

THE INVESTIGATION OF NEWSMAN DANIEL SCHORR

NOVEMBER 12, 1971.

HON. RICHARD M. NIXON
The President,
The White House.

DEAR MR. PRESIDENT: As you know, the Senate Subcommittee on Constitutional Rights has been conducting hearings on the state of freedom of the press in our country. We are giving special attention to the relationship between government and the press and the impact of this relationship upon First Amendment freedoms.

In personal letters inviting several high-level officials of your Administration to present testimony to the Subcommittee, I have expressed my concern over the increasing suspicion of many Americans that government appears anxious to use its power to control the press for its own purposes. Recent newspaper reports of an alleged investigation of Mr. Daniel Schorr, correspondent for Columbia Broadcasting System, by the Federal Bureau of Investigation, have clearly exacerbated this suspicion. One report suggests that this investigation was undertaken under the guise of considering Mr. Schorr for a top position in the Federal government. Apparently neither Mr. Schorr nor various White House officials with general responsibility in the area of recruiting were aware of any such appointment under consideration.

I am deeply concerned over the fears, even unwarranted fears, which may arise from the public reports concerning the alleged investigation of Mr. Schorr. First Amendment freedoms can be stifled by intimidation and suggestion from those who have official power just as surely as they can by direct curtailment.

I should like to urge that you make inquiry into this matter and that you provide me with any information developed therefrom. I also intend to invite Mr. Schorr, Mr. Malek, Mr. Colson and other persons involved in this incident to appear before the Subcommittee when it resumes hearings on freedom of the press early in January. In addition, may I express again the desire of the Subcommittee on Constitutional Rights to have Mr. Klein or some other official of comparable responsibility from the White House also testify.

With kindest wishes,
 Sincerely yours,

SAM J. ERVIN, JR.,
Chairman.

THE WHITE HOUSE,
 Washington, D.C.

HON. SAM J. ERVIN, JR.,
U.S. Senate, Washington, D.C.

DEAR SENATOR ERVIN: This is in response to your letters of December 3, 1971 to the President, Mr. Frederick V. Malek and Mr. Charles W. Colson concerning the investigation of Mr. Daniel Schorr.

You have indicated in your letter to the President that your inquiry is prompted by concerns and suspicions which have risen in connection with this matter and the need to put them to rest. We fully agree that any concerns and suspicions which have arisen must be eliminated and we have moved to do just that by publicly stating the precise reason the investigation of Mr. Schorr was conducted. Also, upon reviewing this matter, the President has made it the policy of this Administration that such preliminary job clearance investigations will not be initiated without prior notification to the person being investigated.

Despite some inaccurate conjecture to the contrary, the facts in this situation are quite simple. Mr. Schorr was being considered for a post that is presently filled and a routine job investigation was commenced without notifying Mr. Schorr. Mr. Malek's office was performing in its general area of talent searching in this matter. Mr. Colson's office was not involved in the matter at all. Given these facts, there is nothing more we believe can be added to clarify the situation.

With respect to your request for the appearance of Mr. Malek and Mr. Colson before your Subcommittee, it has been a matter of long-established principle and precedent that members of the President's immediate staff do not appear

before Congressional committees to testify in regard to the performance of their duties as members of the President's staff. This practice is, indeed, fundamental to the operation of our system of government.

Therefore, I wish to advise you that Mr. Malek and Mr. Colson respectfully decline the invitation to testify.

Sincerely,

JOHN W. DEAN, III.
Counsel to the President.

JANUARY 24, 1972.

HON. J. EDGAR HOOVER,
Director, Federal Bureau of Investigation, Department of Justice, Washington, D.C.

DEAR MR. HOOVER: As you may know the Senate Subcommittee on Constitutional Rights is studying the state of freedom of the press in America. In this connection the Subcommittee conducted a series of hearings in the fall of 1971 and will resume them on February 1, 1972.

One of the primary concerns of the Subcommittee's study is the relationship between government and the press. Many Americans, rightly or wrongly, have become suspicious about government's commitment to First Amendment principles. Several developments of the past few years have exacerbated these suspicions. One recent incident, involving Mr. Daniel Schorr of the Columbia Broadcasting System, has raised especially widespread and serious concern.

Mr. Schorr publicly reported that the Federal Bureau of Investigation conducted an investigation of him last year at a time when Mr. Schorr was reporting on the Administration's economic policies. Administration spokesmen subsequently stated that this investigation of Mr. Schorr was authorized and conducted pursuant to the Administration's consideration of Mr. Schorr for a government appointment. Mr. Schorr, in turn, responded that he had had no knowledge of such consideration. Although President Nixon has said that in the future no such investigation will be initiated without informing the person involved, there are serious questions concerning this matter which remained unanswered.

The Subcommittee has invited Mr. Schorr and certain White House officials reportedly involved with this incident to appear before the Subcommittee. Mr. Schorr has agreed to testify, but we have as yet not heard from the White House officials.

The Subcommittee would appreciate any information which the FBI has concerning this incident. Specifically, we would like to know under what and whose authority the FBI conducted its investigation. We would like to know when the investigation was begun, who in the White House ordered it, and when the investigation was terminated. We would like to know approximately how many persons were questioned about Mr. Schorr, the kind of information the FBI was asked to gather, and the general nature of the investigation. Finally, we are interested in knowing what has happened to any records, files, or other materials collected in the course of the investigation.

The Subcommittee will be grateful to this and other information the FBI can supply concerning this matter. I am sure that you know of my continuing high regard for the outstanding work of the FBI and of my personal admiration for your leadership over the years.

With kindest wishes,

Sincerely yours,

SAM J. ERVIN, JR.,
Chairman.

JANUARY 27, 1972.

HON. SAM J. ERVIN, JR.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to your letter dated January 24, 1972, regarding the investigation of Mr. Daniel Louis Schorr.

Investigation of Mr. Schorr was requested on August 19, 1971, by a member of the White House staff, authorized to request federal personnel background