“What is at stake . . . is not simply a question of confidentiality but the integrity of the decision making process at the very highest levels of our Government.”

Effective Government Requires That Cabinet Conversations Remain Confidential

Richard M. Nixon

Richard M. Nixon was a congressman, a vice president, and in 1960 a losing presidential candidate. He eventually won the presidency in 1968. Because of his involvement in the cover-up of a burglary of Democratic political offices in the Watergate Hotel in Washington, he was eventually forced to resign the presidency in 1974.

In this speech regarding his view of executive privilege, Nixon makes a distinction between cabinet officials—such as the secretary of defense—and his personal aides, such as the White House chief of staff. He directs cabinet officers to testify before Congress because they are public officials; however, he thinks that executive privilege shields personal advisers from the requirement to testify before the legislative branch. The president needs such advisers to be candid when discussing politics and policy; frank discussion within the executive sphere requires that the president’s conversations with advisers be kept confidential, he maintains.

During my press conference of January 31, 1973, I stated that I would issue a statement outlining my views on executive privilege.

The doctrine of executive privilege is well established. It was first invoked by President [George] Washington, and it has been recognized and utilized by our Presidents for almost 200 years since that time. The doctrine is rooted in the Constitution, which vests “the Executive Power” solely in the President, and it is designed to protect communication within the executive branch in a variety of circumstances in time of both war and peace. Without such protection, our military security, our relations with other countries, our law enforcement procedure, and many other aspects of the national interest could be significantly damaged and the decision making process of the executive branch could be impaired.

The general policy of this Administration regarding the use of executive privilege during the next 4 years will be the same as the one we have followed during the past 4 years and which I outlined in my press conference: Executive privilege will not be used as a shield to prevent embarrassing information from being made available but will be exercised only in those particular instances in which disclosure would harm the public interest.

Policy on Withholding Information

I first enunciated this policy in a memorandum of March 24, 1969, which I sent to Cabinet officers and heads of agencies. The memorandum read in part:

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information, the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need...