

Dear Norman - Please answer directly if you wish to respond at all. We are not publishing this letter - Gene

Tzvi Berman

November 25, 1973

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In the November 2, 1973 issue of Sh'ma, Rabbi Norman Lamm

attempts to bring Talmudic and various other Jewish historical sources to bear on the situation of Watergate and the now famous White House Tapes and satisfactorily proves his point that a ruler is not above the law. He, however, overlooked at least one substantial argument which the President has used and which Rabbi Lamm, as a congregational rabbi has or may in the future be required to use. I am speaking of the problem of privileged information or national security on the governmental level. As a future rabbi, I expect to speak with my congregants concerning such problems as love affairs or subversive organizations to which they may have belonged and the like which could conceivably destroy them, their future, and their families should such information not remain confidential. I believe that it would be my obligation to refuse to disclose such information regardless of the penalty.

On the national level, disclosure of national security matters is of even greater consequence as it may cause treaties to be broken, relations to become strained, and possibly even wars. The President, as the head of the country and the one person on whose shoulders rests the security and destiny of the nation, would in my opinion be acting extremely irresponsible should he permit such information to be made public or even semi-public. Disclosure to even Senators and Representatives, even assuming that they are all well intentioned, an assumption which I doubt is a valid one after watching the "Erwin Circus" this summer, increases the possibility of leaks and must likewise be shunned. I believe that all Americans,

especially congregational rabbis, and other professional who are generally taken into one's confidence, must realize that not all information is meant for all ears. While the President is not above the law there is a thin line between what constitutes information that will jepedize national securty and that which will not. On such matters only the President, as the person in sole posession of such information, can determine. I suggest that the Americian people, especially the "liberal intellectuals", stop requesting that the President justify every move and diseclose information which he considers damaging to the national interest and let him concentrat on the job to which he was overwhelmingly elected..