

## CLAY T. WHITEHEAD • September 15, 1974

**MR. HERMAN:** Mr. Whitehead, as a member of the Nixon White House, you were part of the transition group which helped plan and make smooth the transition from President Nixon to President Ford. Did the transition group make any recommendation to the new President about a pardon or any such treatment of the old one?

**MR. WHITEHEAD:** Well, the transition group that I was a part of was not a part of the Nixon White House. I was working as an individual really, helping Mr. Ford and some of his close advisors, and that group made no recommendations to the President about the pardon of Mr. Nixon.

**MR. HERMAN:** You did not feel it was necessary to consider that subject?

**MR. WHITEHEAD:** No, we did not. We did not feel that that was one of the things that was urgently on the agenda. It was something we didn't feel that the President needed urgent advice on. We were principally concerned with the organization of the White House, the staffing of the White House, and the organization of the executive office of the President and the cabinet agencies, what their role would be.

**ANNOUNCER:** From CBS News, Washington, a spontaneous and unrehearsed news interview on *FACE THE NATION* with Clay T. Whitehead, who is resigning as Director of the Office of Telecommunications Policy today. Mr. Whitehead will be questioned by CBS News Correspondent Dan Rather, Adam Clymer, Correspondent for the Baltimore Sun, and CBS News Correspondent George Herman.

**MR. HERMAN:** Mr. Whitehead, before I get into some of the other details of your transition group, let me just pursue this question of a pardon further, because it is a good deal on everybody's mind. You say, I gather, that the transition group of which you were a member did not think that this was an urgent matter for the peace and the tranquility of the nation, and you did not consider it, is that correct?

**MR. WHITEHEAD:** That's correct.

**MR. CLYMER:** Well, what sorts of things did you go into? Did you, for example, come up with a recommendation that the new President get an entirely new staff and get rid of everybody who was publicly—who was well known in the Nixon administration quickly?

**MR. WHITEHEAD:** Well, we considered that. We felt it was our obligation to consider all of the important alternatives that the new President ought to think about or ought to have someone think about, and there was so much dissatisfaction with Mr. Nixon's administration, so much unhappiness with some of the people in it, that we knew that there would be some people clamoring to clean them all out. So, of course, we had to consider that. But, just as the President did, we came to the conclusion that that was not appropriate. There are a lot of very competent, very good individuals, in the administration. There is no need to tar them all. And

secondly, our government, the executive branch and the White House, have become very much enmeshed in the operation of this country. It's a very big and a very powerful institution, and it would just be quixotic, it would be foolish to clean out the White House as to clean out the Cabinet until you have some concept of what you want your administration to be, how you are going to organize it, the kinds of people you want in it, and begin to have some idea of the specific people you want in it. Now it was not possible for Mr. Ford to make all those decisions before he became President.

**MR. RATHER:** Mr. Whitehead, you have had considerable experience in judging the public perception of actions and remarks. From that standpoint, do you think that President Ford's pardon of former President Nixon at the time he made it was a mistake?

**MR. WHITEHEAD:** My personal judgment is that the timing of it was a mistake. In my view, it would have been much better for the public to have a chance to see the charges against Mr. Nixon. If Mr. Jaworski was going to bring an indictment, to have that indictment out, available for study, and then for Mr. Ford to say, based on this, I have concluded that even if convicted, I would pardon Mr. Nixon. But of course there may be some things that Mr. Ford knows that I don't know, and I'm speaking only on the basis of the analysis of the facts as I know them.

**MR. HERMAN:** There is some controversy of the extent of work that the transition group did. Some people, writing in columns and so forth in Washington, seem to think that you planned everything, some seem to think that you planned almost nothing, some say that you went so far as to plan at least the appearances, if not the actual remarks, that the new Vice President or the new President, that is to say, made when he appeared in front of his house. Can you give us some idea of actually how much of Mr. Ford's new appearance was planned by you, how much is his own original concept?

**MR. WHITEHEAD:** Well, I don't want to claim very much personal credit for it at all. My job was to try to get an appropriate group of individuals together that collectively could make sure we had thought about all the important things that had to be considered. The actual planning exercise, before the Nixon resignation, was pretty much confined to identifying a checklist of things that would have to be decided one way or another, and bringing together some of the information that we knew would be needed, some of the options that we thought the new President would like to consider. We did not plan, in the sense of trying to manipulate Mr. Ford, take this tack or take that tack, but simply to make sure that as many things, as many contingencies, had been thought through, so that the first week or so of the transition could proceed relatively orderly, and he could be—find himself after a week or two in a position of being able to assert his own administration.

**MR. HERMAN:** Well, how about that one rather silly little example—did the transition group planners have anything to do with Mr. Ford's appearances at his house and what he said to the cameras the night of the resignation?

**MR. WHITEHEAD:** We did prepare some remarks for his consideration. I think he used part of it. But we were not the master planners, sitting behind Mr. Ford, saying, here, do this, here, do that. We tried to give him information that we thought he would find useful, ideas that he might find useful, but we had no way of knowing whether he was going to use it or throw it out in the wastebasket.

**MR. CLYMER:** Did you go into, in this question that I brought up before, of keeping staff on? Did you go into a great detailed recommendation, to the contrary then, to keep a lot of people on the payroll? I mean we discovered this week that even Mr. Nixon's valet and maid are on sort of a transition payroll, they are still on the White House payroll out in San Clemente. Did you get into much detail on that

said, I've been around the White House now for some time, and I think I have some experience with what's there and how it works, but this experience of planning for a transition and trying to make sure that we had a checklist of all the things that had to be considered, really staggered me as to the size and scope of the American presidency. In any kind of planning endeavor, in any kind of endeavor trying to figure out what are all the things that we ought to do, with respect to the American presidency—you cannot get into detail, there's just too much even at the broad-brush level.

**MR. RATHER:** Mr. Whitehead, did you consider during this transition period, and if you did consider, what was the result of it? Again, the appearance of heavy military influence in the White House, under the supervision of General Haig, and why wasn't the decision made to remove General Haig, at least as a symbol of the old Nixon team, immediately?

**MR. WHITEHEAD:** We were concerned about the heavy military influence at the White House. There are a number of military officers who have been assigned to White House staff duty. I'm now speaking in addition to the military aides, the people who attend all the ceremonial functions and all that. There have been a number of military officers doing substantive staff jobs in the White House. We felt that that was for the large part inappropriate, and recommended that there be a curtailing or cutback in that area. General Haig's case is unique. General Haig became indispensable to the running of the White House, as you all know. I spoke earlier about the tremendous power that has come to be in the White House. There are all these reins of power that come into the office of the presidency, and while it's not healthy for the longer run, we found ourselves in a very special situation of one man, Al Haig, holding so many of those reins and knowing what they were, where they were, what they pulled, and I think it would have been irresponsible to have Al removed immediately as a symbol. He was too important operationally to the President, and I think Al realized that. Al, as far as I can tell, very much wants to get out of there, but it wouldn't be a responsible thing for him to do, just to get up and leave without the new President having a chance to organize his own staff to take over some of those reins.

**MR. RATHER:** Is it too strong to say that in the final months of the Nixon administration, General Haig was in effect a surrogate president?

**MR. WHITEHEAD:** I think that's too much to say, but he certainly had much more power concentrated in any one man, short of the President, than we've ever seen before, and far more than would be healthy in normal circumstances.

**MR. HERMAN:** Every decision of that kind that you make almost invariably has some kind of trade-off. What did you lose by keeping General Haig in there to preserve this kind of continuity?

**MR. WHITEHEAD:** Well, what we lost was some symbolism. What we lost was some flexibility in putting a Ford imprint on some early decisions and some early policies. I'm not suggesting now at all that Al tried to circumvent the President or tried to frustrate the President in putting his own policies into effect, but when you have an organization as big and as complex as the White House, that's been doing things a certain way for a long time, and in comes somebody else and says I want to do this differently—it can be very hard, I think, for the people who were there to see how to do it differently.

**MR. CLYMER:** Well, wasn't there another thing that the Ford administration may have lost by not making a lot of personnel changes in the five weeks or so that he's been in office? And that is the ability to attract people into government who ordinarily would scorn it but who could have been asked on the basis of a new President in a difficult time—won't you come in and help now? Isn't that a very quickly wasting asset, that is, people who might have come in five weeks ago who

You have to remember that in a normal transition, such as the one I worked on in '68 and '69 for Mr. Nixon to—I mean for Mr. Johnson to Mr. Nixon, you have three months to plan the transition. You have three months to think what kind of people you want, to go out and ask some of those people what they would do if they were in your cabinet, begin to get a feel for them. I think you'd have to judge Mr. Ford's transition on about the same time train, and to say that it is wasting away in five weeks is premature. On the other hand, to be sure, his first priority has to be the organization of his administration, the organization of his own White House staff, and the bringing in of his own people, some of whom may be kept over from the old administration, but nonetheless it has to be his organization and his people. And the principal recommendation of the transition team was, to Mr. Ford, make some organizational changes about the role of the White House versus the Cabinet, and bring in some first class people into this government. Now I do not think that we yet have the Ford administration. Mr. Ford still can, as he gets his White House organized, make that call to outstanding people in the country—your country needs you, come in, I want people of your caliber. It's just been too early for him, he's had too many special things to deal with, I think, to make that call right now.

**MR. RATHER:** Speaking of those special things—excuse me—go ahead.

**MR. CLYMER:** Well, one area where you did make an early recommendation was in terms of a new press secretary. Now that new press secretary, Gerald terHorst, quit a week ago over the Nixon pardon, and they seem to be once again struggling and in hopes of finding somebody. Can you tell us something about why your thinking was, in your group, to recommend someone like terHorst—what sorts of people you were recommending, what kind of idea you had about the press? I gather that was one of the things you spent some time on.

**MR. WHITEHEAD:** Yes, we had two considerations. Number one, we wanted a press secretary who was qualified to be and would be fully active at the top White House staff level, would know everything that was going on and would have an input to what the administration was doing. Secondly, we wanted a press secretary who could be relied upon to know the needs of the press corps and could serve those needs, who could be candid, who could be open, who could be honest in dealing with the press, to make sure they got the information they felt they needed. Those were our objectives. Now, of course, there was the unspoken objective, which we all have to realize, and that is that the press secretary openly works for the President of the United States, and there would be times we knew when the press secretary would not be able to make information available, but we wanted to make sure that when those occasions arose, that he knew what information he was not putting out, and that he did not, in the process of failing to give information, did not in the process deceive the press or mislead them or lie to them.

**MR. HERMAN:** A past public relations official of a past administration once said it is sometimes the obligation of a public relations man in the government to lie to the press. Is that in your thoughts at all?

**MR. WHITEHEAD:** That's not in my thoughts at all. I have dealt with the press for six years now, and I have never lied to the press—

**MR. HERMAN:** But you've not dealt with national security matters. Is it conceivable to you, or would you think it wise that in times of national security travail it might be necessary or even wise to lie to the press?

**MR. WHITEHEAD:** I think that there are always ways of simply saying nothing.

**MR. RATHER:** Mr. Whitehead, you've spent, as you've just said, five and a half years in the Nixon administration, five and a half years plus. Looking back on it, and I don't think one can emphasize too much that preface that we are dealing with hindsight, have you asked yourself the question, should I have quit somewhere

**MR. WHITEHEAD:** There were times when I asked myself that question daily. It was a very difficult decision. Sometimes events would arise that made it particularly difficult, and it is very easy in hindsight to say, yes, if such and such had happened, I would have quit. It was an agonizing decision. It was very difficult, and I've talked with a number of other people in the administration who felt the same way—they felt they had a responsibility to the part of Mr. Nixon that was good, and the part of Mr. Nixon that was trying to lead this country in good directions. They felt they had a responsibility to the Congress, to which they were answerable, and they felt they had an obligation to continue to carry out their job as best they could for the benefit of the American people. When you see the jobs in that perspective, I think you have to be willing to put up with a bit of personal anguish; you have to be asking yourself the question, and at some point the time comes, and you quit in protest. But I think you quit in protest only when you're convinced that you are being asked to do something that you can't do, or you feel that you simply can no longer support the President in the area in which you have a responsibility.

**MR. HERMAN:** The same thought occurred to you almost daily, part of the time, and when you were summing up the things in your mind, you said you have loyalty to the part of the President which was good. What was in your mind during those periods of agonizing that was bad about President Nixon? What was your view of him that made you want to resign?

**MR. WHITEHEAD:** Well, that's one of the things I hope to be able to think about over the next few months. I haven't had the luxury of being able to really think back upon them—

**MR. HERMAN:** But if you said you almost daily thought of resigning, it must have been something very strong in your mind.

**MR. WHITEHEAD:** Sometimes I thought about it almost daily. There were things that were going on in the White House—I'm not talking about the things we all read about in the papers and saw on television—that were just wrong. They shouldn't have been going on in the White House—left a bad taste in your mouth, and it was very difficult to be identified publicly and to defend an administration that you knew you couldn't defend in all respects, and that got to be a bit of a burden to a lot of people.

**MR. CLYMER:** What is there about this government, which for the past two administrations really, has had a great many people in it who agonized over a major issue of policy, who told people at cocktail parties how terrible it was and how they weren't really any part of it—in the Johnson administration, the Viet Nam war—and in the Nixon administration—perhaps to a very small extent that—but very largely the Watergate thing—and yet almost nobody quits. Why doesn't anybody quit?

**MR. WHITEHEAD:** Because, I think, of what I was talking about earlier. It's only the President who bears total responsibility for his administration. The rest of us, particularly outside his immediate White House staff, those of us who are heads of agencies, we have a responsibility that goes beyond the President of the United States. It goes to the Congress and to the American people, and you can't have a government just quit. We don't have a parliamentary system of government in this country, and the executive branch of the government has to go on. The people who are heads of agencies, the cabinet officers, have to carry out their functions; they have to do the best they can in their area. I just don't think that the purposes of this country would be served if every cabinet officer quit because they didn't like what the Secretary of State was doing.

**MR. HERMAN:** I don't think I exactly understand you until you give me some specifics or some examples. You said that there were things going on in the White House that you thought you couldn't live with, you couldn't get along with,

and so on. What was there that was happening that you thought you might not be able to live with? I need an example or two to get the picture.

**MR. WHITEHEAD:** Well, let me give you an example right in that field. I think the government has the responsibility to jawbone newsmen. The press in this country is free and independent, and the public and the government have an opportunity and the responsibility to criticize it when they don't think it's doing the right thing, just as you gentlemen of the press have a responsibility to criticize the government when it's not doing what you think is the right thing, so I felt that it was perfectly proper and appropriate from time to time to remind the press that they have a social responsibility and that maybe they're not doing the best job they could to live up to that. But that is a far different thing than using the legal processes of government to coerce the press into providing the kind of coverage that the administration in power wants—the FBI investigation of a correspondent, the phone call to the head of the FCC, which as near as I can tell was only suggested and never took place, that you ought to monitor the news of the networks; the suggestion that an antitrust suit should be brought against the networks in order to get them to be more reasonable on news; the conversation in the Oval Office about the harassment of the Washington Post stations for their news behavior, to try to challenge their licenses, those are the kinds of things that in my mind have no place in the government of the United States, and if I had been involved in any of that or had been asked to be involved in any of it, I would have had no choice but to quit, and there's an example, I think, where one has to weigh what is going on and make a decision.

**MR. CLYMER:** But Mr. Whitehead, at approximately the same time when you were making your speech in Indianapolis—George took a couple of quotes from it—when you were talking about local station managers' responsibility to check a consistent bias in network news—at that same time, assorted political supporters of the Nixon administration were filing challenges to the Washington Post television stations in Florida. Now, no one's ever suggested that you were involved with those challenges, but to all of us outside, it certainly looked like pretty much of a picture, and all sorts of things going on at once. Now, isn't it a little self-serving to say that my sort of criticism was high-minded, but what these other people, who worked for the same administration, many of whom worked in the same building, were doing—was the wrong thing; haven't you created a bit of a cop-out there by saying that my kind of work was different?

**MR. WHITEHEAD:** A bit, I think, I have to agree with you, but that is with the benefit of the hindsight that Dan was talking about. I did not know at the time I gave that address that those conversations had taken place in the Oval Office. Now, with the benefit of hindsight, I wouldn't have done it, but I didn't know that at the time. All I knew at the time was that we had developed a license renewal bill that would change the way the government regulates television, that would make it much more difficult for the government to coerce certain kinds of programming—a very pro-First Amendment bill, and in releasing that bill that would have given the television system in this country more freedom, I felt compelled to say that with this freedom goes responsibility. Now, that only sounded reasonable to me at the time. Again, in hindsight, with—in knowing what—all we know now about what else was going on inside the White House, and in the Oval Office, I wouldn't have done it.

**MR. CLYMER:** The challenge to the Post stations was quite public at the time.

**MR. WHITEHEAD:** But the challenge was made by people outside of government and the White House was vociferously denying that they had any role in it. They were lying—they were lying to me and they were lying to you.

**MR. WHITEHEAD:** I believed them. Perhaps I was too naive.

**MR. RATHER:** Mr. Whitehead, you're a man with three degrees, including a Ph.D. from two of the finest institutions of higher learning in this country, Massachusetts Institute of Technology and Harvard, and am I to believe that you did not know at the time you made the Indianapolis speech, in which you spoke of ideological plugola and elitist gossip, that you did not know at that time that you were being used as part of a conspiracy to try to intimidate newsmen?

**MR. WHITEHEAD:** I certainly did not know that I was being used, and I'm not even sure to this day that in that speech I was used, as a part of a conspiracy to intimidate newsmen. I knew very well that the President was very unhappy with what he perceived as the bias on television, and that a lot of other people see, and I felt that the benefit of what I was doing in sending this kind of a licensing renewal bill to the Congress—a very pro-First Amendment license renewal bill, that would have made it almost impossible to do the kind of things that the President and his other staff were talking about in the Oval Office that day, remember, that bill would have made the kind of license challenge harassment that they were talking about illegal. I felt that getting that kind of bill to the Congress was very important and in the process, I was willing to say some things that I—about the news media, that I thought they needed to exercise more responsibility, and I said it.

**MR. HERMAN:** Thank you very much, Mr. Whitehead, for being with us today on Face the Nation.