Interrogatory 50.*—Please state with whom, during the period referred to in Interrogatory 49, you discussed CIA activities in Chile.

See response to Interrogatory No. 52.

*Interrogatory 51.*—Please state whether you were aware that during the period referred to in Interrogatory 49 the CIA was attempting to promote a military coup in Chile.

Except as set forth in response to Interrogatory No. 52, I do not recall being aware that during the period referred to in Interrogatory No. 49 the C.I.A. was attempting to promote a military coup in Chile.

*Interrogatory 52.*—Secretary Kissinger has stated that in mid-October 1970 you orally instructed him to call off CIA attempts to promote a military coup in Chile. Please state whether you, at any time, issued instructions that the CIA was to terminate efforts toward promoting a military coup in Chile.

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 53.*—If your answer to Interrogatory 52 is in the affirmative, please state:

- A. To whom such instructions were given; and
- B. Whether the instructions were intended to cover all coup attempts or whether they were limited to a particular and specific coup attempt.

See response to Interrogatory No. 52.

*Interrogatory 54.*—Please state whether, while President, you received information concerning plans for a military coup in Chile involving the kidnapping of:

- A. General Rene Schneider; or
- B. Any other Chilean.

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

*Interrogatory 55.*—Please state whether you were aware that the Central Intelligence Agency passed machine guns and other material to Chilean military officials known to the Central Intelligence Agency to be planning a coup attempt.

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.*—Testimony has been received by the Committee concerning a September 15, 1970 meeting between Donald Kendall, Augustin Edwards, publisher of the Chilean newspaper, *El Mercurio*, Dr. Kissinger and Attorney General Mitchell. Please state whether you instructed either Dr. Kissinger or Attorney General Mitchell to meet with Messrs. Kendall and Edwards.

I recall that during, I believe, September 1970, I received a call from Mr. Donald Kendall who informed me that Mr. Augustin Edwards, 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.*—Richard Helms has testified that he was ordered to meet with Augustin Edwards and that he did so on the morning of September 14, 1970, or September 15, 1970. Please state who ordered Helms to meet with Edwards.

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.*—Richard Helms has testified as to his impression that you called the September 15, 1970 meeting, referred to in Interrogatory 45, as a result of Edwards' presence in Washington and information, passed from Edwards through Donald Kendall, about conditions in Chile and what was happening there. Please state whether any of the instructions given by you to Richard Helms in September of 1970 were given as a result of information, concerning conditions in Chile, supplied from Edwards to Kendall.

I do not recall that either the timing or the purpose of the September 15, 1970 meeting concerning Chile had any relationship 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.*—Please state whether you informed Mr. Kendall, during the summer of 1970, in words or substance, that you would see to it that the Central Intelligence Agency received appropriate instructions so as to allow it to take action aimed at preventing Allende from becoming President of Chile.

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.*—Please state whether, while President, you received information 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.

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 61.*—If your answer to Interrogatory 60 is in the affirmative, please state:

- A. Who informed you of this offer;
- B. Your response when so informed; and
- C. Your understanding of the nature and terms of the offer.

See response to Interrogatory No. 60.

*Interrogatory 62.*—Please state whether, while President, you received information that:

- A. The International Telephone and Telegraph Corporation, or any other United States corporation, was, in connection with the 1970 Chilean election, making money available to anti-Allende groups;
- B. The International Telephone and Telegraph Corporation, or any other American corporation, made money available to opponents of Allende's 1964 campaign for the presidency; or
- C. Cooperation was rendered by the CIA, in 1964, to any United States corporation in connection with the corporation's provision of funds to Chileans opposing Allende's election.

I do not recall receiving information, while President, that:

A. The International Telephone and Telegraph Corporation, or any other United States corporation, was, in connection with the 1970 Chilean election, making money available to anti-Allende groups;

B. The International Telephone and Telegraph Corporation, or any other American corporation, made money available to opponents of Allende's 1964 campaign for the presidency; or

C. Cooperation was rendered by the C.I.A., in 1964 to any United States corporation in connection with the corporation's provision of funds to Chileans opposing Allende's election.

*Interrogatory 63.*—If your answer to any portion of Interrogatory 62 is in the affirmative, please state :

- A. Who informed you ;
- B. Your response when so informed ; and
- C. The nature of the information supplied you.

See response to Interrogatory No. 62.

*Interrogatory 64.*—Please state whether, after Allende was inaugurated, the United States, directly or indirectly, continued its contacts with Chilean military officers for the purpose of promoting a military coup d'etat.

I do not know whether, after Allende was inaugurated, the United States, directly or indirectly, continued its contacts with Chilean military officers for the purpose of promoting a military coup d'etat.

*Interrogatory 65.*—If your answer to Interrogatory 64 is in the negative, please state whether you issued instructions to the CIA 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.

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 66.*—If your answer to Interrogatory 65 is in the affirmative, please state :

- A. To whom such instructions were given ;
- B. Whether they were oral or written ; and
- C. The approximate date of the instructions.

See response to Interrogatory No. 65.

*Interrogatory 67.*—Thomas Karamessines has testified as to his belief that the seeds laid in the Track II effort in 1970 had their impact in 1973. Please state whether you believe that the actions undertaken by the CIA in Chile :

- A. During September and October 1970 ; or
- B. Between October 1970 and September 1973 were, to any degree a factor in bringing about the successful 1973 coup.

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 68.*—If your answer to Interrogatory 67 is in the affirmative, please describe the manner in which such activities contributed to the occurrence of the 1973 coup.

See response to Interrogatory No. 67.

*Interrogatory 69.*—National Security Decision Memorandum No. 93 is attached at Tab F. With respect to the “necessary actions” referred to at page 2, please discuss:

A. The actions taken, if any, in connection with subsections a through d;

B. Whether, as suggested on page 2 therein, any “existing commitments” were reduced, delayed or terminated;

C. By what means United States private business interests were made aware of United States Government concern with the Government of Chile; and

D. The extent to which the United States Government elicited the aid of United States private businesses with investments or operations in Chile.

Apart from issuing the directives set forth in NSDM No. 93, I do not recall receiving reports or other information concerning the specific implementation of the directives.

*Interrogatory 70.*—A tape recording of a June 23, 1972 conversation between yourself and H. R. Haldeman attributes to you the following remark: “. . . we protected Helms from one hell of a lot of things.” Please identify with particularity the “things” referred to by you in this conversation.

I recall that in early 1972 Richard Helms, as Director of the C.I.A., discussed with me the fact that a former employee of the Agency was preparing a book for publication which would, for the first time, reveal a great deal of classified information about the C.I.A. which he believed should not be disclosed in the interest of the C.I.A. or the Nation. I assumed from Director Helms’ long affiliation with the agency that his assessment of the detrimental effect of such revelations was accurate.

Mr. Helms explained that the C.I.A. contemplated taking legal action to prevent these disclosures. I do not recall Mr. Helms discussing any specific revelations that might be made, but I was concerned that there might be disclosures of highly sensitive C.I.A. covert activities. Although disclosure of many of these matters would have involved actions of previous Administrations, rather than mine, I believed it would damage the C.I.A.’s ability to function effectively in the future and thereby weaken the intelligence capabilities of the United States. It is also my recollection that Mr. Helms and I discussed the intense criticism my Administration and the C.I.A. might receive in the media for taking such legal actions. He felt that charges might be made that we were “suppressing” the right of free expression. I recall assuring Mr. Helms he was doing the right thing in defending the C.I.A. and that he would have my full support despite criticism. Therefore, I assured the Director that the White House would support the C.I.A.’s position in opposing such disclosures. As I recall, it was in light of this incident that, on June 23, 1972, I made the statement to H. R. Haldeman referred to in this interrogatory.

*Interrogatory 71.*—Please state whether you were ever informed that any presidentially-appointed member of your Administration, or any officer or official of any government agency, lied to, or intentionally misled, any committee or subcommittee of the United States Congress, in testimony relating to events in, or affecting, Chile during the period 1970–1973, inclusive.

I do not recall ever being informed that a presidentially-appointed member of my Administration, or an officer or official of a government agency, lied to, or intentionally misled, any committee or subcommittee of the United States Congress, in testimony relating to events in, or affecting, Chile during the period 1970–1973 inclusive.

*Interrogatory 72.*—If your answer to Interrogatory 71 is in the affirmative, please state as to each instance in which you were so informed.

- A. Who informed you;
- B. The name of the testifying official, or officials;
- C. The committee before which the testimony was given; and
- D. The approximate date of the testimony.

See response to Interrogatory No. 71.

*Interrogatory 73.*—During your Administration, a number of “crisis” situations arose, domestically and throughout the world. Please describe the quality of the intelligence provided you in connection with those crises, including specifically:

- A. Whether it was adequate;
- B. Whether it was timely; and
- C. Whether it was internally consistent.

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 LaGuardia Airport in which eleven 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 Viet Nam 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 74.*—With regard to the situations referred to in Interrogatory 73, please describe those situations, if any, in which the quality of intelligence you received, both foreign and domestic, was in your view:

- A. Inadequate;
- B. Misleading;
- C. Otherwise unsatisfactory; or
- D. Extremely good.

See response to Interrogatory No. 73.

*Interrogatory 75.*—Answering with respect to both foreign intelligence and domestic intelligence, please state your opinion as to how the quality of the intelligence received by the White House during your Administration could have been improved.

See response to Interrogatory No. 73.

*Interrogatory 76.*—Answering with respect to both foreign and domestic intelligence, please state what administrative reorganization of

the intelligence community, if any, would have improved the quality of the intelligence received by the White House during your Administration.

See response to Interrogatory No. 77.

*Interrogatory 77.*—As a result of your years of government service, including service as both Vice President and President, you have had occasion to develop insights into many of the issues currently before the Committee. The Committee would welcome your comments and suggestions as to the structure, organization, and function of the United States intelligence community, or any part of it, including any statement as to ways in which improvements might be made.

Attached at Tab G is a copy of S. Res. 21, the Resolution pursuant to which the Committee was established. Section 2 of the Resolution expressly authorizes and directs the Committee to investigate certain enumerated matters relating to the intelligence community. The Committee would also welcome your comments with respect to any of these enumerated matters.

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 changed 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 relations have not lessened our need for intelligence. Throughout history, where the great powers are concerned, during a period of detente 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 short-sighted 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 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 POW'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.

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 twelve 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 deli-

cate 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 possible 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.

RICHARD NIXON.

