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**NOTE:** Book III is published in two parts. Part 1 contains the entire statement of information and supporting evidentiary material for paragraphs 1-47. Part 2 contains copies of paragraphs 48-75 and the supporting evidentiary material for those paragraphs.
STATEMENT OWES INFORMATION

HEARINGS

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

SECOND SESSION

PURSUANT TO

H. Res. 803
A RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JUDICIARY TO INVESTIGATE WHETHER SUFFICIENT GROUNDS EXIST FOR THE HOUSE OF REPRESENTATIVES TO EXERCISE ITS CONSTITUTIONAL POWER TO IMPEACH RICHARD M. NIXON PRESIDENT OF THE UNITED STATES OF AMERICA

Book III—Part 1

EVENTS FOLLOWING THE WATERGATE BREAK-IN

June 20, 1972 March 22, 1973

31 AY-JUNE 1974

35-905 o

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FOREWORD

By Hon. Peter W. Rodino, J r., Chairman,
Committee on the Judiciary

On February 6, 1974, the House of Representatives adopted by a vote of 410-4 the following House Resolution 803:

RESOLVED, That the Committee on the Judiciary acting as a whole or by any subcommittee thereof appointed by the Chairman for the purposes hereof and in accordance with the Rules of the Committee, is authorized and directed to investigate fully and completely whether sufficient grounds exist for the House of Representatives to exercise its constitutional power to impeach Richard M. Nixon, President of the United States of America. The committee shall report to the House of Representatives such resolutions, articles of impeachment, or other recommendations as it deems proper.

Beginning in November 1973, acting under resolutions referred to the Committee by the Speaker of the House and with a special appropriation, I had begun to organize a special staff to investigate serious charges against the President of the United States. On May 9, 1974, as Chairman of the Committee on the Judiciary, I convened the Committee for hearings to review the results of the Impeachment Inquiry staff's investigation. The staff began its initial presentation the same day, in executive session, pursuant to the Committee's Impeachment Inquiry Procedures adopted on May 2, 1974. By June 21, the Inquiry staff had concluded its initial presentation.

On June 25, the Committee voted to make public the initial presentation including substantially all of the supporting material.
presented at the hearings. The Committee also voted to make public
the President's response, which was presented to the Committee on June
27 and June 28 in the same form and manner as the Inquiry staff's
initial presentation.

Statements of information and supporting evidentiary
material were compiled by the Inquiry staff in 36 notebooks and
furnished in

this form to each Member of the Committee. The notebooks
presented material on several subjects of the Inquiry: the
Watergate break-in and its aftermath, ITT, dairy price supports,
domestic surveillance, abuse of the IRS, and the activities of the
Special Prosecutors.

The staff also presented to the Committee written reports
on President Nixon's income taxes, Presidential impoundment of funds
appropriated by Congress, and the bombing of Cambodia.

Fifteen notebooks were furnished to the Members of the
Committee relating to the Watergate break-in on June 17, 1972 and to
events following the break-in, through April 30, 1973. In each notebook a
statement of information relating to a particular phase of the
investigation was immediately followed by supporting evidentiary material,
which included copies of documents and testimony (much already on public
record), transcripts of Presidential conversations and affidavits.

The fifteen volumes relating to the Watergate phase of the
Inquiry were divided into four books, as follows:

Book I - Events Prior to the Watergate Break-In
12/2/71 - 6/17/72

Book II - Events Following the Watergate Break-In
6/17/72 - 2/9/73
Book III - Events Following the Watergate Break-In
6/20/72 - 3/22/73

Book IV - Events Following the Watergate Break-In
3/22/73 - 4/30/73

Book I dealt with events prior to the Watergate break-in. Book II dealt with allegations involving Presidential interference with the official Department of Justice investigation. Book III dealt with allegations concerning payments of "hush" money to Watergate defendants to insure their silence, offers of leniency and executive clemency, and the instigating or making of false statements to persons connected with an official investigation of Watergate; Book III also included a chronology of events between February 9 and March 22, 1973. Book IV dealt with events relating to the President's investigation of the Watergate break-in and alleged cover-up between March 22 and April 30, 1973.

Every effort was made to preclude inferences in the presentation of this material. A deliberate and scrupulous abstention from conclusions, even by implication, was observed.

With respect to the Presidential recorded conversations, the Committee determined to hear the recorded conversations in their entirety. The Presidential recorded conversations were neither paraphrased nor summarized by the Inquiry staff. Thus, no inferences, or conclusions were drawn for the Committee. During the course of the hearings, Members of the Committee heard each recording and simultaneously followed transcripts prepared by the Inquiry staff. Each of
these transcripts is reprinted under the appropriate Statement of Information.

During the course of the hearings, the Committee found it necessary to issue four subpoenas to President Richard Nixon requiring tape recordings of 98 Presidential conversations as well as all papers and things prepared by, sent to, received by, or at any time contained in the files of H. R. Haldeman, John D. Ehrlichman, Charles W. Colson, John Dean, III, and Gordon Strachan to the extent that such papers or things related or referred directly or indirectly to the break-in and electronic surveillance of the Democratic National Committee Headquarters in the Watergate office building during May and June of 1972 or the investigations of that break-in by the Department of Justice, the Senate Select Committee on Presidential Campaign Activities, or any other legislative, judicial, executive or administrative body, including members of the White House staff.

The Committee also subpoenaed the President's daily diaries (logs of Presidential meetings, telephone calls, and other activities) for the periods April through July 1972, February through April 1973, July 12 through July 31, 1973 and October 1973.

In response to these subpoenas, the President furnished only edited White House transcripts of 31 of the subpoenaed conversations between March 17 and April 18, 1973. These edited transcripts were summarized by the Inquiry staff and made a part of the evidentiary material presented to the Committee. To the extent that the President declined to comply with the Committee's subpoenas and produce the
required material, the record of the Committee now made public in these volumes is incomplete.

In a few instances, Ranking Minority Member Mr. Hutchinson and I determined, pursuant to authority granted us by the Committee, to defer the release of evidentiary material or to delete it for one of the following reasons:

1) Because the public interest in making the material public was outweighed by the potential prejudice to the rights of defendants under indictment and awaiting trial

2) Because the information was classified or otherwise required confidential treatment,

3) Because the material was only marginally pertinent and was considered to be defamatory, degrading or embarrassing, or,

4) Because the material was not pertinent to Presidential responsibility within the outer limits of an impeachable offense within the meaning of the Constitution.

The Committee on the Judiciary is working to follow faithfully its mandate "to investigate fully and completely" whether or not sufficient grounds exist to recommend that the House exercise its constitutional power of impeachment.

I believe that the readers of these volumes will see that the Committee's primary effort in carrying out its mandate has been to obtain an objective, impartial presentation which will enable each Member of the Committee to make an informed judgment in fulfilling his or her constitutional responsibility.
I also believe that the publication of the record of these hearings will provide readers with a clear idea of the particulars of the investigation and that the proximity of the evidence will assure them that no statement of information is offered without supporting evidentiary material.

July 1974
The material contained in this volume is presented in two sections. Section 1 contains a statement of information footnoted with citations to evidentiary material. Section 2 contains the same statement of information followed by the supporting material.

Supporting material consists of information obtained at hearings before the Senate Select Committee on Presidential Campaign Activities; information developed in executive session by other Congressional committees; information furnished to the Committee by the Grand Jury of the District of Columbia and by other grand juries; information furnished to the Committee by government agencies; transcripts of tape recordings of conversations among President Nixon and his key associates prepared by the Committee staff; information furnished to the Committee by the President, the Executive Departments of the Government, the Special Prosecutor, and other information obtained by the Committee, much of which was already on the public record.

Each page of supporting evidence is labeled with the footnote number and a description of the document or the name of the witness testifying. Copies of entire pages of documents and testimony are included, with brackets around the portions pertaining to the statement of information. Markings on the documents include item numbers and receipt stamps of the House Judiciary Committee and other agencies from which the Committee received material.
In a few instances, names of persons in sensitive positions have been deleted from documents at the request of the CIA, FBI and other investigative agencies. Some documents contained deletions when the Committee received them.

In the citation of sources, the following abbreviations are used: "SSC" for Senate Select Committee on Presidential Campaign Activities; "SJ C" for Senate Judiciary Committee; and "HJC" for House Judiciary Committee.
STATEMENT OF INFORMATION

EVENTS FOLLOWING THE WATERGATE BREAK-IN

June 20, 1972 - March 22, 1973

Part 1
1. On June 20 or 21, 1972 Fred LaRue, Special Assistant to CRP Campaign Director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that he and Howard Hunt had developed the plans for entries into the DNC and the McGovern presidential campaign offices; that certain persons involved in Watergate previously had been involved in operations of the White House "Plumbers" unit, specifically entering the offices of Daniel Ellsberg's psychiatrist and making ITT lobbyist Dita Beard unavilable as a witness at the Senate Judiciary Committee hearings on the nomination of Richard Kleindienst to be Attorney General; and that he had shredded evidence relating to the Watergate breakin. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

1.1 Fred LaRue testimony, 6 SSC 2286-89, 2309 88

1.2 Robert Mardian testimony, 6 SSC 2357-59 93

(3)
2. Later that day (or, according to Mitchell, the day following) Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including the details of the DNC break-in, the involvement of Magruder and Liddy in the DNC break-in, Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist, and Hunt's earlier activities involving Dita Beard. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

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2.1 Fred LaRue testimony, 6 SSC 2288 98

2.2 Robert Mardian testimony, 6 SSC 2363, 2429 99

2.3 John Mitchell testimony, 4 SSC 1621-22, 1628,
..............................
1643-44, 1660 101

(4)
3. During the week after the break-in at the DNC, Jeb Magruder told Hugh Sloan that Sloan might have to perjure himself regarding his payments to Gordon Liddy prior to the break-in. Magruder told Sloan that Sloan would have to say that he had given only approximately $75,000 to $80,000 to Gordon Liddy. Sloan had in fact given Liddy approximately $199,000.

3.1 Jeb Magruder testimony, 2 SSC 800-01 108

3.2 Hugh Sloan testimony, 2 SSC 543 110

Hearings /§4—All ............

(5)
4. On the afternoon of June 23, 1972 Hugh Sloan met with John Ehrlichman at Sloan's request to discuss Sloan's cash disbursements to Liddy. Ehrlichman told Sloan that he did not wish to discuss the subject with him and suggested that Sloan get an attorney. Sloan has testified that Ehrlichman said that he would take executive privilege with respect to whatever Sloan told him until after the election. Earlier that day Sloan had spoken to Dwight Chapin, the President's appointments secretary about his "concern that there was something very wrong at the campaign committee." Chapin said that the important thing was that the President be protected.
5. On June 23, 1972 Mitchell, Mardian, LaRue and Dean attended a meeting in Mitchell's CRP office. Mardian raised the possibility that since the persons arrested were former CIA people the CIA should take care of its own in furnishing their bail money. It was suggested that Dean determine if CIA assistance could be obtained. Mitchell has testified that to his best recollection the concept of the CIA's providing funds was not discussed in his presence.

5.1 John Dean testimony, 3 SSC 945-46 122

5.2 Robert Mardian testimony, 6 SSC 2368 124

5.3 John Mitchell testimony, 4 SSC 1646 125

5.4 John Mitchell testimony, 5 SSC 1899-1900 126

(7)
6. On or before June 26, 1972 John Ehrlichman told CIA Deputy Director Vernon Walters that John Dean would be Walters’ White House contact on matters affecting Watergate. On June 26 or 27, 1972 Dean met with Walters and discussed the possibility of using the CIA to provide funds for the bail and salaries of persons involved in the break-in at the DNC headquarters. Walters rejected the suggestion. On the morning of June 28, 1972 Dean repeated the suggestion to Walters that the CIA assist the

persons arrested. Walters again rejected the suggestion.

........................................................................................................Page

6.1 John Ehrlichman testimony, 6 SSC 2561-62 130

6.2 Vernon Walters testimony, 9 SSC 3408-12 132

6.3 John Dean testimony, 3 SSC 946-48 137

6.4 Memorandum for record from Vernon Walters, June 28, 1972, SSC Exhibit No. 130, 9 SSC 3816-17 140

6.5 Memorandum for record from Vernon Walters, June 29, 1972, SSC Exhibit No. 131, 9 SSC 3818 142

(8)
7. On June 28, 1972 John Ehrlichman met with John Dean at the White House. Ehrlichman approved Dean's contacting Herbert Kalmbach, the President's personal attorney and a Presidential campaign fundraiser, to ask Kalmbach to raise funds for the Watergate defendants. Kalmbach flew to Washington during the night of June 28, 1972, and the following morning Dean met Kalmbach and asked Kalmbach to raise and distribute such funds. Dean indicated that Kalmbach should raise from $50,000 to $100,000, and Kalmbach accepted this assignment. Kalmbach has testified that he acted in the belief that these payments were necessary to discharge a moral obligation that had arisen in some manner unknown to him by reason of earlier events.

7.1 John Ehrlichman log, June 28, 1972 (received from SSC) 144
7.2 John Ehrlichman testimony, 6 SSC 2566-69 145
7.3 John Dean testimony, Watergate Grand Jury, November 19, 1973, 93, 102-03 (received from Watergate Grand Jury).....
7.4 John Dean testimony, 3 SSC 950 152
7.5 Herbert Kalmbach testimony, S SSC 2092,
On or about June 28, 1972 Magruder met with Herbert Porter, who was in charge of the CRP surrogate speakers program, and asked Porter to corroborate to the FBI a false story that CRP had paid Liddy $100,000 to conduct lawful intelligence projects to prevent disruption of campaign speeches by radical groups. Porter agreed to repeat the false story to FBI agents. Porter has testified that he felt a deep sense of loyalty to the President and was appealed to on this basis.

8.1 Jeb Magruder testimony, 2 SSC 801-02 158

8.2 Herbert Porter testimony, 2 SSC 635-36, 645, 649, 678
9. On June 29, 1972, after Kalmbach agreed to undertake the fundraising assignment, he telephoned Maurice Stans and told him he needed from $50,000 to $100,000 for an important and confidential White House assignment. Later that day Stans delivered $75,000 in $100 bills to Kalmbach in Kalmbach's hotel room. The next day Kalmbach delivered the funds to Anthony Ulasewicz, who previously had undertaken assignments for the White House. Kalmbach told him that the funds were for the Watergate defendants, that the payments would be in absolute secrecy and that contact between Kalmbach and Ulasewicz would be from phone booths using alias names.

9.1 Herbert Kalmbach testimony, 5 SSC 2099-2102
166

9.2 Maurice Stans testimony, 2 SSC 702-03 170

9.3 Anthony Ulasewicz testimony, 6 SSC 2220-21
172

(11)
10. On or about June 29, 1972 LaRue met Kalmbach in Kalmbach's hotel room. Kalmbach advised LaRue of the nature of his assignment to provide financial support for the Watergate defendants. They discussed the method whereby the defendants could be contacted, how the amount of money needed could be determined, the man who would make the contacts (Ulasewicz, alias Mr. Rivers) and a code name to be used for contacts between Kalmbach and LaRue (i.e., Mr. Bradford). They determined that the contacts with the defendants should be made through the defendants' attorneys.

10.1 Fred LaRue testimony, 6 SSC 2289-90 176

10.2 Herbert Kalmbach testimony, 5 SSC 2097-99 178

(12)
11. In early July 1972 the President met with John Ehrlichman. Ehrlichman has testified that they discussed executive clemency with respect to those who might be indicted in connection with the break-in at the DNC headquarters, and that the President told him that he wanted no one in the White House to get into the area of executive clemency with anyone involved in the Watergate case and that no assurances of executive clemency should be made to anyone. At the time of this discussion with Ehrlichman, the President was aware that Howard Hunt had "surfaced" in connection with the Watergate break-in and was a former member of the Special Investigations Unit in the White House (the "Plumbers"). The President was concerned that the FBI investigation of the break-in not expose the activities of that unit.

11.1

Page


11.2 John Ehrlichman testimony, 6 SSC 2608 189

11.3 John Ehrlichman testimony, 7 SSC 2848-49 190

11.4 President Nixon statement, August 15, 1973, 9 Presidential Documents 991, 993 192

11.5 President Nixon news conference, November 17, 1973, 9 Presidential Documents 1345, 1347 194

12. In or about July 1972 and at other times subsequently, John Dean told H. R. Haldeman that CRP was raising funds for those involved in the break-in at the DNC headquarters.

12.1 H. R. Haldeman testimony, 8 SSC 3046-47 200

12.2 John Dean testimony, 3 SSC 969 202
13. On July 5, 1972 John Mitchell was interviewed by agents of the FBI and stated to them that he had no knowledge of the break-in at the DNC headquarters other than what he had read in newspaper accounts of that incident. Mitchell has testified that prior to the time he was interviewed by the FBI he received a report from Robert Mardian and Fred LaRue of a conversation they had with Gordon Liddy in which Liddy described his role in the Watergate break-in; but he was not sure this information was correct when he was interviewed by the FBI on July 5, 1972 and he was not volunteering any information under any circumstances.

13.1 John Mitchell testimony, 5 SSC 1926 204
13.2 John Mitchell testimony, 4 SSC 1625-26 205
14. On or about July 7, 1972 after several unsuccessful efforts by Ulasewicz to deliver funds for the Watergate defendants to attorneys, and after telephone conversations among Kalmbach, LaRue and Dean, instructions were given by Kalmbach to Ulasewicz to contact Howard Hunt's attorney, William Bittman. After that contact was made and after approval by Kalmbach of a $25,000 payment, Ulasewicz delivered $25,000 to Bittman by placing an unmarked envelope containing the money on a shelf in the lobby of Bittman's office building.
15. In mid-July 1972, upon instructions from Kalmbach, Ulasewicz delivered $40,000 to Howard Hunt's wife for the benefit of the Watergate defendants and $8,000 to Gordon Liddy by sealing these monies in unmarked envelopes and placing them in lockers at Washington National Airport. These payments were made from the funds Kalmbach previously had obtained from Stans and delivered to Ulasewicz. In the usual situation in making such deliveries to Mrs. Hunt, Ulasewicz informed Kalmbach of the amount requested, and Kalmbach in turn discussed the amount with Dean or LaRue, and then instructed Ulasewicz to make the delivery in a specified amount.

15.1 Anthony Ulasewicz testimony, 6 SSC 2227, 2231-36..............................

15.2 Herbert Kalmbach testimony 5 SSC 2102,

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15.3 Memorandum from Dorothy Hunt to William O. Bittman, October 2, 1972 (received from SSC) 233

(17)
16. On July 19, 1972 Porter falsely stated to FBI agents that the funds he had paid Liddy were for the purpose of conducting lawful political activities.

Page

16.1 Herbert Porter, SSC report of FBI 302 interview, July 19, 

16.2 United States v. Porter information, January 21, 1974........

16.3 United States v. Porter docket, January 28, ........ 243
17. On July 20, 1972 Magruder falsely stated to FBI agents that he had authorized Sloan to permit Liddy to spend up to $250,000 to gather intelligence information for use in attempting to prevent disruption at the convention and at speeches by surrogate celebrities and political figures. Magruder has testified that he had volunteered at one point "to take the heat" but that the decision was that if it got to him it would go higher.
18. On July 19, 1972 Herbert Kalmbach met with Dean and LaRue in Dean's EOB office. At that meeting, LaRue, in Dean's presence, delivered cash to Kalmbach for use in meeting the commitments to the Watergate defendants. That evening Kalmbach delivered this cash to Ulasewicz in a hotel room in New York City. The amount of this cash is uncertain, being reported as $20,000 by LaRue and as $40,000 by Kalmbach. On or about July 20, 1972 Kalmbach was asked by either Dean or LaRue to raise from outside contributors additional funds for the Watergate defendants. On July 27, 1972 Kalmbach received another $30,000 from LaRue in LaRue's CRP office. These payments to Kalmbach were made by LaRue out of $81,000 in cash he had received from Stans and Sloan early in July, when Stans decided that it would be unwise to retain such a cash sum in FCRP custody.

18.1 Maurice Stans testimony, 2 SSC 701-02 254
18.2 Hugh Sloan testimony, 2 SSC
18.3 Fred LaRue testimony, 6 SSC 229091
18.4 Herbert Kalmbach testimony, 5 SSC 2104-05, 2108 259
18.5 John Dean testimony, 3 SSC 950-51 262

(20)
19. On or about July 26, 1972 Herbert Kalmbach met with John Ehrlichman in Ehrlichman's office. Kalmbach has testified to the following regarding that meeting: Ehrlichman assured Kalmbach that it was necessary and legally proper for Kalmbach to continue secretly to raise and provide funds for the persons involved in the break-in at the DNC headquarters; Kalmbach asked Ehrlichman to assure him that Dean had authority to direct him in this assignment, and Ehrlichman stated that Dean had that authority, that it was a legally proper project and that Kalmbach was to go forward with it; Kalmbach requested the meeting because he had become concerned whether the secret payments operation he was conducting with Ulasewicz was a legally proper activity, whether Dean had authority to have Kalmbach undertake that assignment, and whether the operation should be continued; and Kalmbach received the desired reassurance from Ehrlichman. Ehrlichman has testified that he did not give assurances to Kalmbach. On April 19, 1973, just prior to Kalmbach's testifying before the Watergate Grand Jury, he and Ehrlichman discussed by telephone their July 26, 1972 conference. Ehrlichman tape recorded that conversation.
between Herbert Kalmbach and John Ehrlichman, April 19, 1973, 4:50 p.m., SSC Exhibit No. 77, 5 SSC 2215-17 277

(21 )
20. On or about August 5, 1972 Kalmbach met in California with Thomas Jones, Chairman of Northrop Corporation, who previously had contributed and had offered to provide additional funds for the President's campaign. At that meeting Jones delivered to Kalmbach a wrapped package of cash ($50,000 according to Jones, and $75,000 according to Kalmbach). Shortly thereafter Ulasewicz came to California and covertly delivered $75,000 in cash to Ulasewicz for the Watergate defendants. Kalmbach has testified that a few days thereafter he advised Ehrlichman that in connection with his assignment he had raised $75,000. Ehrlichman has testified that he places this conversation with Kalmbach in April 1973 rather than August 1972.

In August 1972, in accordance with the procedures previously described (paragraph 15), Ulasewicz made two payments to Mr. or Mrs. Howard Hunt ($43,000 and $18,000) by placing unmarked envelopes containing the money in lockers at Washington National Airport.

Page

20.1 Herbert Kalmbach testimony, 5 SSC 2108-09
282

20.2 Anthony Ulasewicz testimony, 6 SSC 2231, 2243 284

20.3 Thomas Jones interview, SSC, July 17, 1973 (received from SSC) 286

20.4 John Ehrlichman testimony, 7 SSC 2844-45
288
20.5 Memorandum to William O. Bittman from Dorothy Hunt, October 2, 1972 (received from SSC) 290
21. On August 10, 1972 Herbert Porter testified falsely before the Watergate Grand Jury that the money he had paid Liddy prior to the Watergate break-in was for the purpose of obtaining information regarding plans by radical groups to disrupt political rallies.

21.1 Herbert Porter testimony, 2 SSC 635-36,..................643 292

21.2 United States v. Magruder information, A--1 R 1973 ...............................295

(23)
22. On August 18, 1972 Jeb Magruder testified falsely before the Watergate Grand Jury that CRP had paid Gordon Liddy to conduct lawful intelligence projects. Magruder has testified that he felt it important that the story of the Watergate break-in did not come out in its true form, and he volunteered to work on the cover-up story. Prior to his grand jury testimony Magruder met at different times with John Mitchell and John Dean. Magruder has testified that Dean, Mitchell and others helped prepare him for his grand jury appearance. Mitchell has testified that he attended a meeting with Magruder and others where Magruder outlined the nature of the testimony that he was going to give. Dean has testified that he informed H. R. Haldeman and John Ehrlichman about Magruder's proposed story and Herbert Porter's proposed corroboration of it. Ehrlichman has denied that he was so advised. Magruder has testified that his reason for testifying falsely was that "if it had gotten out that people like Mr. Mitchell and others had been involved at that point in time, I

honestly thought that his [the President's] re-election would be

probably negated."

.................................................................................................................Page

22.1 Jeb Magruder testimony, 2 SSC 801-03, 816
298

22.2 John Mitchell testimony, 4 SSC 1643-44 302

22.3 John Mitchell testimony, 5 SSC 1896-97 304

22.4 John Mitchell log, August 17, 1972
(received from SSC) 306

22.5
John Dean testimony, 3 SSC 952 307
22.6 John Ehrlichman testimony, 7 SSC 2845-46 308 (24)
23. On August 28, 1972, Egil Krogh, an assistant to Ehrlichman who had established the Plumbers organization (the White House Special Investigations Unit) appeared and testified falsely before the Watergate Grand Jury that he had no knowledge that Howard Hunt had traveled to any place other than Texas while he was working on the declassification of the "Pentagon Papers." He also testified falsely that he knew of no trips to California "for the White House" by Gordon Liddy.

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23.1 United States v. Krogh indictment, October 11,

23.2 United States v. Krogh information. November

23.3

23.4 Presidential announcement, November 4, 1969, 5 Presidential Documents 1556-57 322

23.5 Egil Krogh testimony, Senate Commerce Com
    mittee, Krogh Nomination Hearings, January 11 1973] 74 75

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24. In the summer of 1972 Dwight Chapin, the President's appointments secretary, met with Donald Segretti. Segretti, whom Chapin had employed to disrupt the campaigns of candidates for the Democratic presidential nomination, had previously been questioned by the grand jury investigating the Watergate break-in and by the FBI. Segretti has testified:

Mr. Chapin told me to cease all activities. I asked Mr. Chapin if I should make an accounting of funds, that I did have some money that was left over. Mr. Chapin told me, no, to keep whatever money I had remaining as a bonus; and I had been through a lot of problems, with the FBI and the grand jury appearance... The amount involved was several thousand dollars. They also discussed

the possibility of Chapin's finding Segretti a job.

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24.1 Memorandum from Dwight Chapin, November 5, 1972, Exhibit 32, United States v. Chapin transcript, April 3, 1974, 424-31 328

24.2 Donald Segretti testimony, United States v. Chapin, April 2, 1974, 338-40 336

24.3 Dwight Chapin testimony, United States v. Chapin, April 3, 1974, 540, 543 339

(26)
25. On or about September 12 or 13, 1972, at 12:00 noon, John Mitchell, John Dean and Jeb Magruder met. Magruder outlined the false story he was planning to give before the Watergate Grand Jury regarding the meetings among Mitchell, Magruder, Dean and Gordon Liddy in January and February 1972 at which political intelligence and electronic surveillance had been discussed. Mitchell did not express any disagreement. Thereafter, Magruder appeared before the grand jury and testified falsely.


25.1 Jeb Magruder testimony, 2 SSC 787-88, 804
342
25.2 John Mitchell testimony, 5 SSC 1897 345
25.3 John Dean testimony, 3 SSC 952-53 346
25.4 John Mitchell log, September 13, 1972
(received from SSC) 348
25.5 Jeb Magruder calendar, September 13, 1972
(received from SSC) 349
25.6 United States v. Magruder information,
August 16, 1973 350
25.7 Jeb Magruder guilty plea, August 16, 1973,
United States v. Magruder transcript. 14 352

(27)
26. On September 14, 1972 John Mitchell testified before the Watergate Grand Jury that he had no prior knowledge of illegal CRP political intelligence operations or of Gordon Liddy's political intelligence gathering activities.

(28)
On September 15, 1972 Gordon Liddy, Howard Hunt and the five persons arrested in the DNC Watergate offices were indicted for several offenses including burglary, unlawful entry for the purpose of intercepting oral and wire communications, and conspiracy.

United States v. Liddy indictment September 15.
28. On September 15, 1972 John Dean met with the President and H. R. Haldeman. They discussed the Watergate investigations and the indictment returned earlier that day. The President discussed with Haldeman and Dean the way Dean had handled the matter. The President said:

Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh-, and, uh, and the people who worked [unintelligible] awfully embarrassing. And, uh, and, the, uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you - putting your fingers in the dikes every time that leaks have sprung hope and sprung there. [Unintelligible] having people straighten the [unintelligible]. The Grand Jury is dismissed now?
29. On September 17 or 18, 1972 Kalmbach was directed by Dean or LaRue to deliver $53,500 to Mrs. Howard Hunt for the benefit of the Watergate defendants and to deliver the remainder of the funds he had received to LaRue. On September 19, 1972, after having been directed by Kalmbach to make these deliveries, Ulasewicz delivered $53,500 to Mrs. Hunt by placing the cash in an unmarked envelope in a locker at the Washington National Airport, and delivered $29,900 to LaRue by placing the cash in an unmarked envelope on a shelf in the lobby of a Howard Johnson's Hotel near LaRue's residence. On September 21, 1972 Kalmbach, LaRue, and Dean met in Dean's office to reconcile Kalmbach's and LaRue's records of Kalmbach's disbursements of the funds he had obtained from Stans, LaRue and Jones. These records showed that as of September 21, 1972 Kalmbach had disbursed $187,500 for the benefit of the seven defendants and $29,900 to LaRue. Kalmbach said that he did not wish to continue his role concerning the payments to the defendants. At the end of the meeting, Kalmbach burned his records in an ashtray on Dean's desk.

Page

29.1 Anthony Ulasewicz testimony, 6 SSC 223132,

29.2 Herbert Kalmbach testimony 5 SSC 2110-11 378

29.3 Fred LaRue testimony, 6 SSC 2992-93 380

29.4 John Dean testimony, Watergate Grand Jury, November 19, 1973, 102 (received from Watergate Grand Jury) 382

29.5 Memorandum to William O. Bittman from Dorothy Hunt, September 19, 1972 (received from SSC) 383

(31)
30. In October 1972 CRP attorney Kenneth Parkinson told Fred LaRue and John Dean that William Bittman, Hunt's attorney, needed additional money for legal fees. Using the alias "Mr. Baker," LaRue contacted Bittman and caused cash ($25,000 or $20,000) to be delivered to Bittman's office. The package was received at Bittman's office in Hunt's presence. LaRue has testified that he understood the money was for legal fees for Bittman.

30.1 Fred LaRue testimony, 6 SSC 2293-94 386

30.2 E. Howard Hunt testimony, SSC Executive Session, September 11, 1973, 213-14 388

(32)
31. On November 10, 1972 John Dean met with Donald Segretti in Palm Springs, California. Dean taped a conversation in which Segretti described his disruption of the campaigns of candidates for the Democratic presidential nomination during the period he was employed by Dwight Chapin. On November 11, 1972 Dean was called from Palm Springs to Key Biscayne, Florida where H. R. Haldeman and John Ehrlichman had accompanied the President. Dean flew to Florida and reported on Segretti to Haldeman and Ehrlichman. Segretti has testified that in mid-November 1972 Dean offered him a position in Montego Bay, Jamaica, at a salary of about $35,000 per year.

31.1 John Dean testimony, 3 SSC 965-66 392
31.2 Donald Segretti testimony, 10 SSC 3984-85,
31.3 John Ehrlichman testimony, 7 SSC 2760, 2803 398
31.4 United States v. Segretti
indictment, September 27, 1973 400

(33)
32. In November 1972 Howard Hunt telephoned Charles Colson. Colson recorded the conversation. Hunt discussed with Colson the need to make additional payments for the defendants in United States v. Liddy. Hunt said:

[T]his is a long haul thing and the stakes are very, very high and I thought that you would want to know that this thing must not break apart for foolish reasons . . . .

We're protecting the guys who are really responsible . . . but at the same time, this is a two way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money.

Colson gave a tape recording of the conversation to John Dean. Dean has testified that on or about November 15, 1972 he met with John Ehrlichman and H. R. Haldeman at Camp David, Maryland and played the recording for them. Ehrlichman has testified that he does not recall ever hearing the recording. Dean also has testified that immediately after the meeting at Camp David, he met with John Mitchell regarding the defendants' money demands and played the recording for him.

Page

32.1 Transcript of tape recorded conversation between E. Howard Hunt and Charles Colson, November, 1972, SSC Exhibit No. 152, 9 SSC 3888-91 407

32.2 E. Howard Hunt testimony, 9 SSC 3694-95 411

32.3 Charles Colson draft statement prepared for delivery to SSC, September 1973, 1, 18-21 (received from SSC) 413
32.4 John Dean testimony, 3 SSC 969-70 418

32.5 John Ehrlichman testimony, 7 SSC 2852 420

(34)
32.6 John Mitchell testimony, 4 SSC 1630 421

32.7 John Mitchell testimony, 5 SSC 1862 422

32.8 John Mitchell log, November 15, 1972
   (received from SSC) - 423

(.85)
33. On or about December 1, 1972 William Bittman, Howard Hunt's attorney, gave a folded paper to CRP attorney Kenneth Parkinson. Parkinson gave it to John Dean and to Fred LaRue. In or around early December 1972 Dean had a discussion with Haldeman about CRP's need for funds for the defendants in United States v. Liddy, during which Haldeman approved the transfer to CRP of a cash fund of $350,000 in campaign contributions which had been placed at the disposal of the White House at Haldeman's direction prior to April 7, 1972. The first portion of between $40,000 and $70,000 was delivered by Haldeman's assistant Gordon Strachan to LaRue. Shortly thereafter LaRue delivered $40,000 to Bittman by messenger. In January 1973 the remaining $280,000 was delivered to LaRue. In January 1973 FCRP Director Maurice Stans approved the transfer of $14,000 or $17,000 in campaign funds to LaRue.

33.1 Kenneth Parkinson interview, SSC, June 2, 1973, 1, 17-18 (received from SSC)......................

33.2 John Dean testimony, Watergate Grand Jury, November 20, 1973. 34-36 (received from Watergate Grand Jury) 430

33.3 H. R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 124-26 (received from Watergate Grand Jury) 433

33.4 Fred LaRue testimony, 6 SSC 2294-96 436

33.5 Gordon Strachan testimony, 6 SSC 2463 439

33.6 John Dean testimony, 3 SSC 970-71 440
33.7 Maurice Stans testimony, 2 SSC 717 442

(36)
33.8 Memorandum from Gordon Strachan to H. R. Haldeman, February 1, 1972 (received from White House) 443

33.9 Memorandum from Gordon Strachan to H. R. Haldeman, February 16, 1972 (received from White House) 449
34. On December 31, 1972 Howard Hunt wrote to Charles Colson, requesting that Colson meet with Hunt's attorney, William Bittman. Hunt said, "There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th." (Hunt's wife had been killed in a plane crash on that date.)

On January 2, 1973 Colson wrote to Dean forwarding a copy of Hunt's letter. The transmittal slip from Colson stated, "Now what the hell do I dot" On January 3, 1973 John Ehrlichman, Colson and Dean met to discuss Hunt's letter. Ehrlichman and Dean have testified that the three discussed the subject of executive clemency. Colson has stated he met privately with Dean and discussed the need to give personal reassurance to Hunt. Later that day and on the following day, Colson met with Bittman. According to Colson, Bittman told him that if Hunt went to jail, Hunt did not want to stay in jail beyond the end of the year, and Colson replied that he could not make any representation, but that as long as he was around he would do everything he could to help Hunt.

34.1 Letter from E. Howard Hunt to Charles Colson, December 31, 1972 and memorandum from Charles Colson to John Dean, January 2, 1973, SSC Page

Exhibit No. 34-28, 3 SSC 1233-34 457

34.2 John Ehrlichman log, January 3, 1973 (received from SSC) 459

34.3 John Dean testimony, 3 SSC 973-74 460

34.4 John Ehrlichman testimony, 6 SSC 2607-09 46

(38)
34.5 Charles Colson draft statement prepared for delivery to SSC, 1, 23-27 (received from SSC) 465

34.6 Memorandum to file from Charles W. Colson, March 23, 1973, 2:15 p.m. (received from SSC) 471

34.7 Memorandum to file from Charles W. Colson, January 5, 1973 (received from SSC) 472
35. Between January 3 and January 5, 1973 John Caulfield, a friend of James McCord and former assistant to John Dean, delivered to Dean a handwritten copy of a letter Caulfield had received from McCord. McCord's letter stated, "If Helms goes and the Watergate operation is laid at CIA's feet, where it does not belong, every tree in the forest will fall. . . . Just pass the message that if they want it to blow, they are on exactly the right course."

Page

35.1 Letter from James McCord to John Caulfield, December 28, 1972, SSC Exhibit No. 34-29, 3 SSC 1235 476

35.2 John Dean testimony, 3 SSC 974 477

35.3 James McCord testimony, 1 SSC 134, 196-97 478

35.4 John Caulfield testimony, 1 SSC 254 481

35.5 White House staff list (received from White House) 482

36.1 E. Howard Hunt guilty plea, United States v. Liddy transcript, January 11, 1973, 121..........

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.36.2 Bernard Barker, Eugenio Martinez, Frank ....Sturgis and Virgilio Gonzalez guilty plea, ... United States v. Lidds transcript, January .........................15, 1973, 422.................................485

(41)
37. On January 12, 14 and 25, 1973 offers of executive clemency were made to McCord by Caulfield at the direction of Dean.

37.1 John Caulfield testimony, 1 SSC 256-58 ~ 488

37.2 James McCord testimony, 1 SSC 137-41........492

37.3 John Dean testimony, 3 SSC 975-76....497

(42)
38. In January 1973 LaRue discussed with Dean a payment to Gordon Liddy's attorney and shortly thereafter delivered $20,000 to Peter Maroulis, Liddy's attorney.

38.1 Fred LaRue testimony, 6 SSC 2296

(43)
39. On January 23, 1973 Herbert Porter and Jeb Magruder testified falsely during the trial in United States v. Liddy that Porter had paid Liddy to conduct a program of infiltrating radical groups to obtain political intelligence. Magruder has testified that he had previously told Haldeman that Magruder would commit perjury and that Porter had been cooperative. Haldeman denies that he was so informed.

Page

39.1 Herbert Porter testimony, United States v. Liddy, January 23, 1973, 142728....................

39.2 Herbert Porter testimony, 2 SSC 635-37.............504

39.3 United States v. Magruder information, August 16,

39.4 Jeb Magruder testimony, United States v. Liddy, January 23, 1973, 1408, 1410-11 *

. 502

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. 510

39.5 Jeb Magruder testimony, 2 SSC 805, 831-32...........

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39.6 H. R. Haldeman testimony, 7 SSC 2887...............516

1973

(44)
40. In about January or February 1973 LaRue made payments of $25,000 and $35,000 in
cash to Howard Hunt's attorney, William Bittman.

These funds came from the money that LaRue had received from the

White House.

40.1 Fred LaRue testimony, 6 SSC 2296-97..................................................518

(425)
41. On February 7, 1973 the United States Senate, by a vote of 77 to 0, established the Senate Select Committee on Presidential Campaign Activities (SSC) "to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass. . . ." The authorizing resolution "directs the select committee to make a complete investigation and study" of activities "which have any tendency to reveal the full facts" in respect to sixteen specified topics including the break-in and the electronic surveillance at the DNC headquarters, the payment of money or the use of coercion, threats or other means to conceal evidence relating to the breakin, presidential campaign sabotage, presidential campaign fundraising and the concealment, suppression or destruction of evidence relating to matters within the Committee's jurisdiction.

Page

41.1..119 Congressional Record S2317, S2335-37
........(February 7, 1973).................................522
(46)
42. On February 9, 1973 H. R. Haldeman sent John Dean an "Eyes only" memorandum. Mr. Haldeman wrote:

    Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel. He directed Dean to have the Attorney General "order the FBI project on the 1968 bugging . . ." so as to gather the data on whether the President was subject to bugging during the 1968 campaign. He also stated that "Mitchell should probably have Kendall [President of Pepsi Cola Company] call DeLoach [former FBI Assistant Director now working for Mr. Kendall] in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him."

42.1 Memorandum from H.R. Haldeman to John Dean, February 9, 1973, SSC Exhibit No. 34-33,

Page

42.2 H.R. Haldeman testimony, 8 SSC 3203-05............529

42.3 John Dean testimony, 3 SSC 982-83.....................532

(47)
43. On February 10 and 11, 1973 H.R. Haldeman, John Ehrlichman, John Dean and Special Counsel to the President Richard Moore met at San Clemente and at Haldeman's cottage at Rancho LaCosta, California to discuss strategy for the hearings of the Senate Select Committee on Campaign Activities. The meeting was called because the President wanted to know what planning was being done for the hearings and what strategy should be adopted with respect to the White House position on executive privilege and other similar matters. The meetings involved between 8 and 14 hours of discussion. It was agreed that CRP rather than the White House would take primary responsibility for the defense on Watergate-related matters and that John Mitchell should be asked to coordinate these activities. According to Ehrlichman there was discussion of possible dilatory tactics with respect to the hearings of the Senate Select Committee on Campaign Activities. One tactic considered was monetary assistance to the attorneys for the Watergate defendants in possibly seeking judicial delay of the hearings. It was agreed that Moore would go to New York to speak to Mitchell about the group's discussions and Mitchell's role in preparing for the hearings.

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43.1 John Dean testimony, 3 SSC 982-86; memorandum from H.R. Haldeman to John Dean, February 9, 1973, memorandum from Lawrence Higby to John Dean, February 10, 1973, and memorandum from H.R. Haldeman to John Dean, February 10, 1973, SSC Exhibit No. 34-33, 3 SSC 1240-42.............. 536

43.2 John Dean testimony, 4 SSC 1462.....................544

43.3 John Ehrlichman testimony, 7 SSC 2739, 2849-51
545

43.4 H.R. Haldeman testimony, 7 SSC 2889-90.................549

43.5 Richard Moore testimony, 5 SSC 1940-42................. 551
43.6 John Mitchell testimony, 5 SSC 1934-36................. 554

(48
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[Blank]
On or about February 14, 1973 Magruder met with Haldeman and discussed Magruder's possible future employment. Prior to this meeting Hugh Sloan had told John Dean that because of Jeb Magruder's suggestion to Sloan in June 1972 that Sloan perjure himself regarding the funds paid to Gordon Liddy by CRP, Sloan would testify against Magruder if Magruder should be nominated for a high government office. On or about February 19, 1973 Dean met with Haldeman, and he thereafter drew up an agenda of matters to be discussed and resolved at a meeting between Haldeman and the President. In that agenda it was stated that Magruder wanted to return to the White House; that Magruder "may be vulnerable (Sloan) until Senate hearings are completed;" and that Magruder "personally is prepared to withstand confirmation hearings." On February 23, 1973 Sloan met with Haldeman. According to Sloan, Haldeman told Sloan that no individual who had become a prominent figure in the Watergate matter would be placed in a high government position. On March 2, 1973 Magruder met with Haldeman and Dean. At this meeting Magruder was offered and subsequently accepted the position of Deputy UnderSecretary of Commerce for Policy Development, a Level IV government position carrying an annual salary of $36,000.
John Dean testimony, Watergate Grand Jury, February 14, 1974, 7 (received from Watergate Grand Jury).

44.7 Memorandum to Lawrence Higby and John Dean from Jerry Jones, February 28, 1973, SSC Exhibit No. 34-37, 3 SSC 1249-50.................................577


(50)
45. On February 22, 1973 H. R. Haldeman asked John Dean to prepare a briefing paper for a meeting between the President and Attorney General Richard Kleindienst. Haldeman told Dean not to transmit the memorandum through normal channels, but to hand carry it to him. Dean prepared a briefing paper stating that Kleindienst would probably like to leave government to accept an offer he had received from a law firm but that "Kleindienst is extremely loyal to the President and will do anything asked of him by the President." (Emphasis in original.) The memorandum set forth recommendations for retaining Kleindienst as Attorney General. On February 23, 1973 the President met with Kleindienst from 10:08 to 10:52 a.m. Kleindienst testified that the President asked him to stay as Attorney General until the Watergate situation was over and discussed Kleindienst's role as liaison to the minority members of the Senate Select Committee.

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45.1 Memorandum from John Dean to H.R. Haldeman, February 22, 1973, SSC Exhibit No. 34-36, 3 SSC 1247-48.......................... 584
45.2 John Dean testimony, 3 SSC 989.............................. 586
45.3 John Dean testimony, 4 SSC 1488, 1491-92...............587
45.4 H.R. Haldeman calendar, February 22, 1973 (received
45.5 Meetings and telephone conversations between the President and Richard Kleindienst, February 23, 1973 (received from White House)...............................591
45.6 Richard Kleindienst testimony, 9 SSC 3567-69 592
45.7 Richard Kleindienst testimony, Watergate Grand Jury, August 9, 1973, 69 (received from Watergate Grand Jury).......................................................595
46. Dean has testified that prior to February 27, 1973 that he told Ehrlichman that he would not be able to assert executive privilege since he had so little personal contact with the President. On February 27, 1973 the President met with John Dean and directed him to assume responsibility for Watergate-related matters. Both Haldeman and Ehrlichman have testified that the President believed that they were spending too much of their time on Watergate matters. Dean has testified that at this meeting the President instructed Dean to report directly to him on all Watergate matters. There was discussion of preparation for the Senate Select Committee on Presidential Campaign Activities hearings, which included a discussion of the President's meetings with Senator Howard Baker, of executive privilege, of the minority counsel to the Select Committee, and whether the White House staff would be permitted to testify before the Select Committee. Dean testified that the President stated he would not permit White House staff members to appear before the Select Committee, but would only permit the answering of written interrogatories.

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46.1 Meetings and conversations between the President and John Dean, February 27, 1973 (received from White House) .................................................. 598

46.2 Memorandum of substance of Dean's calls and meetings with the President, February 27, 1973 and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95 (received from SSC) .................................. 605

46.3 John Dean testimony, 3 SSC 991-92 ........................................ 608

46.4 John Dean testimony, Watergate Grand Jury, February 14, 1974, 7-8 (received from Watergate Grand Jury) .......................................................... 610

46.5 John Ehrlichman testimony, 7 SSC 2739-40 .................. 612

46.6 H.R. Haldeman testimony, 7 SSC 2891 ......................... 614
On February 28, 1973 the President met with John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

Executive privilege, written interrogatories and forthcoming hearings of Senate Select Committee

Wiretapping and domestic surveillance

Sentencing of seven Watergate defendants

Clemency and the Watergate defendants

White House position with respect to Watergate trial and appeals

Segretti, Chapin and political intelligence

Kalmbach as

White House and Watergate matter

Role of CRP and John Mitchell in Watergate matter...

Tape recording of meeting between the President and John Dean, February 28, 1973 and House Judiciary Committee

47.1

47.49

55-57
48. On February 28, 1973 Senate hearings commenced on the nomination of L. Patrick Gray to be Director of the FBI. Gray testified that he had shown interview reports and other data from FBI Watergate files to John Dean who had told him that the President specifically charged him with looking into any involvement on the part of White House staff members. Gray offered to open those files to any Senator on either the Senate Select Committee or Senate Judiciary Committee who wanted to see them.

49. On March 1, 1973 the President met three times with John Dean in the Oval Office -- from 9:18 to 9:46 a.m., from 10:36 to 10:44 a.m. and from 1:06 to 1:14 p.m. The President decided that the White House would explain publicly that Dean sat in on FBI interviews because he was conducting an investigation for the President.

Page

49.1 Meetings and conversations between the President and John Dean, March 1, 1973 (received from White House)........................

49.2 Memorandum of substance of Dean's calls and meetings with the President, March 1, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 1 ra/...nx

49.3 John Dean testimony, 3 SSC 993-94 .................

(55)

.730

.737

740
50. On March 2, 1973 President Nixon explained at a press conference that John Dean had access to FBI interviews in July and August 1972 because he had conducted an investigation at the direction of the President. The President stated that Dean's investigation showed that no one on the White House staff in July and August at the time Dean conducted his investigation had knowledge of or was involved in the Watergate matter. The President promised to cooperate with the Senate Select Committee if it conducted its investigation in an even-handed way. The President stated that because of executive privilege, no President could ever agree to allow the Counsel to the President to testify before a congressional committee. The President said that if the Congress requested information from a member of the White House staff, arrangements would be made to provide that information.

50.1 President Nixon news conference, March 2, 1973,

Page

9 Presidential Documents 214, 219-20 744

(56)
51. As Gray's confirmation hearings continued during the first week in March 1973, public reports circulated that John Dean would be called to testify. Dean has testified that on March 4 or 5, 1973 he reported to Ehrlichman that it would be difficult to win a court test of executive privilege involving Dean as Counsel to the President because Dean had met with the President so infrequently.

51.1 President Nixon news conference, March 2, 1973,
Page
9 Presidential Documents 214, 219-20 748

51.2 John Dean testimony, 3 SSC 994....................

(57)
52. On March 6, 1973 the President met with John Dean in the Oval Office between 11:49 a.m. and 12:00 noon. According to information supplied to the Senate Select Committee by White House Special Counsel Buzhardt, the President decided that executive privilege guidelines would cover former as well as present White House personnel. Dean has testified that the President told him to report directly to the President and not to involve Haldeman and Ehrlichman with Watergate-related matters. On March 7, 1973 the President met with Dean in the Oval Office from 8:53 to 9:16 a.m. and, according to information supplied by Buzhardt, there was a discussion of executive privilege guidelines; Dean told the President that the White House was clear; and the President inquired as to how Gray was doing. Dean has testified that the President instructed him to tell Attorney General Kleindienst to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee.

Page

52.1 Meetings and conversations between the President and John Dean, March 6-7, 1973 (received from White House), 754

52.2 Memorandum of substance of Dean's calls and meetings with the President, March 6-7, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95 761

52.3 John Dean testimony, 3 SSC 994-95 764
53. On or about March 7, 1973 L. Patrick Gray and John Ehrlichman had a telephone conversation. Gray told Ehrlichman that he was being pushed awfully hard in certain areas and was not giving an inch, and that Ehrlichman knew those areas. Gray also told Ehrlichman to tell Dean to be very careful about what he said and to be absolutely certain that he knew in his own mind that he delivered everything he had to the FBI, and not to make any distinction between the recipients of the materials.

Page

53.1 Transcript of tape recorded telephone conversation between John Ehrlichman and L. Patrick Gray, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 295G-51 768

53.2 John Ehrlichman testimony, 7 SSC 2785-86 770

53.3

See Book II, Paragraph 37 and Book II, Paragraph 45 for evidence regarding Dean's transmittal of material from Hunt's safe to FBI agents and Acting FBI Director Gray.

(59)
54. After the call from Gray, Ehrlichman called Dean. Ehrlichman told Dean that Gray wanted to be sure that Dean would stay very firm and steady on his story that Dean had delivered every document to the FBI and that Dean not start making nice distinctions between agents and directors. Ehrlichman also told Dean that he thought they ought to let Gray hang there and "twist slowly, slowly in the wind." Dean agreed and said, "I was in with the boss this morning and that is exactly where he was coming out."

Page

54.1 Transcript of tape recorded telephone conversation between John Ehrlichman and John Dean, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC

54.2 John Ehrlichman testimony, / SSc Zbb-bb...
On March 8, 1973, Dean met with the President in the Oval Office from 9:51 to 9:54 a.m. Dean has testified that the President asked if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee, and Dean replied that he believed the matter had been taken care of by Attorney General Kleindienst. On March 10, the President and Dean spoke by telephone from 9:20 to 9:44 a.m. Dean has testified that the President called to tell him that the executive privilege statement should be got out immediately, and that this should be done before Dean was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.
56. On March 12, 1973 the President issued a statement on executive privilege. The statement set forth in part:

A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a formal appearance before a committee of the Congress. At the same time, it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the Constitutional separation of the branches.

56.1 President Nixon statement, March 12, 1973, 9 Presidential Documents 25354.........

(62)

Page
57. On March 13, 1973 the Senate Judiciary Committee voted in executive session to ask John Dean to testify in the Gray confirmation hearings concerning his contacts with the FBI during the investigation of the Watergate break-in.

57.1 Washington Post, March..........14, 1973, A1, A12 800

57.2 John Dean testimony, 3.............SSC 995 802

(63)
On March 13, 1973 the President met with John Dean from 12:42 to 2:00 p.m. The following is an index to certain of the subjects discussed in the course of the March 13, 1973 meeting:

Advisability of public disclosure

Possible public testimony of Sloan, Kalmbach, Stans and Mitchell

The pre-June 1972 role of Gordon Strachan in Watergate and Strachan's statements to investigators

The pre-June role of Jeb Magruder in Watergate

John Mitchell, H. R. Haldeman and Gordon Liddy's intelligence program at CRP

Tape recording of meeting between the President and John Dean, March 13, 1973, 12:42-2:00 p.m., and House Judiciary Committee transcript thereof
59. On March 14, 1973 Dean wrote to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, and, citing the doctrine of executive privilege, formally refused to testify in the Senate confirmation hearing on the nomination of Gray to be Director of the FBI. On the same day the President met with Dean and White House Special Counsel Richard Moore in his Executive Office Building Office from 9:43 to 10:50 a.m. and from 12:47 to 1:30 p.m. They discussed a press conference scheduled for the next day and making Dean a test case in the courts on executive privilege.

59.1 Meetings and conversations between the President and John Dean, March 14, 1973 (received from White House)

59.2 Memorandum of substance of Dean's calls and meetings with the President, March 14, 1973 (received from SSC) and accompanying Fred Thompson affidavit, SSC Exhibit No. 70A, 4 SSC 1794-95

59.3 John Dean testimony, 3 SSC 995-96

59.4 Richard Moore testimony, 5 SSC 1973

59.5 Washington Post, March 15, 1973, A1, A8
60. On March 15, 1973 the President held a press conference. He stated he would adhere to his decision not to allow Dean to testify before the Congress even if it meant defeat of Gray’s nomination as Director of the FBI, because there was “a double privilege, the lawyer-client relationship, as well as the Presidential privilege.” He also stated that he would not be willing to have Dean sit down informally and let Senators question him, but Dean would provide all pertinent information.
On or about March 16, 1973 E. Howard Hunt met with Paul O'Brien, an attorney for CRP. Hunt informed O'Brien that commitments had not been met, that he had done "seamy things" for the White House, and that unless he received $130,000 he might review his options. On March 16, 1973 Hunt also met with Colson's lawyer, David Shapiro. According to Colson, Hunt requested of Shapiro that Colson act as Hunt's liaison with the White House, but was told that that was impossible.

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61.1 Paul O'Brien testimony, Watergate Grand Jury, January 24, 1974, 27-30 (received from Watergate

61.2 E. Howard Hunt testimony, Watergate Grand Jury, July 17, 1973, 87-95 (received from Watergate Grand Jury) 906

61.3 E. Howard Hunt testimony, Watergate Grand Jury, January 29, 1974, 63-71 (received from Watergate Grand Jury) 915

61.4 Charles Colson draft statement prepared for delivery to SSC, September 1973, 37-38 (received
On March 17, 1973 the President met with John Dean in the Oval Office from 1:25 to 2:10 p.m. (On April 11, 1974 the Committee on the Judiciary subpoenaed the President to produce the tape recording of the March 17 meeting. The President has refused to produce that tape but has furnished an edited partial transcript of the meeting. After having listened to the tape recording of the March 17, 1973 meeting, the President on June 4, 1973 discussed with Press Secretary Ron Ziegler his recollections of that March 17 meeting. A tape recording of the June 4 discussion has been furnished to the Committee. The evidence regarding the content of the March 17 meeting presently possessed by the Committee also includes a summary of the March 17 meeting furnished, in June 1973, to SSC Minority Counsel Fred Thompson by White House Special Counsel Buzhardt and the SSC testimony of John Dean.)

In his discussion with Ziegler on June 4, 1973 the President told Ziegler the following regarding the March 17 meeting: Up to March 17, 1973 the President had no discussion with Dean on the basic conception of Watergate, but on the 17th there began a discussion of the substance of Watergate. Dean told the President that Dean had been over this like a blanket. Dean said that Magruder was good, but that if he sees himself sinking he'll drag everything with him. He said no one in the White House had prior knowledge of Watergate, except possibly Strachan. There was a discussion of whether Haldeman or Strachan had pushed on Watergate and whether anyone in the White House

(68)
was involved. The President said that Magruder put the heat on, and Sloan starts pissing on Haldeman. The President said that "we've got to cut that off. We can't have that go to Haldeman."

The President said that looking to the future there were problems and that Magruder could bring it right to Haldeman, and that could bring it to the White House, to the President. The President said that "We've got to cut that back. That ought to be cut out." There was also a discussion of the Ellsberg breakin.

The edited partial transcript of the March 17 meeting supplied by the White House contains only a passage of conversation relating to Segretti and a portion of the conversation relating to the Ellsberg break-in. It contains no discussion of matters relating to Watergate.

62.1 Meetings and conversations between the President and John Dean. March 17, 1973 (received from

Page

62.2

Memorandum of substance of Dean's calls and meetings with the President, March 17, 1973 (received from SSC) and accompanying Fred L^ - -con affidavit SSC Exhibit No. 70A,

62.3 John Dean testimony, 3 SSC 996-97.......................... 939

62.4 White House edited transcript of meeting between President Nixon and John Dean, March 17, 1973............................................................941

(69)
63. On March 19, 1973 Paul O'Brien met with John Dean in the EOB and conveyed a message from E. Howard Hunt that if money for living and for attorneys' fees were not forthcoming, Hunt might have to reconsider his options and might have some very seamy things to say about Ehrlichman.
64. On March 20, 1973, John Ehrlichman met with John Dean at the White House. They discussed Howard Hunt's request for money, the possibility that Hunt would reveal activities of the Plumbers' operations if the money were not forthcoming, and plans for Dean to discuss the matter with John Mitchell. According to Dean, Dean discussed the matter with Mitchell by telephone later that evening, but Mitchell did not indicate whether Hunt would be paid. On the afternoon of March 20, 1973, Ehrlichman had a telephone conversation with Egil Krogh and told him Hunt was asking for a large amount of money. They discussed the possibility that Hunt might publicly reveal the Plumbers' operations. Krogh has testified that Ehrlichman stated that Hunt might blow the lid off and that Mitchell was responsible for the care and feeding of Howard Hunt.

64.1 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 2-6 (received from Watergate Grand Jury).

64.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 14-16 (received from Watergate Grand Jury).

64.3 Egil Krogh testimony, Watergate Grand Jury, January 29, 1974, 5-7 (received from Watergate Grand Jury).

64.4 John Ehrlichman log, March 20, 1973 (received (71)
65. On March 20, 1973 Dean had a conversation with Richard Moore, Special Counsel to the President. Dean told Moore that Hunt was demanding a large sum of money before his sentencing on March 23, and that if this payment were not made, Hunt was threatening to say things that would be very serious for the White House. After this conversation, Dean and Moore met with the President from 1:42 to 2:31 p.m. According to information furnished to the Senate Select Committee by Special Counsel Buzhardt, the President and Moore agreed that a statement should be released immediately after the sentencing of the defendants. According to Moore, following this meeting he told Dean that Dean should tell the President what he knew. According to Dean, Dean told Moore that Dean did not think the President understood all of the facts involved in the Watergate and particularly the implication of those facts and that Dean felt he had to lay those facts and implications out for the President.
66. On March 20, 1973 John Dean had an evening telephone conversation with the President during which he arranged a meeting with the President for the next morning. According to the edited transcript of this conversation made public by the White House, Dean requested a meeting with the President to go over soft spots and potential problem areas. Dean said that his prior conversation with the President had been "sort of bits and pieces" and that he wanted to paint the whole picture for the President. The President agreed to such a meeting, and the President also instructed Dean to try to write a general statement like one that would state categorically that based on Dean's investigation Haldeman, Colson and others were not involved in the Watergate matter.

66.1 White House edited transcript of tape recorded telephone conversation between President Nixon and John Dean, March 20, 1973............................980

(73)
67. On March 21, 1973 the President met with John Dean from 10:12 to 11:55 a.m. H.R. Haldeman joined the meeting at approximately 11:15 a.m. The following is an index to certain of the subjects discussed in the course of the March 21, 1973 morning meeting:

Possible involvement of Haldeman, Dean, Mitchell, Magruder, Colson, Strachan and Porter in Watergate

........ 5-28

Clemency and Watergate defendants .....61-62

Whether money should be paid to E. Howard Hunt .............

67.1 Tape recording of meeting between the President

Transcript

Page

. 40-42, 10506

and John Dean, joined later by H.R. Haldeman, March 21, 1973, 10:12 - 11:55 a.m., and House Judiciary Committee transcript thereof..........990

matt

Page

(74)
On March 21, 1973 at 12:30 p.m. H.R. Haldeman spoke by telephone to John Mitchell, who was in New York City. In addition to reflecting the 12:30 p.m. call, Haldeman's telephone log for that day also shows a conversation with John Mitchell's office at 4:06 p.m. with a marginal notation "car - 9:30 a.m. (word illegible) Nat'l -- Amer 520." Haldeman has testified that he does not recall asking Mitchell on March 21 whether Mitchell was going to take care of Hunt's demand for money.

68.1 H.R. Haldeman telephone log, March 21, 1973

Page

(received from Watergate Grand Jury) 1118

68.2 H.R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 4-16 (received from Watergate Grand Jury) 1120

68.3 John Dean testimony, Watergate Grand Jury, February 14, 1974, 16 (received from Watergate Grand Jury) 1133
On the afternoon of March 21, 1973, Dean met with Haldeman and Ehrlichman. Ehrlichman and Dean have testified that the participants at the meeting speculated about John Mitchell’s role in the Watergate affair, and wondered whether Mitchell’s not coming forward was the cause of the beating everyone was taking on the subject of Watergate. Dean and Haldeman have testified that in the late afternoon of March 21, just before their second meeting with the President on that day, Dean told Haldeman that perhaps the solution to the whole thing was to draw the wagons around the White House. According to Haldeman, Dean also said that they should let all the chips fall where they may, because that would not hurt anybody at the White House since no one there had a problem.
70. On the afternoon of March 21, 1973 from 5:20 to 6:01 p.m. the President met with Haldeman, Ehrlichman and Dean. The following is an index to certain of the subjects discussed in the course of the March 21, 1973 afternoon meeting:

**Transcript Page**

Possibility of testimony before a new Grand Jury or before an independent panel established to investigate facts . . . . . . . . . 1-4, 21-22

Possibility of pardon or clemency for Hunt

What was being done about Hunt's demand

Existence of persons with knowledge -

Written report by Dean on which President at some later time could be shown to have relied . . . . . . . 12-19, 23, 30-32

Ellsberg search and seizure may be sufficient for mistrial . . . . . . . 20

Possibility of Magruder, Chapin, Dean and Haldeman going to jail . . . . . . . 25-28

Possibility of Mitchell stepping forward and making some kind of disclosure

. . . . . . . . . 35

Tape recording of conversation among the

Page

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Tape recording of conversation among the President, H.R. Haldeman, John Ehrlichman and John Dean, March 21, 1973, 5:20 - 6:01 p.m., and House Judiciary Committee transcript thereof 1148
71. On the evening of March 21, 1973 Fred LaRue caused approximately $75,000 in cash to be delivered to William Bittman, attorney for E. Howard Hunt. Earlier that day LaRue had called Mitchell when Dean refused to authorize the payment to Hunt, and Mitchell had approved the payment to Hunt.

71.1 Fred LaRue testimony, Watergate Grand Jury, February 13, 1974, 2-10A (received from Watergate Grand Jury) 1188

71.2 Manyon Millican testimony, Watergate Grand Jury, February 13, 1974, 2-7 (received from Watergate Grand Jury) 1198

71.3 Sherman Unger testimony, Watergate Grand Jury, February 19, 1974, 3-14 (received from Watergate Grand Jury) 1204

71.4 Sherman Unger Grand Jury Exhibits SU-1 through SU-7, February 19, 1974 (received from Watergate Grand Jury) 1216

71.5 William Bittman testimony, Watergate Grand Jury, August 3, 1973, 189-91, 194-96 (received from Watergate Grand Jury) 1226

71.6 E. Howard Hunt testimony, Watergate Grand Jury, July 17, 1973, 95, 111-12 (received from Watergate Grand Jury) 1226

71.7 John Dean testimony, Watergate Grand Jury, February 14, 1974, 16 (received from Watergate Grand Jury) 1232

71.8 John Mitchell testimony, 4 SSC 1630-31 1236
On April 17, 1973, the President issued the following public statement:

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this matter.

In his address to the nation of April 30, 1973, the President stated that in March 1973 he received new information regarding the involvement of members of the White House staff in the Watergate affair, and that:

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

72.1 President Nixon remarks, April 17, 1973, 9 Presidential Documents 387
72.2 President Nixon address to the nation, April 30, 1973, 9 Presidential Documents 433-34
On the evening of March 21, 1973 the President dictated his recollections of the events that had occurred on that day.

73.1 Dictabelt recording of the President's recollections of March 21, 1973, and House Judiciary Committee transcript thereof.................................

(80)

Page

......... 1244
74. On the morning of March 22, 1973 at 11:00 a.m. H.R. Haldeman, John Ehrlichman, John Mitchell and John Dean met in Haldeman's office. Haldeman, Ehrlichman and Dean have testified that at this time Mitchell indicated that E. Howard Hunt was not a "problem any longer." Mitchell has denied making such a statement. At this meeting, according to Ehrlichman and Haldeman, Mitchell stated that the Administration's rigid executive privilege policy was untenable, both from a legal and from a political standpoint, because it appeared to the public to be a cover-up on the part of the President. Haldeman testified that most of the discussion at the meeting concerned approaches to dealing with the situation, rather than a review of the facts.

74.1 H.R. Haldeman calendar, March 22, 1973
   (received from SSC)............................

74.2 John Ehrlichman log, March 22, 1973
   (received from SSC)............................

74.3 John Dean testimony, Watergate Grand Jury, February 14, 1974* 17-18 (received from Watergate Grand Jury) 1255

74.4 H.R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 36-38 (received from Watergate Grand Jury) 1257

74.5 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 67-73 (received from Watergate Grand Jury) 1260

74.6 H.R. Haldeman testimony, 7 SSC 2899 1267

74.7 John Ehrlichman testimony, 7 SSC 2745, 2853 1268
74.8 John Dean testimony, 3 SSC 1000-01 1270

(81)
John Dean testimony, SSC Executive 1272 Session, June 16, 1973, 129-31.................

74.10 John Mitchell testimony, 4 SSC 1663 1275

(82)
75. On or about March 22, 1973 John Ehrlichman met with Egil Krogh at the White House. Ehrlichman assured Krogh that Howard Hunt was stable or more stable, that his recommendation was just to hang tough, and that Hunt was not going to disclose all.

75.1 Egil Krogh testimony, Watergate Grand Jury, January 29, 1974, 10-11 (received from Watergate Grand Jury).

75.2 John Ehrlichman testimony, 6 SSC 2550-51 1280 (83)
STATEMENT OF INFORMATION

AND

SUPPORTING EVIDENCE

EVENTS FOLLOWING

THE WATERGATE BREAK-IN

June 20, 1972 - March 22, 1973

Part 1
1. On June 20 or 21, 1972 Fred LaRue, Special Assistant to CRP Campaign Director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that he and Howard Hunt had developed the plans for entries into the DNC and the McGovern presidential campaign offices; that certain persons involved in Watergate previously had been involved in operations of the White House "Plumbers" unit, specifically entering the offices of Daniel Ellsberg's psychiatrist and making ITT lobbyist Dita Beard unavailable as a witness at the Senate Judiciary Committee hearings on the nomination of Richard Kleindienst to be Attorney General; and that he had shredded evidence relating to the Watergate break-in. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

.................................................................................. Page

1.1 Fred LaRue testimony, 6 SSC 2286-89, 2309 88

1.2 Robert Mardian testimony, 6 SSC 2357-59 93

(87)
Mr. LARUE. It would be the following Mondays It would be, I think the 19th of June.

Mr. DASH. ~11 right. On that Monday in the evening did you attend a meeting in Mr. Mitchell's Washington apartment at the Watergate?

Mr. L TRUE. Mr. Mitchell's apartment?

Mr. DASH. Yes.

Mr. DASH. Who was at this meeting?

Mr. LARUE. Mr. Mitchell was at the meeting I was at the meeting Mr. Mardian came to the meeting Mr. Dean, and Mr. Magruder.

Mr. DASH. Non-, could you tell us generally what the meeting was about and what discussion took place?

Mr. LarUE E. All. Dash, I have no specific recollection of any of the discussions other than I would assume and I am sure from the participants, that the discussion centered on the Watergate rate incident. The only specific incident that I recall was a discussion by Magruder of some sensitive files which he had about my understanding relating to this incident, and that he was seeking advice about what to do about those files.

Mr. DASH. Now, did the term or the name 'Gemstone' used at that time? Did he refer to it?

Mr. LARUE. If it was used, I do not recall it, no sir. It would not have meant anything to me, anyway.

Mr. DASH. Had you ever heard of that term "Gemstone"?

Mr. LARUE. Not at that time, no sir.

Mr. DASH. Is there a possibility it was used at that time?

Mr. LARUE. There is a possibility, but as I say, it would not have meant anything to me.

Mr. DASH. You say War. Magruder asked what he should do about these sensitive files?

Mr. LARUE. If it was used, I do not recall it, no sir. It would not have had anything to me, anyway.

Mr. DASH. Did he get a response to that?

Mr. LARUE. As I remember, there was a response from Arr. Mitchell that it might be good if Mr. Magruder had a fire.

Mr. DASH. Who said that?

Mr. LARUE.~. As near as I can recall. Mr. Mitchell said that.

Mr. DASH. That it might be a good idea if he had a good fire in his house?

Mr. LARUE. Yes.

Mr. DASH. Do you recall in any discussion of the 1) Politically sensitive files that the information they involved was electronic surveillance?

Mr. LARUE. As I recall, there was a reference to files pertaining to electronic surveillance, yes, sir.

Mr. DASH. Is it true that at this meeting on June ID, 19~4. where a discussion was had about these files and the recommendations that it would be (good if Mr. Magruder had a good fire in his house was one of the overt acts which is included in the information, the conspiracy of information to which you pleaded guilty, the June 1) meeting?

Mr. LARUE. Yes, sir; that is true.
Awl. DASH. Now, was there a meeting ill your.- apartment on June 1972?
Mr. LaRUE. Yes sir.

Air. p DASH COuld you
tell us who was there?

(88)
Mr. LaRU,-E. Mr. Mardian. Mr. Liddy and my self.
Mr. DASH And what was discussed at that time ? This is Mr.
Gordon Liddy ?
Mr. LARUE. Yes, that is correct.
This discussion centered around Mr. Liddy's knowledge and
involvement in the break-in.
Mr. DASH. YOU say centered around his involvement. Could
you be a little more specific? What did Mr. Liddy say? Was he there
to tell you what had occurred?
Mr. LARUE. I don't know that he was there for that purpose, but
this is what evolved.
Mr. DASH. Who set up the meeting?
Mr. LARUE. Mr. Mardian set up the meeting.
Mr. DASH. What did you understand, since it was in your
apartment. that the meeting was to be about?
Mr. LARUE. My presence in the meeting occurred in this manner:
Mr. Mardian came to me on that day and wanted to know if he could
borrow my. use my apartment, that he had a meeting set up with
Gordon Liddy. I told him that would be fine. I gave him the keys
to my apartment, and I think at that time, he said, you might as well
Join me.
Mr. DASH. Where, by the way, is your apartment located?
Mr. LaRUE. At that time, I was in Watergate West.
Mr. DASH. Now, you knew that. especially from what Mr.
Magruder had told you on his telephone call with Mr. Liddy, that
Mr. Liddy had been one of those who was involved in the break-in?
Mr. LARUE. No, Mr. Dash, I do not think that was discussed at
that time.
Mr. DASH. Well, you said that Mr. Magruder went back and said
there was trouble, there was a break-in, that that was the day they
were going to go into Democratic national headquarters when Mr.
Liddy was on the phone. When Mr. Magruder came back, didn't
you say that Mr. Liddy had told Mr. Magruder about the break-in ?
Mr. LaRUE. Yes; but I don't think that at that time, Air. Liddy
had indicated any involvement of himself at that operation.
Mr. DASH. Did he mention Mr. McCord?
Mr. LARUE. He did mention Mr. McCord, yes, sir.
Mr. DASH. At that time, did he mention himself at your
apartment on June 20 ?
Mr. LARUE. Yes, sir.
Mr. DASH. Could you tell us what he did say about his
involvement ?
Mr. LARUE. Mr. Liddy told us that he had recruited the five
people that had been caught in the Democratic National Committee,
that he had, he and Mr. Hunt had set up this operation, that he and
Mr. Hunt were at a hotel room at the Watergate Hotel during the actual
break-in. He described the listening post that they had across the
street at the Howard Johnson's.
Mr. DASH. BY the way, did he tell you about any other activity
he had been engaged in for intelligence purposes or covert activities
besides the break-in at the Watergate ?
Mr. LaRUE. Yes, he did.
Mr. DASH. Could you tell us what they did ?

(89)
arr LxRl.l.. 31r. Lieda mentiolelf tllat 1le hacl on ottler occassions been llzolveld in illicieelts or elgeratiolls for the White Hotlse. alld lle sIecfically) nlenfiolelf(l t lile attelHllted bul>alv of the oflice of tle psy olliatr of 3lr. EISIzr(r. He sr)ecfically) metltiolletl anotller incieellet Ul xvhieh Alr. l-lunt tssed a dis.,rtlise, I thirl;---tllis rvas in Denver. Colo., xvlen 31rs. Dita Beald --vas in tle llospital. 31r. Hultt used a (lisfl-tlise to surlpletitiotlslsy eneI tle room alld lllave a conversatioll avilll ARe Beard.

31r. D VSH. Do you recall any other incidents tllat he talked al?out

Atr. LxRlTE. I don't recall an+-, no. sir.

31r. Dtsxr. Do --ou recall irr. Licedl) tellin.r vou or 31r Atardian about lls shootillo out tle llinlts arround the AICSTOVerll lleadqualters ?

31r. L vRrE. Yes, I do recall tllat.

31r. LARVe. That +A-as during an unsuccessflll attempt to break into 3leGovern lleadquarters ?

31r. LARvE. --&n unsuccessful attempt. He llal slott out some lir,Ilts, I thillly in all alle) or someplace aroulHd 1tf Goverll headflquelters.

Wk. D.ASH. Do )ou recall t.tr. 1lidda- (discussinr at tllat time rvlllethel or not there xvas anx possibilit-- lle mitltl (~et eauort or mi--ht get Mr. L VRI E. Ab, I,i dd) assured us tllat at he lla d con clucte(l tllw s ol)er Hllll w w xlll alllter tllat it could IloT be tlässig to him tllat xve should not have any fears tllat allx stllbsequent investigation svouel lead to him.

A[r. DASII. 5'ewerllleless, did 31r. Lidd+- oiTer any tvl)e of Dullislllment tllat he rwould be rvlllello- to accelzt for llis fail;l;Ire in this case ?

Mr. L SRITE. Yes - Alr. I idcl-- assule(l us tllat in any e+ent. lle lvoould nexerrenve(l an) informatioll about tlwis in the coulse of any illvestlflTaflfl, evell if it led to llim Ibut if xve nere lloT satisfiefl eviltll tllat aslirlalllee, that tllout,he xvas, I thillly personally or lnorall~ oposed to suicide that if rve xwould instruct llim to be on an+- street corller at anw time, I lvoould 1e tltere ancl rve could lla+- e 11iln assassillatecl.

Atr. D SSI. In ottler avords, lle xvas ~villlin.. to be rulul)ed out ?

Atr. l.isA~.-- Yes. sir.

Atr. D.vslr. I talve it noI)odv toolv llilll ul) Oll llis offer?

3tr. [, vEst-E. Not tllat I khOv of. no sir.

Atr. DAS/J. :lToav. tle meetillo xvas betveeen xou Alarclian7 and 3rr. liddv in vollr anal-lllellelt ?

iItl. LVRrE. Yes. sir.

WIr. l.yslr. Nox^-. it ~vas tlis Illeeltilo tll.wt vou ha(1 ~z-ith All. Liclel-,in xvhich these revelatiohloll calne frroll-} Alr. Lid lv. AI as tllis infolnlation r reported to WIr. 3Titelllell ?

Atr. I. VRI E. Yes. it avas.

Afr. D vslr Do z ou -cell xvlBeu it ~vas. bv lvllom ?

311. LvRv-E. Tle best of nlvl re(olleetiolll llould be tle same rlay, tle afterllooll or late evenillo of .Tulle '70.

Afr. D SSI. In tlllle 3lare lloud tllat cleuollstratts a reat cleal Of fillOtOtfl aiOr :-nvtilllil'r. Atr. ljasil. I dont recall aV sIIeetl reallel. 

Afr. ISSII. Noxv. dicl Alr. 1,l(l lv tell votlv rvlo llacal al)aroved tle ol?el ation svsev lle lvas tellinrzo oll .1l)oll tle ?reall-ill at tle Denlo neratc sltollall Conllmitte llea(lilllallters. or any of tle ottler aetiV-ities?

(SO)
Wlr. I., "RUTE. 5'o; not to my recollection, no, sir.

ATr. D. SSTT. Did he not tell you what he was acting(> on the approval of the AYllite House or arr. Altitchell?

All. Lvlt E. ArX Dasll. I don't recall a discussion of that nature.

3Ir. D. XS11. Now when was the subject of fundraising for the A llerorate defendants first broo-ht up in your presence or mentioned to you?

Afr. LAR-r-TE. 311. Dash. I am SOIrR, but I don't have anf specific recollection or dates re,ar[inS the initial discussions on fundraising.

311. D-s-n I am not trnill r to pill voll doxxn to an~ paltict]al date. A0Tas it arounsl this time? At as it aloluld tle time tllat ~-ou llacl the nleeting with 31r. Liddy?

tlr. LxRV-E. Yes; I xvould sav tllat it lvas in this time period. To the best of my recollection, at the Liddy meetilg, he indicated tllat celt.tin commitments had been macle to llim and subseqlelltlty passed by him to the othel people involved. that cert.tin commitments had beell llade regarcin the maintellallce Ol en;penses for tle nlaaintenance of tleir families, lcal expellses.

31r. DTSE[]. Did lle tell A-OII avho ha[le these commitznements?

311- ~ [, ARt-0 E. S0 sirs he (iell not.

ar.. DASSI. But that lle expected that tlele lvottkl be payments sadc for tle boy s in jail, is tllat right?

Afr. I,ARrE. Yes sir.

Afr. I)SII. 5'on-. -vhat zvas VOU role to be in this respect at this time 2

Afr. I, sRr]. . Alz- role in lv]al I am sorry?

A[1. D. ZS11. At liat lvas --ollr role in pros-iclillfr flflIds Ol tle paymellt for tle defelldants?

Afr. LARrE. tt this time ?

ar. . T)SIT. --t tllis tille.

At. L \Rt-E. I di(ln t llave anv role 31r. I)asl.

Atl. I)ssIr. Did tlere collle a tillle avllen voll lwa a role --ittll Afr. Isalnbacll?


Arr. I)vlr. At ill voll tell lls aboltt tllat. At llen (lid voll first learn that Afr. Isalnbacll lvas Cino to be in~~olvecl an(l rvllat role l Veile xevele ~oinfr to llave xVitl]l re^--al (l to lis$ actiz-ities?

Ak. I--~IrE. Alv best recollection of that. 311. I)asl. ~-vas that I reoeiel a pllole call from 311. Italnbacll to meet llIn at tle StatlerElitilt Elotot tllat date avas tle lattel palt of June, Jilne 08. Jule @9.

Arr. I) ~s-r. -tn(l y Ot di(ln lneet avitll llim ?
Air. I. vR>1 E. Yes, sir.
Air. Onsr. Collkl --oll tell lls ~vhat happened at that meetinfr?

311 L\l I?ti-E I Illet avith Ak. Itallnb;lell. tle nattlre of tllat discllssion
as I rec;lll Atr. Ivallllbacll stated that he llad lln(-leltalvell an
assi(rnlleellt to raise lloney to meet the eonllllitllellits tllat had been
m.lde to tllle Al atel<-2tLe •lelfei(lantse Olll discllssion centele(oll a
Inetllo(lo a xvaV tllat colltact collld be nla(le Ivittle the defen{lallts an(l
in xvllci ttle a illollillllt of lllone+~ collkl be discllsse(l or be
cetermille~.

Arr Ivalllll);ell indicaterl tllat lle llad a pelst ~vlo ~vas very discreet
sely reliable tllat collld be userl for tllis pulpose. Al-e discussed ~

(91)
Mr. L. Re-E. Senator, I stand on the fact that I do not know who made these comments, no, sir.

Senator TALADGE. You thought those ought to be carried out regardless of who made them and under what conditions?

Mr. L. Re-E. I thought they ought to be carried out; because of the consequences if they were not.

Senator TALADGE. Did you know that Liddy was planning prior to that time? Did you know that Liddy and his associates were planning to break into the files of the Committee To Re-Elect the President?

Mr. L. Re-E. No, sir.

Senator TALADGE. And you discussed various things. Did Mr. Liddy tell you at that time that he had shredded a number of documents?

Mr. L. Re-E. Yes, sir.

Senator TALADGE. And you discussed various things. Did Mr. Liddy tell you the nature of those documents?

Mr. L. Re-E. He indicated that they were documents relating to the break-in, yes, sir.

Senator TALADGE. And the documents were in the files of the Committee To Re-Elect the President?

Mr. L. RE-E. They were in—my understanding they were in his files, yes, sir.

Senator TALADGE. Mr. Lardy was present at that conversation, was he not?

Mr. L. Re-E. Yes, sir.

Senator TALADGE. His reaction to this Liddy story that—

Mr. L. Re-E. What was his reaction?

Senator TALADGE. Yes.

Mr. L. Re-E. I think Mr. Atardian shared the same course as Mr. Atardian, the same reaction as Mr. Lardy.
Senato-TALADSTE. Did Atr. Liddv tell ROll at that `.Sihe---t
the

El]sberg pschiatrist breal--in?
3Ir. L SRCE. Yes. sir.
Senator T.L.E. XOIV had not WIr. 3rardian been in char--re of the
Inte.rnnyl 1)ivision of the .TiltieP T)enc.-tnP-8t tO-.-t .S-i 2 ill
chae of i-l osecutill-r the IVillsberg case
7 Atr. LARrE. I do not Ivnovv ~sho lvas in chalge of plesecltin(r it.
Senator. Atr. 3tarclian. prior to his to the committee.
attorney teneral in charte of Interllal Security.- ves. sir.

(92)
Mr. ALARDIAX. I think I would have recalled such a discussion had it taken place in my presence.

Blr. H BII7LTODS. Shell, are you aware of any testimony by Mr. LaRue and Mr. Magruder that you left the meeting before the destruction of the Gemstone file?

Sr. AIAIRDIAN. I don’t think anybody asked that question and I don’t think anybody asked Air. LaRue when I arrived. Maybe they did. I don’t know.

Wlr. I4ABIILTON-. But you lknow of no statement by Magruder or LaRue here or otherwise that you swore not present at this meeting when the destruction of the Gemstone file took place?

Sr. AIAIRDIAN. AVell, I haven’t talked to them.

Mr. TiAAnrLTos. Wlr. SIardian, did you, in the several days following June 19, have an occasion to interview Air. Liddy?

Wlr. WIARDIAX. Yes.

Mr. TIAnrLTos. Anl. MARDIAN, did you, in the several days following June 19, have an occasion to interview Air. Liddy?

Wlr. WIARDIAX. Yes.

Anl. HA3IILTON. And who else was present in this interviews tlr. AIAsmAN. Blr. Fred LaRue.

Wlr. IfIAAIILTON. air. LaRue testified at page 459a that this meeting was on June 20. Do you concur in that testimony?

3II. AIAAIRDIAN-. ~0. And I might state that there is doubt in my mind as to the date of that meeting. I originally in response to questions put to me by the attorneys fixed the date of that meeting as the 21st or 22’d. they told me that the meeting took place on the 20th AN7e finally settled on the 2Cth or list, and I believe I told your committee that it was the 20th or 21st. In checking my records I avoid having to say that the meeting took place on the morning of—and again I could be mistaken, the morllin(r of Julie 21.

Wlr. IL-AxILTo>-. ANl-tnt is there in your records Air. Alardian. that indicates to Sou that the meeting took place Oll this claw-

Anl. WBrILTozs. This is purely a surmise based on that call. It looks to be the first call that I noted, and my recollection is that he said he was leaving that day for Los.

Mr. TiAAnrLTos. I notice in your diary that there are numerous meetings scheduled on the June 21st, one at 8; one at 8:30; one at 9:30; one at 10; one at 11; and all one at 10 o clocks I do not think that appeared A0Touicl this heavy load on the mol nine of the 9lst sufr est to you tll:tt perllar)s the nleett(r took place on the ->Ottl ?

Anl. AtvrtD1Xs-. That crossstv:rk does not indicate a eaneillation. I hillk voll avll fin[that crossmall; on e~el–r Atonday, M7ednesclav.

r note that th. Ineetin(r—there is one, for instances xVitll a yentleman at fi :3n at id tlleell another one at 10 o clocks I do not think I met with that t,elltlemall twice Oll that day. One appears to be a rtsclledul

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ing, and the fact that I have it noted in my book does not mean that I
kept the appointment.

I am trying to give you the best, my best recollection.

Mr. HAMILTON. How did this meeting come about, Mr.
Mardian?

Mr. MARDIAN-. Well, my recollection differs with that of Mr.
LaRue. Again, Mr. LaRue could be right. My recollection was that
Mr. LaRue told me Mr. Liddy wanted to talk to me. I do not recall
whether it was Mr. LaRue that told me this or Mr. Liddy to come to
my office. Mr. Liddy was reluctant to come to my office. He wanted
to meet some place else, and we met in Mr. LaRue's apartment. I
believe that, more than anything else, was the basis for my belief that
it was Mr. LaRue that arranged for the meeting and indicated we
could meet in his apartment.

Mr. HAMILTON. Mr. Mardian. I wondered in your own words if
you would, in some detail, tell us what occurred at this meeting and
tell us what information Mr. Liddy imparted to you?

Mr. MARDIAN. My recollection is pretty vivid. I may forget
some of the items that he disclosed to me. but I w ill try not to.

We arrived, Mr. LaRue and I arrived at his apartment and soon
thereafter. Mr Liddy came into the room. The first thing he asked
Mr. LaRue was whether or not he had a radio. Mr. LaRue indicated a
radio which was in the corner of the living room. Mr. Liddy went
over and turned the radio on and asked me to sit by the radio in a
chair, and he sat in a couch, as I recall, that was next to an end

He apologized to me by saying something to the effect that it is not
that I do not trust you. but this conversation cannot be recorded My
inference from that was he thought I had some kind of a device on
me, possibly something in the room, I do not know.

And again, I am going to have to say that I do not recall the
sequence of events in which he related these things to me. But I do
recall that he-said that he wanted to hire me as his lawyer, as his
personal attorney. I told him that I was acting as attorney for the
committee and that I could not relieve myself of that responsibility to
represent him. He then said it was imperative that he be able to talk to
me in confidence and that under no circumstances could I disclose
what he told me.

I told him that since he was an employee of the committee and I
was acting as attorney for the committee, he could talk to me as a
client to a lawyer and that I would maintain his confidence but that I
would have to be at liberty to disclose what he told me to Mr.
Mitchell. At first, I believe he demurred, and I told him that wa the
only basis on which I could talk to him.

One of the things that he told me was that he had a message from
Mr. Hunt, that Mr. Hunt felt that it was the committee's obligation to
provide bail money to get his men out of jail. At that time, these
people were incarcerated in the District of Columbia Jail.

I was interested in finding out what had occurred anal I
interrogated him as to the events of the evening of January 16-June
16. the morning of the 17th. And he related to me what had occurred
about the break-in, told me that they had planned, as I recall, to
break into the McGovern headquarters that same night.
About the arrest of the five people, Mr. McCord and the others, their flight, he indicated to me that there was nothing to fear, because the only person that could identify Mr. Liddy was Mr. McCord and Mr. McCord would not divulge his identity, that the Cuban-Americans were old soldiers who had worked in the CIA with Mr. Hunt since the Bay of Pigs, and that they would never under any circumstances disclose Mr. Hunt’s identity, and that the committee had nothing to fear in that regard.

I told him that based upon what he had related to me, the events of that evening, one of which included as I recall his sitting on the shoulders of one of the men at a distance—I don’t recall, some 300 feet or 300 yards—shooting out a light behind the Democratic Committee headquarters. I pointed out to him that a person that he was that intimate with would certainly be able to identify him, pointed out that he had spent that he had told us he had spent some time in the room with these people in their hotel room, they had eaten. that his fingerprints would be all over the place. He kept insisting that there was no chance that he would be identified.

I tried to convince him he would be identified. that his best bet was to give himself up rather than try to wait for them to arrest him.

He discounted this possibility. He did, after some discussion, indicate that it was possible that he could be arrested. but I inquired of him as to the—because of the news accounts of the arrest and the apparent bungled effort, the possibility that someone in the group had had it in mind that they would be arrested, to embarrass the Committee To Re-Elect the President. He discounted this completely by saying that this group had been operating together for some considerable period of time, that they were all real pros, that they had engaged in numerous jobs. And when I asked him what kind of jobs, he said, we pulled two right under your nose.

I inquired as to what he meant by that. and he said that they had invaded the office of the psychiatrist of Dr. Ellsberg and that they were the ones who got Dita Beard out of town.

I expressed my strong displeasure with respect to—I pointed out that the worst thing that had happened in the hearings was that Dita Beard disappeared.

I asked him because of the Ellsberg break-in what if anything they had obtained? He told me that they had obtained nothing that they had searched all the files and couldn’t find his record.

I asked him on whose authority he was operating. and I wish to be very careful here. because I don’t know that he used the name of the President. hut the words he did use were clearly meant too imply that he was acting on the express authority of the President of the United States. with the assistance of the Central Intelligence Agency.

I made some notes of—oh. I asked him what information they had obtained. he told me that the purpose of making this entry that was not of his doing, that neither he nor Mr. Hunt thought it was a good idea, that they had obtained nothing from the bug that they had previously implanted in the place. He told me that the only thing they had ascertained(l from that bug was the fact that somebody at the Democratic National Committee was talking to somebody at the Committee To Re
2. Later that day (or, according to Mitchell, the day following) Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including the details of the DNC break-in, the involvement of Magruder and Liddy in the DNC break-in, Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist, and Hunt's earlier activities involving Dita Beard. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

Fred LaRue testimony, 6 SSC 2288 98

Robert Mardian testimony, 6 SSC 2363, 2429 99

2.3 John Mitchell testimony, 4 SSC 1621-22, 1628.

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3ir. I==sR1rx. Alr. Lickly ltentioned tllat he had on otller occasions beell involve(l in incicellts or ol)etations for the ANthite T-Totlse. all(l he
s)ecificallJJ mektiolle(l ttle attelIII)tecl 1)-Il (>lal.> of the ol(ie of ille
les-
chiatrist of 3Ir. EllsSerfr. He slvecificallls- mentioned allotller illcident in xvhicl 3Ir. Hntt tsecl l disfrrise I thinly—tlis was in Denvel Colo.
vlen 3IrS. DitA Beard +sas in the hospital. 3Ir. Hunt used to surtle(titiousJJ enter te the locm al[l] have a consersatiioll +-ith AIIS.
Beard.
Alr. DASH. DO YOU recall an-- other incidents that he talked about?
Wlr. L.xRtE. I don't recevll any. no, sir.
Wlr. DASH. DO VOU recall 3ri. Liddv tellinfr vou or Alr. 3rardian about his shootincr out ttle li rhts around the AtcGovern heacqlalter ?
3Il. L XRCE. Yes, I do recall that.
3Ir. D TSH. That --vas durinO an unsuccessful attempt to break into AlcGovern heacqlarters ?
Wlr. L vRnz. --&n unsuccessful attempt. He had shot out some lifrhts, I think in an alley or sorl-elt)lace aroldtnd AlcGovern headquarters.
3II. D NSH. DO YOU recall Alr. Liddw- discussing at that time
rvhether
or not there --vas any possibility he mifrht get caught or might gret
found
out ?
3Ir. LARIrE. Alr. Liddv assured us that he had conducted tllis opera-
ti90II in SUC}1 a manner that it cotllld not be traced to him. that ~N-e should
not have any fears that any subsequent in--esti-->ation nvould lead to
him.
Alr. DASH. Nevertheless, did 3Ir. Lidd>- offer any type of ptulisll-
ment that he lvould be ~villin t to accept for his failure in this case ?
Mr. LARCe. Yes; Mr. Liddy assured us that in any en-ent, xvoud never reveal any information about this in the cour e of any investiga-
tion, even if it led to him rbut if xve --ere not satisfied lvith that nsur-
ance, that though he lvas, I think, pelEonally or morally opposed to
suicide that if ave lvould instruct him to be on any street corner at any
\textbf{time, he should be there and sve could has-e him assassinated}.
3Ir. DASH. In otller xvords, he --vas lvilling to be rubbed out ?
Alr. L.--RtE. Yes. sir.
Wlr. DASH. I take it nobody took llim up on jAs offer?
Alr. L.-Ra:E. ATot that I knoav of. no, sir.
Afr. DASH. NONV, the meetin(r lvvas betv.-eent --ou, Wlardiall, and 3Ir. Liddy in your apaltment ?
Wlr. LARcE. Yes sir.
AII. DSSH. DO YOH recall xvhen it zvas by xvhom ?
3Ir. L.vRrE. The best of my recollection rovolld be the Sanle dav.
the afternoon or late es-even(r ot; .Tnne _0.
3TI. DASH. Aplat was 3l. 3titcllell s reaction lvhell lle heard vvhat
w oll had to say ?
AlL- LARow. AVell he avas—311. 31titcllell is not a pelsoll that
(Remoll-
strates a great deal of enlotiOll at)otlt olnvtlllgg. 31l. T)ash. I don-t
r eall any sr)ecific reactioll.
3II. DSH. NO+V, clid 3tr. Liddv tejl voll wvllo had al>plo--ed the
opel ation xvhell he w--as tell irX, von al)ol til breal--ill at the l)emocl atic
National (committees, hearings, or any of the other activities)
3k. HAZrILTTo>. W1Then you spoke to W1r. Mitchell did you transmit this request for bail money to W1r. 31itchell?
Mr. PL XRDIAN-. Included among all of tile other matters that I Elated.
3fr. HABrTLTo?. More specifically, in regard to the bail money, svhat svas 31r. 31itchell's reaction?
Sir. 31ABDIAN. Sir. 31itchell told me that under no circumstances would bail money be forthcoming, and for me to call Mr. Liddy and tell him. And I did so.
Wrr. HA3rILTos. TVill you tell us the rest of your conversation with Mr. Mitchell? I don't vant vou to repeat evervthina that you told 3fr. Liddy, hut I would like to know what 31r. Mitchell said to you.
31r. AL\ARDIAN-. I can't recall—oh, he asked me if Mr. Liddy—I might say that 31r. Mitchell appeared to be as sincerely shocked as I was when I got this information. He asked me if Sir. Liddy had disclosed anv other of the activities of this group that had been arrested, Sir. Hunt and himself, and I told him that he had not, he had not disclosed anv others to me.
31r. H~ruLToxf. Did 31r. 31itchell confilm or deny that he had appro--ed the budget for 31r. Liddy s operation ?
Alr. 31AsDIAs-. I don't think he did.
31r. HArrILros-. He made no comment in any way as to whether or not he had approved the budget ?
Mr. MARDIAN. Not at that time. That discussion took place later.
Mr. HADIILTON. A discussion on whether he had approved the budget took place later ?
Mr. 31ARDIAN. Well, the discussion didn't start out in that vein. It took place when I confronted Alr. Magruder. I asked Mr. 31at,ruder in the presence Olc Sir. Mitchell, I believe the next day, or as soon thereafter as I could, hoav much money he had given 31r. Liddy in addition, I forget the general nature of the entire conversation, I asked him whether he directed W1r. Liddy to go in there. He denied it. I asked him howv much money he had given 31r. Liddy. He said he had authorized W1r. Sloan to give 31r. Liddy $40,000. I asked him what he thought cthe S40,000 Bas for. It seemed to me a sizable sum of money 3tr. Mitchell expressed the same coneern and wanted to know you knoxv, how he could have spent $40,000 already because the campaign had just started.
Mr. Magruder lied to 3fr. Mitchell that he had authorized So50 000, and this seemed but a very small part of that sum. That is holv the S10,000 budget matter came up.
31r. HA,ArILTON-. At some occasion during that Tveek vasn't there a discussion between Mr. Magruder and 31r. Sloan as to the actual amount that had been approved ?
31r. MARDIAN. I novas not—I don't recall being present at that discussion other than the—it has been testified that I confronted the two of them in 31r. 31itchell's presence, that may very well hare occurred. I don't have a present recollection. But after tallying with 3Tr. 3Ta--ruder I then interrogated 31r. Sloan. 3fr. Sloan told me that he had been authorized by Sir. Magruder to disburse in the neighborhood of $900,000 which shocked me even further. I asked him if he avas sure of the amount. He said he had not calelllated the exact amount but that it was his opinion that it lvas in the neighborhood of $'00 000 that he had already disbursed.

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Mr. MARDIAN. The Internal Security Division never requested a single wiretap during my tenure.

Senator AMVECTSER. You then make it a matter of record the Division, during your tenure, never requested a wiretap of Division A of the Federal Bureau of Investigation?

Mr. MARDIAN. To my knowledge, sir, all those requests had to come from persons designated by the President of the United States and they could only be made to one person and that is to the Director of the FBI.

Senator AMVECTSER. I have no further questions, Mr. Chairman.

Senator EEVIN-. Counsel.

Mr. HAASLTOS-. Mr. Mardian, I have just a few questions, and I would first like you to clarify an apparent conflict in the record from your testimony yesterday so the record will be straight. On page 4794 you said: "Air. Magruder said to Mr. Mitchell that he had authorized $260,000 and this seemed but a very small part of that sum. That is how the $260,000 budget came up." Let me say in saying that to you there is, what I take it to be, a typographical error; the first three words are "Air. Magruder lied to Mr. Mitchell." I think that should [read "Air. Magruder said to Mr. Mitchell."] Without. Yes.

Mr. HAASLTOS-. However, at page 4797, this is the testimony: the question was "And did you subsequently confirm that the budget that had been allocated to Air. Liddy was actually $50,000 and your answer was this: "To this day that matter has never been confirmed to me." And it appears there is some conflict there, and I would like for you to clear that up.

Mr. MARDIAN. Read that again, please.

Mr. HAASLTOS-. The last quote, Mr. Mardian?

Mr. MARDIAN. Yes.

Mr. HAASLTOS-. The question was: "And did you subsequently confirm that the budget that had been allocated to Air. Liddy was actually $260,000?"

Mr. MARDIAN. Yes. I think I testified that I was referring to a question relating to the $199,000 and that is how I understood it. So I would—I must have misunderstood the question or they took the figure down incorrectly.

Mr. HAASLTOS-. I would be happy to read the statement: "I was never apprised of the fact that there never had been any agreement on the amount of disbursement. I think Air. Sloan's testimony was that it was $199,000."

Mr. MARDIAN. Yes; that is what I would have been referring to.

Mr. HAASLTOS-. I think the question is: Did you ever have confirmation from either Air. AITitchell or Air. AtaOrucler that the budget that had been approved for Air. Liddy's dirty trick operations and black advance operations was $260,000?

Mr. MARDIAN. Yes. I think I testified that I am not sure in what context it arose at all. I think it arose in connection with the confrontation between—that I had with Air. AtaOrucler in Air. AITitchell's presence when I asked about—when I asked him how much money he had given Air. Liddy, and he replied: "$50,000." and I said in surprise: "$40,000," and it was echoed by Air. Mitchell: "$40,000."

(100)
For. DASH. nolv. Air. 31itchell, where and When did you first learn of

the break-in of the Democratic Rational Committee headquarters that took

place on June 17, 1972?

Fir. 31ITCIIELL. AVell, I xvas in California for the sweeliend on an
 extensive r onucr of activities and, to the best of mv recollection. 3Ir.
 Dash, it vvvas on Satutclav morning I am not sure lvlo the individual
 xvas lvlo told me. "Timesa
 from a hotel to a place where there zvas a series of political meetings,
 to the best of my recollection, lvllen I arrived there I v as advised of it.
 There v-as considerable concern about the matter because I fleas
 holding a press conference out there, and eve did not know what the
 circumstances meres I believe that bv that time that they had—3tr.
 AICcOrd, his name had surfaced or AIrs. A1cCord had called
 somebody afM the committee about it, and obviously, there svas an
 involvement in the Committee To Re-Elect the President.

3rr. DASH. What, if anything, did you do, v.while still in California ?
 Air. MITCHELL Awhile in California ? I did a number of things.
 First of all, I continued to carry out the schedule that I had there which
 was quite extensive for 2 days. I asked the people, particularly 3rr.
 Mardian Who s as there, to get as much information about it as he
 could. I put
 out a statement to the effect that, I do not know whether it
 event Otlt there or after we came back, to the effect that Eve did not
 understand this, that 3Il. McCord las one of our employees he also
 had a separate consulting firm, that it was basically an attempt to carry
 on the extensive schedule that I had which, of course, is in the book
 that you are swell an-are about and, at the same time, trying to get
 information as to What had happened back in the District of Columbia.

3Ir. DASH. At that time, out in California, did it ever cross your nind
 when you read about this that perhaps the Liddy plan had been put in
 operation ?

Air. MITCHELL. lVell, that had crossed my mind but the plowers
 svere different and, of course, there sras a lot of discussion about CII x
 and because of the Cuban Americans vvllo vex involved in it. It Wasn't
 lentil actually later on that it struck holne to me that this could have
 been the same operation that had a genesis back in the earlier
 conversation.

3Ir. DASH. Well then, after you returned from California, and I
 understand that Ivvas on June 19,1972.

3Ir. 3ITc7IEll. Yes, sir, it was.

3Ir. DASH. lchen and how lvere you briefed as to what actually
 happened in this matter ?

Air. MITCHELL ELvell, hoxy svvas I briefed as to Blat actually
 happened ?

3Ir. DASH. Yes.

3Ir. 3ITc7IEll. AXTell, that is such a broad statement that I could
tell you for the next 6 months I was being briefed on it.

3Ir. D VSH. I mean, let's talQe the——
that the first so-called brieffillXr on xv at- had hallpelled and you
used
the word "actually" lvhicll I avid have to Olllit from that for the tinkle

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35-905
being because I have never quite got to the bottom of it. Ivas after 3ir. Mardian and Mr. LaRue had met with 3ir. Liddy and Air. Liddy provided them with quite an extensible StOly on Air. Licldy's activities.

3ir. DASH. Will you tell us briefly what that extensive story included?

Wlr. MITCHELL. W7Tell, it included the fact that lle vas involved with other individuals in the Watergate activity, that he had also made surveillance of McGovern headquarters, I believe it divas, and that he had previously, as part of what has since become l;noxvn as the Plumbers group, acted extensively in certain areas while he was at the White House in connection with the Ellsberg matter, in the Dita Beard matter and a felv of the other little gems.

Mr. DASH. When you say the Ellsberg matter what specifically are you referring to?

Wlr. MITCHELL. Well, I am referring to, Novell, it certainly wasn't the prosecution.

3ir. DASH. No.

3ir. MITCHELL. Obviously it had to do with the surreptitious entry of the doctor's office in California.

3ir. DISH. And when you refer to the Dita Beard matter what specifically did you learn through 3ir. LaRue and Air. Mardian?

Mr. MITCHELL. Well, if my recollection is correct he lvas assisting in spiriting her out of wherever they spirited her out of, either Neav York or Washington.

r. DASH. Was there a meeting in your apartment on the evening that you arrived in Washington on Cline 19, attended by Mr. LaRue, 3ir. Mardian, 3ir. 'Tean Mr. 3Iagruder

3ir. MITCHELL. 3Iagruler and myself. that is correct.

3ir. DASH. Do you recall the purpose of that meeting, the discusEion that took place there?

Mr. MITCHELL. I recall that n-e had been traveling all day and, of course, ve had very little information about what the current status vas of the entry of the Democratic National Committee, and we met at the apartment to discuss it. They vere of course, clamoring for a response from the committee-because of 3ir. 3IcCord's involvement, et cetera, and eve had quite a general discussion of the subject matter.

3ir. DASH. Do you recall any discussion of the so-called either Gemstone files or wiretapping files that you had in your possession?

Wlr. MITCHELL. No, I had not heard of the Gemstone files as of that meeting and, as of that date. I had not heard that anybody there at that particular meeting kne v of the wiretapping aspects of that or had any connection with it.

Wlr. DASH. Did either Toll or anybody in your presence at that meeting discuss Air. Liddly having a good fire at his house?

3ir. MITCHELLEx.L. Not in my recollection vas there any discussion of destruction of •locuments at that meeting

3ir. DASH. You are alvare of the testimony of Mr. Magruder that he did get the idea to destroy the documents and he did in fact burn the Gemstone documents?

3ir. MITcTrEx.L. T am alvare of his testimony and I think his testimony novas one of these general thinks "It lvas deceased thatX' or somethillg to that effect lout, to my recollection, there lvas no such discussion of it.
I know the individual, I know his reactions to things, and I have a very strong feeling that during the period of time in which I was in association with him and did talk to him on the telephone, that I just do not believe that he had that information or had that knowledge; otherwise, I think the type of conversations we had would have brought it out.

Mr. DASH. Generally, is it fair to say that much of your opinion that you express is based on your faith in the President and your knowledge of the man, rather than any specific statement the President made to you or that you made to the President?

Mr. MITCHELL. I subscribe to the first two. I do have faith in the President and I do think I have knowledge of the man and I do think there were enough discussions in the area, in the general area, to the point where I think the general subject matter would have come out if the President had had knowledge.

Mr. DASH. Well, now, Mr. Mitchell, you did become aware, as you
have indicated, somewhere around June 21 or 22 when you were
briefed or debriefed by Mr. LaRue and Mr. Mardian about the so-called— as you described it, the White House horrors of the Liddy
operation and the break-in. Did you, yourself as the President's as viser and counselor, tell the President what you knew or what you learned?
Mr. MITCHELL. No, sir, I did not.
Mr. DASH. Why didn't you?
Mr. MITCHELL. Because I did not believe that it was appropriate for him to have that type of knowledge, because I knew the actions that he would take and it would be most detrimental to his political campaign.
Mr. DASH. Could it have been actually helpful or healthy, do you think?
Mr. MITCHELL. That was not my opinion at the particular time. He was not involved; it wasn't a question of deceiving the public as far as Richard Nixon was concerned, and it was the other people that were involved in connection with these activities, both in the White House horrors and the Watergate. I believed at that particular time, and maybe in retrospect, I was wrong, but it occurred to me that the best thing to do was just to keep the lid on through the election.
Mr. DASH. Then it is your testimony that
you in fact did not say
  anything to the President at that time—
Mr. MITCHELL. No, sir, I did not.
Mr. DASH. So whether the President had
any knowledge of it, it
certainly couldn't have come from his lack
of
knowledge or knowledge,
from any statement that you made to him?
Mr. MITCHELL. That is correct Mr. Dash.
Mr. DASH. Now, were you aware of the
fact
that actually prior to
  Magruder's testimony Mr. Dean rehearsed
Mr. MAGRUDER for his testi
mony
before the grand jury?
Mr. MITCHELL. I do not recall that. Mr.
Dash, if you are talking
about the testimony that took place on the—
Mr. DASH. In August.
Mr.-. MITCHELL. In August. the second
appearance.
Mr. DASH[. The second appearance.
and as to what the circumstances might be vis-a-vis the incumbent who was seeking reelection.

Mr. THOMPSON. Mr. Mitchell, let me ask you about another point. Here is an excerpt from the civil deposition which you gave in the Democratic Party suit against the Committee To Re Elect the President and I think I am quoting you verbatim in your testimony, when you were asked this question: "Was there ever any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance of the Democratic National Committee headquarters?"

Your answer was: "No, sir. I can't imagine a less productive activity than that."

Is that a correct—

Mr. MITCHELL I think the total context, as I remember it, Mr. Thompson, had to do with the discussion of Mr. McCord and the security group. The answer was given in that context.

Mr. THOMPSON. But this particular question, "Was there ever any discussion at which you were present"—and of course, I assume just from reading this question that that would involve any discussion with anyone. Are you saying that it is not your understanding of it?

Mr. MITCHELL. My recollection of the testimony that I gave had to do with the so-called security group in the Committee To Re-Elect the President which discussed Mr. McCord and the security group. And the answer was in response to that, to my recollection.

Mr. THOMPSON. Of course, as it reads, as I have read it, of course, it is not an accurate response?

Mr. MITCHELL. I think that that is the case.

Mr. THOMPSON. Let me refer to June 19 or •)0 I am not quite sure when it was Mr. Mitchell. As I understand it, Mardian and LaRue debriefed Liddy and found out what he knew about the breakin, his involvement, and the involvement of others. And at that time, he related to them some of the White House horror stories, I believe you characterized them as the plumbers activities and so forth. I will go back to that in a minute, but as I understand your testimony this morning, the knowledge you got from that debriefing was really the reason why you, in effect, stood by while Mr. Mgruder was preparing a story which, according to what you knew from Liddy, was going to be a false story, to present to the grand jury.
Mr. MITCHELL. Along with some of the other stories that Mr. Dean brought forward to him, the Diem papers and the suspected extracurricular wiretapping, and a few of the others.

Mr. THOMPSON-. OK. That caused you to take that position with regard to Magruder. And also, I assume that those factors were the reasons why you, in effect, acquiesced, anyway, in the payments to the families of support money and lawyers' fees and that sort of thing, which I am sure you realize could have been pretty embarrassing, to say the least, if not illegal, at that time. Would that be correct as far as your motivations are concerned?

Mr. MITCHELL. That is a correct summary of my motivation and rationale for the actions that I did take.

— Mr. THOMPSON. Do you recall the date on which Mr. Mardian and Mr. LaRue related this conversation of Liddy's to you?

Mr. MITCHELL. At Well, he certainly didn't debrief them on the 19th, I am sure of that, because they were in transit. Whether it was the 20th or 21st, I am not certain.

Mr. THOMPSON-. Did they talk to you the same day they talked to him?

Mr. MITCHELL. My recollection is they talked to me the next day, but I am not certain about that, either. But in any event, it was in the time frame of the 21st or 22d, to the best of my recollection.

Mr. THOMPSON. Can you recall in a little more detail what they said that Liddy had related to them? You have already mentioned the fact that Liddy said that Magruder had pushed him in the break-in at the Ellsberg psychiatrist's office, I believe, and the Dita Beard situation. What did Liddy supposedly say with regard to the Dita Beard situation? What did he supposedly know about White House involvement?

Mr. MITCHELL. To the best of my recollection, and, of course, I have heard these horror stories in different versions from different people over the period of the years, the fact that he was either the one or assisted in spiriting her out of town, I believe, as the discussion at that particular time.

Mr. THOMPSON. Did he indicate, according to them that the budget for the electronic surveillance operation which led to the break-in of the DNC had been approved by the White House?

Mr. MITCHELL. You are testing my memory pretty hard. I am inclined to think that he did say that, but this is a—not that he said it, but that Mardian or LaRue reported to me that he had said it. But you are testing my memory pretty hard on a substance of which I have heard dozens and dozens of repetitions of it.

Mr. THOMPSON. Did you ever verify any of these facts with the President?

Mr. MITCHELL. No, sir, I never discussed them with the President.

Mr. THOMPSON. Did you ever verify any of them with Mr.
Mr. MITCHELL. I never discussed those specific factors with Mr. Haldeman until a later date. It was at that time that Mr. Dean was acting as a liaison between the White House and the committee with respect to these matters.

Mr. THOMPSON-. Did you ever talk directly with Ehrlichman about these matters?
it was then that Mardian hit Shim on the back to buck him up and I don't want to take credit for this statement that was reported by me to be made that when the going gets tough the tough get going. It was Senator Muskie who had said it just a few days before it happened.

Senator TALMADGE. You did not make such a statement, is that correct?

Mr. MITCHELL. I made the statement and I made it in the context

Senator TALMADGE. Did you not quote Senator Muskie as being the author thereof?

Mr. MITCHELL. I did indeed in connection with respect to the nature of the tough campaign he clad and the one that everyone having

Senator TALMADGE. Were you saying that for Mr. Sloan's benefit at that particular time?

Mr. MITCHELL. I was saving it for the total people there who were in a hell of a knock-down-drag-out donnybrook over what they could not agree on.

:Now, the sequence is shown by my log that after that meeting Mr. Sloan apparently went back to Mr. Stans, who had received the information about the Liddy payments the day before, I believe, on June 23. Mr. Stans called me, and Mr. Stans came up and saw me alone. There was not any Jeb Magruder and there was not any Mardian in the meeting that according to Magruder I asked guardian to step out so that I could discuss the matter. That would be the last thing in the world I would do because Mardian Divas investigating the circumstances at the time.

Senator TALMADGE. Was that the first—excuse me.

Mr. MITCHELL. I am going into this because Mr. Stans' credibility with respect to his book on the Watergate was quite severely impugned apparently more severely in the executive committee meeting by Magruder than it was later in public testimony.

Senator TALMADGE. Was that the first time you had knowledge of the Watergate break-in, bugging that day, that conversation?

Mr. MITCHELL. On the 21st?

Senator TALMADGE. Yes.

Mr. MITCHELL. No, I had been debriefed, Senator, as I mentioned a little earlier, either on the 21st or 22d.

Senator TALMADGE. Did you get full details of it at that time?

Mr. MITCHELL. It was coming from Liddy who was, as went through with Sir. Thompson. It was involving Mr. Magruder and said that he (not his approval in the White House and a lot of thin rs that—

Senator TALMADGE. Did he say who authorized the approval in the White House?

Mr. MITCHELL. No, he did not.

Senator TALMADGE. The White House was definitely interested in the campaign, of course. Was it not?

Mr. MITCHELL. Yes.

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3. During the week after the break-in at the DNC, Jeb Magruder told Hugh Sloan that Sloan might have to perjure himself regarding his payments to Gordon Liddy prior to the break-in. Magruder told Sloan that Sloan would have to say that he had given only approximately $75,000 to $80,000 to Gordon Liddy. Sloan had in fact given Liddy approximately $199,000.

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3.1 Jeb Magruder testimony, 2 SSC 800-01 108

3.2 Hugh Sloan testimony, 2 SSC 543 110

3.3 Earl Silbert testimony, SJC, Silbert Nomination Hearings, 45-48.................................

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information. We did not, of course, know what type of investigation would then be held. And we talked about types of alternative solutions.

One solution was recommended in which I was to, of course, destroy the Gemstone file. So I called my office and

Mr. DASH. That solution came up as a result of that meeting?

Mr. MAGRUDER. Well, I think yes, it was generally concluded that that file should be immediately destroyed.

Mr. DASH. Now, as to Mr. Dean's participation, by the way, in these meetings, was Mr. Dean operating on his own, or what was your understanding of Mr. Dean's role at these meetings?

Mr. MAGRUDER. Mr. Dean was the person who had worked with us on many of these legal matters. He had brought Mr. Liddy to the meeting. He was a close associate of ours through Mr. Mitchell, and, of course, all of us knew Mr. Dean very well. And he was one person from the White House who worked with us very closely. It was very natural for Mr. Dean in this situation to be part of our meetings at this print in time because of his association and of his background.

Mr. DASH. And would he, from your understanding, be representing any White House interest at these meetings?

Mr MAGRUDER. I think you would really have to ask Mr. Dean that question.

Mr. DASH. Now, did you instruct Mr. Reisner to destroy any other files?

Mr. MAGRUDER. As I recall, I asked Mr. Reisner to cull through my files, pull out any sensitive material that could be embarrassing to us. There was the suit that was placed against us by the Democratic National Committee that asked for immediate disclosure. As I recall, we all indicated that we should remove any documents that could be damaging, whether they related at all to the Watergate or not.

Mr. DASH. Mr. Sloan has testified before the committee, Mr. Magruder, that shortly after your return and after the break-in, that you asked him to perjure himself concerning the amount of money that Mr. Sloan had given Mr. Liddy. Could you state your own recollection of that discussion with Mr. Sloan?

Mr. MAGRUDER. Well, the first discussion—we had two meetings on Monday. The first meeting was when I determined from him that the money was our money, and we discussed that in his office. And he came up to my office, and in attempting to allay his concerns or to help him in some sense, give some advice, I think, we talked about what would he do about the money.

My understanding of the new election law indicated that he would be personally liable for cash funds that were not reported. These were not reported funds. So I indicated at that meeting that I thought he had a problem and might have to do something about it.

He said, you mean commit perjury? I said, you might have to do something like that to solve your problem and very honestly, was doing that ill good faith to Mr. Sloan to assist him at that time.

Now, later we met three times twice that week and once after he returned from his vacation. That was on the subject of how much money had been allocated to Mr. Liddy, now, in thinking of about 7 months from the time we authorized the funds to the time of the November election, I thought, I thought, I should have received
somevalue between $100,000 and $1,000,000. That was my estimate.

31 r. Portal indicated that the total distributed somewhere was $800,000. Sloan estimated that it was $1,000,000. He refused to tell me the rest. He said, I cannot tell you the figure.

I said, just tell me what it is so Eve can solve the problem. If she does not know how much NOI gave Mr. Liddv, how can she determine what the Monet Event for

On the third meeting, he and I went out and had a couple of drinks and he still would not discuss the facts of this situation with me. I did not at that time or in any of those meetings ask him to do anything relating to money other than tell me what the figure was. I had no problem accepting a hazy figure because I thought Eve could figure something out relating to any figure within reasonable limits.

I think the real problem was that he line it was $199,000 and I was aghast at that figure, because there was no way Mr. Liddv should have received that much money in that short period of time. It was only 2/12 months since its approval.

Mr. DISH. 5-ONV. Mr. Magruder, you said you needed some of this information to work out a solution. Is it not true that sometime after the time you returned to Washington from California and during the months of, say, June-, or in August, that there came a time when you agreed to make up a story about the break-in and the bugging took place and who was involved?

Mr. MAGRUDER. Yes. I want to state here that there was no feeling on my part, no one asked me to do anything. I personally felt that it was important to be sure that this story did not come out in its true form at that time. As I think did the other participants. So I want to make it clear that no one coerced me to do anything. I volunteered to work on the coverup story.

AH--. D VSH. But on your volunteer ing to work on it, who participated with you without coercing you in the working up of the fabricated story?

Mr. AL-GER---ER. Wendell, there were, from the time of the break-in to the third grand jury appearance and then actually into my third grand jury appearance ill September, a series of meetings. These meetings do not appear in my calendar because they were ad-hoc meetings that were not planned meetings. They were mainly held in Mr. Mitchell's office. The main participants typically were Mr. Mitchell, Mr. LaRtre Sir. Alardall, and Mr. Dean. Although many other people met in these meetings, the main subjects that were perfectly I think; acceptable to discuss.

You know it is very hard for me to pinpoint exactly when and how those came up with the cover-up story. It became apparent that they had found Oll. The story was that Eve had to come up with a story that would justify the events. And so Mr. riddv was told that it was to be kept on file. (109)
Mr. DASH. On or about June 21 or 22 did you have a conversation with Mr. Magruder?

Mr. SLOAN. Yes, sir.

Mr. DASH. Could you briefly tell the committee what that conversation was about?

Mr. SLOAN. I forget all of the circumstances surrounding it. I am not positive on the dates but to the best of my recollection, this would be the general time frame, the time period. I forget I believe he called me to his office. He indicated to me that we are going to have to—or suggested to me a figure of what I had given to Mr. Liddy in the range of somewhere $75,000 to $80,000. I do not believe at that point in time I had prepared a summary of the figures so I did not know the precise amount of money that I had given to Mr. Liddy at that point. However, I did know that the sum was considerably larger than that because Mr. Magruder himself had authorized a payment for $83,000 in one single installment.

I must have indicated to him, well, that just is not the right figure. I did not have the right figure, but that is too low. He indicated to me at that time that I said to him, he must have been insistent because I remember making to him on that occasion a statement I have no intention of perjuring myself.

Mr. DASH. What did he say to you when you said that?

Mr. SLOAN. He said you may have to.

Mr. DASH. Did you have shortly after, either on that day or any day following, a conversation with Mr. Fred LaRue?

Mr. SLOAN. Yes, sir.
Mr. DASH. Who was Fred LaRue at that time?

A/r. SLOAN. He was a special assistant to Mr. Mitchell, who was the campaign director at that time.

Mr. DASH. Could you just briefly give us the content of that conversation?

Mr. SLOAN. I believe by that point in that time there was a general awareness within the campaign that an internal investigation was going on and that Mr. LaRue was conducting it in behalf of Sir. Mitchell.

At that meeting we discussed, I believe, in general terms, and again my recollection, if the timing is right, I would not have the right figure, we were just generally discussing figures cash problems and he specifically mentioned, he asked me whether I received a $50,000 contribution from Mr. Porter and I said I had, and he said, and this would be after April 7, he said what have you done with it? I said I have done nothing because I do not know who it is from. I am waiting for Mr. Porter to give me the information. He called in Mr. Porter and this was in the context of there is going to be an external investigation, are there any remaining problems, things that could be embarrassing? I was recounting to him there were certain funds we did not have information on, we had done nothing He called Mr. Porter in and asked him about it and Mr. Porter said he did not know, it came through an attorney in Washington, they did not want to be known, it was an anonymous contribution.
Senator Hart. I have some questions about Mr. Sloan and Mr. Magruder.

At what time and from what source did you first learn of Magruder's discussion with Sloan suggesting a lower figure to Sloan as the total amount given to Liddy by Sloan? Again, I am making reference to materials that are in the record.

Did Sloan suggest explicitly or implicitly that Magruder asked Sloan to commit perjury?

Senator, first with respect to the time. My recollection of the time would be in the last ten days of July. We had trouble reaching Sloan. Sloan was concerned about his possible exposure under the new campaign law and it took some time after he had succeeded in retaining counsel to persuade him to cooperate with us. And after we were able to do that, and that was a lot more difficult then just the saying of the hearing.
indicates, and I don't mean that Sloan was not a cooperative witness, I want to make that clear, it was just he was concerned about his potential criminal and also to a certain extent civil exposure, and he wanted to be sure about that as, of course, did his lawyer. But in the latter, toward the end of July, Sloan as I have set forth in my response, among the number of things he i told us, and advised us, indicated that after the break-in and after the arrest, at one time, a couple of times Magruder came to him and asked him what was the amount of money that you

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give to Liddst and I believe the first figure was $55,000.

And Sloan I don't think responded to the latter or answered his question. He came back and then asked him or it was $70,000. I

And again Sloan did not answer. What he told us was that the two of them went out and had dinner or drinks one night, i
after work, and Magruder was again pressing him on the amount, of money and Sloan said I am going to have to think about it overnight.

And then he came back and what he told us was his response to Magruder was, if I am asked whether it was $45,000; I will say yes, if I am asked whether it was $70,000, I will say yes; if I am asked what the precise figures is, I will answer that question and I will not consider perjuring myself.

That is my recollection in as much detail as I can give you and it is a fairly accurate description of what Sloan told us basically both before and in the grand jury.

Now I think that that is your Question, what did Sloan tell us?

Senator Hart. Where does that leave Magruder as a reliable witness?

Mr. Silbert. Well--

Senator Hart. Does that give you a problem?

Mr. Silbert. sit sure does. And it was on the basis of that testimonial, I think you will agree,

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and Sloan's response was at least somewhat unusual, but it was on the basis of that, Senator fort, and on the basis
of the fact that if the conspiracy went higher than Liddy, Magruder was the next logical figure on the rung. Though we didn't have any substantive evidence to show he was involved in the conspiracy, I mean anything you could intro-
duce in a case in chief, that I advised him of his constitution al rights when he came before the grand jury, which is advice I that you give a person who is a subject of investigation. 11 Anti with respect to that particular subject matter, I that is, his post-Watergate conversations with Sloan, Magruder said, an his version, as I recall, was similar to what he said before the Senate Select Committee, look, Sloan and I, and this we also knew from Sloan, we did not get along, we were rivals. I wanted to find out from him the amount of money 'cause I m'n't remember I kept asking him and he wouldn't tell me.

I kept going back to him and suggesting one figure,

45, one, 70, and I just didn't recall. Finally, he told me, and he told me it was $199,000. I was flabbergasted at that amount of money, it was more than I thought it should have been, because I had authorized $250,000 over a period of ten months and we were only halfway through the ten-month period, but he says it was, I accepted it, and that was the testimony before the grand jury. But I was not trying to get j

(113)
him to commit perjury as I am sure you now know, senator

Hart, though Mr. Magruder has acknowledged to us in his

secret, in his negotiations he has had with us, and also

before the senate Select Committee, though he did testify falsely both before the Gran[il jury and at the trial to a number of matters, that he did not testify falsely on this matter and that he did not try to get Sloan to commit perjury, and that was his version.

It was two people coming at the same event from a different perspective, neither one liking one another, based primarily on the fact they were rivals within their campaign.

Senator Hart. You used Magruder at the trial and rather extensively. Did you have any unease in your mind about that?

Mr. Silbert. Well, in my original prosecutive memorandum to Mr. Petersen, before the return of the indictment, because of that problem to which I have just alluded, but I was more concerned With the vagueness of his testimony, the lack of any explanation of the $250,000. I indicated a reluctance to call Magruder as a witness My reservations or the reservation about that frankly diminished, the intensity diminished sometime between the return of the indictment and the time of the trial, and, frankly, and the week before or a few days.
4. On the afternoon of June 23, 1972 Hugh Sloan met with John Ehrlichman at Sloan's request to discuss Sloan's cash disbursements to Liddy. Ehrlichman told Sloan that he did not wish to discuss the subject with him and suggested that Sloan get an attorney. Sloan has testified that Ehrlichman said that he would take executive privilege with respect to whatever Sloan told him until after the election. Earlier that day Sloan had spoken to Dwight Chapin, the President's appointments secretary about his "concern that there was something very wrong at the campaign committee." Chapin said that the important thing was that the President be protected.
I believe at that point, whether Mr. Porter was still there or not I am not sure, I had a call from my office from Jane Dannenhatler, my secretary, who indicated there were too agents from the FBI in my office, who would appreciate the pleasure of seeing me at that point. Air. LaRue indicated that I do not think he should go down there without seeing John Mitchell first. He said trait here, and he went over to the hall to Sk. Xitchell's office. He came back and got Ate and I believe Mr. Mardian was ill the room as well.

Mr. DASH. YOU said Mr. Mardian was ill the room with whom?

Air. SLOAN. With Mr. Mitchell, I entered with Mr. LaRue in Mr. Alitchell's office.

Mr. DASH. Did you have any discussion with Mr. Mitchell at that time?

Air. SLOAN. Yes, sir.

Mr. DASH. What was that discussion? I was essentially asking for guidance. The campaign literally at this point is as falling apart before your eyes, nobody was coming up with any answers as to what was really going on. I had some very strong concerns about where all of this money had gone. I essentially asked for guidance, at which point he told me, "When the going gets tough, the tough get going." [Laughter.]

Mr. DASH. Did he say anything else to you?

Air. SLOAN. Quite frankly, Mr. Dash, that is one thing that really sticks in my mind. I think I left at that point.

Mr. DASH. Did you understand what he meant by that?

Mr. SLOAN. I am not sure I did, but I understood that I was not getting any particular helpful guidance at that point. [Laughter.]

Mr. DASH. You did go downtown; and were you interviewed at that time by FBI agents?

Air. SLOAN. Yes, sir.

Mr. DASH. After you were interviewed by FBI agents, did you again see Mr. LaRue that day?

Air. SLOAN. With regard to that interview, the FBI concern at that point in time was merely the question of identity of Mr. Alfred Baldwin and none of the questions which were bothering me at that point in time came up in the questioning.

I believe Mr. LaRue came down to my office following that interview essentially to find out what I said and what matters can come up.

At that point he indicated to me that, and I do not have the precise words, the sense of the meaning as it came across to me, there was very brief reference something to the effect that the Liddy money is the problem, it is very political sensitive, we can just con out with a high figure. We are going to have to come out with a different figure. And I said, as I recall, I said it there is a problem, I cannot see that it makes any difference whether it is $900 or $200,1700, at which point he dropped the conversation.

Mr. DASH. Well, now, Air. Sloan, apparently you were becoming concerned, I take it you were concerned about your involvement in this matter.

Air. SLOAN. Yes, sir.

Mr. DASH. What did you do about it thereafter?
WIr. SLOAN. I believe some of these events I am describing today, or a moment ago, or a moment before, or a moment after the Wilmoruckel-Atitcllell-FBI meetings probably happened on that Tuesday, the 92d, because these were a part of that.
evening on a boat on the Potomac, with Col. Verne Coffey, who had been the Army aide to the President—and I remember my wife picking me up that day. I assume it was probably the Magruder comment to me which by that point in the day had me, to put it mildly, rather agitated the more I thought about it.

I went to this cocktail party on this boat. I guess my mood would be essentially anger. I sought out at that party a number of people. I talked to Ken Cole, Air. lihrlichman's assistant on the Domestic Council, Mr. Chapin, the President's appointments secretary, and Mr. Pat Buchanan, who was a speech writer for the President. I really do not remember the depth 5ith which I expressed ray concern ssth the problem, but I believe I xvas generally expressing a concern that there was something very wrong at the campaign committee.

Mr. DASH. As a result of that concern, did you in fact have anti meetings ssth Alr. Ehrlichman or Air. Chapin?

Mr. SLOAN. Yes, sir; Mr. Cole indicated to me that night that I svas expressing to him and to Air. Chapin that I felt that John Ehrlichman and Bob Haldeman should be aware that there was a problem. I do not—in the case of Fir. Chapin—I do not 19110NV whether I specifically requested a meeting with Bob Haldeman. I indicated to him that Bob should have tiliS knowledge. He asked me to come see him the next day at noon.

Ken Cole, the next day, called me at some point—I do not know whether he called me himself or somebody ill his office, but that John Ehrlichman would like to see me at 2 o'clock that afternoon.

I went to the Chapin meeting. I again—there has been a year here. I do not precisely know what degree of knowledge or what conclusions I had come to at this point. BUT I believe probably the tone of the conversation was that there is a tremendous problem there, something has to be done.

Mr. Chapin evaluated my condition at that point as being somewhat overwrought and suggested a vacation, which in fact, I was planning to leave on the next week. It had been planned for a long time. He suggested that the important thing is that the President be protected.

In the Ehrlichman meeting

Mr. DASH. When did that occur?

Mr. SLOAN. That happened around—I believe it was a 12 o'clock meeting On the 23d.

The Ehrlichman meeting—it would have been a Friday.—. In the Ehrlichman mmeetin,, at 2—I started into generally the same disCUSSiOII of problems.

Mr. DASH. fair. Sloan, when you say problems, did that include any statements by you about cash disbursements that had been made to Mr. Liddy?

fair. SLOAN. I do not believe I at that point in time was pointing fingers. I do not believe I mentioned the Magruder remark, I do IIot believe I mentioned the money to Liddy or the Liddy remark. I just said I believe somebody external to the campaign has to look at this because it raised in mv mind at that point possibility of the entire campaign being involved and it

Mr. DASH. \What was Alr. Ehrlichllall's response

(17)
Mr. SLOAN. I believe I expressed my concern, my personal concern with regard to the money. I believe he interpreted my being there as personal fear and he indicated to me that I had a special relationship with the White House, if I needed help getting a lawyer, he would be glad to do that, but do not tell me any details, I do not want to know; my position would have to be until after the election that I would have to take executive privilege.

Mr. DASH. Now, Sir. Sloan, on that same day, on June 2:3, did you make a final report to Sir. Stans concerning your cash disbursements and at about that time, did you discuss with Nfr. Stans what should be done about the balance of the cash remaining in the safe?

Mr. SLOAN. Yes, sir.

Mr. DASH. Would you please give the committee a brief report on that?

Sir. SLO.&N. since April 7, Secretary Stans had been pressuring very hard on myself for the preparation of records in the final form that he wanted them as the permanent record of the pre-April 7 period. This was a very mammoth task With regard to all the contributions and so forth that had been received at that point; the problem with producing a cash Summary a Summary of all the cash funds that had been handled. When I submitted them to him in an earlier report close after April 7, he wanted to be SURE that I went back to every individual on that list and verified With them personally that they acknowledged the amount of money on that list as having been received by themselves, so that there would never be an internal conflict or possibility of somebody saying somebody absconded with some funds. So this tools a considerable period of time and the reason for the delay until this late date with regard to this process was that Mr. Herbert Kalmbach—he had been traveling in Europe during this period and this was the first occasion I had to sit down with him since his return and since he had been able to come to Washington to review the figures on that list, the receipts he had from me.

Mr. DASH. But you did on this day give this final report to Aifr. Stans?

Mr. SLOAN. Yes sir, I did.

Mr. DASH. Did it show a cash balance Still in the safe at the ofEce?

Mr. SLOAN. I could not recollect the final form of this. The problem with the cash balance is that it included $18,000, with presumably a balance left over out of the Liddy commitment. There was another $63,000—the 50 I had mentioned before of funds that had come in from the people on the political side of the campaign, who had accepted the contribution on the basis that they would remain anonymous. We did not have the information. We could not accept them that way. We would have to know, for instance, from a $10,000 contribution what four committees that was to go to. These were pending problems, whether to go back to the individuals, whether they wanted their money back or whether they were willing to be disclosed and give us the information we needed.

Mr. DASH. Do you know approximately how much money was left in the safe at
that time?

Mr. SLOAN. Oh, yes, approximately $51,000.

Mr. DASH. Did Sir. Stans make any statement to that $81,000?

Mr. SLOAN. Yes, sir, he did.

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you concerning
Senator ERVIN. Well, they didn't give him a chance. They didn't indict Atagrucler, and the prosecuting attorneys are reported in the press to have said the evidence showed that nobody was involved except the seven men under prosecution.

Don't you know that?

Mr. ERLICHIAN. I know, too, that they had Mr. Sloan's testimony before them. He was not believed and in point of fact, you remember in the press, that at the trial, the judge made comments which indicated that he did not believe Mr. Sloan.

Senator ERVIN. Well, it has turned out since he was telling the truth I think rather strongly, so they certainly had his testimony that Magruder, the Deputy Director, had ordered him to pay this $199,000 in cash out of Secretary Stan's secret fund and that Secretary Stans had told Sloan to comply with the order of Magruder in this respect after consultation with Mitchell.

Sey, I can understand why they don't find out some things that are so outrageous that they don't believe a party. Didn't Mr. Sloan come up and avow to tell you about this and you said to him, "I don't want to hear anything about it because if I hear anything about it I will have to take the executive privilege until after the election."

Mr. ERLICHIAN. I don't know what it was that Mr. Sloan wanted to tell me because after we had talked for a few minutes and I had determined that he felt he had some exposure, but that he had not talked to an attorney I told him that it would be grossly unfair of me to hear him out until he had had an opportunity to talk with an attorney and take counsel on his own situation.

Senator ERVIN:. You were one of the men in the White House who stood in power next to the President, weren't you?

Mr. ERLICHIAN. I worked for the President there.

Senator ERVIN. Yes, and when an agent when this treasurer of the Finance Committee To Re-Elect the President came and told you he wanted to tell you about some things that troubled him you refused to listen.

Mr. ERLICHIAN. Shell, I thought, I was doing that from his standpoint. Mr. Chairman.

Duke Sloan has been a young man that I have known well during the time he worked in the White House. I didn't want to see him tell me something before he had talked to counsel that later on was going to drive his undoing, and you see his wife. Tebbie, also worked at the White House and was well known to my wife and me and I just didn't want to see him overreached.

Senator ERVIN. I have got to go and the time is almost up to go over there and vote.

FRecess.l

Senator F.RN-. Before I put another question, I would say that my idea is that it is up to the jury to determine whether a witness is telling the truth instead of the prosecutor, attorney.

Did VOII not call Henry Petersen, the Assistant Attorney General of the Criminal Division, who had general supervision of this prosecution and ask him not to require former Secretary Maurice Stans to Leo before the grand jury?
5. On June 23, 1972 Mitchell, Mardian, LaRue and Dean attended a meeting in Mitchell's CRP office. Mardian raised the possibility that since the persons arrested were former CIA people the CIA should take care of its own in furnishing their bail money. It was suggested that Dean determine if CIA assistance could be obtained. Mitchell has testified that to his best recollection the concept of the CIA's providing funds was not discussed in his presence.

Page

5^1 John Dean testimony, 3 SSC 945-46.............
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Robert Mardian testimony, 6 SSC 2368 124

5.3 John Mitchell testimony, 4 SSC 1646 125

John Mitchell testimony, 5 SSC 1899-1900 126

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I do not recall when actually I received the first written information from the FBI, but I believe it was after July 21st when I received a summary report that had been prepared on the investigation to that staff.

I would also like to summarize to the bottom of the page, and indicate that when

Air. DASH. Bottom of page 72.

Air. DEAN. Seventy-tw-o? correct, and indicate that after I did ret possession of the documents, the FBI files, I found them not very meaningful and later Air. Atardan, Ak. Parkinson. Ak. O'Brien came over to my office and read the reports, and Atardsan. they all reached the same conclusion and I recall 5, Iardian's reaction I was that the documents indicated that the investigation was too vigorous and he was quite critical of Gray and asked me to call Gray to slow down but I never made such a call.

It was after I showed a copy of the July 5 report to Stir. Mitchell that Mardian insisted that he be permitted to see the FBI reports. Mitchell agreed, and thought that Paul O'Brien and Air. Parkinson should also see them.

I recall that when Mardian, O'Brien and Parkinson finally came to my office to look at the reports, they realized that they were not very meaningful. It was Mr. Mardian, however, who became very excited because of the scope of the investigation that Gray was conducting and the tone of the cables he was sending out of headquarters. Mardian clearly thought that Gray was being too vigorous in his investigation of the case and was quite critical of Gray's handling of the entire matter. He demanded that I tell Gray to slow down, but I never did so.

Summarizing the first paragraph on page 73, I would also note that I never showed any of these reports to any persons who were interviewed by the FBI and they were only given to Air. Dick Moore of the White House staff when he was working on the Segretti matter for Air. Ehrlichman and Air. Haldeman.

I do not recall ever finding anything in the FBI reports which I scanned, that was worth reporting to Ehrlichman and Haldeman and so I never read all of the reports that I received. The FBI files containing the reports never left my office nor were they shown to anyone in the White House other than Dick Moore when Air. Moore had been instructed to prepare a report on the Segretti incident by Ehrlichman. I never showed the reports to any of the persons who were interviewed by the FBI after their interviews.

I would turn now to the first dealings I had with the CIA. It was during the meeting in Mitchell's office on June 23 or 24 that Atardan first raised the proposition that the CIA could take care of this entire matter.

NOTE.—Indented matter represents portions of Air. Dean's prepared statement which are omitted or summarized in his presentation.

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ter if they wished, in that they had funds and covert procedures for distributing funds. I was personally
unaware of the workings of the CIA, but Mardian and Mitchell appeared very knowledgeable. As a
result of this conversation, which was prompted by my reporting that Gray thought the CIA might be
involved Mitchell suggested I explore with Ehrlichman and Haldeman having the White House
contact the CIA for assistance. It was also argued that the individuals involved in the Watergate
incidents as former CIA operatives, might compromise the CIA in some manner, and the CIA should
be interested in assisting.

011 Monday morning June 96, I spoke with Ehrlichman regarding this suggestion. He thought it
was a good idea and worth exploring. He told me to call the CIA and explore it with them. I told
him that I had never dealt with anyone at the CIA and did not know Director Helms. He told me
that I should not call Helms, rather General

Walters. I told him I did not know General Walters wither. He then told me that he and Haldeman
had had a little chat— as he called it— with Helms and General Walters a few days earlier about
their dealings with the FBI in relationship to the investigation. He was not specific. He then told me
that I should deal with General Walters because he was a good friend of the White House and the
White House had put him in the Deputy Director position so they could have some influence over
the Agency. He told me that I should tell General Walters that I was calling because he
(Ehrlichman) had requested that I follow up on the earlier meeting they had and if there were any
problems General Walters should call him. After my meeting with Ehrlichman, I telephoned
General Walters. I told him I was calling at Ehrlichman's request on a matter relating to his previous
discussions with Ehrlichman and Haldeman, and would like to have him visit with me if possible. He
seemed somewhat surprised and uncertain about my call, so I told him that he might like to check
with Mr. Ehrlichman. He said he would get back to me and he later called me back to set up a
meeting for about noon at that day.

When General Walters came to my office I told him again that I was meeting with him at
Ehrlichman's request. I made some general comments about the Watergate case. It was from my
discussion as a result of general comment with Walters that I became aware of the fact that
Ehrlichman and Haldeman had discussed the Dahlberg and Mexican money. We then discussed the
fact that some of the leads that the FBI were pursuing were, to my understanding, were unrelated to
the Watergate but could result in persons, totally uninvolved being embarrassed. I would just like to
note to counsel for the record that some of this is different from the original pagination of my draft
that may have been lost through the transcribing of it here. I also told him that I understood that the
FBI had developed three possible theories of the case, which I explained and then asked if, in fact,
any of the men arrested were persons that were working for the CIA. General Walters assured me
that they were not. I then told him that I had been asked to explore every possible means of dealing
with this rather embarrassing and troublesome situation because some of the men involved were
looking for assistance. I asked him if there was any possibility way the CIA could be of assistance in
providing support

for the individuals involved. General Walters told me that while

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dian. And she said, apparently, as I recall, she had to terminate the conversation. She said she couldn't talk to them. He asked why, and she said, my husband says he is a straight arrow and not to have anything to do with him.

The third instance was an occasion in my office—and my office was used by the attorneys because it did have an office and an anteroom. That is generally where they were. I was getting increasingly involved back into the campaign. Mr. Bittman and an associate from his once came there while Mr. Parkinson and Mr. O'Brien were there, and after exchanging pleasantries with Mr. Bittman—I had not met him before—I had to leave. But before I left, Mr. Bittman said something about his client was very upset about his attorney fees or something to that effect.

Later, we were having a meeting in the conference room with all of the attorneys from the two offices, and I happened to arrive at the same time that Mr. Parkinson arrived.

I said, I asked him, what was all that about? And he said oh, nothing—he was saying it facetiously—Bittman wants $25,000 attorney fees. He thinks, his client thinks, that, the committee ought to pay it.

I told him I thought it was blackmail. And Mr. Parkinson, I think, concurred.

We could not talk any further about it. I thought that was the end of the discussion, and we went into the meeting with the firm of attorneys.

Mr. HAMILTON. Mr. Mardian, are these the only three discussions that you recall regarding money?

Mr. MARDIAN. The only three and I never heard of any money or money demands other than those three occasions.

Mr. HAMILTON. Mr. Mardian, I would like to read you a portion of Mr. Dean's testimony and ask you to comment on this, please. Mr. Dean was responding to a statement found in what is now known as the Buzhardt memo which reads like this:

It was Dean—who suggested to General Walters on January 6th that CIA pay the Watergate defendants while in jail.

and Mr. Dean in commenting on this particular passage said this:

I believe I have explained that Senator, in that I reported also at one point in time to Mr. Mitchell and Mr. Mardian about the Gray theory. That theory prompted Mr. Mardian, as I...recall, to suggest that the CIA might be of some assistance in providing 1 S support, and he also raised the question that the CIA might have a very proper reason to do so because of the fact that these were former CIA operatives

Mr. Mardian, do you remember a conversation of this sort?

Mr. MARDIAN. I do not, recall that conversation. I do recall a discussion and there may have been discussions concerning CIA involves ment, and I can tell you that whatever point in time that was that it was my opinion that the CIA was involved for a number of reasons, and I do not recall any money demand as such, but the only ones I recall are bail, bail the defendants out, and I may have said, "CIA ought to take care of its own people," or it is "a CIA problem and not a committee problem." That is, would be, my best recollection.

Mr. HAMILTON. Did you become aware in the summer of 1979 that Mr. Herb Kalmbach was going to be asked to raise money for the Watergate defendants?

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Mr. MITCHELL. June 98. You see, Mr. Dean had testified that they had been they games with the CIA t up to the 28th. Then, Mr. Dean testified that there was a meeting in my office with Mardian, LaRue, and Mitchell and I do not know-’nvho 911 else including Mr. Dean in the afternoon of the 28th in which it was decided. naturally Mitchell was always deciding these things according to Dean. that the White House. somebody in the White House, John Ehrlichman should.<l call Kalmbach and ask him to fly back from California that night of the 98th, which led to their meetings on the with. The only problem with all of that was that I was New York and could not have been at such a meeting., and I was not aware of it.

Mr. THOMPSON-. I believe your lo gs reflect that. Mr. Mitchell. I think that—

Mr. MITCHELL. I would hope so because I have been so stating for quite some time.

Mr. THOMPSON. It reflects that, according to your logs, you were in New York on the 98th.

Mr. MITCHELL. Yes.

Mr. THOMPSON-. And that you arrived in the District of Columbia at 5:30.

mr. MITCHELL L. Yes, sir.

Mr. THOMPSON. There is no indication of any meeting after a :30.

Mr. MITCHELL. That is correct.

Mr. THOMPSON:PA-PSON v And I assume there was none.

Mr. MITCHELL. The passenger that I had with me coming back from New York was net about to allow me to fro to any more meetings on that particular day. [Laughter.]

Mr. THOMPSON?f. I am not going to pursue that any further.

Getting back to your knowledge of the money, perhaps my question should have been, "When was the first time that you heard of the need for the payment of money," and I ask it because of this: Dean testified that the first time he heard any discussions of the need for money to take care of those who were involved in the break-in was in a meeting which occurred on either June 93. Saturday, or June 24 attended by Dean, Mardian, LaRue, and yourself.

Mr. MITCHELL. That is quite possible because as T recall the conversation of Mr. liddy that he had with Mr. Mardian and LaRue, he was hopeful that these people that he at that time, of course. m-as not in jail, not suspect, and was still working. for the committee, I do not know whether he was suspect or not. in any event, he was still working for the committee until the 98th of June. he was—he talked to Mardian and Liddy about the hope that somebody could provide bail for these five people who had been arrested. and the thought was that the committee should do it and, of course, that was immediately turned off, the committee would not do it and, of course. obviously could not do it under the existing statutes. now what developed out of that with respect to Mr. Dean’s concept of it or what he heard about it. whether he heard that story or what I do not know but that is the first point in time at which the subject matter was ever discussed.

Mr. THOMPSON. The points that concerned you were the fact that early on the discussions about the money were taking place, or the need for money, and also Mr. Magruder's testimony. I believe he testi
Mr. MITCHELL. Oh, excuse me. I misunderstood your question.

Most assuredly, we discussed quite widely the impact a letter from the Justice Department in such a situation would have on the committee and its membership.

Mr. DASH. I am puzzled, about your distinction between your efforts you said you were going to make, some sort of coverup of the White House horrors that you have described and the Watergate break-in and the defense against the civil suits themselves. You seem to draw a distinction about the activities that took you away from some of this discussion of the White House horrors or other activities because of your being involved in the discussion of the civil suits. Now, actually, was not the strategy against the civil suits the same kind of coverup activity? Would it not be true that full disclosure in the Democratic National Committee suit could result in unraveling all the things that you wanted to be not unraveled?

Mr. MITCHELL. Well, if I understand your question, Mr. Dash, it was our strategy to limit the progress of the civil suits as much as possible, certainly before the election. We knew that they would come afterwards, and of course, the civil suits, of course, related to the criminal trial which was subsequently, I believe, determined by the judge handling it. And there was a strategy to keep the civil suits from proceeding, yes, sir.

Mr. DASH. And then one of the policies behind that strategy was the similar policy you had on the other matters of keeping the lid on from having these things come out.

Mr. MITCHELL. Well, this, of course, included the Common Cause suit and whatever other suit, the Watergate I guess it had to do with.

Mr. DASH. Right, and these discussions concerning what the strategy should be concerning the civil suit deal with what kind of testimony should be given at the depositions.

Mr. MITCHELL. A-0; I think—not in the meetings that I had. They were handled by the lawyers with the individuals who were to testify. Mr. DASH. now, around that same time, and I am now speaking I still around the late June period, and perhaps early July, did you at any time after June 17, suggest that the CIA might be or suggest not to the CIA but to Mr. Dean or to anybody else in any of those meetings—that the CIA might be a good source of coverup moneys for lawyers' fees?

Mr. MITCHELL. No, sirs I did not and, of course, I think Mr. Dean testified, and I do not know whether his testimony is accurate or not, he started out placing that in my lips and wound up with it with Mr. Mardian. Now this may be a perfectly honest mistake on his part. There were discussions of course as I testified, I think on the first day here, about, the question was the CIA involved. The newspapers were filled with it, the individuals that were involved had worked for the CIA, there were a number of such matters but the concept of the CIA's supporting or providing funds in connection with this activity as not discussed in my presence, to my best recollection.

Mr. DASH. Now, your log—

Mr. MITCHELL. Excuse me. Mr. Dash, if I might add to that because I think we discussed it on Monday, the meeting in which Mr. Dean places this conversation having come from the CIA from the meeting that had never took place and, of course, I was not in the city, so I could not have heard of his discussions about CIA support.
Mr. DASH. But it is your testimony that on no other day when you were present in these meetings with Mr. LaRue, Mr. Aldridge, Mr. Dean, Mr. Alsgrade, or any other persons who were meeting with you regularly did a discussion take place on your part or on any other's part that the CIA might be a brood source for funds.

Mr. MITCHELL. Ascot the Chit for the source of support, money for bail or defending or whatever it is. There were discussions or questions relaive to what nwas the involvement of the CIA.

Mr. DASH. Now, your log shows from June 1 to August 29 certainly and thereafter, but certainly to August 11, you had almost daily meetings with John Dean and sometimes twice or three times a day, and you knew, I think, from your testimony before this committee, what Mr. Dean was doing during this time, that he was, serving as a liaison between you and Mr. Haldeman or Ehrlichman, White House people, and that he was not Quaking any investigation of the Watergate case for the President. Yet, on August 29, the President did make an announcement that Mr. Dean had made an investigation to give him a report. What was your reaction to that announcement knowing, by halriing been meeting with Mr. Dean almost on a daily basis during that whole period of time that he was doing nothing.

Mr. DASH. Well, Mr. Dash, I think your question provides an assumption that I am not willing to accept. It is perfectly conceivable in my mind so far as the involvement of personnel in the White House were concerned, that Mr. Dean was making such all investigation as to the involvement of people in the White House, and I think that sees the context of the statement of August, whatever date it was.

Mr. DASH. Well, as a matter of fact, didn't Mr. Dean discuss with you what he was doing? You said he met with you regularly he was at your meetings, and if he were making such an investigation, ivotid you not know about it?

Mr. MITCHELL. I think Mr. Dean was making an investigation with respect to the involvement or potential involvement of individuals in the White House in the knowledge of the Watergate break-in or participation.

Mr. DASH. His testimony was that rather than make an investigation he was engaging in a coverup.

Mr. DASH. Well, I don't doubt that for a moment, and I have so stated here. that there Ivas that aspect of it. Now, the cor erup is an entirely different thing, and the statement made by the President with respect to the involvement of individuals in the Watergate affair prior to the June 17 or at the June 17 activities, and I think that was the thrust of the statement.

Mr. DASH. Well, you know from that Mr. Dean I think has testified or may have indicated to you is that on June 19 that Strachan had admitted to him—that he had destroyed certain intelligence Tapers. Did Mr. Dean tell you about that?

Mr. MITCHELL. Yes. he did eventually.

Mr. DASH. Eventually. When did he tell you this? Mr. MITCHELL. I am not quite certain. Mr. DASH. I was it before August 49? Mr. MITCHELL. I can't say that for sure, Mr. Dash, but he did somewhere along the ways.
On or before June 26, 1972 John Ehrlichman told CIA Deputy Director Vernon Walters that John Dean would be Walters' White House contact on matters affecting Watergate. On June 26 or 27, 1972 Dean met with Walters and discussed the possibility of using the CIA to provide funds for the hall and salaries of persons involved in the break-in at the DNC headquarters. Walters rejected the suggestion. On the morning of June 28, 1972 Dean repeated the suggestion to Walters that the CIA assist the persons arrested. Walters again rejected the suggestion.

6.1 John Ehrlichman testimony, 6 SSC 2561-62

6.2 Vernon Walters testimony, 9 SSC 3408-12 132

6.3 John Dean testimony, 3 SSC 946-48 137

6.4 Memorandum for record from Vernon Walters, June 28, 1972, SSC Exhibit No. 130. 9 SSC 3816-17............

6.5 Memorandum for record from Vernon Walters, June 29, 1972, SSC Exhibit No. 131, 9 SSC 3818 142

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any of these circumstances led to a disclosure of CIA operations, dis-
associated from the Watergate, that, too, would be awkward.

It was there that we did not get the same kind of flat assurance that
we had gotten the first instance, and so rather than for us to probe
that for dates and places and names, it was simply agreed that General
Walters would make an early appointment with Pat Gray and sit down
and talk with him about what the problem might be, and that is what
was done.

The outcome of those talks, and I guess there were two or three of
them, was simply that Walters and Gray agreed that there was no
problem, and Gray then talked with the President on the phone, when
the President was in San Clemente, I believe, on the 6th, and then the
President, very shortly after that, told me about the telephone call,
what his instructions to Gray had been, and then he explained to me
What his concerns were about this rather nearly in the terms that I
have just explained them to you.

Sir. Thompson. Did he say his concerns were that there was CIA
involvement with regard to the Watergate break-in or there was un-
related CIA involvement which might be exposed?

Mr. Ehrlichman. Well, he said in the inception, in the belong,
that had been, both had been, his concern, because of the fact that some
of these people who had been arrested had had CIA connections in the
past, and the information that had to come to him persuaded him there
was at least a potential problem.

Arr. THOMPSON-. Did Haldeman ever tell Walters or Helms to go to
Gray and tell him to in effect "hold off, slow down with regard to the
Mexican investigation because of CIA involvement?"

Mr. EHRlichMAN-. No. My recollection—no, the answer is
naturally "no."

My recollection is that the Mexican investigation was one of the
things that was discussed and as to which Mr. Helms and General
Walters could not give us a categorical assurance that FBI investiga-
tion could not create problems for them so that it was simply noticed
as one of the kinds of problems that might arise in which General
Walters and the Director of the FBI ought to compare notes on.

Arr. THOMPSON-. So in other words, you were merely presenting it to
him, according to your testimony, to find out whether or not there
would be CI & embarrassment possibly, and it would be for them to
work the matter out, report back, so the matter could be resolved.

Mr. EHRlichMAN-. Not even report back in that sense, reporting back
I to us. As a matter of facts we said at that point, look, we are out of this j
vice just wanted to crystallize this, wanted to (let you together with the
FBI. The White House contact on this would be John Dean, who was the fellov'following this entire matter. So in eff-eect, eve turned General
Walters and Arr. Helms over to Dean for any future contacts that they
might have on it.

Arr. THOMPSON-. You couldn't know whether or not John Dean on
June 7 went to Psalters and told him that it would be good if the CI X
could help raise bail money, could help raise some salary money, that
the witnesses xvere rvalonfing and could be in trouble?

Mr. EHRlichMAN-. I read that in the newspaper and it really sllr
priced me when I read it. So I voncealed at the orain of this until I
heard Mr. Dean's testimony, 35 hick vvas that he had been asked by Arr.
Mitchell to do this. I had in effect set this up without knowing it by telling Waltels that Dean would have White House contact from that day forward. But I did not know about these conversations. Mr. Thiozipsion. Dean did not report back to thou?

Mr. Ehrlichman. Not about that. No, sir.

Mr. Thiozipsion. Did you have occasion to call Mr. Gray to cancel a meeting which he and Walters scheduled on June 28, to tell him that the meeting would no longer be necessary, that matters had been worked out some way?

Mr. Ehrlichman. Well, I didn't realize that I had canceled it. I had strong concern about that meeting, that it was going to include some staff members from the FBI, and as I say, we were experiencing these leak problems and right at that particular time, one of the people who would have been included in the meeting was under very strong suspicion as being the source of that leak. Dire had independent information which we were talking to Mr. Kleindienst about, about that specific individual and it appeared that this whole thing was going to include him. So that was the reason for my call.

Mr. Thiozipsion. Did you ask precisely who would be in attendance at the meeting?

Mr. Ehrlichman. Yes. Well, I don't know as I asked him. I think I was told. As a matter of fact, I think Air. Dean told me.

Mr. Thiozipsion. Did you tell Mr. Gray of your suspicions or concerns about the individual?

Mr. Ehrlichman. Not at that time.

Mr. Thiozipsion. Why?

Mr. Ehrlichman. Because at that time we were talking with Mr. Kleindienst about how to go about smoking out this problem around Mr. Gray, frankly.

Mr. Thiozipsion. Why around Mr. Gray?

Mr. Ehrlichman. Because Mr. Gray at that time was not acknowledging the problem.

Mr. Thiozipsion. You didn't tell him that the meeting would not be necessary?

Mr. Ehrlichman. No.

Mr. Thiozipsion. Did you talk to Walters about this meeting?

Mr. Ehrlichman. I don't believe so. I don't believe I talked to John Walters again.

Mr. Thiozipsion. Could I tell Gray and Walters how to solve the problem?

Mr. Ehrlichman. That was suggested in the inception.
Mr. EHRLICH. At ANt. I don't recall B hat I told him, except that
afternoon or whether it was complete Almonday morning, but it r--as soon clear to
Ille that nobody svho xv., sponsible for that area in the Ag,ency felt that the
one,goil;--r~ FBI inv .batioll could jeopaldize any of ttle Ag,rcncy sources 01' activities in Alексico.

Mr. DASH. Well, noxv, did you su)seqtelltly receive any communication from
anybody at the White House after June 232

General WALTERS. On SIon(lay molnil!-,r, June 26, I leceived a pllone call from a
man VhO idelltified 11illlself as Johll Dean and he said he ~vished to speak to me
about the matters that NII'. Haldeman nml Sr. Ehrlichman had discussed xvith me on
Friday. I did not knonv Afr. Dean. And I explessed so—somethillg to the effect that I
don't knovn VhO you are and he said, ';AVell, you can call iAfr. lClrlricllman to see
whether it is all right to talk to me or not."

Mr. DASH. Did you call Afr. Ellrlichman 2

General AV-ALTERS. I called A;fr. Ehrlicllman. I had some difficult in reaching
him but finally I reached him and I said: ' & 3fr. Jolu Dean srants to talk to me about
tlle matterS discussed vx ill you and Afr. Haldeman on the precedingr Fridav' alid he
said: "Yes, it is all ri.,ht to talk vith him. He is in charze of tile svhole matter."
Blr. D-ssl. Did you then meet vv-ith 3Ir. Dean 011 tllat da) ?

General W2L-~RS. I then
Blr. DAS$t. The 26th.

General AVAI-~RS. I then called Wlr. - )ean acrain and he asked me to corne doavn
and see him, I believe, at il:30 or 11:45. I believe it is incliastic on the memorandum
I avrote.

Wlt. DASTI. Will t7OII relate to the committee the conversation you had wit}l
AJrr. Dewn at that time. 011 46, 19 {2 ?

General 50rAl,ARS. Afr. Dean said that he lvas handlliig tllis mhole matter of ttle
AlTater,s,rannt that it zvas causillor a lot of trouble, that it lwas velx embalrassillCr.
Tile F131 ~N-as investifratiin,:(atinifr it. The leads had led to some important people. It
mirllt lead to some more important people.

The FBT ~--as proceedinM on three hypotlleses. namely. that this brealv-in had
been orgallized hv tlc Repill)licall Natiollal 5ommitte, by the Central ~tgenes . or
I/V someone else; xvhelellpon I said r did not kloxv avho else orfranizelc it lDUt I
knolv that the Clentlal Intelli,rence tt,zellc} did lIOt organize it. r saicls furtllel mol
011 the pref'	iOIIS Fridan, ancl told lim I had checlved xvithin the -krenev and foulld
thelc rva$ notllinr in anV of the onCroinfr FBI investifrations that could jeopaldize
CIA activitics or sources or compromise them in an,v lv~-- in ATexico.

He then saicl, "0ATell, could thiS lIOt hal-e hapIT>enecl lwithout your
kloyivlecI.re?" "gTell." I snid, "orizinallv perlllaps, I,Ut I ha--e inquitld. I have
t'allved to Atr. Helms an(l I am SUnre that xve had no lart in this oAT)eration a~~ainst
the Oemocl atie Watioll.II Clonlmittee."

He lvept l)ressino this. Tllele IllISt haze l~een. The.se I)eol)le all used to XVOI]t
fol the CLVs and all thiS thilltr. I sa.d mavl)e they used to, lout they m-ere not lvhell
tllev did it and lle pressed and p2essecl on, 011 this cmd aslved if ttlele svaS ilOt
some zvax l coulel hell) lim, and it seelned to llle lle xvas eX14101 infr perha~~s the
Ol)tiOII of seein~r lvlelhel he could put some of the llalllle 011 IIS. Tllere xvas 11ot
anv s~).eific thinz lle said l)at the genel nl tenol xvas in thiS svaV all(l r said to 11
im—I did not have an ol)oltunity to COllstlll Vit)l any llo(l)—I Si2111)IV s lieIs

(132)
At. Dean, any attempt to involve the Agency in the stifling of this affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the Nation. It would be a grave disaster to the President. I must not be a party to it and I am quite prepared to resign before I do anything that still implicates the Agency in this matter.

This seemed to shock him somewhat. I said that anything that would involve any of these Government agencies like the CIA and FBI in anything improper in this way would be a disaster for the Nation. Somewhat reluctantly he seemed to accept this line of argument and I left.

Air. DASH. COW, General Walters, since you had made the check prior to seeing Mr. Dean concerning whether or not an FBI investigation in Mexico could seriously or not seriously involve any covert activities of the CIA, and you reported that to Mr. Dean at this meeting, did you believe that you were responding at that meeting then to the concern that you had received at the earlier meeting from the statement from Mr. Haldeman?

General WALTERS. Yes, Mr. Dash, I did. At the risk of perhaps seeming naive in retrospect it did not occur to me at that time that Mr. Dean would not tell Mr. Gray. Mr. Gray was in touch with Mr. Dean. Air. Dean told me he was in touch with Mr. Gray. In retrospect I should, of course, have called Mr. Gray directly. I regret that I did not.

Mr. DASH. And you had been informed by Mr. Ehrlichman when you checked as to whether you should talk to Air. Dean, that Air. Dean was a person you could talk to, that he was handling the matter?

General WALTERS. That is correct.

Mr. DASH. And you had been informed by Mr. Ehrlichman when you checked as to whether you should talk to Air. Dean, that Air. Dean was a person you could talk to, that he was handling the matter?

General WALTERS. That is correct.

Mr. DASH. I think when you were testifying just a little while ago you said that you may have incorrectly put in your memorandum of the June 26 meeting something that should have been in another meeting. I want to show you your memorandum or a writing that appears to be a memorandum prepared by you on June 28 dealing with the conversation you had with Mr. Dean on June 26 and ask you if you want to make a correction as to that memorandum for the record. You evives notice, General Walters, that there is an excised portion of that memorandum which has been cut out and on our receipt of that, it appeared to be matters which dealt with national security and, therefore, was excised.

General WALTERS. Fine. I am very appreciative of the committee for doing this.

Yes, it does. If I were to make a correction somewhat complicated it would really be that the fourth paragraph, the sixth and seventh paragraphs belong to the conversation of the 27th rather than the conversation of the 26th.

Air. DASH. And that dealt with the question of money, bail money from the CIA.

General WALTERS. That is correct. This is a correct copy.

Air. DASH. It is a correct copy of your memorandums

General WALTERS. Yes, it is.

Mr. DASH. Is Air. Chairman, could we have that memorandum marked as an exhibit and received in evidence?

Senator ERVIN. The memorandum will be appropriately numbered as an exhibit and received in evidence as such.
Mr. DASH. After that meeting with Mr. Dean on June 26, did you report back to former Director Helms?

General WALTERS. I did. I told Air. Helms generally what had transpired and he approved of my firm stand with Dean and I related in some detail the various matters that I had discussed with Mr. Dean and the fact that I had told Air. Dean that no Agency assets would be compromised by the pursuit of the FBI investigation in Mexico.

Mr. DASH. I think you mentioned earlier that you did again meet with Mr. Dean. Cohen did you next meet with Mr. Dean?

General WALTERS. On the following morning, June 27, I received another telephone call from Mr. Dean summoning me down to his office. I Event down to Mr. Dean's office. I believe the time is indicated in the memorandum, 11 S30 a.m.

Mr. DASH. I think 11:45 a.m.

General WALTERS. 11:45 a.m., and Mr. Dean said that the investigation novas continuing, that some of the suspects were raveling and might talk and I said, "Well, that is just too bad but it has nothing to do with us because clothing that they can say can implicate the Agency." So he again said, "Has-e you not discovered something about Agency involvement in this matter?" And I said, "No, I have not discovered anything about Agency involvement in this matter." He said, "Is there not something the Agency can do to help?" I said, "I do not see how we can be helpful." Then he said, "Well, could there be any way in

which you could go bail or pay the salaries of these defendants while they are in jail?" And I said, "No way. To do so would implicate the Agency in something in which it is not implicated. I still have no part in this."

Again I went through the reasoning of the appalling effect it would have. I made plainto him that if the Agency were to intervene in this, it would become known in the leaking atmosphere in A:Washington, that it would be a total disaster, and I should like to say, if I may at this point, that I have not spent the whole of my adult life in the Central Intelligence Agency. I joined it for the first time in July of 1972. But I am convinced that an effective CIA is essential if the Ignited states is to survive as a free and democratic society in the rough world in which we live, and I was determined that I could not see it destroyed or implicated as might be desired in this business. I further told Mr. Dean that when we expended funds, covert funds within the Ignited States, we were reclusive to report this to our congressional oversight committees and this seemed to cool his enthusiasm considerably. We had a few more discussions and again he asked me whether there was anay way we could be helpful and I said, "No, eve could not be."

Mr. DASH. Did you, by the way, at the meeting on June 98~o you have a copv of your memorandum with you?

General WALTERS. Yes, I do.

This is the meeting of the 28th or the memorandum written on the 28th?

Mr. DASH. No. The meeting of the following day, the meeting, you have just testified to.

General WALTERS. On the 98th: yes, I do.
Mr. Dusk. Yes. First let me show you your copy of a memorandum you prepared on June 29 of your meeting on June 27 and ask if this is a correct copy of that meeting.

General WALTERS. Yes, it is.

Mr. Dusk. Mr. Chairman, if we can have that marked for identification and received.

Senator ERVIN. That should be marked and appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit Ato. 131.*]

Mr. Dusk. All right, now General Walters, the next day, it appears that you had another meeting with Mr. Dean.

General WALTERS. That is right.

Mr. Dusk. Did you report to former Director Helms on your 27th meeting?

General WALTERS. Mr. Helms was extremely interested in this whole business and I reported to him immediately returning to the Agency on each occasion.

Mr. Dusk. On the 28th when you began to write these memoranda could you tell the committee what caused you to begin to put this down in writing?

General WALTERS. Well, as soon as he broached the question of bail and paying the salaries of these defendants, I realized that for the first time there was a clear indication that something improper was being explored, and I discussed this with Mr. Helms and we agreed, again I don't know whether he or I suggested it, that we write the memorandum, that I wrote the memorandum on these meetings and kept a record of them and that is how the memorandums came to be recorded. It will be noted I wrote practically five of them on the same day to catch up with the past.

Mr. Dusk. Yes.

The meeting on the 28th it appears was a fairly significant meeting because it was a follow-up again of a third meeting that you had with Mr. Dean. Do you have a copy of that memorandum? General WALTERS. Of my meeting of the 28th? Mr. Dusk. Yes; which you prepared on June 29, 199T.

General WALTERS. Yes. I do have it.

Mr. Dusk. Would you read that memorandum in full, General Walters?

General WALTERS [reading]:

On 28 June at 11:30 John Dean asked me to see him at his office in the Executive Office Building. I saw him alone.

He said that the Director's meeting—

That is Director Helms' meeting—

with Patrick Gray, FBI Director, was canceled and that John Ehrlichman had suggested that Gray deal with me instead.

The problem was to stop the FBI investigation beyond the five suspects. Leads led to two other people—Ken Dahlberg and a person named Guena. Dean said that the $89,000 was unrelated to the illigging case and Dahlberg was refusing to answer questions. Dean then asked hopefully whether I could do anything or had any suggestions.

I reiterated that as Deputy Director, I had no independent authority. I was not in the channel of command and had no authority other than that given me by the Director. The idea that I could act independently as a delusion and had no basis in fact.

*See p. 3018.
Dean then asked what might be done and I said that I realized he had a tough problems but if there were Agency involvement it could only at Presidential directive and the political risks that there concomitant appeared to me to be incalculable. At present there Novas a high explosive but the intentions of such he had suggested would transform it into a megaton hydrogen bomb. The present caper was awkward and unpleasant. Directed intervention by the Agency could be politically mortal if it became known and the chances of keeping it secret until the election were almost nil. I noted that scandals had a short life in Washington and other newer and spicier ones soon replaced them. I tried him not to become unduly agitated by this one.

He then asked if I had any ideas and I said that this affair already had a strong Cuban flavor and everyone knew the Cubans were conspiratorial and that what the policies of the party would be toward Castro. They, therefore, had a plausible motive for attempting this amateurish job. Which any skilled technician would deplore. This might be costly but it would be plausible.

Dean said he agreed that this was the best tack to take but it might cost half a million dollars. He also agreed (for the second time) that the risks of Agency involvement were unacceptable. After a moment's thought he said that he felt that Gray's cancellation of his appointment with Director Helms might well be reversed in the next few hours.

Dean thanked me and I left.

Mr. DASH. First, General Walters, where was this meeting to be held on June 28 which was canceled?

General WALTERS. I did not know, Mr. Dash, I did not know what he was talking about. I presume some arrangement outside of me had been made for Director Helms to see Mr. Gray.

Mr. DASH. But in any event, as your memorandum shows, Mr. Ehrlichman had indicated he had preferred Gray meet with you on an ongoing basis.

General WALTERS. This is what Mr. Dean said.

'General WALTERS. Could you tell the committee at least what your impression was concerning that part of your memorandum—where you said this meeting was mostly concerning a Cuban conspiratorial plot and Dean's statement that he agreed that this was the best tack to take but it might cost a half million dollars.

General WALTERS. Yes, Mr. Dash.

Dean went back at this point in the conversation, as I remember it, to the three hypotheses and he was sort of saying, "Who else could have done this?" He did not indicate at any time that he knew where the origin of this was. Quite frankly at this point my principal purpose was to divert him from pursuing the option of involving the Agency in this. I had read, I believe, about that time an article in the newspaper which put out a hypothesis that the Cubans might have been at the origin of this in order to try to find out what the policies of the Democratic Party would be if it were elected ill 1972. This is what I basically said to Dean, that the Cubans had a plausible motive for doing this.

Mr. Dean, obviously underestimated this as a suggestion of mine that he should try to blame the Cubans. In retrospect, as is so often said here from this table, I should have corrected him. Frankly, I was so relieved at seeing him apparently abandon the idea of involving the Agency in this. I had read, I believe, about that time an article in the newspaper which put out a hypothesis that the Cubans might have been at the origin of this in order to try to find out what the policies of the Democratic Party would be if it were elected ill 1972. This is what I basically said to Dean, that the Cubans had a plausible motive for doing this.

Air. I)ssl. NVolllel that he itlfeeliee that AFr. T)eall s statement that it mizrrllt cost a half milli(ll d--)ll;its svollld actllally re(qtlile paving somel)oclll%; off or tal;e this position?
ter if they wished, in that they had funds and covelt procedures for distributing funds. I was personally unan-are of the work of the CI.t, but Arardian and Alitellel11 appeared very kloxored-teable. 2s a result of this conversation, WiliCII v-as tlnolmpted by mv relotiiiff that Grai tloug111 the CI t might be involved Alitellell sur:<~rest.I d) cxii]))le m-ith Ehrlichman and Haldeman 11a-ing tlc All'llic Illllose contact the CI-t for assistance. It vvas also art,ued tllat the indi\uals invols-ed in the A:aterfrate incidentl, as former CI-X ol)eratives, mt(tllt compromise the CI in some maniller, and the CI.-~ llotlId k interested ill aSsistinrre

On AolldalJ- morninr, June iG, I sl)o1;e XVitll Ellrllichmall regrardinfr tllis stl-~<s <~restioll lle tholl/tiilt it lvass a rood idea and •VOtlle_axis exililolilXr Itle told Ille to call the CI-t and exlplote it svith tllem. I told I lim that I Ilad never clcalt XVitll alloville at tle CIl and did IOf IslINOV Director Helms. He told me tllat I slould not call I-lemls. rather General AR'alters. I told Illm I did not linolv Genelal A'alters elitller. He then tolk tllat I lle and Haldeman had Ilad a littlc cllat—as lle callcd it— xv1tl Helms ancl General A'lalters a few days earlier about theiil dealintrs rith thC FBI in relatiollslil to tlc investilatioll. Mc ~vas IOf st)ecific. Tle then told me tllat I should deal AVitll General A'lalters because he XV,TS n yooel friencel of the All'hite Uslofsc and the Al'lFINITE I-louse had stlt lim in tlle Delultv Directol l OSioliIIIO SO tleve could have some infillllllece orcl the Al'llec-rlec-. lle told me tllat I slould tell General A'lalters tlhat I s-as calliilg l)ecause lle (Fallil ICC lill) Ilad reqllested tllat I follo11-111) 011 tle earliier meetinrs tlliev Ilad and if thele xxser an^- proIjlems Genelal A'lllalters shollld call lim. ifter my meetinzr Evitll Ellrllichmall, I telel)ollolled Genelal A'lalters. I told lim I lvas callill--., at Ellrllichmall's leqlest on a matter relatiuft tllis IIeview discussions IVitll Ellrllichmall, I telell)ollolled Genelal A'lalters. I told lim I lvas callill--., at Ellrllichmall's leqlest on a matter relatiuft tllis IIeview discussions IVitll Ellrllichmall, I telel)ollolled Genelal A'lalters. 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it could, of course, be done, he told me that he knew the Director's feelings about such
a matter and the Director would not do it on a direct order from the President. He then
vent on to say, to compound the situation, it would be most
unwise and that to involve the CIN would only compound the problem because it
would require that the President become directly involved.

While I cannot recall in detail every thought, General Walters told me, I do recall that
his argument was most sound and very persuasive. I told him I agreed with his
position fully and I had merely been asked to explore the potential, which he rightly
stated was too great a risk. As the discussion ended I asked him if he had an
further ideas and told him I would appreciate the benefit of his thoughts. I
thanked him for his coming over and his candid answers and he departed.

Subsequent to my meeting with General Walters, I reported back to Ehrlichman
that Walters had informed me that CIA involvement in this matter was
impossible. I recall that when I reported this to Ehrlichman, he very curtly
said it was interesting. He told me that I should talk with General Walters
further and push him a little harder to see if the CIA couldn't help out,
particularly with regard to the unnecessary pursuit of investigative leads. I also recall Ehrlichman saying
something to the effect that General Walters seems to have forgotten how he got
where he is today.

I would like to slip the paragraph on page 4 regarding the call from Gray, and
turn to the last paragraph on 77.

I received a phone call from Gray on June 27 in which he expressed both
concern and confusion about whether the CIA was or was not
concerned about the FBI investigation. I was also confused by Gray's call and do
not recall at this time what, if anything, I did after I received it. However, I do
recall that Ehrlichman had mentioned to me that he tutored Gray to deal with
General Walters rather than Director Helms. Apparently this was the cause
of the confusion.

On the morning of June 28 I arranged to meet with General Walters. I was
rather embarrassed about requesting the meeting because he had been most explicit
and convincing to me at our first meeting. I told him that I requested the meeting at
Ehrlichman's behest to further discuss the problems of the Dahlbergs and Ateneican
checks. I told him what I knew about the matters and that, to the best of my
knowledge, they were not related to Alaragador incident. I
then asked him if he had any suggestions. He expressed sympathy over
the situation, but said there was nothing his agency could do. He again
explained reasons similar to his earlier comments rewarding
CIA involvement and I expressed my understanding. I then asked him if he
had any ideas at all and he said that it might be possible to explain the
matter as an anti-Castro activity. We had some general discussion of
this, but nothing concrete emerged from the discussion. Before
Walters departed I assured him that I agreed that it would be most unwise to
involve the CIA, and I thanked him almost apologetically—for coming~ by again. At no time did I push him as I
had been instructed.

At the conclusion of this meeting I was totally convinced, as I had
been earlier, that the CI.t couf\el IIoT alld ~s-ould IIoT (1) e )lol(\-ht ill to sok-e e the
pro]enons confrolutil,>r r the 7i-lilic l-louse t.e>nl leeleectiol\ COIIJiJance as a result of the Altater-rate
incident.

I subse(uentlv informed lchrlicllllall anel l-Ia
test that unless the President
dire( tIX ordered ttle Cl t to l)ro ide Sllpl)OIt for tltosts invol~d that the CI.t Ivas
IIoT gOillg to nct illw-ol~--)t(h l tokl ttlel\n l a-~reed xen.h AXTalters that this
svoul(l l)e lntestatlle alld ttle both told me thc) acceel.

I would nonv like to explain the transmittin(r of the materials in Hunt's safe to the
FBI. -ts I noted earlier, shol tlv after the FBI interview on June 93 of Colson, and mV
later intrstetioll0 from Ellhrliclllma
to 7)deep Six" the briefcase and shlecl documellts, I llacl informed ttle FRI that I lvould
forv>-ard the material found in I-Iunt's office. tfiel aveighing the implications of
Ehrlichman's instruct\olls to destroy tl--e items I decided that I svould not enaaee in
an svch activity nrelsIE 01) be pushed into it. .&cordingJJi, I aslSed David \-ount(t
to returrl tile @,tate Department cable to mA office. I had already retllllled the
briefcase from my car trunk to my office.

I received ses-eral calls from the FBI reqlestsell(r the material, l)ut I had not ~-et
fi-rured out how to tell Ehrlicllllall l ~as IIoT ,.roin(r to destroy the materinl. I
knell I had to develop a aood arrlllllellt to rivc F,BliCil to l)l)I l)I the
Inaterials should l be destroyed.'O

June 34 or 3(; I xvent to Ehrlichllllall to explain that I tho;:l'\ll the men rvho
criilrecl the safe had plobablv seen the l)riefeae, tltat the Secret Service a--ent
NVII0 lvas present liad pro'oablv seen some of the nlatelial: that \)[1'. Ivehl)] and
Fieldllo halcl seen it—and rvalu Ivollld halDpen when all those people lvcre later
as]:ed 'ov the FBI al)ollt the eontellts of the safe. Thell. I said I felt M e 'l1ust till'lI
over the Inatel iai to the FBI. TVith rc rald to the sellsitive docllllllellts. l suaastecl
tl)at they bc (riR en clirecti,v to Grav. I told Ehrlichlllall tlat. if evel asl:eel under
oath. I had to be allJe to testif\t that to the l)est of m-- l:uo~X-le(lire. ez-ervthing
founcl in the safe halcl been tillned over to ttle FT,'.l.

Thel FIII a--ents came to IIIV off'cc. l'oclieve Oll .JIIIle •4ti or '. I (ras-c thell one box.
~hich l iad Jeen l acle\)d an(l tokl ttlel\n that as soon as the other material
--ras l)ac\ecl I svould >--et it to tleln. A the

I (rot tied up in 3 meetinr, I pholled Ifieklill~~ allcl asl\v(l that the men rvho
criilrecl the safe had plobablv seen the l)riefeae, tltat the Secret Service a--ent
NVII0 lvas present liad pro'oablv seen some of the nlatelial: that \)[1'. Ivehl)] and
Fieldllo halcl seen it—and rvalu Ivollld halDpen when all those people lvcre later
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tl)at they bc (riR en clirecti,v to Grav. I told Ehrlichlllall tlat. if evel asl:eel under
oath. I had to be allJe to testif\t that to the l)est of m-- l:uo~X-le(lire. ez-ervthing
founcl in the safe halcl been tillned over to ttle FT,'.l.

I lent to F,h\llicllllllan's offElce just l)ercore Atr. gl'lll' arrived. I l)lace(l the
enl-ol~es on the coffee table in his office. Althell (Irav- a\\x12Xived. Ellhrlicllllall tol(l
him that sve had some nlatelial for his--; that llad come from Hmils safe.
F.h\lliclllllll deselibed it as Isoliticalr selisiti-

materials to the a\,ents except the docllllllellts.ill tlesse tvxo envelop-}es.
MEMORANDUM FOR RECORD J

28 June 1972

On 26 June at about 10:00 a.m. I received a phone call from Mr. John Dean at the White House. He said he wished to see me about the matter—that John Ehrlichman and Bob Haldeman had discussed with me on the 23rd of June. I could check this out with them if I wished. I agreed to call on him in his office in Room 106 at the Executive Office Building at 1145 that morning. Immediately after hanging up, I called Ehrlichman to find out if this was alright and after some difficulty I reached him and he said I could talk freely to Dean.

At 1145 I called at Dean's office and saw him alone. He said that the investigation of the Watergate "bugging" case was extremely awkward, there were lots of leads to important people and that the FBI which was investigating the matter was working on three theories:

1. It was organized by the Republican National Committee. 2. It was organized by the CIA. 3. It was organized by some other party.

I said that I had discussed this with Director Helms and I was quite sure that the Agency was not in any way involved and I knew that the Director wished to distance himself and the Agency from the matter. Dean then asked whether I was sure that the Agency was not involved. I said that I was sure that none of the suspects had been on the Agency payroll for the last two years.

Dean then said that some of the accused were getting scared and "wobbling." I said that even 80 they could not implicate the Agency. Dean then asked whether there was not some way that the Agency could pay bail for them (they had been unable to raise bail). He added that it was not just bail, that if these men went to prison, could we (CIA) find some way to pay their salaries while they were in jail out of covert action funds.
I said that I must be quite clear. I was the Deputy Director and as such had only authority specifically delegated to me by the Director and was not in the chain of command but that the great strength of the Agency and its value to the President of the nation lay in the fact that it was apolitical and had never gotten involved in political disputes. Despite the fact that I had only been with the Agency a short time, I knew that the Director felt strongly about this.

I then said that big as the troubles might be with the Watergate Affair if the Agency were to provide bail and pay salaries this would become known sooner or later in the current "leaking" atmosphere of Washington and at that point the scandal would be ten times greater as such action could only be done upon direction at the "highest level" and that those who were not touched by the matter now would certainly be then.

Dean seemed at first taken aback and then very much impressed by this argument and said that it was certainly a very great risk that would have to be weighed. I repeated that the present affair would be small potatoes compared to what would happen if we did what he wanted and it leaked. He nodded gravely.

I said that, in addition, the Agency would be completely discredited with the public and the Congress and would lose all value to the President and the Administration. Again, he nodded gravely.

He then asked if I could think of any way we (CIA) could help. I said I could not think of any but I would discuss the matter with the Director and would be in touch with him. However, I felt that I was fully in keeping with the Director's feelings in this matter. He thanked me and I left.

Vernon A. Walters
Lieutenant General, USA
At 1145 on 27 June 1972, I saw John Dean at his office in the Executive Office Building. I told him that I had spoken to Director Helms and found that what I had said to Dean the previous day did indeed reflect Helms' views accurately. That he felt any involvement of the Agency would be most counter productive and furthermore, we had a legislative constraint about the expenditure of our funds within the United States. We had to clear them with the Chairmen of the CIA Oversight Committees in both House and Senate. This visibly lessened his enthusiasm.

I then repeated my arguments that this caper while presently seeming very large would be overtaken by other spicier developments. Unfortunate though its consequences might be currently, Agency involvement by direction at the highest level would undoubtedly become known sooner or later and would then reach to people who were still uninvolved. He nodded. I said that my mind boggled that such risks as those involved in this caper could have been taken for such an unremunerative target. Involving the Agency would transform what was now a medium-sized conventional explosive into a multi-megaton explosion and simply was not worth the risk to all concerned.

Dean thanked me looking glum and said he agreed with my judgment in all of these matters.

Vernon A. Walters
Lieutenant General, USA
7. On June 28, 1972 John Ehrlichman met with John Dean at the White House. Ehrlichman approved Dean's contacting Herbert Kalmbach, the President's personal attorney and a Presidential campaign fundraiser, to ask Kalmbach to raise funds for the Watergate defendants. Kalmbach flew to Washington during the night of June 28, 1972, and the following morning Dean met Kalmbach and asked Kalmbach to raise and distribute such funds. Dean indicated that Kalmbach should raise from $50,000 to $100,000, and Kalmbach accepted this assignment. Kalmbach has testified that he acted in the belief that these payments were necessary to discharge a moral obligation that had arisen in some manner unknown to him by reason of earlier events.

Page

7.1 John Ehrlichman log, 5âÈ (received
7.2 John Ehrlichman testimony, 6 SSC 256669.
7.3 John Dean testimony, Watergate Grand Jury, November-19. 1973. 93, 102-03 (received from
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Watergate Grand Jury) 149
7.4 John Dean testimony, 3 SSC 950 152
7.5 Herbert Kalmbach testimony, 5 SSC 2092,

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AIR. EIRLICHMAN: AIRtell, of course, the President has many, many
channels of information in and he uses instructions to a whole range of subjects. So I don’t want you to have the impression that he depended on me as the sole source of his
information or the sole conduit for his instructions, either.

I believe as a very active consultant to the President and his colleague Mr. Fickling, to counsel people who had in some way been associated with the special unit in one way or another, that when they were interviewed by the FBI, this was a subject that was impressed on the President with a very high security classification. That involved the FBI really conducting interviews in the White House in the month of July and on into July. I think they finished for all practical purposes their intensive investigation in the White House during the month of July.

AIR. TLOZERSOZ. AIR Robert, he not normally has expressed his concern
to you, whether or not he was getting any information from you, since he looked to you for supervision of this group? Air he have not expressed his concern to you about in effect, your former employees?

AIR. EIRLICHMAN: I can’t recall that he ever did, Mr. Thompson.

AIR. THOMPSON. AIR, you had no personal concern until March of this year that—what? Either that those matters would be exposed or if they were exposed, that they would have any significant repercussions?

AIR. EIRLICHMAN: I think the former. I had rested secure in a passive sense—this wasn’t something that was on my mind a great deal. But I have felt that this was a set of subjects of real delicacy in terms of national security and that really, if there were any subjects that involved not be talked about freely or find their way into the public domain, that this was one of those sets of subjects that involved not. And I didn’t have any conscious concern that anybody invoked in it, Liddy, and Hal not invoked anybody in it. In fact and Liddy not invoked anybody in it.

AIR. THOMPSON: AIR, did you first become aware of the fact that
money was being raised to pay Hal, among others?

AIR. EIRLICHMAN: I am not sure that I knew who money was being raised for in any specific sense. You have asked me about Hunt.
Air. TTIOWIPSON'. The AlTatergate defendants ?

Air. ElIITLIC113tAN-. Yes I svan aware that these was a need for a
defense flmd, attorneys' fees fund.

31r. TIXoarrsos-. A5Thell did that come to your attention?

Air. ElIIT,ICIISI \N-.. It must have been late in June and it came to me

through ISIr. Dean, lwho said that the defendants zvere losing their
attorneys attorneys nvere quitting they xvere not being paid. John
Mitchell felt very strongly that it xvas important to have good legal
representation for these defendants for a number of reasonS—for
political reasons, but also because eve had these civil damage SllitS that

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had been filed by the Democrats against the Re-election

AHR. THoaltrosos-. WO7hat do thou mean "for political reasons"?

AHR. EIIRLICHAN-. AVelh just that if there Mere to be a trial and it

zvere to take place before tile election, that obviously, that trial would

have some political impact and good representation xhas simply

essential.

AHR. THoAXPSON-. Ilolv would money help in that regal(l? lotions for

continuances 01——

AHR. EIIRLICHAN-. Aloney would help to retain attornevs. At least,

that M as my undel standing of the concept.

Fir. THoASPSON-. It certainly vould do that?

AHR. EIIRLICHAN-. Evidelltlv.

WHR. THoztrrosos-. AWrhat about later on? Did it conle to your attention

that there lvere increasing pressures by THunt specifieally for money,

more money for himself and his attorneys?

AHR. EIIRLICHAN-. I don't think I became alvale of that until some

time aster the lst of the year. Then it came not in the, not so much in

the money sense where Hunt novas concerned, but it related to this

episode of his trying to make contact M ith AHR. Colson to satisfy him-

self that Colson Has still standing bV him and that he eras still his

friend, ant this kind of thing. It xvas lIoT until M e got into about the

20th of Starch that I became alvare that Hunt lvas in fact making

strong money demands.

Mr. THO3IPSON-. You didn't have anV discussions with anyone, Dean

or anyone else, during all this period of time, about Hunt in fact seas

threatening to blow the lid off' unless his money demands were met?

Mr. El'tRLICIIZ].\N-. No, I don't believe so.

Fir. THO JPSON. You drew no distinction in your mind between

ITunt and Liddy and the Cuban-

ricans? They lvere all just one

package?

Mr. EIIRLICHAN-. As to Cuba?

AHR. ThoBiPSON-. Yes. You didn't feel like it lvas any more imperative

to make them happy than for the Cuban-Allericans?

Mr. EIIRLICHAN-. Np. —— that it was not; obviously, to make them

happy and it lvas for the purpose that hasze stated.
Air. TIIOAtPSOn-. Hulnanitarian?

Air. ETIRi2CIIAtAN-. Airell~ no; I conceived of this as being like, you

linoav, the Daniel Ellsberg defense fund and the Ant.ela l)as-is defense
fund and the Berrigan brothers defense fund. It is apparently a com-
monplace of American life these days that these kinds of funds are

created and that people do donate to them.

Air. TI-toAtPSOn. Is it your understanding that this particular de

defense fund B as going to be secret?

Air. EIIRI,ICHItt,\X. NO, as a matter of fact, Air. Dean told me that

there B as a public defense fund being created in Florida right around

this time.

Air. TI-rourPsox-. But this xvas not the one that Air. Kalmbach lvas

engaged in, lvas it?

Fir. EIIRLICItETAN. This lvas, as I understood it, one that had been

generated within the Cuban colunltlllty dolvn there.

(146)
Mr. THOMPSON. But is that not something completely separate and apart from
W
dl AiX. Kalmbach Lvas doing it Didll-t Air. Kalmbach come to von and, in
essence, tell von that he was raising motley and ask if it zetas all t ight ?

AIR. EIRLICHKAN. Well, not quite in those terms. but I hail a COI1conversation
with AIR. Kalmbach about the fact that he vitas raising money for attorneys' fees.

Mr. THoA[PSON-. Give us the essence of that conversation, if you can. AYllen did
it occur and That leas said ?

AIR. EIRLICHKAN. It occurred on July 14 out in LliS once in Nelv-
port Beach. That divas a Friday afternoon. I stopped at his office on my lvay from the
western White House back to the place that I xvas staying, which I xvas on farther
north. and he shoived sale his offices. We talked about the California political
situation, rvhicll he vs-as then very concerned about, on which he had a number of
ideas. And he mentioned to Ille in the course of that get-together that he xvas nolv
raisins money. He said it rather philosophically, because ave had had a conversation
back sometime in February or March ill which

Mr. THOMP30X. How do you talk about raising money, philosophically ?
[Laughter.]

AIR. EI:RI,ICH31.iN. AVell, this Ivan: He had hoped to get out of the money-
raising business the first of April and eve had hatched a rather elaborate plot to get
him out of the money-raising business and it was that Bob Haldeman and I would be
his defense when Alaury Stans and John Mitchell asked him to get back into the fund
raising again. He said he had Intel that activity and he had been at it a couple of times
in Presidential campaigns and he really wanted to do other kinds of things to be
helpful.

So eve agleed that xvllen he avas approached by ATr. Stans or Wlr. Mitchell, that
he would say, and ave Ivoucll back him up, that he xvas going to do political chores
for the AWhite House on assigmnent.

He xvas philosophical about it in the sense that it leas sort of, shell, maybe you
have heard

Mr. TrloBIPSONt. Could I ask you this ?

Mr. EISRLICHBlAN [continuing]. I am back raising money again.

AIR. THozlrso>-,. Pardon me for interrupting. Could I ask you this: He testified
essentially that he looked into your eyes and said, ' John, I knoxv your family, you
knowv my familv, is this the thing to clo, is it all right?'

You said, eves, Herbs it is."

ArOW, clicl that happen ?

AIR. EHRr,ICFu/[AtAN-. I am sure that if he had looked into my eyes and I had looked
into his eyes and eve had invoked the names of our sivives, I am sure I would remember
that solemn occasion and I am sorry to say that I don't remember.

I would never in my life ask Herb Kalmbach to do anything that I thought xvas
shady or improper, certainly not illegal. And if Herb ltalmbacll had ever said to men
'Ido vou vouch for the pl oprietv or the legality of what I am doint,," I xvonki have
been very, very slow to make any assurance to Herb without a lot of research to satisfy
myself. And that is why I am pretty sure that that kind of request svas not made of me
and I Lid not make a response, because I never did have occasion to research it or find
out about it.
Mr. THOMPSON. Well, the reason I am probing this area with reward to your frame of mind at the time is this: It appears to me that if, say, the break-in at the psychiatrist's office of Daniel 1311sber~ was a legitimate matter a matter concerning national security and I was held under your interpretation, I presume, of the implied powers of the President under the Constitution; if you felt this way, and in fact, the President had instructed you for national security reasons to see that those matters were not uncovered or exposed in the investigation of the Al'aterCate, then all of these other matters would seem to follow as a matter of course, the other matters you responded to, this business about telling Dean to deep-six the Hunt documents; the business about seeing that money was raised or helping to see that money was raised to keep the defendants quiet; this business about offering Hunt Executive clemency or the President offering Hunt Executive clemency and I know you avowed to respond to all of those, but I am interested in how you felt at the time. If, first, you did feel like the previous activities of the Plumbers were legitimate and legal, and, second, the President did give you the instruction which he says he gave you, then would not these matters follow as a matter of course, and would you have any reason to deny them?

Mr. THOMPSON. Err. Thompson, without getting into all of these specific misstatements of truth let lis look at what I did do when the President gave me the instruction back in the first of 1972. with regard to holelin,., confidentiel the activities of that special lihit. TWhat I did do was to contact the people who were involved, that is~ Crogh, and Young primal ilv, and saV, “This is the President's decision, this is his determination. he does not want this talked about. It is confidential, it is secret, it is not to be discussed.”
Q. Did there come a time when Mr. Mitchell asked you to seek your superiors' permission to go ahead and contact Mr. Kalmbach about becoming involved in raising money for the defendants?

A. Yes. He specifically asked me to check with Mr. Haldeman and Mr. Ehrlichman as to the use of Mr. Kalmbach.

Q. Do you recall any comments that he made on that occasion?

A. Yes, I do. I recall — well, where it happened. It was in his office at the re-election committee —— I should say his law office over in the same building.

I was standing by his desk, and he said to me that I should go ahead and check with Haldeman and Ehrlichman about using Kalmbach because he thought that they would be very interested in seeing this problem dealt with.

Q. Did you in fact seek the approval of both Mr. Haldeman and Mr. Ehrlichman?

A. Yes, I did. I sought it and received it.

Q. Had you ever asked Mr. Kalmbach in the past to take on any fund raising assignment?

A. Never had.

Q. Had you ever asked him to take on any assignment?

A. No.
Q Do you recall whether he had notes or some kind of written material from which he made this accounting?

A Yes. He had a small slip of paper which he had been carrying in his wallet. He took this small piece of paper out of his wallet and had written in a very small print these figures and he read them to LaRue.

I don't recall whether LaRue made any notes or not, but after Kalmbach had done his reporting, there was sort of a ceremonial burning of the piece of paper in an ashtray on my desk.

Q Mr. Kalmbach burned the paper himself?

A Yes.

Q Now during July, August, and September of 1972, did the demands that were being communicated from the defendants continue?

A Yes, they did.

Q Mr. Dean, was it on account of these continuing demands that Mr. Kalmbach had to raise additional money as time went along?

A That's correct.

Q To your own personal knowledge, who knew about the payments that were being made to the defendants?

A Mr. Haldeman, Mr. Ehrlichman, Mr. Mitchell, of course.
Q. Did you subsequently discuss how this was going with Mr. Ehrlichman on occasion?

A. That's correct, and Haldeman.

Q. It came up on a regular basis.

A. Yes.

Q. And at this time, prior to the indictment on September 15th, did you ever have a discussion about Cuban defense or a Miami defense fund that had been set up?

A. I don't recall when the discussion of the defense fund really certainly something that was being kicked around long before it actually, I understand, was one of the best fundraisers in the world because it had a sure sources of money.

Q. But at this time this was being talked about, if at all, as a future possibility?

A. In September, you're saying?

Q. July, August, September.

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a discussion of the need for support money in case for the silence for the men in jail and if the CIA could it over do it then I would like to use some money somewhere else. Air. 1.arsue indicated it was Air. Stalls had only a small amount of cash. I believe he said $40,000 but it more would be needed. After some discussion which I cannot recall with any specificity at this time, Mitchell asked me to (ret the approval of Haldeman and Ehrlichman to raise the necessary money. Before I left the meeting I rememlered that Mr. Mitchell, in an aside for my ears only, told me that Mr. Stils had only a small amount of cash. I believe he said $40,000 to $80,000, but it more would be needed. After some discussion which I cannot recall with any specificity at this time, Mitchell asked me to 

I conveyed this request to Haldeman and Ehrlichman and they told me to proceed to contact Mr. Kalmbach. I called Mr. Kalmbach on June 28, and told him that Haldeman, Ehrlichman, and Mitchell had requested that he come back to Washington as quickly as possible. He told me he would take the next flight.

I met Mr. Kalmbach at the 31:asler Hotel on June 29. We first met in the coffee shop, but could not find sufficient privacy to tally so event to his room. I had always been very open in my dealings with Mr. Kalmbach, and I knew that he had stated, after he completed his fundraising activities in California in July, that he did not wish to engage in any further fundraising activities. I also told him that he had raised the money I told him that he had raised the money and, in fact, he said he was unhappy with this assignment, and he said he was not happy with this assignment, and he said he would need only because Mitchell, Haldeman, and Ehrlichman had so requested. I do not know if Mr. Kalmbach discussed this with any of these personas but given the nature of the request, I did not expect him to take it on my word alone. I had never before given instructions to Mr. Kalmbach to raise any money or never passed on any similar instructions to him.

Subsequent to our meeting, Kalmbach informed me he rvas departinM to raise the money I ust he valet ted Tomv IXasewicz to handle any deliveries because 31r. lasewicz was the only OIIV man he would trust. Tie said that he did not have his telephone number and requested that I call Jack (Faulfield and request that Mr. I=lasewicz call him in California. I called Faulfield and made the request but I did not tell Faulfield the reason Kalmbach wanted to have Mr. I lasewicz call him.

A:ETiithin a creek 01- SO, Kalmbach returned to Al'ashill,tolj and retested that I meet him in Lafayette Park, n llicell I did. He said that I could report to Haldeman and Ehrlichman that he had raised the money and, in fact, he said he had it in his briefcase with him, to the best of my recollection. He told me he rvas en rollle to meet 3[1. I~use

vicz, but I wanted me to knolv the job rvas done. Followinivo: that meetintlfr and several days later, as I recall, he called me and said that I he hal asked Fred LaRue to come to my office to give him the details of RV110 svaS to SSet lON- IllUCII. I recall that slch a meeting did neellill ill IllV office but I eras 011 and off the telephone while 1,arile and Walmabach xvere

going over the fitources and I have absolutely no recollection of the
and in Strizolla. In 1967, the present firm of Kalmbach, DeAtarco, Innapp & Chillingon-ortl Ivas founded with offices in Los Angeles and Newport 13eacil. Also, for more than 20 years, I have been active in political work—particularly in recent years ill the area of campaign finance.

Since early 1969, I have been engaged ill activities on the President's behalf ill three major areas.

First, it has been the source of great pride and personal satisfaction to me and to my partners to leave had the responsibility for handling personal legal matters for President Nixon and members of his immediate family for the past 4 years. During this period, practically all of the contacts that I had relative to these matters revere handled though either John Ehrlichman or John Dean.

Second, I acted as trustee during the period from January of 1969 to early February of 1972 for certain surplus funds which had accrued principally from the primary period of the 1968 campaign. While Maurice H. Stans was the individual with whom I dealt at the time I accepted such trusteeship, I disbursed from such funds only at the express direction of H. R. Haldeman or others clearly having the authority to direct such disbursements.

Third, I agreed to solicit early pledges of financial support for the President's 1979 campaign beginning in November of 1970. This agreement was completed in the spring of 19t2. The original records of this activity were turned over to the finance committee after Mr. Stans had assumed the post of finance chairman on February 15, 1972. I thereupon directed my secretary to destroy my files which were wholly personal and supportive of the original files earlier transferred to the finance committee. This action on my part was intended to insure the continued confidentiality of the contacts that I had with various contributors with whom I had dealt during this period. Copies of what remaining records I have and such bank records as I have been able to retrieve have been supplied to the committee's staff prior to my appearance here today.

Finally, I waist to talie this opportunity to deny any prior knowledge of the Watergate break-in, in or participation in, the formulation of any planned conspiracy to cover up that incident or act of campaign sabotage or unethical activity. Aly actions in the period immediately following the break-in which involved the raising of funds to profile for the legal defense of the Watergate defendants and for the support of their families were prompted in the belief that such was propel and necessary to discharge what I assumed to be a moral obligation that had arisen in some manner unknown to me by reason of earlier events. The fact that I had been directed to undertake these actions lay the StO. 2 and No. 3 men on the AMinite House staff made it absolutely incomprehensible to me that me actions in this retard could have been regarded in any Iway as improper or unethical.

I am here before you today to tell the truth about my activities dur
ing the period in question. It is my purpose to testify for or against any individual I wish to cooperate fully with the committee and in that spirit, I am now ready to answer your questions to the very best of my ability.

Thank you.

31r. DASII. Thallk yolk 31r. Ivalml3ncll.

(153)
HERBERT KALMBACH TESTIMONY) JULY 16, 1973, $ SSC 2092, 2097-g8

2097

SIX. DASH. Did you find a lot of interest when you were these at
the committee concerning that incident 2

Mr. KALMBACH. Yes, sir, it was.

Six. DASH. Did you find a lot of interest when you were these at
the committee concerning that incident 2

Mr. KALMBACH. Yes, sir, it was a topic of discussion, and I know that I did talk about it, but it was not at all mole
than that.

Mr. DASH. I1 right after that meeting, you returned to California 2

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. NOW, did you receive a telephone call from Mr. John
Dean on June 28?

Mr. KALMBACH. Yes, I did.

Mr. DASH. And what did he tell you on the telephone?

Mr. KALMBACH. As I remember the telephone conversation, Mr.
Dean called me. It was in the early afternoon, midafternoon, on the
28th. He told me that it was a matter of extreme importance that I
return to or come back to Alashtoll, preferably by the first as-a-
able flight, to undertake a very important assignment.

Mr. DASH. And what did you do in response to that call?

Mr. KALMBACH. I took a 10 01 or 10:14 or 10:30 flight that night.

Mr. DASH. Arriving in Washington when?

Mr. KALMBACH. Arriving in Washington at 6, 6:15, 6:30, the follow-

Mr. DASH. Now, what did you do next, Mr. Kalmich?

Mr. KALMBACH. I then took a cab into town and checked into the
Statler-Hilton Hotel.

Mr. DASH. Did you then meet Mr. Dean either at that time or a
later time that day?

Mr. KALMBACH. Yes, after I checked in and changed I think. prob-

Mr. DASH. What transpired? What was the call about? What
did Dean say, what did you say, and what followed?

Mr. KALMBACH. It seems that in recalling that conversation, I told

him that I am here in Washington at the Statler, and I can come over
to your office right now if that is what you wish.

He replied, "Nos you are at the Statler, I am here at the Executive
Office Building. why don't we both start walking and meet in front
of the Hav-w-&dams Hotel?"

I said, "all right." This had never happened before, but it was a nice
day and I said, "all right, I will do that; I will meet you in front of the
I-tay-Adams," and then left the hotel.

I was there about 9:30, I would guess, and I think I saw him coming
up through the park and I suggested that we have coffee at the Hav-
Adams. He said, "No, let's just walk in the park." We did.

We walked for a time and I recall that he put his foot up on the
bench and made some wide gestures indicating to me that I should
do likewise, which I am not certain that I understood what he meant
b) that, but I recall that very clearly.

Mc-. DASH. He made wide gestures and asked you to do like vise?

Mr. KAL3IB\C\nAVicle gestures, rvell, izIdicatillo that perhaps vve
were being observed. I don't understand, but I do remember that he
did, in fact, do that, and suggest to me that I do likewise.
(154)
31r. D.\SI I. You would certainly be a greater target of observation if you were making visible gestures, wouldn’t you?

Arl. It.NL3fB.CII. I would think so.

Arl. DASH. An’ell, what, actually, did you and Blr. Dean discuss? What did he say to you, other than making gestures?

Arl. KALMBACH. An’ell, he indicated that the reason for this call and for my coming back to Washington was that it was necessary to talk to me about a very important assignment, namely that, he said—he used the editorial “We,”—“We would like to have you raise funds for the local defense of these defendants and for the support of their families.”

Arl. DASH. When you say these defendants now.

Arl. KALMBACH. The Antatergate

Arl. DASH. These were the seven defendants, Mr. Hunt, Mr. Giddy, Mr. McCord, Mr. Barker, Mr. Sturgis, Mr. Gonzales

Arl. DASH. When you knew that they were for all of these defendants?

Arl. KALMBACH. Just remember that he said the Watergate defendants at that tirade and I was not even certain at that point in time that I even knew their names.

Arl. DASH. Alright. Did you ask him any questions about that?

Arl. KALMBACH. Yes, I did. I recall that in my conversation with him, I asked whether or not it would not be perhaps preferable to have a public committee formed to raise funds for these people and for these purposes. And also, I recall that I voluntered aloud about whether or not they could mortgage homes or raise funds in that way until a public committee could be established. His answer to that was that there was no time for this, that a public committee might be misinterpreted—and he just savved it aside and pressed on with his request.

•

Arl. DASH. Did he tell you how much money might be involved?

Arl. KALMBACH. Pry recollection is that he indicated $40,000 to $60,000 for this assignment

Arl. DASH. Did he stress, since he had indicated to you that a public effort might be misinterpreted, did he stress that this had to be completely secret?

Wr. KALMBACH. Yes, he made a strong point that there was absolute secrecy required, confidentiality, indicating that if this became known, it might jeopardize the campaign and you would cause misinterpretation as to the reasons for raising these funds and for the help of these people.

Arl. DASH. Since you were to raise these funds, how would you know how much was to be given to which defendants? Was there a discussion about that?

Ar. IZALtrn ten. Yes, Sil-. there xvas.

Atr. D-\swT. Could you tell us about that?

Atr. It.\AIB.TCT. After he had made the request, I asked him if I, Ivhell I raised the furlds, should I give them to him for distribution, stllld he said, no, not to me. End he indicated, I
t]llkS 3t1. I.aRlle svollld _ bethe person—

Arr. D \sl. Is that Afr. Fred LaRue '2

Arr. K vL-n \CfiT. Afr. Fred LaRtte ~vollki be the person ~vho NVollIft l)e

(riving lle (-lire(tiolls in thiS n$iallmeIt as to sleeifi~ alnollnts and

(155)
On or about June 28, 1972 Magruder met with Herbert Porter, who was in charge of the CRP surrogate speakers program, and asked Porter to corroborate to the FBI a false story that CRP had paid Liddy $100,000 to conduct lawful intelligence projects to prevent disruption of campaign speeches by radical groups. Porter agreed to repeat the false story to FBI agents. Porter has testified that he felt a deep sense of loyalty to the President and was appealed to on this basis.
my Guesstimate.

3II. Porter indicated that he had distributed about $100,000 or $91,100 to Air. Liddy, so I assumed that Air. Sloan probably distributed somewhere under $100,000.

Now, I will fully admit that I had hoped that the figure was as low as possible and we all hoped that it was low. Air. Sloan would not tell me what the figure was. He refused to tell me the figure. He said, I cannot tell you the figure.

I said, just tell me what it is so we can work on the solution of this problem. If Eve do not know how much you gave Air. Liddy, how can we determine what the money was for?

On the third meeting, he and I went out and had a couple of drinks and he still would not discuss the facts of this situation with me. I did not at that time or in any of those meetings suggest him to do anything relating to money other than tell me what the figure was and that I hoped it was a low figure. And I certainly did hope it was a low figure. But I had no problem accepting a higher figure, because I thought Eve could work something out relating to any figure within reasonable limits.

I think the real problem was that he knew it was $199,000 and I was aghast at that figure, because there was no way Air. Liddy should have received that much money in that short period of time. It was only 21/2 months since its approval.

Air. DASH. Now, Air. Magruder, you said you needed some of this information to work out a solution. Is it not true that sometime after the time you returned to Washington from California and during the months of, say, June, July, or August, that there came a time when you agreed to make up a story about how the break-in and the bugging took place and who was involved?

Mr. MAGRUDER. Yes. I want to state here, thought that there was never any feeling on my part, no one asked me to do anything. I personally felt that it was important to be sure that this story did not come out in its true form at that time, as I think did the other participants. So I want to make it clear that no one coerced me to do anything.

I volunteered to work on the cover-up story.

Wlr. DASH. But on your volunteering to work on it, who participated with you without coercing you in the working up of the fabricated story?
second grand jury appearance and then actually into my third grand jury appearance in September, a series of meetings. These meetings do not appear on my calendar because they were ad hoc meetings, they were not planned meetings. They were mainly held in Mr. Tittel's office. The main participants to pically revere Mr. Mitchell, Mr. LaRue, Mr. Alardia, and Arr. Dean, although many other people met in these meetings. AtC]1 of the meetings would be on subjects that were perfectly, I thinly acceptable to discuss.

You know, it is very hard for me to pinpoint exactly when and how we came up with the cover story but it became apparent, Schell eventually found the sums we were in the $500,000 range that Eve had to come up with a fiery Food story to justify W]IV AIR. Lidds would have spent that amount on Regal activities.

(158) o
Alr. D\$H. What was that Story, Air. Alatrrlde\. that you finally came up with ?

Air. WIAC~ER. What we did was we simply took factual activities that we had asked Air. LiddV to do and we exaggerated to a great extent the amount of money spent on those activities to the tune of the $ 30.000.

I asked Air. Porter to avoid he be millin r to work with us on this coverlip story and, as he has testified, he indicated that he did.

So he took care of, in effect, 2.100.O4rJO and I took care of, in etl'ect. 2.,150.000 bV indicating that arl. LiddV had legal projects for us in the intelligence field, and evr ~vorked over this story with Arr. Mitchell, Alr. Dean, Air. LaRue, and Air. Alardian, althoiz(rh Air. Mardian has participated to a much lesser extent with me than the others click AIy primarv contacts on the story were Alr. Dean and Air. Mitchell.

Air. D\$H. All of these persons that you have named—VOll finally did arrive at the story and they lexev ill fact what actually had occurred ?

Air. 3LAG\$-ER. Yes; they did.

Air. D\$H. Could von tell us wvhv the story required that the break-in involvement be cut off at At\. I jidelx and not at t\Ou ?

Air. 3LAG\$-ER. A0rell, there leas some discussion about me and I volunteered at one point that maybe I was the Fitly whv ourfht to take the heat, because it was going to get to me, and we kneed that. And I think it lvas, there were some takers on that, but basically the decision was that because I was in a position where they L-nenpv that I had no authority to either authorize funds or make policy in that committee, that if it got to me, it would (ro lighter. Whereas Air. Liddy, because of his past background, it was felt that that would be believable that Air. Liddy novas truly the one who did originate it. And, of course, it was true, I think, that Air. Liddy did originate the plan, was basically the one who did come up with these ideas in specific terms.

\(\text{Wlr. DASH. Now, did you tell this story that was developed to Air. Parkinson and Atr. O'Brien, who was representing the committee ?}\)

Ak. 3LAG\$-ER. After July 4, Air. Mardian bro Ight Air. Parkinson into mV office and said to me that he would like me to tell the true story. I said, "You mean the true story"—which—yoll knowns at that time, lve lvere dealing in a mlmbel of stories, and he said, No: I ssallt the trtle story."

I then for 2 hours, I think, told AIR\. Parkinson the trlle storm

Air. DASH. But later. you then told Air. O'Brien arid 3Ir. Parlvir.tSOII the story that llacl been developed and agreed to by the other p.ilties you mentioned?

Arr. itAGrsUDER~ Yes: that is correct.

Air. DASH. Mullen rvere you fil'St called before the grand jury, Atr. Atagrlde ?
Sir. DORSEN. How have you now arrived at the figure you have just given us?

Air. PORTER. I have had ample opportunity to look back and recall as best I know how each of the transactions in which I went and got money from Mr. Sloan and gave it to others, and to the best of my ability I have come up with those figures.

Air. DORSEN. And is it your best recollection and knowledge that you received from Mr. Sloan a total of approximately $69,000?

Air. PORTER. Yes, sir; to the best of my knowledge.

Air. DORSEN. Sir. Porter, when did you first become aware of the break-in at the Watergate?

Air. PORTER. Saturday, June 17, in Los Angeles, Calif.

Air. DORSEN. And briefly how did you become aware?

Air. PORTER. Well, sir, that was a weekend which we were hanging a large party at a private residence in California for a lot of the celebrities who were going to be supporting the President during the campaign, and it was on that trip that apparently the word, the news broke. Saturday morning here and was relayed to some of the campaign officials with whom I was traveling at the time and I learned it from them.

Sir. DORSEN. Following the break-in at the Watergate, did you have a conversation with Mr. Magruder concerning any statements you might make to the Federal Bureau of Investigation?

Mr. PORTER. Yes, sir.

Sir. DORSEN. Where and when did this conversation occur?

Air. PORTER. I would say that approximately 10 or 11 days, I am not sure of the exact date, whether it was June 28 or the 99th, but in that time frame, Mr. Magruder asked me to come in to his office, which I did. He shut the door and he told me that he had just come from a meeting with Mr. Mitchell, Sir. LaRue, himself, and a fourth party whose name I cannot remember, where my name had been brought up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect.

Air. DORSEN. \-OU are now recounting what Sir. Magruder told you.

Air. PORTER. He said that I believe at that time Sir. Liddy had been fired from the campaign. He said it divas—"apparent" divas the word he used—that Sir. Liddy and others had on their oxvn, illegally
participated in the break-in of the Democratic National Committee, and Mr. Magruder swore to me that neither he nor anybody higher than Mr. Liddy in the campaign organization or at the White House had any involvement whatsoever in Watergate, at the Watergate break-in, and reinforced that by saying, "Doesn't that sound like something stupid that Gordon would do?" and you have to know

Mr. Liddy, I agreed with that. [Laughter.]

He said, "I want to assure you now that no one did." He said however, "There is a problem with some of the money. Now, Gordon was authorized money for some dirty tricks, nothing illegal, but nonetheless, thinks that could be very embarrassing to the President of the United States and to Mr. Mitchell and Mr. Haldeman and others 'ova, your mime XViS brought up as someone who eve can COlllt 011 to help in this situation," and I tsked what is it you are askilzrs
me to do, and he said, "Would you corroborate a story that the money was authorized
for something a little bit more legitimate sounding, than dirty tricks, even though the
dirty tricks were legal, it still would be very embarrassing. You are as are that the
Democrats have filed a civil suit against this committee." I said, "Yes, I have read that
in the paper." He said, "Do you know what immediate discovery is?" I said, "I do not.
They may get immediate discovery, which means they can come in at any moment and
swoop in on our committee and take all of the files and subpoena all of the records and
you know what would happen if they did that." I conjured up in my mind that scene
and became rather excitable and knew I didn't want to see that. So I said, "Well, be
specific," and he said, "Well, you were in charge of the surrogate campaign, you
were very concerned about radical elements disrupting rallies, and so forth," and I said
yes, and he said, "Suppose that you had authorized Liddy instead of the dirty tricks, you
had authorized him to infiltrate some of these radical groups. How could such a
program have cost $100,000?" And I thought very quickly of a conversation I had had
with a young man in California in December, as a matter of fact, and I said, "Jeb, that is
very easy. You could get 10 college-age students or 24- or 25-year-old students,
people, over a period of 10 months." Mr. Alap, Sruder had prefaced his remark by
saying from December on. And I said, "You can pay them $1,000 a month which they
would take their expenses out of that, and that is $100,000. That is not very much for a
$45 million campaign." And he said, "Now that is right; would you be willing, if I
made that statement to the FBI, would you be willing to corroborate that when I came
to you in December and asked you how much it would cost, that is what you said?"
That was the net effect, the net of his question. I thought for a moment and I said,
"Yes, I probably would do that." I don't remember saying yes, but I am sure I gave Mr.
Magruder the impression I would probably do that and that was the end of the
conversation.

... agreed to

ever. L)ORSEX. Now, Mr. Sorter, ala the conversation you tell the
FBI actually take place?

Mr. DORSEN. Did the conversation which you agreed myth by Mr. Magruder that you
would tell to the EsBI actually take place in December of 1971?

Mr. PORTER. No, sir; it did not take place in December.

Mr. DORSEN. Later, did you tell the FBI What Mr. Magruder asked you to tell them?

Mr. PORTER. Yes, sir.

Air. DORSEN. And subsequent to that, did you appear before a Federal grand jury?

Mr. PORTER. Yes, sir.

Mr. DORSEN. Were you asked about the surrogate candidate program?

Mr. PORTER. Yes, sir.

Mr. DORSEN. What did you tell the Federal grand jury? Sir. PORTER. The same
thing. Mr. DORSEN. Were you a \( fitness at the trial of the seven defendants who
were indicted in the Watergate case?

Mr. PORTER. Yes, sir.

Mr. DORSEN. And did you give the same account?

...
him since his client was the one who in effect had asked me to do that it would be helpful if he

Senator ERVIN. Now, did Mr. Sharp tell you that they could arrange for you to see the district attorney before Mr. Magruder?

Mr. PORTER. Ares, sir. He stated specifically if we decide that Jeb should go down and see Silbert, we would certainly give you the courtesy of going first. Those were his exact words.

Senator ERVIN. Then you met Mr. Magruder and found out from him that he had already been to see Silbert?

Mr. PORTER. Yes, sir.

Senator ERVIN. Now, did you consult a lawyer friend of yours after you were asked by Magruder to lie?

Mr. PORTER. Yes, sir, I did.

Senator ERVIN. You asked him what he would do under the circumstances, and he said he would probably lie for the President?

Mr. PORTER. Those words were not used, Mr. Chairman.

Senator ERVIN. What words were used?

Mr. PORTER. I stated to—I went, right after Mr. Magruder had had this discussion with me in late June, I went to a friend of mine who happens to be a lawyer, but I did not go to him because he was a lawyer; to share an experience, I think, and I stated what Mr. Magruder had said to me. We talked about it.

I think you have got to protect yourself back a little bit in a period of time. This was in the heat of the battle or the campaign. Here were two loyalists talking between the prospect of having the Democrats, our “enemy” come into our camp and bust our whole campaign wide open. I was not concerned about bad things, I was concerned about things like polling and State strategy and research and advertising and all these other things that could be made public.

So I told him what Mr. Magruder had asked me to do. He made a comment to me. He said, after thinking about it, he said—by the way, I think another important thing, if I may digress just momentarily—Mr. Chairman. I think it is very important that both of us, me particularly, since I am the one involved, believed Mr. Magruder, had no reason to mistrust him at all, that neither he nor anybody else was involved in the Watergate. And he specifically said that it was important that the investigation be confined to the Watergate, and I did not think that I was being asked to do anything in connection with the Watergate break-in at all.

My friend said to me—I think he was speaking rather rhetorically. He said, what difference does it make whether the money was authorized for this purpose or this purpose if what they are apparently saying is that Liddy diverted funds and went off and did something illegal? If one thing is going to embarrass the President and the other one is not, he said, I would not do it for Mitchell and I would not do it for Haldeman, but I would do it for the boss. And that is the feeling I had at the time.

Senator ERVIN. Was that before you testified before the grand jury?

Mr. PORTER. Yes, sir.

Senator ERVIN. Who was the la+sa-er who told you that?

Mr. PORTER. Mr. Chairman, I would respectfully prefer that I not have to Five his
name at this time. Also let's keep who it is. He is not involved in this in an\textit{V}\textit{B}-\textit{aV}. Unless both insist on it, I would prefer not to.

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Senator BARER. And the fear of not being a team player was strong enough to suppress your judgment on what action you should take if you considered an action improper, if not illegal?

WIr. PORTER. Well, I never considered any action up to that point illegal, A5o. 1. However, I was-

Senator BAKER. Do you think an organization, a political organization, should be so anonymous, so military and obedient, so careful for the concerns of peer approval that it, each and every member of that organization, at least up until a certain point and level in the organizational chart, completely abdicates his conscience and judgment?

SIR. PORTER. No, sir; I certainly do not.

Senator BAKER. What caused you to abdicate your own conscience and disapproval, if you did disapprove, of the practices or dirty tricks operation?

WIr. PORTER. Well, Senator Baker, my loyalty to this man, Richard Nixon, goes back longer than any person that you will see sitting at this table throughout any of these hearings. I first met the President-

Senator BAKER. I really very much doubt that, Mr. Porter. I have known Richard Nixon probably longer than you have been alive, and I really expect that the greatest disservice that a man could do to a President of the United States would be to abdicate his conscience.

Mr. PORTER. I understand, Senator.

I first met Mr. Nixon when I was 8 years old in 1948, when he ran for Congress in my home district. I wore Nixon buttons when I was 8 and when I was 10 and when I was 12 and when I was 16. My family worked for him; my father worked for him in campaigns, my mother worked for him in campaigns. I felt as if I had known this man all my life—not personally, perhaps, but in spirit. I felt a deep sense of loyalty to him. I was appealed to on this basis.

Senator BARER. Mr. Porter, I am sorry to interrupt you at this point. We have a warning bell on a rollcall. I know I will return. When we do, I know you will continue this.

[Recess.]

Senator BAKER [presiding]. I might say that the chairman will be here shortly. I understand from the chairman's representative that
it Ivas his ^sish that Eve reopen the hearings and continue.

Mr. Porter, I reiterate what I said earlier, I am in no xway trying
to be antagonistic to you. I have no animosity toward you, I am
trying to probe for a state of mind and the institutional arrangements,
the structuring, the situation that produced what would appear to
me to be an abdication of one's personal judgment of what is right or
*Tong about a particular set of activities. That inquiry xvas frankly
kicked off in my mind by the designation of "dirty tricks" within the
campaign organization itself, by a situation that led you by your
testimony, s.pparentlv, to commit perjury-.

A;Vith that as the end result, I hope you can understand xwhy I am
trying to probe for the set of circumstances that led a young man to
do those things.

I think I have spent most of mv questions. I think that I am at
best in an area of questionable definition, but if you have anything
further you can give me that Would shed light onivhv You agreed to
swear falsely why you closed your mind, apparently, to undesirable
conduct, if not improper coldtlet, in a political campaign, the com-
mittee would be grateful for it.

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Mr. DORSEN. Now, Mr. Porter, you have stated today that at no time did you request immunity from the U.S. attorney's office and, in fact, I know you have not requested immunity from this committee; is that correct?

Mr. PORTER. That is correct.

Mr. DORSEN. And I assume also that you have no desire to be indicted for perjury; is that correct?

Mr. PORTER. Yes, sir, that is correct.

Mr. DORSEN. Could you please tell the committee why, then, at this time did you, or I assume your counsel, seek immunity?

Mr. PORTER. I guess, Mr. Dorsen, that would really have to go, to answer that question fully I would have to go back to Senator Baker’s rather searching questions on Thursday. To matter how much a person prepares he thinks he is prepared to answer a question like that and it turns out when he is faced with it he fumbles a bit and I have done a lot of reflecting on those questions and why I did what I did and why I am here doing what I am doing now. That many of the reasons that the, the normal reasons that you read about in the newspaper and you hear about that people do things like that were not present in my case. I did not do it for money, I did not take a bribe, I did not do it for power, I did not do it for position, I did not do it to hide anything I had done because I did not think I had done anything. And yet, on the other hand, there were three or four factors that probably weighed and I cannot put any percentage on them of which weighed more and which toppled me over onto the other side. My vanity was appealed to when I was told my name had come up in high councils, and I was an honest man and I made a good appearance and that sort of thing. My loyalty was appealed to, to the President. It was the heat of the campaign, a campaign as I am sure everyone of you Senators know was an abnormal situation, you react, you act and react, you spend most of your time reacting, and I was, I think all of those things coupled with what I have found out to be a weakness in my character quite frankly, to succumb to that pressure, all added up to my tipping over to that side.

Having discovered that weakness, and having determined that the context in which what I did has been put, the first thing I told my attorney, I said I want to go down and I want to tell the truth and I do not want to, you know, hide behind a darned thing and I have not tried to make any deals with anybody and, as I say, I have not come to this committee to do so. Senator Baker used the word atonement the other day, perhaps that is what I am doing, I do not know. I will let others judge that but that is the way I feel and that is what I am doing.

Mr. DORSEN. I have no further questions at this time.

Senator GURNEY. Mr. Chairman, could I have one question I would like to put to the Fitness?

Senator ERVIN. Yes.

Senator GURNEY. From time to time these people that you employed in the prank or sabotage department made reports to you, did they not?

Mr. PORTER. On a couple of occasions, I believe they wrote letters and explained what it was they had done; yes, sir.

Senator GURNEY. I am not interested in the substance of the reports. Did they make reports to you by phone conversations?
On June 29, 1972, after Kalmbach agreed to undertake the fund raising assignment, he telephoned Maurice Stans and told him he needed from $50,000 to $100,000 for an important and confidential White House assignment. Later that day Stans delivered $75,000 in $100 bills to Kalmbach in Kalmbach's hotel room. The next day Kalmbach delivered the funds to Anthony Ulasewicz, who previously had undertaken assignments for the White House. Kalmbach told him that the funds were for the Watergate defendants, that the payments would be in absolute secrecy and that contact between Kalmbach and Ulasewicz would be from phone booths using alias names.

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9.2 Maurice Stans testimony, 2 SSC 702-03 170
9.3 Anthony Ulasewicz testimony, 6 SSC 2220-21 172
( 16a)
specific individuals. And as best I can recall this conversations I was a little perplexed on this because I did not know these people at all. And it is --

WII. DASH. Dial you know Fred LaRue?

Mr. KALMBACH. M-ell, I, •)f coulee. kiess Fled LaRue belt casualty i3tlt as to how to distribute these funds—then attain, my best recollection is that he informed me at that point that perhaps Mr. Hasen-icZ might be the one to act as the distributor for the funds.

Mr. DTSII. Is this Tony Ulasewicz?

Mr. KALMBACH. Yes, sir, it is.

Mr. DASH. Is that the Tony Ulasewicz who has testified before this committee before?

Mr. KALMBACH. Yes, it is.

Mr. DASH. Did you know Tony Ulasewicz?

Mr. KALMBACH. Yes, I did.

Mr. DASH. Had you worked with him in the past?

Mr. KALMBACH. I had met with him two or three times total from mid-1969 until approximately October 1, 1971, and I had three conversations, two or three conversations, during that period.

Mr. DASH. Did you have confidence that Mr. Ulasewicz was the kind of person who could be useful in this kind of assignment?

Mr. KALMBACH. Well I knew that he had been acting and unclertaking assignments for the AIrWhite House for that period and I certainly knew that he had the confidence of whoever it was that he was working with, and when he mentioned Mr. Ulasewicz as someone to do this, I said that I would, I certainly would have confidence in him.

3/Ir. DASH. Did you know whether or not—did you know what kind of assignments he had undertaken for the AWhite House before?

Mr. KALMBACH. No, sir.

Mr. DASH. But you knew that he would be somebody that you could have confidence in?

Mr. KALMBACH. Well, I knew that he was a retired New York city police officer who was competent and I was certain that he was someone that could be trusted and I would be—

Mr. DASH. Who other than Mr. Dean were you thinking of when you say they would have confidence? Did you mean Mr. Haldeman?

Mr. KALMBACH. Whoever he was talking for. He was using the editorial "ve" all the time.

Mr. DASH. Well, if he was talking for anybody over in the White House, •who did he work with most often, to your knowledge?

Mr. KALMBACH. Mr. Dean. Yes.

Mr. IV L5IBACH. AVell, he worked with practically everyone in the White House. But, of course, principally

Mr. DASH. A\'\'no above him?

Mr. KiSLAtBACH. He reported to Arr. Ehrlichman. And he also worked closely with
Mr. Haldeman. He did not mention their names in this conversation.

Mr. DASH. Have you ever been given any other assignment of this nature in the past?

Mr. LARACH. No, sir.

Mr. DASH. After meeting with Mr. Dean, what did you do? Did you indicate, first, that you would accept this assignment from Mr. Dean?
Mr. DAslr. And you did accept it on the basis that if Mr. Dean asked you as the President's counsel, that he had authority to ask you for that?

Mr. KALMBACH. Absolutely. I had known Arr. Dean since mid-197 and I had complete trust in the all and knowing that he was counsel to the President.

Mr. D SH. All right, then, you accepted this assignment. What did you do right after that meeting with Mr. Dean?

Mr. KALMBACH. I availed myself back to the Statler-Hilton and I think within a matter of minutes after I divas backs at the hotel I called Mr. Stans.

Mr. D SH. What did you say to Mr. Stans?

Mr. KALMBACH. I told him that I had been given a special assignment requiring as much cash as perhaps he would have available, and I think I mentioned 8,90,000 to 2,100,000, and asked him if it would be possible that he could help me in this assignment.

Mr. D SH. That did he say?

Mr. KALMBACH. He said that he would see what he could do. He said that he would have, as I remember it, he said he would have to go to a safe deposit box but that he would meet me at the Statler-Hilton in my room early in the afternoon.

Mr. D SH. Did he meet you early in the afternoon?

Mr. KALMBACH. Yes, sir, he did.

Mr. D SH. Did he have anything with him?

Mr. KALMBACH. Yes, he did. He had—he gave me $75,100.

Mr. D SH. How were they packaged?

Mr. KALMBACH. It was in $100 bills, as I remember it.

Mr. D SH. How were they packaged?

Mr. KALMBACH. It was in $100 bills, as I remember it.

Mr. D SH. Did he indicate to you the source of that money, Mr. Kalmbach?

Mr. KALMBACH. He did. Xs to $45,000 he said that it was the balance of the $50,000 that he had earlier given me. He said that he was giving it to me now but he did not indicate, as I remember it at all, the source of the balance of those funds.
Mr. DASH. Did you tell Mr. Stans at any time when you asked for this money, when you received it, what that money was going to be used for?

Mr. KALMBACH. No, I did not.

Mr. DASH. Did Mr. Stans question you as to why you needed the money?

Mr. KALMBACH. Avain, Mr. Dash, when I talked to Mr. Stans, we had known each other a number of years. I told him it was for a veldt important assignment, that I had been advised that it was in complete confidence, that I could not tell him the nature of the assignment, that he would have to trust me, and he said "Of course, I do trust you, Herb", and with that he gave me the funds.

Mr. DASH. All right.

Now, what did you do with the motley that Stans gave you?

Mr. KALMBACH. I kept the full CIS until the following day when I gave them to Mr. Ulasevicz.

Mr. DASH. How did you make contact with Mr. Ulasevicz?

Mr. KALMBACH. I believe I had met with Mr. Dean, I recall that, it seems to me that I askecl him to get in touch with Mr. C'aufield who he knew well, and who was a member in Nesy York.
and to ask Atr. Caulfield to call me and give me that member, and then I \(10\) call 31[1]. Ulasewicz, an\(\_\) that is, that is --hat I recall that I did. I received a calf and then called Atr. I.Tlasesvicz late in the afternoon 011 the—let is see, it xvaS the 29th and asking him to come down to Washill,,ton the next day, on the 30th.

FIxx. V.xS34. Did Y011 say any7lill~ on the telephone as to why he should come dosvll R

Air. KAL3r\B\C\$.H. 5'0, I just said I wanted to see him for a. special assi\(rnment.

AI r. DASH. Then you haul a meeting with him ?

Air. KAL^tBACH. Yes. I did.

\(\_\)Wx. DASH. W\(\_\)here did you meet with him ?

Air. K.,L5IBACH. I met with him at my room in the Statler-Hilton Hotel.

\(\_\)tr. D.-ssEr. Did you tell Air. Ulase->vicz or ask him to undertake this assignment ?

Air. K.1L3IBACH. Yes, sir, I did. I told him exactlv what Air. Den had told me, namely that this, the purpose of this assignment vvas to provide funds for these defendants, for their let,al help and also to provide support for their families, and I stressed again the statement that A:\k. Dean had Given to me that it must be in absolute secrecy and confidentiality, and he thoroughly understood and tools t.he funds and left and Vent back to Nexv York.

Mr. DASII. So he agreed to follow out this assignment that you had requested ?

\(\_\)tr. KALMBACH. Yes, sir.

\(\_\)tr. DASH. Prior to Air. Ulasevicz' coming down did yoll again meet with Mr. Dean ?

\(\_\)Wx. KAL3\HACH. Yes. I met with him Friday morning at which time

\(\_\)Wx. DASH. Friday morning ?

\(\_\)Wx. KALAtBACH. At which time I told him that I had contacted Air. Ulasewicz, that Air. Ulasewicz xvould be in Washington that afternoon and that I had raised * 7a,100.

Air. DASH. AN\(\_\)_here->vasthatmeets, in(r?*

\(\_\)Wx. KAL>BACt-l. In my room at the Statler.

Air. DASH. Cotld it have been, Atr. Kalmbach, that you first had coffee in the coffee shop with Air.—this eras the Statler-Hilton'

Air. ECALABACH. Yes, sir, it xvas.

Air. DASH. Yes, could 70t1 first have met in the coffee shop and then 3nyourroom?

Air. A\(\_\)\(\_\)IBACH. AX\(\_\)'ell, it could have been btlt mV recollection is that ve met in my room.

Air. D.\SH. Nonv, you testified that you met—when you met with Mr. Ulasewicz you stressed the secrecy that Atr. Dean had stressed with -ou. Dill yotl arrive at any method with Orb. Ulasewicz as to 3'10T you NVOIIICi Calr) otlt this assignments under a covert operation?

Air. K.\LAIBACH. AN\(\_\)_e]l, the only method divas that xve. vvolllld—it zvas avails
stressed, absolute secrecy. In my conversations with Atr. I stressed that, between ourselves, it would be best for us to use telephone booths, of course, as it had been planned that in his conversations with various of these people to whom he was contacting, he would use an alias.

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Mr. DASH: Would Attorney Ulasenvicz use an alias?

Mr. VALMBACH: Do you know what Attorney Ulasenvicz' alias was during this transaction 2

Mr. VALMBACH: Attorney DASH, does the name Rivers make—

Mr. VALMBACH: That was one of those, yes, sir.

Mr. DASH: Did he suggest that name?

Mr. VALMBACH: I do not know whether he did or whether I did, but in our conversation—but then back, I should then report to either Mr. Dean or Mr. LaRue. Who would give us the directions or give me the directions, I would then give Mr. Ulasenvicz the directions, he would then make the contact with the people.

Mr. DASH: Would your conversation be with Mr. Ulasenvicz by telephone?

Mr. VALMBACH: Yes, sir.

Mr. DASH: And the contact would be from telephone booth to telephone booth.

Mr. DASH: Could you just give me a scenario of how you would contact Mr. Ulasenvicz, or how he would contact you, what one would say to the other, and how you would do it?

Mr. VALMBACH: Well, if there is a typical, and I don't know if there is, but it would, I would receive a call from Mr. Dean or Mr. LaRue with instructions to get $ amount of funds over to one of the defendants or one of the attorneys. I would then call Mr. Ulasenvicz, and so inform him.

Mr. DASH: You would call him and reach him at his home number?

Mr. VALMBACH: I would call him in New York at his home number.

Mr. DASH: Would you tell him to do?

Mr. VALMBACH: I would call him from a pay phone. He would then—

Mr. DASH: You told me the number of another pay phone after 10 minutes later I would call him and he would be at the pay phone.
Mr. DASH. When you called him did you use a telephone credit card?

Mr. IVALMBACH. Always, always it was in cash and it was using a good number of quarters.

Mr. DASH. Putting a lot of quarters in the telephone as you went along?

Mr. IVALMBACH. Yes, sir.

Mr. DASSI. And when you referred to particular people who received, whom would receive that, take for instance Ak. Hunt. Did you have a particular code name for Mr. Hunt?

Mr. IVALMBACH. I think we called Mr. Hunt, just called him "The Writer," he had been an author, we called him "The AVoitel." I think we called Mr. Hunt "The Writer's Wife."

_ I don't know that we called anyone else.

Mr. DASH. Did you have any particular code name for the money that was being distributed?

Mr. IVALMBACH. If there is a code name it's called in —

_ I was at the Stansel Place and she came down to receive the $10 (169)
his cash account, something—Will I had asked him to do as early as April 10 but which he couldn’t do because he was waiting for the return of the process of the *US* checks we were discussing. He showed a balance of $81,000 of cash on hand and expressed some concern about it because he was going on vacation and under the tense situation that was building up he didn’t want to hold the cash in his custody. We discussed it and concluded that the funds were not part of what we had to account for in an audit by the General Accounting Office, and that we should get legal advice.

At that time it was understood within the committee that Robert Mardian had been brought to Washington to work on legal matters that were current at the time, and I event to him for advice. His advice, after he learned the description of the money, was to get the money out of the office and out of the campaign and he stated that I give it to Fred LaRue. Fred LaRue was the right-hand man of John Mitchell, assistant to Mitchell as campaign director. On that advice I gave the money, my half of the money to LaRue and Sloan later gave his half of the money to LaRue. I neglected to say that when Sloan expressed concern about having that money in his custody, I agreed to divide it with him so that there would only be about $40,000 in each parcel, and I took one and put it in my desk and he took one parcel and took it home. I gave mine to LaRue rather promptly, at the first opportunity Sloan went on vacation to Bermuda for about 10 days, and gave his money to LaRue upon his return.

Now, there is some uncertainty as to whether that money passed through Mardian’s hands in each case. I can’t recall whether I gave the $40,000 that I had directly to LaRue or gave it to Mardian to give to LaRue. Sloan did give his $40,000 to Mardian and Mardian gave it to LaRue.

**WIr. EDNIISTEN.** Do you know what happened to that money in the end?

**Mr. STANS.** I do not know specifically what happened to that money. Subsequently I received some funds for several purposes from Fred LaRue. Whether it was part of the same money or other money, I have no way of knowing, and only he could tell.

**Mr. EDNIISTEN.** ~70V, Air. Stans, in late June or early July did you receive a call from Mr. Herbert Kalmbach requestina moneV from you?

**Mr. STANS.** On the 29th of June I received an urgent call from Mr. Kalmbach. He said he was in Washington at the Statler-Hilton Hotel that it was extremely vital that he see me right away, and he wanted me to come over there, and I did. I dropped everything and went over there to see him. He said, 'I am here on a special mission 011 a WNrite
House project and I need all the cash I can get."

I said, "I don't have any cash to Active to You. NVill You take a check?"

He said, "NTo, I can't talie a check, it Must be in (ash, and this has
nothing to do With the campaign. But I am asking for it on hianl,
authority."
Air. STANS. HC did not save "I ain asking for it on high authority an(l you xwill havoc to trust me that I have cleared it properly."

As I sai(l, T 110 cash belonainC to the comlmittee at that time because eve had closed it all out it tl I di(l have two parcels of money that were available, and I gave those to Sir. Inlmbach. They added 111) to $75,000 of funls outside the comlmittee.

Mr. EDNIISTEN. Noxv, Sir. Stan*, did vou not ask him NVlly he wanted this money?

Mr. STANS. Yes, I dill.

Mr. EDNIISTEX. XWhat did he say?

Mr. STANS. He said, "This is for a White House project and that I have been asked to take care of and I cannot tell you. You zvill have to trust me."

Sir. EDNIISTEN. Would Mr. Kalmbach have been your superior in this organization, campaign organization?

Mr. STANS. Nro, Sir. Kalmbach xwas a man I knew very xvell. He had been Illy principal deputy in the 1968 fundraising campaign for Richard Nixon. He subsequently had close affiliation with a number of people in the White House that I lvas aware of.

he svaS personal counsel to the President. He xwas a man that I knew xvas a man of highest integrity, trustworthiness and honesty, and I had no question to doubt, no reason to doubt, anything he told me and I didn't.

Mr. EDNIISTEN. Who in the whole organization would you consider your superiors, and would you just go up the line from you?

Mr. STANS. Well, I do not knolv that I had any superiors. It xvas a unique situation. The finance committee xvas separate from the campaign committee. The campaign committee exercised a dominance over the finance committee by their spending policies, forcing us to raise enough money to pay everything they committed. But I had no superior. I would have taken instructions from the President if he gave me any but he did not, and I would have been influenced by requests from certain people in the White House from time to time but I do not believe I had a superior in that sense.

Mr. EDI\4lSTEN. Well, norv, I just have one more question here. I avant you to think carefully Mr. Stans: Did you have a meeting on June 24, after the break-in, with Mr. John Mitchell to find out from him what what had happened?

?\lIr. STANS. I am not sure of the exact date. I had meetings from time to time with Mr. Mitchell. I probably had one on June 24.

\lIr. EDMISTEN. Did you ask him what happened at that meeting if you recall it?

Mr. STANS. I do not recall that I asked him that question. Certainly I xvas curious about it, and it lvould not surprise me if I had. I has-e no recollection of specifically talking about that subject. That xvas a week after the break-in.

Mr. EDNIISTEX. Yes. Do you recall at any time Nl. Mitchell telling you that there lvere others involved besides those who were apprehended?

Mr. STANS. So I dree.

Mr. EDNIISTEN. At a meeting of that nature about that time?
Mr. Sizr1SER I do. Mr. Chairman, I am stare much to the relief if the committee Atr. Ulasewicz does not have a prepared statement he desires to read. He is here merely for the purposes of answering (uest,olls from the committee and I should like the record to indicate that he appears pursuant to a su[pen]a issued by the committee dated April 30, 1973, and served upon him 011 or about Alay 8, 1973. Thank you, sir.

Mr. LEN'ZNER. Thank you, Mr. Suttel.

Atr. Ulasewicz) you testified here about your relationships Vital Atr. Caulfield in making contact with Wnr. AlcCord. I just avant to ro back and ask vou, xseren you contacted originally by Air. Caulfield In February of 1969 xviti reference to doing some investigative lvork?

Atr. LEN-ZNER. I understand the committee is ItOt going to inquire into that area in any detail at all today but I do avant to ask just two other baszgrotuld questions: First, xvere you also invel viewed by Atr. John Ehrlichman in May of 1969 at the VIP lounge at LaGuardia Airport ?

Atr. 15 I-NSEN< CZ. That is correct.

Atr. LENZDJEEL And in June of 1969 did you meet Arr. Herbert Itnlmbach here in the District of Columbia ?

br. ULASEWICZ. That is correct.

WIr. L.EN-ZD;ER. Noav, on or about June 28,197i, did you receive a call from that same Wir. Kalmbach ?

Mr. ULASEWICZ. Yes) I believe it was on the 99th of June.

Mr. LENZNER. And could you tell us what he said to you and what you said to him ?

Mr. ULASEWICZ. Mr. Iialmbach asked me to come down to Wshinaton the next afternoon, that he wanted to speak to me retarding an assignment.

Mr. LENZNER. And did you agree to do that ?

Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. Did you see him the next dozy ?

Mr. ULASEWICZ. I did.

Mr. LENZNER. And he said to you what he said to you at that time and what you said to him ?

Mr. ULASEWICZ. Mr. Kalmbach advised me that he had a fiery important assignment, and he Vent at least three times over the statement, saying that it nwas a situation that developed that he novas asked to do something and needed my help in doing it. He said that it novas le(ral, that it •N as to provide funds for persons in cl difficulty for pan ment of their counsels, and for payment to assist their fam;lies during some troublesome period. He repent the statement several times. He lvas very ill at ease verV nervous and ave not to the point where I said, "Srell, Afr. Itaimbach just what is this now” and he says, W I have guessed it! it's the Watergate situation.”

dry. LEN%'N)R. Jo. IQasesvicz. let me just interrul t—vouXI VOll pelt the rmierollolle nmore directlv in front of VOll l)lease. thank VOII.

Atr. I-r..lsElvrc z. And he said, "It's the •Vaterrate situations I Bless VOtl have Blessed that*” and I said "Ares. sir.” and he said lAtell. Stain. let me assure vou I
xrollld not in anx xvaV or fashion ask ;ulvone to do anvtilill~ timt I xvonld not enxrafre mV onvn services in. It IS an assign

ment for Isle and I anl asliinf V011 to; do this. It evill net essitate eonti-
dential methods possibly." He could not go into at that time as to what it might completely take in.

' At a certain point in the conversation, he mentioned that there may be a necessity of communicating by telephone with me from time to time, and what might be the best procedures. I said if you mean as far as best procedures of eavesdropping or any of that type that the telephone booth method is the only one, and I started to explain however, "Wherever you want me to call you, you should give me the number in advance, you should check it out, know where I am calling and then I know it in return." And I went right over his head actually because it didn't quite work out that way but we went into the phone booth deal and we agreed to it. After that—

Mr. Lenzner. Would you explain what the phone booth deal was, Mr. Ulasewicz?

Mr. Ulasewicz. Well, if we wanted to be absolutely certain of receiving a call at a cleared phone booth or so he should have, the way it would be he would go into an area where he wanted me to call from a phone booth, establish that it was actually a phone booth but we did make an arrangement later where we did furnish with numbers.

Mr. Lenzner. A phone booth?

Mr. Ulasewicz. A phone booth.

Mr. Lenzner. Did you also talk about names that you and he could contact each other?

Mr. Ulasewicz. Yes. Mr. Kalmbach agreed to use—suggested whenever he might call me in relation to this matter he would use the name Novak and that would be just strictly for myself. In the course of that, he said that if another name would probably be necessary it would be Rivers.

Mr. Lenzner. Who was supposed to else that name?

Mr. Ulasewicz. He anticipated that I might use that name in contact with distributing this money to the people that it would be necessary. At a point in the conversation he said that he had the money with him, and it was $75,100 which he gave me. It was in $100 bills.

Mr. Lenzner. What did you put it in?

Mr. Ulasewicz. Went to the closet of the room and took a laundry bag and put the money in a laundry bag.

Mr. Lenzner. Now going back to the code names, do I understand it correctly, Mr. Ulasewicz, when he called you he would call your home and say, "This is Mr. Novak calling."

Mr. Ulasewicz. Correct.

Mr. Lenzner. And would he leave a number for you to call back? Mr. Ulasewicz. It developed to that, yes. Mr. Lenzner. What would you do after that? Mr. Ulasewicz. What happened when he called Mr. Novak, where he would say it is Novak after our initial call, which I supplied him with telephone, public telephone numbers, I would go to the telephone booth and we had—and he would give me a time usually about a half hour, allowing me time to get to the phone booth and then he would call me at the booth. Mr. Lenzner. Did you go back to New York with the $70,100? Mr. Ulasewicz. Yes, I did. Mr. Lenzner. Dial you thereafter receive money again from Mr. Kalmbach?
On or about June 29, 1972 LaRue met Kalmbach in Kalmbach’s hotel room. Kalmbach advised LaRue of the nature of his assignment to provide financial support for the Watergate defendants. They discussed the method whereby the defendants could be contacted, how the amount of money needed could be determined, the man who would make the contacts (Ulasewicz, alias Mr. Rivers) and a code name to be used for contacts between Kalmbach and LaRue (i.e., Mr. Bradford). They determined that the contacts with the defendants should be made through the defendants’ attorneys.

10.1 Fred LaRue testimony, 6 SSC.....................................2289-90 176
10.2 Herbert Kalmbach testimony....................................5 SSC 2097-99 178
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Arr. L. VRE-F., N-o; IIOt to mV recollection, no, sir.

31t I)vsll. Dicl he not tell vX0t1 that he xvas actinfr orl the approval
of the AXhite House or 3r, . 311t hell o

311. L.-I'vv-fii. 311. I]ash, I clon't recall a disetlssiooll of that naturen
no, Slr.

3rl-. D.ISH. ATOxv. s^hen iwas the suh ject of fundlaisillr for the AVater
gate defendants il'St blought up iil flour prescelle or melltioned to
you?

3lr. LARVE. arl. Dash, I am SOITV. but I doll-t have an.v speciSc
recollectioll or dates regalding the initial discussions on fllndraisin--.

3lr. D.-s11. I am not. tvince to pin voll doxvn to anV particulal date.
Al-as it around this time? AVas it around the time tllat ~on had the
meetin(r v ith Atr. Liddv ?

3lr. L&Ptt-E. Yes; I ivould sav that it ~vas in this time period. To
the best of mV lecollectioll. at the Liedv meetin--. he indicated that
certain commitments had been made to him and subsequentlv passed
bv him to the othel people invols-ed. that certain commitnlenls had
beell made reaardinffl the maintenallce 01 expenses fol the maintenance
of their families. le.C,al expellses.

3ll. DASH. Dicl he tell VOu xvho had made these commitmentsR

Afr. L.xRr.z. S o sir. he dicl not.

3lr. DASErt. But that he expectecl that thel-e svollld be payments
nlade for the bo,> s in jail. is tzhat right ?

3lr. LAR~z. Yes, sir.

Arr. DASH. NOW', nwhat xvas your role to be in this respect at this
time ?

Afr. L.-R-. 3ry role in mhat, I am sorrV ?

3lr. D.ssl-. S that was VOUI- role in proviclino funds or the pavement
for the defendants?

3rl. L.--Rtw. st this time?

Atr. DASH. .-tt this time.

Atr. LARtw. I didn't have any role, 3rr. Dasll.

' 3lr. DASII. Did there come a tinie +z-hen you had a role lvith 3Lr.
IQalmbach ?
3rr. L.sR-. Yes, sir.

3rr. DASH. AsTill you tell us abont that. ~\Arhen ~id vo fil'St leanh that Arr. Ivalmbach •was ,~oinr to be involved and rvhat role vou xvere
gotna to have xved retned to his activities ?

~1. LARUE. 31V best recollection of that., 31r. Dash, svas that I re
oei~ed a phone call from 31r. Ivalmbach to meet him at the Statler
Elilton Hotel, tilat date xvas the latter part of June, Jnne °Si. J~ne 49.

3rr. D.SSH. -llld vou did meet wvith him ?

Afr. L.R-.. Yes^s-sir.

31r. D\SH. Could ~-oll tell [IS svhat happened at that meetin~?

Afr. LsRt-E. I met, xvith 31r. Ivalmbach. the nature of rhat disens
SiOll, as I recall. 311. Ivalmbach stated that he had nildeltal;en an as-
sit nment to raise money to meet the commitments t.hat had been made
to the AVater(rate defen(lants. Ollr diselssioll centelecl on a naethod or
a svay that contact could be made nith the deten(lalls and in lvhic
the amotlnt of moneV eoukl be discilssed or be cleterminecl.

31r. Ivalmb.lell iidicatecl tHat he ha(l a person xvho XVilS 8~-erV clis
creet, very reliable that could be used for this pulpose. A0te dis-
cussed

(176)
311.- 1) ssl-r. Did lle nlelltion llis nallle g

:Arr. L.-RtE. A-o: lle cli(I IIOt nlelltioll his nanle but. as I recall. I-lllilt. this
meetlnt. cletellllilled that rve xvould use a coce nallle. tlr. ItiselE~ for t)wis pelson.

Alr. D.;sl-. I thillIx you have since learnecl that 31 r. t011V t lasexviez svas arl.

Alr. LARI-E. That is 11V understellclin~. ves. Sil-. Alte also disetlsscel hon- ~ve
xvoucl or |IOV Ptxlces collkl estal)llish COItlCt NVIll the defendallts. ancl
it xvas decided that l)robably- the l)est avay sx-ould be for him to trv to col]tact some
of the attornej-s lvho xvere ^sorliillzr til}le defendalts at tllis time.

Alr. Dx~-. Dicl vou arrance anV kind of a relatiiollshil) that Voll alld Alr.
Ivalmbaell xvould have if vou xvanted to call eacll othel about this ?

Alr. L.-R-. Yes, sir.

Alr. D XSH. Xnv l;ind of a code arraneem1ent?

Alr. I2RtE. Yes, sir.

Alr. D.vsel. AN-ill vou tell us about that ?

Arr. L--&Rtw. Alr. IECa]lbach indicated that t}liS ~vas, this xvould be necessary,
that this ~N-ould be a verV secret opelation, and that o-e should conduct our business
by pav telepholles. and that vwe avould use the code name Bradford.

Wlr. DASH. Altere Voll Alr. Bradford ?

Xrr. L&R-. That reall) ~vasn-t, I think. determined, at least IIOt to my linoxvledfre
and consequently lve both ended up xvith the code name Bradford.

Wlr. DASH. In other xvords, xvhell vou called Alr. Ivalmbaeh vou asked for Arr.
Bradford iand if he aslved for VOU, he xvoucl XI eall for Arr. Bradford and you both
xvoucl knolv lvhat vovi lvere talLcint, about ?

Wlr. L.VRlE. That is correet.

3lr.. D.vsH. Did tou learn of svhat prol)lems Alr. Rivers m-as llaving rvith the
laxvyers ?

Atr. LnR-. Yes; that subsequent, a subseqllellt teleplllolle conversatitAt I had lvith
Alr. Bradford—Ivalmbach

3lr. D\SH. Honv often did vou really use that name so as to fall into the habit of
cal l in flf Wlr. Kallnleacll , T3rad ford ?

3lr. L.&Ruz.. He indicated that .Alr. rivers rvas havinfr considerabler difficulty
establishiffir a contact thollfrflle the laxvy~-ers, and as I recall at that time ~ve had a
discussion of this r)rolulem and decided that Atr. Rivers had tried to effect a contact
~vith Atrs. Hunt.
Mr. DXSH, 5-ONV, after our first meeting with Mr. Italmbach and the arrangements were made, did you again meet with Mr. Italmbach in Mr. Dean's office sometime in the middle of July? 4?

Mr. LAREE. Yes, sir.

Mr. DASH. Mr. Dean was present at that time.

Mr. LAREE. That is correct.

Mr. DASH. Could you tell us what was said at that meeting. What was the purpose of the meeting?

Mr. LAREE. At my recollection of that meeting, Mr. Italmbach had seen from Mr. Rivers a—some specific amounts of money that would be necessary or would be required to meet the commitments, there were specific amounts for attorney fees at this time and, as I recall specific amounts of money that were required for mail tellalce of their families.

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Arr. DASH. Did you find a lot of interest awhile you were there at the commission? collierllillfr tilat incident 2

Mr. ISLAIICH. again. Arr. Dash, it was a topic of discussion, and I know that I did talk about it, but it was not more than that.

Arr. DASH. Will right after that committee that incident?

Mr. ISLAIICH. Yes, sir, I did.

Arr. DASH. Now, did you receive a telephone call from Mr. John Dean on June 11

Mr. ISLAIICH. Yes, I did.

Arr. DASH. And what did he tell you on the telephone?

Mr. ISLAIICH. As I remember the telephone conversation, Mr. Dean called me. It was in the early afternoon, mid-afternoon, on the 93th. He told me that if was a matter of extreme importance that I return to or come back to A0Yashington, preferably by the first available flight, to undertake at some important assignment.

Arr. DASH. And what did you do in response to that call?

Arr. DASH. I took a 10 or 10 rla or 10:30 flight that night.

Mr. ISLAIICH. I arrived in A0Yashington when?

Mr. ISLAIICH. I then took a cab into town and checked into the Statler-Hilton Hotel.

Arr. DASH. Did you meet Mr. Dean, either at that time or a later time that day?

Mr. ISLAIICH. Yes. after I checked in and changed, I think probably had some breakfast, I called Mr. Dean around, as I can best recall, around 9 in the morning in his office in the Executive Office Building.

Arr. DASH. And what happened? What did Dean say, what did you say, and what followed?

Mr. ISLAIICH. It seems that in recalling that conversation, I told him that I am here in A0Yashington at the Statler, and I can come over to your office right if that is what you wish.

He replied, "No, you are at the Statler, I am here in the Executive Office Building. avhs-- don’t we both start talking and meet in front of the Elav--tdams Hotel?"

I said, all right." This has never happened before, but it was a nice day, and I said, "All right, I will do that. I will meet 1, 011 in front of the Elav--tdams," and then left the hotel.

I xwaS there also and telephoned the staff at the parli, but no one answered. I left the hotel.
AN'e rvalled for a time and I recall that he T)llt llis foot llp 011 the bellell and macle some avicle (restules. inslie:ltiny tP me tllat. I should lo lilsexvise. zvllich I aln IIOt (ertaill that I urclei:stooel zvhat lle nleallt )V that. btot I recall th.lt V(TV (learly.

Ar--. Isslr. He Ina(le evide gestules alld nlsed V011 to •10 lilien-isei

Act. IV sl--ma le. Aflde Intentus. vwell, indac--sntr that brell lips me rve (sam e observcel), I (m t bellelet ill. P)llt I do lemanover that he diecl. ill fat~t. dotllat. and stizrgest to nle tltalt I do lil;eevise.

(118)
Mr. DASH. You could certainly be a greater target of observation if you were making idle gestures, wouldn’t you?

Mr. KALMBACH. I think so.

Mr. DASH. What, actually did you and Mr. Dean discuss?

Mr. EALSTB. SCH. He indicated that the reason for this call and for my coming back to Washington was that it was necessary to talk to me about a very important assignment, namely that he said—he used the editorial, “We should like to have you raise funds for the legal defense of these defendants and for the support of their families.”

Mr. DASH. When you saw these defendants, IONV

Mr. KALMBACH. These were the seven defendants, Mr. Hilt, fair, liddy, Mr. McCord. Mr. Barker, Mr. Sturgis, Mr. Gonzales

Mr. KALMBACH. That is correct.

Mr. DASH. 5-ONV, you knew that they were for all of these defendants a

Mr. EALSTB. CH. I just remember that he said the Watergate defendants at that time and I was not even certain at that point in time that I even knew their names.

Mr. DASH. All right. Did you ask him any questions about that?

Mr. KALMBACH. Yes, I did. I recall that in my conversation with him, I asked whether or not it wouldn’t be perhaps preferable to have a public committee formed to raise funds for these people and for these purposes. And also, I recall that I wondered aloud about whether or not maybe they could mortgage homes or raise funds in that way—ultimately a public committee could be established. His answer to that was that there was no time for this, that a public committee might be misinterpreted, and he just evaded it aside and pressed on with his requests.

Mr. DASH. Did he tell you how much money might be involved?

Mr. EALSTB. CH. In my recollection is that he indicated $500,000 to $1,000,000 for this assignment.

Mr. DASH. Did he stress, since he had indicated to you that a public effort might be misinterpreted, did he stress that this had to be completely secret?

Mr. ITAI,ZIB.-NCH. Yes. He made a statement the importance of complete secrecy, confidentiality, indicating that if this became known, it might jeopardize the campaign and it would cause misinterpretation as to the reasons for raising these funds and for the help of
these people. *

WIr. DASII. XOur since you appear to raise these funds, how would VOTl

know how much IvaS to be given to which defendants? Was there a

discussion about that?

AIR. IV ALAIRACH. Yes, sir, the I e rv as.

3fr. DASE\. . Could 1'Otl tell us about that?

AIR. I\:\\izarl[DACII. After he had made the requests I asked hint if 1,

ywell I raised the funds, shollld I (rive them to hint for distlibltioll,

and he said, 110,11ot to me. And he indicated, I think Arr. I>llllte xvottld

be the person-

WIr. DASII. Is that 31e . j reTed TaRue ?

3rl-. li TI,5EB\.CII. 3II . Fred TaRne xvould be the person Who would be

iVillCr me siurections ill this assignment as to specific am. tints Sold

(179)
spec,ific indiz idtlals. -tn[l as I call best recall this collvels;lile[jll, I \wats ;t littlo l}erl]lesel] on tllis
because I di(l lIOt knoxv these l}col[e It all. \

Atr. D.ssil. Did —ou knovv Id:red LnPue ?

311. IS.\,i.\,ArB,VCJ1. A5\,ell, I, of course. knesv Fre(l LaRlle l)ilt casrl.illv. fiJut as to hoev to
distribblte tltse fUIdsl thell a=>aill‘ nIV best recollectiOll is that he indicated at tllat pOllt that
l—elhal)s Af. rlaselvicz mi(rilb be the one to act as the distributor for the funds.

Afr. D\,SE\,I. Is thii 0IV Ulaselvicz ?

Blr. - AlL\,IBCH Yes, 3 R.

Afr. D.—S\,I. Is that the Tony T—laselvicz l\vho has testified before this committee before ?

AL. —L\,IBCH Yes, l,kI

3lr. D.vsh—w. Did —011 knovs- Tony Slasesvicz ?

Afr. KAL\,rBA<ch. Yes, Sir—.

Atr. D.

1lr. D-

D. D. VSH. Dicl + ou have confidellce that Atr. Elaselvicz avas the kincl of person vho could
be usefil in this -inci of assifrnment ?

Afr. LxL: wors.vcir. Attell, I kneav that he ha(l been actinr ancl lundertakin,.: assisments for the
lThite House for that periocl and I certainly knenv that he hacl the confidence of lwsoever it svas
that he lvas avorkin vith, ancl lvhen he mentioned 311—. ITlasesvicz a5 someone to do this I said
that I lvoul, I certainly virould ha r e confidence in him.

Nfr. DASH. Did you knovv —vhebel 01> IOt—did —ou knovs- xvhat kincl of assi(rnments he,
had unclertl-en for the White House before?

Afr. KAL\,IBCH NB 3472.1/0, AtL- D.ard.

ar—. DAsdr. But you hlew that he lvoul(l be someboclv that you could have confidence in ?

Wlr. —LAtB\,CH. r-Stella I knev that he —ras a retired Nelv York city r,olice officer nsho rvas
comr)etent and I lvaS certain that he lvas someo'ne that could be trusted and I sould bc

Nfr. DASH. Who other than Afr. l)ean svere vou thinkin r of rvhen vou ;; v t'ne-f. —ould have

—Afr. ]—AL\,IBCH. Attell, whoever he —vas talking for. He was using ttle editorial "sve" all the
time.

Wlr. DASH. AVell, if he lvas talking-r for anvbody os-er in the Brhite House. vhi do he vwork
v—ith most often. to your kl onvledt>, e ?

3lr. KAL\,IBCH NB D. dra?.

Wlr. D.&SH. Yes.

Wlr. I—DASH. AVell, he worked with practically- everyone ill the
AVhite House. Bnt, of colirse, principall—

Wlr. D—VSH. At0Tho above here ?

Afr. KAL\,IBCH. He reported to Afr. F.hrlichman. tnd he also lvorked closely lvith Afr.
Haldeman. He did lIOt mentioll their names in this conversation.

Atr. D.vsr. Have S0111 ever been givetl anv other aslsimnlellt of this nature in the past ?

Wlr. KAL\,IBCH NB 244.

Arr. D Vsll. .fter meetinfr svith art . Dean. what, di(l l V’ll ll flo ? ni,l vou indicates first. that V0lt
lvoul(l [accel] this assifrnlellt from Arr. l)ean ?

3lr. KAL\,IBCH 244

(180)
11. In early July 1972 the President met with John Ehrlichman. Ehrlichman has testified that they discussed executive clemency with respect to those who might be indicted in connection with the break-in at the DNC headquarters, and that the President told him that he wanted no one in the White House to get into the area of executive clemency with anyone involved in the Watergate case and that no assurances of executive clemency should be made to anyone. At the time of this discussion with Ehrlichman, the President was aware that Howard Hunt had "surfaced" in connection with the Watergate break-in and was a former member of the Special Investigations Unit in the White House (the "Plumbers"). The President was concerned that the FBI investigation of the break-in not expose the activities of that unit.


11.2 John Ehrlichman testimony, 6 SSC 2608 189

11.3 John Ehrlichman testimony, 7 SSC 2848-49 190

11.4 President Nixon statement, August 15, 1973, Presidential Documents 991, 993 192

11.5 President Nixon news conference, November 17, Presidential Documents 1345, 1347 194

11.6 President Nixon statement, May 22, 1973, 9 Presidential Documents 693, 696 196

(181)
Q: It is an affirmative statement, as you recognize.

A: Unquestionably my recollection of that was better then than it is now because I just haven't had any occasion to go back over the...

BY OUR. NED:

Q: So the answer is that there may be some there in the President's papers, but at the present time you have no recollection of what the conversation would be and with whom?

A: Yes. I wish you would ask my attorney and I would be happy to provide those.

BY MR. BEN-VENSTE:

Q: Can you furnish the other trio that you have mentioned to this Grand Jury within the next day or so?

A: Yes. I wish you would ask my attorney and I would be happy to provide those.

Q: When was the first time you had ever heard or discussed with anyone the subject of clemency with respect to any of the persons who were indicted or who might have been indicted in connection with the Watergate break-in?

A: As I recall, that would have been a conversation that I had with the President around the Reek of the Fourth of July of 1972.

Q: That's the very first time?
That I can recall, yes. Who was present?

DV
A: No one else. L 973 V

Q: What was the substance of the conversation?

A: Well, it was a very Songs t-i-n-lng Conversation 2<>o-tlt

a lot of things, and in the course of that we talked about the

Watergate exculpatory, and I raised the point with the President

that presidential pardons or s-o; other thing of that kind inevitable

would be a question that he would have to confront by reason of

the obvious political


We discussed it briefly at that point. I.e expressed

the final view that for what he considered to be very sound

reasons, he would never be indisposition to grant a pardon or

any form of clemency in this case.

And then on the basis of that, he and I agreed, and,

I can't say Isho said it, that this ought not to be a subject

i. Iw that was ever brought to his door; that it just should be

sor; lething that alas excluded from his consideration.

Q: And then, on the basis of all your previous testimony, that there Ends no suggestion that this I

1)li break-in had been authorized by anyone connected with the White

E Ellise or the Committee to Reelect the President, or anyo; te!

i representing the president?

A: That's right, but it was obviously an effort —— on the

i! the four corners or it — an effort adverse to ou~ opposition,

At f our political opposition, and is the President were ever intrit—

.1 ed to take any action on clemency, all kinds of suspicions and
aspect of this.
all kinds of imputations to them than arise.

Q Well, this would be quite preliminary for considering a, i.e. clemency, which normally takes place after trial and conviction of the defendants, and some service of sentence.

A ashby did you believe at what time, if I understand your testimony, that it would inevitably or it was likely that, this subject would come up for discussion?

Q In July of 1972 you said to the President that this was a hazard which might come up, and that it was something that you ought to discuss then?

A I didn't say we ought to discuss it. I said it was just something that came in the flow of the conversation and we did discuss it.

Q what else were you discussing at that time that this was a matter of foresight as far as I was concerned, trying to anticipate future problems that might come up is one of the things that I was there for.

A I didn't think it was inevitable, but I thought it was certainly a hazard; this thing for the President and this was a matter of foresight as far as I was concerned.

Q In July of 1972 you said to the President that this was a hazard which might come up, and that it was something that you ought to discuss then?

A I didn't say we ought to discuss it. I said it was just something that came in the flow of the conversation and we did discuss it.

Q I just something that came in the flow of time conversation and we did discuss it.

A I can remember one thing we discussed was the development of the waterfront on the southern coast of California.
just all over
Well, let's bore from watersgate. It was in the setting of the Watergate episode then being quite removed from the President and his candidacy and the re-election effort by reason of the identity of these defendants being so removed from any hierarchy or from the White House.

I think I raised this in the sense that there were only a couple of ways that it could ever be imputed to the President or could any way be a liability to him, and obviously this was one of those ways.

Q: That if prior to the election he grants an executive clemency to someone who hadn't been tried yet?

A: No, not prior. I wasn't thinking of prior. I was thinking of sometime off in the future, in other words, we were looking at it in the lone haul and not ill any near term imminently basis at all.

Q: And you both wanted to make sure that no one reater

A: Tenting the White Accuse would have any discussion linking that President to any question of clemency or leniency. Faith respect to these arrested defendants?

A: That's the way we generally ended up with an under—

YI standing to that effect. It wasn't this great huge thing at
that time at all. It was just the first time I can ever

(185)
And you say that there was no suggestion from any other person at any time before that that this might be an area that you ought to discuss either practically or otherwise?

Not that I can recall, no.

When was the next time you heard anyone discuss the matter of clemency?

A. The next time that I remember it being a question or a problem was in January of this year at this meeting with Mr. Dean and Mr. Colson on the subject of Mr. Hunt.

Q. Between July and January you have no recollection of anyone at all even mentioning the subject of leniency, clemency, the length of sentence that any of the defendants might get, how they might react to a long sentence, and so forth?

A. I remember conversations about -- well, speculations about sentence.

Q. With whom did you have that conversation?

A. Just speculations. I don't know. It may have been one of the things that Dearl was reporting from time to time. He was, of course, talking to the Justice Department.
and he was trying to anticipate what was going to happen in the case

and he also bringing advance the bits, so to speak, as they would

I come along, and I think this business of sentencing was one of these things that he brought over.

DV

(186)

Al
That's right.

twos you have testified in the last two days that
--- appaX entry contrary to your Ss~nace testimony -- that .flr.
Dean did rot tell you on June 19th, 1972, that he had had a conversation with Liddy, and that Liddy had said U at i. I was Liddy's operation.
and Dean further related the it was i just a matter of tine before the Justice Department picked him up .

You've testified that you are Unclear about that, and you think that it might not have been until the Fourth of Bigly when you heard that from Dean. Is that fair to say?

A No. I think what's fair to say is that I'm not sure and I'm not. I don't intend to testify contrary to any prior testimony, but I do have to give you the best sense of j my recollection that I have, and the sense of it is that it was later than that date.

Q But your best recollection is that it was between June 19th and the Fourth of July?

A Someplace in that area,

Q Now when was the first time that you were aware that the President was aware that Liddy had an involvement i

A I don ' t know.

Q Was the President aware of that on the Fourth of July?

A No.
Q: Was he aware of it before the 10th or July, based on your long and very complete discussions with him on the 5th, 7th, and 8th of July?

A: I don't know.

Q: Was he aware of it at the time you had a discussion, about the possibility of executive clemency coming up for some of these people?

A: I don't know. I don't recall discussing Liddy with the President or his indicating his awareness of Liddy to me on any specific occasion.

Q: But you have testified that you were aware of it, say by July 6th, or that week of July 4th when you -- after July 4th when you had these conversations with the president you were undoubtedly aware from Dean that Liddy had admitted Dean that it was Liddy's operation, is that correct?

A: I would assume so.

Q: Are you testifying that you were aware of that and you had conversations with the President about the possibilities of executive clemency for these people, and you just omitted to tell the President the general counsel for the finance committee had admitted to Dean that it was his opera tion?

A: No, I'm not testifying to that.
First of all, did you have—your logs show that you had meetings with John Dean on January 3, 1973, January 4, and January 5.

Would you tell the committee what the subject of those meetings was, beginning with the 3d?

MR. EHRLICHMAN. On January 3, I met twice with Mr. Dean, once alone at noon and once at 2 p.m. with Mr. COLSON. The meeting with Mr. Colson related to a letter which Mr. Dean had told me about at our earlier brief meeting, and this was a letter which I believe Mr. Colson had received from Mr. Hunt. I believe I am correct about that. It was a melancholy and very passionate kind of letter. I think the letter is in the record, as a matter of fact. And it talks about his being abandoned by his friend and so on. It was on the heels of Mr. Hunt having lost his wife.

Mr. Colson was genuinely concerned and shaken by this. He had had long friendships with the Hunts, both Mr. and Mrs., and he had proposed to Mr. Dean that he get together with Hunt or with Hunt’s attorney, at least, to register his continuing friendship and his compassion for Hunt’s loss of his wife and so on, and so that Hunt would not feel that he had been abandoned by his friend. This is the thing that we discussed with Mr. Colson that evening at 7 o’clock.

I took it as almost a given in the meeting that there would be some contact between Mr. Hunt or his attorney and Mr. Colson. And it was simply a question of what the proper conduct would be under the circumstances, it being, obviously, delicate to have a White House contact of one of the defendants right at this particular point in time. So it was discussed and it was discussed in terms not of a personal meeting between them, which is what Mr. Hunt, apparently, wanted in the letter, but Mr. Colson talking with William Bittman, who was then Hunt’s attorney, and conveying this message of support, personal support through that avenue.

Mr. Dean raised the cautionary warning that if anybody from the White House sat down with Mr. Bittman in a situation like this, that there was an inevitable opportunity for misunderstanding as to the purpose of the meeting, as to assurances that might or might not be given, and so forth.

clemency was obviously at the forefront of everybody’s mind in this meeting as one of the things which was a potential danger, and I advised both people at the meeting, Mr. Dean and Mr. Colson, of a previous conversation that I had had with the President on that subject, and indicated to them that

Senator GURNEY. That was back in July, was it?

MR. EHRLICHMAN. Yes, sir. I indicated to them the substance of that conversation, which was that the President wanted no one in the White House to get into this whole area of clemency with anybody involved in this case, and surely not make any assurances to anyone.

Mr. Colson said that he was sure that he could avoid that pitfall and have the conversation. He was advised by Mr. Dean to either take notes or make such mental notes of the conversation that he could reconstruct the conversation if the question ever came up again. And that is what Mr. Colson did. We had a subsequent meeting where—

Senator GURNEY. Before we go to the subsequent meeting could you be a little more explicit in your testimony as to how the discussion arose about Executive clemency? Who brought it up, and who said what on this subject at the January 3 meeting?
Mr. DASH. Now, I think your diary shows you did meet with Mr. Colson and Mr. Dean on January 3, and then you met with the President and Mr. Haldeman on January 4 and again with Mr. Colson and Mr. Dean on January 5. This is approximately the time that Mr. Dean had testified that the request or the issue came up concerning Air. Hunt's desire for Executive clemency. Mr. Colson and Mr. Dean, according to Mr. Dean's testimony, spoke to you about it and that you said, according to his testimony, that you would check with the President and came out and said that no commitment should be made, but that some assurance should be given to him. Do you recall that, not the testimony, but do you recall him doing that?

Mr. EHRlichMAN. Doing what Mr. Dash?

Mr. DASH. Being asked by Mr. Colson and Mr. Dean to raise the question of Executive clemency for Hunt with the President?

Mr. EHRlichMAN. All right, stop right there. They did not do that.

Mr. DASH. All right.

You are checking with the President whether or not it would be possible to give Mr. Hunt Executive clemency.

Mr. EHRlichMAN. That would be on the 4th of January in the company of Dr. Kissinger and Mr. Haldeman; is that right?

Mr. DASH. Sometime around that.

Mr. EHRlichMAN. That meeting at 3:02 on the 4th. Is that the meeting you are suggesting?

Mr. DASH. You met with the President a couple of times during that period of time but on the 4th you did meet with the President?

Mr. EHRlichMAN. I did not, as a matter of fact. I met with the President one time on the 4th at 3:02 in the company of Mr. Haldeman and Dr. Kissinger. Is that the time you are suggesting that I asked the President if we could give Mr. Hunt Executive clemency?

Mr. DASH. Did you meet with the President on January 5?

Mr. EHRlichMAN. Not according to my record. Oh, excuse me. Dr. Kissinger and I had a 10-minute meeting with the President at 4:55 on that day.

Mr. DASH. Did you at any time meet with the President and discuss Executive clemency?

Mr. EHRlichMAN. Yes.

Mr. DASH. When?

Mr. EHRlichMAN. In July of 1972.

Mr. DASH. Now, why in July of 1972 would you be discussing Executive clemency with the President?

Mr. EHRlichMAN. Because it occurred to me as an organizational proposition that sooner or later somebody was going to raise this issue and I thought it would be a very good idea to talk it through with the President before it came up in any specific context, and find out exactly where we stood.

Mr. DASH. By that time the indictment had not come down?

Mr. EHRlichMAN. That is CORRECT.

Mr. DASH. It was shortly after the break-in. Why would it even come to your mind that any of the defendants would have raised the question of Executive clemency?

Mr. EHRlichMAN. Because you had a defendant who was an employee of the Committee To Re-Elect the President and it seemed to
me just a very natural thing that inferences would be raised at some
time in the future. We had a long walk on the beach on that particular
day and we talked about a lot of subjects and this was one of the
subjects we talked about.

Mr. DASH. Had you any discussion with Mr. Colson or Mr.
Hunt at that time about it ?

Mr. E HRLICHMAN. At that time ?

Mr. D ASH. Yes.

Mr. F,HRLICHMAN. Not that I can recall.

Mr. DASH. It would seem unlikely that you would and it just is
somewhat surprising that so early after the break-in you would even
be talking about Executive clemency with the President.

Mr. EHRLICHMAN. Who did it surprise, Mr. Dash ?

Mr. DASH. I said it does seem surprising.

Mr. EHRLICHMAN. To you ?

Mr. DASH. To me, that you in July shortly after the break-in,
before any indictments, that you would be discussing Executive
clemency, but that is your testimony, that you did.

Mr. EHRLICHMAN. All right that is what happened.

Mr. DASH. And you never did after having any discussions with
Mr. Dean later on in January ?

Mr. E HRLICHMAN. I am sorry, I did not hear the question

Mr. D ASH. And you never again discussed that with the
President after talking with Mr. Dean about Executive clemency?

Mr. EHRLICHMAN. Never again? No, I think there were
discussions in March and April of this year about the allegations that
Mr. Dean was makings

Mr. DASH. I am referring back earlier to the January period
because, to put the point in time accurately, just before Mr. Hunt
pleaded guilty is when Mr. Dean

Mr. E HRLICHMAN. Mr. Dean's original story was of course,
that I jumped up from the meeting and ran downstairs and popped
into the Oval Office which, of course was nonsense. So then, he
contrived this other story and neither one of them are true, Mr. Dash.

Mr. DASH. On February 10,1973. you, All. Haldeman, Mr. Dean,
and Dick Moore did meet in la Costa, did you not?

Mr. EHRLICHMAN ?. Yes, sir.

Mr. DASH. Could YOU tell us what the purpose of that meeting
was?

Mr. E HRLICHMAN. Yes, that meeting was called because the
President had asked who was handling the preparation of the White
House case for the Senate Select Committee hearings, and what
planning was being done, and what was the White House position
going to be on matters like executive privileged and there were no
answers to those questions. We had just come from the inaugural,
everybody had been very busily occupied up to that point, and
frankly, there was not anybody handling that, and so one of us and I
forget who, called John Dean and asked him to come out and sit
down and talk through this whole subject of White House response,
so to speak, to the upcoming hearings of the Senate Select
committee.

Mr. I) ASH. Well did the discussion include just—not only the\
White House response in general on executive privilege issues, but did it also include what steps you might take in terms of affecting the resolution authorizing this committee? What steps you might take in obtaining

(191)
The time has come to turn Watergate over to the courts, where the questions of guilt or innocence be long. The time has come for the rest of us to get on with the urgent business of our Nation.

Last November, the American people were given the clearest choice of this century. Your votes were a mandate, which I accepted, to complete the initiatives we began in my first term and to fulfill the promises I made for my second term.

This Administration was elected to control inflation—to reduce the power and size of Government—to cut the cost of Government so that you can cut the cost of living—to preserve and defend those fundamental values that have made America great—to keep the Nation's military strength second to none—to achieve peace with honor in Southeast Asia, and to bring home our prisoners of war—to build a new prosperity, without inflation and without war—to create a structure of peace in the world that would endure long after we are gone.

These are great goals, they are worthy of a great people, and I should not be true to your trust if I let myself be turned aside from achieving those goals.

If you share my belief in these goals—if you want the mandate you gave this Administration to be carried out—then I ask for your help to ensure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed.

I ask tonight for your understanding, so that as a Nation we can learn the lessons of Watergate and gain from that experience.

I ask for your help in reaffirming our dedication to the principles of decency, honor, and respect for the institutions that have sustained our progress through these past two centuries.

And I ask for your support in getting on once again with meeting your problems, improving your life, building your future.

With your help, with God's help, we will achieve those great goals for America.

Thank you and good evening.

Note: The President spoke at 9 p.m. in his Ox-al Office at the White House. His address was broadcast live on radio and television.

The Watergate Investigation

On May 17 the Senate Select Committee began its hearings on Watergate. Five days later, on May 22, I issued a detailed statement discussing my relationship to the matter. I stated categorically that I had no prior knowledge of the Watergate operation and that I neither knew of nor took part in any subsequent efforts to cover it up. I also stated that I would not invoke executive privilege as to testimony by present and former members of my White House Staff with respect to possible criminal acts then under investigation.

Thirty-five witnesses have testified so far. The record is more than 7,500 pages and some 2 million words long. The allegations are many, the facts are complicated, and

the evidence is not only extensive but very much in conflict. It would be neither fair nor appropriate for me to assess the evidence or comment on specific witnesses or their credibility. That is the function of the Senate Committee and the courts. What I intend to do here is to cover the principal issues relating to
my own conduct which have been raised since my statement of May 22, and thereby to place the testimony on those issues in perspective.

I said on May 22 that I had no prior knowledge of the Watergate operation. In all the testimony, there is not the slightest evidence to the contrary. Not a single witness has testified that I had any knowledge of the planning for the Watergate break-in.

It is also true, as I said on May 22, that I took no part in, and was not aware of, any subsequent efforts to
write a complete report on all that he knew of the entire Watergate matter. On March 28, I had Mr. Ehrlichman call the Attorney General to find out if he had additional information about Watergate generally or White House involvement. The Attorney General was told that I wanted to hear directly from him, and not through any staff people, if he had any information on White House involvement or if information of that kind should come to him. The Attorney General indicated to Mr. Ehrlichman that he had no such information. When I learned on March 30 that Mr. Dean had been unable to complete his report, I instructed Mr. Ehrlichman to conduct an independent inquiry and bring all the facts to me. On April 14, Mr. Ehrlichman gave me his findings, and I directed that he report them to the Attorney General immediately. On April 15, Attorney General Kleindienst and Assistant Attorney General Petersen told me of new information that had been received by the prosecutors.

By that time the fragmentary information I had been given on March 21 had been supplemented in important ways, particularly by Mr. Ehrlichman’s report to me on April 14, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15, and by independent inquiries I had been making on my own. At that point, I realized that I would not be able personally to find out all of the facts and make them public, and I concluded that the matter was best handled by the Justice Department and the grand jury. On April 17, I announced that new inquiries were underway, as a result of what I had learned on March 21 and in my own investigation since that time. Instructed all Government employees to cooperate with the judicial process as it moved ahead on this matter and expressed my personal view that no immunity should be given to any individual who had held a position of major importance in this Administration.

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up. On May 22 I said that at no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer. I reaffirm that statement. Indeed, I made my view clear to Mr. Ehrlichman in July 1972, that under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout. On May 22 I said that “it was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg’s psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.” After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17 that I first learned of the break-in at Dr. Fielding’s office, and that was 4 days before the beginning of my own investigation on March 21. I was told that nothing by way of evidence had been obtained in the break-in. On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen to stick to the Watergate investigation and stay out of national security matters. On April 25 Attorney General Kleindienst came to me and urged that the fact of the break-in be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred and authorized him to report the break-in to Judge Byrne.

In view of the incident of Dr. Fielding’s office, let me emphasize two things.

First, it was and is important that many of the matters
worked on by the Special Investigations Unit not be publicely disclosed because disclosure would unquestionably damage the national security. This is why I have exercised executive privilege on some of these matters in connection with the testimony of Mr. Ehrlichman and others. The Senate Committee has learned through its investigation the general facts of some of these security matters and has to date wisely declined to make them public or to contest in these respects my claim of executive privilege.

Second, I at no time authorized the use of illegal means by the Special Investigations Unit, and I was not aware of the break-in of Dr. Fielding's office until March 17.

Many persons will ask why, when the facts are as I have stated them, I do not make public the tape recordings of my meetings and conversations with members of the White House Staff during this period.

I am aware that such terms as "separation of powers" and "executive privilege" are lawyers' terms, and that those doctrines have been called "abstruse" and "esoteric." Let me state the commonsense of the matter. Every day a President of the United States is required to make difficult decisions on grave issues. It is absolutely essential, if the President is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals and that they be able to talk in the same fashion with him. Indeed, on occasion, they must be able to "blow off steam" about important public figures. This kind of frank discussion is only possible when those who take part in it can feel assured that what they say is in the strictest confidence.

The Presidency is not the only office that requires confidentiality! if it is to function effectively A Member of Congress must be able to talk in confidence with his assistants. Judges must be able to confer in confidence with their law clerks and with each other. Throughout our entire history the need for this kind of confidentiality
Upper Great Lakes Regional Commission

An7z0glement of Intention To Nominate Raymond C. Anderson To Be Federal Cochairman.
November 16, 1973

The President today announced his intention to nominate Raymond C. Anderson, of Maple City, Mich., to be Federal Cochairman of the Upper Great Lakes Regional Commission. He will succeed Thomas F. Schveigert, who became Alternate Federal Member of the Delaware River Basin Commission on September 6, 1973.

From 1969 to 1971, Mr. Anderson served as executive assistant to Michigan Gov. William G. Milliken. He has been retired since 1971 and was also retired from 1964 to 1969. From 1969 to 1964, he served as administrative assistant to then-Congressman Robert P. Griffin, from 1952 to 1959, he was administrative assistant to Senator Charles E. Potter of Michigan, and he was administrative assistant to Congressman Roy O. Woodruff of Michigan from 1937 to 1944 and from 1946 to 1992.

He was born on March 5, 1919, in Grand Rapids, Mich. Mr. Anderson was graduated from Grand Rapids Junior College in 1939. From 1944 to 1946, he served as an officer in the U.S. Navy.

NOTE: The announcement, as released at Key Biscayne, Fla.

Associated Press Managing Editors Association

The President’s Remarks—Question-and-Answer Session at the Association’s Convention in Orlando, Florida. November 17, 1975

Q. Mr. President, this morning, Governor Askew of Florida addressed this group and recalled the words of Benjamin Franklin. When leaving the Constitutional Convention he was asked, "What have you given us, sir, a republic or a republic?" Franklin answered, "A republic, sir. . . if you can
Mr. President, in the prevailing pessimism of the lingering Watergate, can we keep that republic, sir, and how?

THE PRESIDENT. Well, Mr. Quinn, I would certainly no. I am standing here answering these questions unless I had a firm belief that we could keep the republic, that we must keep? it not only for ourselves, but for the whole world? I recognize that because of mistakes that were made, and I must take responsibility for those mistakes, whether in the campaign or during the course of an administration, that there are those who wonder whether this republic can survive. But I also know that the hopes of the whole world--for peace, not only now but in the years to come, reside in the United States of America. And I can assure you that as long as I am physically able to handle the position which I was elected, and then reelected last November
PRESIDENTIAL DOCUMENTS: RICHARD NIXON, 1973
1347

11.5 PRESIDENT NIXON NEWS CONFERENCE, NOVEMBER 17, 1973,
9 PRESIDENTIAL DOCUMENTS 1345, 1347

...will the middle of a conversation I had also with WIL. Pt etSc,l, and the conversation at 1 o'clock at niSi, it Bvth !W(r. Do in was not there.

t is. I trick to find what is-cr recording, what vet record that we unNi help the prosecutor in this instance to reconstitute the evidence, because it was the evidence th at he was alter and not just the tape.

5What I found xVili not a dictaphelt. XVhat I found was ma handssntten notes nade at the time of the conversa
tion. I have ninned those over to or hast authorized my
counsel to turn those notes over to the judge, so that he
can hare them checked for authenticity, and I understand
there are ways that he can tell that they were written
at that time. Those handwritten notes are available.

And then I did one other thing which I think will also be
helpful. The next day I had a conversation with Air. Dean in
the morning at 10 o'clock. That conversation was recorded,
and in that cons ersation there are repeated references to
what was said the night before, and when compared
with my handwriten notes it is clear that we are discussing
the same subjects.

That entire tape, as well as the conversation I had in the
afternoon with Wlr. Dean for about 20 minutes hill be made
available to the court even though the court has not
subpoenaed them.

I would just simply say in conclusion you can be very sure
that this kind of a subject is one that is a difficult one to
erclpair. It appears that it is impossible that when we have
an "Apollo system that we could have two missing tapes when
the XWhite House is concerned. Let me explain for one
moment what the system was. This is not' Apollo system. I
found that it cost—I just learned this—$2,000. I found that
that instead of having the kind of equipment that was there
when President Johnson was there it was incidentally much
better equipment. Watn I found— and I am not saving that
critically—but I found that in this instance it was a Sony,
a little Sony that they had, and that they had are these
little lapel miles in my desk. And as a result the
conversations in the Oval OfficesF the conversations in the
Cabinet Room, and particularly those in the EO13, those are
the three rooms, only those three rooms where they
recorded—for example, the l'estem

> Little House had no recording erluiDment, and my house
in Key Bicccayne had none—but as Ear as those particular
recordings are concerned the reason that you have heard
that there are difficulties in hearing them is that the system
itself was not a sophisticated system.

I do not mean to suggest by that that I had ever tee judge, be
listenci,lo to then. will not he able to get the facts.; asal I
.nubhl al---- conchime by saying thi>: I think I know as
hilt is on these tapes front has ing li -to m el to sonle, those
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trust n some way; e can fin--d a wax at least to get the
substance to the .Americian peo,al.c, they trill prove the->e
thingssvithOlt qtle:stl~~!ll:

One, that I had no knossledgc svhatev-er or the In
atgerate break-in before it occurred.

Two, that I never authorized the of Ter of .-lencnt to
anybody and, as a matter of fact, turned i; dowel
~--henever it was suggested. It >-as not recommended ho
any member of my staff but it rvas, on occasion. sug.rct- d
ill. ~ result of news; reports that clemency might become a
factor.

Ancl third, as far gas any l:noxvled,e with regard to the
payment of blackmail money, which, asxou recall, SV2S
the c large that seas made, that Slr. Hunt's attorney had
asked {or $120,000 in mone} to be paid to him or he could tell things about members of the White Hotline Staff, not about Watergate, that might be embarrassing.

Estimony had been given before the Senate committee that I orally told that before the 21st of August, actually told it on the 13th of August. I knots I heard it for the first time the 21st of August, and I avid release this much of the conversation—I am sure the judge wouldn't mind.

I recall very well Mr. Dean, after the conversation began, telling me, "Mr. President, there are some things about this I haven't told you. I think you should know them." And then he proceeded then for the first time to tell me about that money.

Now, I realize that some will wonder about the truth of these particular statements that I have made. I am going to hand out later— I won't hand them out, but I will have one of your executives hand out my April 92 statement, my August 15 statement, and one with regard to these two tapes. You can believe them if you want—I can tell you it is the truth because I have listened to or have had knowledge of, from someone I have confidence in, as to what is in the tapes.

Q. Mr. President, Richard Tuttle, Democrat and Chronicle, Rochester, New York. Could you tell us your personal reaction and your political reaction—and within that word I mean your credibility with the American people—your reaction to the discovery that the Dean and Mitchell tapes did not exist?

The President.

Well, my personal reaction was one of great disappointment, because I wanted the evidence out, and I lonesv at that hen there was ant indication that something didn't exist, immediately there would be the impression that some ssay, either the President, or more likely, perhaps somebody on the President's staff, I mesv there was something on those tapes that it wasn't be lvise to get out. B] t let me point out again, while I disappoioted, let me say I hazr been a lot more dissapoioted if the tapes had been consoleed in:pot. Int by both Sf. G]x. the Special Prlser.vtor, alci the Elxin comtittec, if any one of those had been missing.

(195)
President Nixon's statement, May 22, 1973,


71.6 PRGUSSIDENT NIXON'S STATEMENT, MAY 22, 1973, 9 PRSSIDENTIAL Documents 693, 696

\( \text{\textcopyright} \text{1973} \text{ by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The \textcopyright 1973 by The

I have not and I do not claim to have had any prior knowledge of what has been called the Watergate operation.

I also took no part in, nor was I as aware of, any subsequent effort to get someone to do what I never did.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I
learn of any such offer.

4. I did not know, until the time of my own investigation, of any effort to provide the Watergate
defendants with funds.

5. In no time did I attempt, or did I authorize others to attempt, to implicate the CLS in the RWatergate
matter.

6. It was not until the time of my own investigation that I learned of the break-in at the office of Dr.
Ellsberg’s psychiatrist, and I specifically authorized the furnishing of this information to Judge B.

7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign
tactics.

In the accompanying statement, I have sought to provide the background that may place recent
allegations in perspective. I have specifically stated that executive privilege will next be involved as to
any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the
matters under investigation. I want the public to learn the truth about Watergate and those guilty of any
illegal actions brought to justice.

... allegations surrounding the Watergate affair have so escalated that I feel a further statement from the
President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand reports are
categorized as fact.

Important national security operations which have no connection with Watergate have become enmeshed in the
process.

As a result, some natural security measures had no connection with Watergate have become enmeshed in the
process.

Purpose to those who have concerns.

(196)
The burglary and bugging of the Democratic National Committee headquarters came as a complete surprise to me. I had no inkling that any such illegal activities had been planned by persons associated with my campaign; if I had known, I would not have permitted it. My immediate reaction was that those guilty should be brought to justice, and, with the five burglars themselves already in custody, I assumed that they would be.
Within a few days, however, I was advised that there was a possibility of CIA involvement in some way.

It did seem to me possible that, because of the involvement of former CIA personnel, and because of some of their apparent associations, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in.

In addition, by this time, the name of Mr. Hunt had surfaced in connection with Watergate, and I was alerted to the fact that he had previously been a member of the Special Investigations Unit in the White House. Therefore, I was also concerned that the Watergate investigation might well lead to an inquiry into the activities of the Special Investigations Unit itself.
12. In or about July 1972 and at other times subsequently, John Dean told H. R. Haldeman that CRP was raising funds for those involved in the break-in at the DNC headquarters.

12.1 H. R. Haldeman testimony, 8 SSC 3046–47 200

12.2 John Dean testimony, 3 SSC 969 202

(199)
Mr. DASH. And certain wiretaps that had been taking place for certain security purposes.

Mr. HALDEMAN. I did know of security wiretaps.

Mr. DASH. Now, when did it come to your attention, Mr. Haldeman, that certain funds were being raised to pay for the legal fees of the defendants?

Mr. HALDEMAN. Sometime in the period shortly after the Watergate break-in and I am not sure again of any specific date or occasion on which I became aware of that, but I was told at some time in that period and I was told at other times subsequently, I am sure by John Dean, and I think possibly also by John Mitchell, that there was an effort by the committee to raise funds to pay for the legal fees and for family support of the defendants who had been arrested in the Watergate burglary.

Mr. DASH. Now, when you received that information from Mr. Dean and/or Mr. Mitchell, did you raise any question? Did you ask why Mr. Mitchell, who was heading up the campaign, and Mr. Dean, who was counsel to the President, would be involved in raising funds to pay for legal fees and families of burglars and wiretappers?

Mr. HALDEMAN. No; I did not. This was incidental information that I received and dismissed. I did not pursue it in any way.

Mr. DASH. Well, did you consider that if that became public that it might be a matter of embarrassment to the campaign?

Mr. HALDEMAN. No; I did not consider that.

Mr. DASH. Why not?

Mr. HALDEMAN. I am not sure that one is able to explain why he did not think something, but I did not. The reason—let me say that as a partial explanation—I have had a general awareness that there was a public effort to raise funds for the Watergate defendants and I do not know that I knew that these efforts were different than the public effort.

Mr. DASH. DO you know what

Mr. HALDEMAN- There was a reference to the Cuban fund.

Mr. DASH. DO you know whether it was a public effort to raise funds for Mr. Liddy, Mr. Hunt, Mr. McCord?

Mr. HALDEMAN. No; and I never heard any discussion of this in my contacts other than as a group the defendants. There was no discussion of individuals by name.

Mr. DASH. You say you did not consider it, but I can at least ask the question: Is it your view that persons who had high positions in administering the President's reelection campaign and certainly the President's counsel, had any business participating in raising funds for the paying of legal fees for burglars, wiretappers, or conspirators?

Mr. HALDEMAN. this is not a question that occurred to me, Mr. Dash, and I did not ask it of myself or any of them.

Mr. DASH. You formed no moral judgment on it at all?

Mr. HALDEMAN. No, sir.

Mr. DASH. By listening to passing reference is it your recollection that you condoned it?

Mr. HALDEMAN. Well, I do not think I was called upon to condone or condemn. I think I received information and that was that.

Mr. DASH. Well, when Sk. Dean gave you information of that kind,
I take it, he expected that if you guys agreed with that action you would tell him so.

Mr. HALDEMAN. Not necessarily. I do not think it was submitted to me for approval. I think it was transmitted to me as information.

Mr. DASH. Just a point of information.

Mr. DASH. Now, there came a time, and I think we referred to this briefly when you looked at that memorandum, that you learned that a large sum of money, $350,000, had come from the Committee To Re-Elect the President to the White House.

Mr. HALDEMAN. Well, I did not learn that it had come from them. I caused it to come.

Mr. DASH. You asked for it?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. And I think your statement indicates that it was for polling purposes.

Mr. HALDEMAN. Yes.

Mr. DASH. As a matter of fact, it was not used for polling purposes, was it?

Mr. HALDEMAN. That is correct, it was not.

Mr. DASH. Then you learned, and I think it is your testimony, it went back to the committee.

Mr. HALDEMAN. That is correct.

Mr. DASH. And is it your statement that you saw or knew of no connection between the money going back, the $350,000 or whatever amount went back to the committee, that you were aware of no connection between that money going back and the need for more funds to pay the legal defense fees and family support fees of these Watergate defendants?

Mr. HALDEMAN. Let me very specifically refer to my statement and to the development of events in that regard. I can repeat the statement if you want to.

Mr. DASH. I do not want you to repeat the statement.

Mr. HALDEMAN. OK.

Mr. DASH. If you could just briefly answer the question whether or not you knew of a connection between the money going back and the need for it for a defense fund.

Mr. HALDEMAN. As I said in my statement, I was asked by Mr. Strachan after the election what should be done with the cash fund that he had been custodian of. I told him that it should be returned or not returned but turned over to the Committee To Re-Elect and that he should work out the means of doing that with John Dean. Subsequently, I was told that there was a problem in doing that. Subsequently to that, I was told by John Dean again as I had been told earlier, that there was a continuing need for legal fund, legal fees, for the Watergate defendants and at that time, following this sequence of events, I then said we have a desire to deliver funds to the committee. The committee apparently has a desire for funds and I suggested that dean try to carry out both of those two objectives, which he subsequently did.

Mr. DASH. All right. Now you knew, at least that this $350,000 represented campaign funds, did you not?
source of the money or whether it was campaign money or any of the details about the $22,000
that Stans had made available. I could not locate Strachan and Stans indicated that it should
be picked up immediately but I cannot recall at this time the reason he called for the
immediacy. Accordingly, I asked Mr. Fielding to pick up a package from Stans and give it to
Strachan as soon as he could.

I informed Stans that Fielding would be over to pick up the package but he would not know
what he was picking up and when I later learned that Stans had informed Fielding I was
somewhat annoyed because I felt it was unfair to Fielding. The money was then given by
Fielding to Strachan but no final decision had been made regarding how to dispose of the
$350,000.

Having explained the status of the cash at the White House, I must now return to the pressure
that was being placed on the White House for the use of these funds which I have just described
for payments to the seven indicted individuals. This pressure began long before election day in
that Paul O'Brien was receiving messages from William Bittman, Hunt's lawyer, that Hunt and
others expected to have more support money and attorneys fees in exchange for continued
silence. The initial payments by Kalmbach had not been sufficient. O'Brien reported this
frequently to Mitchell, Mardian, LaRue, and myself. I, in turn, was reporting to Haldeman and
Ehrlichman.

There were discussions in late July, August, and September of using these funds at the White
House for these payments. I informed Haldeman of these discussions, but they were still in the
discussion stage and no action was taken.

After the election, the pressure was greatly increased when Colson received a call from Mr.
Hunt, which Colson recorded. Colson brought the recorded call to me and I, in turn, transcribed
it onto a cassette tape. I have been informed by the committee counsel that the committee has
in its possession a transcript of the conversation between Colson and Hunt in which Hunt makes
demands for money. On November, I arranged a meeting with Haldeman and Ehrlichman so that
they could hear the tape of the conversation Colson had had with Hunt and also to inform them
of the increased and now threatening demands that were being transmitted through Hunt's lawyer
to Sir. O'Brien and in turn on to the White House.

Haldeman and Ehrlichman were at Camp David at that time developing the plans for the
reorganization of the executive branch for the second term of the Nixon administration. I
departed on the morning of November 15 for Camp David with Mr. Walter Minnick! who was
going to Camp David to discuss the reorganization plans with Ehrlichman. Mr. Minnick had
been doing virtually all of the legal work at that time for Ehrlichman on the reorganization plan
and was a member of Ehrlichman's staff. In fact I was somewhat surprised that the counsel's
office had not been more involved or involved at all, prior to that time in the reorganization
plans. After arriving at Camp David, Ehrlichman, Haldeman, and I went into the President's
office in Laurel Lodge, which was empty. I have referred earlier to the fact that in this meeting
the matter of Dwight Chapin's remaining at the White House was discussed.

It was after that discussion that I told them of the telephone con
versation between Hunt and Colson and played the tape for them and
On July 5, 1972 John Mitchell was interviewed by agents of the FBI and stated to them that he had no knowledge of the break-in at the DNC headquarters other than what he had read in newspaper accounts of that incident. Mitchell has testified that prior to the time he was interviewed by the FBI he received a report from Robert Mardian and Fred LaRue of a conversation they had with Gordon Liddy in which Liddy described his role in the Watergate break-in; but he was not sure this information was correct when he was interviewed by the FBI on July 5, 1972 and he was not volunteering any information under any circumstances.

13.1 John Mitchell testimony, 5 SSC 1926 204

13.2 John Mitchell testimony, 4 SSC 1625-26 205
Mr. MITCHELL. I think that would have been the magnitude or consequence. Obviously, Mr. Liddy was known to me, attended meetings in the Justice Department on different subject matters including the drug abuse law enforcements and so forth that would not have been of that magnitude.

Mr. DASH. In any event, your statement that you had no information whatsoever as to any of the circumstances on September a is quite different than four testimony before this committees is that not so?

Mr. MITCHELL. I believe that to be true, and I believe the rechecking of the records, and the committee being kind enough to furnish me a copy of the agenda that Mr. Dean provided, and further reflection so it has brought the subject matter very much into focus.

Mr. DASH. Now, you testified you asked Mr. Mardian to make an investigation for you as to the Watergate break-in. Did those instructions include cooperating with the Federal Bureau of Investigation?

Mr. MITCHELL. The matter involved, I do not recall coming back on the plane from California, whether that was specifically discussed or not, but there was a policy within the committee that they should cooperate with the FBI and, of course, that was the basis for the discharging of Mr. Liddy when he did not cooperate.

Mr. DASH. Well, did you ever give instructions that there should be cooperation with the FBI to Mr. Mardian?

Mr. MITCHELL. Mr. Dash, I don't recall the specific words. I would presume that it would be implicit in his actions.

Mr. DASH. Did you consider— Mr. MITCHELL [continuing]. Implicit in his actions.

Mr. DASH. Did you include yourself in that requirement to cooperate with the FBI?

Mr. MITCHELL. I would certainly believe so.

Mr. DASH. Isn't it a fact, that you were interviewed by Special Agents Mahan and Lill on July 5, 1972? Do you recall that?

Mr. DASH. Do you recall being interviewed as to what knowledge you had of the Democratic National Committee break-in and informing the agents that the only knowledge you had was what you read in the newspapers?

Mr. DASH. As a matter of fact, by July at and that is pretty close to June 21 or 22, you have been given information by Mr. Mardian on what Mr. Liddy told him about that break-in.

Mr. MITCHELL. Mr. Dash, at that particular time, I was not sure whether that information was correct or otherwise.

Mr. DASH. Whether it was correct or not, the FBI was making an investigation and would not you want to give whatever leads or information they wanted, having been the former Attorney General and knowing how the FBI investigates, so they could check that out?

Mr. MITCHELL. Mr. Dash, at that particular time, we weren't volunteeriny any information for the reason that I have discussed here.

Mr. DASH. Right. So that in other words, your answer to the FBI was part of the decision that you made, a strong decision for the reasons you have giv en, to see to it that none of these things got out.
Mr. MITCHELL. It was the decision of those that were involved to not volunteer any information under any circumstances.

(204)
Mardian an(l Mr. LaRue based on Mr. Liddy's statement, to back them up

Mr. MITCHELL. You are talking about this time, you are talking before Magruder

Mr. DASH. Before Magruder's testimony before the grand jury

Mr. MITCHELL. Before Magruder's testimony before the grand jury. I would believe that during, that period of time there were some discussions of the so-called White House stories, yes.

Mr. DASH. Was there

Mr. MITCHELL. Horrors, I mean not stories.

Mr. DASH. Was there a concern expressed by you to Mr. Haldeman or Mr. Ehrlichman concerning whether stories would be revealed during this campaign?

Mr. MITCHELL. I think that we all had an innate fear that during the campaign that they might be revealed. I recall discussing it specifically in that area but I am sure we must have had a mutual concern about the subject matter.

Mr. DASH. Well, did you yourself form a personal position as to what should be done about revealing this material?

Mr. MITCHELL. I formed the opinion and a position that I did not believe that it was fair to the President to have these stories come out during his political campaign.

Mr. DASH. Were you aware that there was a program actually going on so as to actually prevent these stories from coming out?

Mr. MITCHELL. You are talking about this time, you are talking before Magruder

Mr. DASH. Well, a program 011 the part of yourself, Mr. Dean, Mr. Haldeman, Mr. Ehrlichman, and perhaps Mr. LaRue and Mr. Mardian to see to it that the information that got to the prosecutor or to the grand jury or to the civil suits did not in any way include this information concerning the so-called White House horrors, as you described them?

Mr. MITCHELL. Well, Mr. Dash, that is a very broad question and covers a lot of areas. I may answer it, perhaps, by saying that we sure in hell were not volunteering anything. In addition to that, we were involved in a very difficult series of Civil litigation, as you know, that involved discovery and all the rest of it. So we were not volunteering anything.

Mr. DASH. But you say you did come to know that, prior to Mr. Magruder's testimony, that he was going to testify falsely

Mr. MITCHELL. I think I can put it on the basis that I had a pretty strong feeling that his testimony was not going to be entirely accurate.

Mr. DASH. Right, and this discussion, I think you have already testified, was part of the discussion of some of the meetings with Messrs. LaRue, Mardian, Dean, and Magruder.

Mr. MITCHELL. That is correct.

Mr. DASH. Would it be correct

Mr. MITCHELL. I think the best way to put it is that Mr. Magruder would seek an audience to review his story) that he was going to tell, rather than somebody was trying to induce him to do so. I thin(] Mr. Magruder has testified that nobody coerced him to do this. that he made

up the story, that he did it of his own free will. So it was more of a basis

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of Mr. Magruder recounting to these assembled groupssd what he was going to testify to.

Mr. DASH. But would it be fair to say Mr. Mitchell, that it was in the interest of the group to have the story that did go into the grand jury and the ultimate indictments that did come out cut off at Liddy? And Mr. Magruder, who was in such a high position ill the committee, would not be involved in that type of thing?

Mr. MITCHELL. Mr. Dash, I think you are jumping from one conclusion to another without the bridge. What we were really concerned about were the White House horror stories. Now, if the cutoff that you speak of helped in that direction, perhaps that was probably the case. In other words Watergate did not have the great significance that the White House horror stories that have since occurred had.

Mr. DASH. Would you say that whatever coverup was taking place to this point, concealment and not volunteering information had to do with actually preventing the so-called White House horror stories rather than Watergate break-in R

Mr. MITCHELL. This was certainly my belief and rationale and I would believe the people in the White House, certainly some of them, might well be involved and certainly would have similar interests.

Mr. DASH. Well, did Mr. Dean, in carrying back the messages from Mr. Haldeman and Mr. Ehrlichman, indicate that he had in fact informed them of the actions that had been taken—the strategies performed by your group?

Mr. MITCHELL. I cannot say that he did or did not. I would have to believe that Mr. Dean was reporting to those gentlemen over there. Mr. Dean, as a proper lawyer, proper counsel, was very, very limited in his discussions of what he did or said with people in the White House and that is the way, of course, he should have acted.

Mr. DASH. I think you testified that you at least discussed with Mr. Haldeman and Mr. Ehrlichman the problems involved in the Liddy operations, the Ellsberg, and other situations?

Mr. MITCHELL. Yes, and that was somewhere down the line, probably much later than the time frame of which you are talking about in relationship to Mr. Magruder's appearance before the grand jury.

Mr. DASH. All right, now, let us look very briefly to the so-called wiretapping of the journalists and Mr. Kissinger's staff as result of the SALT talk leaks. Were you aware of the leaking and those wiretaps?

Mr. MITCHELL. Mr. Dash, I find it hard to give you a specific answer other than the fact that, yes, I was. To what extent, I do not know. This happened in 1968 and they were national security wiretaps. They should have a full record of everything that was handled in the Department of Justice, because every security tap, whether it be a strict national security dealing with foreigners or whether it is the type that the court has since frowned upon, is filed in the Department of Justice.

Mr. DASH. But this would require your authority as Attorney General, would it not?

Mr. MITCHELL. I would believe that the FBI would probably not operate without it. I am not sure of that, but I believe that that should be the case.
14. On or about July 7, 1972 after several unsuccessful efforts by Ulasewicz to deliver funds for the Watergate defendants to attorneys, and after telephone conversations among Kalmbach, LaRue and Dean, instructions were given by Kalmbach to Ulasewicz to contact Howard Hunt's attorney, William Bittman. After that contact was made and after approval by Kalmbach of a $25,000 payment, Ulasewicz delivered $25,000 to Bittman by placing an unmarked envelope containing the money on a shelf in the lobby of Bittman's office building.

14.1 Herbert Kalmbach testimony, 5 SSC 2103-04 208

14.2 Anthony Ulasewicz testimony, 6 SSC 222227, 2256-57

14.3 E. Howard Hunt testimony, SSC Executive Session, June 11, 1973, 51-52 218

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in the room and wrapped it in a laundry bag, and so I, after that we both called it the laundry, as to how much money you had available.

Mr. DASH. And he carried it back then

Mr. KALMBACH. That was just—and he carried it back in that laundry bag, as I recall it.

Mr. DASH. Kind of a significant name at this time to be used for that money, • as it not ?

Mr. KALMBACH. Yes.

Mr. DASH. Did you ever use the term "script" in such a conversa
tion ?

Mr KALMBACH. I think we had that term "script . "

Mr. DASH. Script for the writing ?

Mr. DASH. Now, did Mr. Ulasewicz have any knowledge or reason to know about these activities? He knew what you knew did he note

Mr. K KALMBACH Yes, sir--.

Mr. DASH. Did you discuss with him at all the property of this activity ?

Mr. KALMBACH. 5'0, sir; I just told him that it was proper, and I told him that the purpose) as I haze stated, was to furnish legal help for these people, and to furnish them with family support.

Mr. DASH. You did know, of course, that the particular people who were ~~,getting;,r this money for their leg,ral defense or support of families were charged or indicted with, under the crime of burglary, and illegal wiretapping and conspiracy, did you not?

Mr. KALMBACH I knew the essence of the charges; yes, sir.

Mr. DASH, All right.

Other than beings told bv Mr. Dean that this would be an . appropriate thing to do, you made 110 independent inquiry as to the property of

Mr. KALMBACH. No, I made none.

Mr. DASH. Now, how were instructions about the distribution of funds given to you and Mr. Ulasewicz? Was that by phone from Mr. LaRue or Mr. Dean ?

Mr. KALMBACH Probably 90 percent of the time it was b) telephone. The other 10 percent was in personal discussion with him in his office or more usually ill Mr. Dean's office.

Mr. D ASH Now, what was the first instruction f ou received to give money ?

Mr. KALMBACH. Again, as I have tried to reconstruct this, Mr. Dash, the first
instruction that I received, which I passed to Mr. Ulasewicz was to have Mr. Ulasewicz give $25,000 to Mr. Caddy. I don't know much of Mr. Caddy, I understand he is an attorney here in Washington. And, as I recall it, this was probably from approximately July 1 through July 6 or 7. There were a number of calls. I would talk to either Mr. Dean or Mr. LaRue, I would then call Mr. Ulasewicz who, in turn, would call Mr. Caddy. He would have some response from Mr. Caddy, and I would call back up to either Mr. Dean and Mr. LaRue.

Mr. DASH. What was the response from Mr. Caddy?

Mr. KALMBACHI. Well, the sum and gist of it was in that 311. Caddy refused to accept the funds.
Mr. DASH. In that manner?

Mr. KALMBACH. That is correct. That was the end-all. There were several telephone calls, but the final wrap-up on it was that he refused to receive the funds.

Mr. DASH. Who was contacted next, which lawyer?

Mr. KALMBACH. I think Mr. O’Brien was contacted and again with the same result.

Mr. DASH. He refused to receive the funds?

Mr. KALMBACH. Yes, sir.

Mr. DASH. And then who next was approached?

Mr. KALMBACH. I think then it was Mr. Bittman, and Mr. Bittman—

I think this may have been when the name Rivers was used, Mr. Dash, but my recollection would be that Mr. Bittman received $25,000, probably sometime during the second week of July 1972.

Mr. DASH. Did you follow any usual procedure that Mr. Ulasewicz would make the contact and pay the money he would call you and then you would call Mr. Dean and tell him it had been accomplished?

Mr. KALMBACH. Yes, sir. Mr. DASH. Or Mr. LaRue?

Mr. KALMBACH. Yes, by Mr. LaRue.

Mr. DASH. Were all these phone calls booth to booth? Mr. DASH. Even when you spoke to Mr. Dean?

Mr. KALMBACH. Yes, that is correct.

Mr. DASH. Or Mr. LaRue?

Mr. KALMBACH. That is correct.

Mr. DASH. What other lawyers were supposed to receive money, to your recollection, Mr. Kalmbach?

Mr. KALMBACH. Well, after the disbursal to Mr. Bittman, I think there was—most of the remaining funds went to Mrs. Hunt who, in fact, was the person who did the distributing thereafter and she distributed to these other attorneys.

Mr. DASH. Mrs. Hunt?

Mr. KALMBACH. Yes.

Mr. DASH. Now, when you next—when did you next return to Washington, after this first series of meetings, where you received this money and met with Mr. Ulasewicz, when did you next return to Washington?

Mr. KALMBACH. Well, the next time that I was back in Washington involved in this assignment, Mr. Dash, was, I think it was, on July 19.

Mr. DASH. What happened at that time? What brought you back?

Mr. KALMBACH. Well, at that time, I think I was asked to come back, I think by either Mr. Dean or Mr. LaRue, and to meet with Mr. Dean and Mr. LaRue in Mr. Dean’s office in the Executive Office Building.

Mr. DASH. Did you receive any money from Mr. LaRue at that time?

Mr. KALMBACH. Yes, I did.

Mr. DASH. How much was that?

Mr. KALMBACH. Oh, some $40,000 was received from Mr. LaRue at that time.

Mr. DASH. WHERE did you receive it?
Mr. KALMBACH. In Mr. Dean's office.

Mr. DASH. Did you receive any additional instructions at that time?

    Mr. KALMBACH. I may have. Dash. I am not certain as to that.
Mr. ULASEWICZ. Yes, I did.

Mr. LENZER. I would like to get your receipts all at once here if I can. Where was the next place that you received money from Mr. Kalmbach?

Mr. ULASEWICZ. At the Regency Hotel in New York City.

Mr. LENZER. Approximately how much?

Mr. ULASEWICZ. $40,000.

Mr. LENZER. And approximately when was that? Mr. ULASEWICZ. That would have been in July. Mr. LENZER. Of 1972?

Mr. ULASEWICZ. 1972.

Mr. LENZER. Where was the next delivery? Mr. ULASEWICZ. At the Hilton here in Washington, $28,900. Mr. LENZER. Again approximately when was that?

Mr. ulase. In July.

Mr. LENZER. And

Mr. ULASEWICZ. And then my recollection is the final amount was $75,000 at the Airporter Inn in Los Angeles opposite the Orange County Airport.

Mr. LENZER. All right.

Now, going back to the original $70,100 what denominations was that in did you say?

Mr. ULASEWICZ. Hundred dollar bills.

Mr. LENZER. Where did you keep that cash?

Mr. ULASEWICZ. I kept it at home.

Mr. LENZER. Did there come a time when you received these other amounts that you left them somewhere else?

Mr. ULASEWICZ. Yes.

Mr. LENZER. Where was that?

Mr. ULASEWICZ. In a safe deposit box.

Mr. LENZER. Now, after you got back to New York, did you hear from Mr. Kalmbach again?

Mr. ULASEWICZ. I did.

Mr. LENZER. And What instructions, if any did he give you?

Mr. ULASEWICZ. He mentioned—he told me to call Mr. Caddy.

Mr. LENZER. Mr. Caddy?

Mr. ULASEWICZ. Right. Mr. Caddy, to come back to Washington, D.C., and call Mr. Caddy.

Mr. LENZER. Approximately—

Mr. ULASEWICZ. He supplied me With a telephone number.

Mr. LENZER. How soon after you left Washington did he tell you that?

Mr. ULASEWICZ. It probably was the same evening or the next morning.

Mr. LENZER. What did you do R Did you go down to Washington and call Mr. Caddy?

Mr. ULASEWICZ. I did.

Mr. LENZER. Will you tell us the conversation you had with him. Mr. ULASEWICZ. I contacted Mr. Caddy and he suggested that he would—tell me to this is when Al r. Kalmbach said, "Tell him that." And it was of the code names we had gotten into other names. Tom Kane, and John Ferguson and Tommy Smith so there was a little confusion once ill a while 011 that. However, at this
Mr. LENZNER. Who gave you those names?

Mr. ULASEWICZ. Mr. Kalmbach and myself in conversation as kind of backup.

However, with—in this case he instructed me to use, I believe it was John Rivers when I called Mr. Caddy and on this occasion I was to say the purpose of my call to Mr. Caddy was that I was asking the cost of a script of a play plus the salaries of the players, which I did. I contacted Mr. Caddy and he was—and he responded and said he would meet me in a restaurant sometime in the afternoon here in Washington, D.C.

Mr. LENZNER. Just to clarify it, you identified yourself to Mr. Caddy as Mr. Rivers, is that correct?

Mr. ULASEWICZ. I believe Mr. Rivers, yes. In most of these transactions it was Rivers.

Mr. LENZNER. Was there any reason for the code name Rivers for you to use?

Mr. ULASEWICZ. No.

Mr. LENZNER. In Foxv, did you go to that restaurant in Georgetown? Mr. ULASEWICZ. Yes, I did.

Mr. LENZNER. What happened there?

Mr. ULASEWICZ. I waited for Mr. Caddy's arrival. However, a phone call came in. I was paged by the bartender, Mr. Caddy got on the phone and said that he couldn't meet me, after speaking to somebody in his office in the attorney's office that he could not meet me, would I be able to come and see him. I told him I would get in touch with him. My instructions originally with Mr. Kalmbach was that I enter no negotiations at any time that he would not enter negotiations. This is refreshing my memory again and the other thing he said was that I am to do, if I received amounts or so, I am not to deliver anything until I get in touch with Mr. Kalmbach, and throughout these continually throughout these negotiations and drops and whatever may come up, this was the pattern, that I would make the contact as directed, but I would take no action until I reported whatever was said or done to Mr. Kalmbach and even I would await a return call from Mr. Kalmbach as to whether to proceed or not. In this case I reported Mr. Caddy's message and Mr. Kalmbach said, "Well," probably, "give me the number you are at—that is at a phone booth here in Washington. I will get back to you."

Mr. LENZNER. Did he call you back?

Mr. ULASEWICZ. My recollection is he did. He called me back and I think in this instance it was, "Call A:fr. Caddy again." And this might have been an hour or so later. I called Mr. Caddy again and we got nowhere as far as any costs, I am now picturing that I am going to deliver the $75,100 which I have under my arm and he is not going along with it, and so—

Mr. LENZNER. You had the money with you on that date?

Mr. ULASEWICZ. Oh, yes.

Mr. LENZNER. How did you carry it on that date?

Mr. ULASEWICZ. I carried it in a brown bag with, 5011 know, the ordinary type of—with a little string around it. You know, sometimes carrying what is most obvious doesn't raise any suspicion, carrying an armed box would ask for trouble.

Mr. LENZNER. You were just carrying your lunch?
Mr. ULASEWICZ. Carrying my lunch.

Mr. LENZNER. All right.

Mr. ULASEWICZ. Nevertheless, I got to back; to Mr. Kalmbach. This was a series of calls. Then somewhere in there, Mr. Caddy suggested that I should come up to the office, that they would have, where there was a corridor, a separate office, and we would not be observed, et cetera. So then, that I had to report back to Mr. Kalmbach.

I think these calls might have been going California-side by now. I am not too certain. Then he would attempt to get back to me. Itoxever, there was a delay. Vpparrell[---]. he could not reach someone he was attempting to reach, the communication was not there for some reason 01 other.

Then I probably went back to the city—the final result being that that was it with Caddy. We never did meet.

Mr. LENZNER. At some point, did Mr. Kalmbach tell you to drop the whole Caddy business?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. And you having these conversations phone booth to phone booth between yourself and Mr. Kalmbach?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Are you loaded down with chalk, Mr. Lasewicz?

Mr. ULASEWICZ. Oh yes, indeed.

Mr. LENZNER. How did you carry that chalk?

Mr. ULASEWICZ. When I started out, I started with a kind of little box deal. When I finished up, I had a bus guy's, one of these things that the bus drivers have. [Laughter.]

Mr. LENZNER. After you sold back to New York did you again receive instructions from Mr. Kalmbach?

Mr. ULASEWICZ. Yes. Just about the time it ended with Caddy, which xvester got nowhere and I still had the $90,000, I was asked to call Mr. O'Brien, using the name of John Rivers.

Mr. LENZNER. Did you call him?

Mr. ULASEWICZ. I called Mr. O'Brien received a very tart kind of brushoff response, and that was the end of that conversation. It was one phone call. I showed no interest in any script, players, or any type of material that I knew of, I have.

Mr. LENZNER. You were given the same instructions by Mr. Kalmbach to talk about a script, a scenario, the players?

Mr. ULASEWICZ. Yes. I called Mr. O'Brien received a very tart kind of brushoff response, and that was the end of that conversation. It was one phone call. I showed no interest in any script, players, or any type of material that I knew of, I have.

Mr. LENZNER. Did you call Mr. Kalmbach again, telephone booth to telephone booth as you mentioned?

Mr. ULASEWICZ. Did you call him?

Mr. LENZNER. Did you call him again, telephone booth to telephone booth as you mentioned?

Mr. ULASEWICZ. I did.

Mr. LENZNER. Did you tell him what?

Mr. ULASEWICZ. I told him exactly as I have related here.

Mr. LENZNER. Did he come back with other instructions?

Mr. ULASEWICZ. He came back with another person to call—it was 110th of person—he was with me a telephone number this time, no name involved. To the best of my recollection, whenever I called and it was answered, the fellow would be expecting a call, the name of ALI—John Rivels or whatever name—it would have to be Rivers. I made a call.

Mr. LENZNER. What is the number?

Mr. ULASEWICZ. 312.
Mr. ULASEWICZ. Washington, D.C., area. And I may have called from the city of New York at that time, because running around with $75,100, trying to get rid of it was becoming a problem.

So I called the number and he said to me, you can talk to the writer's wife. And I said to him, well, as far as the writer's wife, I do not have a phone number. He said, why don't you do what I have to do, look in the phone book? So that was the end of that conversation, because that was apparently another one we were not going to get anywhere with.

Mr. LENZNER. Did you report that back to Mr. Kalmbach?

Mr. ULASEWICZ. I called Mr. Kalmbach again. All of these were precluded. I had to call and wait for a comeback. I began to call them Kalmbach comeback calls. [Laughter.]

So that was that.

Mr. LENZNER. Did you get further instructions from Mr. Kalmbach?

Mr. ULASEWICZ. Yes. I then was instructed to call Mr. Bittman in Washington, who I understood was an attorney.

Mr. LENZNER. What instructions did you have to talk to him?

Mr. ULASEWICZ. The same thing, the cost of the script, the writer, fret what the attorney fees—not the attorney fees at this point. The cost of the script, the players, et cetera.

Mr. LENZNER. You were using the same name, Mr. Rivers?

Mr. ULASEWICZ. I believe so, yes.

Mr. LENZNER. Did you call Mr. Bittman?

Mr. ULASEWICZ. I did.

Mr. LENZNER. Did you speak to him?

Mr. ULASEWICZ. I spoke to Mr. Bittman and I recall that in the first conversation, Mr. Bittman said, "Well, I understand." He was expecting a call. He said, "Well, this is very unusual." He said something like, I do not know if you are an attorney, but an attorney does not anticipate fees and costs in this manner.

I said, "Well, I am instructed not to negotiate in any manner. I understood that you would have a figure" and I told him that I am prepared at this time if we can get down to this, because at this point, I still wanted to get rid of all those cookies, $75,100.

And he brought in the situation that—he was not prepared at that time, something was not according to the way he liked. I so reported to Mr. Kalmbach, received my call back from Mr. Kalmbach. He told me again to call and contact Mr. Bittman.
Now, this is some period of time passes by. Mr. Bittman said, all right, his initial fee would be $5,000.

Mr. LENZNER. What period of time, Mr. Ulasewicz, are we talking about?

Mr. ULASIEWICZ. This would be around July 8 to the 10th, in that period of time.

Mr. LENZNER. You are talking about your discussions with Mr. Bittman?

Mr. ULASIEWICZ. With Mr. Bittman, correct.

Mr. LENZNER. And did you call Mr. Kalmbach and tell him Mr. Bittman had indicated he wanted an initial fee of $5,000?

Mr. ULASIEWICZ. I did.
Mr LENZNER. What \ as Mr. Kalmbach's s response R

Mr. I.L. SEEVICZ. He said to deliver it to 311. Itittnall ill any Itnlhe I S-L\V fit.

3ir. LENZXER. I)did he give you any instructions about not being seen by 31t. Bittmanl?

W.fr. ULASEWICZ. Oh, yes; those came in after the Caddy call, that someloxv conversations were arranged that I would II0t now be seen Ijy anybody, to do the money xwithlll being observed. in a confidential manner.

31r. LEXZ5-ERT. Tllat xvas ALt. Italllll)aell's instructions to vou?

fair. ~~~-L\SSXVIC%. Right.

3fr. LENZNER. 5-OIV, VOI expressed some concern about carrying this amount of money around lVit}l you. How xvere you travelill^, •ilililg, this period of time ?

Air. UL\SEWICZ. By airplane, Eastern Airlines shuttle, usually

Or.. LENZXES. Did yol1 ever chal(Te your mode of travel ? I)did VOTl has-e a ploblelll on the plane ?

Air. UL\SE\NACZ. AVell, there was a period of time, of course, with the hijacks and all—they started a searching system 011 the airlines an(l that leas a little problem I grot in line ollte time to come back— when I had the probleml, it svould be only $i>UtO() at this time. -t fellow in front of me, tWOO[ three persons ill front of me stopped anal had to produce—I think foul packs of cigarettes or somel]ililg, set of the alarm. So I •vent into a COUg}lillg fit and I went doxvn to the Pennsylvania Railroad and took the train home.

AIL. LEN-ZXER. AVell, IlOWt you arranged. as I understand it, Atr. Ulasevicz, to furnish 31r. Bittman with $aUv00 for the script. Atlas that the end of the conversation ?

Air. ULASEWICZ. That is correct.

3rr. LEN'ZN'ER. And how did you arrange to deliver that monev ?

Air: ULASEWICZ. I contacted Atr. Bittman right from the lobby of his office there. I spoke with him and I told him that I had the cash. Prior to that, I went out to a drugstore ill the area, bought a couple of envelopes and some scotch tape! and I had to count out $Q5 from that $s s,100—_5,000 from the $s s,100 original, which I did, and I put it into a plain kraft broxvn envelope.

I called WIr. Bittman from the lobbv of his building. There are two or three phone booths. On one side of the phone booth was a ledge with the phone books and I called AI[fr. Bittman.

Air. LENZA-ER. AIr. Ulase vicz, if I may interrupt you, could vou now approach the easel and tell me if you can identify this first photograph i

Now, you started to describe. AIr. Ulasewicz, where you left us, is that the lobby of the building ?

Afr. ULASEWICZ. Yes [78]*, this is the lobby, these are the phone booths, these are elevators going to either side, and that is Ulasewicz right there.

3rr. LENZNER. Very good. AVould you now indicate 011 the photosfrral)ll where you Called from and what happened after that?

Air. UL\SE\VICZ. I called from this telephone booth tindicatillXr) to hIr. Bittman and told him that I had the delivery and that would he

*Figures in brackets indicate exhibit numbers and, unless otherwise indicated, appear on pp. 222-92230.
come right down and that it would be on the ledge at the telephone booth.

Noxy, this gentleman is standing where the ledge is. There are two or three or four telephone books and there is a ledge above, a kind of space. I told him it would be a brown sack and that the money would be lying right there, would he come right down, if he walked through and pick it up and no back to the elevator, I would be satisfied.

Mr. LENZNER widow, thereafter, did an individual come down the elevator?

Mr. ULASEWICZ, dire had a description of clothing as I phoned, as I recall, that he would be wearing a brown suit or something at that time.

3tr. LENZA-ER. Did somebody come down wearing those clothes?

Mr. ULASEWICZ. Yes.

Mr. LENZNER. Adhere were you at that time?

Mr. t-L.ULASEWICZ. I was in a telephone booth. I had it half shut. There was another person in a booth. These booths on weekday are very heavily used. There is a newsstand section in front. There is quite a bit of traffic on a weekday. This was taken on a Saturday afternoon.

He came right out of this elevator the first elevator. and walked right over. picked it up, walked right back in, and went up.

Mr. LEN-ZN-ER. ~'OV, Mr. Ulasewicz, rather than having you go back and forth several times between the table and the easel, I would like to go ahead and continue if it is 011, and have you describe other contacts that you made with individuals you furnished with money.

Did there come a time later when Mr. Kalmbach instructed you to furnish funds to Wrs. Hunt?

fair. UI=SEWICZ. Yes, that is correct.

Mr. LENZNER. Did you have a conversation with Wrs. Hunt where you arranged to furnish her with some funds?

Mr. t-L=NSERVICZ. Yes, I did.

WIr. LENZNER. ARTould you just describe what you told her, as to how she could pick up her money?

AS:r. t-L XSE'VICZ. I told Alrs. Hunt that at a certain time in the day, and I picked an hour, to come into the lounge of the American Airlines, which is a long lounge area, leading right through the building. There are tidier desks on one side, seats in the center and it is a very busy area. And at the center of that, she should check with the time on a large clock, so it would be almost exactly at that time. It Would be 1 noon and if she saw 5 to 1, to go back out and come back at that time.
She followed instructions explicitly.

In the meantime, whatever drop I would have at the time, I would put in this particular locker and take the key. [79]* And just before, when I pulled up with the instructions, now, 5 minutes before I knew she was coming, there was opposite, sand about 25 feet away, across front Northwest Orient Airlines, there is a series of telephone booths, five or six booths [X1] *, and there is a newsstand across and there is a bit of traffic.

Before making the arrangements, I spent some time observing the telephone booths and of all the booths, watching people going in and out, the IllOs1 I saw in one for some reason, people didn't use the very end one. So that is the reason I used that anti left the lsey.

So 5 milllites prior to the time I would tell her to come, I would go into this telephone booth and underneath where the coin drop is, I

*Fiflreo In brackets IDeate exhibit numbers being referred to, Exhibits appear on pp. 222S--"SQ,

(215)
Senator GURNEY. You never asked her what she was going to do with it?

Mr. ULASEWICZ. No, sir.

Senator GURNEY. This $25,000 to Mr. Bittman, as I recall, that was the only payment you made to any of the attorneys directly. is that correct?

Mr. ULASEWICZ. That is correct, sir.

Senator GURNEY. Well now, this is a rather unique way of paying attorneys' fee, is it not?

Mr. ULASEWICZ. Yes, sir; it is a way.

Senator GURNEY. Did Mr. Bittman express any surprise at this method of getting his fee?

Mr. ULASEWICZ. Oh, yes, in the initial conversation he probably said something that it was unusual, and I said "Well, however, those are my instructions" and then I made a call and relayed his message and I was told "No, it will be accepted." When I called back, Mr. Bittman agreed to take it.

Senator GURNEY. Would you go into that a little further, the discussion about how his figure came up and how this attorney fees was going to be paid?

Mr. ULASEWICZ. Well, when I spoke to Mr. Bittman he told me that it was the first conversation, that it was an unusual manner to discuss lawyers' fees, that you don't know about how much expenses will be entailed, and he started to go into appeals could come in, and I said "Well, I have 110 knowledge of this, I am told that you would have a figure and I am prepared to deliver that figure." I was thinking in terms of the $75,100 which I brought with me.

Senator GURNEY. What did he say to that when you asked him or said to him, "I was told you were going to name a figure."

Mr. ULASEWICZ. He said "Well," he said, "No, let me," something to the effect, "Let me get back or get back to me," and I relayed the message to Mr. Kalmbach, and after a period of time

Senator GURNEY-. He said "Get back to him later."

Mr. ULASEWICZ. Yes; he said to discuss it or he indicated something that he was not taking it at that time. He was not going, to accept the money in that manner at that time.

Senator GURNEY. He did name a figure of $25,000?

Mr. ULASEWICZ. Finally he named a $25,000 figure in the next to the last conversation.

Senator GURNEY. Why didn't he want to get into the business of taking it or arranging for the taking it at that time. He B as perfectly willing to negotiate the fee with you, is that correct?

Mr. ULASEWICZ. He did not negotiate with me and I think that is the answer to the first question, he had to go back and negotiate a fee with either his client or somebody else, and then he seemed, then he gave me the figure. I think he negotiated with his client or
Senator GURNEY. Well, you say he negotiated with his client and gave you the figure 5011 mean in another phone conversation?

Mr. UL.\SENVICZ. In whatever manner they were dealing with his client, I don't know.

Senator GU1tXXY. Let's go back here, you called him on the phone?

Mr. UL.\SEWVICZ. Yes, sir.

Senator GURNEY. And the pur pose of your calling him on the phone was to find out what he wanted for a fee. isn't that right?

(216)
Mr. ULASEWICZ. That is correct. But it wasn't—yes, it was the cost

of a script, of course, which was a subterfuge and he didn't come up

with a number at all. He didn't come up with a figure, I so reported to

Mr. Kalmbach. Mr. Kalmbach says all right I g ill get back to X ou, he

got back and he says call him again. This might be a day or it might be

an hour, I don't recall which. I call Mr. Bittman back, and he would

start in that conversation with, 'Well, you know, a flat fee is very

unusual thing and all' and I said "Well, I have no control over that. I

am prepared for a figure. for a figure, for the cost of a script." And I

would repeat the whole, thing and he says "Well," he says, s "Can you get

back to me?" I says "All right" and I reported that to Mr. Kalmbach.

Senator GURNEY. That is the second conversation?

Mr.- ULASEWICZ. Second conversation. I think I had four conversa-
tions or; five with Mr. Bittman, and then finally he mentioned that he

would accept the money and he gave me the figure of $2...000.

Senator GURNEY. Finally on the fourth conversation he mentioned

a figure?

Mr. ULASEWICZ. That is correct, sir.

SENATOR gurney AND he hadn't mentioned any figure before that?

Mr. ULASEWICZ. 50, sir-

Senator GURNEY. All this other business is horsing around?

Mr. ULASEWICZ/2. Yes, sir.

Senator GURNEY. E

Wlr. I'LL A S E W I C Z. I think he had to straighten it out with his client

or lth sonlebody is the only thincer I can nssume.

Senator GTiRSEY. irll right, norv ne arrive at a figure of $2D,000.

Thell svhat. happened ?

Arr. ULASEWICZ. I plac.ed the c) b5s~~ in an envelope.

Senator GURNEY. Incidentally, in these phone calls ~~~with Afr. I;alnw

w bach, ~~~vhile Xou lvere—I ~~~vill not. nse ttle lvorcI—negotiatiilllg—tallcing
to lFr. --~",ittman on the pholle. lvhat ~~~vas his reaction alout all this

thne spent in plilolle conversatiollsv xvitl 13it.tlllall 9

511-. ITL\'6EWICZ. N0 particular reaction. I think it rvas aareable

to llim, or he ~~~vas tr.ving to make his mind llp as to ~~~vh.lt kind of a fee.

Senator GURSEY. WVAs he callinir nnn7bodv about this. CIO you lznovv?
Senator GURNEY. Did he tell you?

Mr. ULSFVICZ. No, sir.

Senator GURNEY. Now we get to how it is going to be paid. And would you describe that?

Mr. ULSFVICZ. Yes; the manner of payment was I would place $95,000 in a brown clasp envelope.

Senator GURNEY. I know that. Now let us get back to catching that.

You arrive at a figure and that big handle is over. You must have told Mr. Bittnlan something about how you were going to make this contact here. Iawi Asscz. I told him I would tret back to him! because I ha(i

(217)
assurances s-2 given us freely, without any requests on our part or any stipulation that a plea of one sort or another would be made by at least one of us if I cannot speak for the other defendants.

It was certainly an assumption on my part that all options were open to me and all legal expenses would be paid.

There came a time when I believe I was in Mr. Bittman's office and an anonymous delivery of funds was made.

May I consult counsel with regard to the chronology of these particular events?

Mr. Hamilton. Please.

Mr. Hunt. I am prepared to continue unless you want

Mr. Dash. No, no, go ahead

Mr. Hunt. Let me go back a little for chronology's

Sometime in July, I would estimate within 5 to 20 to three weeks of the time I had initially retained War. Bittman. Mr. Bittman informed me

had received an envelope containing $25,000 which he understood was to be applied to my legal fees for my representation.
Mr. Dash. Is that not related in any way to the early discussions, these calls from Mr. Rivers to Mr. Blunt? ;

Far. Hunt. Mr. Bittman received a call from 2 gentlemen.
I declare myself as or. Rivers. What the mechanics of all of that I have no further evidence of. Suffice it to say that Bittman did labor me an or three receipts of $25,000 which would be applied in the yezel.

Mr. Dash. About when was this?

Mr. Hunt. Before the end of July.

Mr. Bittman. For the record, the precise date is July 7.

I do not know exactly when it was I informed Mr. Hunt, but it must have been on or about that date.

Mr. Dash. I think you have said, I want you to continue.

but at this point I think your sort of anonymous benefactors or anonymous supporters did assure support. I do not know whether I was out of the room at this discussion.

You did mention at one point that Mrs. Hunt sometime in June, was it, did go to the committee and spoke. Lo fir,

O’ Be ien and Mr. Parkinson?

Mr. Hunt. Yes, sir, I covered that.

Mr. Dash. Silas it never clear to you ever through the
person by name as to who in fact ala. 7xing ants assurances?

Mr. Hunt. No, sir.

P9-. Dash. Atom, Cære the assu-antees made? Was the

first 'not Jouge o- tee assurances the fact that jar. Livens

. r.Jaue ). call?

'lr. Bict.mael. Can '?

bar. Dash. Yeas

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O$+S
15. In mid-July 1972, upon instructions from Kalmbach, Ulasewicz delivered $40,000 to Howard Hunt's wife for the benefit of the Watergate defendants and $8,000 to Gordon Liddy by sealing these monies in unmarked envelopes and placing them in lockers at Washington National Airport. These payments were made from the funds Kalmbach previously had obtained from Stans and delivered to Ulasewicz. In the usual situation in making such deliveries to Mrs. Hunt, Ulasewicz informed Kalmbach of the amount requested, and Kalmbach in turn discussed the amount with Dean or LaRue, and then instructed Ulasewicz to make the delivery in a specified amount.

15.1 Anthony Ulasewicz testimony, 6 SSC 2227, .....2231–36 222

15.2 Herbert Kalmbach testimony, 5 SSC 2102, 2140–42

15.3 Memorandum from Dorothy Hunt to William O. Bittman, October 2, 1972 (received from SSC) 233
conce right down at the telephone booth.

Now, this gentleman is standing where the ledge is. There are two or three or four telephone books and there is a ledge above, a kind of space. I told him it would be a brown sack and that the money would be lying right there, would he come right down, if he walk right through and pick it up and to back to the elevator. I would be satisfied.

Stir. LEXZNER. NOW, thereafter, did an individual come down off the elevator?

Hr. ISISSEWICZ. bye had a description of clothing as I phoned, as I recall, that he would be wearing a brown suit or something at that time.

Air. LENZNER. Did somebody come down wearing those clothes?

Air. IFLASENVICZ. Yes.

Air. LE),ZNER. WHERE were you at that time?

Air. ISISSEWICZ. I was in a telephone booth. I had it half shut. There was another person in a booth. These booths on weekdays are very heavily used. Inhere is a newsstand section in front. There is quite a bit of traffic on a weekdays. This was taken on a Saturday afternoon.

He came right out of this elevator, the first elevator, and walked right over, picked it up, walked right back in, and Event up.

Mr. LE5,N-Er. Now, Mr. Ulasewicz, rather than having you go back and forth several times between the table and the easel, I would like to go ahead and continue, if it is OK, and have you describe other contacts that you made with individuals you furnished with money.

Did there come a time later when Air. Kalmbach instructed you to furnish funds to Airs. Hunt?

Mr. ULASEWICZ. Yes, that is correct.

Air. LENZ:NER. Did you have a conversation with Airs. Hunt where you arranged to furnish her with some funds?

Mr. ULASEWICZ. Yes, I did.

Air. IJENZNER. A7iould you just describe what you told her, as to how she could pick up her money?

Nfr. ULASEWICZ. I told Airs. Hunt that at a certain time in a day, and I picked an hour, to come into the lounge of the American Airlines, which is a long lounge area, leading right through the building. There are ticket desks on one side, seats in the center and it is a very busy area. And at the center of that, she should check with the time on a large clock, so it would be almost exactly at that time. It would be 19 noon and if she saw 5 to IS, to go back out and come back at that time.

She followed instructions explicitly.
III the meantime; whatever drop f Would have at the time, I would put ill this particular locker and take the key. [79]* And just before, when I pulled up with the instructions, now, 5 minutes before I knew she nvas coming, there was opposite, and about 25 feet away, across from Northwest Orient Airlines, there is a series of telephone booths, five or six booths [SI]-l, and there is a newsstand across and there is a bit of traffic.

Before making the arrangements, I spent some time observing the telephone booths and of all the booths, watching people going in and out, the Inost I saxv in one for some reason, people didn't use the very end one. So that is the reason I used that and left the key.

So 1) Illinutes prior to the time I would tell her to come, I would go into this telephone booth and underneath Where the coin drop is, I
ULASEVICZ TESSIMONY, JULY 18, 1973, 6 SSC 2227.

2231

W(?ltd .scotch tot~e tle kc; t() the locker svllere I Inaete my clr~y). [.S()]% Thud 1

RVOLlId leave th at ala and talrle ~o by th nevontall(s) ple Site or—this rwoulc b svhele tle r)hone booth
woul be. This is EL lolxnfre, wllstc sile svould be corninir tillrugh in this
directiol. 1'1S1] This is a ~vildloxy for airplalle obselvation by th l~lJlic, et
cetera, alld l vyouRI aroa~as'v b* in this area, sval3; thele, svould be a little
fitketh bezlind, svhele I coul:I swatch the booth. Her directions wel-e the same
triut,. don't hesitate, (ro t irht illO the booth, remoz e the key, -.o to tile Incloer.
The loclQer would be ~4a feet? I guess, or so across the corridor

3rl. I-5:ZNF.E. A-0S, before she arrived on ths first occasion, did ~ou also have a
clescl il~tion of hel, the clothes sile was ~,Oillt, to •vear?

3tr. t-1\SES}-CZ. 1'6; she mentionec that clay she woul(l be ~vearint a blue outfi
and I think she said her hair in a clip bacl oS' tle shoulders.

sII. LEN-Z5-E[. NOIV, I believe on AIay 19 of tllis year, xwhen lve went out to th
phone booth avith ~ou, there xvas some scotch tape underneatll that telepholle box 7

Alr ET-SENVICZ. That is correct.

3lr. LE!-Z5a:R. N.0M', did sou observe her on the first occasion come bv. pick up
the lieyX and -.o over to the box. which I thinlv is N401, and remove fu3lds that you h
H lert there 2

3tr. IRLASE-F~6Z~ That is correct

3tr. L~~N-z5-Tt Did a ou we her do that on other occasions ?

Mr. t-ve-CZ. On two other oc-ior.,

Alr. LTS-Z5ZR. S-0S, the filst occa3ion, honv much money did sou leave in that
box ?

3lr. ETILASE795CZ.
$@.000.

Attr. LEN'Z5~ The seend occasion ?

Alr. I DL.NSEF1CZ. I Wilt j ust refer to ths notes.

3tr. LEN-Z5:ER. Sure.

Alr. I7LASEFICZ. I mentioned there ~vaS one occasion that 'k. Hunt came. I
mentioned actuallv there were four drops. to ths Hunts.

3fr. LEN-Z5- Four drops to ths Ilunts—three to 31rs. Hunt and olle to 31r. Hunt 2 -

Arr ',T le-L T-t is eorl~.t. There .-ers m.wo th9 second ti-et 2;188000 ths third,
and Sio3.000 on ths last occasiowt which ~vas tiepember 19

Afr. LEN-Z5-ER. .-ul rights sir. Now, I take it sou had ths telephone booth under
observation from ths lount,e aT-~es you left ths liey until at some point when ZIrs>.

HuI piv:ked llp th Eev 2

'.tr. I-1-REWICZ. Correct.

',lr. LEN'Z5~ APlat if someone h.ld come in and fo-d that, ZIrr. INasewicz, while
you nverezvat-chin~.'

Mr. I LLSSE%a6Z WVeIl, he would be. very trulcEy wlievefi of th::t kes. I thinl; that
is ths best I can answer. nrhV pltl mysel f ill that position ?

',lr. LEN'Z5-ER. I take it that it was tile PurP~ of keePinr ths booth undel
observation?

Afr. I F.N-ZNER. Did ths colle a tmne Ivnell vouU xvere instructed bv Al r.
Walnlbach to delivcr furl(s to Alr. Lidtly 2
\( \chi \), I:] VSE\[\text{I. (Z. Correet.}

Atr IXEN'ZNEI-. Do you rellel1lbber alal)loxiilllately lvheIL that wass

\( \text{•Rltes in b1wlecat i 15ific ite exliiirt Uula\{}\text{Ys hein, referell to. EdihbiS appc.-r vu pl. 2}^*_2.2.2 \# 1.1.\)

(22'S)
Mr. ULASEWICZ. That was in July of 1972. Or. LENZNER. Did you contact Mr. Liddy and give him instructions IS to how that money would be delivered? Mr. ULASEWICZ. I did. Mr. LENZNER. How much was that, by the way?

Mr. ULASEWICZ. 88,000.

Mr. LENZNER. All right, sir. Now, will you explain what you told Mr. Liddy?

Mr. ULASEWICZ. I contacted Mr. Liddy. I had taken the phone number from Miss Hunt. She had made those arrangements, saying they needed money, and Kalmbach came back to me, delivered the money, $78,000. In that conversation, he started, and it was the only one I had with him, he started on that occasion, started saying something about—again he thought I was ill policymaking or some contact—and he said, “You can check with anyone and the stand-up guyed et cetera. I said, Mr. Liddy, I am only delivering something in the package.” He said “OK”.

bye maSie arrangements and in this instance, I placed the money in the locker at this end of the lobby and at the end of the lobby, the main area, where Eastern Airlines comes in here. [8a]* I placed the money in the bottom locker. [82]* I placed the key in an envelope and placed it on a ledge here by the window [g3]* and myself in a position back to observe, much in this fashion.

Mr. LENZNER. That is next to the travel

Mr. ULASEWICZ. Next to the Mutual?

Mr. LENZNER. Insurance.

Mr. ULASEWICZ. Insurance situation here.

Mr. LENZNER. That’s right.

Mr. ULASEWICZ. Then he came in and did [as instructed, told him he would be wearing a shirt of some description. He came in, walked by me and he proceeded up—there is a flight of stairs which lead to an upper deck, and I watched him from up here [84]*, and I lost sight of him, he had gone into a corridor leading in here and he probably thought that there were lockers in this area, and he went, however, he came back in maybe 30 seconds or so, and looking at his key opened the thing and took the money.

Mr. LENZNER. Now did there come a time when you were asked to deliver money to Mr. Fred LaRue by Mr. Kalmbach?

Mr. ULASEWICZ. Yes. Mr. LENZNER. Was that in September of 1972?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. And approximately how much was that?

Mr. ULASEWICZ. $99,900.

Mr. LENZNER. What arrangements did you make with Mr. LaRue to deliver those funds?

Mr. ULASEWICZ. The instructions at that time from Mr. Kalmbach were these were two deliveries that day, one earlier to Mr. Hunt in a manner as I described, and the second one to Mr. LaRue—shall I go into the entire conversation at this point?

Mr. LENZNER. Sure, go ahead.
Figure 6 in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 2229-2230.
Mr. ULASEVICZ. Mr. LaRue, Wrr. Illambell said, wave me a telepholle number and said, "Contact Mr. LaRue at 6 p.m. and Mr. LaRue lives in the Watergate apartments" which, of course, was a little surprise to me, and IIOIV we are back into the Water rate deal [laughter] and he said to leave, Mr. LaRue surrised that I leas-e the package at the desk and I said to AII. Kalmbach at that no point 11. ste I been observed and I have been obeying the instructions as best as I know how and I certainly am not going to ovals in an(l leave it at the desk because that is a third partV. He said, ",&11 right, handle it any Daily you ~vantt as usual," et cetera.

WN7llat I did is there is a crarafre opposite v.,-here Mr. LaRue lived in the B'aterfrate, his entrance'lad one telephone booth and it was very— it was being used quite a bit—so I didn’t tro there bitt I hated to ~ro to xvhele. I did go, which was the Howard Johnsion Hotel at99 from Watergate which was used in the original situation and that is cohere I wound up.

I placed the key~ I called Mr. LaRue, and asked him to come doavn, I had a packaged he was •vaitin~ the call p.m. exactly, he lvas awaiting the call and he says fine, he would be right dolvn. I had never met Mr. LaRue. I asked him to put two magazines under lliS arm, come across the street, come into the motel entrance and the money svould be 011 the ledge ill the motel.

Aplen he came out. it is a xvide street, I watched him through the motel windoyv here r861* and he had two magazines. Ike stopped at the island because of heavy traffic, when he stepped off the island he xvas HOW approachinor, I laid the money on the ledge in the envelope and I proceeded tllroutrh a door back to the cigarette machines and I cotlkl see him come in, pick up the money, hesitate a moment, go rifrht out and Pro back, back to his apartment.

Mr. LENSER. SO you had the nloney and him vulder observe . ion until such time as he picked it up ?

Mr. ULASEVICZ. That is correct.

Mr. LENZNER. Thank you very much, Mr. Ulasewicz.

Can you return nolv to the table and Eve mill fro back and pick up some more of your conversations with Mrs. Hunt.

Nova, after you delivered your $95,000 to Mr. Bittman, did you so advise Mr. Kalmbach that you had made that delivery X

3Ir. ULASBVICZ. I did.

Mr. LENZNER. None, after that, did you receive another phone call from Arr. Kalmbach instritletingr you to contact the writer or the writer's vife ?

Mr. Ut~rs~+vlcz. Yes, and he gave me the telephone nu nher to the writer's residence.

Mr. LENZNER. WVho were thou to call on that first occasion ?

Mr. t.rLASEIVICZ. The writers who would be Air. Haunt.

Wlr. I,ENZ:9'ER. And did you have any instructions I BNlat were you supposed to say to him g

SIX. ULASEIVICZ. That a listing of the cost of the script and the same routine, the actors and who may be concerned in that show

3Ir. LENZXER. Did you call the number that Atr. Kalmbach lla.d Riven to On R

Wlr. IIL VSEIVICZ. No. The telephone mlnlber R

Air. LENZNER. Yes. Atr. ULASEVICZ. Yes, I dill call.

*Figures in brackets Indicate exhibit numbers belay referred to. Exhibits appear on pp. 222v~2230.
Mr. LENZNER. Did you have a conversation—did you ask for the writer and talk to somebody out thereof?

Mr. ULASEWICZ. Yes, I spoke to a male whom I assumed was the writer. He was evasive and wouldn’t recognize my call in any way, and that novas the end of that call, and I got back to WIN-. Kalmbach who then—I had to await a return call, and the return call was to call again—and that if the writers wife, ask for the writers wife which, of course, seas Wirs. Hunt.

Mr. LENZNER. Did you call and ask for the writer’s wife and talk to somebody?

Mr. ULASEWICZ. I did, and she answered the phone.

Mr. LENZNER. And you identified yourself as Air. Rivers?

Mr. ULASEWICZ. Right.

Mr. LENZNER. And what?

Mr. ULASEWICZ. She was expecting the call so that the contact was first made at this point with Wirs. Hunt.

Mr. LENZNER. Could you describe the conversations that you had with Wirs. Hunt?

Mr. ULASEWICZ. Yes. I told her that I was calling regarding the figures and Wirs. Hunt stated that she started with a list of necessities of attorneys, attorney fees, and she went into the persons down, referring to people down South, with the necessity for aid.

Mr. LENZNER. I take it, Mr. ULASEWICZ, you had a series of phone conversations during July of 1979 with Wirs. Hunt?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Well, can you tell the committee the substance of what those conversations concerned?

Mr. ULASEWICZ. Initially, Mrs. Hunt was—when she went into figures—I would inform her that I am not to negotiate. I was simply in a position to deliver whatever was necessary. However, she injected herself continually and early feeling that I would pass a message on or something of that type. She started out initially in the early conversation requesting rather than demanding or building up, but she would mention—she started with herself, the fact that she had lost her own job due to this and that should be taken into consideration, and that with that there are certain things with the job that, for instance, hospitalization, and whatever benefits might be there, that had been lost, and that she thought that perhaps $10,000 or $10,000 might—and this is no matter how many times I would try to stop her she would continue in with that. She said she was sure the same situation was occurring, and there was apparently—the calls I cannot separate completely but where it started from the four instances of dropping the money, she started with this suggestive way and then got into it heavier each time. Subsequently, she would mention the necessity of, that Mrs. Liddy was undergoing some psychiatric treatment or might be undergoing, and that she was a school teacher and that she probably would not be able to work as a result of this and that should be another amount of money.

When she spoke of costs to Wlr. Hunt, her husband, iMr. WlcCord. Air. Liddy, she gave figures of approximately $3,000 a month would be satisfactory, and she had hoped that that might be done in some multiples so Eve would not go through this thing monthly, and then she mentioned the name of Barker and he was particularly—this is in the four conversations, not all in this one.
WIN'. LEN-ZN'ER. I understand.

All. ULASEWICZ. and built it up in that and no matter how many times I
WOtliCl say I am not negotiating she told her bit im ancl. of course, it continued in
that manner.

When she trot into Barkel, she explained Mr. Barker had some peculiar probletn
in this matter, he was dealing with the people (IONVn South, that others may have
become involved other than they started originally—there were some bail problems
down South. F;he mentioned that she, in the course of these conversations over this
period of time, that she *-V.is the one that Ivas delivering the monev to the various
people after she had obtained it from me. Then she mentioned Sturgis Gonzalest
Martinez, and When she had mentioned Barker, she mentioned a sum of $10,000
for,under-the-table, and she mentioned Barker With his problems and with other
people sug.;:estinr that there svere others possibly involved, and this is toward the
final calls, so excuse me.

Ak. LEN'Z5-ER. Pith reference to Ats. Barker let us just stick with him for a
second. A07hen she made refel ence to him she was asking or seeking a specific sum
of money, is that correct?

Mr. ULASEWICZ. Yes, with Mr. Barker.

Mr. LEN'ZNER. Yes, sir.

All. ULASEWICZ. She was asking a sum of money which xwould Up to $23,000,

Mr. LEN'ZNER. How cld she break that down?

All. ULASEWICZ. She broke it down $10,000 bail, 810,000 under-the-table, and
$3,000 for other expenses he was incurring with either coming up in this area and
going back clown or suggesting something of that type.

WINK. IJEN'Z-.NER. Then, shell she spoke about her oavn expenses for— I take
it, travel for delivering these fun{ls?

All. ULASEWICZ. Right.

Mr. LEN'ZNER. How much rvas she seeking for that?

Mr. LEN'ZNER. When she talked about her travels, did she also discuss with you
her concern about the people down South and what assurances they might be given?

Mr. ULASEWICZ. She wanted to, she Ivas concerned that they receive money
like vise for the support of their families and for attorneys.

Mr. LEN'ZNER. Atlas there any discussion concerning the impending trial and its
effect on the people down South ?

Mr. ULASEWICZ. Yes; that some of them svere getting uneasy Even getting
errous, and she intimated that unless the money was forthcomin~ that that certainly
would help all ease the situation.

Mr. LENZXER. You spoke about multiple sums, and I take it—by the way you
were transmitting these requests, these concerns of Alrs.' Hunt to Air. Walmbach 2

3lr. ULASEWICZ. Continually; and no action taken until he Would come back
with an answer.

Mr. LENZNER. And Divs these an ansvcr to the multiple Sums that fairs. Hull	
was seeking for the defendants ?

Mr. ULASEWICZ. Yes; it svas to be 315,000 to McCord, LiddV, and Hunt, 66,000 to
Barker, Se()0 to StUl'ariS, 82,000 to Gonzales $2,000 to Martinez.
Mr. LENZNE-St. And for how long a period was that to cover?

Mr. ULASEWICZ. Five months.

Mr. LENZNER. Now, in a later phone conversation With firs. Hunt, did that become a matter of concern?

Mr. ULASEWICZ. Yes; she said it was causing a problem down South because it happened that they overt concerned because the 5 months ended up in a period just after the election, and from that I rathered they feared that that IS

Mr. LENZNER. When you say down South, by the way, Air. Ulasevicz, what are you referring to. tlo you know what NII'S. Hunt Divas referring to?

Mr. ULASEWICZ. The Florida area, Florida.

Mr. LENZNER. And was there also a discussion with Mrs. Hunt about the attorneys ill the case?

Mr. ULASEWICZ. Yes; there was.

Mr. LENZNER. Would you tell us what she said to Lou about the attorneys?

Mr. ULASEWICZ. She said the attorneys, and she mentioned notes of the defendants and their attorneys—she mentioned $25,000 for Bittman for Hunt. Now, this was in additions and I do not know if she knew I delivered the $25,000, but she did present to me a train in this text that Hunt and Bittman $25,000; that McCord with Lee Bailey, $25,000; Liddy with Alaroulis, $95,000; Barker with Rothblatt, $25,000. The three others, each $10,000, a total of $30,000.

Mr. LENZNER. And as a result you later picked up the various locations initial fund.

Mr. ULASEWICZ. Correct.

Mr. LENZNER. Now, when you delivered your first delivery of $40,000 to firs. Hunt at National Airport, how was that figure arrived at?

Mr. ULASEWICZ. Mr. Kalmbach gave me that figure, and at that time, it divas obvious that the $75,000 was not going to cover into what Eve

Mr. LENZNER. And did you have a conversation with Mr. Kalmbach concerning that figure and Mrs. Hunt's demands on you in California when you Event to pick up the $75,000 out there?

Mr. ULASEWICZ. Yes; that Divas in August, and it was the last pickup from Mr. Kalmbach, and shall I to through it?

Mr. LENZNER. Yes, why don't you tell us what you said to him and he said to
you.

(228)
Atr. DASH. FIG. Ulasewicz Would use an alias?

Atr. DASH. Does yooy know What alias was during this transaction?

Atr. KALMBACH. I think there were several.

Atr. DASH. Does the name Rivers make sense?

Atr. KALMBACH. That was one of those, yes, sir.

Atr. DASH. Did he use that name?

Atr. KALMBACH. I do not know if he did or whether I did, but if our conversation—but then back. I would then report to either Atr. Dean or Atr. LaRue. Who would give us the directions or give me the directions. I should then give Wlr. ITlasewicz the directions, he would then make the contact with the people.

Atr. DASH. Under Four direction your conversation would be with Atr. ITlasewicz on the telephone?

Atr. DASH. And they would be from telephone booth to telephone booth.

Atr. KALMBACH. Yes, usually.

Atr. DASH. Could you just give me a scenario how you would contact Atr. Inasevicz, or how he would contact you, what one would say to the other and how you would do it?

Atr. KALMBACH. Well, if there is a typical, and I don't know if there is, but it would, I would receive a call either from Atr. Dean or Atr. LaRue. With instructions to net Z amount of funds over to one of the defendants or one of the attorneys. I would then call Mr. ITlasewicz, and so inform him.

Atr. DASH. You would call him and reach him at his home number?

Atr. KALMBACH. I could reach him in New York at his home number.

Atr. DASH. When you called him did you use a telephone credit card?

Atr. KALMBACH. No, always it was in cash and it was using a good member of quarters.

Atr. DASH. Putting a lot of quartets in the telephone as you went along?

Atr. KALMBACH. Yes, sir.

Atr. DASH. Did you have any other names for anyone else.

Atr. DASH. Did you have any particular code name for the moneys being distributed?

Atr. IVL. ZIN. If there is a code name the name developed in—svelell I was at the Statler alley 311. ITlasewicz came down to receive the 1...100 that I had received from Atr. stalls. he came into the room

ajlhl he didn't have a briefcase with him, so he just went to the shelf

(229)
tlae instructions to ar~. IJlasesvicz to contact 3rl. Ca(klv. =tn(l I thinl; those instructiotls xvere received svithill a period of a fcxv days after

I returned 011 tle ?Otl.

I tlerellpoll calle(l Slt. Slasesvicz' holne in Nexv l-ork anel oave him
those instrlelions. He thell ~vent to Al'ashin~~-ton ansl there xvere sez ernl calls back an[l forth. I glink, betveen he an(l Alr. Cadd.v. Thell he rwould then call me. I ~volkl thell contact either Alr. Dean or 3tr. LaRue until finally, at one l)Oilt, eventually, it sras elear tllat 31r.

Cadd.y zvould not receive ttle fULICIS.

Senator GURNEY. You sa-- he ~VOtl(l I not receive them ?

Wlr. h.

Senator GURS-EY. Al'ell. nonv. xwhat eventllally happened to themw

3tr. K\L3TB.

I think that an attempt
ivas made to contact 3II'. O'Brien lvith the same result. Arr. O'Brien xwould not aceeIjt deliverv of the fuilds.

Senator Gr-RN-EY. Non-, this is an attempt on the part, of 3lr.

IIJlasesvicz ?

Alr. I\L3tB\CH. Yes, sir: at mv direction. and I llad received the
direction from either Alr. Dean or Alr. LaRue.

'Senator GURN-EY. G0 on.

3fr. ~ALBrBACTA. Then I think it n-as in the second week of July that
el-entually-, a delirery n-as made of 12a,non, I thinl; to Alr. Bittmans by 3lr. Ilasesvicz, again at my clirection ancl after I had receivecl
directions from either Wlr. Dean or 3tr. LaRue.

Senator gwr'RN-EY. III other m-ords, that $24.000 lvas, turned over by
either Dean or LaRue instlaletinr you to instruct ETIaservicz to give
it to Bittman ?

3fr. IlALBrBAC\FT. AlTell, sir, my recollection is that I think Atr. Elase
xvezd disbursed some $ssonn to itr. Lickl-. I knovn tllat I had instructed
Wlr. Ulasesviez to dedllet from the funcls that I rave to him lshat-
ever he needel for his expenses.
Senator GERIE-EY. As this 88,000 to Lindv UpOil VOUI instrilietiolls?

err. Tts\L3IBACEI. Yes, sir; I am certain that it svas.

Senator GI-RS'EY. Recei--e(l from avhom 9

3lr. IL\L3tR:\CH. From 3rr. Dean or Afr. LaRue.

Senator GICRN-E1-. G0 on.

3lr. IiALAtB ~CH. And also, $1noon lvas—I receievecl A1.000 lwhich I had
turned over to Arr. Strachan at the AVhite House ill reslsonse to his
request for $1,000.

Senator (~rITRN-ET. All r(Jht.

Mr. IIAL3XBACH. &bout that time, Senator. I received some W0.

from Afr. LaRue—I think it xvaS on the Ifith of July—vhich I
ave to 3tr. ITlasexvicz. And from that time forlvarcl. I thii; my mem-
ory is that almost all of the funcls rvvent to 3trS. Hunts XVitil some
i;3(.1,000 -->oint, to Afr. LaRue Oil or about the IDth or—15th or Ifth of
September—that awhen the final payment svaS made to 3rr.—one pa^--

ment of some y..n.000 to Afr. LaR;le ancl, I thillIE it xvas some little more than
$50^00 to Afrso Hunt at that time.

Sellatol (TTt-rsEz-. AVell. if rve Call g0 baelQ II0\V. xve lvere doxvll to. avel
necolultec fOI-.t.3+,0no out of the $T.nO)/0.

(230)
Senator GURA-EY. Which would leave $1,000, plus another $50,000 from LaRue—$51,000. Now, at that point, what happened as far as the instructions to do something with the $81,000? What was the next step?

Mr. KALMBACH. Yes, sir. Throughout this period, several times, I received instructions to instruct Mr. Laselvicz as to disbursements and as I say, I think most of those disbursements after mid-July, I think, went to Mr. Hunt, who in turn distributed funds to various of the defendants and to various of the attorneys involved.

Senator GURA-EY. Tell, can you give us a little better understanding than that. Did you receive word from Dean or LaRue to give a certain amount to Mr. Hunt?

Mr. KALMBACH. Yes, sir. I remember that, I was told from time to time to give a certain amount to Mr. Hunt.

Senator GURNEY. Do you remember what those amounts were and when?

Mr. KALMBACH. Approximately $80,000 or thereabouts went to Mr. Hunt, out of which certain of the attorneys were paid and various of the defendants. Beyond that $150,000, there was $30,000 that was given to Mr. LaRue in the final disbursement. Twenty-five thousand dollars was given to Mr. Bittman. I think $88,000 was given to Mr. Liddy, as I remember it, $1,000 to Mr. Laselvicz, and $1,000 which I retained and delivered to Mr. Strachan. Now that total is approximately $220,000.

Senator GURNEY. And the amount, as I recall, was $81,000?

Mr. KALMBACH. Yes, sir.

Senator GURNEY. So then as I understand it this rather large amount to Mr. Hunt, approximately $150,000 was paid from time to time—and you don’t actually recall the specific dates and the amounts?

Mr. KALMBACH. No, sir. I do not. I don’t recall—I recall with particularity the dates when I received funds, but I don’t recall with anything like particularity as to the dates that I called 3rr. I-lasevicz or when instructions were given to 3rr. I think the names of the attorneys for other of the defendants, and a lesser amount was given to those attorneys for other of the defendants. Plus the $30,000 that Event to 3rr. LaRue in September.

Senator GURNEY. All that is your recollection of the instructions that I gave to Mr. LaRue at this time so far as payments to 3rr’s.

Mr. KALMBACH. I think I did not, I do not remember the names of the attorneys for other of the defendants. And a lesser amount was given to those attorneys for some other attorneys for three of the defendants.

Senator GURNEY. All right, this is your recollection of the instructions that I gave to Mr. LaRue at this time so far as payments to 3rr’s. Hunt are concerned?

Mr. KALMBACH. The instructions as I remember it, I were to give her funds for attorneys and I recall the names of the attorneys over and above Mr. Bittman, Mr. Rothblatt. I think the majority of the attorneys were given to Mr. Bittman, Mr. Liddy, and some others. And a lesser amount was given to those attorneys for other of the defendants for three of the defendants.

Senator GURNEY. All right, did the instructions come mainly from Air. Dean or 3rr. LaRue?

(231)
HERBERT KALMBACH TESTIMONY, JULY 16, 17, 1973, 5 SSC 2102J 2140-42

15.2

BIr. \( ^{\wedge} \)AL3tBACH. W0rell, initial~~ it's mv recollection that they came primarily from Atro. Dean, but shortly tllereafter or shortlv into the period there they began to collle more from Atro. LaRue or althou~h I alnvay-s crnairecl it interchallyeablv. Senator.

Senator GURA-ER-. In the raisiny of the mollev. as I tnderstand it vou received four amounts here that totaled $19,0()(). Mrwhere did most of the pressure come from to raise this mone~. do vou recall that, from vhom ?

Wlr. I\( ^{3} \)L3tB.&Cl[. No. sir. I avas just—I avas riven mv instructions, at,ain bV Atro. Dean or Atro. LaRue and then I recall that Atro. Ulasevs iez vsould receive comm@nications from the people that he Lvas talltint,

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Senator T. L. BRADGE. ARrho Mavc VOII ttle instrletiollS ns to nvholll to meet and
lwhere?

3]1'. K.xr.arB.vell. I tallsecl to 31'. I-Titlvv. and he iUSTl neted me. and I S21id
that I x voukl •leIiver ttle filnns tit the tSHerrv-NetlnerJallds Eiotel alld 2111
inclivi(Illal thell Clllilt) "I' to me alld the idelltitie:tioll evas prol)er 2llld I—

(232)
From Dorothy Hunt

Subject: Accounting for I-rzonies Received

In July, I received and paid out the following amounts:

- $5,000 Bail money for grant Sturgis
- $15,000 Income replacement James McCord
- $12,000 Bail at $5,000 each for Messrs. Barker, Martinez and Gonzalez
- $6,000 Income replacement for Mr. Barker
- $4,000 Income replacement for Mr. Sturgis
- $30,000 Income replacement for Mr. Hunt and Mrs. Hunt
- $3,000 Income replacement for Mr. Martinez
- $3,000 Income replacement for Mr. Gonzalez
- $10,000 Under-table Bail money for Mr. Barker

(Note: Income replacement was for a period of July-October.)

In August, I gave Mr. Barker a total of $3,000 for expenses of travel for himself and others and for telephone expenses, and for interest paid on pawning of wife's jewelry.

In other words, I received a total of $88,000 and have paid out $91,000 (using the final $3,000 from my ovum funds).

You already have an accounting of the $53,500 received on September 19th.

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16. On July 19, 1972 Porter falsely stated to FBI agents that the funds he had paid Liddy were for the purpose of conducting lawful political activities.

16.1 Herbert Porter, SSC report of FBI 302 interview, July 19, 1972 236

16.2 United states v. Porter information, January 21, 1974 242

16.3 United States v. Porter docket, January 28, 1974 ....................................................................................................................................................................................243

(235)
April 18, 1973 3:10 in the FBI Headquarters where I am now reviewing FBI 302’s I will be reviewing the 302’s of Magruder, Mr. Porter,
Mr. Sloan, and Mr. LaRue.

The first interview will be of Mr. Herbert Lloyd Porter, 4340 Garfield St., N.W., Telephone Number 244-1823. Office address 1701 Pennsylvania Ave., N.W., Suite 417, Telephone 333-2615.

Mr. Porter was interviewed on July 19, 1972 by agents Michael L. Hanigan and Wm. Thomas Hajeski at this interview there was present Mr. Kenneth Wells Parkinson, attorney for the Committee.

Porter stated that he was director of scheduling for the Committee to Reelect the President. Held the position since May 1, 1971 prior to that time he worked as a staff assistant at the White House under Herbert G. Kline [sic], Director of Communications and his immediate supervisor at that time was Mr. Jeb Magruder, Deputy Director of Communications his job was to schedule and coordinate the work of the circuit candidates for the president and to develop budgets, regarding employees of the staff and there [sic] salaries and to take care of the celebrities [sic] at particular functions. He stated that in either case that he directly handled funds. He stated that during his job of scheduling of at [sic] rallies and appearances of celebrity -- aware of possible demonstrations and demonstrators that would distract the message of the President. He was concerned for the safety of the celebrity [sic] and other prominent members of the either state government or federal government. He was also concerned that the film coverage would principally [sic] cover the demonstrators.

Among the names mentioned by Porter as potential demonstrators were Jerry Rubin and Abby [sic] Hoffman. He said he would need funds to obtain intelligence concerning potential appearance of demonstrators for the protection for circuit [sic] candidates. He discussed this problem with his superior Magruder at one point when he was asked how much he would need to gain such intelligence he answered roughly One Hundred Thousand dollars. This figure was based on ten individuals working undercover from Jan - Nov., 1972.

Approximately $1,000 per person, Magruder suggested that a employee of the Committee, Mr. Liddy might be able to handle the job. In a meeting sometime in the end of January 72 Magruder met with Porter and Liddy and Magruder told Porter that Liddy would handle the responsibility of gaining the intelligence. The arrangement for the funds was explained by Mr. Magruder in the following way. That Porter would advise Mr. Sloan the amount of money he needed and that he would obtain this money from Sloan in Sloan's office which would be in the form of cash in $100 dollar [sic] bills, that Liddy would th

zinc rQiC l

come to Porters [sic] office and count the money and furnish Porter a receipt. Porter would learn of the amount he needed to ask for from Sloan from Liddy. Porter stated that he couldn't understand why Magruder wanted him to serve as a conduit of the funds and that he destroyed [sic] the receipts which had been signed by Liddy. His
explanation was he didn't see any reason to keep them. What Porter stated that each time he received the money he was alone, it was placed in an envelope and that on one occasion he noticed that the envelope bore Sloan's name and address of 1701 Pennsylvania Ave., and it did not name the Committee. He was not sure whether the other envelopes were equally so identified. Between mid to late January 1972 and April 1, 1972 Liddy made about eight to ten requests for money. Usually the amounts were between one to five thousand dollars. Porter indicated that he gave Liddy during this time roughly $35,000 dollars. None of the money furnished to Liddy was ever returned Liddy to Porter, during this time Porter followed the procedure of notifying Sloan, obtained the money from Sloan and then personally giving the money to Liddy.

In every case the money consisted of One Hundred dollar bills.

Porter stated that Liddy furnished three pieces of information in turn for funds received.

Prior to March 3, 1972 a rally in New Hampshire, Liddy stated that flyers were being circulated supporting anti-war demonstrations against the rally. Liddy estimated that some two hundred demonstrators would be presented.

Prior to March 9, 1972 rally at Miami Liddy advised that there would be a right-wing demonstration at the rally on behalf of supporters of the ASBROOK candidacy. Governor Regan was to speak at this rally. Liddy also advised Porter that the convention were held in San Diego, California there might be as many as two hundred fifty thousand demonstrators present.

Subsequent to April 1, 1972 Liddy made only one request for funds. This was prior to May 10 and Liddy requested Fifty three hundred dollars to cover demonstrations scheduled at the Capitol around May 10. Porter obtained the funds from Sloan gave it to Liddy, and Liddy returned two thousands dollars to Porter.

Porter had stated that he had decided no supervisory role over Liddy gaining of intelligence because he did not consider it to be his job. He felt it was the job of Magruder because Liddy was Magruders employee. Porter stated he never heard the name of Howard Hunt prior to the newspaper stories. And that he was not familiar with anyone using the name of Edward Hamilton. He also stated that prior to employment of the committee he had never heard of his name and knew nothing about him. This was also true of Mr. McCord. He stated that he was unaware of Liddys use of McCord for gathering intelligence. Porter said he asked or wanted to no the method Liddy used or intended to use to gain intelligence. This was because he felt it might be illegal but because this was not his responsiblty. He said that Liddy never furnished him with any memorandum or vouchers or expenditures records or receipts for the money received.
Mr. Porter was again interviewed on March 15, 1973 by special agents
Angelo J. Lano. Porter was interviewed in his new capacity of
Executive Director of the Inagural [sic] Committee, 2nd & T Sts. S.W.

The purpose of the interview was to obtain Porter's [sic] knowledge of

a particular publication "WHY A LIBERAL SHOULD VOTE FOR MCGOVERN"
and that the interview was requested by the criminal division
of the Department of Justice. Porter claimed that he could not
recall positively about the fact that he recalled conversations

concerning certain unknown persons at the committee to reelect
the President. Another group named "Peace and Freedom Party" he
did not recall having funded that party or any money used for

pamphlets nor had he seen any of the pamphlets fitting the description
of the one mentioned. He acknowledged disbursing from his post in
the Committee with the approval of Mr. Magruder but his [sic] said his

total expenditures during the period of time [sic] was about $52,000.
Only $4,400 went to an individual with regard to something published.
This individual was Mr. Phil Joanou, who requested the monies to

print an ad relaying the support of the President's decision

on the mining of Hyphon [sic] Harbor. Magruder approved the expenditure.

and [sic] he obtained the money from Mr. Sloan.
celebrates at particular fl a A:noof E write stated that in 1974 in the case that he directly handled for the job of scheduling or at rallies and for assurances of celebrities a - care of possible demonstrators and desist statements that the could distract the message of the President. Mr. as concerned for the safety of the celebrities and other prominent members of the staff in the particular state or federal government. He was also concerned that the file covering was originally primarily cover the demonstrators.

Among the n as mentioned by Porter as potential demonstrators were Jer 7m bin en b TCAIE A Fe said ne as needed funds to obtain intelligence concerning potential agitation or demonstrators for the event Mr. then Mr. stated that he directly handled for the job of scheduling or at rallies and for assurances of celebrities a - care of possible demonstrators and desist statements that the could distract the message of the President. Mr. as concerned for the safety of the celebrities and other prominent members of the staff in the particular state or federal government. He was also concerned that the file covering was originally primarily cover the demonstrators.
Prior to the rally, there were indications of a right-wing demonstration against the rally. The right-wing demonstration was expected to be led by supporters of the AS39.00S anti-Castro organization. The demonstration was planned to take place at the Capitol in San Diego. Porter stated that he had been informed of this by Liddy.

Liddy, who had been involved in preparing for the rally, had warned Porter that there could be as many as 500 right-wing demonstrators present. The rally was scheduled for April 1, 1972. Liddy had made a request for funds to cover the costs of the demonstration.

Porter had arranged to have $1,000 donated to the Consumers' Action Committee, which had been set up to oppose the demonstration. Porter had also arranged for $1,000 to be spent on advertising to counter the right-wing demonstration.

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(241)
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

HERBERT L. PORTER,
Defendant.

INFORMATION

The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution Force, charges:

On or about July 19, 1972, in the District of Columbia, HERBERT L. PORTER, the Defendant, did knowingly and willfully make false, fictitious and fraudulent statements and representations to agents of the Federal Bureau of Investigation, United States Department of Justice, which Department was then investigating a matter within its jurisdiction.

(In violation of Title 18, United States Code, Section 1001)

~ ~ ~ ~

LEON JAWORSKI
SPECIAL PROSECUTOR

Violation of 18 U.S.C. § 1001

(False statements to Government Agency)
**CRIMINAL DOCKET**

- **United States v. Porter Dock Co.**

**CASE CLOSED**

<table>
<thead>
<tr>
<th>CASE</th>
<th>COURT</th>
<th>TYPE</th>
<th>DATE</th>
<th>DEFENDANT</th>
<th>ATTORNEY</th>
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<td>17-18</td>
<td>1001</td>
<td>False statements to</td>
<td>1974 Jan 1-21</td>
<td>Porter Dock Co.</td>
<td>United States</td>
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**BOND:**

- United States, 3245 15th St. \(\text{Address}\) 91900

**APPEARANCE:**

- Charles B. Murray, Esq.

**JUDGE:**

- Sirica, C.J.

**ORDER:**

- Case is randomly assigned to a judge.
28: _RENGRAINED: PLEA OF GUILTY entered to Information (18 USC 1001)_

_BRYANT, J_  
Referred: Oral Motion of For release on personal Recognizance

I send to Sentencing heard oral motion of Special Prosecutor that A Probation Report be made available prior to sentencing heard and granted personal recognizance.

_BRYANT, J_  
Rep-Ply by Harpe _  
Charles B. Murray, Atty

ORDER for release of defendant on Personal Recognizance

BRYANT, J. Defendant released from ___Koo

(CONTINUED)
United States vs. HERBERT L. PORTER, Cr. No. U.S. Marshal’s Office, Los Angeles, California - no later than 10 A.M., Los Angeles, time 4, Monday, April 22, 1974. Ourt recommends commitment to Federal Correctional Institution at Los Angeles, California, Defendant permitted to remain on Personal Recognizance until he reports to U.S. Marshal in Los Angeles, California April 22, 1974 personal recognizance, !
17. On July 20, 1972 Magruder falsely stated to FBI agents that he had authorized Sloan to permit Liddy to spend up to $250,000 to gather intelligence information for use in attempting to prevent disruption at the convention and at speeches by surrogate celebrities and political figures. Magruder has testified that he had volunteered at one point "to take the heat" but that the decision was that if it got to him it would go higher.
Mr. D. Sal. What was that story, Mr. Ataturker, that you finally came up with?

Mr. A, IAGR~ER. What we did was we simply took factual activity that we had asked 311. Liddy to do and we exaggerated to a great extent the amount of money spent $11 those activities to the tune of the $30,000.

I asked Mr. Porter to, would he be willing to work with us $11 this cover story and, as he has testified, he indicated that he did.

So he took care of, in effect, $100.000 and I took care of, in effect, $100,000 and I asked Mr. Porter to, would he be willing to work with us $11 this cover story and, as he has testified, he indicated that he did.

So he took care of, in effect, $100.000 and I took care of, in effect, $100,000 and I asked Mr. Porter to, would he be willing to work with us $11 this cover story and, as he has testified, he indicated that he did.

Arr. DISH. One of these persons that you have named— you finally did arrive at the story and they knew in fact what actually had occurred?

Mr. A, IAGR~ER. Yes; they did.

Arr. DISH. Could you tell us why the story required that the break-in involvement be cut off at Mr. Liddy and not at Mr. 

Mr. A, IAGR~ER. Well, there was some discussion about me and I volunteered at one point that maybe I was the guy who ought to take the heat, because it was going to get to me, and we knew that. And I think that was basically the decision was that because I was in a position where they knew that I had no authority to either authorize funds or make policy in that committee, that it got to me, it could go no higher. Mr. Liddy, because of his past background, it was felt that that would be believable that Mr.-Mr. Liddy was truly the one who did originate it. And, of course, it was tales I think, that Mr. Liddy did originate the plan, was basically the one who did come up with these ideas in specific terms.

Fire felt that was more believable than somebody like myself who did not have any background in this area authorizing these kinds of sums of money and authorizing this type of program when it was known full swell throughout the committee and Mr. Housie House that I had $10 such authority.

Arr. I), vsu. Mr. O'Brien, who were representing the committee?

Mr. A, IAGR~ER. After July 4, Mr. Atardian brought Mr. Parkinson into my office and said to me that he would like me to tell the true story. I said, "You mean the true story"—which— you blow. at that time, we were dealing in a number of stories, and he said: I avant the true story.

I then for 28 hours, I thinly told Mr. Parkinson the tale storm.

Mr. A, IAGR~ER. Bllt later, you then told Mr. O'Brien and Mr. ParlinSOII the StOF$ that had been developed and agreed to by the other lea'ttieS VOTlmentioled?

Mr. A, IAGR~ER. Yes; that is correct.

Mr. A, IAGR~ER. Why were you first called before the rand jurv. Mr. A, IAGR~ER?
The second appealant was on August 16, which was

Air. DAstr. Before that appearance, were you interviewed by the Federal Bureau of Investigation?

Ahr. ALSCRUDER. Yes; immediately after my errand jury appearance, I was interviewed by the Federal Bureau, or soon thereafter.

311: D TSH. At the time you were interviewed by the FBI, had the story been developed?

Ahr. ALSCRUDER. We had still not come up with the money amounts but other than that, we basically had developed the guidelines to the story, yes.

3fr. DSH. When you were interviewed by the FBI, did you tell this false story to the FBI?

Ahr. ALSCRUDER. Yes; I did.

3fr. DSH. You say you were next brought before the grand jury when?

Ahr. ALSCRUDER. In August, August 18.

3fr. DSH. When you testified to the grand jury that time did you testify to the false story?

Ahr. ALSCRUDER. Yes, I did.

3fr. DSH. What role did Air. Dean play in preparing you for your second errand jury appearance?

Ahr. ALSCRUDER. On the day before the grand jury appearance, I was aware that I was a target of the grand jury at that time. So, I was briefed by our lawyers and Mr. Alarcian. Also, I was interrogated for approximately 3 hours by Mr. Dean and approximately 1/2 hour in a general way by Mr. Mitchell.

Air. DSH. ENDOW, after you appeared before the grand jury for the second time, did Mr. Dean (give you an) report?

Ahr. ALSCRUDER. Yes; the day after Air. Dean indicated that I would not be indicted.

Mr. DSH. Did he tell you how he knew that?

Ahr. ALSCRUDER. No; he did not.

Air. DSH. By the way, were you aware of Mr. Dean's participation, you were aware, were you not, that Mr. Dean worked in the White House and did report to Mr. Ehrlichman and Mr. Haldeman?

Ahr. ALSCRUDER. Yes, sir.

Air. DSH. And I think you would, when you testified before us in executive session indicated that you were familiar with the roles that you played at that time and that Dean played? At that time did he do this on his own, or was he doing it as a representative for other persons in the White House?

Ahr. ALSCRUDER. Well, again, it is an assumption on my part, I think I should be very careful. Ele XV21S in a stab role and did report to the gentleman you mentioned. Consel(11111111, v. you would assist in and I did

II0 listen and and at 110 tine did I kH01V, tuit he xvas directly repoltin,
Magruder has on only one occasion made a cash disbursement since his employment by the CRP. This disbursement was in the amount of $20,000 to a columnist. Lasky had requested the payment for political work which he had prepared for the White House, but which the White House had decided not to use. Payment was directed by the White House and personally made by Magruder in late February or early March, 1972. The funds for this cash disbursement were obtained from Hugh W. Sloan, Jr., Treasurer CRP.

Herbert Lloyd Porter, Director of scheduling, CRP, had previously conversed with Magruder concerning the security problem connected with surrogate candidates and celebrity appearances. Porter had advised Magruder that he had estimated the cost of intelligence for the surrogate-celebrity appearances to run approximately $100,000, and in view of the concern Magruder had re disruption at the convention site itself, Magruder authorized Hugh W. Sloan, Jr. to permit George Gordon Liddy to expend up to $250,000 to gather intelligence re both concerns.
George Gordon Liddy would gather intelligence re the surrogate-celebrity appearances. He further explained that Liddy would periodically come to Porter, request the funds needed and that Porter was to then notify Hugh W. Sloan, Jr., Treasurer, FCTRP, who would furnish the funds in cash to Porter and Porter would then give the funds to Liddy. Magruder advised that he understood that Porter had given Liddy roughly $35,000 for this purpose.

"Results regarding this surrogate-celebrity intelligence efforts were furnished to Herbert Lloyd Porter. With regard to the convention site of intelligence problem, Liddy advised Magruder that if the convention were held in San Diego, California, there might be as many as 250,000 demonstrators. And further, that the physical location of the convention hall in San Diego would allow the demonstrators to easily disrupt the convention."

Magruder couldn't remember when he first broached the subject of intelligence gathering to Liddy. CRP was concerned about some bombings that had occurred, they knew that demonstrators had opened a San Diego office, and they read underground and radical articles about disrupting the convention. Magruder said he never mentioned or suggested to Liddy any suspicion or any thought that officials of the Democratic party or Democratic candidates would encourage or finance or direct demonstrations at the convention site or at any public appearances by surrogate candidates. Magruder specifically advised Liddy to conduct his intelligence gathering lawfully.

Magruder indicated that most cash expenditures were made by Porter. As an example, "Magruder made reference to the pamphlet which the CRP had published entitled 'Why Liberals Should vote for Muskie.' Apparently this publication contained references unfavorable to George McGovern. The pamphlet was published during the New Hampshire primaries and surreptitiously delivered to Muskie headquarters in New Hampshire. Thereafter, a phone call was made to the McGovern headquarters in New Hampshire and the caller suggested the McGovern people should see what the Muskie people were preparing to distribute. The purpose of this publication was to create friction between the Muskie people and the McGovern people." Magruder indicated that this undertaking cost approximately $30,000. He denied that any money was used to finance demonstrations at the site of any Democratic candidates, He said that the New Hampshire mailing was the only..."
Magruder explained that the $250,000 authorization which he had made for intelligence gathering was justified since the committee to Re-elect the President was an independent, private group, which did not have access to government intelligence reports. And though he could not account for how George Gordon Liddy had spent any of the funds, the information which Liddy had furnished regarding this San Diego convention site was (in his opinion) sufficient to justify the expenditure. He stated that this information had been the primary 'oasis for which the convention site had been changed from San Diego, California to Miami Beach, Florida.'

Date of interview: 3/14/73

Magruder was interviewed special agent Angelo J. Lano. Magruder emphasized that he did not control overall disbursements for the Committee, but only for those activities he personally directed. The authorization for the disbursement to Victor Lasky came from the White House. Sloan and LaRue were present when Magruder gave the money to Lasky. In addition to Sloan's cash fund, Magruder had a cash fund (obtained from Sloan), which Magruder kept in Porter's safe. From his cash fund Magruder authorized Porter to pay $303,000 to a group known as Peace Freedom, which published a pamphlet entitled "Why Liberals Should Vote for McGovern." Magruder,

indicated that the $30,000 in cash be expended covered the entire campaign, not just "a short time span as previously inferred." This is an apparent, although confusing, reference to

i. Magruder’s statement in his 7/20/72 interview that $30,000 was

spent on the New Hampshire mailing. The 3/14/73 interview did not follow up on other projects covered by the $30,000.

In early December 1971, Dean and Magruder discussed hiring Liddy as counsel for CRP. Magruder may have mentioned to Dean the need to gather intelligence about potentially disruptive groups. To Magruder intelligence meant "information as to who, what, when and where people may plan or in fact attempt to engage in any type of disruption."

On December 29, 1971, Magruder, Porter and Liddy met in Magruder's office. "At this time, Magruder brought up the subject of 'intelligence gathering' and explained to Liddy what he wanted. Liddy said he could handle it. Porter was then given the assignment of determining how much money and manpower would be needed. Porter arrived at a figure of $100,000. However, in view of the possibility of disruption at the convention site, Magruder authorized the

(250)
expenditure $250,000 to Liddy. He recalled during this discussion that Liddy told him, ‘in this type of work, you don’t have to know the identity of the personnel.’ (Magruder took that to mean that Liddy would be hiring people and their identities would be unknown to Magruder and the Committee.)"
18. On July 19, 1972 Herbert Kalmbach met with Dean and LaRue in Dean's EOB office. At that meeting, LaRue, in Dean's presence, delivered cash to Kalmbach for use in meeting the commitments to the Watergate defendants. That evening Kalmbach delivered this cash to Ulasewicz in a hotel room in New York city. The amount of this cash is uncertain, being reported as $20,000 by LaRue and as $40,000 by Kalmbach. On or about July 20, 1972 Kalmbach was asked by either Dean or LaRue to raise from outside contributors additional funds for the Watergate defendants. On July 27, 1972 Kalmbach received another $30,000 from LaRue in LaRue's CRP office. These payments to Kalmbach were made by LaRue out of $81,000 in cash he had received from Stans and Sloan early in July, where Stans decided that it would be unwise to retain such a cash sum in FCRP custody.

18.1 Maurice Stans testimony, 2 SSC 701-02

18.2 Hugh Sloan testimony, 2 SSC 548

18.3 Fred LaRue testimony, 6 SSC 2290-91

18.4 Herbert Kalmbach testimony, 5 RSC 2104-05

18.5 John Dean testimony, 3 SSC 950-51.

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The treasurer, not being sure, discussed it with the general counsel for the committee and the general counsel suggested that he take the check and convert it into cash. Ache treasurer gave him the check.

Now, again, I can report what the treasurer has said, that he did not get the proceeds of the check back until some time in May. He received them in full and they were deposited in a bank account on May 22.

Now, as to those two transactions and several others in a similar category we treated that as cash on hand on April 7 and reported it in the report of the media Committee To Re-Elect the President, in the amount of $350,000, and that exact amount of $350,000 was deposited in that committee's bank account on May 25. We felt that we had complied with every requirement of the law as to the handling and reporting of that money we had accounted for it full.

The General Accounting Office subsequently cited our committee for a possible violation of the law in failing to report the $25,000. But the Department of Justice, in a letter some months later, concluded that there was no violation of the law in the handling of that transaction.

Mr. EDLESTEN. Air. Stans, when was the fast time that you learned that these checks had cleared through a bank account of Bernard Barker?

Mr. STANS. It was well after the Watergate event of June 17.

Mr. EDLESTEN. Now, shortly after that, did you have any discussions with Mr. John Mitchell or anyone at the White House concerning any of these checks during the week immediately following?

Mr. STANS. I don't recall any specific conversation with John Mitchell, but I do recall a conversation with Fred LaRue and subsequently with Robert Mardian.

Mr. EDLESTEN. What did you talk about?

Mr. STANS. As I recall it, it was the morning of the 23rd of June, which was 6 days after the Watergate affair. I received a phone call from Fred LaRue, saying, "Do you know Kenneth Dahlberg?"

And I said, "I certainly do."

He said, "Well, his contribution ended up in a bank account of one of the fellows who was arrested."

I said, "Dahlberg didn't make a contribution."

He said, "Well, it is his check."

So he came down and we discussed it and concluded that, in some manner or other, Dahlberg's check must have reached the bank account of Bernard Barker.

We called Dahlberg and discussed it still him, got him to Washington on that same day, met with him, and he met with LaRue and I think with Mardian, and got all the facts of the transaction in hand. It was clear that neither Dahlberg nor I nor Hugh Sloan had anything to do with the checks, that check or the Mexican checks, entering the Barker bank account. They could only have gotten there through the hands of our general counsel, Gordon Liddle, who had taken them into his custody.

Mr. EDLESTEN. Air. Stans, I am fumbling to skip along. I don't want to encroach on the committee. At one time did you approve or consent to giving Mr. Fred LaRue $80,000?

Mr. STANS. Yes, I did. Without you'd like to know the back<around of that?
Mr. EDMISTEN. Yes. AM What was that?

Mr. STANS. The same day of June 2... Sir. Sloan had balanced his cash account, something which he couldn't do because he was going on vacation and under the tense situation that was building up he didn't want to hold the cash in his custody. He showed a balance of $81,000 of cash on hand and expressed some concern about it because he was going on vacation and under the tense situation that was building up he didn't want to hold the cash in his custody. We discussed it and concluded that the funds were of a nature which did not classify them as funds of the current committee, that they were properly funds of earlier committees, that they weren't part of what he had to account for in an audit by the General Accounting Office, and that we should get legal advice.

At that time it was understood within the committee that Robert Marinian had been brought to Washington to work on legal matters that were current at the time, and I sought his advice. His advice, after he learned the description of the money, was to get the money out of the office and out of the campaign and to give it to Fred Lalone, Fred Lalone being the right-hand man of John Mitchell, assistant to Mitchell as campaign director. On that advice, Sloan gave his half of the money to Lalone and Sloan later gave his half of the money to Lalone. I neglected to say that when Sloan expressed concern about having that much money in his custody I agreed to divide it with him so that there would only be about $40,000 in each parcel, and I took one and put it in my desk and he took one parcel and took it home. I gave mine to Lalone rather promptly, at the first opportunity. Sloan went on vacation to Bermuda for about 10 days, and gave his money to Lalone upon his return.

Now, there is no uncertainty as to whether that money passed through Marinian's hands in each case. I can't recall whether I gave the $40,000 that I had directly to Lalone or gave it to Marinian to give it to Lalone. Sloan did give his $40,000 to Marinian and Marinian gave it to Lalone.

Mr. EDMISTEN. Do you know what happened to that money in the end?

Mr. STANS. I do not know specifically what happened to that money. Subsequently, I received some funds for several purposes from Fred Lalone, whether it was part of the same money or other money, I have no way of knowing, and only he could tell.

Mr. EDMISTEN. Sir. At the end of June or early July did you receive a call from Mr. Herbert Kalmbach requesting money from you?

Mr. STANS. On the 29th of July I received an urgent call from Mr. Kalmbach. He said he was at Walding— in the St. Martin Hotel, that he was extremely ticked that he was no right away, and he wanted me to come over there, and I did. I dropped everything and went over there to see him. He said, "I am here on a special mission on a REA Home project and I need all the cash I can get."

I said, "I don't have any cash to give you. Will you take a check?"

He said, "No, I can't take a check. I BESURE he is cash, and this has nothing to do with the campaign. I am asking for it on the high level of authority."

Mr. EDMISTEN. What high authority— (did he say?)

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Mr. DASH. Was that on June 25?

Mr. SLOAN. Yes, sir.

Mr. DASH. When did you return?

Mr. SLOAN. It would be on July 3.

Mr. DASH. Did you learn from Mr. Stans whether he did likewise?

Mr. SLOAN. Yes, sir. I believe—I am not sure what his travel schedule was, but I believe the first opportunity probably the next day, I indicated to Mr. Stans that I had had this call. I assumed Mr. LaRue must have talked to Mr. Stans to know that I had it. I asked Mr. Stans was this in fact what he wanted me to do with it? He said: "Yes that is precisely right, that is what I did with mine."

Mr. DASH. On or about July 4, did there come a time when you did 'something with the $40,000 that thou had taken home with you?

Mr. SLOAN. Yes, sir. I was at home and got a call from Fred LaRue, who indicated to me that he was aware that I had this cash in my possession and would I bring it in to him, which I did, and returned home.

Mr. DASH. Did you learn from Mr. Stans whether he did likewise?

Mr. SLOAN. Yes, sir. I believe—I am not sure what his travel schedule was, but I believe the first opportunity probably the next day, I indicated to Mr. Stans that I had had this call. I assumed Mr. LaRue must have talked to Mr. Stans to know that I had it. I asked Mr. Stans was this in fact what he wanted me to do with it? He said: "Yes that is precisely right, that is what I did with mine."

DASH. On the next day, JUlr 5, did Mr. Magruder get in touch with you again?

Mr. SLOAN. Yes, sir.

Mr. DASH. Could you tell us briefly what he wanted to talk to you about and the circumstances of that conversation?

Mr. SLOAN. If I can go back for a minute to the earlier Mardian meeting before I went to Bermuda, because it is pertinent to this particular item. I on that occasion had indicated to Mr. Mardian that Mr. Magruder had made this suggestion to me that it might be necessary to perjure myself, and I had indicated to Mr. Mardian at that point in time—I understood Mr. Mardian essentially to have taken over the investigation from Mr. LaRue at this point. I said I just did not want to have any further dealings with Mr. Magruder if things are going to be done that way.

By way of background, during the period of time I was in Bermuda, Mr. Mitchell's resignation was announced, Mr. Liddy's resignation had been announced. My reaction to that announcement, particularly Mr. Mitchell's, was that, well, somebody was taking action and was probably cleaning out the committee and starting over, as should be done.

I had a call from Mr. Magruder during the day, on the 5th of July. He said he wanted to get together with me, would I like to do it then, would I like to have a drink with him after work. It was a very busy day since I had just gotten back. I said, well, let's do it after work.

We went to the Black Horse Tavern, I believe. He had dinner and I just had a cocktail because I was expected at home.

He said, you know, we have to resolve this Liddy matter. He said, what we should do is you and I should go down to see the U.S. attorney, Mr. Harold Titus. He said, I will tell Mr. Titus that I authorized the payments to Mr. Liddy and you merely have to confirm the fact that you did make those distributions under my instructions.

Then he said, but we have to agree on a figure. This time, the figure was even less than the time before; it was $40,000 or $45,000.

No resolution was made on that occasion.

Mr. DASH. What did you say to him?

Mr. SLOAN. I was a little flabbergasted, I guess, and I just told him I would think about it and let him know the next morning.
Af r. l)AStl. Iid ille melitior II:S n.lne ?
3ltL, L:V. Rtz. A-o; ile did not meltiorl llis nanle but. as I recall}. dltriirr tllis meetinC
cletlallliie(l tllat xve s-ould use a colel naile. Atr.

- A^II-. D.v6lį. I think VOll have since learned tllat Arr. ~011N I-lasesvicz

vas Atr. Piwivs?

Atr. l.~Rt+.. Tllat is l11V undetstalldin- r. ves. sir. A'le also discussed lIOV xve svouelc or
lIOV 311. Rivels cotklil estaljilisi COlll;tCl XVitill tle defendants. and it xvas decided tllat
l)robabl-- tle best rvaV xvould be for him to trV to contact. some of tle attorllex s n-ho svele
xvorkirlr for tle defelldalits at tllis time.

ar-. D.VSH. Did you arrante anv l;ind of g relatiollslip that VOII and Atr. Italmbach svould
have if VOII n-anted to call each otller about tllis ?
Afr. L.vReE. Yes. sir.

Afr. DASH. -inv lcind of a colel arrangement ?
Wlr. L.~R-.. Yes. sir.

Afr. Dxs-. A0'ill you tell us about that R

Afr. L.sP-. Atr. Italmbacil indicated that tllis wvas. this rvould be necessarv, that this
rvould be a ver-- secret operation. and that wve should conduct OUIb business bv lvav
teleplones. and that vre rvotld use the colel name Bradford.

3hr. l)\.SH. AlTere you 3Ir. Bradford ?

Afr. LAREE. I think avasn t, t tlinl;: determined. at least not to mV lcnovxledge and
consecuentlJ, lvve both ended tlpl xvith tle code name Bi aclford.

Afr. D.VSII. In other avords. svhell you callecl Atr. Walml)ach --ou asked for Wlr. 13radford
anci he asked for you, he rvould call for AlT. Bradford and vou both avould hiolv --vilat vou
rvvere talking about ?

Afr. r.--ReE. Tllat is correct.

3hr. DASII. Did --ou learn of lVhat llroblems Atr. Rivers m-as having avith the larvvers?

Afr. LAREE. Yes; tllat stlbseq1llellt, a subsequent teleplone conversat1OI1 lI had svith Atr.
Bradford—IValml)ach

Wlr. DASII. Honv often dicl vou really use tlhat name so as to fall into ettle habit of
callinq Arr. Kalnil)ach |ach. 13hr--aclford ?

3lr. LARLJE. lle indicated tlplat Atr. Rivers svvas has-ing eonsiderable diflicultv establishill-- a
contact tllorll(J the laxv--ers, and as I recall at that time lve had a discusioll of this
problem and decided that 3r--. Peivers had tried to el"rect a contact XVitil ArrS. Hunt.

Wlr. DASEI. NO5V. after n-our first meetill 1vith 311. lhalilis)acill and the arranoelllents
xvere m.icle, dicl vou again meet lVitill Atr. Ivalml)ach in Wlr. Dean's office sometime in the
middle of .Tul-- 197?

Atr. LARLJE. Toa. sir.

Arr. DASH. Wlr. Dean zvas present at that time ?

3lr. L.vR-v. That is correct.

Afr. DASH. (Fould vou tell us avhat avas Sdid at that meetint,. avhat the ~--url)ose of the
meetin~ xvas ?

Afr. LsR-. Btv recollection of tlplat meetill--. Atr. Dash, is Atr. Ivalm lncll llad secured from
3lr. Rivel s a—soulle sl-eifiec amoltult of monex tlatl --ould l)e necessarV or xvoliilk l l)e retliil
cel to meet tlel culmitteeuetsz thele --vere sl)eifiec amotlilts lllToloattofile++ fees at this
time 21lids as l recall sl)eifiec amollilts of molleV tlla t +\ovil(l l)e reqllired for nzaiiltMllalice of
tlleir families.

(257)
3Ir. DASTI. Did you provide any special instructions concerning how much money was to be given to Sydney Iversen?

Atr. LsRez:. No, sir. 3Ir. Das]E. I xwould have had no say to have any knowledge of this, and I think Mr. Ivalmbach has testified that I, you know, that I was not aware of this information. I think Mr. Ivalmbach is just mistaken in this. I had no say to have this information. I never discussed it with any of the defendants and don't know any of the other than I, Liddv.

Atr. D.SE-. Did you give 3Ir. Ivalmbach any money at that meeting?

3Ir. L.tRt-E. Yes, sir; as I recall, I think at that meeting, I gave Mr. Ivalmbach approximately $40,000.

Atr. D.

3Ir. L.

3Ir. L.

3Ir. L.

3Ir. L.

Atr. LARtw. I can't say they were all $100 bills, but predominantly $100 bills, yes, sir.

Atr. DASH. Did you recall the denominations of the bills?

Atr. LARtw. I can't say they were all $100 bills, but predominantly $100 bills, yes, sir.

Wlr. D.NSH. Any other role did you have after this particular meeting with Mr. Dean and Mr. Ivalmbach. Did you assume any particular role while Mr. Ivalmbach was carrying on this particular mission?

Atr. L4xR-. Yes, sir. I had numerous telephone conversations with Mr. Ivalmbach. I would say my role was a concurrence with Mr. Dean and Mr. Ivalmbach as a conduit at this particular point.

Atr. O'Brien. During this period of time, Mr. Dash, I had a lot of your knol, numerous conversations with Mr. Ivalmbach. Did you meet with Mr. Ivalmbach during the summer of 1927, Mr. O'Brien during the summer of 1927?

Atr. L.RtE. Yes, sir. I met with Mr. O'Brien many times.

Atr. DASH. Could you tell us about how often and what was discussed at these meetings?

Atr. LARtw. I wouldn't say on a daily basis, but Mr. O'Brien has been retained by the committee as a counsel representing us in civil litigation, and we had jillSt numerous conversations. Mr. Dash.

Atr. DASlr. Did any of those conversations have to do with the needs of the defendants in the criminal cases?
Mr. DASH. In that manner?

Mr. KALMBACH. That is correct. That divides the end-all. There were several telephone calls, all the final wrap-up on it was that he refused to receive the funds.

Mr. DASH. Was Mr. SIS contacted next, which was Mr. R?

Mr. KALMBACH. I think Mr. O'Brien was contacted and again with the same result.

Mr. DASH. He refused to receive the funds?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Then who next was approached?

Mr. KALMBACH. I think then it was Mr. Bittman, and Mr. Bittman—I think this may have been when the name Rivers was used, Mr. Dash, but my recollection should be that Mr. Bittman received $25,000, probably sometime during the second week of July 1972.

Mr. DASH. Did you follow any usual procedure that Mr. Ulasewicz would make the contact and pay the money he would call you and then you would call Mr. Dean and tell him it had been accomplished?

Mr. KALMBACH. Or Mr. LaRue.

Mr. DASH. Or Mr. LaRue. Were all these phone calls booth to booth?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Even when you spoke to Mr. Dean?

Mr. KALMBACH. Yes, that is correct.

Mr. DASH. Or Mr. LaRue?

Mr. KALMBACH. That is correct.

Mr. DASH. What other lawyers were supposed to receive money, to your recollection, Mr. Kalmbach?

Mr. KALMBACH. Well, after the disbursement to Mr. Bittman, I think there was—most of the remaining funds went to Mrs. Hunt who in fact was the person who did the distributing thereafter and she distributed to these other attorneys.

Mr. DASH. Mrs. Hunt?

Mr. KALMBACH. Yes.

Mr. DASH. Now when you next—when did you next return to Washington, after this first series of meetings, where you received this money and met with Mr. Ulasewicz, when did you next return to Washington?

Mr. KALMBACH. Well, the next time that I was back in Washington involved in this assignment, Mr. Dash, was I think it was, on July 19. Mr. DASH. What happened at that time? What brought you back?

Mr. KALMBACH. Well, at that time, I think I was asked to come back, I think by either Mr. Dean or Mr. LaRue, and to meet with Mr. Dean and Mr. LaRue in Mr. Dean's office in the Executive Office Building.

Mr. DASH. Did you receive any money from Mr. LaRue at that time?

Mr. KALMBACH. Yes, sir.

Mr. DASH. How much was that?

Mr. KALMBACH. Yes, sir.

Mr. DASH. How much was that?

Mr. ICAL3IBL?~CH. Oh, some $40,000 was received from Mr. LaRue at that time.

Mr. D ssrr. Where did you receive it?
Mr. DASH. Did you receive any additional instructions at that time? Mr. TIAL][BACH. I may have? Mr. Dash. I am not certain as to that.
Arr. DASH. What did you do with this money, this $40,000, Has this in cash by the way?

Arr. IV QL3XBACH. Yes, it was in cash.

Wlr. DASH. Do you know the denominations of cash?

Arr. I3AL31BACH. I think it was primarily $100 bills.

Wlr. DASH. What did you do with this new supply of money?

Mr. I3AL3IBACH. I took these funds and I think I went to New York late that afternoon, stayed at the Regency Hotel, and gave the funds to Wlr. Ulasewicz, who came to my room in the Regency, probably around 8:30 or 9 that evening.

Wlr. DASH. No, you returned the following week, did you not, Mr. Kalmbach, to Washington?

Wlr. KALMBACH. Yes, sir, I did.

Mr. DASH. Now, why did you return, when did you return, and who did you see?

Mr. I3AL3IBACH. About this time, Mr. Dash, I was being urged—you will recall from my testimony that the funds that were given to me by Afr. LaRue were not solicited by me, they were simply given to me to be given to Mr. Ulasewicz. About this time, I was asked by either Wlr. Dean or Mr. LaRue to raise additional funds. I began to have a degree of concern about this assignment.

Wlr. DASH. What began to cause you to have that degree of concern was it the nature of the covert operations, was it the fact that you were paying this money to defendants? Could you give us a little description or basis or background of that concern?

Mr. KALMBACH. I think the primary reason for my concern was the secrecy and the clandestine, covert nature of this activity.

Mr. DASH. Sort of like a 007 operation.

Wlr. KALMBACH. Like a James Bond scenario.

Wlr. DASH. And were you aware part of that whole scenario?

Wlr. KALMBACH. Yes, sir.

Mr. DASH. The President's personal attorney?

Mr. KALMBACH. And it was very distasteful to me and it had created this degree of concern. The concern was sufficient to make me certain in my own mind that I wanted to talk to John Ehrlichman.

Wlr. DASH. Why?

Wlr. KALMBACH. I wanted John Ehrlichman to confirm that John Dean did in fact have the authority to direct me to undertake this assignment.

Second, I wanted him to reassure me as to the propriety of this assignment. In any event, I requested a meeting with John Ehrlichman. Wlr records indicate that I met with him in his office at 3:30 on July 26.

Wlr. DASH. Could you describe that meeting for us
Mr. DASH [continuing] . What did you say to him and what he said to you?

Mr. ISAI.MB.CH. Yes, sir. As I have stated, the reason for the meeting was to get the assurance as to Mr. Dean's authority and as to the propriety.

Mr. Dssh. Also, at this time, you revere being asliecl to go out and to raise some additional funds on your own, xvere you not, Mr. Kalmbach?

Mr. ISAT,3IB.CH. Yes, sir; and this vs-onld be the first time, Mr. Dash,

that I lvould be going to an outside contributor. I know that the secrecy

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Mr. KALMBACH. Arr. Dash, I had 110 knowledge at all. This is just the impression that I received and I thought that frankly, it was, again, a very humane thing.

Mr. DASH. So in a real sense, you took your so-called moral standard from WIG. Ehrlichman's statement that it was appropriate?

Mr. KALMBACH. WArel Air. Dash, I think it is mole that I had such trust in Mr. Dean and Mr. Ehrlichman that I, if I were advised by them, assured by them, in my mind, there was no possibility that there would be any

Mr. DASH. Impropiety?

Mr. DASH. So, at that time when you had been reassured by Mr. Ehrlichman, did you pick up any additional money from Mr. LaRue while you were in Washington?

Mr. KALMBACH. Yes; I recall that I picked up approximately $50,000 the next day that Mr. LaRue gave to me in his office at 110 Pennsylvania Avenue.

Mr. DASH. Did you have any additional instructions with regard to that money?

Mr. KALMBACH. I may leaves MI-. Dash. I don't recall.

Mr. DASH. That did you do with that money?

Mr. KALMBACH. I called Mr. Ulasewicz, who came down to Washington, and stayed at the Statler-Hilton, and I gave him those funds in his room at the Statler-Hilton.

Mr. DASH. All right. Now, you then had returned to California, did you not?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Did you raise that additional amount of money that you were asked to raise?

Mr. KALMBACH. Yes. I did. I called AL-. Thomas m Jones sometime between, I think it was XUalst 1 and Xunst a, I am not certain as to the date, and indicated that I would like to come by and see him. He had earlier indicated to me that he would have funds for me if there was any special need.

Mr. DASH. Did he—who, by the way since you have named him, who is Mr. Jones?

Mr. KALMBACH. He is chairman of Northrop Corp., in California.

Mr. DASH. And has he been a political contributor to Mr. Nison, the President?

Mr. L-ALB. CEI. Yes, sir, he has personally.

Mr. DASH. And when he indicated to you earlier if Con needed any help he would provide those funds, was that in the area of contributing to the President's reelection campaign?

Mr. DASH. At11 big! It. Nonv ou called him and told him xa-latat?

Wit. Wrl,5IrB, rclr. I called lilil and I thinl I reminded him OII the telephone of his earlier statement to me and he indicated immediately that he xorothl be Clacl to see me. and sve xorvlued Oltt a tine that rvrs mutually convellielt. I event to his office. in Centur, >- Cxity in AVashington, and thony struggling and first with hint there. and vo had a l.)-millrun, meetill< or theleabollts, and lle took from his desl a package, and llall led it to Ille. I plot it in IIIV briefcases and left his office and xvent leach to >/ervl ort loach.
a discussion of the need for supplementary money in exchange for the silence of the men in jail and if the C.I. could not do it the-- I would try to find money somewhere else. Mr. La Rue implicated that Mr. Stans would only have a small amount of cash—I believe he said $10,000—or $10,000, but more would be needed. After some discussion Mr. C.I. I cannot recall with any specificity at this time. Mr. Mitchell asked me to report to the approval of Mr. Haldeman and Mr. Ehrlichman to use Mr. Herbert Valmabach to raise the necessary money. Before I departed the meeting, I remembered that Mr. WEitchells in an aside for my ears only, told me that the White House, in particular Mr. Ehrlichman, could be very interested and anxious to accommodate the needs of these men. He was referring to activities that the FBI had conducted in the past that related to the White House, such as the Ellsberg break-in.

I consent this request to Mr. Haldeman and Mr. Ehrlichman and Mr. Mitchell had requested that he come back to Washington as quickly as possible. He told me he should handle the next flight.

I met Mr. Valmabach at the Atascadero Hotel on June 9. I met him in the coffee shop, but could not find sufficient privacy to talk, so I went to his room. I had always been very open in my dealings with Mr. Valmabach, and I learned that he had stated, after I completed his fundraising activities, I told him that I had done my best to raise the necessary money. So I told him everything, and he said he was not happy with this assignment, but given the nature of the request, I did not expect him to handle it alone. I had never before given instructions to Mr. Valmabach to raise any money or never passed on any similar instructions to him.

Subsequently to our meeting, Mr. Valmabach informed me he was departing to raise the money, but he had instructed Mr. Caselvicz to handle any deliveries because Mr. Caselvicz was the only man I would trust. He said that he did not have the necessary number of telephones and that I should contact Mr. J. Caselvicz call Hil.1 in California. I called Mr. Caselvicz and explained the request, but I did not tell Mr. Caselvicz the reason I was raising the money.

A month later, Mr. Valmabach returned to Washington and requested that I meet him in Lafayette Park, where I called Mr. Valmabach at this time, but I was on the phone while he was there and I have absolutely no recollection of the meeting. We discussed the details of the money's transfer, but I have no recall of any other details.
details of their discussion. I knew that LaRue had the figures on a sheet of paper and Kalmbach wrote them down in his oven code on a small piece of paper which he placed in his wallet. I have no further knowledge of how or when or to whom delivery was made. Alr. Walmbach Derek told me later that it had been done and I passed this on to hrlichman and Haldeman.

Senator BAKER. Alr. Dean, before you close, it is the wish of the chairman—he had to go to the floor of the Senate to attend other business—that we continue until about 12:30 and then recess for lunch, if that is agreeable to you. I think you might have time to just finish this sequence and then recess for lunch.

Air. Desk. There is a break on page 97.

Senator BAKER. We will see how far the witness can go until— r. DEAN. The witness only has the first part of his statement.

Senator BAKER. I understand there is another part of about 1,000 pages or thereabouts. We are anxious for you to go as far as you can, so we have been reading for 40 hours, almost, so another 10 minutes, I think and then we will break for lunch.

3tr. D<X5-. Fine.

I would like to return once again to the period of June 1 through June 30 in the matter of Alr. Mitchell and Alr. Atayruder remaining at the reelection committee. As I had indicated, I had frequent discussions with Ehrlichman and Haldeman, in which I would report back to them on information they had requested or report information I had received. It was sometime during the last 10 days of June that I recall a meeting in Haldeman's office in which they asked me for my recommendation regarding removing Mitchell and Magruder from the reelection committee. This discussion preceded my contacting Kalmbach. At that time I repeated my knowledge of the meetings which had occurred in Alitehell's office in January and February when Lidlcy was presenting his proposal. I told them I did not know for a fact that Mitchell had ever approved Liddv's plans, but AtagItldcr had recently inferred to me that Mitchell was aware of the operation. I told them I had never discussed it with Mitchell himself and the only observation I could make was that the Watergate matter appeared to be consuming most of Atitchell's time, which might distract him from the campaign.

With regard to Atagrudel, I repeated what Lidds had told me rega...
19. On or about July 26, 1972 Herbert Kalmbach met with John Ehrlichman in Ehrlichman's office. Kalmbach has testified to the following regarding that meeting: Ehrlichman assured Kalmbach that it was necessary and legally proper for Kalmbach to continue secretly to raise and provide funds for the persons involved in the break-in at the DNC headquarters; Kalmbach asked Ehrlichman to assure him that Dean had authority to direct him in this assignment, and Ehrlichman stated that Dean had that authority, that it was a legally proper protect and that Kalmbach was to go forward with it; Kalmbach requested the meeting because he had become concerned whether the secret payments operation he was conducting with Ulasewicz was a legally proper activity, whether Dean had authority to have Kalmbach undertake that assignment, and whether the operation should be continued; and Kalmbach received the desired reassurance from Ehrlichman. Ehrlichman has testified that he did not give assurances to Kalmbach. On April 19, 1973, just prior to Kalmbach's testifying before the Watergate Grand Jury, he and Ehrlichman discussed by telephone their July 26, 1972 conference. Ehrlichman tape recorded that conversation.

19.1 Herbert Kalmbach calendar, July 26, 1972
(received from SSC)..............................

19.2 John Ehrlichman log, July 26, 1972 (received from SSC) ..................................................................................................................................................267

19.3 Herbert Kalmbach testimony, 5 SSC 2105-07 268
19.4 John Ehrlichman testimony, 6 SSC 2568-69, 2571-72 271
19.5 Herbert Kalmbach testimony, 5 SSC 2161-62 275

19.6 Transcript of tape recorded conversation between Herbert Kalmbach and John Ehrlichman, April 19, 1973, 4:50 p.m., SSC Exhibit No. 77, 5 SSC

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<0 19 Lou C ? ~ ny>
Mr. DASII. AVhat did you do with the S0,000, \ as this in case of the way ?

Air. IIAL3IBACII. Yes, it was ill cash.

Air. TD SSH. Do you know the denominations of cash ?

Arr. K£\IL)AIB VCII. I think it oval primal in 8100 bills.

Arr. I\^&ssl. AVhat edit you do with this 1lesv supply of mone) ?

fir. IIAL3[B VC]LIV I took these funds and I think I \went to the Regency Hotel, and Brave the funds to Air. Ulasewicz, who can,e to my room in the Regency, probably around 8 :30 01w 9 that evening

Air. DASII. NTOVv~ yoll returned the folloxvin(r weeks did you loot, Air. RNalmbac1l, to Washington ?

alp. IeAL31BACII. Yes, Sir, I did.

Air. DASII. Nolv, why did you return, when did X ou return, and who slid you see ?

WIr. IV313R.NCH. About this time, Sir. Dasll, I was being urged— you will recall from my testimonv that the funds that were given to me by Air. LaRue were simply given to me to be ffliven to WIr. Ulasewicz. About this time, I was asked by either Air. Dean or WIr. LaRue to raise additional funds. I began to has e a degree of concern about this assignments

Air. DASII. AVhat bevan to cause you to have that degree of concerns Mras it the nature of the covert operations, was it the fact that you lvere paying this money to defendants? Could vou give us a little description or basis or background of that concern ?

Air. IHALAIBACII. I think the primary reason for my concern vvas the secreev and the clanclestine, covert nature of this actis-ity.

Wlr. DASH. Sort of like a 007 operation.

Wlr. K tl3IBAC'I. Like a James Bond scenario.

Mr. DASII. And you were part of that lvhole scenario ?

Wlr. KAL31BACH. Yes, sir.

Wlr. Dsvsll. The Presiclent's personal attorney ?

Wlr. ISAL31B.\CEI. Alll it xvas -era distasteful to me and it had created this degree of concern. The concern was sufficient to malice me certain ill my oxvn mind that I wanted to talk to John Ehrlicllman.

Wlr. D.\SEI. Airhy ?

Air. IVAI3\BACE1. One, I lvauteA Jollll Ehrlichman to confirm that Stolen Dean did in fact have the authority to direct me to unAcrialrie this assisslment.

Second, I wanted him to assure me as to the propriety of this assicrmlnt. III an+ event, I requested a meetinC With Johll F.hllichman. arv records indicate that I met M-tih him in his office at 3:30 011 July- "6.

hIr. D.vsu. Could yotl describe that, nleetillg for us

!! Jr. IV33LBABCII \yes, sir.

IWr. DASII [continuing]. AlThat yoll said to him and what he said to vou ?

Air. ISAT.3IBACEI. Yes, sir. i-ts I har e stated the reason for the meeting was to net the assurance as to Atr. Dean's authority and as to the )I o1rl ity.

WIr. D.\SIT. Also, at this time, you were being asked to go out and to raise sonle additional funds 011 1-our O/VII, xvere thou IIOt, all . Kalmbach ?
Atr. IVAT.3XB.\CT1. Yes, sir; and this would be the first time. Wlr. Dash, that I xvote\kl be going to an outside contributor. I hloxy that the secrecy

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involved in this was as I say, very distasteful. It was probably the primary item of concern, feelinb very concerned about this concern that I had.

Other factors involved include the fact that Mr. Haldeman and Mr. Ehrlichman, back around April 1. Glad indicated to me that I had been involved in this fundraising activity for such a long period that Senator ERV. I think the committee had better recess and go to vote. There is a vote on ill the Senate.

Recess.

Mr. DASH. Mr. Italmbach, we were just at the point where you had come into Washington on the 26th to see Mr. Ehrlichman because, as you testified, you had developed a real concern based on the secrecy of the activity of working with Mr. Italsexvicz and the delivery of money and the fact that you were now being asked to go out and raise new funds and you wanted to see Mr. Ehrlichman in order to find out, one, whether or not Air. Dean had the authority to ask you to do this, and, I think, two, whether or not it was proper. Could you then take it on from there, Mr. Kalmbach?

Mr. KALMBACH. Yes, sir.

Mr. DASH. Again, I ask you what did you say to Mr. Ehrlichman and what did he say to you?

Mr. ITALMBACH. When I first went into that meeting with Mr. Ehrlichman, I told him, you are familiar with this assignment? He said, "Yes, I am."

511. DASH. Would you say that again? What did you ask him?

Mr. ITALMBACH. I said, "You are familiar with this assignment that I had received from John Dean?" He said, "Yes, I am."

Mr. DASH. By that assignment, you meant the payment of the money?

Mr. ITALMBACH. That is correct.

Mr. DASH. You were sure that he understood what you were talking about?

Mr. ITALMBACH. Absolutely. And I event through it as far as the secrecy and how this secrecy was bothering me, indicating to him that this is something that was new and foreign to me. I wanted him to-- told him that the press was giving me concern, the whole secrecy thing--the press, this, and that.

Mr. DASH. What do you mean, the press?

Mr. ITALMBACH. Well, I mean the press coverage on the Watergate. I was beginning to have concern about this assignment. And I wanted, and I said, "John, I want you to tell me"—and you know. I can remember it very vividly because I looked at him, and I said, "Tohn, I am lookin, right into your eyes. I know Jeanne and your family you knowl Barbara and my family. You know that my family and m--reptition mean eveverything to me and it is jIlS absolutely necessary Johll, that you tell me, first that John Dean has the authority to direct me ill this assignment, that it is a proper assignment, and that I am to oo forward on it.x"

Mr. DASH. And did he look at you in the eyes?

Mr. ITALMBACH. Yes; he did.

Mr. DASH. What did he say to you?

Mr. ITALMBACH. He said, "Elerb, John Dean does have the authority, it is proper, and you are to (to forward.)"
Now, he said, in commenting on the secrecy, he explained that as saying that but for the secrecy, this whole assiduously, getting these funds to these people for this purpose could set into the press and be misinterpreted. And then I remember he used the figure of speech, he said, "They would have our heads in their laps," which again would indicate to me that it would jeopardize the campaign.

Mr. DASH. Did he say something like this was political dynamite?

Mr. KALMBACH. Well, I do not remember that. But I remember the "our heads in their laps" remark. He might have said political dynamite.

But the effect of all this, Mr. Dash, visa to—

3qr. DASH. To reassure you?

31r. KALMBACH. The effect actually was that it washed out the concern that I had had—that had built up preliminary to this meeting, and I xvent out of that meeting certain that it was proper for me to xvent back to California and approach this contributor this first contributor that I xvent to approach in this program.

Mr. DASH. Well, even though he told you then that you could have to maintain the secrecy and that if it ever got out, they—and I take it that he may have meant the Democrats—

Mr. DASH. Continuing]. Would you have our heads in their laps and it might jeopardize the campaign, that did it suggest to you any impropriety in doing that?

Mr. KALMBACH. It suggested to me that the concern was that this would have a—if it got into the press, misinterpreted.

Mr. DASH. Holy could it be misinterpreted?

Mr. KALMBACH. Misinterpreted in whatever way—that funds were being given to these people. -

Mr. DASH. How could your providing funds through either 3Ir. Dean’s aegis or through all. Erlichman’s aegis, through the COMMITTEE, to burglars ~viretappers, and conspirators be misinterpreted?

Mr. KALMBACH. Well, the misinterpretation would be that this divas being done to silence these people.

Mr. DASH. Could anybody have had any other interpretation?

Mr. KALMBACH. I had the interpretation, as I stated in my opening statement, that I felt that the green light had been given to these people in some manner, expressly or implicitly, and maybe by just, just by chance, where they had gone forward on this idiotic and stupid thing in this A0ratergate break-in and illegal act, and that someone.— and I never kve to whom 3Ir. Dean and 3Ir. LaRue reported. I
just had the feeling that someone had given the go-ahead in some manner and that someone felt that even though these people had clone an illegal act, the decent thing to do is to provide them with, at least provide them with lawyers and provide them with family support.

:HLR. D:\SH. And not to see that certain people were fired and to come out and disclaim it rather than actually support these people before they were charged with any offense?
3Er. Tlxoxzrso>-. But is that not sonetlillinC com*lelelry separate and apart from What Ate. 
Ralnlb(1 wwas Loin r) 1)irln't Air. Itlmbach{ Come to --oll and, in eS$Jlee, tell volt that lie 
lvas f. dStills monev and ask if it seas all right ?

3fr. EIRLlCH{13r.\5-. AYell. not quite in those terms, but I had a conconversacion with ATr. 
Kalmbach about the fact that lie v-as raisin money for attorneys' fees.

Ar. THoASPSON-. Give us the essence of that conversation, if you can. AVilen did it occur 
and What avas said ?

3tr. El-IIRLIClAI\AN-. It occurred on Sally 14 out in his office ill Nessport Be-acll. That baas 
a Friday afternoon. I stopped at his office on mV Slav from the Western ANThite lIouse back to 
the 1)lace that I avas stagings which xvas on farther north, and 31e sloxed me his offices. AN e 
talked about the California political situations lvllicll he vas then ervv concerned about, on 
which he had a number of idells. End he mentioned to me in the Course of that get-toCetller that 
he svas no v raisins .nonev. He said it rather philosor)llically, because eve had had a 
conversation back sometime in February or AArch in which

Ar. THoASPSON-. How do you talk about raising money. philosophically ? [Laughter.]

Ar. EHRLICHA1. vS-. Well, this avaV: He had hoped to get out of the inoney-raising business 
the first of April and eve had hatched a rather elaborate plot to get him out of the money-raising 
business and it avas that 13oh Haldeman and I would be his defense When Alaury Stans and 
John Mitchell asked him to get back into the fundraising again. He said he had had that activity 
and he had been at it a couple of times in Presidential Campaigns and he really wanted to do 
other kinds of things to be helpful.

So eve agreed that xvaften he lvas approached by 3Tr. Stans or Air. Mitchell, that he Would 
saV. and eve would back him up, that he xvas going to' do political chores for the AN'hite 
House on assignment.

He svas philosophical about it in the sense that it xvas sort of, avell, maybe you have heard

Arr. Tlxlozrso>-. Cloulel I ask you this ?
XIr. Th0xPs0x-- Mr. Ehrlichman, I volllld Blge to conclude. Nonv the
reason I am probing this area with regard to your frame of mind at the
time is this: It appears to me that if, 'sa--., the break-in at the psychia-
trist's office of Daniel Ellsberg xvas held under your interpretation, I
presume, of the implied powerS of the President under the (Sonstitu-
tion; if you felt this sway, and if, in fact, the President had instructed
ou for national security reasons to see that those matters were not un-
covered or exposed in the investigation of the AArnter-ate, then all of
these other matters lvoulel seem to follow as a matter of course. the
othet matters yoll responded to, this business about tellinf Dean to
deep-six the Hllnt documents; the business about seeing that money
svas raised or helping to see that money m-ns raised to keep the defend-
ants quiet; this business about offerinfl Hunt Executive clemeney or
the President ofTerincr Hunt Executive clemenev and I lvonv you avant
to respond to all of those, but I am interested in hour you felt at the
time. If, first, you did feel lilie the previous activities of the Plumbers
were legitimate anal legal. and, second, the President did give you
the instruction Which he says he Brave VOII. then would not these matters
follows as a matter of course, and -volllld VOII have anV reason to den+-
them 2

Mr. FLIr.r. It l/lAl\N-. 'Mr. Thompsoll. without vetting into n11 of these
specific misstatements of trestle let. IIS look at what I dill do l/hell the
Presi(lellt gave me the intstrlctl01 bael in the firs1 of IDx at svith re-
Zralc1 to hf)}[fl[lS collofdelltl:ll the activities of that special Iillit. What
I did clo rvas to contact the people I l/vo avers ins-olwecl. that is, lvronfr.
and l--onll r-. primatlv. and save "This is the Plesi'Iellite s clecisioll. this
is lllS determination, he does not avant this talled abolt. It is confiden-
tial, it is secret, it is not to be disenssel."
Senator ERVIN-. Can you

Mr. EHRLICHAN-. I didn't contribute a nickel, Mr. Chairman.

Senator ERVIN-. You authorized somebody else to contribute?

Mr. EHRLICHAN-. No, I would like to set that straight, if I might, Air. Chairman.

The only reason that anybody ever came to me about Mr. Kalmbach raising money was because of this arrangement that I've had entered into that I was to protect Mr. Kalmbach if he wished to be protected from requests to raise money. Now that is—it was a situation where obviously he didn't wish to be protected. He made the judgment, he made it independent of me, and whether I conceded to it or not obviously didn't make any difference.

Senator ERVIN-. Did he ever talk to you about that?

Mr. EHRLICHAN-. Air. Chairman, the testimony is that that meeting, according to Mr. Kalmbach, was the 20th of July as when he was long into this, and as I have already testified.

Senator ERVIN-. He testified he had become dubious about the propriety of it and he even tried to reassure you?

Mr. EHRLICHAN-. Well, as I, Senator ERVIN-. And he also testified when he got to you that all told him it was all right and to see that the money was delivered in secret, because if he didn't deliver it in secret their heads would be in their laps. Didn't that occur?

Mr. EHRLICHAN-. Air. Chairman, as I have just told Air. Thompson, I would be terribly slow to reassure Herber Kalmbachs with whom I consider a good and close friend, of the propriety of any such undertaking, of any such undertaking without checking it first, if he had asked me, and I am testifying to you, Air. Chairman, that he did not ask me.

Senator ERVIN-. Well, you recall his testimony was to the effect that I have given you?

Mr. EHRLICHAN-. You mean about the head ill the lap business?

Senator ERVIN-. Yes, that the heads would roll.

Mr. EHRLICHAN-. I suspect that what was said there was that certainly Air. Kalmbach's involvement—

Senator ERVIN-. I am not asking about that. My question is, didn't he have a conversation in which you told him to do it in secret because otherwise "If it gets out, our heads still be in their laps"?

Mr. EHRLICHAN-. I am trying to answer you, Air. Chairman.

Senator ERVIN-. Well, you can answer that yes or no. I have just 20 minutes at this time, and I want to answer my questions. [Laughter.]

I will put this question to you: Don't you consider that Herbert Kalmbach

ZIr. EHRLICHAtAN-. I am perfectly Grilling to answer that, Air. Chairman.
Atr. wILSOii. Let him answer that question, Mr. Chairman, please.

Senator ERVIN. He goes off and answers something I don't ask him.
Mr. Vilson-. Yes, but a "Yes" and "No" usually calls for explanation.

'Senator ERVIN. Well, what is the answer, yes or no, that he had this conversation with Atty. Italmbach?

Mr. EHLRICHIAN. I had a confidential talk with Atty. Italmbach. I told Chairman, and I have no doubt that we discussed the question of secrecy because I do recall his saying that 31r. Itlasewicz was carrying money back and forth.

Now I had in my mind at that time the realization that this what I considered to be a legitimate undertaking could be terribly misconstrued if someone were to impute the efforts of the President's lawyer to this defense fund for Watergate burglars. I mean there is room for misunderstanding I think you have stated the misunderstanding very eloquently in your opening question.

Senator ERXT'S. So that was the reason that you made arrangements by which a gentleman in California, who resided in California, would deliver the money in cash and sometimes in laundry bags to an ex-policeman in Isi ew York, and allow the ex-policeman to come down and deliver the money under orders that he wasn't going to permit the people he delivered it to! to see him.

Mr. EHLRICHIAN. Well, as you know, I had no interest in doing those details at all. As a matter of fact, I was quite surprised to learn in the testimony here that there was what amounted to a laundering process where committee money or money held by people in the committee were passed through several hands and around to Atty. Italmbach for eventual delivery and this, of course, all predates any conversation that 31r. Italmbach and I had.

Senator ERVIN-. AN"ell I have always thought that if a political institution or committee enacted the role of an eleemosynary institutions it would, like the Pharisees brag about it on all opportunities, and so yott agreed with me that a Doubting Thomas might thinly that this money was routed in this clandestine wave not only to keep it secret but also to keep these people that we receiving the money secret ?

Mr. EITRLICHIAN. ANTo, I don't agree with that because I don't know that. I haven't heard anything.

Senator ERVIN-. I am not talking about Lou; a Doubting Thomas might think that this money was routed in this clandestine wave not only to keep it secret but also to keep these people that we receiving the money secret?

Mr. EITRLICHIAN. No, sir.

Senator ERVIN-. Did you record it then?

Mr. EITRLICHIAN. Yes, sir.

Senator ERVIN-. Did you blv his telephone conversation with you?

Mr. EITRLICHIAN. No, sir.

Senator ERVIN-. Didn't you record it then?

Mr. EITRLICHIAN. Yes. And didn't you blv his telephone conversation with you?

Mr. EITRLICHIAN. No, sir.

Senator ERVIN-. Did you record it then?

Mr. EITRLICHIAN. Jstll be happy to call any view of it.
involved in the Committee To Re-Elect the President and the later.

Senator ERVIN: Yes.

Mr. KALMBACH: I think again that Arr. Dean, whether he sees speaking or not, I don't know who he 55-as speaking for when he came to me and I still don't. But I felt that he had ties to An I knew that he had ties with the Committee To Re-Elect, and, of course, ties in the White House.

Senator ERVIN: When you talked to John Ehrlichman about this, John Ehrlichman told you that it was an important assignment that Lou should carry it out, and that if this money was not raised, they would eat our heads in their laps.

Mr. KALMBACH: A-0, sir, he did say that it was an important assignment, that John Dean did have the authority, and that I should go forward.

The statement that Air. Ehrlichman made about heads in the laps was meant that if — this is the reason for the secrecy processes — if in fact, I didn't follow these secrecy processes and it got into the press, it could be misinterpreted and would jeopardize the campaign.

Senator ERVIN: Well, he did tell you that if this assignment was not kept secret, that they would eat our heads in their laps. And you took that to mean that they were some Democrats.

Mr. KALMBACH: Yes, sir.

Senator ERVIN: Or the public press?

Mr. KALMBACH: Yes, sir.

Senator ERVIN: Yes.

Now, you leaned at that time, did you not, that it had appeared in the public press all over the nation, and on 1W- that five burglars had been caught red-handed in the Watergate anti that at that time, they had in their pockets money which had come from the Nixon campaign fund, did you?

Mr. KALMBACH: Yes, sir, I think I knew that.

Senator ERVIN: And that was one of the things that excited in voltr mind the suspicion that there might be some connection between somebody in the White House or in the Committee To Re-Elect the President that they had procured the burglars at the Watergate.

Air. IVALIB: T. I think it entered my mind. (hairmall, that that divas certain a fact which indicated that thes hall been riven the goahead by somebody at the Committee To Re-Elect.

Senator ERVIN: Now, didn't you have a phone conversation with John Ehrlichman on April 15, at 4:50 p.m. the day before you were scheduled to go before the Grand jury?

Mr. KALMBACH: I don't recall that that was stated, but I recall the conversation. I think that he indicated that in the conversation that 3tr. Dean had talked to both he and Zbr. Haldeman: ves, sir. I remember that.

Senator ERVIN: And didn't John Ehrlichman suggest to you that

Mr. KALMBACH: -01 should emphasize that he and Bob Haldeman Ila(l nothillfr to do Smith any of these matters?

Senator ERVIN: Now, didn't you have a phone conversation with John Ehrlichman on April 15, at 4:50 p.m. the day before you were scheduled to go before the Grand jury?

Mr. KALMBACH: I don't recall that that was stated, but I recall the conversation. I think that he indicated that in the conversation that 3tr. Dean had talked to both he and Zbr. Haldeman: ves, sir. I remember that.

Senator ERVIN: Yes xvell. Tohill F-.htlicllmall told VOII ill that COII

Senator F. RuaN: Yes xvell. Tohill F-.htlicllmall told VOII ill that COII
seeking immunity and that he, Dean, had sworn off on Pooh L-fallfleman and John IChrlichman, didn't he 1

Arr. If AtStB=\text{CII}. I tisnl; that is substantially lvh;lt r renlemher.

Senator ERVR. tnel didn't he suggest that VOTl testifv sIS far as vou could so as to implicate Dean and exonerate TJaldelllan find lrlrlich-nran ?

IATr. hw\text{L3tb}:\text{C} Ir. I did not so understand it. AIr. Chairman. I lnder
stood him to say to tell the complete truth.

Senator ERVIN-. Well. let's see. Didn't he tell s-ou, among other thm didn't he say this: i'I shouldn't haul the President into it if I could help it."

Didn't Ehrlichman ask vou that ?

AIr. It:\text{LA}[B,:\text{CII}. Excuse me. Senator, may I read this please ?

Senator ERVIN-. The top of paste A.

Senator +0-EIClVER. Arr. Chairman, in fairness. IVOUlillt it be proper to give the Witness a few minutes to read the entire document that has been presented to him ? -&pparentlv. it is the first time he has seen it.

AIr. E-NL3rBacEL It is.

Thank you very much.

Senator B VEER. AIr. Chairman. I Would also like to say that it is my understanding—I missed it in your inquiry—that What Voll are reading from is a question and ansxver telephone conversation transcript. Which xwas apparently recorded and submitted to us by Arr. Ehrlichman in the course of his inters-ielv. And also in fairness as Senator Weiclier said, to the record, I Yonder if eve might have the entire document included in the record so that it lvill be available for ready reference.

AIr. O'CON-N-OR. AtaV I say this. Arr. Chairman?

Consistent With the fact that as of Starch 1a. l-hen AIr. Kalmbach and I first declared that eve lvoulcl cooperate With this comlnittee and has-e done so lIp until this time. I believe it lvas tlpOll our advice that Wlr. Dash and AIr. Lenzner became a-vare of this ;erv tape. Abbe have not, however, as s-et, read it and eve would appreciate that opportunity

Senator ERVIN-. I rvass undel the impression. and I am sorrv if mv impression lvas wrongs that AIr. lvalmbacll had a c.opv of this. (7el-tainlv, I don't avant to be unfair to anvbocl,>- and I certainlv Would accord him an opportunity to read it.

AIr. ITAL3IBACH. Tlank you.

Senator BAI;F.R. Arr. Clairman. I ~vonder if there is any objection on the behalf of the committee or the witness to inclltldin{r this as an
exhibit in the record?

Senator ERVIN-. None.

Senator B.

I ask unanimous consent that it be included as an exhibit in this record, appropriately numbered.

Senator ERVIN-. That will be done and it. Avid be slumbered as all exhibit and included in the record as such.

[The document referred to was marked exhibit No. S a.*]

Xtr. 0tAL3tB.

Senator ERVIN-. In this telephone conversation which was taped by Jollll Ehrlicllllall. is it not recorded that John F,hrlicllllman told voli.

and I refer to pare .., that thes . that is. the pl osecutilly attorneys. there trying to. et at hilly that is Jolln Jchrlicllllmall, and that thev rvouvl]

See p. 2215.

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Conversation With Herb Kalmbach—April 19, 1973, 4:30 p.m.

E

E

TV

F. R

Fat

T> E
E:載lehman

K: Kalmbach.

E: Hi, how are you?

K: I'm pretty good. I'm scheduled for tomorrow afternoon.

E: Where—at the jury or the U.S. Attorney?

K: At the jury and I'm scheduled at 5:30 this afternoon with Silver.

E: Oh, are you?

K: I just wanted to run through quickly several things, John, in line with our conversation. I came in here last night and there was a telephonic call from O'Brien. I returned it, and over there today and he said the reason for the call is LaRue has told him to ask me to call me to say that he had to identify me in connection with this and he wanted me to know that and so on.

D: Did he tell you about Dean?

K: No.

E: Tell Dean has totally cooperated with the U.S. Attorney in the hopes of getting immunity. Do you know how he says nobody seems to be able to divine how he

K: The whole enchilada?

D: He's throwing off on Bob and me heavily.

K: He is?

E: Yep.

K: He is.

E: And taking the position that he was a mere agent. Now on your episode he told me before he left, so to speak, that Dean, told me that really my transaction with him involving your v-cars virtually my only area of liability in this thing and he said, well, John, what in the world are you talking about? He said, well, I came to you from Bittie and I said Mitchell needs money could I call Herb Kalmbach and ask him to raise some. And I said, and Dean says to me, and you said yes. And I said yes, that's right. And he said yes that does it. And I said well that's hard for me to believe, I don't understand the law but I don't think Herb had promised you that you would not go to jail for Alaince Stans.

K: And also that you knew I was your friend and you knew I was the President's attorney

E: Sure

K: Never do anything improper, illegal, unethical or whatever.

E: Right. And but the point is that rather than Mitchell calling you direct Mitchell knew damn well that VOID were no longer available.

K: Yep.

E: So that Mitchell and Stans both knew that there was no point in calling you direct because you had gotten you out of that on the pretext that you were going to do things for us.

K: That's right.

E: And so it was necessary for Dean to come to me and then in turn to Bill and plead a very urgent case without really getting into any specifics except to say you had to trust me. This is very important. And I told Dean if you tell me it's that important, why yes.
You know when you and I talked and it was after John had given me that svor(l, and I came in to ask you, Jolll is this an assignment I have to take on? I said, yes it is period and move forward. Then that I had to do I needed to be assured that I wasn’t putting my family in jeopardy.

Sure.

And I said just unconditionally that you and I are absolutely together on that. No question about it, Herb, that I would never knowingly put you in any kind of a slit.

Yeah. And when we talked you knew what I was about to do, you know, to go out and get the dough for this purpose; it was humanitarian.

It was a defense fund.

... to support the family. Now the thing that was disquieting about this thing with O’Brien was that he said that there is a massive campaign evidently under way to indict all the lawyers including you, Herb, and I was a little shock I and I guess what I need to get from you, John, is assurance that this is not true.

Well I don’t know of any attempt to target you at all. My hunch is that they’re trying to get at me, they’re trying to corroborate. See what they said to Dean is that he gets no consideration from them unless they can corroborate Haldeman and my liability.

God, if I can just make it plain that it was humanitarian and nothing else.

Yeah, and the point that I undoubtedly never expressed to you that I continually operated on the basis of Dean’s representations to me.

Yeah. It wasn’t improper.

Right.

And there was nothing illegal about it.

See, he’s the house lawyer.

Pep, exactly and I just couldn’t believe that you and Bob and the President just too wood friends to ever put me in the position Where I’d be putting my family on the line.

That’s just unbelievable, Unthinkable. Now shall I just—I’ll just if I’m asked by Silver I’ll just lay it out just exactly that way.

Yeah, I shouldn’t have the President into it if you can help it.

Oh, no, I will not.

But I think the point that I can make in the future if I’m given the chance that you were not under our control in any sort of a slavery sense but that we had agreed that you would not be at the beck and call of the committee.

And, of course, too, that I act only on orders not, you known on direction and if this is soulelfilly that you felt sufficiently important and that you were assured it wasn’t altogether probes then I would take it on because I always do it and always have. And you and I Bob and the President know that.

Yeah, vell, as far as propriety is concerned I think We both Were relying entirely on Dean.

Yes.

I made no independent judgment.


And I’m sure Bob didn’t either.

Nope and I’m JUSt, I just have the feeling, John, that I don’t know if this is a weak reed, is it?

Who, Deans

So, I mean are they still going to say svell Herb you should have known.

I don’t know. I know you could’ve. You didn’t make any inquiries.

Never. And the only inquiries I made, John, divas to you after I talked to Tobih Dean

And you found that I didn’t know just a Whole helluva lot.

Lou said this is something I have to do and

Yeah and the reason that I said that, as you know svas not from any personal inquiry but divas on the basis of What had been represented to me.

Yeah. and then on—to provide the defense fund and to take care of the families of these fellas who were then

Indifferent

Not then been found guilty or not guilty
E: And the point being here, without attempting to induce theta to do a damn thing he absolutely not and that was never that was exactly right. E: OIC. K. Now, can I get into see you tomorrow before I go ill there at 4? If you want to. They'll ask you. Is RVill they?
E: Yes. 19 A Vell, maybe I shouldn't. E: They'll ask you to whom you've spoken about your testimony and I would appreciate it if you would say you've talked to me in California because at that time I was investigating this thing for the President. Is And not now? E: E, well, I wouldn't ask you to lie. K. No, I know. E: But the point is, is but the testimony was in California. The point is, I will, no your recollection of facts and so forth is lies. I agree. E: E, see, I don't think we've ever seen together out there but at some point I'm going to have to say that I talked to O'Brien and Dean and Magruder and Mitchell and you and a whole lot of people about this case. Is Yes.
E: And so it would be consistent. 19 Do you feel, John, that calling it straight shot here, do you feel assured that you didn't revere out there that there's no culpability here? E: Yes.
E: And nothing to sorry about! E: And Herb from everything I hear they're not after you. E: Yes.
E: From everything I hear, is Barbara, you know. E: They're out to get me and they're out to get Bol.
T: Cry get, all right, xwell, John, it'll be absolutely clear that there was nothing look at ex vouch all/V cover-up or anything. It was strictly for the publication.

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20. On or about August 5, 1972 Kalmbach met in California with Thomas Jones, Chairman of Northrop Corporation, who previously had contributed and had offered to provide additional funds for the President's campaign. At that meeting Jones delivered to Kalmbach a wrapped package of cash ($50,000 according to Jones, and $75,000 according to Kalmbach). Shortly thereafter Ulasewicz came to California and Kalmbach covertly delivered $75,000 in cash to Ulasewicz for the Watergate defendants. Kalmbach has testified that a few days thereafter he advised Ehrlichman that in connection with his assignment he had raised $75,000. Ehrlichman has testified that he places this conversation with Kalmbach in April 1973 rather than August 1972.

In August 1972, in accordance with the procedures previously described (paragraph 15), Ulasewicz made two payments to Mr. or Mrs. Howard Hunt ($43,000 and $18,000) by placing unmarked envelopes containing the money in lockers at Washington National Airport.

Page

20.1 Herbert Kalmbach testimony, 5 SSC 2108-09 282

20.2 Anthony Ulasewicz testimony, 6 SSC 2231, 2243 284

20.3 Thomas Jones interview, SSC, July 17, 1973

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20.4 John Ehrlichman testimony, 7 SSC 2844-45 288

20.5 Memorandum to William O. Bittman from Dorothy Hunt, October 2, 1972 (received from SSC) 290

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Mr. ICALMBACH. AIR%. Dasl1, I ha11 110 background knowvledge at all.

This is just the impression that I received and I thought that frankly, it xvas, attain. a very hulllalle thins.

Mr. D VSII. SO in a real sense, you took youl so-called moral stand arcl from 3r-. Ehhlícil tillans statement that it xvas appropriates

WIr. KAL3rB.

Mr. Dash, I think it is nlore that I had such trust in Air. Dean and Atr. Ehrlichman that I, if I lvere advised bv them, assured by them. in my mincl, there Ivas no possibility that there xwould be an)

3Ir. DASH. Impropriety ?

:5Ir. ~L3IB tCII [continuing . w-tIIV impropriety; no, sir.

3tr. DISH. NO5V? at that time when you had been reassured bv 3fr.

Ehrlícilman, did you pick up any additional money from Air. LaRue while you were in Washington?

Air. ~L3IBbach. Yes; I recall that I picked lp approximately $30, 000 the next day that Atr. LaRue gave to me in his office at 1701 Pennsvls-ania Avenue.

3tr. DASH. Did J-OU have any additional instrwletions with regard to that money ?

Mr. K~~LWEBACH. I may have, Sty. Dash. I don't recaU.

Mr. DASH. What did you do with that money ?

Mr. KALMBACH. I called 3Ir. Ulasewicz, who came down to AVash ington, and stayed at the Statler-Hilton, and I gas e him those funds in his room at the Statler-Hilton.

Mr. DA6Er. All right. Noxv, you then had returned to California. did you not ?

Mr. K~LBACH. Yes, sir.

Mr. DASH. Did you raise that additional amount of money that you were asked to raise ?

•All. IlA3lbbach. Yes, I did. I called WIr. Thomas V. Jones sometime between, I think it Ivas August 1 and August a, I am not certain as to the date, and indicated that I would like to come b5- and see him. He had earlier indicated to me that he would have funds for me if there Ivas any special need.

Mr. DASH. Did he—who, by the Ivay since you have named him, who is WIr. Jones?

Mr. I~ALILBACEL. He is chairman of Northrop Corp., in California.

Mr. DASH. And lias lxeen n political contributor to Mr. Nixon,
the President?

Mr ttAL3:[B\CH. Yes, Sir, he has personally.

Mr DASII. And when he indicated to you earlier if you needed any help he would provide those funds, novas that in the area of contribtltinsr to the President's reelection campaign?

Mr. D^vslr. All right. iN;oxv Con called him and told him what ?

31r. ItAL3iBAC'.ll. I called iiiln and I think I rellindecl him on the telephone of his earlier statement to me, and he indicated irrnllecRltelev that he xvoudl be glad to see me. and Eve avorlied cult a time that IVES mutually convenient. I event to his office, ill (SenturV C7itv ill \V-est Laos An reles, I thinli it novas ill nlicl-nftelllooll and met XVit}l Rim tlere! an(l ve had a l;)--minute meeting or thereabouts, and he tools front Ilis desl a packa^,e, and handled it to Ille. I l|ilt it in mv l)riefease. and left his office and \^CIlt bade to Nervl}olt 13e:llel.

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Mr. DASH. What was in the package, Sir?

Mr. KALMBACH. It was $750,000 in cash.

Mr. DASH. Find do you know what denomination the money was in?

Mr. KALMBACH. $100 bills, as I remember it.

Mr. Dash. Mullen 1011 spoke to Mr. Jones did you tell him why you wanted the money?

Mr. KALMBACH. Again just with Mr. Stans, I told him that it was for a special assignment. I did not—I told him it was an assignment that I could not reveal the nature of it, that I had been given the assignment by one in authority at the White House and that was sufficient.

Mr. DASH. Would it be fair to say that he would assume that it had something to do with the campaign to reelect the President?

Mr. KALMBACH. I think it would be yes.

Mr. DASH. As a matter of fact, it did not, did it?

Mr. KALMBACH. Yes.

Mr. DASH. Now, how did you—what did you do with these funds, did you give them to Mr. Ulasewicz?

Mr. KALMBACH. Within, I think it was the next day or possibly the day following, Mr. Ulasewicz evade out to California at my request, and I met him in Orange County in front of the Airporter Inn in Orange County, near my office in Newport Beach.

Mr. DASH. Could you describe how you gave him the funds then?

Mr. KALMBACH. Yes, Sir. I asked him to meet me in front of the Airporter Inn, I drove over in my car, picked him up, we drove and parked and talked, I gave him the funds, I think we probably reviewed our own notes as to how much had been received and how much had been distributed and to whom, and then after, I think it was, a half hour or so, I let him out in front of the Orange County Airport.

Mr. DASH. So again in method of transmission of the funds it was in sort of a covert secret method?

Mr. KALMBACH. Yes, Sir.

Mr. DASH. You did it in the automobiles out on the road?

Mr. KALMBACH. Absolutely.

Mr. DASH. And transferred it to him in the original packet?

Mr. KALMBACH. Yes, in the original packet, I am certain.

Mr. DASH. Now, and then did he fly back to New York?

Mr. KALMBACH. Presumably that night, although I am not certain of that.

Mr. DASH. Did you ever discuss that $75,000 that you raised with Mr. Jones with anyone?

Mr. KALMBACH. Well, my memory is that within a few days after that I was in Washington, and I think I saw Air. Ehrlichman at that time and I told him of the fact that I had raised $75,000 from Mr. Jones for that assignment. That is my recollection of, with the time I met with Mr. Ehrlichman. I think there were other things we discussed.

Mr. DASH. What was Air. Ehrlichman's reaction when you told him you had raised that money?

Bar. KALMBACH. It was just fine, without more.

Mr. DASH. He was—yet xvere following out the original reassurance and he 1mesev yoll lvere doing the job?
would scotch tape the key to the locker where I made my drop. [80]* Allen I would leave that area and either no by the nexvsstalld op—site or—this would be where the phone booth would be. This is a lounge, vllere she svould be cominfr through in this direction. [X1]* This is a xvindoxx for airplane observation be the public, et cetera, and I vould (r) be in thiS area, walk ttlele. Would be a little further behind, Where I could watch the booth. Her directions were the same thing, don't hesitate, go ritht into the booth, remove the key, go to the loclier. The locker xvotld be 25 feet, I guess, or SO across the corridor.

Mr. LEN-Z5-ER. Now, before she arrived on the first occasion, did you also have a description of her, the clothes she xvas going to xwear ?

Mr. ITL-ASE%'ICZ. Yes; she mentioned that day she would be wearing a blue outfit and I think she said' her hair in a clip back off the shoulders.

Ash. LEN-ZXER Noav, I believe on AIay 19 of this vear, when eve event out to that phone booth myth you, there was some scotch tape underneatll that telephone box 2

AIr. ULASEWICZ. That is correct.

Mr. LEN-ZN'ER. NOW, did you observe her 011 the first occasion come by, pick up the key, and go over to the box, which I think is N-301, and remove funds that you had left there ?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Did you see her do that 011 other occasions 2

Mr. ULASEWICZ. On two other occasions.

Mr. I:E?ZNER. IVoav, the first occasion, hove much money did yolt leave in that box ?

Mr. ULASEWICZ. $40,000.

WIr. LENZNER. The second occasion ? fir. ULASEWICZ.
I rvill just refer to the notes.

Mr. LENZNER. Sure.

Mr. ULASEWICZ. I mentioned there nvaS one occasion the t Afr. Hunt came. I mentioned actually there lvere four drops to the Hunts.

WIG&. LENZ5-ER. Four drops to the Hunts—three to 3trS Hunt and one to 31 r. Hunt ?

WIr. ULASEWICZ. That is correct. There vere iL3,000 the second time, 818,000 the third, and $D5,500 011 the last occasion, which was September 19.

WIG'. I.EN-ZXER. -t11 right, sir. Now, I take it YOU had the telephone booth undel
observation from the lounge after you left the Key until at some point when Mr... Hullt picked up the key.

Air. ITLASERVICZ. Correct.

iSfr. LEN-ZNER. What if someone had come in and found that, bfr. Iz l. se xvicz, While you were Watching?

BIB. [-L.lSENVICZ. AVell, he xvoTild be verv eluickly relieved of that kev. I thinly that is the best I can answers AVbV put myself ill that position?

3fr. LEN-ZZ'ER. I talce it that svas the purpose of keeplng the booth under obseI ration?

Air. ITLASERVICZ. Correct.

,:fr. T,EN'Z5-ER. Did these come a time lvhell you were instructed by Afr. Iv al IIIUtch to deliver funds to Afr. Liddv?

Afr. I l. VSI XVICZ. Correct.

Afr. LENZ-JER. Do you remember approximate lvhell that Fast

*Figures in brackets indicate exhibit numbers being referred to. Exhibits al(lxsar on 111, 222X–223c).
Fair. ULASEV[CZ. No, there rvas nothing of Whom eve xvere speaking. But this—at one time he sai(l to me svlitom she Divas meeting. There SV.IS some conversation, I recall, rhere she conducted some type—there xvas a sit-dovn deal With defendants from time to time. Like When she mentioned AtcCord's financial diSic(llies, that he xvas contemplating mortgaging his residence and she mentioned the fello.vs donvn South which is indicative of the fact that thele rvere some meetings going on.

Arr. SHIriRE. Then she xvas meeting With the defel dants?

Arr. ULASENVICZ. AVith the defendants.

Arr. SECURE. But did she give you any indication that she xvas meeting With anyone from your side concerning hoxv much money she lvas to be paid by your soltrces?

Arr. XI~seWICZ. actually. I had no side. I lvas hind of a loner. However. I svould take it up With 31r. Kalmbach and the answer Would be no.

Arr. SHUIIE. Well, vou avere, then, the only person that xvas collveying her initial clemanEls 01' her subsequent demands?

Arr. ~L'sERVICZ. To the best of my knoxvledge. I xvas the only person that event through this Witll her.

Arr. SSIURE. But it xvas clear to votl that after the demands were mace, it xvas established and agreed by her, the amounts that vou lvere instructed to deliver ?

Wfr. UL^SEWICZ. Correct.

Arr. SHOE. Let's refer to that conversation you had with Air. Kalmbach in the airport at Orange County, Calif. AVhat date is that, if you recall ?

fair. ULAS]w.^WICZ. Thas xvas Au (rust X to a, in California.

Nfr. SHUIIE. And that entire conversation took place in the car ?

fair. ITLASl^VICZ. In the car.

Mr. SHURE. And that xvas the occasion that you received the last payment of b$7.U*000 from Afr. Kalmbach ?

. Wrr. LLASEWICZ. That is correct.

Afro SHURE. Afr. Ivalmt:lch indicated yesterdav in his testimony that he came to a conclusion somewhere alone the lvay that he had to get out of this business of paying off the money. AN'as it ,~-ollr suggestion to him that you both get out of this business ?

Sir. ULASENVICZ. It xvas ion.

Sir. Sil ur<E. In other Words, you brought it up to him ?

Mr. t7LASEV[a7ICZ. Yes, and in phone calls prior to this meeting? likewisevise.

Afrr. SIoi:RE. Wllat tvas 3IrP ltalmbach's response to these p)olle calls ?

Afrr. 7IISSEWICZ. He xvas getting more and more concerned about xvillat was going on, and his reaction lvas much the same as mv own thoughts, that Eve lvere engulfed or caught in some sort of flonv of events and moneys that Eve did not contemplate or anticipate in anysvay. AWTe started out doing what Eve considered severe legal and for purposes to assist, and :Nfr. Kalmbach, in all my conversations, if the word is exuded, that is what he did to me. AWTe didn't have to go into it in any xvay.

A;Vhen Eve revere in the automobile, this xvas the final thing that Eve Deere going to go through, and as I told you, I started right out<+vith him saying as I did.
Mr. Jones is Chief Executive Officer of the Northrup Corporation; Century City, California.

Mr. Jones stated that he made his regular contribution to the Republican Party towards the end of February 1972. At that time he informed, Mr. Herbert Kalmbach, to the effect, if there is a need for something again, while he couldn’t promise, Mr. Kalmbach could call him.

Mr. Jones pledged $50,000 in February.

Sometime near the end of July 1972, Mr. Jones stated he got a call from Mr. Kalmbach advising him that he, Mr. Kalmbach, thought there was a real need for more funds, and Mr. Jones told him to come by his office. Mr. Kalmbach told him he needed $50,000 in cash.

Mr. Kalmbach came by Mr. Jones’s office sometime between August 1st and August 5th, and Mr. Jones loaned him a sum of $50,000. A
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ist a 1"7

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Mr. Jones claims the money totaled $50,000 which he claims was his own personal money which he returned from a safe in his home. He turned this money over to Mr. Kalmbach with the understanding that it was to be used in the campaign. Mr. Jones denies that Mr. Kalmbach indicated any special need for the money.

Mr. Jones stated that Mr. Kalmbach did call him later that day or the following day indicating there was $75,000 in the package. Mr. Jones stated there was no way there was $75,000 (just $50,000).

Mr. Jones admitted he met with John M-Mitchell several times after that but denied there was any connection between his contributions and the meetings. He stated that he met with Mitchell after he was told that Mitchell was the person in the Administration who would know what other persons to contact in pursuit of the Northrup Corporation business ventures in foreign countries. Jones stated that he or his corporation did not need anything from the Administration in the way of favors but instead, he and his organization needed to know whom they should keep informed and have approval for sales, etc. within the Administration.
Mr. Elrlichman. As you see, my recollection before he testified is the same as it is now.

Mr. Dash. In August 1972, we have had testimony on this, but I am just raising this.

Mr. Elrlichman. We had testimony on all of that.

Mr. Dash. All right, now Mr. Kalmbach's recollection was that after he had that meeting with you, he then went out and he obtained some private funds from a private contributor, $75,000, and that when he saw you on the 8th, that he just reported to you that he was able to raise $75,000 from a private campaign contributor for this defense fund. Do you recall his reporting to you that he was able to raise that money at that time?

Mr. Elrlichman. I had the impression that that was what he was telling me July 14 out in his office because we discussed his use of Tony Ulasewicz to carry money, and my impression was that he was carrying that from the west coast to the east coast. I never did know the amount that he raised until I talked to Mr. Kalmbach in April of this year while I was conducting this inquiry, and I don't recall his ever telling me who it was that he raised the money from, although I heard him testify to the effect that

Mr. Dash. Did he tell you how much he raised?

Mr. Elrlichman. I think in April he didn't. I think he told me $70,000.

Mr. Dash. Well, I mean earlier. I am talking about some time in August.

Mr. Elrlichman. No. I don't think I knew about it before April of this year.
Mr. DASH. Did you not at all that he raised it from a private campaign contributors?

Mr. EHRLICHMAN. Campaign contributor?

Mr. DASH. Yes. Somebody who had been giving campaign funds for the reelection of the President.

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Afr. EvInLlcw—r sx. I think lee described to me that it svas a business—

impression avas it avas txvo peoT)le unel they mere in California and that svas all the description that I think I had.

Atr. Dash. Did that raise any problem in your mind that maybe Air. Ivalm|~acl lvases goiter to cam)lai=n contril]ltors for defense funcls?

Mr. EHRlchHzIA>-,. No. I didn't connect the two, I don't believe.

Sir. DASH. £\11 riaht. Nonv, after June 17. the date of the breakin, what information did you have, Atr. Ehrlichman, about ZIr. Zlagruder's involvement in the Watergate? Shortly after.

3Ir. EHRLIchBBra:/.f. There svas a lot of—here was a lot of suspicion shortly after and I nwould put this in, say, the first 6 weeks after the break in, a good deal of suspicion of Air. Magruder largely based on what Air. Sloan lvases saying to people, and so there was a good deal of speculation that I can recall during that—during that period of time and it culminated in the conversation which bar. Dean and I had with the Attorney General on July 31, where this lvasa specifically discussed; that is 3Ir. Alagruder's involvement. The Attorney General said based on the FBI interviews and prosecuting attorneys' examination into Air. Alaaruder's involvement, that it appeared that any involvement that he had related to money and there was a square dispute between Atr. Magruder and Mr. Sloan as to the truth of the assertion about Air. Wlagruders involvement, and that the Attorney General anticipated that Mr. 3Iagrllder might possibly be going to take the fifth amendment before the grand jury.

Now, that remained the open question, so far as I l;nesv, until Dean or someone told me that BIA,zz,ruder had in fact testified to the grand jury, and then as matters unfolded, he testified at the trial and he was considered to have told the truth and he came out, sort of the—out of the shadow at that point.

Mr. DASH. All right. But were you aware that during this period of time, the end of June, July, and Augtlst, that WIr. Mitchell. Sir. LaRue, Afr. Mardian, Alr. ~Llagruder, Sir. Dean were in frequent meetings. daily meetings, discussing the fact that XIagmder's involvement—.atr. EHRLICH)I-

iWlr. DASH [continuing And the fact that BIAgrwlder svas going to tell a particular story to the grand jury ?

Air. E HRLIchHarA N. No, I nvas not.

ZIr. DASH. Sir. Dean has testified he acted as a liaison and he did inform you.

Afr. EHRLIchHzrAs . Yes, svell, that is not correct.

WIr. DASH. As a matter of fact, if he had, it would not be inconsistent with the meeting in the presence of the Attorney General. where the Attorney General reported there lvases nothing of ATr. Dean's bein silent, if in fact, Dean svases involved in a coverup, I take-e it he would not let the Attorney General knoxv about it.

Air. F,TTRLICTTArAN . Wollld yoll tpeat that question ?

Air. DASH. I svases saying yoll said the only time roll had any clear understanding at least the ^tttorney General's understanding of bIr. Atagrn(ler's involvement, lvases when he met with 1OU and Ak. T)ean and told him there divas no involvement. Is that true?

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October 2, 1979

To: Mr. William Bittman

From: Dorothy Hunt

Subject: Accounting of Monies Received

In July, received and paid out the following amounts:

- $57,000
- $5,000
- $9,000
- $6,000
- $3,000
- $3,000
- $10

Bail money for Frank Sturgis
Income replacement for James McCord
Bail at $4,000 each for Messrs. Barker, Martinez and Gonzalaz
Income replacement for Mr. Barker
Income replacement for Mr. Sturgis
Income replacement for Mr. Hunt and Mrs. Hunt
Income replacement for Mr. Martinez
Income replacement for Mr. Gonzales
Under table bail money for Mr. Barker

(Note: Income replacement was for a period of July-Nov.)

In August, I gave Mr. Barker a total of $3,000 for expenses

other travel for himself and others and for telephone expenses, and for interest paid on pawning of wife's jewelry.

In other words, I received a total of $83,000 and have paid out $91,000 (using the final $3,000 from my own funds)

You already have an accountings of the $53,500 received on September 19th.
21. On August 10, 1972 Herbert Porter testified falsely before the Watergate Grand Jury that the money he had paid Liddy prior to the Watergate break-in was for the purpose of obtaining information regarding plans by radical groups to disrupt political rallies.

.................................................. Page

21.1 Herbert Porter testimony, 2 SSC 635-36> 643 292

21.2 United States v. Magruder information

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August 18, 1973.................................
Mr. DORSEN. How have you now arrived at the figure you have just given us?

Mr. PORTER. I have had ample opportunity to go back and recall as best I know how each of the transactions in which I went and got money from Mr. Sloan and gave it to others, and to the best of my ability I have come up with those figures.

Mr. DORSEN. And is it your best recollection and knowledge that you received from Mr. Sloan a total of approximately 669,000?

Mr. PORTER. Yes, sir; to the best of my knowledge.

Mr. DORSEN. Mr. Porter, when did you first become aware of the break-in at the Watergate?

Mr. PORTER. Saturday, June 17, in Los Angeles, Calif.

Mr. DORSEN. And briefly how did you become aware?

Mr. PORTER. Well, sir, that was a weekend which we were having a large party at a private residence in California for a lot of the celebrities who were going to be supporting the President during the campaign, and it was on that trip that apparently the word, the news broke Saturday morning here and was relayed to some of the campaign officials with whom I was traveling at the time and I learned it from them.

Mr. DORSEN. Following the break-in at the Watergate, did you have a conversation with Mr. Jeb Magruder concerning and statements you might make to the Federal Bureau of Investigation?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. Where and when did this conversation occur?

Mr. PORTER. I would say that approximated 10 or 11 days, I am not sure of the exact date, whether it was June 28 or the 29th, but in that time frame, Mr. Magruder asked me to come in to his office, which I did. He shut the door and he told me that he had just come from a meeting with Mr. Mitchell, Mr. LaRue, himself, and a fourth party whose name I cannot remember, where my name had been brought up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect.

Mr. DORSEN. You are now recounting what Mr. Magruder told you.

Mr. PORTER. Yes, sir.

Sr. DORSEN. Please continue.

Mr. PORTER. He said that I believe at that time Mr. Liddy had been fired from the campaign He said it was—"apparent" was the word he used—that Mr. Liddy and others had on their own, illegally participated in the break-in of the Democratic National Committee, and Mr. Magruder swore to me that neither he nor anybody higher than Mr. Liddy in the campaign organization or at the White House had any involvement whatsoever in Watergate, at the Watergate break-in, and reinforced that by saying "Doesn't that sound like something stupid that Gordon would do?" and you have to know Mr. Liddy, I agreed with that. [Laughter.]

He said, "I want to assure you now that no one did." He said however, "There is a problem with some of the money. Now, Gordon was authorized money for some dirty tricks, nothing illegal, but nonetheless, things that could be very embarrassing to the President of the United States and to Mr. Mitchell and Mr. Haldeman and others. Now, your name was brought up as someone who we can count on to help in this situation," and I asked what is it you are asking...
me to do, and he said, "Would you corroborate a story that the money was authorized for something a little bit more legitimate sounding than dirty tricks, even though the dirty tricks were legal, it still would be very embarrassing. You are aware that the Democrats have filed a civil suit against this committee." I said, "Yes, I have read that in the paper." He said, "Do you know what immediate discovery is?" I said, "I do not. They may get immediate discovery, which means they can come in at any moment and swoop in on our committee and take all of the files and subpoena all of the records and you know what would happen if they did that." I conjured up in my mind that scene and became rather excitable and knew I didn't want to see that. So I said, "Well, be specific," and he said, "Well, you were in charge of the surrogate campaign, you were very concerned about radical elements disrupting rallies, and so forth," and I said yes, and he said, "Suppose that we had authorized Liddy instead of the dirty tricks, we had authorized him to infiltrate some of these radical groups. How could such a program have cost $100,000?" And I thought very quickly of a conversation I had had with a young man in California in December, as a matter of fact, and I said, "Jeb, that is very easy. You could get 10 college-age students or 24- or 25-year-old students, people, over a period of 10 months." Mr. Magruder had prefaced his remark by saying from December on. And I said, "You can pay them $1,000 a month which they would take their expenses out of that, and that is $100,000. That is not very much for a $45 million campaign." And he said, Now that is right; would you be willing, if I made that statement to the FBI, would you be willing to corroborate that when I came to you in December and asked you how much it would cost, that that is what you said?" That was the net effect the net of his question. I thought for a moment and I said, "Yes, I probably would do that." I don't remember saying yes, but I am sure I gave Mr. Magruder the impression I would probably do that and that was the end of the conversation.

Mr. DORSEN. Now, Mr. Porter, did the conversation you agreed to tell the FBI actually take place?

Mr. PORTER. Sir?

Mr. DORSEN. Did the conversation which you agreed with Mr. Magruder that you would tell to the FBI actually take place in December of 1971?

Mr. PORTER. No, sir, it did not take place in December.

Mr. DORSEN. Later, did you tell the FBI what Mr. Magruder asked you to tell them?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. And subsequent to that, did you appear before a Federal grand jury?

Mr. PORTER. Yes, sir.

Mr. DORSEN. Were you asked about the surrogate candidate program

Mr. PORTER. Yes, sir.

Mr. DORSEN. What did you tell the Federal grand jury?

Mr. PORTER. The same thing.

Mr. DORSEN. Were you a witness at the trial of the seven
defendants who were indicted in the Watergate case)

Mr. PORTER. Yes, sir.

Mr. DORSEY. And did you give the same account?
Mr. THOMPSON. I have no further questions.

Senator ERVIN. You talked to Magruder before you went before the grand jury in August of 1972?

Mr. PORTER. Yes, sir.

Senator ERVIN. And you agreed to testify that during December 1971 you had told Magruder that it would require about 8100,000 for the dirty tricks episode?

Mr. PORTER. No, sir.

Senator ERVIN. For what episode?

Mr. PORTER. What I—

Senator ERVIN. YOU had estimated.

Mr. PORTER. Yes, that is correct; not for dirty tricks, for information-gathering from radical groups.

Senator ERVIN. From radical groups.

Mr. PORTER. Yes, sir.

Senator ERVIN. Mr. Magruder had attempted to get you to swear to some other things which you say were not true.

Mr. PORTER. Yes, sir.

Senator ERVIN. YOU refused to do that.

Mr. PORTER. Yes, sir.

Senator ERVIN. Then you went before the grand jury and you only time you have been testified in August of 1972 and that is the before the grand jury. Mr. PORTER. Yes, sir.

Senator ERVIN. Then about the last of March, Mr. McCord wrote a letter to Judge Sirica which came out in the newspapers.

Mr. PORTER. Yes, sir.

Senator ERVIN. It was about that time that Mr. Magruder called you.

Mr. PORTER. Shortly after that.

Senator ERVIN. And told you things were getting hot.

Mr. PORTER. NO, sir; that was on April 9.

Senator ERVIN. Well—

Mr. PORTER. For himself, he said.

Senator ERVIN. Yes. You came down to Washington after you received the phone call from Mr. Magruder?

Mr. PORTER. Well, I was already planning to come down to Washington.

Senator ERVIN. When did you come?

Mr. PORTER. On the evening of April 12.

Senator ERVIN. And was that when Magruder suggested to you that you go and talk to the counsel for the committee, that is, Kenneth Parkinson?

Mr. PORTER. NO, sir, Mr. Chairman.

Senator ERVIN. When was that?

Mr. PORTER. Yes, sir; I believe Mr. McCord's letter to Judge Sirica was made public in a story in the Washington Post on a Saturday morning toward the end of March, the 20th, something—94th, 95th, something like that.

Senator ERVIN. Anyway, you talked to Parkinson and O'Brien on the 98th of March.

Mr. PORTER. Yes, sir; I did.

Senator ERVIN. And you did that at the instance of Mr.
INFORMATION

The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution Force, charges:

1. At all times material herein, the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States. Its offices were at the Watergate Office Building, 2600 Virginia Avenue, N. W. in the District of Columbia.

2. At all times material herein, the Committee for the Re-Election of the President was conducting campaign activities on behalf of the re-election of Richard M. Nixon as President of the United States, with office and headquarters at 1701 Pennsylvania Avenue, N. W. in the District of Columbia.

3. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, an agency of the United States.
4. On June 5, 1972, a Grand Jury of the United States District Court for the District of Columbia was duly (295)

10. Around or before August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER attended meetings on the fourth floor of 1701 Pennsylvania Avenue, N.W. where the false, misleading and deceptive statement previously made by JEB STUART MAGRUDER to the Federal Bureau of Investigation, was further refined and developed in preparation for his appearance before the Grand Jury.

11. On or about August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

12. On or about September 12, 1972, in the District of Columbia, JEB STUART MAGRUDER attended a meeting on the fourth floor of 1701 Pennsylvania Avenue, N. W. to compose and develop Magruder's proposed testimony in preparation for another appearance before the Grand Jury.

13. On or about September 13, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

On August 18, 1972 Jeb Magruder testified falsely before the Watergate Grand Jury that CRP had paid Gordon Liddy to conduct lawful intelligence projects. Magruder has testified that he felt it important that the story of the Watergate break-in did not come out in its true form, and he volunteered to work on the cover-up story. Prior to his grand jury testimony Magruder met at different times with John Mitchell and John Dean. Magruder has testified that Dean, Mitchell and others helped prepare him for his grand jury appearance. Mitchell has testified that he attended a meeting with Magruder and others where Magruder outlined the nature of the testimony that he was going to give. Dean has testified that he informed H. R. Haldeman and John Ehrlichman about Magruder's proposed story and Herbert Porter's proposed corroboration of it. Ehrlichman has denied that he was so advised. Magruder has testified that his reason for testifying falsely was that "if it had gotten out that people like Mr. Mitchell and others had been involved at that point in time, I honestly thought that his [the President's] re-election would be probably negated."

22.1 Jeb Magruder testimony, 2 SSC 801-03, 816 298

22.2 John Mitchell testimony, 4 SSC 1643-44 302

22.3 John Mitchell testimony, 5 SSC 1896-97 304

22.4 John Mitchell log, August 17, 1972
(received from SSC

22.5 John Dean testimony, 3 SSC 952 307

22.6 John Ehrlichman testimony, 7 SSC 2845-46 308

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some whole betweell t0()00 all(l $19.000. a-)pleximatel--. Tltat eats my ruesstimatte.

I believe it tol tee indicated that he lacl distalouttecl al)otl( Sib) ()00 or i::X). }(){n to Air. Lcldy, so I assumed that AIL Sloan probably distributed some Bhele under 8100.000.

Now, I still fully admit that I had hol)e(l that the fi(rule svas as lonas possible and We all hol)ed that it xvas low. Air. Sloan Ivould not tell me xvellat the figure Divas. He refllseel to tell me the fit,ure. He said, I cannot tell you the figure.

I said, just tell me what it is so eve call work Oll the solution of this problem. If we do not know how much you Eras e Whir. Liddy. I can nor determine what the monev Event for ?

On the third meeting, he and I Event out and had a couple of drinks and he still lvould not discuss the facts of this situation with me. I did not at that time or in an) of those meetin rs ask him to do anything relatinfl to money other than tell me what the figure Ivas allo that I hoped it xvas a losv fi(rttere. And I certainly did hope it was a low fit,ure. But I had no problem accepting a higher figure, because I thought me could vfork something out relating to any fi~tre within reasonable limits.

I think the real problem vas that he knew it svas $199,000 and I svas aghast at that fi~tre, because there was no vyay Nf. Liddy should have received that much money in that short period of time. It xvas onl~21,~ months since its approval.

Mr. DASH. NOW, Air. Magruder, you said you needed some of this information to work out a solution. Is it not true that sometime after the time you returned to Washington front Califolalia and during the months of, say, June, July, or August, that there eame a time m-hen you acRed to matte up a story about howxv the break-in and the buggin r took place and who Ivas involved ?

Mr. MAGRUDER. Yes. I avant to state here, though, that these vas never any feeling on my part, no one asked me to do anythillc-. I personally felt that it Ivas important to be sure that this story did not come out in its true form at that time as I think did the other participants. So I vacant to make it clear that no one coerced me to do anything. I volunteered to work on the coverup story.

Mr. DASH. But on your volunteer ing to work on it, AVhO participated with you without coercing you in the lvorking up of the fabricated StOrV ?

Air. MAGRUDER. AVell, there lvere, from the time of the break-in to my second grand jurs appearance and then actually into my third
brand jury appearance in September, a series of meetings. These meetings do not appear on my calendar because they were ad hoc meetings. They were not planned meetings. They were mainly held in Afr. Mitchell's office. The main participants typically were Afr. Mitchell, Afr. LaRue, Sir. Mardian and Afr. Dean, although other people met in these meetings. Much of the meetings should be on subjects that were perfectly I think, acceptable to discuss.

You know, it is very hard for me to pinpoint exactly shell and how Eve came up with the cover story, but it became apparent, when Eve found out the shell we're in the 10,000 rat treaty, that Eve **had to come up with a very flood story** to justify why Air. Liddow outs Slave spent that amount of lolley on le rat .wtiz-ities.
Air. DASH. (That was that story, Atty. 31afrr1l1del, that you finally called up with?)

Air. 31sGr1rJf)ER What Eve did Divas eve simply tools factual activity that Eve had asked Air. Liddy to do and Eve exasperated to a (great extent the amount of money spent on those activities to the tune of the $):3(0,010).

I asked 3tr. Porter to would he be svinllr to xork with us on this coverup story and, as ile has testified, he indicated that he did.

So he took care of in effect, $1(00,00() and I took care of, in etiect, 81a0.010 by indicatina that 3tr. Liddy had legal projects for us in the intelll rence field, and sve Ivorlised over this storv with Sir. 3lIlell, 3lr. Dean, 3tr. LaRue. and Wlr. Alardian, although Air. Mardian has participated to a much lesser extent With me than the others did. AirI primary contacts on the story xvere 3lr. Dean and Or. Mitchell.

Air. D.ser. XI1 of these persons that you have named—you finally did arrive at the story and they knew in fact what actually had occurred?

3rr MAGRUDER. Yes; they did.

Air. DASH. (Would you tell us why the story required that the break-ins involvement be cut off at Air. Liddy and not at von?)

3lr. AIAGRUDER. Well, there was some discussion about me and I volunteered at one point that maybe I was the gals who ought to take the heat, because it was going to get to me, and we knew that. And I think t vsas there, were some takers on that, but basically, the decision was that because I was in a position where they knew that I had no authority to either authorize funds or make policy in that committee, that if it got to me, it would go hiaher. Whereas Mr. Liddy, because of his past background, it Divas felt that that avollld be believable that Air. Liddy was truly the one who did originate it. And, of course, it was true, I think, that Air. Liddy did originate the plan, svas basically the one who did come up with these Ideas in specific terms.

Air felt that was more believable than somebody like myself who did not have any backround in this area authorizing these kinds of slims of money and aiflholizine this type of program when it was known full swell throughout the committee and White Flouse that I had no such authority.

Air. DASH. Now, did you tell this story that was developed to 3tr. Parkinson and Air. O'Brien, who were representing the committee?

3tr. AIIG.RUDER. A*er July 4, Air. Mardian brought Air. Parkinson into my office and said to me that he would like me to tell the true stork I said, "You mean the true storv '—which—you knoxv. at that time, Eve were dealing in a nlllllbel of stories, and he said, No; I as ant the true storv."

I then for _ hours, I think, told All. Parkinson the true storv.

Air. 1)As-lr. But later, tou then told Ak. O'Brien and Zlr. Parlinson the storv that had been developed and agreed to by the other parries you mentioned?

3Tl. Atv.(RlndEn. Yes; that is correct.

3rr. DASH. Lichen XVerC VOII first called before the rand jurv.

Air. Ata-ralder?
Mr. AIA(;EDER. A[Y firSt gland jllrY al)f)earanCe ~VaS .TU15 ~, it lvas jils an organizational appearance, in eSect, avho was ~vho in the committee.

The second appearance xvas on Auzast 1(;, which Tssas
3Ir. DAs7Xr. Before that appearance, lvere ~ou interviewed by the Federal Bureau of Investigation?
3Ir. 3l\GRUIJDER. Yes; immediately after my grand jury appearance, I xvas interviewed by the Federal Bureau, or soon there-after.
3fl. D SS1II. ~tt the time ~ou svere interviewed by the FBI, had the story been developed?
Mr. IAtAGRurDER. Al e still had lloT conae up wvith the mollev lmounted, but other than that, lve basically had developed the guidelines to the StOly, yes.
3Ir. I)As7tr. AVhen vou n-ere interviewed bv the FBI, did you tell tllis false StOlv to the iBli?
Mr. AIA(;GRwrDER. Yes; I did.
NI7D~u say you TVvere next brought before the grand jur~when ?
Mr. AIA(;EDER. In Au~rust, Aueust 18.
Mr. Dasll. WUlen you testified to the grand jur) that time, did Sou testify to the false stor) ?
3Ir* 3lACRIJDERO Yes; I did.
Mr. D.ssll. AW7lwat role did Mr. Dean plaw in preplling JOU for
VOUR second grand JUI-V apflearance Q
,All. AIAGRUIJDER. On the da-X- before the grand jury appearance, I was alvare that I wvas a target of the errand july at that time. So~ I ~vas briefecl b) oulazvvers and Alr. Alarcliall. Xlso. I ~vas interroaated for approxirtlately 2 hollr. by 3Ir. Dean and approximately 1/2 hour in a ~n-. I ~r ~, Alitchell.
;\Ir. 1)Xxsrl. ~Isoxv, after you appeared before the grand july for the second time, did 3Ir. Dean give you any rel)ort ?
Mr. AIAGRUIJER. Yes; the da-- after 3Ir. Dean indicated tllat I avould not be indicted.
^Mr.DAsrl. Did hetell ~ouholv hekne7vtllat?
3Ir. A1.ASCRUDER. No; tle did not.
3Ir. DASH. By the xva--., ssere you not axvare of Alr. Dean's l)articipation you were axvare. ~sTere sou not that 31r. Dean "nworked in the ANThite House ancl did repolt to 3II. ShrlichTrtall and 3Ir. Halden an?
Alt. 3lACRIJDER. Yes, sil--
3Ir. DASIn -tnd I thilllz you vouEelf. Tvllel vou testified before us in executis e session, indicatecl that v ou lvere famiiliial svith tle roles that ~ou ~layecl atthat time ancl that Dean pl av ed?
Alt. 3lACRIJDER. Yes; that is correct.
3Ir. DAS]/. What ~vas YOUR understandillg, thelefole, svhen 31l. Dean xvas nworking ~vith ~ou lrior to tolrlr al l)eareance l)efore the second grandl jur) ? Was he cloing this on his ONVII 01 T. aS he doing it as a represellative for other persolls in the Wllite flouse ?
3Ir. 3lACRIJDER. WVeell Xlfr.lill, it is unl assimulpltioll on lllv part. I thincl I should be very careftll. He ~vas in a stall role and dici report to the gentlemall you mentionecl. Consequently, ~ou xvould assullle and I did not knoxv and at no time did I L-noxv, tllat hc xvas diree.tly reportix~-,<
Mr. MAGRUDER. I think—I have known Mr. Haldeman for a considerabler length of time I have Ivorked for him. I happen to respect him tremmelclolssly, still do. avid continue to do. because I think he is an extremely competent and fine individual. glut his manner of Ivorkinfr. as maniac of You Senators on the Republican side hloxx is rather direct. somewhat abrupt. He is not one who encrares in lomr discussions over issues—at least in his working relationship with people who are suborclinate to him, wvhicll in effect althollfrh I did not Ivorl; directly under him at that time. I still Ivas. So our discussion xvas rather short and rather to the point, rather one of, you has-e (got a problem you had better solve it.

Senator BAKER. h.d you Event back and on June i9, you had a series of meetings with who—with Blr. Wlitchelli


Senator BAXTER. Did everyone of those people knovv what had occurred. hove it occurred?

Atr. AIA<RR7ER. Atr. Strachan did, Atr. Dean did. I do not knows whether Atr. Sloan did or not. He has indicated he did not. I accept that at face value. Atr. Liddy, of course, did.

Senator BAXTER. When did vou first begin planning the coverup?

Atr. AIAGRJDER. I think there vas no question that the coverup began that Saturday when we realized there Novas a breal--in. I do not think there sofas ever any discussion that there would not be a coverup. At least, I did not participate in any discussion that indicated anything else except at one point where we possibly thought that I mifflht volunteer to become the key figure in the case.

Senator BASER. An historic decision to go forward with this plan xvas followed v ith another historic decision to cover it up without any great debate or discussion of the matter.

Atr. AIAAGREDER. That is correct, sir.

NOVA, at that time

Senator BAKER. Ivid it ever occur to you

Atr. 31.ve RUDER. I lznesv it vfas svrong, but I thought it was the best decision to malse.

Senator B.VEER. Did it ever occur to you at that time. and I am not sayinfl this to impugn your character or testimony but I really Infant to know. did it ever occur to you that there might be other alternatives that one of them might be to report this directly to the President or to the FJJ and mal;e a clean reast of it at that moment. that that might have less effect on the election, rather than more effect

AIt. At.xs.RnDEr. As I said. vie did indicate at one point that vfe might possibly do that up to a certain point. I thinnl it xvits felt that if it ever reached Atr. Stitched before the election the President would lose the election. Since he vas not involved. to mv hlonvled--e. I tholl-llt that Novas the best decision. I did not thinl it avas a riCht decision. but I thou(rrlt it was the best decision.
and as to what the circumstances might be vis-a-vis the incumbent who was seeking reelection.

Mr. THOMPSON. MR. Mitchell, let me ask you about another point. Here is an excerpt from the civil deposition which you gave in the Democratic Party suit against the Committee To Re Elect the President and I think I am quoting you verbatim in your testimony, when you were asked this question: "Was there ever any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance of the Democratic National Committee headquarters?"

Your answer was: "No, sir, I can't imagine a less productive activity than that."

Mr. MITCHELL I think the total context, as I remember it, Mr. Thompson, had to do with the discussion of Mr. McCord and the security group. The answer was given in that context.

Mr. THOMPSON. But this particular question, "Was there ever any discussion at which you were present"—and of course, I assume just from reading this question that that would involve any discussion with anyone. Are you saying that it is not your understanding of it?

Mr. MITCHELL My recollection of the testimony that I gave had to do with the so-called security group in the Committee To Re-Elect the President which discussed Mr. McCord and the security group. And the answer was in response to that, to my recollection.

Mr. THOMPSON. Of course, as it reads, as I have read it, of course, it is not an accurate response?

Mr. MITCHELL. No, I say as you read it, but I think if you will look at the total context of the questioning, it referred to the security group that involved Mr. McCord which was the subject of the conversation.

Mr. THOMPSON. Were you not asked any other broader questions about any knowledge you might have had of any surveillance activities?

Mr. MITCHELL I was asked broader questions with respect to did I ever receive documents that I could identify as coming from electronic surveillance and broad questions like that.

Mr. THOMPSON. Do you recall any broader questions concerning conversations that you had?

Mr. MITCHELL. No, sir, I do not.
Mr. THOMPSON. Is it just a case of not having asked you the right questions

Mr. MITCHELL I think that that is the case.

Mr. THOMPSON. Let me refer to June 19 or 20 I am not quite, sure when it was, Mr. Mitchell. As I understand it, Mardian and LaRue debriefed Liddy and found out what he knew about the breakin, his involvement and the involvement of others. And at that time, he related to them some of the White House horror stories, I believe you characterized them as, the plumbers activities and so forth. I will go back to that in a minute, but as I understand your testimony this morning, the knowledge you got from that debriefing was really the reason why you, in effect, stood by while Mr. Magruder was preparing a story which, according to what you knew from Liddy, was going to be a false story, to present to the grand jury.

(302)
31r. MITCHELL, L. & long, Blr. Thompson with some of the other stories that Air. Dean brought for~N-ald to ilim, the Dean papers and the suspected extracurricular viviretapint., and a fen- of the others.

Air. THo3rPsos. OK. That caused you to take that position with regard to Alagrunder. find also, I assume that those factors were the reasons vwhy you, in effect, acquiesced, anyway, in the payments to the families of support money and lawyers' fees and that sort. of thing, which I am sure you realize could have been pretty embarrassing, to say the least, if not illegal, at that time. Should that be correct as far as your motivations are concerned?

Air. MITCHELL. That is a correct summary of my motivation and rationale for the actions that I did take.

Air. THo3rPsos. Do you recall the date on which Air. Mardian and 31r. LaRue related this conversation of Liddy's to you?

31r. MITCHELL. Well, he certainly didn't debrief them on the 19th, I am sure of that, because they were in transit. Whether it was the both or 1st. I am not certain.

Air. Mardian and 36r. LaRue related this conversation of Liddy's to you?

31r. MITCHELL. To the best of my recollection, and, of course, I have heard these horror stories in different versions from different people cover the period of the years, the fact that he was either the one or assisted in spiritina her out of town, I believe was the discussion at that particular time.

Air. THo3rPsos. Did he indicate according to them, that the buclcret for the electronic surveillance operation which led to the break-in of the DSC had been approved by the White House?

Air. MITCHELL. You are testing my memory pretty hard. I am inclined to think that he did say that, but this is a—not that he said it, but that Mardian or LaRue reported to me that he had said it. But you are testing my memory pretty hard on a substance of which I have heard dozens and dozens of repetitions of it.

Air. THo3rPsos. Did you ever verify any of these facts with the President?

31r. MITCHELL. No, sir I never discussed them with the President.

31r. THo3rPsos. Did you ever verify any of them with Mr. Haldeman?

Sir. MITCHELL. I never discussed those specific factors with Mr. Haldeman until a later date. It was at that time that Air. Dean •ras actina as a liaison between the Al7lrite Hotlse and the comnittee with respect to these matters.

Air. THo3rPsos. Did you ever talk directly with lErhlicllmall about these matters?

(303)
Mr. DASFI. Mr. Mitchell, Alr. Magruder appeared before the grand jury for his second appearance on August 18, 1972.

Now, your logs, if you have them, show that you saw Alr. Magruder on August 17, the day before, at 2:15, and that on August 18, the day he appeared, you spoke to Nor. Kleindienst at 4 o'clock on the telephone and you saw Alr. Magruder at 4:10, 10 minutes afterwards, of that day.

Can you tell us whether or not the discussion with Alr. Kleindienst at 4 o'clock and the 10 minute later meeting with Mr. Magruder after he testified had to do with his testimony at the grand jury?

Mr. MITCHELL. Mr. Dash, I have talked to Alr. Kleindienst quite a number of times during this period and we have never discussed the Watergate matter in any form or shape or circumstance.

To answer your question specifically with respect to that date and that conversation, no, we did not discuss Alr. Magruder or his testimony.

Mr. DASH. Mr. Mitchell, you met with Mr. Magruder both on the 17th and the 18th at 4:10, was that for the purpose of discussing his testimony before the grand jury?

Mr. MITCHELL. Mr. Dash, I do not have that recollection, Mr. Dash.

Mr. DASH. DO YOU have any recollection of what the discussion was about?

Mr. MITCHELL. No, sir. As you know from my logs, I met constantly with Mr. Magruder about campaign matters and other things, including the Watergate and the public relations aspect of it. And as I testified earlier, there were meetings in which Alr. Magruder outlined to a group of us the nature of his testimony that he was going to give.

Mr. DASH. It is specifically because of this that I asked you the question, because on a number of occasions, you said, especially during meetings with Mr. Magruder, Alr. Dean, Alr. LaRue, Alr. Aldarian, that you did at least have presented to you what his testimony was or was, of when he finally testified?

Mr. MITCHELL. I think, Mr. Dash, those conversations took place much earlier than the date in August that you have made reference to. If you will look at the logs, you will see that Alr. Magruder almost daily during the whole period of time on many subject matters.

Air. D SST-f. But all the way up to this period of time?
Mr. AtTTcHEv.L. Pardon?
Mr. DAST-I. All the way up to this period of time?
Air. iXrTTcflEr T.. And thereafter.

Mr. DAST-I. Yes; but I would not draw any attention specifically to the day—did you know by the way, when Alr. Ata—under lvas roin(r to appear before the brand jury?

Air. AIICTIEII.. I have no recollection whether I did or did not. I presume T lvoukl have been advised, yes.

Air. DAST-I. Anal at the time, lvlether it was the 17th or 18th and when you linev that he xvas Coins to testifv rvoukIn that le an appropriate time for yoll to discuss ~vhat he xvas (roint to testify before the brand jury? You certainly xre interested?
Mr. DASH. Did you just assume? Didn't anybody tell you what he testified? Didn't you in fact learn that he did testify, what he had told us he was going to testify to.

Mr. MITCHELL. I assume that he had testified to what he had told us he was going to testify to.

Mr. DASH. Did you just assume? Didn't anybody tell you what he testified? Didn't you in fact learn that he did tell to the Ad 111e Stied, what he had told us he was going to testify to?

Mr. MITCHELL. I believe, if my memory serves me right, that he was debriefed by one of the lawyers who advised me as to what he testified to.

Mr. DASH. So in fact you did learn?

Mr. MITCHELL. I did learn.

Mr. DASH. And what did Mr. Magruder tell you about his recollection or his testimony being to be?

Mr. MITCHELL. I have no recollection of that, sir.

Mr. DASH. Did you respond to his recollection of what his testimony was to be?

Mr. MITCHELL. I didn't disarm liee with it, nor did I do so.
Mr. arrived at office
Mr. ret. C. D. W2rd's eall and t.
Mr. ;
Mr. MSA'! Fred Malek alld Gordon Gooeh

'r. MSA1 Colg. .er ear.-idt
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Mr. W. called Mr. M and t.

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might not stand up) if indicted. I recall Haldeman asking me if I thought Magruder would stand up if indicted and I said 110. I have always assumed it was a Presidential decision to keep on at the reelection committee. Following the decision, Ehrlichman and Haldeman indicated a greatly increased interest in Magruder's problems. They were aware of the strategy to stop the involvement at Liddy, because I reported to them on the story that Magruder would tell, that is, that he did not know what Liddy was doing. They frequently asked me how Magruder was doing in relationship to the FBI and grand jury investigation. I also had calls from Mr. Larry Highby as to Magruder's status.

I do not know when I first learned of Magruder's proposed testimony, but I did not know that it had already been formulated when I first heard it. I informed Haldeman and Ehrlichman of the story. We discussed it and no one was sure it would hold up. This discussion did occur before Mitchell resigned. We of course, knew that it was a fabricated story. When I later learned that Mr. Porter would corroborate Mr. Magruder's testimony, I informed Haldeman and Ehrlichman of that. I had never heard Mr. Magruder's story in full detail until just before his grand jury appearances in mid-August 154 a. when he asked me if I would be a devil's advocate and question him before he went before the grand jury. Magruder came to my office, as I recall, the day before his second grand jury appearance. He told me he had made the decision himself as to how he was going to handle his testimony and wanted me to ask him any and all questions I could think of. I spent about an hour or more questioning him. Shortly after I had this session with Magruder, Highby called me to tell me that Magruder had been to see him to let Haldeman know he was ready.

Following Magruder's appearance before the grand jury I received a call from Highby requesting information for Haldeman as to how Magruder had done before the grand jury. I subsequently called Mr. Petersen, who said he would find out and call me back. Petersen called back and said he had made it through by the skin of his teeth. I called Haldeman and so informed him, and subsequently informed Mitchell and Magruder. I recall that Haldeman was very pleased because this meant that the investigation would not go beyond Jiddy.

In early September Paul O'Brien came to my office and informed me that there was an outstanding subpoena for Magruder's diary. O'Brien said that Magruder's diary reflected the meetings in Mitchell's office in January and February with Liddy, Magruder, Dean, and Mitchell. O'Brien also informed me that there had been discussions of destroying or altering the diary, but he did not think much of that. I agreed that to alter it would be impossible because it would be discovered by the FBI laboratory.

I remember talking with Magruder and asking him why he kept a diary—being somewhat facetious, I told Magruder that he should talk with Mr. Mitchell about this, because he was probably going to have to turn the diary over.

Long before the matter of Magruder's diary had arisen, I had talked with Mitchell about the meetings in January and February in his office. I told him that should it ever be necessary I would testify that I knew that he had not approved anything at these meetings. It was after the matter of Magruder's diary being subpoenaed and Magruder again being recalled to the grand jury that Mitchell requested that I

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Mr. EHRLICHMAN-. I think he describe to me that it was a business—my impression was it was two people and they were in California and that was all the description that I think I had.

Mr. D.ASH. Did that raise any problem in your mind that maybe Mr. Kalmbach was going to campaign contributors for defense funds?

Mr. EHRLICHMAN. No, I didn't connect the two I don't believe.

Mr. DASH. Well right. Now, after June 17, the date of the break-in, what information did you have, Mr. Ehrlichman, about Mr. Magruder involvement in the Watergate? Shortly after.

Mr. EHRLICHMAN. There was a lot of—there was a lot of suspicion shortly after and I would put this in, say, the first 6 weeks after the break-in, a good deal of suspicion of Mr. Magruder largely based on what Mr. Sloan was saying, and so there good deal of speculation that I can recall during that—during that period of time and it culminated in the conversation which Mr. 1)ean and I had with the Attorney General on July 31, where this was specifically discussed; that is, Mr. Magruder's involvement. The Attorney General said based on the FBI interviews and prosecuting attorneys' examination into Mr. Magruder's involvement, that it appeared that any involvement that he had related to money and there was a square dispute between Mr. Magruder and Mr. Sloan as to the truth of the assertion about Mr. Magruder's involvement, and that the Attorney General anticipated that Mr. Magruder might possibly be going to take the fifth amendment before the grand jury.

Now, that remained the open question so far as I knew, until Dean or someone told me that Magruder had in fact testified to the grand jury, and then as matters unfolded, he testified at the trial and he was considered to have told the truth and he came out sort of the—out of the shadow at that point.

~ Mr. DASH. All right. But were you aware that during this period of

| time, the end of June, July, and August, that Mr. Mitchell, Mr. LaRue, Mr. Mardian, Mr. Magruder, Mr. Dean, were in frequent meetings, daily meetings, discussing the fact that Magruder's involvement—

Mr. EHRLICHMAN-. No.

Mr. DASH continuing). And the fact that Magruder was going to tell a particular story to the grand jury?

Mr. EHRLICHMAN. No I was not.

Mr. DASH. fair. Dean has testified he acted as a liaison and he did inform you.

Mr. EHRLICHMAN-. Yes, well, that is not correct.

Mr. DASH. As a matter of fact, if he had, it would not be inconsistent with the meeting in the presence of the Attorney general where the Attorney General reported there was nothing of Mr. Dean's being silent if in fact, Dean was involved in a coverup, I take it he would not let the Attorney General know about it.

Mr. ERRuo. loJ1Br. v>-. Would you repeat that question?

Mr. DASH. I was saying you said the only time you had any clear understanding at least the Attorney General's understanding of Mr. Magruder's involvement, was when he met with you and Mr. 1)ean and told him there was no involvement. Is that true?

Mr. EHRLICHMAN-. Mr. Magruder and Mr. DASH. The Attorney General.
M. ERLICHMAN- [continuing]. Mr. Magruder and the Attorney General met with Mr. Dean and me.

Mr. DASH. Yes.

Mr. ERLICHMAN. I don't recall any such meeting.

Mr. DASH. You did say the Attorney General reported to you concerning Mr. Magruder, did you not?

Mr. ERLICHMAN. Yes.

Mr. DASH. And what did he tell you?

Mr. ERLICHMAN. Just what I just testified, that they considered it an important conflict in the evidence as between Sloan and Magruder, and the way it looked to the Attorney General at that point in time. Mr. Magruder might take the fifth amendment.

Mr. DASH. Now, you were aware that on September 1 the indictment came down on the so-called seven defendants?

Mr. ERLICHMAN. Yes.

Mr. DASH. You had a meeting with Mr. Haldeman on September 15. Did you discuss the indictment at that time?

Mr. ERLICHMAN. Well, I did not have any extraordinary meeting with Mr. Haldeman on the 15th. That would have been just the early morning staff meeting, I assume, which would have included all of the department heads in the White House.

Mr. DASH. What time was that meeting?

Mr. ERLICHMAN-. 8 or 8:15 in the morning.

Mr. DASH. I think the diary we have on you shows a meeting of 11 in the morning. Does your diary show that?

Mr. ERLICHMAN. Let me check. You are correct. I do not know the purpose of that meeting, Mr. Dash. I have no idea. The indictments, however, the market around the White House sort of discounted that September 15 action, so to speak, by reason of the Attorney General's announcement of September 12 to the President and the Cabinet, to some of us assembled, that the seven suspects were the only ones who would be indicted. So I do not think the announcement on the 15th was in fact any news to discuss.

Mr. DASH. When did you first learn of Mr. Segretti's activities and the possible role of Mr. Chapin in those activities?

Mr. ERLICHMAN. I think that was at the time it first began to be talked about in the press. I had not heard of Segretti as an individual prior to that time.

Mr. DASH. Then, did you hold any meetings involving that incident?

Mr. ERLICHMAN. Involving what incident?

Mr. DASH. Mr. Chapin's role in the Segretti matter.

Mr. ERLICHMAN. There were a number of meetings to determine what the White House news position or press position should be on that. Yes.

Mr. DASH. Did you, as a result of those meetings, learn about Mr. Chapin's role with Mr. Segretti?

Mr. ERLICHMAN. I am not sure that I learned about them in those meetings as such. But I did begin to learn more at the end of October and the first couple weeks of November, yes.

Mr. DASH. Did you participate in the preparation of the public statements concerning Mr. Chapin's role?
Mr. EHRLICHMAN. \es, I did.

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23. On August 28, 1972 Egil Krogh, an assistant to Ehrlichman who had established the Plumbers organization (the White House Special Investigations Unit) appeared and testified falsely before the Watergate Grand Jury that he had no knowledge that Howard Hunt had traveled to any place other than Texas while he was working on the declassification of the "Pentagon Papers." He also testified falsely that he knew of no trips to California "for the White House" by Gordon Liddy.

Page

23.1 United States v. Krogh indictment, October 11,

23.2 United States v. Krogh information, November 30, 1973..............

23.3 United States v. Krogh docket.............

23.4 Presidential announcement, November 4, 1969, 5 Presidential Documents 155657.............

23.5 Egil Krogh testimony, Senate Commerce Committee, Krogh Nomination Hearings, January 11, 1973, 72–73 324

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.
EGIL KROGH, JR.

Defendant.

INDICTMENT

COUNT ONE

1. On or about August 28, 1972, in the District of Columbia, EGIL KROGH, JR., the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before and ancillary to a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did make false material declarations as hereinafter set forth.

2. At the time and place alleged, the said Grand Jury was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of 18 U.S.C. 371, 2511, and 22 b.c. Code 1801(b) and other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, or conspired to commit said violations.
3. It was material to the said investigation that the Grand Jury ascertain the nature of the activities engaged in by E. Howard Hunt, Jr., a subject of the investigation, while he was employed at the White House during 1971 and 1972, and the identity of the individual or individuals who directed those activities.

4. At the time and place alleged, the DEFENDANT, appearing as a witness under oath at a proceeding before and ancillary to the said Grand Jury, did knowingly declare With respect to the material matter alleged in paragraph 3 as follows:

Q. I see. Do you have any knowledge of any travel that Mr. Hunt made in connection with the declassification of the "Pentagon Papers" or the narcotics program that he was working with you on?

A. I'm aware of the trip to Texas that he took, but other travel, no.

Q. During any other period while Mr. Hunt was working at the White House, which would have been through, I believe, the end of March, 1972, are you aware of any travel that he made for the White House?

A. No, I'm not.

Q. Are you aware of any travel that Mr. Hunt made, whether he made it for himself personally, or for any other person?

5. The underscored portions of the declarations quoted in paragraph 4, made by the DEFENDANT, as he then and there (313)
well knew, were false.

All in violation of Title 18, United States Code,

COUNT TWO
The Grand Jury further charges: 1. The Grand Jury realleges all of the allegations of paragraphs 1 and 2 of Count One of this indictment. 2. It was material to the said investigation that the Grand Jury ascertain the nature of the activities engaged in by G. Gordon Liddy, a subject of the investigation, while he was employed at the White House during 1971, and the identity of the individual or individuals who directed those activities. 3. At the time and place alleged, the DEFENDANT, appearing as a witness under oath at a proceeding before and ancillary to the said Grand Jury, did knowingly declare with respect to the material matter alleged in paragraph 2 as follows:

Q. Now, what travel did Mr. Liddy do while he was at the White house that you're aware of?

A. He made a trip to California for me on some customs matters, customs issues on narcotics, which was more of an in-house watchdog-type of trip to determine the effectiveness of the program out there.

He had been involved in developing Operation Intercept in 1969, which pretty much was located out of the Los Angeles area, Terminal Island.

And this was an out date, so to speak, on how things were going in Los Angeles area.

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Q. Now, he was supposed to contact custom officials in the Los Angeles -
A. That was my understanding, but he did not give me an itinerary of -
you of the trip?
A. No, just an oral report.
Q. Oral?
A. Right.
Q. Now, do you know of any other travel that Mr. Liddy might have performed -
that Mr. Liddy might have performed -
A. No.
Q. -- for the White House or for anyone else, or for himself?

Q. Other than this one trip to California, can you think of any reason why he would have had to travel to California for the White House?
A. No.

4. The underscored portions of the declarations quoted in paragraph 3 made by the DEFENDANT, as he then and there will know, were false.

---11 in violation of Title 18, United States Code.

Section 1623.

A True Bill
The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution Force, charges:

1. From on or about July 1, 1971 to on or about May 25, 1973, EGIL KROGH, JR., the DEFENDANT, was an officer and employee of the United States Government, first as Deputy Assistant for Domestic Affairs to the President of the United States, and later as Under Secretary of Transportation.

2. At all times material herein DEFENDANT and various other co-conspirators unnamed herein, were officials and employees of the United States Government and were acting in that capacity.

3. From on or about July 1, 1971 to the present, in the District of Columbia and elsewhere, the DEFENDANT, unlawfully, willfully and knowingly did combine, conspire, confederate and agree with the co-conspirators to injure, oppress, threaten, and intimidate Dr. Lewis J. Fielding, a citizen of the United States, in the free exercise and enjoyment of a right and privilege secured to him by the Constitution and 18 U.S.C. of the United States and to conceal such activities.
6. It was a part of the conspiracy that the defendant and/or certain co-conspirators
would, without legal process, provide false cause, as will to [sic] or other unlawful activity,
enter the building and offices of Dr. Lewis J. Fielding
located at 650 North Brands Drive, Beverly Hills, Los Angeles County, California,
with intent to search for, to seize, and photograph documents and records, containing confidential information concerning Daniel J. Cass, and thereby injure, oppress, and harass, and thereby intimidate, annoy and harass, Dr. Lewis J. Fielding in the free exercise and enjoyment of the right and privilege secured to him by the Fourth Amendment to the Constitution of the United States to be secure in his person, house, papers and effects against unreasonable searches and seizures.

5. It was further a part of the conspiracy that with the defendant’s knowledge, consent, approval and assistance,
two of the co-conspirators would and did travel to California on or about August 25, 1971 for the purpose of preparing to carry out and implement the plan and scheme.

6. It was further a part of the conspiracy that with the defendant’s knowledge, consent, approval and assistance,
five of the co-conspirators would and did travel to California on or about September 1, 1971 for the purpose of implementing and carrying out the plan and scheme, and did without legal process, provide false cause, search warrant or other lawful authority, secretly and unlawfully enter and cause to be entered the offices of Dr. Lewis J. Fielding located in Beverly Hills, California, and did unlawfully search and cause to be searched the premises therein.

7. In furtherance of, and in order to effectuate the objects of the conspiracy, the defendant and the co-conspirators...
OVERT ACTS

1. On or about August 11, 1971, the DEFENDANT sent a memorandum to an official of the United States Government.

2. On or after August 11, 1971, the DEFENDANT had a conversation with an official of the United States Government.

3. On or after August 27, 1971, the DEFENDANT met with E. Howard Hunt, Jr., and an official of the United States Government.

4. On or about August 30, 1971, the DEFENDANT caused a sum of cash to be delivered to an official of the United States Government.

5. On or about September 1, 1971, an official of the United States Government caused the delivery of a sum of cash to the DEFENDANT.

6. On or about September 1, 1971, the DEFENDANT caused a sum of cash to be delivered to an official of the United States Government.

7. On or about September 7, 1971, the DEFENDANT had a conversation with an official of the United States Government.

had a telephone conversation with an official of
test if told under oath.

[Violation in Title 18, United States]

in §471

GEORGE W. BAKER
Special Prosecutor

Washington, D.C.

Coda, Section 241.]
UNITED STATES v. EGIL KROGH, JR.

UNITED STATES
VS
EGIL KROGH, JR.

CASE NO. D

OR

ORIGINAL

470ct

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Ha
ORDER as against case to Judge Gerhard A. Gesell for all purposes.

AT APPEARANCE of William H. Merrill, Philip J. Rakes and Charles R. Dyer, Dept. of Justice, 425 SC St., entered as Govt. counsel.

ARRAIGNED: Deft. handed copy of indictment. Plea Not Guilty.

Motion of deft. for release on personal recognizance, heard and granted.

Clearing on motions set for 11-13-73 at 2:00 p.m. Envelope containing police reports sealed and filed by direction of the Court. Order signed

ORDER for release on personal recognizance.


ORDER for release on personal recognizance with conditions.

JESELL, J. Deft. released from court.

L/MOTION for discovery C/S, C/P.

MOTION to dismiss indictment Exhibit A-C/S, P/A

MOTION to consolidate counts C/S, P/A

MOTION for transfer on ground of Prejudicial pretrial publicity

Affidavit C/S, Exhibit 1 thru 85, P/A
23. 3 UNITED STATES V. KBOGH DOCKET

CRIMINAL DOCKET

United states vs. EGILL WROCH JR. Cr. No. 857-73

Supplemental Page No. 

ROCEEDINGS.

JAIVER of rights by prosecution by indictment & consent to proceed, asterisked. filed.

Xetter to Shulman from Leon Lauerwski dated 11-30-73, identified as

Government Exhibit #1 filed

VICTION filed in Qpe Court ARRAIGN PLEA GUILTY entered 

(Conspiracy against rights of citizen as in violation of 18 USC 241)

S referred; bond. GESELLATO. Rep-Watson Stephen N. Shulman

TRANSCRIPT OF PROCEEDINGS of 11-13-73; Pages 1-129; Court copy; Rep-X's latc

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Railway Labor Dispute

The President today released the report of Presidential Emergency Board No. 176. The Board was created October 3, 1969, to investigate disputes between the Nation’s railroads represented by the National Railway Labor Conference and certain of their employees, approximately 48,000 shop craft mechanics, their helpers and apprentices.

The Board recommended the establishment of a new Class I mechanics’ rate at least 20 cents per hour above the regular mechanics’ rate to be paid to mechanics performing the most highly skilled and responsible assignments. The Board stated that the parties should negotiate concerning the assignments to which the higher rate should be applicable, and suggested as a general guide that the rate should apply to from 15% to 25% of the mechanics on each railroad. Railroad mechanics currently earn about $3.60 per hour.
The Board further recommended continued bargaining on proposed changes in certain work rules to obtain cost savings in equipment maintenance and repair, and in other areas. Savings resulting from meaningful rule changes should provide the basis, the Board said, for further wage adjustments. In addition, the Board recommended general wage increases for all employees in the amounts of 2 percent, effective January 1, 1969, and 3 percent, effective July 1, 1969.

The Board urged a review and study of the Railway Labor Act to consider possible revisions; and that the railroads and unions consider revision of their bargaining structure. The Board concluded that "Serious and difficult negotiations will be required to face realistically the issues remaining and particularly the monetary implications of rule changes. The Board is confident, nevertheless, that a framework; of agreement has been erected."

The Board was composed of Ralph T. Seward, attorney and arbitrator, Washington, D.C., Chairman; Robert G. Howlett, attorney and Chairman of the Michigan Employment Relations Commission, Grand Rapids, Mich.; and Professor I. Robert Liverman, Graduate School of Business Administration, Harvard University, Cambridge, Mass.

Under the provisions of the Railway Labor Act, the parties must maintain the "status quo" for a period of 30 days following the Board's report.

NOTE: F.--- Executive Order 11486, creating the Emergency Board and lists of the railroads and labor organizations involved, see page 138 of this volume of the Weekly Compilation of Presidential Documents.

The President's Staff

Announcement of Appointments of Bryce Harlow and Dr. Daniel P. Moynihan as Counsellors to the President and of John Ehrlichman as Assistant to the President for Domestic Affairs, and Assignments in the Domestic Affairs Staff. November 4, 1969

The President today appointed Bryce Harlow and Dr. Daniel P.
Moynihan to be Counsellors to the President, with Cabinet rank.

Harlow, who was the first man appointed by Mr. Nixon to the White House staff after the 1968 elections, will continue policy guidance of congressional relations but will be freed from day-to-day operational detail to be more available to the President for counsel on the entire spectrum of national affairs.

Moynihan, who now heads the staff of the Urban Affairs Council, will continue his policy guidance in urban problems, but will be able to apply his demonstrated innovative flair to the full range of domestic policy development.

The operational responsibilities presently carried by Mr. Harlow will in time be assumed by a new Assistant to the President for Congressional Relations, and similarly a new executive secretary of the Urban Affairs Council will be designated in the near future.

In addition, a new post has been created: Assistant to the President for Domestic Affairs. John Ehrlichman, who has been Counsel to the President, has been named to this position, which will be roughly equivalent in domestic matters to the position held by Dr. Henry Kissinger in national security affairs.

The Assistant to the President for Domestic Affairs will advise the President on domestic policy and be responsible for White House operations in all substantive matters concerning domestic affairs. The title of Counsel to the President will no longer be used.

The domestic affairs staff which has been experimenting with a management procedure that forms specific project groups to conduct research and present policy options to the President, will now formalize this “mission” approach. Units will be created consisting of departmental, agency experts as well as White House and...
Bureau of the Budget personnel, and will disband upon completion of each assignment.

Fix r staff members will assume responsibility for supervision of these temporary units. They are: John C. Whitaker, Egil Krogh, Edward Morgan, and Henry Cashen Jr, all appointed Deputy Assistants to the President for Domestic Affairs, and Leonard Garment, Special Consultant to the President.

Kenneth Cole, Deputy Assistant to the President, will be responsible for the administration of the Domestic Affairs staff.

Richard Burress, Deputy Assistant to the President for Domestic Affairs, will serve the domestic policy staff as legislative specialist. His office will provide technical assistance to the staff and work with the Congressional Relations office in furthering the progress of the administration's legislative program.

Significance of Changes

The liming: The staff reordering takes place exactly 1 year after the President's election and is coordinated with the move of Dr. Arthur Burns, now Counsellor to the President, to the Federal Reserve Board, January 31.

The need for counsellors: The structure of any White House staff must be framed to suit the requirements of the individual President it serves; organizations will differ because Presidential methods differ.

From the start, President Nixon determined to have one or more "Counsellors"—men who were deeply versed in the ways of governments and, most important, whose judgment he respected and whose long-range vision for the Nation was similar to his own.

The function of a Counsellor is to anticipate events, to think through the consequences of current trends, to question conventional wisdom, to address fundamentals, and to stimulate long-range innovation.

This cannot ordinarily be done by people burdened with operational responsibilities. It also is more likely to be done in a practical manner by men who have recently shouldered those responsibilities—whose service on the firing line endows them with an understanding of the obstacles and opportunities.

Mr. Harlow brings to the President 31 years of government service and a unique understanding not only of the ways of Congress but of the workings of the entire political systems. Dr. Moynihan, with experience in two different previous administrations, is a scholar who breaks new ground in thought and is a public servant who has shown his ability to create new programs of action.

Though both men were born in Oklahoma, they grew up in different regions; one is softspoken the other rather outspoken; one is 5 feet 4 inches the other 6 feet 5 inches. However different in background and style, both Counsellors share the President's trust in their judgment and soon will become much more available to him for discussing and solving.

The exercise of that judgment, invaluable to a chief executive A-ill be strengthened by their freedom from line operations and their increased availability to the President.

The Evolution of the Domestic Affairs Staff:

Dr. Burns' appointment to the Federal Reserve Board was long planned. His staff had worked closely with members of the Counsel's staff, Dr. Moynihan's staff, and others on "special project teams" that helped develop legislative proposals. It has been contemplated for some time that these staffs would be fitted into a permanent Domestic Affairs team.

Advice and policy guidance will be channeled to the Domestic Affairs staff from the Urban Affairs Council, the Cabinet Committee on Economic Policy, the Environmental Quality Council, and the Counsellors to the Presi...
dent, as well as the departments and agencies.

In this manner, the President has developed his own way of formulating policy on the domestic side, similar to the method he adopted earlier in matters dealing with the national security.

Assistant to the President Peter Flanigan will continue in that capacity and will, in addition to his other duties, exercise supervision over some of the domestic affairs project groups.

The White House staff operation under H. R. Haldeman will work with the new Domestic Affairs group in essentially the same way as with the National Security Affairs group—making certain the President has full information, that his time is efficiently utilized and that his orders are carried out.

National Program for Voluntary Action

Statement by the President Announcing the Creation of a National Center for Voluntary Actions

November 4, 1969

From the beginning of our country, Americans have worked together voluntarily to help master common needs and problems. A major goal of this administration is to recognize and enlist the energies and resources of the people themselves, as well as government, in a renewal of this historic American approach. To further that goal, I announced last March the initial steps in building a National Program for Voluntary Action.

For the past 6 months, my Special Consultant on Voluntary Action, Max M. Fisher of Detroit, and Secretary Romney of the Department of Housing and Urban Development, Chairman of [he Cabinet Committee on Voluntary Action, have been developing the National Program. It is based on three assumptions:

1. Many Americans would like to start working as volunteers on community problems. A recent survey reported that two-thirds of us were willing to volunteer regularly if shown something worthwhile to do.

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Committee, including the chairman, which reports have been requested of the Department only to encounter delay in developing a position between the Department of Transportation and the White House.

It then has been my rather unpleasant task to have the Secretary call up and ask me to go to the chairman of the committee to ask him to defer hearings or reopen hearings or defer actions until the people downtown—namely, the Department and the White House—can develop a position on pending legislation. The chairman has been most patient with me whenever he could, but there is a limit.

Therefore, for my own personal peace of mind, as well as the more important aspect of trying to work together and accomplish something, I am delighted to hear you say that you are going to work with us in advance. I hope your presence in the Department and your relations as having come from the White House staff, will enable us to get the position of the administration so as to be able to give it consideration early and with reasonable promptness. I hope you will dedicate yourself among other things, to that end.

Mr. KROGH. I will do that, Senator Cotton.

The CHAIRMAN. Now, if the other members of the committee will wait a little bit for general questions on the Department itself, I would like to proceed with another matter here and discuss that first.

Is that all right with members of the committee? All right.

Now, because of your alleged associations with Mr. Liddy and Mr. Hunt, two of persons now standing trial for their involvement in the so-called Watergate case, I would like to ask certain question of you in order to determine: (1) Whether you were associated with Mr. Liddy and Mr. Hunt, and (2) if so, the nature and the duration of that association in order to ascertain whether there is anything your previous record of Government service that would reflect negatively on your qualifications to be Under Secretary of Transportation. Now do you have any objection to pursuing such questions?

Mr. KROGH. No, sir; I do not.

The CHAIRMAN. Do you have any objections to being sworn?

Mr. KROGH. No, sir; I do not.

The CHAIRMAN. Now I have certain questions and the committee members may want to follow through with them if they wish. But I think they will lay the foundation for the testimony you are about to give.

The first question is, Mr. Krogh have you been associated with Mr. Liddy and Mr. Hunt?

Mr. KROGH. Yes, sir. I have.

The CHAIRMAN. Were Mr. Hunt and Mr. Liddy members of the so-called Plumbers Organization as it is commonly known?

Mr. KROGH. Yes, sir. They were.
The CHAIRMAN: AND WHAT ARE THE PLUMBERS?

MR. Krogh: The plumber was a group that was put together for the purpose of doing what it could to prevent the unauthorized disclosure of sensitive classified national security information.
Mr. KROGH. Yes, sir. Durint, the first 2 years I ssas particularly
involved in world with the FBI, other law enforcement matters. and
I had some familiarity with the internal security svstem in the Federal
Government.

The CH ~IR3t IN'. Let me explore how precisely you became associated
with At. Liddy and At. Hunt, and I could ask these questions: If
you know, who retained At. Liddy ?

Mr. KROGH. I did.

The CIAR5tAN. You did. And how was he known to vou a
Blt. IVROCHI. He was known to me as an attorney in the Department
of the Treasurv swhere he had worked on narcotics control issues.

The CIf SIR3IAN. AVho retained Mr. Hunt, if you know a

\lr. KROGH. hlr. Young and I retained Blr. Hunt.

The CEr NIR3I ax-. AWrho recommended Alexand Hunt to you ?

Mr. KROGHrm He was recommended to us by At. Charles Colson,
counselor to the President.

The CL ~IR3t IN.. WNrhat is that name, again w

Mr. KROGH Charles Colson
The CzAlr3trss. How Ivere 3lr. Liddy and 3lr. Hunt compensated for their services, if you nxnow ?
Mr. KROGH. At. Liddy, as I remember, novas compensated from the Domestic Council payroll, and At.
Hunt avas a AThite House consultant.

The CHAIRS ax. N ow, when you speak of the Domestic Council pay-roll, that means the payroll within
the White House; is that correct ?

\lr. KROGH. Yes, sir.
The CH slRrz .. vs . Afr. Ehrlichman's payroll ?
Wlr. hroGH. Yes, sir; that s correct.
The Cz slRrz as. Novv
Senator Corrode Excuse me, but did you say Mr Hunt was a counselor to the White House ?
Afr. KROGH. S o. sir. Wlr. Colson was counsel to the President.
Senator Corros. Yes; but you also said something about Afr. Hunt's capacitv ?
Mr. IsRoaT. -t consultant.
Senator COTTON. -t consultant, pardon me. That's what I meant, consultant. You mean by that that he received a per diem or was he on regular consultation?

Mr. ISROGII. Sir, I don't know exactly what the form of payment was to Air. Hunt.

(325)
24. In the summer of 1972 Dwight Chapin, the President's appointments secretary, met with Donald Segretti. Segretti, whom Chapin had employed to disrupt the campaigns of candidates for the Democratic presidential nomination, had previously been questioned by the grand jury investigating the Watergate break-in and by the FBI.

testified:

Mr. Chapin told me to cease all activities. I asked Mr. Chapin if I should make an accounting of funds, that I did have some money that was left over. Mr. Chapin told me, no, to keep whatever money I had remaining as a bonus; and I had been through a lot of problems, with the FBI and the grand jury appearance. . .

The amount involved was several thousand dollars. They also discussed the possibility of Chapin's finding Segretti a job.

. . .Page

24.1 Memorandum from Dwight Chapin, November 5, 1972, Exhibit 32, United States v. Chapin transcript, April 3, 1974, 424-31 328

24.2 Donald Segretti testimony, United States v. Chapin, April 2, 1974, 338-40 336

24.3 Dwight Chapin testimony, United States v. Chapin, April 3, 1974, 540, 543 339

(327)
24. Dwight Chapin Memorandum, November 5, 1972, Exhibit 32,

United States v. Chapin Transcript, 424-31

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distribution and really only to this
people iesfas distributed to.

~~FTE CO'un'sT: In o~~ ~ w-ords, it kfaS not to he s~~t
en by t;~~e people W:IO <rot it; ..£; iat what you aro saying?
TF.E E~~~~SS. Ifell, ~~t minite.
TZ CQU'Bcs: h'.Saat ;; t 4, WF,YES Only" ~~~an?
%'s~~ ;;IT'3mSS: I was ne~~~~ s~~e.
TEE CO<T: .Rt 1 r4 qht. Mlat i5 a goM snswer.
IRr isSi?: NAu^3g:
Q .t':r. Ilean, I show you wlaat has been rearked for
identificatio; p~~=>ozes Gs>:errunent Exhibit 32.

{.;ollld you identi fert thett, if you cs~~^?
A Yes, I ca=n identify it.
2 TcDii US what this is, please?
A This i5 ^~~le origLna~~ of the s=me doctzrent which I received i71 ~~ eRer, early
November, thewtwfas given to neJBy .Er. Gaap b at the tir?.e he was leaving the t ite llouse staff in
zhe spr:Lrbg of 1973, w'en he brought over a iole packet of 3:.aterials that related to this natter.

Q ;:OWt is there ;lands-.tri'ing on tlhat docu~~~~nent?
2k ves, ^~~ne::e S s.
Q IS teloG ~~~our v>*n2vzt~~.X?
,> lso w it is :wOt .

tR. RU,~~NEw I offer D~~hBit n2 in evia~~nce.

(328)
MR. STEIN: No objection.

THE COURT: It may be received.

(Whereupon, original of Chapin memorandum dated November 5, 1972 was marked Government's Exhibit No. 32, and received in evidence.)

Q
A

Q
A
A
A

Q
A

Q
A

Q
A

BY MR. RUANE:

Mr. Dean, have you ever pleaded guilty to a crime?

Yes, I have.

When was that, sir?


Where did you plead?

Here in the District of Columbia.

District of Columbia Federal Court?

That is correct.

what was that crime?

The crime of obstruction of justice.

Is that a conspiracy to obstruct justice?
Conspiracy to obstruct justice, that is correct.

THE COURT: I again remind you, ladies and gentlemen, of my instruction with respect to this aspect of any prior conviction. That bears on credibility and I will be instructing you fully on that later.

Mr. RUANE: Your Honor, if I may, I would like to publish Tidbit 32.

(329)
THE COURT: You may.

Mr. RUANE: This is a document and in the upper right hand corner it says "Eyes Only."

It is dated, November 5, 1972.

It is titled, "Chronology of Activity."


Don was still in the military. We discussed his becoming an agent for us during the coming political campaign. We were after information as to schedules of candidates people who could infiltrate headquarters, could ask embarrassing questions and could organize counter demonstrations to those we expected our opposition to come forth with during the campaign.

"2. Don returned to Monterey. A few days later he phoned to say he was interested.

"3. Gordon Strachan brought the subject to the attention of blank and Kalmbach at a White House meeting. It was approved for Segretti to he hired. I did not know the amount or the conditions of the salary.

"4. Don got out of the Service. Then began moving around the country making contact with.
people whom he felt he could trust.

"5. Approximately a half dozen times he came Washington and we would meet at lunch or dinner. Generally he would review where he had people. Don never used names. I didn't want to know who the People were and told him so.

"I constantly urged him to be discreet, to use double and triple identification backstops, for mail, phone calls and in terms of contacts.

On one occasion we met in Portland, Oregon. I had told Don to go there to watch a Presidential stop and to note how the demonstrators organized against us.

"6. The bulk of my contact was between September 1971 and January 1, 1972."

Then there is handwriting.

At this time, I would like to read a stipulation agreed to by all counsel:

That all the handwriting on Government Exhibit 37 is that of the Defendant Dwight L. Chapin except the following:


"October of 1971 was for the most part occupied by China. I may have had phone contact during October.

"7" In January or February, Liddy reported to
Strachan there was an agent in the field who they couldn't determine and 'they' were going to go after him. Strachan checked two people (blank and blank) and then Don was advised to report to Liddy. That is how his phone number got in Liddy's book and how his existence was later discovered by the FBI.

8. Don made one mistake when during the December he moved into New Hampshire in too public a way. He went to Allan Walker and tried to buffalo him. We (Gordon and Chapin) were alerted and I yanked him to Washington. He became much more careful after the episode. But it was the time I should have fired him.

9. The bulk of Don's activity was in Florida. He had some girl agent in Muskie's state Headquarters. He also had plants in the headquarters of Jackson and Humphrey.

'Don was responsible for the anti-Muskie radio ads on a Cuban radio station placed by 'A Jackson person.'

'It is my feeling Don did the 'Sex News Release' on Jackson and Humphrey and tried to tie it to 'Muskie's people. I say 'feelings since one day the release came through the mail
to my home. There was no letter with it. I suspect Don did it.

"Don put the stink bombs in the Muskie
Ta:npa headquarters. The Muskie people blamed
Jackson's troops.

"He also put out countless press releases
about events, scheduled and non-scheduled. In
addition, he would put out issue papers especially
on busing.

"Many times he would run classified ads for
'blacks' to work in Muskie headquarters.

"I believe it was Don who had cards passed
out at Wallace rallies. They said, 'If you liked
Adolf Hitler, you'll love George Wallace.'
'Vote Muskie' or something identifying Muskie
people was on the other side of the card.

"10. Don sent via mail to my residence
clippings or little notes-never signed. They
were usually campaign hoax stories. This was
the main way he reported

ma then in handwriting, it says:

"Many times I didn't even open...n _- there
is a question,mark above the word, open -n...
the envelopes.

" 11. In January, February, Flay and June, I
was very involved in the foreign travel and had
little and sometimes no contact with Don.

"12. When the Watergate broke, we told
Don to get lost. I believe Herb settled with
him for salary through the year. I am not sure
on this point."

And then, in parenthesis, in handwriting, which has
been stipulated:

"he may have been paid by April 7th

"13. In July or August, Segretti called to say the FBI had called. He called me minutes
after they called him. (maybe they went to his home.) I contacted Gordon who checked Dean.

"14. Instructions to Segretti from that point on were handled by...

And then the word, "Don" is crossed out and above it is written, "Dean."

"Don came to Washington and met with Dean and Gordon S.

P 5. In July-'7, after Don has been interviewed by the FBI when I was in California to work on
the Wolper/er films, I had lunch with Segretti. We talked of his going away keeping quiet. Be mentioned
he might get some legal advice from Young. I urged

him to be careful. In addition, I told him to
24.

And then, in handwriting, on the margin:

"I believe Don still has a diary. A lawyer should look at it. He will know exact dates when he met with me and what specifically I told him to do or recommended. I assume Don has never shown the diary to Young. The diary will indicate what Don did and when."
THE COURT: You haven’t been asked about your conversation with Mr. Dean.

Mr. DAVIS: he don’t intend to, Your Honor.

THE COURT: Right. I just remind the witness.

THE WITNESS: All right. Thank you, Your Honor.

BY DIR. DAVIS:

Q You didn’t see Mr. Chapin in Miami, did you?

A I did not.

F What was the next time you saw Mr. Chapin?

A The next time I recall seeing Mr. Chapin was later on that summer.-and I don’t recall the exact date now. I met him in California.

Q Do you recall where you met him?

A Yes, I met him in front of the Century Plaza Hotel in Los Angeles. From there, we drove across the street and had lunch in a restaurant.

Q Did you have a conversation with him?

A Yes, I did.

Q What was the conversation?

MR. CHAPIN told me to cease all activities.

I asked Mr. Chapin if I should make an accounting of funds, that I did have some money that was left over.

Mr. Chapin told me, no, to keep whatever money I had remaining as a bonus; and I had been through a lot of problems with the FBI and the grand jury appearance, and so
There was some brief discussion between Mr. Chapin and I regarding the possibility of him helping me obtain a job in some field in the future.

Q: As of that date, how much money had you received?

A: I received between forty-four and forty-five thousand dollars.

Q: Just so we are clear, you never received any of that money from Mr. Chapin, is that correct?
I believe it is up to June 1972.

Mr. DAVIS: The Government would like to offer this,

Your Honor, would offer it.

Mr. STEIN: Objection.

THE COURT: What is its relevancy? There is no indication he showed it to anybody.

Mr. DAVIS: We just want to establish the accounting

of the amount he spent, so we will know how much was left as the

bonus.

THE COURT: Did you indicate in any way to Mr. Chapin

how much was left or did you just say you had some money left

over?
THE WITNESS: No, I believe I did indicate that I had several thousand dollars remaining. Whether I gave him the exact amount, I don't believe I did, no, sir.

THE COURT: Very well.

The objection is sustained.

BY Mr. DAVIS:

Q Now, Mr. Segretti, you testified to various telephone conversations you had with Chapin.

In what manner did you place those calls when you made them?

A There were a variety of manners. Sometimes it was
direct dial from my home telephone number. Other times it was
they went to his home)."

. why did you put "Maybe they went to his home" there?
I don't know. I think maybe I heard that they went

"I contacted Gordon who checked [with] Dean."

is that true?
That is my understanding as to what happened, yes,

A.

ll, sir.

by Dean

Paragraph 14:

"Instructions to Segretti from that point on were handled
by

I As That is correct. He was Don's contact.

I Q "Don came to Washington and met with Dean and

I, G

Gordon Strachan ."
Yes.

I Q "15. In July after Don had been interviewed by the
[F3I when I was in California to work on the Wolper films, I

I', had lunch with Segretti . "

Do you remember that lunch?
A. I do. That is the one he was referring to where

I said-- where I mentioned that bonus thing.

Q. "We talked of his going away, keeping quiet."

Do you recall that?

A. Yes. We talked about the fact that he should -
All right.
I!. should say, with what Mr. Dean testified to this morning, in
regards to this.

But the part that -- I think the part about Don "was
upright " was accurate .

Q All right.

"Dean met with Segretti in Miami . "

Is that true?

A. Yes, it is.

Paragraph 17:

"Don went before the Grand Jury. Dean reported it went
I well. ."

Q That is true, is it not?

I Yes,

I Q "Don returned to California."

I Is that true?

I A. I don't know what her that is correct or not. I
I don't know where that came from.

Q. Paragraph 19:

"Don called about three weeks prior to the Post story to
say the Washington Post had been to his home. ."

Is that true?

A. I believe it is true, yes .

Page 8:

I'd "Dean put Don on the road and I haven't talked to him
25. On or about September 12 or 13, 1972, at 12:00 noon, John
Mitchell, John Dean and Jeb Magruder met. Magruder outlined the false
story he was planning to give before the Watergate Grand Jury regarding
the meetings among Mitchell, Magruder, Dean and Gordon Liddy in
January and February 1972 at which political intelligence and electronic
surveillance had been discussed. Mitchell did not express any disagree
ment. Thereafter, Magruder appeared before the grand jury and testified
falsely.

Page

25.1 Jeb Magruder testimony, 2 SSC 787-88, 804 342

25.2 John Mitchell testimony, 5 SSC 1897 345

25.3 John Dean testimony, 3 SSC 952-53 .................................................................346

25.4 John Mitchell log, September 13, 1972

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(received from SSC) ^

25.5 Jeb Magruder calendar, September 13, 1972

...(received from SSC) 349

25.6 United states v. Magruder information,

...(received from SSC) 349

25.7 Jeb Magruder guilty plea, August 16, 1973,

..........................................................................................................................................................352

(341)
tioned particularly Mr. Dean. He did mention other individuals but I cannot recall their names, and indicated he had been told he would have approximately $1 million budget. I indicated to him at that time that 81 million budget was a sizable budget and that he should prepare the background documents necessary to justify this budget and that he would then have an opportunity to present the budget to the Attorney General.

Mr. DASH. Now did there come a time when Mr. Liddy did present his plan to the Attorney General, Mr. Mitchell?

Mr. MAGRUDER. Yes. In February I set up an appointment with Mr. Mitchell and John Dean on February 97 at 4 in the afternoon.

Mr. DASH. On February

Mr. AG-GR--ER. The first meeting was February 27.

Mr. DASH. May I refresh your recollection, Mr. Magruder do you mean February ST or January 27?

Mr. MAGRUDER. I am sorry, January 97, 1971. And we had a meeting in Mr. Mitchell's office at 4 in the afternoon as I recall it.

Mr. DASH. Who attended that meeting in Mr. Mitchell's office on January 27?

Mr. MAGRUDER. Mr. Mitchell, Mr. Dean, Mr. Liddy, and myself.

Mr. DASH. Prior to the meeting on January 27, did you know any of the details of the plan that Mr. Liddy was going to present on that day?

Mr. MAGRUDER. Mr. Liddy brought with him a series of charts, they were professionally done charts, and had color, some color, on each of the charts. As I recall there were approximately six charts. Each chart contained a subject matter and was headed by a code word I cannot recall many of the code words, the one I do recall is Gemstone. I think one was called Target but I cannot specifically recall the other code words. Each chart had a listing of certain types of activities with a budget and, as I recall, there was one chart that totaled up the activities and the budget totaled to the $1 million figure that he had mentioned previously.

Mr. DASH. Mr. Liddy was presenting this in the form of a show and tell operation?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. What were the size of these charts?

Mr. MAGRUDER. As I recall they were approximately probably the size of the chart that is on the display stand.

Mr. DASH. Were they 011 an easel or display stand in the Attorney General's office?

Mr. MAGRUDER. Yes.

Mr. DASH. Do you have any idea where these charts were prepared, 011- who prepared them?

Mr. MAGRUDER. No. I do not.

Mr. DASH. You say the charts dealt with various projects and they had code names on them Could you give us to your best recollection what some of these projects were?

Mr. MAGRUDER. This was, of course, the projects, including wire tapping-- electronic surveillances and photography. There were projects
relating to the abduction of individuals, particularly members of radical groups that we were concerned about on the convention at San Diego. Mr. Liddy had a plan where the leaders would be abducted and detained in a place like Mexico and that they would then be returned to this country at the end of the convention.

He had another plan which would have used women as a rent to work with members of the Democratic National Committee at their convention and here in Washington, and hopefully, through their efforts, they would obtain information from them.

Senator ERVIN. I am going to ask the audience to please refrain from laughter or any kind of demonstration.

Mr. SHIBT. Mr. W. I thought to tell you to refrain from laughter or
giant demonstration.

Mr. DASH. With regard to the use of these women as agents, did this involve the use of a yacht at Miami?

Mr. ALGRER. He envisioned renting a yacht in Miami and having it set up for sound and photographs.

Mr. DASH. And that would the women be doing at that time?

Mr. ATGRFEDER. I really could only estimate, but

Mr. DASH. Based on his project, from your recollection, what did he indicate?

Mr. MAGRUDER. Well, they would have been, I think, you could consider them call girls.

Mr. DASH. Do you recall any project dealing verity a mugging project involving demonstrators?

Mr. MAGRUDER. I do not specifically recall that.

Mr. DASH. No, that was the total budget that he presented at this meeting?

Mr. MAGRUDER. Approximately $1 million.

Mr. DASH. How long did Mr. Liddy's presentation take? Mr. ASIAGRU:DER. Approximately 30 minutes. Mr. DASH. Mr. Slavruder--what Gas 3r. Alitchell's reaction, Mr. Dean's reaction, and your own reaction when you heard this presentation?

Mr. MAGRUDER. I think all three of us were quite appalled. The scope and size of the project was something that at least in my mind was not envisioned. I do not think it was in Mr. Alitchell's mind or Mr. Dean's although I can't comment on their state of mind at that time.

Mr. Mitchell, in an understated ovals which was his method of dealing with difficult problems like this, indicated that this was not an acceptable project.

Mr. DASH. Did you have any discussion with Mr. Liddy after the meeting?

Mr. At ZGRUDER. I would say he was discouraged, but he was given the ripest to come up with a more responsible plan.

Mr. DASH. Did you have an) discussion with Mr. Liddy after the meeting?

Mr. AIACRT,DER. Toss he left Vital 10hill IYan and I 011 our way back to the committee and indicted his being disturbed because he had
back to either Mr. Haldeman or AIR. Everyone assumed this, but that was only an assumption from my work at the AN7ilite House myself.

Xfr. DASH: Ares you again called before the errand jurv to the trial, the first trial?

AIR. MAGRUDER: Yes.

AIR. DASH: When was that?

AIR. MAGRUDER: That was ill September, the middle of September.

AIR. DASH: Did you know why you were being called before that errand jurv?

AIR. MAGRUDER: Yes. At that time, they had roten a copy—they had subpoenaed my diary and my diary contained meetings. priamriiy the meetings in January and February with AIR. Liddy that everyone seemed interested in. So consequently AIR. Mitchell, AIR. Dean, and I met to determine how I would answer.

AIR. DASH: You mean prior to your appearance before the Brand jurv in September?

AIR. MAGRUDER: Yes, sir.

AIR. DASH: What is the purpose of that meeting?

AIR. MAGRUDER: The purpose was to develop the story in effect of what took place at those meetings. AIR. Dean asked if he could be removed from those meetings and I said that would not work, because too many people knew he had attended those meetings.

Then AIR. Mitchell and AIR. Dean and I agreed that we would indicate—that the first meeting never occurred, that we had canceled it and that at the second meeting, AIR. had discussed the new election law, which actually had been passed that week and I introduced AIR. Liddy to AIR. Mitchell and he had not met AIR. Mitchell. It turned out that he had met AIR. Mitchell, but I was unaware of that.

So I indicated to the Brand jurv that it was an informal meeting to introduce AIR. Liddy and also to discuss the new election law.

AIR. Desk: Was any suggestion made that you might erase entries in the diary?

AIR. 3z GR~7ER: Yes; as I recall, one of the individuals indicated that. I think we agreed that erasures could be determined by the Federal Bureau of Investigation if anything was erased.

AIR. DASH: During your appearances before the Brand jurv or prior ceding it and when the story that was indicated was being developed, what if anything was told to you or discussed with you or by you concerning the question of executive clemency for yourself or for those who were going to accept the blame in the stor-y?
Air. ~I:\GR~ER. \neain I Bould like to be very careful here. I think

that—during the time? of course, since I linew I •vas a target of the
temralld jurV, I avas somewhat concerned about what would happen to me
if I v-as indicted. So I lvent throllgll the same type of thing that the
other defendants in the trial did and asked Air. Atitehell and Or.. Dean

for the kind of assurances that they did.

They made those assurances to me, but they

'3ll'. Dress[]. M7hat assurances specifically?

Arr. At.7.:RU\DER. levelly they made assurances about income and being

taken care of from the standpoint of my family and ;I job afterwards,

and that type of thing and also that there svould be Rood opportunitv

for Executive elemencs. Jut 11a\ inn xvorf:ed at tile W\hite House and

beillte as are of our strilellle these. I did not talqe that as meallille that
Mr. MITCHELL. As I said. Mr. Dash. I believe those conversations took place much earlier than that.

Mr. DASH. I know, but you testified before the committee that you certainly wanted him to testify in such a way that the lid could not come off. You now know he was going to be testifying. So whatever date you can recall at this time he was going to testify before the grand jury, would you not have discussed the grand jury testimony with him?

3Ir. MITCHELL. Mr. Dash, I believe these events go back to the time when Mr. Magruder and Mr. Porter went to Mr. Parkinson's office and put together their proposed testimony, which at that time they felt was going to be submitted to the grand jury in deposition form. I think that was the middle of July. It was in that time frame and during or shortly thereafter that the recitation of Mr. Magruder's testimony, of the nature of his testimony, was given. I have no recollection of having sat down with Mr. Magruder the day before, the second day before he went to the grand jury and going over it with him.

Mr. DASH. Well, did you learn what he testified to when he went to the grand jury?

Mr. MITCHELL. I assume that he had testified to what he had told us he was going to testify to.

Mr. DASH. Did you just assume? Didn't anybody tell you what he testified? Didn't you in fact learn that he did testify as he did, what he had been agreeing to testify to?

Mr. MITCHELL. I believe, Mr. Dash, if my memory serves me right, that he was debriefed by one of the lawyers who advised me as to what he testified to.

Mr. DASH. So in fact, you did learn?

Mr. MITCHELL. I did learn.

Mr. DASH. No, he again testified before the grand jury on September 13 and at that time, it dealt with his diaries and the meeting that he had with you. Now, you saw Mr. Magruder, according to your log, Mr. Magruder and Mr. Dean, at 12 o'clock on that day. Did you have any discussions with him about his grand jury testimony on September 13?

Mr. MITCHELL. On September 13?

Mr. DASH. September 13 is when he appeared for his third and final time.

Mr. MITCHELL. Yes; I testified, I believe, on Monday to the fact that Mr. Dean, Mr. Magruder, and I rather briefly discussed the recollection of the meetings that had taken place in the Justice Department.

Mr. DASH. And what did Mr. Magruder, to your knowledge, tell you that his recollection or his testimony was going to be?

Mr. MITCHELL. Well, if I can recall it as best I can, No. 1, that he thought that one of the meetings had been canceled: No. 2, that there were discussions of the election laws which they both testified there were discussions of the election laws which they both testified there were the essential parts of it.

Mr. DASH. Flat was VOLT response to that? Did VOII respond to his recol section of what his testimony was Coina to be?

Mr. MITCHELL. I have no recollection of that. LIZ: Dash.

Mr. DASH. Arell. did VOII disa Tree IVitll him?

Mr. MITCHELL. I didn't disagree with it. no. I did not.
might not stand up if indicted. I recall Hakleman asking me if I
thought Ataturk would stand if indicted and I said no. I have
always assumed it was a President decision to keep Ataturk on
at the reelection committee. Following the decision, Ehrlichman and
Haldeman indicated a greatly increased interest in Ataturk's illar-
blems. The, mr- Revere an-are of the strategy to stop the involvement at
Liddv, because I reported to them on the story that Ataturk would
tell, that is, that he did not know what Liddv was doing. They
frequently asked me how Magruder was doing in relationship to the
FBI (and grand jury) investigation. I also had calls from Mr. Larry
Higby as to Magruder's status.

I do not know when I first learned of Magruder's proposed testi-
mony, but I did not know that it had already been fabricated the
first heard it. I informed Haldeman and Ehrlichman of the story. We
discussed it and no one was sure it would hold up. This discussion did
 occur before Mitchell resigned. We, of course, knew that it was a fab-
 ricated story. When I later learned that Mr. Porter would corroborate
Mr. Magruder's testimony, I informed Haldeman and Ehrlichman of
that. I had never heard Mr. Magruder's story in full detail until just
before his grand jury appearance, in mid- Kuff 1944 when he asked
me if I would be a devil's advocate and question him before he event
before the grand jurist. Magruder came to my office, as I recall, the day
before his second grand jury appearance. He told me he had made
the decision himself as to how he was going to handle his testimony and
wanted me to ask him any and all questions I could think of. I spent
about an hour or more questioning him. Shortly after I had this ses-
sion with Magruder, Higby called me to tell me that Magruder had
been to see him to let Halde'-man know he was ready.

Following Ataturk's appearance before the Grand jury I received
a call from Higby requesting information for Haldeman as to how
Magruder had done before the grand jury. I subsequelit}-- Cal Iled 3rr.
Petersen, who said he would find out and call me back. Petersen called
back and said he had made it through by the skin of his teeth. I called
Haldeman and so informed him, and subsequently informed Mitchell
and Magruder. I recall that Haldeman was very pleased. because this.
of course, meant that the investigation would not go beyond Liddv.

In early September Paul O'Brien came to my office and informed me
that there was an outstanding subpoena for Ataturk's diary. O'Brien
said that Ataturk's diary reflected the meetings ill Alitcitell's office
in January and February with Liddy, Ataturk, Dean, and Mitchell.
O'Brien also informed me that there had been discussion of destron-{r
or altering the diary, but he did not think much of that. I agreed that
to alter it would be impossible because it would be discovered by the
FBI laboratory.

I remember talking with Ataturk and as I thought him I told a
diary—being somewhat facetious. I told Alitaalu{ler that he shutld talk
with SIn. Mitchell about this. because he xvas probable Coins to have
totally diariy over.

Loncr before the matter of Ataturk's diary had arisen. I had talked
with Mitchell about the meetings in , January and February in liliS
office. I told him that should it ever be necesks,.rv I would testify that
I knew that he had not approved any of the meetings. It was
after the meetings of Aly=riel's didn beings su)l)-en:led and Ataturk again being recalled to the e.rand junk that Mitchell requested that I
meet with him and Magruder to discuss how Alazrucler should handle this matter before the grand jury. During the meeting at VE'lliCtI this Ivas discussed, I told Alithell and Alafrrucler that I had no idea what they had discussed before I arrived late at the second meeting in February. I said I recalled there zvas some reference to the election laws at the first meeting and Magruder could explain m) presence with Lidds at the meetings by reason of the fact of the election laws discussion. Magruder liked this idea and said that v as llonv 11e should handle it. I later learned that Magruder testified that one of the meetings Ilacl been canceled, and the meeting that OCCUI red m-as to introduce Liddy to Mitchell and had dealt with election laws problems. I assume that these refinements to the story were added by Alarrruder because they revere not discussed at my meeting with Mitchell and Atafafruder.

Senator BANKER. 3fr. Dean, that Would seem to be a convenient breakin,s place. I notice that on the next page, 91, you have appearances of Unite House personnel before the grand jury, so if you have no objection to it, the meeting sv,ill stand in recess Until c3 o'clock.

[Whereupon, at 12:30 p.m., the hearing nvas recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION. WInsavY, J1J7-E 20, 1973

Senator ERVIN-. The committee xvill come to order.

WIr. Dean, I realize that ashen you have to do so much reading that sometimes it gets pretty hard 0111 your voice and anv time that You feel like 5'011 need a little break to sort of relieve vour voice, let us kIOIV and lve avill certainly grant it to you.

Air. DEAN. I appreciate that Veiny much, fir. Chairman.

If the Chairman is ready I nvill proceed.

1Vhen Eve stopped for lunch I xwas just commencing on pave 91.

APPEARANCES OF WHITE HOUSE PERSON'N'EL BEFORE THE GR_y53

Afr. DE.1X. I shall nosv turn from the matter of Ataarucler's appearances before the grand jurv. to the appearance of the members of the AVhite House staff before the brand jurv.

The handling of the appearances of the White House staff before the brand jury seas very similar to the procedure that had been folloaved B-till regard to tileir illterviexvs by the FBI. BV that I mean either Afr. Fieleliner 01 no self xvollld discuss M-itll the individtlal before lie Event to the brand jury the likely questions he Would he asl;ec, the llnelatedel areas that eve didn't feel it xvas necessarv for the individual to (ret into.

AYllell Colson learned that he xvas groins to lee called before the brand jury he svas outratecl. Ate felt that the press Ilacl been rather hostile to ova rcl hi m because of lo is association XV itll 311-. Hlult an(l lliS al r)earance in the courthouse before the [rralld jurv xvoulel be roost cletrinelltal. The xvas velv insistent that soneetillill-(r)e done allout the sittl;itiOII .111t asked ille to see if I could do allvhitlfr to help hilly I called l-Ten- !. Petelse I and tisc.Issecl this With ilim alt(1 asked him if there vas anxhillsr that COIIll(l 1 lie dolle. 1-etelsen tolel Ante he lvould explore it. Ihwtesell calie(l(1 leach Slid sails he al}] reciated the problem of the +--litC l-lolise stall I eot lo COIIlllltt, down to the courthouse to appeal

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Mr. M c211ed D-<ayne Andreas 219d t.

Mr. M-S tW J2h Mggruder and John Dean

Mr. S SAW '7ears stans, Parkinson, O'Brian LaRue;Tc'hree, jardian, Cliff '4+ 11er, Pol-ell 'store and Dicl Ploe

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The United states of America, by its Attorney, the Special Prosecutor, Watergate Special
Prosecution Force, charges:

1. At all times material herein, the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United states. Its offices were at the Watergate Office Building, 2600 Virginia Avenue, N. W. in the District of Columbia.

2. At all times material herein, the Committee for the Re-Election of the President was conducting campaign activities on behalf of the reselection of Richard M. Nixon as President of the United states, with office and headquarters at 1701 Pennsylvania Avenue, N. W. in the District of Columbia.

3. At all times material herein, the United states Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, an agency of the United states.

4. On June 5, 1972, a Grand Jury of the United states District Court for the District of Columbia was duly
On or about August 10, 1972, Herbert Lloyd Porter testified falsely before a Federal Grand Jury sitting in the District of Columbia.

Around or before August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER attended meetings on the fourth floor of 1701 Pennsylvania Avenue, N.W. where the false, misleading and deceptive statement previously made by JEB STUART MAGRUDER to the Federal Bureau of Investigation was further refined and developed in preparation for his appearance before the Grand Jury.

On or about August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

On or about September 12, 1972, in the District of Columbia, JEB STUART MAGRUDER attended a meeting on the fourth floor of 1701 Pennsylvania Avenue to compose and develop Magruder’s proposed testimony in preparation for another appearance before the Grand Jury.

On or about September 13, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.


On or about January 23, 1973, in the District Court for the District of Columbia, Herbert Lloyd Porter gave false, deceptive and misleading material testimony.
THE COURT: I'll hear from counsel for the
'Evcr~--m.cnt first on the question of bail pending sentence in
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el 'laut tilEls is the last p.b.-t":", . x, "~:-: . d :-4,; l & Cw.'
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26. On September 14, 1972 John Mitchell testified before the Watergate Grand Jury that he had no prior knowledge of illegal CRP political intelligence operations or of Gordon Liddy's political intelligence gathering activities.

26.1 United states v. Mitchell indictment, March 1,

.1974, 1, 18-19 .....................................................................................................................................................4

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. • .354
The Grand Jury charges:

1. On or about June 17, 1972, Bernard L. Barker, Virgilio R. Gonzalez, Eugenio R. Martinez, James W. McCord, Jr., and Prank L. Sturgis were arrested in the offices of the Democratic National Committee, located in the Watergate office building, Washington, D.C., while attempting to photograph documents and repair a surreptitious electronic listening device which had previously been placed in those offices unla...

2. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, a department and agency of the United States, and the Central Intelligence Agency was an agency of the United States.

3. T e g r n o s i 011 or about June 17, 1972, Clad con...

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perjury and false
COUNT (""") 1 (t\(\overline{t}\)iji)

The Grand Jury further charges:

1. On or about September 14, 1972, in the District of Columbia, JOHN [INITIALS REMOVED], a duly empowered and sworn Grand Jury of the United States, did knowingly and willfully make false material declarations as herein set forth.

2. At the time and place alleged, the June, 1972 Grand Jury of the United States District Court for the District of Columbia was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of Title 18, United States Code, Sections 371, 251, and 22 D.C. Code 1801(b), and of other statutes of the United States, and of the District of Columbia, had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, and conspired to commit such violations.

3. It was material to the said investigation that the said Grand Jury ascertain the identity and motives of the individual or individuals who were responsible for, participated in, and had knowledge of unlawful entries into and electronic surveillance of the offices of the Democratic National Committee located in the Watergate area.
4. At the time and place alleged, JOHN N. MITCHELL, the DEFENDANT, appearing as a witness under oath at a proceeding before the said Grand Jury, did knowingly declare with respect to the material matters alleged in paragraph 3 as follows:

Q. Was there any program, to your knowledge, at the Committee, or any effort made to organize a covert or clandestine operations basically, you know, illegal in nature, to get information or to gather intelligence about the activities of any of the Democratic candidates for public office or any activities of the Democratic Party?

A. Certainly not, because, if there had been, I would have shut it off as being entirely nonproductive at that particular time of the campaign.

Q. Did you have any knowledge, direct or indirect, of Mr. Liddy's activities with respect to any intelligence gathering effort with respect to the activities of the Democratic candidates or its Party?

A. None whatsoever, because I didn't know there was anything going on of that nature, if there was. So I wouldn't anticipate having heard anything about his activities in connection with it.

5. The underscored portions of the declarations quoted in paragraph 4, made by JOHN N. MITCHELL, the DEFENDANT, were material to the said investigation and, as he then and there well knew, were false.

(Title 18, United States Code, Section 16230)
27. On September 15, 1972 Gordon Liddy, Howard Hunt and the
five persons arrested in the DNC Watergate offices were indicted for
several offenses including burglary, unlawful entry for the purpose
of intercepting oral and wire communications, and conspiracy.

United States v. Liddy
indictment, September 15,
1972, 1-10 .......................................................................................................................................................................358

(357)

35-665 (D. D. C.)
The United States of America

v.

George Gordon Liddy, also known as Gordon Liddy and
George F. Leona rd

Everette Howard Hunt, Jr., also known as: Howard Hunt,
Edward L. Warren and Edward J. Hamilton

James W. McCord, Jr., also known as: Edward J. Warren and
Edward J. Martin

Bernard L. Barker, also known as Frank or Fran Carter

Eugenio R. Martinez, also known as: Gene or Jene Valdes

Frank A. Sturgis, also known as Frank Angelo Fiorini, Edward J.
Hamilton, and Joseph DiAlberto or D’Alberto

Virgilio R. Gonzalez, also known as Raul or Raoul Codoy
or Goboy

The Grand Jury charges:

FIRST COUNT:

1. At all times material hereto the Democratic National Committee, an unincorporated
   association, was the organization responsible for conducting the affairs of the Democratic Party of the
   United States.

2. At all times material hereto the Democratic National Committee had its offices and
   headquarters at 2600 Virginia Avenue, N.W., Washington, D.C.

a. At all times material hereto George Gordon Liddy, also known as Gordon Liddy and

George F. Leonard and hereinafter referred to as defendant Liddy, was employed as Chief
for the Finance Committee of the Elect the President located at 1701 Pennsylvania Avenue, N.W.,
Washington, D.C.

sllow'9de C-?

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4. At all times material hereof, Everette Howard Hunt, Jr., also known as Howard Hunt, Edward J. Warren, and Edward J. Hamilton, and hereinafter referred to as the defendant Hunt, was a friend and associate of defendant Liddy and Bernard L. Barker.

5. At all times material hereof, James B. McCord, Jr., also known as Edward J. Warren and Edward J. Martin, and hereinafter referred to as defendant McCord, was the President of McCord Associates, Inc. The defendant McCord at all times material hereof also served as security coordinator for the Committee for the Re-Election of the President located at 1701 Pennsylvania Avenue, N.W., Washington, D.C.

6. At all times material hereof, Bernard L. Barker, also known as Frank and Fran Carter, and hereinafter referred to as defendant Barker, was President of Barker Associates, Inc., a real estate corporation with offices at 2301 Northwest Seventh street, Miami, Florida.

7. At all times material hereof, Eugenio R. Martinez, also known as Gene or Gene Valdes and hereinafter referred to as defendant Martinez, was employed by Barker Associates, Inc.

8. At all times material hereof, Frank A. Sturgis, also known as Frank Angelo Fiorini, Edward J. Hamilton, and Joseph D’Alberto and D’Alberto and hereinafter referred to as defendant Sturgis, was an associate of defendant Barker.

9. At all times material hereof, Virgilio R. Gonzalez, also known as Raul and Raoul Godoy and Godoy, and hereinafter referred to as defendant Gonzalez, was an associate of defendant Barker employed as a locksmith in Miami, Florida.

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10. From 011 or about May 1, 1979, and continuing there
after through June 17, 1972, the exact dates being unknown,
within the District of Columbia and elsewhere, the defendants
Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez,
hereinafter collectively referred to as the DEFENDANTS, un-
lawfully, willfully, and knowingly did agree, combine, and
conspire with each other and among themselves to commit
offenses against the United states, that is, by various
illegal and unlawful methods and means, to obtain and use
illegally information from the offices and headquarters of
the Democratic National Committee and related political
entities. The illegal and unlawful methods and means which
are known to the Grand Jury that were used or attempted to
be used by the defendants to obtain and use information
illegally from the offices and headquarters of the Democratic
Committee were as follows:

To enter unlawfully the offices and headquarters of
the Democratic National Committee:

(1) To intercept wire communications of officers

and employees of the Democratic National Committee by placing

in the offices and headquarters of the Democratic National

Committee an electronic device or devices designed for the

surreptitious interception and transmission of telephone com-

munications to a receiver located in a room at the Howard

Johnson's Motor Lodge at 2601 Virginia Avenue, N.W.,

Washington, D.C. The terms “intercept”, “wire communication”

and “electronic device” are used by the Grand Jury as they

are defined in Title 18 U.S.C. Code § 2510;
(2) To intercept oral communications within the offices and headquarters of the Democratic National Committee by placing within those premises an electronic device designed for the surreptitious interception and transmission of conversations of persons within those premises to a receiver located in a room at the Howard Johnson's Motor Lodge at 2601 Virginia Avenue, N.W., Washington, D.C. The terms "intercept", "oral communication" and "electronic device" are used by the Grand Jury as they are defined in Title 18, United States Code § 2510;

(3) To obtain documents, papers, and records of the Democratic National Committee by stealing them from the offices and headquarters of the Democratic National Committee;

(4) To obtain copies of documents, papers, and records of the Democratic National Committee by removing them from their location within the offices and headquarters of the Democratic National Committee, taking photographs of them and then returning them to the location from which they were illegally removed;

In furtherance of the aforesaid conspiracy and to effect the objects thereof, the DEFENDANTS did commit, among others, the following overt acts in the District of Columbia and elsewhere:

1. The DEFENDANTS did and caused to be done the acts set forth in the succeeding counts of this indictment on the dates, at the places, and in the manner set forth thereon, all of which are incorporated by reference as though fully set forth and made a part hereof.
2. On or about May 5, 1979, and continuing through about May 28, 1979, Room 419 at the Howard Johnson's Motor Lodge, located at 2601 Virginia A-venue, N.W, Washington, D.C. was rented or leased by the defendant McCord in the name of McCord Associates.

3. On or about May 8, 1972, the defendant Liddy made a telephone call from the District of Columbia to the defendant Barker at Barker Associates, Inc.

4. On or about May 10, 1972, in Rockville, Maryland, the defendant McCord purchased a Receiving System for McCord Associates, Inc., for which he paid $3,500 in cash, a device capable of receiving intercepted wire and oral communications.

5. On or about May 17, 1972, the defendant Barker made two telephone calls from Barker Associates, Inc. to the defendant Liddy at the Finance Committee to Re-Elect the President and two calls to the defendant Hunt within the District of Columbia.

6. On or about May 19, 1972, the defendant Hunt made one telephone call from the District of Columbia to the defendant Barker at his residence.

7. On or about May 22, 1972, the defendant Barker using the alias of Fran Carter, the defendant Martinez using the alias of G. Valdes, the defendant Sturgis using the alias of Joseph DiAlherti, and the defendant Gonzalez using the alias of Raul t-obox, traveled from Miami, Florida, to Washington D.C.

8. On May 26, 1972, the defendant Liddy using the alias of 'rgl> 1'. Leonard the defendant Hunt using the alias Or the Edward 1., Warren[,] 1'X--i--r -- using > the
27

 alias of Frank Carter, the defendant Martinez -- using the
 alias of Gene Valdes, the defendant Sturgis -- using the
 alias Joseph D’Alberti, and the defendant Gonzalez -- using
 the alias Raul Codoy, registered the Watergate Hotel at
 2650 Virginia Avenue, N.W., Washington, D.C.

9. On or about May 26, 1972, within the District of
Columbia, the defendants Liddy, Hunt and McCord met.

10. On or about May 27, 1972, within the District of
Columbia, the defendants Liddy, Hunt, and McCord inspected,
surveyed, and reconnoitered the headquarters of Senator
George McGovern at 410 First Street, S.E.

11. On or about May 29, 1972, and continuing through
June 17, 1972, Room 723 at the Howard Johnson’s Motor Lodge,
located at 2601 Virginia Avenue, N.W., Washington, D.C. was
rented and leased by the defendant McCord in the name of
McCord Associates.

12. On or about June 5, 1972, the defendant Hunt made
a telephone call from within the District of Columbia to
the defendant Barker at Barker Associates, Inc.

13. On or about June 11-15, 1972, within the District
of Columbia, the defendants Liddy, Hunt and McCord met and
the defendant Liddy gave the defendant McCord about $1,600
in cash.

14. On or about June 12, 1972, in Miami, Florida, the
defendants Martinez and Sturgis purchased surgical gloves.

15. On or about June 13, 1972, and June 15, 1972, in
Miami, Florida, the defendant Martinez purchased film and
other photographic equipment.
16. On or about JUNE 15, 1972, the defendant Hunt made three telephone calls from the DISTRICT of Columbia to the defendant Barker at Barker Associates, Inc.

17. On or about June 16, 1972, the defendant Hunt made a telephone call from within the District of Columbia to the defendant Barker at his residence.

18. On or about June 16, 1972, the defendant Barker made a telephone call to the defendant Hunt within the District of Columbia and to the defendant Liddy at the Finance Committee to Re-Elect the President.

19. On or about June 16, 1972, the defendant Barker using the alias F. Carter, the defendant Martinez -- using the alias G. Valdez, the defendant Sturgis -- using the alias J. DiAlberto, and the defendant Gonzalez -- using the alias R. Godoy, traveled from Miami, Florida, to the District of Columbia.

20. On or about June 17, 1972, within the District of Columbia the defendant McCord stole documents and papers belonging to the Democratic National Committee.

(In violation of 18 U.S.C. § 371)

SECOND COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez entered the rooms, that is, the offices and head quarters, of the Democratic National Committee, with the intent to steal property of another.

(In violation of 99 D.C. Code § 1801(b))
THIRD COUNT:

On or about June 17 1972, within the District of Columbia

the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez entered the rooms, that is, the offices and headquarters of the Democratic National Committee, with the intent
to intercept willfully, knowingly, and unlawfully oral communications made within these rooms and wire communications received and sent from telephones located in these rooms. The terms “oral communication” and wire communication” are used by the Grand Jury as they are defined in Title 18 U.S. Code § 2510.

(In violation of 22 D.C. Code § 1801(b))

FOURTH COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez willfully, knowingly, and unlawfully did endeavor to intercept oral communications made within the offices and headquarters of the Democratic National Committee.

(In violation of 18 U.S.Code § 2511)

FIFTH COUNT:

On or about June 17, 1972, within the District of Columbia, the DEFENDANTS Liddy, Hunt, McCord, Barker, Martinez, Sturgis, and Gonzalez willfully, knowingly, and unlawfully did endeavor to intercept wire communications received by and sent from telephones located in the offices and headquarters of the Democratic National Committee.

(In violation of 18 U.S. Code (a)le 2511)
SIXTH COUNT:

On or about June 17, 1972, within the District of Columbia, the defendants McCord, Barker, Martinez, Sturgis, and Gonzalez did willfully possess an intercepting device, to wit, a white plastic box, 8-1/4 inches by 2-3/8 inches, by 2-3/4 inches, with two labels on the front which read "ARI Smoke Detector" and "Fire Eqpt.DO NOT MOVE", but which contained inside six batteries wired in series and a miniature radio transmitter with a microphone, the design of which said device rendered it primarily useful for the purpose of the surreptitious interception of an oral communication.

(In violation of 23 D.C. Code § 23-543(a))

SEVENTH COUNT:

On or about June 17, 1972, within the District of Columbia, the defendants McCord, Barker, Martinez, Sturgis, and Gonzalez

willfully possess an intercepting device, to wit, a miniature radio transmitter approximately 1-1/2 inches long, 1 inch wide, and 1/2 inch high, with two wires protruding from one end of the transmitter and which served to connect the transmitter in series with one wire of a telephone line and one wire protruding from the opposite end which served as a radiating antenna, the design of which said device rendered it primarily useful for the purpose of the surreptitious interception of a wire communication.

(In violation of 23 D.C. Code § 543(a))
EIGHTH COUNT

From on or about May 25, 1972, and continuing up to on or about June 16, 1972, within the District of Columbia, the defendants Liddy, Hunt, and McCord willfully, knowingly, and unlawfully did intercept, endeavor to intercept and procure and cause the interception of wire communications received by and sent from telephones located in the offices and headquarters of the Democratic National Committee and used primarily during this period by Robert Spencer Oliver and Ida M. Wells.

(In violation of 18 U.S. Code § 2511)

- A/W-

United states Attorney/
for the District of Columbia

A TRUE BILL:

/A~gzc'-g<<t X

Foreman of the Gran Jury.
On September 15, 1972, John Dean met with the President and H. R. Haldeman. They discussed the Watergate investigations and the indictment returned earlier that day. The President discussed with Haldeman and Dean the way Dean had handled the matter. The President said:

Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh-, and, uh, and the people who worked [unintelligible] awfully embarrassing.

And, uh, and, the, uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you - putting your fingers in the dikes every time that leaks have sprung here and sprung there.

[Unintelligible] having people straighten the [unintelligible]. The Grand Jury is dismissed now?
PRESIDENT: [Unintelligible]

HALDEMAN: John, he is one of the quiet guys that gets a lot done.

That was a good move, too, bringing Dean in. But isn't it --

PRESIDENT: It -- He'll never, he'll never gain any ground for us.

He's just not that kind of guy. But, he's the kind that enables other people to gain ground while he's making sure that you don't fall through the holes.

PRESIDENT: The problem is that's find of hard to find.

EIALDfLiK8J: Between times, he's doing, he's moving ruthlessly on the investigation of McGovern people, Kenned, stuff, and all that too. Just don't know how much progress he's making, case T --

PRESIDENT: The problem is it's find of hard to find.
Well, I'll tell you, uh, just don't let this keep you or your colleagues from concentrating on the big game. Yeah, that's right. I mean this, uh, this thing is just, uh, you know, one of those side issues and a month later everybody looks back and wonders what the hell the shouting was about.

Yeah. Yeah.

Okay, well, anyway get a good night's sleep. And don't bug anybody without asking me. Okay?

Yeah.

DEAN:

Three months ago I would have had trouble predicting where we'd be today. I think that I can say that fifty-four days from now that, uh, not a thing will come crashing down to our surprise.

PRESIDENT: Say what?

DEAN:

Nothing is going to come crashing down to our surprise, either -

PRESIDENT: Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh, and, uh, and the people who worked [unintelligible] awfully embarrassing. And, uh, and, the, uh, but the, but the way you, you've handled it, it seems to me, has been very skillful, because you -- putting your fingers in the dikes every time that leaks have sprung here and sprung there. [Unintelligible] having people straighten the [unintelligible]. The Grand Jury is dismissed now?

DEAN

That is correct. They'll, they will have completed} and
29. On September 17 or 18, 1972 Kalmbach directed by Dean or
LaRue to deliver $53,500 to Mrs. Howard Hunt for the benefit of the Water
gate defendants and to deliver the remainder of the funds he had received
to LaRue. On September 19, 1972, after having been directed by Kalmbach
to make these deliveries, Ulasewicz delivered $53,500 to Mrs. Hunt by
placing the cash in an unmarked envelope in a locker at the Washington
National Airport, and delivered $29,900 to LaRue by placing the cash
in an unmarked envelope on a shelf in the lobby of a Howard Johnson's
Hotel near LaRue's residence. On September 21, 1972 Kalmbach, LaRue,
and Dean met in Dean's office to reconcile Kalmbach's and LaRue's
records of Kalmbach's disbursements of the funds he had obtained from
Stans, LaRue and Jones. These records showed that as of September 21,
1972 Kalmbach had disbursed $187,500 for the benefit of the seven
defendants and $29,900 to LaRue. Kalmbach said that he did not wish
to continue his role concerning the payments to the defendants. At the
end of the meeting, Kalmbach burned his records in an ashtray on Dean's
desk.

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29.1 Anthony Ulasewicz testimony, 6 SSC 2231-32,
29.2 Herbert Kalmbach testimony, 5 SSC 2110-11 378
29.3 Fred LaRue testimony, 6 SSC 2992-93 380

29.4 John Dean testimony, Watergate Grand Jury,
November 19, 1973, 102 (received from
Watergate Grand Jury).

29.5 Memorandum to William 0. Bittman from Dorothy
  Hunt, September 19, 1972 (received from SSC) 383

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Then I would leave that area and either go by the newsstand oppo
site or—this would be where the phone booth would be. This is a lounge,
where she would be coming through in this direction. This is a
window for airplane observation by the public, et cetera, and I would
probably be in this area, walk there, would be a little further behind,
where I could watch the booth. Her directions were the same thing,
don't hesitate, go right into the booth, remove the key, go to the locker.

The locker would be 25 feet, I guess, or so across the corridor.

Mr. LENZNER. Now, before she arrived on the first occasion, did you
also have a description of her, the clothes she was going to wear ?

Mr. ULASEWICZ. Yes; she mentioned that day she would be wearing a
blue outfit and I think she said her hair in a clip back off the
shoulders.

Mr. LENZNER. Now, I believe on May 19 of this year, when we went
out to that phone booth with you, there was some scotch tape under
neath that telephone box ?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Now, did you observe her on the first occasion come
by, pick up the key, and go over to the box, which I think is N 301,
and remove funds that you had left there ?

Mr. ULASEWICZ. That is correct. 

Mr. LENZNER. Did you see her do that on other occasions 2

Mr. ULASEWICZ. On two other occasions.

Mr. LENZNER. Now, the first occasion, how much money did you
leave in that box 2

Mr. ULASEWICZ. $40,000
Mr. LENZNER. The second occasion ?

Mr. ULASEWICZ. I mentioned there was one occasion that Mr. Hunt
came. I mentioned actually there were four drops to the Hunts.

Mr. LENZNER. Four drops to the Hunts—three to Mrs. Hunt and one
to Mr. Hunt ?

Mr. ULASEWICZ. That is correct. There were $43,000 the second time,
$18,000 the third, and $53,500 on the last occasion, which was Septem
ber 19.

Mr. LENZNER. All right, sir. Now, I take it you had the telephone
booth under observation from the lounge after you left the key until
at some point when Mrs. Hunt picked up the key ?

Mr. ULASEWICZ. Correct.

Mr. LENZNER. What if someone had come in and found that, Mr.
Ulasewicz, while you were watching ? :
Mr. ULASEWICZ. Well, he would be very quickly relieved of that key. I think that is the best I can answer. Why put myself in that position?

Mr. LENZNER. I take it that was the purpose of keeping the booth under observation? 

Mr. LASEWICZ. Correct.

Mr. LENZNER. Did there come a time when you were instructed by Mr. Kalmbach to deliver funds to Mr. Liddy?

Mr. I. LENZNER. Correct.

Mr. LENZNER. Do you remember approximately when that was?

Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp. 228—2230.

(374)
Mr. LENZNER. That was in July of 1972.

Mr. ULASEWICZ. I did.

Mr. LENZNER. Did you contact Mr. Liddy and give him instructions as to how that money would be delivered?

Mr. ULASEWICZ. I did.

Mr. LENZNER. How much was that, by the way?

Mr. ULASEWICZ. $8,000.

Mr. LENZNER. All right, sir. Now, will you explain what you told Mr. Liddy, I am only delivering something in the package." He said "OK: E."

We made arrangements and in this instance, I placed the money in the locker at this end of the lobby and at the end of the lobby, the main area, where Eastern Airlines comes in here. [85]*I placed the money in the bottom locker. [82]*I placed the key in an envelope and placed it on a ledge here by the window [83]*and myself in a position back to observe, much in this fashion.

Mr. LENZNER. What is next to the travel

Mr. ULASEWICZ. Next to the Mutual?

Mr. LENZNER. Insurance.~

Mr. ULASEWICZ. Insurance situation here.

Mr. LENZNER. All right.

Mr. ULASEWICZ. Then he came in and did as instructed, told him he would be wearing a shirt of some description. He came in, walked by me and he proceeded up—there is a flight of stairs which lead to an upper deck, and I watched him from up here [&L]*, and I lost sight of him, he had gone into a corridor leading in here and he probably thought that there were lockers in this area, and he went, however, he came back in maybe 30 seconds or so, and looking at his key opened the thing and took the money.

Mr. LENZNER. Now did there come a time when you were asked to deliver money to Mr. Fred LaRue by Mr. E.Kalmbach

Mr. ULASEWICZ. Yes.

Mr. LENZNER. Was that in September of 1972?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. And approximately how much was that?

Mr. ULASEWICZ. $29,900.

Mr. LENZNER. What arrangements did you make with Mr. LaRue to deliver those funds?

Mr. ULASEWICZ. The instructions at that time from Mr. Kalmbach were there were two deliveries that day, one earlier to Mrs. Hunt in a manner as I described, and the second one to Mr. LaRue shall I go into the entire conversation at this point?

Mr. LEnzner. Sure, go ahead.

Figures in brackets indicate exhibit numbers being referred to. Exhibits appear on pp—2228-2230.

(375)
Mr. ULASEWICZ. Mr. LaRue, it: Kalmbach said, C ave me a telephone number and said, Contact Mr. LaRue at 6 p.m. and Mr. LaRue lives in the Water, ate apartments which, of course, Was a little surprise to me, and now we are back into the Watergate deal [laughter] and he said to leave, Mr. LaRue suggested that I leave the package at the desk and I said to Mr. Kalmbach that at no point have I been observed and I have been obeying the instructions as best as I know how and I certainly am not going to walk ill and leave it at the desk because that is a third party. He said, "All rights handle it any way you want as usual," et cetera.

What I did is there is a garage opposite where Mr. LaRue lived in the Watergate, his entrance had one telephone booth and it was very— it was being used quite a bit so I didn't go there but I hated to go to where I did go, which was the Howard Johnson Hotel across from Watergate which was, as used in the original situation and that is where I wound up.

I placed the key, I called Mr. LaRue, and asked him to come down, I had a package, he was waiting the call—6 p.m. exactly, he was awaiting the call and he says fine, he would be. right down I had never met Mr. LaRue. I asked him to put two magazines under his arm, come across the street, come into the motel entrance and the money would be on the ledge in the motel.

When he came out, it is a wide street, I watched him through the motel window here [86] and he had two magazines. He stopped at the island because of heavy traffic, when he stepped off the island he was now approaching, I laid the money on the ledge in the envelope and I proceeded through a door back to the cigarette machines and I could see him come in, pick up the money, hesitate a moment, go right out and go back, back to his apartment.

Mr. LENZNER. SO you had the money and him under observation until such time as he picked it up?

Mr. ULASEWICZ. That is correct.

Mr. LENZNER. Thank you very much, Mr. Ulasewicz.

Can you return now to the table and we will go back and pick up some more of your conversations with Mrs. Hunt.

Now, after you delivered your $25,000 to Mr. Bittman, did you so advise Mr. Kalmbach that you had made that delivery?

Mr. LENZNER. Now, after that, did you receive another phone call from Mr. Kalmbach instructing you to contact the writer or the writer's wife?

Mr. ULASEWICZ. Yes, and he gave me the telephone number to the writer's residence.

Mr. LENZNER Who were you to call on that first occasion?

Mr. ULASEWICZ. The writer, who would be Mr. Hunt.

Mr. LENZNER. And did you have any instructions? What were you supposed to say to him?
Mr. ULASEWICZ. That a listing of the cost of the script and the same routine, the actors and who may be concerned in that show.

Mr. LE:9ZNER. Did you call the number that Mr. Kalmbach had given you?

Mr. ULASEWICZ. No. The telephone number?

Mr. LENZNER. Yes.

Mr. ULASEWICZ. Yes, I did call.
Nor. SHIRE. III other avoids, the amounts that Airs. Hunt Ivas demanding and the amounts Stir. Kalmbach seas giving to you xvere getting to be so vast that it was apparent they svere going beyond just paying legal fees and meeting the needs of the families of the defendants?

Mr. ULASEWICZ. That is a fair statement.

Mr. SHIRE. And that swas the reason that both yoll and Atr. Kalmbach came to the conclusion that you should get out of the things

Air. ITI--~4SE1VICZ. Yes i the money plus the way eve had to continue to handle it and so forth. All of that.

WIr. SHORE. Did you begin to feel you revere becoming enmeshed in something that might be illegal?

Air. tTL&SEWICZ.-Let'S say that I had a little shaky feeling the way things were going.

31r. Son s. And xvere you beginning to get concerned for yourself, as to your involvement?

Mr. IXI--NSEWICZ. For myself and WIr. Kalmbach, because as I said before. the two of us n ere in this deep in this thing.

Air. SHI7RE. Air. Caulfield xvas your friend?

Air. ULASEWICZ. Oh, yes.

WIr. SHORE. Did you contact him?

Sir. tliaXSEWICZ. No.

Sir. SHIJRE. Did you ever discuss with him about What you were getting involved in?

Mr. ULASEWICZ. No, sir, lMr. Caufielcl is a Washington resident and any Washington resident is one of those holes ill a sieve, no matter who ha is.

Mr. SHORE. So I would assume, then, VOTl felt the same vfay about Mr. Ehrlichman, who vfas living in Washington?

Mr. ULASEWICZ. Yes, but you see, Mr. Ehrlichman, the only conversation I ever had was that one at the airport when he hired me. Outside of that, I never had a phone call or personal conversation e with Mr. Ehrlichman.

Mr. SHIrRE. But up until that time, had thou- ever done anything that you considered to be illegal?

Mr. ULASEWICZ. No sir.

Mr. Straw. Now you were caught in a measure that might be in some way involving you?

Mr. ULASE5VICZ. That may become at some point or looked at. For the entire period of time that I novas doing this for Or-. Kalmbach, it never occurred to me, that I did not consider that I did anything illegal for Mr. Kalmbach, neither did he; neither did I, as far as the facts presented to me.

Mr. SHERE. But you did state that from the amounts of monev involved and the demands being made, that you lvere obviously malting payments to Mrs. Hunt and others that exceeded the basic needs of attorney fees and family survival?

Mr. ULASEWICZ. Correct.

Mr. Slum. After you made your last two dropoSs. which was what—September 19,1972?

Mr. ULASEWICZ. September 19.

Air. SlltrRE. Did anyone ever contact you again about becoming involved ill this
type of operation?
Mr. Dass. Mobile veal revel on that same trip to Washington your cell (lar shors at 8 a.m. a meeting with Tohill ('onnallyv. 011 "tllSt 8. Do you l!;molv, Ivas that ill relationship to this ill anv xvav )

Arr. KSL31B\CH. III no lvay whatsoever.

Mr. Dass. Did you disetiss your activities with him at that time ?

Mr. Dean. Absolutely not.

Mr. Dass. When did you decide to stop raisin,, anv money for the defendants and their attorneys ?

Mr. Dasl3. Probably in mid-August and then continuing, it is my recollection that WIr. Dean and Air. LaRue contacted me and indicating they needed additional funds. and by this time in late August this whole degree of concern had conie back on me. It had come back on me to the level that I knelv that I did not avant to participate any longer ill this assignments

Mr. Dass Wasn't Mr. Ehrlichman's reassurance enduring ?:

Mr. VL5l3ACEf. No, it was not.

Mr. Dasl3. What vFas—was the concern again the covert activity, the secrecy of it?

Mr. Dasl3. I think that xvas the primary factor, Air. Dass. I think that hIr. Ulasewicz mentioned some cautionary words that from a professional police officer who gave me some pause. I think there were other things within the press.

Mr. Dass. You mean—the newspaper stories about TVatererate were coming more and more to the fore, svere they not ?

Mr. VL5l3ACEf. Yes, sir, and I think that just all of it tooether was enough so that by, certainly by, as I saV, late August, September, I was certain that I would not continue in this assignment.

Mr. Dass. Did you discuss this with WIr. Ehrlichman ?

Mr. VL5l3ACEf. I think again— I don't remember whether they lvere with Air. LaRue or Atr. Dean, they xvere interchaneeable in a sense belt there severe instllletions to disburse the funds rightht up to, I think the last instllletioll I received was ill, oh, again ma memorV tells nle 1 & or 18 of September.

Try. D vsll. direly the instllletiolls to distribute the remainder of the ftillds
immediately?

are. ID.tr.zln.v(~ll ides. T tllinl; the lVOI-(-is lvere thele ovas a—the direetion
IV:IS for me to have the ftuIl(-ls disposed directly to Zllrs. Infant. and then the
bal2ll(e of the t'nlI{lIs to Air. LaItue. which lvas the filEt time t llat. I can recall that
Or, . T,allItle received flllldls.

(378)
Wlr. D.'VSTI. i-t11 right. Dial JOII request a reconciliation of your cash l ecords with LaRue in tile last money volt districted ?

Air. IT TL:WB:\CIX. Yes sir, I did.

Air. DASH. Tell us about the reconciliation and where it took place?

Air. IttL31B.iClf. again, my memory is that the reconciliation was probably on the 21st of September.

3Ir. IaSH. Who was there, where did it take place ?

3Ir. KAL3IBACH. I think it took place in lNlr. Dean's office, and I think that Mr. LaRue •N-as present, and I was—that is my recollection as to the date. and at that time I just event through the, my entire record that I had in my notes indicating the total funds received, total disbursed, and those, in that income and outgo, agreed with Mr. LaRue's records. r .

Air. Dssfil. Do you recaall what that total amount was?

3Ir. KAALBACH. Beg pardon ?

3k. DASH. Do you recall what the total amount vas ?

3Ir. KALMBACH. I think it was approximately $290,000.

Air. DASH. XVhat happened, what did you do with your notes at the termination of the meeting ?

3Ir. KALMBACH. I then destroyed the notes.

Mr. DASH. XVhere ?

Mr. KAL)fBACH. In his office, in Err. Dean's office.

Mr. DASH. Honv were they destroyed ?

Mr. hAL> BACTI. XVell, my recollection is that I asked him to shred my notes, and he was smoking, and I am not sure who used matches, but the notes were destroyed.

Air. DASH. WWere you ever again, btr. Kalmbach, asked to raise money for the defendants, after you broke off, decided in September that you would not do it anymore for the concerns that you have expressed, B ere you ever again requested to do the same thing ?

Mr. KALMBACH. Yes, I was.

Mr. DASH. Could you tell us when you can recall that happening and who was there ?

Mr. KALMBACH. I think I may have been approached once or twice after the September 21 meeting, but I remember with Great particularity a meeting that occurred on the 19th of January in Washington, in 3Ir. Mitchell's office.

Air. DASH. 5m10 was there with Err. Mitchell ?

Err. KALMBACH. There was Err. Atitchellt Err. Dean, Wlr. LaRue, and myself.

Mr. DASH. Would you please tell us very briefly what the discussion was, who
said what, what you said?

Mr. KALMBAI. I had been asked by Err. Dean at a meeting held just minutes before at Blair House that Mr. Mitchell wanted to see me in his office, and I recall that it was a rainy afternoon and we ran through the rain a half block to 1701 Pennsylvania, went up to 3rr. Mitchell's office, and when we valved into his office we joined 3rr. Mitchell, who was seated at his esk, and Err. LaRue who was also in the office. After we were seated and after the opening amenities, I think it svas Mr. T)ean that led the conversation and immediately I could see that the purpose of this meeetin$ was to ask me to raise additional fiends Ancl immediately, as soon -as that became known, 3fr. Dean said the

need for raising additional funds for lawyers and for family support,
3Ir. L&RE. Certaillly not in this time period, Alr. Dashi. There wouldn’t be—there isn’t the need there would have been. I think—

Alr. DASH. What about Mr. Parcillissolff. did you meet with him durin’ this period of time in the summer of 19...?

3lr. LVRE. Yes, sir.

Alr. DASH. Did you discuss any discussion with Mr. Parkinson concerning the defendants—needs?

3lr. LVRE. Here again, Alr. Dash, I think not in this time period. I think the first discussions I had with Mr. Parkinsoll regards the molley for the defendants I would have been, oh, ill the later part of September or October.

3Ir. DASH. All right, did you attend meetings during the stummer and early fall, actually the stummer: June, July, August, at which Mr. 3lairruder discussed the story of his testimony which he was going to give to the grand jury?

3lr. LVRE. Yes, sir.

3Ir. DASH. Also was present at the meetings?

3lr. LVRE. Here again, Alr. Dash, I would like to clarify that. The first meeting I held or that I attended discussing Mr. 3lairruder’s story, discussing the cover story as it has been called, I think was in relationship to his FBI interview, not grand jury testimony.

3Ir. DASH. What time was that—in June or July?

3Ir. LVRE. That would be July, I think a period of around the middle of July.

3Ir. DASH. Also at that time he really testified before the grand jury on the so-called cover story—as lugliISt 16, 1972. Do you recall, prior to August 16, meetinig in which Mr. Ma!rruder indicated what he was going to tell the grand jury?

3lr. LVRE. Yes, sir.

3Ir. DASH. Who was present?

3lr. LVRE. Alr. Mitchell, Mr. 3lairruder, as I recall, Alr. Mitchell, Mr. Dea*n, Mr. 3lairruder and myself. I recall a later meeting, in which Alr.—some of the PR people.

3Ir. DASH. You knew then exactly what Mr. 3lairruder planned to tell the grand jury, did you not?

3lr. LVRE. Yes, sir.

Wlr. DSH. And since you have testified that 31r. Ata. ruulcr about a week after the tell break-in had told you everything he had, and everything that he has already told this committee, VOII kkev that StOlv UN as a false story?

Wlr. L SREE. Yes, sir. I did.

3Ir. D SSH. And what I talie it t? your knoxvleclsrs most of those attending knew that?

Wlr. LVRE. Arr. Dash, I can onl—speak from illy OIUII kloxvledoe.

Wlr. Dossfl. AToIve, did JUU and Jrr. Ivalmbach meet again in 3lr.

Dean's office 011 September 1$,1979?

Alr. L StX?E. ls I recall, YeS, sir.

3lr. D.ssu. In?illy you tell us is-hat happenec at that meet illfr?

Wlr. LVRE. 3Ir. Ivalmbach indicated that he wished to get out of it—his role concernin’, the payments to defenclants—that he did lIOt wish to continue at allS any lonter, and he oave an accountillof his activities and payments, not his activities, but he ~, as-e us an accountillt, of the payments to the defendants at that time.

(380)
tIr. DASH. And then he was SO'l of excused or clischart,ed from his res~)onsibilities ?

Afr. L - A Rl,'E. Yes, Sir.

3Ir. DZtu. W-V-ill --ou tell us lvhat happelled to the records of his accountin~2

31 . T_Xt-vt-<. 'those re-.ords aTere buread.

Afr. D.~s~. AX ere tilev bur3led noltt illere in the oSce ?

3Ir. LARE'E. Yes, sir, he had records, as I recall, a VelT' small sheet

* of paper and they were put in an asll tray and --)UI ned.

3rr. D.~sif. %oxv, did Sfr. Italmbach have an) money left os-er that he hacl IOt expended 9

Afr. L SPLEE. Yes, Sir.

Afr. D\$Fr. Did he turn that mone-- over to --ou ?


Afr. DASH. Do --ou knoxv about howv nitch that nvas ?

_ Wlr. LXRrE. Afv recclection is approximately $30,000.

Afr. D\$Sl. Noxv, 3Ir. LaRae. did you then take 011 the responsibilitv of carr--ing out the transfer of
funcls for leval clefense of the defenciants and support of families ?

Afr. LARRIT'E. XS the events occurred, I did. I did not realize at the time I II.lcl assullecl the role, Afr.
Dash.

Afr. I)ASH. Honv did it come abollt after Afr. lvalmbach lJo+z-ed out for reasolls I tllink he has testifyed
before this committe till.it y-ou then nere tile one to lndertake this assionmellt or respollsibility?

Arr. L ItITE. I svas tile one xvho had the cash.

3rl.DAsstr.louhadhihe moneV?

Afr. - IARKitE. w es, sir.

3rl. I)ASH. A-00s', did you, about late September or early October, transfer some nlonnev to 3Ir.
Bittman svho is——

3rl. vIN'SON'. Excuse me, 31r. Dasll, I think the recold shoav at this tilne that all of Alr. LaRlle's
testimonial xvith respect to— I think

•ile recocll shoallj shoav at this time that Afr. LaRae's testimonion xvith respect to, receipt, of mollevs and
nith respect to disblissent of n-lones-s is the reslllt of a reconstruction ancl in no xvaa can he 
be precise. He has sat doxvn in hinchil,ht and reconstructed it as 13est he can.


3Ir. LaRae, svho is the period late September— carl!- October 19t_, did there come a
time when VOII made a trallsfer of molley to 3rr. Bittman, the attorlleV for Alr. Hunt?

Afr. L Vrb lTE. Yess Si.ii.

Afr. D (s3l. Coucl/ j011 tell IIS hov much you ouae WIF. Bittnlan?

3Ir. L RsTTE. XS I reaelN $ _,U.000.

Afr. DASII. 5705s, could you state hoxv tllis avas carried out? WArhat xvas the mannel in s5-hiCh you
contactes! 3Ir. Bittman and made the payment ?

3Ir. §,ARlE. I collactted 3II. Bittmall, I used the name of 3Ir. Baker.

3l. I)xsr. Wfr. Baker?

3rr. L.lRsE. 13aker, I told—

Arr. l).NSII. Hoxv did --ou call him ? Did VOII call him at his offlce ?

3Ir. LAIXIE I called him at his oSce, --es, sir. Told him I xvas a

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Q Do you recall whether he had notes or some kind of written material from which he made this accounting?

A Yes. He had a small slip of paper which he had been carrying in his wallet. He took this small piece of paper out of his wallet and had written in a very small print these figures and he read them to LaRue.

I don’t recall whether LaRue made any notes or not, but after Kalmbach had done his reporting, there was sort of a ceremonial burning of the piece of paper in an ashtray on my desk.

Q Mr. Kalmbach burned the paper himself?

A Yes.

Q Now during July, August, and September of 1972, did the demands that were being communicated from the defendants continue?

Yes, they did.

Mr. Dean, was it on account of these continuing demands that Mr. Kalmbach had to raise additional money as time went along?

A That’s correct.

Q To your own personal knowledge, who knew about the payments that were being made to the defendants?

A Per. Haldeman, Mr. Ehrlichman, Ms. Mitchell, of course Kalmbach.

I take it you personally had conversations with Mr.
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MrO iRr vers said- he 'had llOt arranged anything abou.e snlRO ~-i.dds.(a fact I am not going to pass on to Isr. Liddy:;as..-l feeli'c will ang2r hirn), and as'->-ed r,>e:to spread i:he $5D-590 out to include i tro Liddy and his atto-f-ney as ltze8~ 1 as i-tSo t-:cCord~ He concS uded that he \-ZOLL d be in touch leSi -)'1 rn- again •^~7.aen he could and repeated that this i5,~.,o-unt •raS all he waS abla to scrapn up on such short notice. I t-rIan'k--ed hims

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$ 5,000 to Mr.

$53,500
In October 1972 CRP attorney Kenneth Parkinson told Fred LaRue and John Dean that William Bittman, Hunt's attorney, needed additional money for legal fees. Using the alias "Mr. Baker," LaRue contacted Bittman and caused cash ($25,000 or $20,000) to be delivered to Bittman's office. The package was received at Bittman's office in Hunt's presence. LaRue has testified that he understood the money was for legal fees for Bittman.
Mr. DASH. And then he was sort of excused or discharged from his responsibilities?

Mr. LARUE. Yes, sir.

Mr. DASH. Will THOU tell us what happened to the records of his accounting?

Mr. LARUE. Those records were burned.

Mr. DASH. Were they but ned right there ill the office?

Mr. LARUE. Yes, sir, he had records, as I recall, a very small sheet of paper and they were put in an ash tray and burned.

Mr. DASH. Now, did Mr. Kalmbach have any money left over that he had not expended?

Mr. LARUE. Yes, sir.

Mr. DASH. Did he turn that money over to you?

Mr. LARUE. Yes, sir.

Mr. DASH. Do you know about how much that was?

Mr. LARUE. Why recollection is approximately $30,000.

Mr. DIVSEF. Now, Mr. LaRue, did you then take on the responsibility of carrying out the transfer of funds for legal defense of the defendants and support of families?

Mr. LARUE. As the events occurred, I did. I did not realize at the time I had assumed the role, Mr. Dash.

Mr. DASH. How did it come about after Mr. Kalmbach bowed out for reasons I think he has testified before this committee that you then were the one to undertake this assignment of responsibility?

Mr. LARS. I was the one who had the cash.

Mr. DASH. You had the money?

Mr. LARUE. Yes, sir.

Mr. DASH. Now, did you, about late September or early October, transfer some money to Mr. Bittman, the attorney for Mr. Hunt?

Mr. LARUE. Yes.

Mr. DASH. How much did you give Mr. Bittman?

Mr. LARUE. Us I recall, $20,000.

Mr. DASH. Now, could you state how this novel was carried out? What was the manner in which you contacted Mr. Bittman and made the payment?
Wlr. LARt,E. I contacted Air. Bittman, I used the name of Attr. Bal,er.

Air. Fossil. Wlr. Baker?

Air. LARUE. Balver. I tolcl

Arr. I) VSlf. Hoxy did VOtl call him? Did vou call him at his office?

Fir. LArxJTE. I called Slim at his office, yes, sir. Told him I xvas a

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Atr. D vslr. AV11o asld you to make that call7 ARTho recluested that monev, do you t ln owv ?

ar.. LAR1E.TE. _IS I recall, Atr. Dash. this reslllted ollt of a conversatio31 tillat Alr. Parliinsson had xvith Atr. Bittman xwhich he relaved to Atr. Dean and I, citirir the need for some attoralev's fees for 3tr. Bittman.

Arr. D XSTI. Did von lnxoxv frollt that disclosstion that Afr. Parkinson had been xvith Alr. 13ittmal and tllen relased to VOlt and Atr. Dean ho v mllch monev n-as to be paid ?


Afr. D xS. Hov --was it deliveled ?

Arr. L SRIU.E. It Ivas delivered by messen;--er to his office. It Ivas in a pacalre directed to Atr. Bittman marilec personas, confidiential.

Afr. L sar. And this svas in casill ?

Arr. LARCE. Yes, sir.

ATr. D ~SH. N0n', did the messenMer xho deled that package to Atr. Bittman l;xoxv xvhat his assifrnent xvas, svhat AV215 in the pael<ate and the hat he Ivas doi 1lt ?


ATr. D \. 3EI. r think to malse the reecoral elear, Ak. LaRue. Iven that made that pn--ment to Atr. Bittman. did you have anx understantling as to the reason that payment xvas beino made ?

Llr. IJARUE. Aly unclelstandililo svas that this xvas legal fees for Atr. 13ittman.

L3r. Dssls. &nd dicl VOit think ttilat this svas being paid for humanir tarian reasons ?

Ak. I,AREE. Atr. Dash, mV uldelstancliner of tle payments of money to tle defendants xvere 018 IS that this molieV Ivas paicl to satisfV commitments ttilat ha(l been made to tleelll by someone I do HOt linoxv, but had been made, commitments llad been made to tlem at some point ill time. ancl

Arr. I,vslr. (3onlmitmel<ts made by peor)le xho had somethinc to do --vith allthol izina the orio inal actix itV ?

3fr. LAR1-E. Yes. Sil.

aril-. D.xv--. >-nd ttilat you --vere reallv carl----inr Olt tle responsibiltv based 011 those commitments ?

aril I,--ReE. Wres. sir.

Atr. D XSII. Did it ocellr to VOII ttilat if tllose p-avments xvere not made. tllere m;tv he some enleatassnle/>t in tle reeleetioll campaifnm?

Arr. r,--R--E. Tllis certainl< ocotlrest to Ille. ves.sir.

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arl. DIJ\-E. ATllo '.,\-t' tle illstil11(t<<tiolts'?

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Mr. Hunt. I would say no, if I understand your question correctly.

Mr. Armstrong. The date of the $50,000 reimbursement you placed in approximately January of 1973?

Mr. Hunt. The date or dates, because I cannot recall whether it came in one sum -- I am led to believe, refreshing my memory, that I received an initial sum of $35 and subsequently two weeks later, something like that, I got $15,000, which combined make up the sum of $50,000.

Mr. Armstrong. Was there any cash transaction in the September-October period of approximately $25,000 to you by Mr. Bittman?

Mr. Hunt. September-October period?

Mr. Armstrong. Right, 1972.

Mr. Hunt. I have no recollection of any such transfer, no, sir. We are talking about Bittman rather than to my wife?

Mr. Armstrong. Yes, sir.

Mr. Hunt. I have no knowledge of any such sum.

(Discussion off the record.)

(Reporter read back.)

Mr. Hunt. In October I believe I testified I was present when the sum of $25,000 was received at Mr. Bittman's office. I am assuming your question has to do with a transfer beyond
Mr. Shure. He told us about that.

Mr. Armstrong. My question is, was there any additional money in the envelope other than the $20,000?

Mr. Hunt. Not to my knowledge.

Mr. Armstrong. The money was counted, it was $20,000, and turned over in its entirety to Mr. Bittman?

Mr. Hunt. To the best of my recollection, yes.

Mr. Armstrong. Was there a later time, again in the December-January period, when in addition to $50,000 received there were envelopes of 25 and $35,000 also received by Mr. Bittman and handed to you?

Mr. Hunt. Perhaps it would be best at this point if I went through what I actually received, because your questions are a little bit off my particular beam.

Senator Saxbe. Excuse me.

Would it clarify things and simplify things if you could preface your question by a statement "except for the things you have already testified to"?

Mr. Armstrong. We are talking about during that period of December -- I am concerned about December-January, any cash receipts there. Mr. Hunt has already testified about one or two checks.

Mr. Hunt. Not checks.

Mr. Armstrong. I am sorry, that he received in one or

Indistinct document retyped by
House Judiciary Committee staff

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31. On November 10, 1972 John Dean met with Donald Segretti in Palm Springs, California. Dean taped a conversation in which Segretti described his disruption of the campaigns of candidates for the Democratic presidential nomination during the period he was employed by Dwight Chapin. On November 11, 1972 Dean was called from Palm Springs to Key Biscayne, Florida where H. R. Haldeman and John Ehrlichman had accompanied the President. Dean flew to Florida and reported on Segretti to Haldeman and Ehrlichman. Segretti has testified that in mid-November 1972 Dean offered him a position in Montego Bay, Jamaica, at a salary of about $35,000 per year.

31.1
John Dean testimony, 3 SSC 965-66 392

31.2 Donald Segretti testimony, 10 SSC 3984-85, 4018, 4052..............

31.3 John Ehrlichman testimony, 7 SSC 2760, 2803 398

31.4 United States v. Segretti indictment, September 27, 1973, 1-4 4 w

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Accordingly, I helped Kalmbach prepare for his FBI interview, and he later informed me it had gone well, that they had not asked questions unrelated to the Segretti matter, and he volunteered nothing.

On October 10, 1973, an article based on leaked FBI information reported the Segretti story for the first time publicly. Following the October 10 story there commenced a series of stories involving Chapin, Strachan, Kalmbach, and, later, Haldeman. These stories created a new frenzy in the White House press office as to how to deal with the stories.

On Friday, the 13th, I had left Washington to go to Florida to spend several weeks on a honeymoon, but was abruptly called back to Washington on Sunday, October 15, because of the cascading leaked stories regarding Segretti. When I returned, I went to the White House where a meeting was in session in the Roosevelt room. In attendance at the meeting were Ehrlichman, Ziegler, Buchanan, Moore, and Chapin. The purpose of the meeting was to prepare Ziegler for his press briefings on the Segretti-related stories. For a reason that I cannot explain, a secretary to Air. Chapin was present and taking notes during parts of the discussions and hypothetical questioning and answering of Mr. Ziegler. I believe this is one of the rare occasions where the preparation of a Ziegler briefing was actually recorded and I have submitted to the committee a copy of the notes recording parts of that session.

(The document referred to was marked exhibit No. 34-24.*)

Mr. DEAN. I might also add that this session was not unlike many other sessions that had preceded it and that were to follow it in preparing Ziegler to meet with the White House press corps. It would, however, take me another 100 pages to give that story. After Segretti became the subject of intense inquiry by the press Ehrlichman suggested that I advise Segretti to go incognito and hide from the press and avoid further stories that might result from press interviews of him. I so advised Segretti and he came to Washington in late October, because he was very distressed about the fact that a number of people were issuing what he considered to be inaccurate and false stories regarding his.

When Segretti arrived in Washington, he was met by Mr. Fielding and myself to discuss whether he should issue a press statement himself at that time. This subject was also discussed in a meeting at Mr. Chapin's office attended by Ziegler, Ehrlichman, Chapin, and myself, and later by Fielding after he had received a draft copy of Segretti's proposed press statement. It was decided that it would be unwise for Segretti to issue the statement, so he commenced his travels around the United States once again to avoid the press. Air. Segretti would periodically call me to tell me that he was in some small town and had not seen a newspaper or television for several days and was curious to know what they were saying about him. I would give him a summary report as to the press coverage.

Following the election, I was asked by Haldeman and Ehrlichman to meet with Segretti to determine the extent of the involvement that Chapin and Strachan had had with him. Segretti at this time was in Palm Springs, Calif., where he had been spending the last wek before the election in the deserts I arranged to meet with him on November 10 in Palm Springs, and had planned to spend a week myself relaxing after the election in Palm Springs. On November 10 I met with

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Segretti and, pursuant to an arrangement between Segretti and myself, I agreed to tape the interview with him, with the understanding that I felt it was privileged under the doctrine of executive privilege and that it would never be released. I have submitted the tape of that conversation between Segretti and myself to the committee pursuant to a subpoena issued for the material.

My visit to Palm Springs was abruptly interrupted when I received a call on November 11 from Mr. Todd Hullin, Ehrlichman's assistant, requesting that I come to Florida where Ehrlichman and Haldeman were accompanying the President, to report on my interview with Segretti.

Accordingly, I flew to Florida immediately and met with Haldeman and Ehrlichman on November 1) and played the taped interview I had had with Segretti for them. I recall that while I was discussing this matter with Ehrlichman and Haldeman the President requested that Haldeman come over to see him. I was surprised on this occasion, as I had been on other occasions when a similar situation had occurred. that Haldeman sent a message back to the President that he was meeting with me and would be over shortly to report. I was surprised that my reporting on Segretti would take precedence over Haldeman's responding to an immediate request of the President.

In November 1a, 197_, I arranged to meet with Atr. Haldeman and Atr. Ehrlichman at Camp David on another subject, which I will discuss later. During the first part of the meeting however, the subject of Chapin's remaining at the White House came up, and I learned that the President had made a decision, based on the information that had been imparted to Haldeman and Ehrlichman in Florida, that Mr. Chapin would have to leave the White House staff. Before going, to Camp David, I was aware of this subject being under discussion and Air. Moore and I had talked about it. Moore felt that the President should merely issue a letter of censure to Chapin and let it go at that, but Moore was unaware of the contents of the tape and had never heard it. Pursuant to requests of Moore however. I did raise his suggestion with Ehrlichman and Haldeman. Haldeman said that he was personally too close to Chapin to make a judgment on such a thin, and that if it was going to be done, it was going to be reraised with the President it would have to be done so by Ehrlichman. Ehrlichman said that he did not think that it was possible to reraise the matter and subsequently Chapin resigned from the White House staff.

DISCUSSIONS OF A WRITTEN DEAN REPORT

As the press accounts of Segretti's activities lingered on after the election as well as the continuing Watergate stories, there was serious discussion about putting out the facts. In late November I recall a conversation with Haldeman in his office. We talked about the facts and he asked my opinion about what would happen if we put them out. I told him that I thought that the then pending trial would be put back into a grand jury and it was very likely that Mitchell, Magruder, Strachan, Ehrlichman, Haldeman and Dean could be indicted. He asked me to elaborate. I said I had no idea nor did I have full knowledge of what happened before June IT but I did know that there is a good possibility that any reconvened grand jury could get into questions of obstruction of justice which would lead right to us.

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DONALD SEGREGTI

TESTIDONY, OCTOBER 3, 1973,
10 SSC 3984-85v 4018, 4052

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plocess, I have the deepest reOrrets. I am now ready to ansever the
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Atr. D. SFl. 3Er. Se=esti, Jour
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Chapin and All. Gordon Stracllall. ~-ts you have indicated in ~-our st41ement, JOU linesv them as colleOe classmates at tho lJniversir)
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311. I).vsIr. Did you come to Iknoxv that he ~vas an assisant to Atr.
Haldeman 2
311. SEGr..~.Trl. I did, but that xvas much later into 19s ~.
Atr. D.ssl. ~. No~~., after ttle series of contents ~ou h;lve included in
yollI- statenlentX you di(l in fact come to liashillOtoll oal June ~3,
1947 tollleel--^R-itllAf-..Stlac11analld 3ll Cllapill R
3 11. S F 1,1 { E l 5 8 r. A [ r. D; % h l I am
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3f1. SECrEn~. I had dinller ^ritill ar. Cllapill allcl A[r
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XL1n non1^rn swnPpqXs7r vres7run^v nnq7nRts.s 1.90'-. 10 ~SSC 3984-85, d-018)_ 405-

'.v9S.
Donald Segretti Testimony, October 3, 1973, 10 S3C 3694-8, 40
I called him up and I asked him if he new of anvbo(1v that miaht
vant to get involved in political activity lie, awe me the name
of~all individual and I called him up and Itx said he xvas not
intete(l. That vas the extent of it.

Senator IN-051T. Dial doll describe to the district attornev the
scope of your political activitv ?

Attr. SEGREtrrs. so: I did not.

Senator INOEYE. Before the election clay. besides Attr. Chagrin,
Afr. Strachan and 3rr. Porter, xvere these others in the Al7hite House
who svere aware of your sabotage activities ?

Attr. SE(.RETTr. Senator I did not know Afr. Porter. I have nester
met ZIr. Porter. As a matter of fact, before all this publicity, I did not
even knons the name of Afr. Porter.

Dean, were there others who svere aware of them ?

Afr. SEGREttt. If there svere. I have no llixoxvledge of that.

TJiddv. nvere there others in the Committee To Re-Elect the
President who svere aware of your special activities

Afr. SEG(E)rrrr. I don't know svhether BIr. Kalmbach lvas at any
time. So far as Afr. Hunt, his knovxledge of what I m as doing rvnas
eytremely limited. Afr. Liddy's knovxledge of what I svas doing or
Afr. Leonar, if that is Afr. Liddy—and I assume at this time that it
svas— was also extremely limited.

Senator ANODE. In mid-November of 1979. 3Ir. Dean is supposed to
have offered you a job in Atontego Bay for about 833,000.

Mr. SEGRETTTI. NVhak svas that date again, Senator?


Afr. SEG(E)rrrr. That is about the time frame; yes. sir.

Senator INTONE. What svas the purpose of this?

Mr. SEG(E)RTTTI. The purpose of him otTerinfr me a Job ?

Senator IXou Ye:. Was this to get vou out of town ?

Mr. SEG(E)rrTTTI. It could have been. It novas not communicated to
me as such, but that could very well have been the reason.

Senator INTONE. Do you knovx a Afr. Alex Shipley?

Air. SEG(E)rrTTI. Yes. I do.

Senator Is-0sYE. Wlr. Shipley has indicated that you said the
follolvig: "Nixon knosvs that something is being done. It is a typical
deal. Don't tell me anything and I won't talk."

What did you mean by this, sir ?

3fr. SEG(E)rrrr. I am not really sure. Senator. For onethin,. that
staremen is attributed to me and it occurred ovyears ago practically
Afr Shiplev at that time when I—I linesv him in the militarv service.
-tt the time I contacted him, he apparerltlv. as soon as I contacted him.
contacted a friend of his Echo lvas on the Democratic staff committee
or something, and subse(luellttlv contacted the Washington Post to
tell them that somebody had contacted Afr. Shiplev. So it is really
hard for me to really say what I meant by that. For the reason that I
don't really recall saving that.

Senator Is-omsE. Weren't vou trving to recernit Afr. Shiplev ?

AS1. SE(E)RERRT. Yes. I Vast but I had no kllovlvecl.>e whether
Air. A; ixon or President Nixon knew anything that I did.
Senator WEICEER. I see. I have no further questions.

Sir. DASII. Air. Chairman, I do not want to extend the hearing but I think I want to make sure our record is clear. I think, as our record from a prior phase of this hearing already shows, that the only reason the FBI gave, and the U.S. attorney gave, for not pursuing this particular matter is there was a belief that dirty tricks did not involve criminal behavior.

Mr. Segretti, you now have pleaded guilty, have you not?

Sir. SEGRETTI. That is right.

Sir. DASII. In the U.S. district court. To what have you pleaded guilty?

Mr. SEGRETTI. To three counts of 18 U.S.C. 612, which is distributing or causing to be published unauthorized campaign literature, in other words, not properly attributed to the source.

Air. DASH. And if, in fact, bar. Gilbert had pursued all of the questions he could have pursued concerning your activities, your testimony before this committee is you would have told him everything that you have done. You would not have withheld anything from Air. Silbert?

Mr. SEGRETTI. Well, I do not know how I would have acted—reacted to that. I may have taken the fifth amendment at some point. I just do not know.

Mr. DARE. But you did not have that opportunity because Mr. Silbert did not pursue all these questions with you; did he?

Mr. SEGRETTI. No, he did not.

Mr. DASH. I have no further questions.

Senator ERVIN. I understood you to say you told Sir. Silbert you had engaged in certain activities for which you had been paid by Mr. Kalmbach, and you outlined in a general way what the nature of those activities were.

Mr. SEGRETTI. Very general, Senator.

Senator ERVIN. Yes. And there was nothing to prevent him from asking you any further questions if he had had any desire to learn any more.

bfr. SEGBE-. NO. I believe that is correct. The door may have opened at that point.

Senator ERVIN. Any further questions?

Air. Segretti, I want to thank you on behalf of the committee for the cooperation that you have given us—the full cooperation. You have answered all our questions freely, including those where you relied on the attorney-client privilege that existed between you and John Dean, and it has been very helpful to the committee. You apparently made a frank disclosure of things and you have not tried, so far as I can tell, to evade answering any question you thought you were entitled to have answered.

Mr. SEARE-. Thank you, Senator. I would like to say it certainly has not been easy for me or anybody in my position to make some of these disclosures because, certainly I regret sincerely many of the acts I was engaged in. However, I do feel it was necessary, and hopefully this will, to some extent, in the future prevent other individuals from getting into the posture that I am today.

I do feel a benefit from these hearings at least in this area, and will more or less cleanse the system for some time to come. Thank you.
He told me a number of things, and I have tried to make a list of all the facts he gave to you. He told me about the general facts of the surveillance of the Democratic National Committee headquarters, the fact that the Hoover Hotel had been employed as a listening post, the fact that a hotel room in the Watergate Hotel had some of the burglars' possessions in it. The fact that they needed fictitious names and papers, and that they had large quantities of money in $100 bills.

He told me about the fact that Hunt had a safe still at the White House, and then I testified previously to the meetings, the meeting which we held on Monday afternoon to try to determine the facts with regard to Hunt's employment at the White House, and that was as a result of a report from Mr. Dean.

Senator WION-TOY: Well, did you feel, Mr. Ehrlichman—I do not want to go into all the details—did you feel that Mr. Dean was telling you almost everything he was uncovering on a day-by-day basis?

Mr. EHRlichman: That was certainly my assumption, Senator, yes.

Senator WION-TOY: Did this continue after the first two weeks?

Mr. EHRlichman: So, sir; before very long I left the city, I believe it was the 26th—well, I have to check that. Of course the 24th and 25th I was always there. The President went to Harrisburg to see the results of the Agnes flood and we were gone those days, and then the 29th I left for a trip to St. Paul, Ill., Lansing, Michigan, northern California, and finally ended up at San Clemente.

Senator WION-TOY: I think we can save some time, Mr. Ehrlichman; I just want to go through with you the communications that you had with Mr. Dean with respect to Watergate over the long span up until April 1st, 1973.

Mr. EHRlichman: In the month of June, I saw him nine times, and eight of those times related to Watergate.

Senator WION-TOY: That was in Starch?

Mr. EHRlichman: In the month of July, I saw him three times, and only two times related to Watergate. In the month of August, four times of which only two related to Watergate. In September, three times, and I am not able to tell you as to what. One of those meetings was with regard to the foreign grain sales and I don't know what the other two were. In October, I saw him twice; one was the Common Cause lawsuit and I don't know what the other one was. In November, I saw him four times; one was with regard to the AVater gate. In December, five times, twice on the subject of Watergate.
Tr. EHRLICHBAAC. Yes, sir.
the whole picture, he set down on paper and released and I have
gone through my notes or mee, tings at which this subject was discussed
and can say that on at least eight occasions the President made that
request.

Senator INOUYE. Did the President ever receive satisfaction i'
Mr. EHRLICHMAN. NO, sir, and, I think, one of those
occasions m-as just prior to his sending John Dean to Camp David
and set all this down in Mar ch of this year, but he asked Clark
MacGregor to do this back in September, he asked for a statement
on a narrow part of this, on Segretti, in November. In November
later in the month, around Thanksgiving time he asked that, in
response to a letter that he had received from a friend about this
expressing real concern about it he said that, he wanted this cleaned
up before the Congress came back, that a complete definitive
statement go out. He did the same thing again on December 8 where
he instructed John Dean to do a Watergate summary. He did the
same thing on December 11 and said he wanted that statement by
Christmas. Again he did it prior to our meeting in La Costa on
February 10 and one of the major purposes of that meeting was to
impress upon Mr. Dean the urgency for such a statement. He did it
again in my presence in a conference with George Bush on March
90, and again on March 29 in this meeting that Mr. Mitchell, Dean,
Haldeman. and I had with the President where he said that he
wanted John Dean to complete such a statement by that weekend.

Senator INOUYE. Were you aware, when did you become aware
of the President's request to Mr. MacGregor?

Mr. EHRLICHMAN. On September 13.

Senator INOUYE. Didn't you know at that time Mr. MacGregor
hadn't any information to give ?

Mr. EHRLICHMAN. Well, the information had been given in
Mr. MacGregor's presence and in the President's presence by the
Attorney General, Air. Kleindienst on the prev ious clay, at which
time Mr. Kleindienst assured the Cabinet and Sir. MacGregor and
others assembled that in point of fact no one in the White House
was involved, that the investigation had been extremely vigorous by
the Department of Justice, that the seven persons responsible had, in
fact, been indicted, and he wave a total endorsement to the method
of investigation, and the results of that investigation.

The President felt that there were ample facts available at that
point for Mr. MacGregor to do a definitive statement.

Senator INOUYE. How do you respond to Mr. MacGregor's
statement that he was "lied to" by you.

Mr. EHRLICHMAN-. Well, I think that what Mr. MacGregor
has done, I saw that in the press over the weekend, Mr. MacGregor
has said, "Yes, they asked me to make a statement back in July,
August, and September but I should have known about the CIA and
I should have known about the special unit, and I should have
known about other things that were happening in the White House."It seems to me that, if I may say so, that is an irrelevancy. In point
of fact, back in the convention and immediately after the convention
days, and following up on the Attorney General's complete report
MacGregor, that Mr.
The Grand Jury charges:

From on or about December 1, 1971, through March 14, 1972, in Pinellas County, Florida, Hillsborough County, Florida, and elsewhere in the Middle District of Florida, DONALD H. SEGR_TTI, the defendant, together with Robert Kelton Benz, and George A. Hearing, named herein as co-conspirators but not as defendants, and others presently unknown to the Grand Jury, did willfully and knowingly combine, confederate and agree together and with each other to commit offenses against the United States, that is, to willfully cause to be published and distributed letters, cards and posters which did not contain the names of the persons, associations, committees or corporations responsible for the publication or distribution of the same, and relating to and concerning persons who has publicly declared their intentions to see the service of President of the United States in a particular election and convention of a political garter and who cut see sunk permitted their intentions to be published and distributed over a period of time.
(400 )
Overt Acts

1. On or about December 1, 1971, at the Causeway Inn in Hillsborough County, Florida, Donald H. Segretti and Robert Melton Benz had a conversation, at which time they discussed the disruption of the campaigns of Senators Henry Jackson and Edmund Muskie.

2. On or about December 1, 1971, Donald H. Segretti paid to Robert Melton Benz $50.00 for the work to be done in the disruption of the said campaigns.

3. On or about February 12, 1972, Robert Melton Benz attended a political rally for Governor George Wallace in Pinellas County, Florida, and distributed cards which stated "If you like Hitler, you'll love Wallace ... Vote for Muskie."

4. On or about February 20, 1972, Donald H. Segretti mailed a letter and a supply of Citizens for Muskie stationery and envelopes to Robert Melton Benz in Hillsborough County, Florida.

5. On or about February 25, 1972, Donald H. Segretti caused a letter which was printed upon Citizens for Muskie stationery to be distributed in the Middle District of Florida, and elsewhere. The letter alleged that certain office equipment and personnel from Congressman Gibbons' office were being utilized at the Muskie headquarters in Tampa, Florida.

6. On or about February 25, 1972, Robert Melton Benz gave to George A. Hearing the Citizens for Muskie stationery and a proposed letter for the purpose of having the proposed
letter printed on the said stationery.
7. On or about March 1, 1972, posters which stated "Help Muskie Support Busing Our Children So" were received in Tarna, Florida, by Robert Telton Benz.

8. From on or about March 1, 1972, through March 14, 1972, George A. Hearing and Robert Melton Benz distributed said posters in the Middle District of Florida.

9. On or about March 11, 1972, George A. Hearing distributed through the mails to various persons within the Middle District of Florida and elsewhere a letter printed upon Citizens for "us" stationery chicks pertaining to Senators Henry Jackson and Hubert Humphrey.

All in violation of Title 3, United States Code, Sections 612 and 371.

COUNT NO. 3

On or about February 12, 1972, in ?a County, Florida, in the Middle District of Florida, DONALD H. SEGRETTI did skillfully cause to be published and distributed a card relating to Senator Edmund S. Muskie and Governor George Wallace, who had publicly declared their intentions to seek the office of President of the United States in a primary election or convention of a political party, and said card did not contain the names of the persons, associations, committees or corporations responsible for the publication or distribution on the same; all in violation of Title 3, United States Code, Sections 612 and 2.
COUNT VI

On or about February 25, 1972, on Hillsborough County, Florida, in the Middle District of Florida, DONALD H. SEGRETTI did wilfully cause to be published and distributed a letter relating to Senator Edmund S. Muskie, who had publicly declared his intention to seek the office of President of the United States in a primary election or convention of a political party, and said letter did not contain the names of the persons, associations, committees or corporations responsible for the publication or distribution of the same; all in violation of Title 18, United States Code, Sections 612 and 2. COUNT VII

On or about March 11, 1972, in Hillsborough County, Florida, in the Middle District of Florida, DONALD H. SEGRETTI did wilfully cause to be published and distributed a letter relating to Senators Henry M. Jackson and Hubert H. Humphrey, who had publicly declared their intentions to seek the office of President of the United States in a primary election or convention of a political party, and said letter did not contain the names of the persons, associations, committees or corporations responsible for the publication or distribution of the same; all in violation of Title 18, United States Code, Sections 612 and 2.

A TRUE BILL

Off. as.

#United Statesorney

(403)
In November 1972 Howard Hunt telephoned Charles Colson. Colson recorded the conversation. Hunt discussed with Colson the need to make additional payments for the defendants in United States v. Liddy. Hunt said:

[T]his is a long haul thing and the stakes are very, very high and I thought that you would want to know that this thing must not break apart for foolish reasons . . . .

We're protecting the guys who are really responsible . . . but at the same time, this is a two way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money. Colson gave a tape recording of the conversation to John Dean. Dean has testified that on or about November 15, 1972 he met with John Ehrlichman and H. R. Haldeman at Camp David, Maryland and played the recording for them. Ehrlichman has testified that he does not recall ever hearing the recording. Dean also has testified that immediately after the meeting at Camp David, he met with John Mitchell regarding

the defendants' money demands and played the recording for him.

Page

32.1 Transcript of tape recorded conversation between E. Howard Hunt and Charles Colson, November, 1972, SSC Exhibit No. 152, 9 SSC 3888-91 407

32.2 E. Howard Hunt testimony, 9 SSC 3694-95

32.3 Charles Colson draft statement prepared for delivery to SSC, September 1973, 1, 18-21
(received from SSC)

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32.4 John Dean testimony, 3 SSC 969-70 418

32.5 John Ehrlichman testimony, 7 SSC 2852 420

(405)
32.6 John W tchell testimony, 4 SSC 1630 421

32.7 John Mitchell testimony, 5 SSC 1862 422

32.8 John Mitchell log, November 15, 1972
(received from SSC) ..................

(406)

..................423
Conversation with Howard Hunt, late November, 1972

... Hi

How's use doing?

Oh, about as well as one'd be expected How are you?

Just about the same. Trying to hold the pieces together.

Congratulations on your victory.

Thank you. I'm sorry that we haven't been celebrating it together With some good champagne and some good Scotch, but...

There may yet come a time.

There may, I assure you. Before you say anything, let me say a couple things.

One, I don't know what is going on here, other than, I am told that everybody is going to come out alright. That's all I know. I've deliberately not asked any specific questions, for this reason. That I have my own ideas about how things will turn out and I'm not worried about them and you shouldn't be, but I've always thought that if it came to an open trial, that I would want to be free to collie into it and character and testimony and etc. etc. This way, the less details I know of what's going on in some ways the better.

I appreciate that.

If you follow. So, I have tried to stay out of asking specific questions and it's very hard for me to do that for the reason that you're an old and dear friend and I'm sure...

But I regret [sic] the day I ever recommended you to the White House.

H. Not in the least, Chuck, I'm just sorry that it turned out the way it did.

C. well, I am too, obviously and I hope to hell you had nothing to do With it and I've done to that belief and have told people that and if you did have anything to do with it, I'm goddamn sure it's because you were doing What you were told to do.

H. That's exactly right . . .

C. Because you're a loyal soldier obviously and always have been . . .

EL. Could you be willing to receive a memorandum from me?

C. Yeah... the only . . .

EL. Because I think it might help you.

C. Except there are things you may not want to tell me.

EL. No, there's really nothing I don't want to tell you. I would think that you could receive this memorandum, read it and destroy it.

C. Nope.

EL. You couldn't do that?

C. Nope. The reason I can't is the same reason your letter to me, when I got that and then I was asked by Federal authorities, did . . . had I had any communication and I said yea I've received this letter and here it is. I can't and you can't get in the position where you're purging [sic].

EL. No, of course not. And I'm afraid John Mitchell has already done.

C. The problem is, you see, I don't want to get into the position of knoxvirtg something that I don't now know for the reason that I want to be perfectly free to help you and the only way I can help you is to remain as completely unknowing as I am. See, my problem . . . let me tell you the problem Is that . . . I could do you a lot more good by not . . . by honestly being able to testify that I don't know, I just don't know the answer and I don't. And right now I don't know anything about the goddamn Watergate. Now, supposing Teddy Kennedy holds his hearings and I get called up there. XWell, I can't refuse to answer and I wouldn't. I'd answer I just don't know. I have no idea What happened and I don't.

H. Of course I'm never going to be put on the stand, as it stands now.

C. That's right.

H. And so I won't have the opportunity to say one thing or another.

C. You don't want to.

H. You wouldn't be willing to talk to my attorney? wouldn't that be a different affair?
C. Ull, I don't know, Howard. I don't know whether it is or it isn't. Lies would know best.

II. That was a suggestion of his.

C5. Well, hell, I'll talk to his. That's not a problem. I'll be glad to talk to him. I'm sure that you're being watched.

I]. Oh, I am too.

C. And not by federal authorities. I'm sure the Washington Post is watching you.

H. Oh, yea. I'll tell you what. I can't tell you what happened to... to get back to the beginning here is because of commitments that were made to all of us at the onset. They have not been performed and there's a great deal of unease and concern on the part of T defendants [sic] and, I'm quite sure, me least of all. But there's a great deal of financial expense that has not been covered and what we've been getting has come in very minor gobs and drabs and Parkinson, who's been the go between with my attorney, doesn't seem to be very effective and we're now reaching a point of which...

C. Okay, don't tell me any more. Because I understand and...

H. These people have really got to... this is a lonesome thing and the stakes are very very high and I thought that you would want to know that this thing must not break apart for foolish reasons. Oh, no...

C. (Ih, no, everybody...

B. While we get third, fourth hand reassurances, still the ready is not available [sic]. That's the basic problem.

C. I follow you. Okay, you told me all I need to know and I can... the less I know really of... what happened, the more more help I can be to you.

H. Alright, now we've set a deadline non for close of business on the With of November for the resolution on the liquidation of everything that's outstanding. And this... they're now talking about promises from July and August. It just has been an apparent unconcern. (If course we can understand some hesitancy prior to the election, but there doesn't seem to be any of that now. Of course we're well aware of the upcoming problems of the Senate...)

C. That's where it gets hairy as hell. See, for your information, Howard... of course this thinner has hurt us all because everybody... it's just unfortunate as hell, but the Democrats made such an issue out of the whole...

II. Well, on the other hand, it kept she'll from the real issues.

C. Well, I always thought when I write my memoirs of this campaign, that I'm [sic] going to say that the Watergate was brilliantly conceived as an escapade that would divert the Democrats' attention from the real issues and therefore permit us to win a landslide that we probably wouldn't have had otherwise. Seriously...

C. Whether you believed it or not.

H. Whether you believed it or not.

C. No, listen, I think there's a good bit of validity to that.

II. I do too.

C. Dumb bastards were on an issue that the public couldn't care less about.

H. See, I haven't known at any time what sort of an input you were getting from Dean and other people about who was responsible....
11. I think now is the time for it and we expect it now and we want it and the election is out of the way, the initial terror of the number of people has subsided. Some people have already left the Administration and that's all to the good. So, now it's pared down to the point Where a few people ought to really be able to concentrate on this and get the goddam thing out of the way once and for all because I don't ssallt to l ore yen with what it's been like, but it hasn't been pleasant ebXr any of ns.

Jesus Christ, I know it. I hope you're doing some writing to keep yourself busv.
Oh, I am. I don't know if anything will ever come of it, but it's a good . . . it keeps my mind from my plight, let's put it that way. So that I was never clear in any own mind, and I'm still not, and . . . that one of the initial out
•uts that I had read about was that while this is done by a bunch of wild 'assed guys and so forth . . . well, that's fine for v.-e're protecting the guys who tre really responsible, but now that that's . . . and of course that's ft con;muina requirement, but at the same time, this is a two way street and as ; said before, v e think that now is the time v hen a move should be made and surely the cheapest commodity available is money. These lawyers have
~ not been paid, there are large sums of money outstanding. That's the principal thing.
Living allowances which are due again on the 31st of this months we want that stuff well in hand for some months in advance. I think these are all reasonable requests. They're all promised in advance and reaffirmed from time to time to my attorney and so forth, so in turn I've been giving commitments to the people who look to me and....
C. I'm reading you. You don't need to be more specific.
KEY. I don't want to belabor it.
C. No, it isn't a question of that, it's just that the less specis [sic] I know, the better off I am . . . ave are, you are.
El. So, Parkison is out of town until next Monday, at which time a memorandum is going to be laid on him and he's going to be made an are . . .
C. I'll tell you one thing I've said to people, and I just want you to know this because I think it's important. I've told people the truth that I've known you for a long time, that I've considered you a personal friend, you're a person in whom I've had high regard and high confidence, a patriot, real patriot, and that had you ever been the one masterminding tsic] this, it never would have fallen apart, that the reason that I am convinced. and I told this to the federal authorities on the grand jury, the reason that I'm convinced that you Hoe ard Hunt never had a goddamn thing to do with this or if; you did, it was on the peripheries, is that if you ever did it, you would do it a lot smarter than this and that I've know tsic] ....
H. Chllek, if I had had my say, it never would have been done at all. diet me put it that way.
C. Say no more.
H. ... the position of Sanother fellow too.
C. Say no more.
H. ... high risk ballgame.
C. NVell obviously I never knew about . . .
H. That's right and I've always maintained to my attorney who of course has my complete confidence in this matter, that yml absolutely had nothing to do with it.
C. If I had ever known it nwas coming I would have said to you as a friend, if some asshole wants to do this. fine, but don't yml get involved. I mean, if You and I, if xv'e ever had a conversation lil;e that, I would have said, my God, . . . but the point I've made is that you're a smart . . . among many other qualities, you are a brilliant operator and brilliant operators just don't Ret into this kind of a thing, so I've held and I was asked . . . and this is -why I don't want to know any different, this is why I was asked by the Bureau, well, what about Hunt? And I could honestly say, look. I've known this guy a long time, he's n very smart fello v and I can't for the life of me conceive that he would ever get himself into this kind ot' situation, so I vasant to be al]le to stay in that position.-That's why I don't want you to tell me anything beyond that. Give my love to Dorothy, will you?
Fl. All right I will.
c I know it's hard on you and the kids and ....
H. It's awful tough. Sty daughter up at Smith is really getting a rough time.
C. Is she really?
H. Heery, very hard time.
C. Well, you know, I’ll tell you. I find it’s only the rough experiences in life and you’ve been living your share of them, god knows, that really harden you and make something out of you, and you learn by them and bettler a better man for it and we’ll all learn that. You’ll come out of this fine. I’m positive of it. That.
H. Well, I want all of us to come out of it, including you.
C. Any position, suppose has been hurt in one sense, that I’ve been publicly but obviously people around here know I didn’t have anything to do with it, but so be it. We’ll all come out of it, don’t worry about that. That’s the last thing to worry about and I understand this message.
H. If you can do anything about it . . . I should think the sooner they can get moving on it the better. Good to talk to you. I’ll discuss with Bittman whether he still feels he needs to talk to you.
C. I’m in a better position to help you if I can honestly swear under oath, which I can do, because I don’t know a goddamn thing about it and I don’t. And as long as I’m in that position then I can say what kind of a guy I think Howard Hunt is and why I think this is a bum wrap.
H. Okay.
C. Is your family alright?
H. Your boy’s doing well in school I understand.
C. Doing great and he’s at Princeton. He’s taking a lot of heat, just like your talking about.
H. Oh, he must have.
C. When.
H. The only counsel I can give my daughter is that people that will do that sort of thing are the kind who will pull the strings off flies and they’re not really the sort of people she wouldn’t want to have as friends or even associates in any case.
C. I said the same thing to my son. When the indictments were announced, he said every other guy at Princeton said, “Oh, you’re old man heat the wrap”. . .
H. Isn’t that great? Don’t let that make you feel wonderful! I said the same thing to him and he’s gotten so he doesn’t. . . he figures that the price you pay for serving your country and you take the good with the bad so if you believe in what you’re doing that has to be the ultimate consolation for all of us.
C. I said the same thing to my son. When the indictments were announced, he said every other guy at Princeton said, “Oh, you’re old man heat the wrap”. . .
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It does indeed. Are you going to be able to take some time off?
C. God. I hope so, Howard. I’m planning to in December Some time. If I can possibly sit out of here. I’ll take care of yourself and don’t let it get you. Don’t let it wear you down that great spirit and we’ve got the President in for four years and thank God for the country we do.
H. Exactly.
C. You know, when you go to sleep at night you can pull up with a lot of personal grief if you think that . . . there are always things bigger than yourself.
H. That’s really true. The moment in life when things are not bigger than yourself, then you’re all mashed up. Even I know that.
C. I know I spent a lifetime serving my country and in a sense I’m still doing it.
H. Exactly. Alright, pal. Overly be talking to you.
C. Okay.
H. Okay.

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Arr. S.CIIS. That N[r. Bittman was paid.

Mr. DASH. Yes, or that ... Bittman was paid.

Arr. EFTv-A-T. $95 000.

Arr. D see Would you submit to us a statement of the details that you were giving us a moment ago? I think it would help 11S expedite the questioning.

Mr. SACIS. We'll be glad to.*

Arr. D see. Yes.

No, did you ever call Mr. Colson to complain about the problems of the payment of fees?

Mr. HUNT. I did.

Arr. DASH. DO you recall when you made that call?

Mr. HUNT. Ott November 24 last.

Arr. DASH. Nonv, do you have a copy of the transcript that Mr. Colson made of the telephone call?

Mr. HUNT. I do.

Arr. DASH. During that call what, in effect, were you telling Mr. Colson. why did you make that call?

Mr. HUNT. I made the call, Mr. Dash because my wife had indicated to me because she had been placed in a very false and difficult position ris-a-vis the Cubans and the other people who were or had become her "clients," she was unwilling to continue in the role that she had agreed to accept at the urging of hlr. Rivers, that is to say to be the go-between.

She felt also that perhaps because she Ivas a woman, her words, her urgings, her representations were receiving insufficient weight or Ivere not being seriously enough received by whoever the sponsors svere. and it tvas in that spirit that she asked me to communicate with WIr. Colson which I did.

Mr. DASH. All right.

Nons, on page 3 of that transcript, did you say the following:

All right, now we've set a deadline now for close of business on the 2eth of November—

and I take it it is a deadline to receive funds—

for the resolution on the liquidation of everything that is (standin> and this—

they're nonv tallying about promises from July aan &JF' and It till had been S11

apparent unc-nerm. (If course, We can underQuand SOrbie hesitinty prior to the election, but there doesn't seem to he any of that now. Of course, Eve are very

aware of the upcoming problems of the Senate.

Did you make that statement during that call? Does this transcript, by the way reflect to your recollection the conversation you had with Mr. Colson' You xwill recall Eve shoosved vou that transcript during the executive session.

Mr. HUN-T. I do, WIr. Dash.

Mr. I)ASTT. You have had a chance to read it?

Stir. HlrNT. Yes, sir.

Arr. D VSTI. What is your answer to mv question whether that statement was made as it appears in the transcript?

Mr. HOST Conferring with counsel I have no specific recollection of making the statements. Atr. T)ash. However, inasmuch as it al)X)ears in a transcript I accept it in rood faith and svill sav under those circumstances that I made the statement.

*Not received at time of publication.

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AZIr. Dssl. AN-oIV, let me just make one further reference on pa^e o if you lvill look at the top where you say—

Well, that is fine for e are pratsetillg the guys Xvho are ready respt.Isil.le. but movtorte that s—anal ok °tinsre that is a ( onri!lr~ng ree--(lirelllelt, lillt nT +the saLne tisse, this is a tsvo-svay street and as I said before. Eve thing that nont is the time when a move should be made and surely the cheapest eommo~lty available is money.

Do you see that statement 2
Mr. HUN-T. Yes, sir.

AWIr. DASH. FOTOU1q(1 YOU adopt that as something you would have said during that conversation ?

- Clair. HUT. Yes, sir.

Senator BLUR. AWIrX Chairman, just 1 minute. I am not sure I understand. The question is that one you would has e said or did say

Wlr. D.vssl[. He did say in the transcript.

Wlr. HI\5-T. I Frill accept that as a statement that I made.

Mr. DASII. STony, after you stopped receiving funds from various supporting sources did Wrr. Bittman ask for more funds from yon ?

Sir. HUNT. Bittman informed me of the current state of my deficit balance with him, yes.

Sir. DASTr. Mr. Chairman, I would like to have this conversation with Howard Hunt of late November 1972, which Eras recorded by Mr. Colson. identified as an exhibit and entered in evidence.

Senator ERVIN. It Fill be received in evidence as an exhibit and appropriately numbered as such.

rThe document referred to svas marked exhibit No. la9.*]

Senator B.\1\FER. Mr. Chairman, could I ask a question about it just very briefly. Mr. Hunt, xvere yoll alvare that this conversation avas beine r ecorded 2

hIr. HUNT. NTo, sir.

Senator BAILER. Did you—how did you come to Snore of its existence ?

Wlr. HITXT. I can't recall lvhetler I learned about it through the grand jurolsorthrollCh this committee.

Senator PSAKFR. Could I ask counsel hove Eve received it ?

Ir. 1)ASTI. Here received this from War. Colson.

-SenatorPsAlsER. From Alr. Colson?
Mr. DASH. Yes, from Sir. Colson.
Senator BAKER. Thank you.
Mr. HUNT. I might say that I feel, in retrospect, I was set up on this one.
Senator BAKER. I am sorry. I didn't hear you.
Mr. HUNT. That I was set up, as it every I had requested an opportunity to speak with Or. Colson and the message I Rot back Yeas that if I wanted call him from a phone booth at a particular time on a particular day he would speak with me. Obviously he had his recording equipment running at that time.
Senator PEARCE. Do you have any reason to suspect that any part of the transcript is not correct?

Senator BAKER. Thank you
I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to recount my recollection of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere in which existed the Watergate House and the Nixon years. I have reflected on the events that led to the House of (413)

7 firs. eard Lnat- iiDhere ha-3 been a burglary at ttle Dem.fUcr -ic '7azional r~cT=ll. ,--ee headcXuarters on. the rad~-o. It .~ag S. ~_tr7a--; J~e 17.'7? 1 'hoL1<-,llc it tK7aS no more tl-3n an

o- d:;5. ry-.urgla--y --- on2 nqore ad;li. ioil Lo toe I.3 C. CriiiT12

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Secondly, during the campaign -- on those few occasions when the President and I did discuss Watergate -- he commented how relieved he was that no one in the White House had been involved. Air. Dean testified, based on one conversation with the President on September 15 that he believed that the President was aware of the alleged cover-up. During this time the President never indicated in any conversation with me that he had any reason to think that any White House personnel had been involved; he was pleased that, as a result of Mr. Dean's investigation and the very extensive investigation by the Department of Justice, he had been advised that there was no White House involvement.

---

Some time after the election I believe November,

E. Called my office and asked to talk to me. I did not take his call, but believe I asked Mr. Dean Whether I should talk to him. I wanted to do so out of personal friendship and sympathy. Mr. Dean told me I should. I do not recall the precise circumstances, but my secretary's recollection is that after talk;
with Hunt's lawyer to advise Blunt to call again and I would talk to him. I decided, however, that I would have to record the
conversation. I felt that any conversation with Hunt would have to be a matter of record. The transcript of the conversation has been provided to your staff, and I turned it over to the Federal prosecutors in early May.

As you will note from the transcript, Mr. Hunt asked if he could send me a memo. I told him not to, that anything he sent me would have to be turned over to the Federal investigators. I did my best during the conversation to explain to Hunt that I did not want to be involved, that I was the principal target of press attempts to tie the Watergate to the White House. I tried to express my personal compassion to him as a friend, but at the same time discourage him from imparting any information. He, nonetheless, as you will note, persisted.

Some of the things he said should have aroused more concern on my part. The fact is, however, that I was totally unaware of any of the post-Watergate activities that have been subsequently testified to. I did not know of Mr. Lislac's involvement or indeed of any of the Watergate defendants.

I did not attend any of the Dean, Wincele, or other meetings.
or the contacts between tar. Dean and others with the CITE and

vBl. I did not know of the reported meetings then going on

R--. It's not 1. S.SS.1-5, 1.1.31c:Slarn, 1st2n, Xlitcheli and DiaOruder.12d I

then been aware of some of these things, Hunt's comments might

have had more significance. I was, however, troubled by the
very nature of the conversation and by Mr. Hunt's reference
to commitments that had been made to him and to which I could
only reply, McKay, don't tell me anew one, I understand" or
"I follow you, you've told me all I need to know." I assumed
at the time that if indeed there had been commitments, these
were commitments made by the Committee for the Reselection.

~ The plain fact is that I was anxious to Get off the
phone -- I really didn't want him to tell me anything-- T
merely wanted to tell him how sorry I was for him and to explain
why I couldn't talk to him. As a result, many of his co Gents
just did not register with me then.

In any event, I immediately called John Dean to tell

herr that I was greatly troubled by the conversation, that if
w'aai: Elunt said was true, he, Dean, had better darn well find

ox, immediately what was going on, particularly as to what the

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people at the Committee for the B7Xe-election were doing. I

said I should have a transcript made of the converse ticn and send it to him. Dean told me not to Ina7.<e a transcript but to send

next, Dean called to say that he x70ulld keep the tape, that I
should do nothing further, that this was his responsibility and ' he Would handle it. I assumed -- obviously incorrectly -- that

I x.7as -- and as the President T,>7aS. I assumed if Dlr. Dean
I found anything of importance in the conversation, he would act Esistent smith his responsibility.

I do not recall any other discussion during the month of November relating to Watergate.

Shortly after the First ox December, the President
VM7as becoming increasingly involved With the problems of the :
cleLerioLating Paris peace negotiations. When the President r,r.2de his difficult decision to resume the bombing of North vietnam
in December, he began to delete virtually every xx7alaing hour to

the day-to-day military activity and the on-going diplomatic

Li-3tatives. The viettlian issue Was practically all-consumincr
source of the money or whether it was campaign money or any of the details about the $300,000 that Stans had made available. I could not locate Strachan and Stans indicated that it should be picked up immediately but I cannot recall at this time the reason he called for the immediacy. Accordingly, I asked Or. Fielding to pick up a package from Stans and give it to Strachan as soon as he could.

I informed Stans that Fielding would be over to pick up the package and he would not know what he was picking up and when I later learned that Stans had informed Fielding I was somewhat annoyed because I felt it was unfair to Fielding. The money was then given by Fielding to Strachan but no final decision had been made regarding how to dispose of the $300,000.

Having explained the status of the cash at the White House, I must now return to the pressure that was being placed on the White House for the use of these funds which I have just described for payments to the seven indicted individuals. This pressure began long before election day in that Paul O'Brien was receiving messages from William Bittman, Hunt's lawyer, that Hunt and others expected to have more support money and attorney's fees in exchange for continued silence. The initial payments by Kalmbach had not been sufficient, O'Brien reported this frequently to Mitchell, Iardian, LaRue, and myself. I, in turn, was reporting to Haldeman and Ehrlichman.

There were discussions in late July, August, and September of using these funds at the White House for these payments. I informed Haldeman of these discussions, but they were still in the discussion stage and no action was taken.

After the election, the pressure was greatly increased when Colson received a call from Arr. Hunt, which Colson recorded. Colson brought the recorded call to me and I, in turn, transcribed it onto a cassette tape. I have been informed by the committee counsel that the committee has in its possession a transcript of the conversation between Colson and Hunt in which Hunt makes demands for money. On November 15, I arranged a meeting with Haldeman and Ehrlichman so that they could hear the tape of the conversation Colson had had with Hunt and also to inform them of the increased and now threatening demands that were being transmitted through Hunt's lawyer to Mr. O'Brien and in turn on to the White House.

Haldeman and Ehrlichman were at Camp David at that time developing the plans for the reorganization of the executive branch for the second term of the Nixon administration. I departed on the morning of November 15 for Camp David with Mr. Walter Attnicoli, who was going to Camp David to discuss the reorganization plans with Ehrlichman. Mr. Whinnicli had been doing virtually all of the legal work at that time for Ehrlichman on the reorganization plan and was a member of Ehrlichman's staff. In fact, I was somewhat surprised that the counsel's office had not been more involved or involved at all, prior to that time in the reorganization plans. After arriving at Camp David, T-erlichman, Haldemall, and I went into the President's office in Laurel Lodge, vs-hic.h \N as emr.tv. I ha-e referred earlier to the fact that in this meeting the matter of T)5vi(rht Chapin's remaining at the White House was discussed.

It was after that discussion that I told them of the telephone con

versation between Hunt and Colson and played the tape for them and

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also told them of the increasing demands being made for money. I told them I was going to New York that afternoon because Haldeman had requested that I come visit him regarding the demands being made and told them I would also play the tape for him. I instructed Haldeman from this meeting to tell Mitchell to take care of all these problems.

When I came out of this private meeting, Ehrlichman told Mr. Mitchell, who had been waiting to meet with him, that we had been talking about reorganization matters. This position was taken because Mr. Mitchell was at Camp David for that purpose and it seemed to be a very logical thing that I might be discussing with Haldeman and Ehrlichman. In fact, in our private meeting there was no discussion of the reorganization at all.

After a brief discussion about reorganization matters, I departed Camp David and returned to Washington and then flew to New York Vital Air. Stans had told me some time earlier that he was going to meet with Mr. Mitchell to discuss a number of matters about winding down the reelection committee and asked me to join him.

Senator ERNIE- There is a note. I will stay here and proceed with the committee and ask them to hold the vote until I can get over and somebody can come back and take over so I can get over and vote.

Mr. DEAN- Thank you.

Stans had arranged for the meeting with Mitchell to take place at the Metropolitan Club in New York City, because Stans was anxious to return to Washington as soon as the meeting was over and did not want to go down to Wall Street and get tied up in traffic. After the first part of the meeting where Stans and Mitchell discussed their problems, Stans departed and I played the tape for Haldeman. I recall that he had only one reaction to the tape and it was to the effect that it was certainly a self-serving tape for Colson and he wondered what the hell Hunt was tallying about eight reward to Haldeman's having perjured himself. I informed Haldeman that Ehrlichman and Haldeman had heard the tape and requested that he do what he could to solve the problem. I received no instruction or really any indication at all from Mitchell regarding the matters that Hunt had raised in his conversation with Colson.

To the best of my recollection, it was the first week of December that Mitchell called me and said that we should have to use some of the $330,000 fund to take care of the demands that were being made by Hunt and others for money. He indicated that the money that was taken out would be returned in order that the fund could be made whole again. He asked me to get Haldeman's approval.

Prior to Mitchell's call, I had been informed by Colson's secretary that the library required that I arrive to Colson's home on several occasions to discuss this problem with her in order that she might pass it on to Colson and get something done about the problems. The Secretary Aiiss Hall, to me with these messages indicating that he did not want to talk to her about it but that she should pass the message on to me. I told Aliss Hall to talk to Airs. T[le]runcle if necessary and get an unlisted phone number.

After the phone call from Haldeman, I called Haldeman and described the situation in full to him and that I had told Mitchell that I was very reluctant to see Arthritic House money be used but that he indicated that it would be returned as soon as they could raise some additional

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Arr. DASTI. In March 1973 did you become aware—and I think you so testified—of the increased demands of Hunt for money, so-called Hunt's blackmail?

Mr. EHRlichman. I wouldn't use the word increased because I think I have no idea of what reference I had this as an increase. I certainly am familiar with the blackmail.

Mr. DASH. Of a demand, of the blackmail. %510 informed you of this?

Mr. DASH. Did it raise a question in your mind at least at this time, again having recall that money divers paid for defenses of the propriety of paying this money when such a demand was being made?

Mr. EHRlichman. Oh, certainly—well, let me separate out all of the testimony that you have just inserted in that question and maybe you could restate the question without all the embellishments.

Mr. DASH. I would ask just the same question: You had found nothing, and, as a matter of fact, just beforehand, on the February 10 meeting again had discussed making certain payments or token sum to Mitchell—having Mr. תוכל go see Mr. Mitchell about raising some funds for the defendants, and no you in March, some time in March you become a aware o a demand, Mr. Hunt's, of what you just called blackmail.

Mr. EHRlichman. The difference between the two is dramatic. There were no suggestion at La Costa that any money be paid in consideration of anybody's silence or anything of that kind. The money were talking about at La Costa were to compensate attorneys who l)vouel file motions in behalf of the defendants, and as far as I am concerned that would have been a completely legitimate undertaking privately raised funds for that purpose. This was a flat out blackmail attempt, if money was not paid then Hunt would say so-and-so, but if money were paid he would say so-and-so. That is the first time I encountered anything of that sort in this entire—what would that be, 10 months?

Mr. DASH. Tell me you aware that back in November Mr. Hunt had a telephone conversation with Mr. Colson, and Mr. Colson taped that conversation with regard to Mr. Hunt wanting money and being very unhappy that he wasn't getting the kind of money he was requesting?

Mr. EHRlichman. Well, I have heard testimony about that and that I was supposed to have heard that tape.

Mr. DASH. Did you hear that tape?

Mr. EHRlichman. I don't recall ever hearing that tape. I recall Mr. Dean coming to Camp David on one occasion during the 10 months we were up there. We have repeatedly—since he testified to that effect—ever have repeatedly tried to get a transcript or a copy of that tape without success from your staff but I certainly like to see it because I—

Mr. Wilson. Neither I nor Mr. Strickler asked Mr. Hamilton for a transcript.
Mr. MITCHELL. On the 1st of July 1972.

Mr. DASH. And when Lou left, were you aware that Mr. Magruder was staying on as deputy director of the campaign?

Mr. MITCHELL. Yes, he stayed on as Mr. Magruder's deputy.

Mr. DASH. And were you not aware when you were leaving that Mr. Magruder at least faced some serious problem of being indicted on the break-in of the Democratic National Committee headquarters as of July 1?

Mr. MITCHELL. His of July 1? I think that it was a potential, yes.

Mr. DASH. Non- you did meet with the President on June 30, 1972, just before you left. As I understand, you had lunch with the President.

Mr. MITCHELL. That is correct, sir.

Mr. DASH. Did you think it your duty to tell the President at that lunch before you left that the man who was playing such a key role in his campaign, Magruder, had such a problem that he might be indicted for the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. Mr. Dash, I think you and I have gone over to the point where we have established that the White House horror stories had come out in connection with the problem at that particular time and there wasn't the question of lifting of the tent slightly in order to get with respect to one individual or another; it was a keeping the lid on and no information volunteered.

Mr. DASH. Even if the lid had been kept on the so-called White House horrors, wouldn't it be very embarrassing to the President of the United States in his effort to be reelected if his deputy campaign director was indicted in the break-in of the Democratic National Committee headquarters?

Mr. MITCHELL. I don't think as far as the Watergate was concerned, there was a hell of a lot of difference between the deputy campaign director and the counsel for the finance committee and the security officer. Quite frankly, as far as the Watergate was concerned, that was already a public issue. It was the parties that were involved.

Wtr. DASH. There came a time, did there not, Mr. Mitchell, that the pressures for money by the defendants or by Wtr. Hunt increased?

I

or by Wtr. Hunt increased? - AITould you tell us what you know about that?

| 3tr. Dash, that I can tell you very much about them other than the fact that somewhere along in the fall, Wtr. Hunt had a telephone conversation with 1Alr. Colson, which, I think? covered the subject matter and then later on, as I recall, btr. Dean has got in the record a letter from 3tr. Hunt to Mr. C!olson, which I think is quite suggestive of the fact that he Ivas being abancloned.

Then I heard later on, in March of this year, there Ivere oral com

munications from either Hunt or his attorney relating to requests for legal fees and so forth. which Iverse communicated to the Alrhithe House.

3tr. DASTT. Hose did you hear about the Aarch request?

Atr. WIITCTIELT. The March request? I think I probably heard about it throll(rh fir. LaRue, if my memorv serves me rlrht.

Wtr. T),\sFr. Do you know how much money Ivas actually being requested at that
Senator ERVIN. You hadn't learned about that lentil SeptctiUel?

Air. AII11'('11ELL. A-0, sir, I had not heard of 311. .Seftletti.

Senator ERVIN-. lichen did Secretalv Stans tell vou that he had fur
nisllecI $7t(,1)00 to assist in paying the counsel fees for the Counsel for
the seven AN-ater,.ate defendants?

Air. A.ITCHEL. The same time he told it to this committee. I saw it
on television, that svaS my first knowledge of it.

Senator ERVIN-. You had no knowledge of that before?

Air. AITCHEL in O. sir.

Senator ERVIN-. Well, did 3Ir. Dean come to Nesv York and talk to
you about the demands of some of the defendants for money?

3Ir. zh'ACHEL. Yes; he did later in the year. I believe the occasion
had to be in November or perhaps even later thalLhat.

Senator ERVIN-. Didn't you hear anvthina about the fact that these
defendants were demanding money for counsel fees and for support
during the summer of 1972?

Air. CATCALL I did not, as I have testified here yesterday, XIr.

Chairman, the Alardian-IJiddy discussions—ixIardian-LaRue discus-
sions with Liddy, the matter that was mentioned as to whether or not
the committee could provide money for the bail for the indixidrals
and that xvas turned over by the committee. Apparently the activities
of raising money for support and counsel fees continued on and it
wasn't later until sometime in the late summer or fall that I heard
about the activities.

, Senator ERVIN. You did hear about—you nwere given to understand
that either the committee or Air. Kalmbach were furnishing the money
to pay counsel fees and support to the families of the seven Watergate
people?

Air. MITCHELL Yes, sir, I heard that as I say later on after the time
frame.

Senator ERVIN. And later you were informed that there was some
doubt as to whether McCord would stand fast in silence, weren't you?

Air. MITCHELL I was so advised, yes, sir.

Senator ERVIN. Yes. And you nwere asked to see what you could do
about that, weren't you?

Mr. MITCHELL About what, Senator?

Senator ERVIN. To see what Mc Cord avas going to do.

Air. MITCHELL. I am not quite sure, 3Ir. Chairman, that I get the
thrust of your question.

Senator ERVIN. Well, who told you about the fear that Mc Cord might
not remain silent?

Sir. WITC-LL. I believe it was Mr. Dean.

Senator ERVIN. When was that?

WII-. AtIWHELL. Sometime after the first of the year. I would believe.

Senator ERVIN. Now, you mentioned the fact, that there had been some talk from somebody that came to Votl to the effect that Hunt said he would not take a promise of immunity from anybody except Colson.

When was that?

At. AtEETIEt,L. That was sometime directly after the first of the year also, I believe preceding the trial. Arr. Deal related that con--ers.:tion and it had to do with the fact that Afr. Hnnt's interest in Executive clemenc.v would only be accepted from Ak. C7olson.
JOHN MITCHELL LOG, NOVEMBER
15, 1972

Mr. Mitchell * Wellesclav, November 15, 1972

8:30  Mr. M arrived at office

9:30  Roald Morton called Mr. M and t.

9:45  Jas Gaynor called Mr. M and t.

10:00 Mr. M Sa'r'l Taft Schreiber

11:00 Mr.-M SAm'. Ed. Deutch and Arnold Tracy

12:00

Mr. M left for luncheon With Messrs. Alexander, Rose, Lazdo

Mr. M ret. to office

3:15

3:10  Mr. M Sa§l Commissioner Erstat

3:40  Mr. M ret. Bob Finch's call and t.

Mr. M ret. Nick Thillurlish's call and t.

Mr. M left office for Ftetiltg with
Messrs. Stans and Dr-t-tn

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33. On or about December 1, 1972 William Bittman, Howard Hunt's attorney, gave a folded paper to CRP attorney Kenneth Parkinson. Parkinson gave it to John Dean and to Fred LaRue. In or around early December 1972 Dean had a discussion with Haldeman about CRP's need for funds for the defendants in United States v. Liddy, during which Haldeman approved the transfer to CRP of a cash fund of $350,000 in campaign contributions which had been placed at the disposal of the White House at Haldeman's direction prior to April 7, 1972. The first portion of between $40,000 and $70,000 was delivered by Haldeman's assistant Gordon Strachan to LaRue. Shortly thereafter LaRue delivered $40,000 to Bittman by messenger. In January 1973 the remaining $280,000 was delivered to LaRue. In January 1973 FCRP Director Maurice Stans approved the transfer of $14,000 or $17,000 in campaign funds to LaRue.

33.1 Kenneth Parkinson interview, SSC, June 2, 1973, 1, 17-18 (received from SSC) 427

33.2 John Dean testimony, Watergate Grand Jury, November 20, 1973, 34-36 (received from Watergate Grand Jury) 430

33.3 H. R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 124-26 (received from Watergate Grand Jury)...

....... 433

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33.4 Fred LaRue testimony, 6 SSC 2294-96

33.5 Gordon Strachan testimony, 6 SSC 2463...........

33.6 John Dean testimony, 3 SSC 970-71 440
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33.8 Memorandum from Gordon Strachan to H. R. Haldeman, February 1, 1972 (received from White House) 443

33.9 Memorandum from Gordon Strachan to H. R. Haldeman, February 16, 1972 (received from White House) 449

(426)
Mr. O. Earle Cox gave his house address as 547 Dillivall Street, N.W., Washington, D.C., telephone 229-8494.

His business address as Jackson Lasley and Parkinson, 1828 L Street, N.W., Washington, D.C., telephone 466-8580. He also gave address number 4668580-079N.

Mr. Parkinson first was asked how he came into the case as the lawyer for CRP and stated that on June 21, 1972 he had a preliminary conference with Mardian on the subject and acted for CRP. On June 22, 1972, Mardian notified him that O'Brien would also work with Parkinson on the case, but that Paul O'Brien would be subordinate to Parkinson.

Parkinson stated that he got into the case when Roelner McElaney called Parkinson on the 21st and asked him to join him in going over to Mardian's office.

Interview with Kenneth Parkinson on June 20, 1973

Rex7roseneima Mr. Parлинson of the firm of Roelner McElaney, 1828 L Street, N.W., Washington, D.C.

*Dy Danderson, James To, Mr. Parks, San-Jrst Robe-- Sil-russein

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Kenneth Parkinson

Page DA !~

I don't understand, I just did not know what it was. At one point BitTman told Parkinson that executive clemency was part of

the commitment or that Hunt felt that he was entitled to executive clemency and Parkinson said that he didn't

even want to talk about it. Parkinson reported this conversation

with Dean and maybe Mitchell or LaRue~ Dean said to

Parkinson that he (Parkinson) had no knowledge of any commitment

but that any commitment would be lived up to and indicated in

some fashion that this Would be communicated to Bitman, Parkinson

did so. Parkinson never indicated how Dean, who denied knowledge

of any commitment could make such a statement while maintaining his position,

There was a meeting somewhere around December 1,

1972, prior to which Bitman had stated that it was important that Parkinson transmit a paper to his principals. Bitman

gave Parkinson a folded paper and Parkinson took this paper without

reading it to a meeting in Dean's office. Parkinson gave the paper

to Dean and read it and referred it to Parkinson, Par[s]~siona atralin

vimo~It rending it | hani'd it to --al~r, O'Brien s--a5 a1 >0 ar that

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meeting and according to Parkinson, did not see the paper either Parkinson suspects that the paper had something to do with Hunt's demands, but has no firm information on the subject. Parkinson said that both he and O'Brien were working on the case, at times independently, and assumes that O'Brien also had contacts with Bitman but could not provide any details. O'Brien never mentions that he had met with Hunt who demanded money before his sentence (Until very recently)

In the last couple of months, Bitman told Parkinson that he had received $25,000. In addition there was an earlier payment which Bitman had indicated had come from Hunt Parkinson did not have any information concerning Hunt's ability to pay Bitman his fees.

Parkinson said he had no knowledge of phone calls from Caulfield or Ulasewicz. However, Parkinson said that he had prior knowledge of the name of Rivers This occurred when Bitman called Parkinson and said that he was getting a call from Over. Rivers and did. Parkinson know; Mr Rivers was all right
Q Now in about the first week of December, did Mr. Mitchell contact you about using some of the White House cash fund to meet the defendants' demands?

A Yes, he did.

Q How did that come about?
Well, the demands had reached a crescendo and there was no other money available. There had been earlier discussions with LaRue and O'Brien about this. It was suggested that they borrow roughly forty or fifty thousand dollars from the White House fund and they would repay these funds.
This was a renewed request of that from Mr. Mitchell directly to me, telling me that I should talk to Mr. Haldeman about getting those funds.

Q Mr. Mitchell told you that the need was acute?
A Yes.

Q And he asked you to see Haldeman to seek his approval to go ahead and use some of the money for this purpose?
A That's correct. He was quite aware of the fact that the funds were under Mr. Haldeman's control.

Q Did Mr. Mitchell indicate that the money would be returned sometime?
A He did.

Q Did you then consult with Mr. Haldeman about this?
A Yes, I did.

Q Can you tell the Grand Jury the substance of what ever conversation you had with Mr. Haldeman about this matter?
A Well, I told Mr. Haldeman that while I didn't like the procedure, I had no alternative to offer him because the demands at this point were very acute and Mr. Mitchell had made the request and I didn't have any suggestion to make.
I said, It's my understanding that they will pay the money back as soon as they have raised additional monies themselves and that the White House fund will then be kept intact.

He said that I should go ahead and tell Strachan to deliver the money to Mr. LaRue.

Q For this purpose?

A For this purpose.
A Yes, there was some reference in that regard.

Q And that would be for the purpose of filtering money from White House sources to the defendants?

A I believe that there was never a discussion of filtering money from White House sources to defendants except in a statement that I made which was that money to the defendants could not be involved in White House sources. 

Q Well, you knew that $350,000 was being utilized as a source for payment of these funds, did you not?
A Yes. I didn't consider that a White House source.

considered that a campaign source that had been held for
White House use during a period and then was turned back to
the campaign committee.

Q At that time that it was utilized, the money was
under your control, was it not?

A No. You authorized its transfer to Mr. LaRue? That's
correct. Knowing that it would be used to pay the
defendants?

A I think not knowing, but knowing that there was a
problem that he was concerned about which was to provide these
funds for the defendants.

Q Mr. Haldeman, is there any question that you knew that
this money would be used to pay the defendants?

A Yes, in the sense that I had no personal knowledge

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of what -- and I don't know that it was. In fact, I have understood from the public testimony that it wasn't.

Q: In other words, you weren't present at the time that Mr. LaRue or one of his agents handed the money to a particular defendant? That's true, of course.

A: Yes.

Q: No one is suggesting that you were present at such an occasion.

A: I understand that.

Q: If that had been the case, then you could merely trotted down to wherever the defendants were and handed them the money. That, of course, is not what we are talking about.

We are talking about whether there was any other understanding that you had in your mind, other than the fact that this money would be utilized for payment to the defendants.

There was no understanding that it would be utilized for any other purpose. There was no commitment that it was being used for that purpose. The commitment was to put the money back in the control of the place where I felt it ought to be controlled which was the campaign committee, for whatever
purpose they saw fit.

As I say, it is my understanding from the public testimony that it was in fact not all used for defendants.
Some if it, I understand from public testimony, was. Q Was there any other understanding, other than the fact that it was transferred for the purpose of being paid in whole- or in part as needed to the defendants

A No. There was no other understanding. That’s correct. I have already said that.

Q Thank you. Now certainly you knew that the defendants were being paid money prior to that time and that Dean was having difficulties in getting the money together prior to March 21st.

A Yes.

Q And indeed, you had conversations with Mr. Dean about how long this would last, this demand for money. Isn't that so, prior to March 21st?

A I don't know that I understood it as a demand for money as contrasted to an assumed or presumed need for money on the part of the committee for the defendants. Q
Well, you had conversations with Mr. Dean from time to time, prior to the 21st, about what money would be required and how long it would go on. Isn't that so?

A I don't know whether that was in the March 21st meeting or before that meeting. The earlier questions, and I am going back to 1972, were in the nature of the need for additional funds on the part of the committee.

I don't recall then any discussion of how much was
friend(l of Mr. Rivers and that there would be a package delivered to his office shortly.

Mr. DASH. Who asked you to make that call? Who requested that money? do a you know?

Mr. LaRUe. As I recall, Mr. Dash, this resulted out of a conversation that Mr. Parkinson had with Arr. Bittman which he relayed to All. Dean and I, citing the need for some attorney's fees for Mr. Bittman.

Mr. DASH. Did you know from that discussion that Mr. Parkinson had been with Mr. Bittman and then relayed to you and Mr. Dean how much money was to be paid?

Mr. LaRUe. Yes, sir.

Mr. DASH. How much was that, did you say?

Mr. LaRUe. $25,000.

Mr. DASH. Then NOU told Mr. Bittman on the telephone that this package were would be delivered?

Mr. LaRUe. Yes, sir.

Mr. DASH. How was it delivered?

Mr. LaRUe. It was delivered by messenger to his office. It was in a package directed to Mr. Bittman marked personal, confidential.

Mr. DASH. And this was in cash?

Mr. LaRUe. Yes, sir.

Mr. DASH. Now, did the messenger who delivered that package to Mr. Bittman know what his assignment was, what was in the package and what he was doing?

Mr. LaRUe. Oh absolutely not.

Mr. DASH. I think to make the record clear Mr. LaRUe when you made that payment to Mr. Bittman, did you have any understanding as to the reason that payment was being made?

Mr. LaRUe. My understanding was that this was legal fees for Mr. Bittman.

Mr. DASH. And did you think that this was being paid for humanitarian reasons?

Mr. LaRUe. Mr. Dash, my understanding of the payments of money to the defendants were or is that this money was paid to stisfy commitments that had been made to them by someone I do not know, but had been made, commitments had been made to them at some point in time, and

Mr. DASH. Commitments made by people who had something to do with authorizing(r the original activity?-

Arr. LaRUe. Yes, sir.

Mr. DASH. And that YOU were really carrying out the responsibility based on those commitments?

Mr. LaRUe. Yes, sir.

Mr. DASH. Did it occur to you that if those payments were not made, there may be some embarrassment in the reelection campaign?

Mr. LaRUe. This certainly occurred to me. Yes, sir.

Mr. DASH. Now, when and where was your next payment to Mr. Bittman?

Mr. LaRUe. As I recall, Mr. Dash, this was made in December. the amount approximately $50,000. (20)

Mr. DASH. Now, who gave the instructions about that payment?

Mr. LaRUe. Who gave the instructions?
Mr. DASH. Yes, how did you know to make that payment in December?

Mr. LaRUE. There had been a meeting in Mr. Dean's office in which 311. Parkinson relayed conversations he had had with Mr. Bittman regarding cash needs or money needs for the defendants. As I recall, it was cash needs; that would be required for the trial and this $50,000 was not, it was not a total amount, it was a partial payment on that amount of money.

Mr. DASH. In other words, on both occasions, now, Mr. Parkinson acted as the person conveying the message of the need for the money from Mr. Bittman to Mr. Dean and to you?

Mr. LaRUE. Yes, sir.

Mr. DASH. And again, how did you arrange this payment, the same way?

Mr. LaRUE. This was arranged in the same way.

Mr. DASH. Did you call and did you again identify yourself as Mr. Baker?

Mr. LaRUE. Yes, sir.

Mr. DASH. And again used a messenger?

Mr. LaRUE. Yes, sir.

Mr. DASH. And again this messenger knew nothing about what he was doing?

Mr. LaRUE. Aye, sir.

Mr. DASH. Did you make another payment to Mr. Bittman in December?

Mr. LaRUE. No, sir. not that I recall.

Mr. DASH. Now when did you first learn that there was a sum of about $3,700 in cash at the White House?

Mr. LaRUE. Mr. Dash, I cannot tell you specifically.

Mr. DASH. Well again, when I ask you the date, I am not asking for a specific date:

Mr. LaRUE. I understand. It would be in the summer or, say, the early fall of 1972.

Mr. DASH. Who told you about this fund?

Mr. LaRUE. Aye, Dash. my best recollection of how I got that knowledge would have been through information on a cash summary sheet which I had come into possession of that reflected a summary of the cash receipts and disbursements to the men.

Mr. DASH. Yes, but is it not true that the specific occasion on which this sum was called to your attention again came about through a discussion with Mr. Mitchell?

Mr. LaRUE. Aye, LaRUE. Yes, I think I asked Atr. Mitchell if indeed this money had been over at the White House that was in(licated on the sheet.

Mr. DASH. And did you seek and receive approval to use some of that money for these activities to pay legal fees?

Mr. LaRUE. Yes, I did.

Mr. DASH. Did you know that Haldeman had control over the money at the White House?

Mr. LaRUE E. No, I do not.

Mr. DASH. Did you know if Haldeman had?

Mr. LaRUE. No; sir, I did not know that.

Mr. DASH. Did there come a time when you received a sum of money from Mr. Strachan and Mr. Dean in December 1979?

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Mr. LaRUE. Yes, sir.

Mr. DASH. Do you know how much that sum was?

Mr. LaRUE. Approximately $980,000.

Mr. DASH. And did you know that this was the White House?

Mr. LaRUE. That was my understanding.

Mr. DASH. Now, in January 1973, did you receive an additional sum from Mr. Strachan in the amount of $980,000?

Mr. LaRUE. Yes, sir.

Mr. DASH. What prompted, to your knowledge, such a large transfer of money?

Mr. LaRUE. I cannot state specifically, Mr. Dash. I had had a conversation with Mr. Dean regarding the need, at this time, I think for $90,000 for one of the attorneys, Mr. Maroulis. I had passed this information on to Mr. Dean. Later, he called me back and told me that they were going to deliver the remaining balance they had over at the White House, which was approximately $980,000.

Mr. DASH. Would it be fair to say that as you were ongoing in this relationship of paying these fees, that this was going to be a continuing operation, certainly through the trial, and that this fund of money was necessary if you were going to be able to carry out these responsibilities?

Mr. LaRUE. That certainly would be my assumption; yes, sir.

Mr. DASH. And is it true that in January 1973, you did pay Mr. Maroulis, counsel for Mr. Liddy, $20,000?

Mr. LaRUE. That is correct.

Mr. DASH. Now, did you receive $14,000 from a Mr. Tim Babcock in January 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. What was that all about?

Mr. LaRUE. I received this money from Mr. Babcock at—I think in Mr. Stans' office. Mr. Stans was present. My understanding, Mr. Dash, was that Mr. Babcock had pledged this money during the campaign, had not gotten around to delivering it, and that he was, you know, fulfilling his pledge.

Mr. DASH. Did this have anything to do with the money or the cash fund you were developing for the legal defense fund?

Mr. LaRUE. No, sir.

Mr. DASH. Now, did you make two cash payments, one of $25,000 and one of $35,000, to Mr. Bittman, counsel to Mr. Hunt, in January 1973?

Mr. LaRUE. Yes, sir.

Mr. DASH. And did that occur in the same way you have already described?

Mr. LaRUE. No, sir; those payments were delivered to Mr. Bittman at his home.

Mr. DASH. At his home?

Mr. LaRUE. Yes, sir.

Mr. DASH. Who delivered them?

Mr. LaRUE. This was another messenger that delivered them.
part of the $350,000 at
Mr. STRACHAN. Well, at that time. I was asking Sir. Dean ho v to get the money back to the committee and it was just another problem that he would have to cope with.

Mr. DASH. SO YOU just turned it over to him ?

Mr. STRACHAN. That is correct.

Mr. DASH. NOW, did you play a role in seeing to it that this money did get back?

Mr. STRACHAN. Yes.

Mr. DASH. Could you tell us specifically what you did and to whom you gave the MONEY ?

Mr. STRACHAN. Well, Mr. Dean called me and asked me to call Mr. LaRue. I called Mr. LaRue and HE asked me if I could bring the amount which John Dean had specified to him at his apartment that evening on the way home from work. At. LaRue was the senior campaign official at the Committee To Re-Elect the President, and I decided that I WOULD drop it by at his apartment.

Mr. DASH. Ho v much was it that you received ?

Mr. STRACHAN. Well my recollection is that it WAS $40,000. I know John Dean has testified that it was either $40,000 or $70,000 and Mr. LaRue has said it was $50,000.

Mr. DASH. Did there come a time when you actually delivered the balance to Mr. LaRue?

Mr. STRACHAN. Yes, I did.

Mr. DASH. Who instructed you to do that ?

Mr. STRACHAN. I wasn't instructed to do that, really. Again, Mr. Dean called me and said, 'Well, it is time we get the balance back to the committee. Why don't you call Sir. LaRue?' I called Mr. LaRue; he said, 'Can you drop it by at my apartment?' I said "Yes."

John Dean said get a receipt for the entire amount.

So, I went to Mr. LaRue's apartment gave him the money, asked him for a receipt. He said, "You will have to talk to John Dean about getting a receipt, I will not give you one."

Mr. DASH. Is this the time when, in your statement, you indicated that Mr. LaRue put on gloves to take the money out of the bag?

Mr. STRACHAN. Yes, that was the occasion.

Mr. DASH. After he did that did you find it somewhat unusual to ask him for a receipt ? [Laughter.]

Mr. STRACHAN. I wasn't instructed to do that, really. Again, Mr. Dean called me and said, "Yes."

Mr. DASH. And you didn't get any ?

Mr. STRACHAN. No, I didn't.

Mr. DASH. When did you first learn about it ?

Mr. STRACHAN. In the press, because within a couple of weeks or a month before I delivered it to Mr. LaRue I had talked about the money

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also told them of the increasing demands being made for moneys I told them I was going to New York that afternoon because Mitchell had requested that I come visit him regarding the demands being made and told them I would also play the tape for him. My instructions from this meeting were to tell Mitchell to take care of all these problems.

When we came out of this private meeting Ehrlichman told Mr. Minnick, as he had been waiting to meet with him, that we had been talking, about reorganization matters. This position was taken because Minnick was at Camp David for that purpose and it would seem to be a very logical thing that I might be discussing with Haldeman and Ehrlichman. In fact, in our private meeting there was no discussion of the reorganization at all.

After a brief discussion about reorganization matters I departed Camp David and returned to Washington and then flew to New York with Air Stans. Stans had told me some days earlier that he was going to meet with Mr. Mitchell to discuss a number of matters about winding down the re-election committee and asked me to join him.

Senator ERVIN. There is a vote. I will stay here and proceed with the committee and ask them to hold the vote until I can get over and somebody can come back and take over so I can get over and vote.

Mr. DEAN-. Thank YOU.

Stans had arranged for the meeting with Mitchell to take place at the Metropolitan Club in New York City because Stans was anxious to return to Washington as soon as the meeting was over and did not want to go down to Wall Street and get tied up in traffic. After the first part of the meeting where Stans and Mitchell discussed their problems Stans departed and I played the tape for Mitchell. I recall that he had only one reaction to the tape and it was to the effect that it was certainly a self-serving tape for Colson and he wondered what the hell Hunt was talking about with regard to Mitchell's having perjured himself. I informed Mitchell that Ehrlichman and Haldeman had heard the tape and requested that he do what he could to solve the problem. I received no instruction or really any indication at all at that time from Mitchell regarding the matters that Hunt had raised in his conversation with Colson.

To the best of my recollection, it was the first week of December that Mitchell called me and said that we would have to use some of the $350,000 fund to take care of the demands that were being made by Hunt and the others for money. He indicated that the money that was taken out would be returned in order that the fund could be made whole again. He asked me to get Haldeman's approval.

Prior to Mitchell's call, I had been informed Colson's secretary what Mrs. Hunt had called her at home on a number of occasions to discuss this problem with her in order that she might pass it on to Colson and (ret something done about the problem. Colson had sent his secretary, Miss Joan Hall, to me With these messages indicating that he did not want to talk about it but that she should pass the message on to me. I told Miss Hall not to talk to Aftrs. Hunt and if necessary (ret an unlisted phone number.

After the phone call from Mitchell, I called Haldeman and described the situation in full to him and that I had told Mitchell that I was very reluctant to see White House money used but that he indicated that it would be returned as soon as they could raise some additional
money. I told Haldeman that I did not think this was a good idea to further involve the White House in (raisin) money for these men but I frankly had no answer. Haldeman said he did not like it either, but since we had the assurance that the money would be returned I should inform Strachan that he could make the delivery of the money to the committee. Following my conversation with Haldeman I called Strachan and told him he should speak with LaRue and make a delivery to LaRue pursuant to LaRue's instructions. I also informed Strachan that he should anticipate the fact that we would get this money back in the near future. I do not recall how much money was delivered by Strachan but I believe it was either $40,000 or

This delivery did not satisfy the demands and they continued to be relayed by Mr. Bittman to Mr. O'Brien, who, in turn, would relay them to Mr. Mitchell, Mr. LaRue, and myself, in turn would tell Haldeman and Ehrlichman of the demands. I can recall LaRue and O'Brien coming to my office to discuss those demands and told them that there could be no further use of the White House money and, in fact, to the contrary, Haldeman was expecting that that money which had been provided earlier was to be returned in full.

To the best of my recollection, it was some time shortly before the trial when the demands reached the crescendo point once again. O'Brien and LaRue came to my office and told me of the seriousness of the problem. Subsequently, Mitchell called me and told me that once again I should ask Haldeman to make available the necessary funds. I called Haldeman and told him of Mitchell's request and the situation and told him that I thought it was time to get the entire money out of the White House rather than continue as we were with, every few weeks, further bites being taken out of the apple. After we discussed the matter Haldeman said send the entire damn bundle to them but make sure that we get a receipt for $350,000. After receiving my instructions from Haldeman I called Strachan and told him that he was to deliver the remainder of the money to LaRue but that he was to make certain that he got a receipt for $350,000. Strachan later told me that LaRue had refused to give him a receipt.

With each of these deliveries I am only aware of the fact that money was delivered to LaRue by Strachan. I have no knowledge of how LaRue in turn delivered it to those who were making demands upon the committee, nor do I know how much, in fact, was paid.

HUNT'S STATUS AFTER THE DEATH OF HIS WIFE

After Mrs. Hunt was tragically killed on December 8, 1979, Paul O'Brien informed me that he had learned from William Bittman that Hunt was in very bad shape. He had become extremely depressed and grieving over the death of his wife.

I also recall that the funeral of Mrs. Hunt created a serious dilemma for Colson, who had known the Hunts personally and who was very fond of them both but was very concerned about in any way publicly identifying himself with Mr. Hunt. Accordingly, he came to ask me if he should attend Mrs. Hunt's funeral and I told him that I thought he ought to do whatever he felt in his heart—that certainly attending her funeral could not in any way be deemed to show he was in any way involved with Hunt in the Watergate.
On November 28, I got a call from John Dean, or it may have been a day or two before November 28 which led to an action on November 28, saying that the 8350,000 fund which had been turned over to Strachan in April had been depleted by $29,000; $22,000 had been used for some purpose. Since it was a fund for polling, I just assumed that it was for polling.

He said that he would like very much to have that fund restored to $350,000 so that if he ever had to account for it, it would be intact. And as a matter of fact, along about that time, we began discussions about whether or not the $350,000 might be given to the finance committee and taken into its receipts. But he indicated it was quite important that he have $22,000 to restore the fund.

So I gave him $22,000 out of the money that I had received through Tim Babcock, on November 28. He sent Gordon Strachan of the White House staff over to the office to pick it up.

Now, the other $17,000 that I had received from Tim Babcock I gave to Fred LaRue as a payment on account of the $30,000 that he had given me to give back to the Philippine national. So that $39,000 was expended and those transactions have all been reported to the General Accounting Office in our last report.

Mr. BARKER. Senator Montoya, for the record, I might indicate that in Mr. Dash's questioning on June 6 of Mr. Sloan at page 1254, he refers to the $81,000 figure, consisting of $18,000 and $63,000.

Senator MONTOYA. I received that information from the transcript of the interview which indicates the sum of $89,000, so there must have been a typographical error but on page 4 of the interview of which we have a record it indicates $89,000.

Now, let's go back to the cashier's check that Mr. Dahlberg got in Miami and brought to Washington and then went back to Miami and was cashed. Now was the cashier's check for $25,000, was that in the name of Mr. Dahlberg?

Mr. STANS. Yes, it was on a Miami bank payable to Kenneth Dahlberg.

Senator MONTOYA. Did he endorse it?
Mr. STANS. Yes, he did. He endorsed it just before he gave it to me.
Senator MONTOYA. Who cashed it?
Mr. STANS. Well, I don't know for a fact who cashed it except that I gave it to Mr. Sloan at the first opportunity. Mr. Sloan discussed it with our general counsel, Mr. Liddy, and according to Mr. Sloan, Mr. Liddy undertook to cash it.

Senator MONTOYA. That is all, Mr. Chairman.

Senator ERVIN. It is sort of a warm day and the witness has been on the stand for a long time. It is apparent we can't finish today so without objection on the part of some member of the committee we will stand in recess until 10 o'clock tomorrow morning. Thank you.

(Whereupon, at 4:30 p.m., the committee recessed, to reconvene at 10 a.m., Wednesday, June 13, 1973.)
GORDON STRACHAN MEMORANDUM, FEBRUARY 1972

SUBJECT

Finances

GORDON STRACHAN

Political MATTERS

1) Herb Kalmbach reviewed his current financial situation and related hard decisions with the Attorney General 2nd Secretary Stans on January 28. Kalmbach asked that you consider:

An'

a) Of the 1.2 fund Km1m> ~ ~ has ~ ~ balance of $78QEL us under ~ ~ onal control. From the original 1.2, ~ ~ went to Lee Nunn for the Kentucky Governorship Race- 50-7 went to Caulfield for Sandwedge; and so has been disbursed to Derge for polling over the last six months. Of the 900, 230 is "green" boxes, 570 is in a New York checking account and 120 is in a Newport checking account;

b) In light of the campaign spending legislation, Stans, Kalmbach, and Dean recommend that the 690 in >3 accounts be spread back into legal committees and kept under Finance Chairman Stans' control. The 230 green' would be put in a Riggs box with access by ~ ~ nations of two of the following people: Tom Evans, New York -- ~ France Raine, Jr. ~ ~ s to use generally, ~ ~ (in the finance area) ~ ~ and Kalmbach. If this recom- mendation is not accepted Kalmbach is willing to retain personal control of the 900 and run the very high risk of violating the criminal provisions of the campaign spending legislation. Stans is opposed to paying for any polls other than through a correct committee; the risk from using green is just too high. As

Recommendation: >ago

That the advice o Stans, Kalmbach, and Dean be followed in that the 690/ could be put in legal committees only the by X green Would be held under Kalmbach's Personal control and
that any polling would be paid for by regular Nixon Finance Committees.
c) Kalmbach is very concerned about his involvement in the milk situation. He believes that Jacobsen and Nelson will deliver though they see cut the original 2,000 commitment back to 1,000.

Kalmbach's concern centers around the recent Dress disclosures that link Gleason and the '70 campaign election funding. Kalmbach will accept the risk of being subpoenaed by the co in connection with the Nader milk suit. The Attorney general believes Kalmbach should continue to handle the milk project, but Kalmbach wants your advice.

Recommendation:

L973 Approve

That Kalmbach not be involved in the milk project because of the risk of disclosure.

d) Kalmbach cleared the Ed Nixon campaign post with the Attorney General. Ed Nixon will begin February 1st, at 25 per year plus expenses, living costs, and travel. Kalmbach estimates the total will be "thrilling" but is pleased that he will be off the Foundation payroll.

e) Governor Nelson Rockefeller is in Kalmbach's 100 club with a 250 commitment.

W2. An

2) Stans will officially move to the Nixon Finance Committee on February 16. In the meantime, he, Kalmbach, Hofgren, Nunn, and Sloan are conducting a 60 day blitz to get funds in before the campaign spending legislation becomes law.

When Stans arrives at 17.01 he will send a personal letter to the 5000+$3000+contributors. He will also authorize a much larger Walter Wentz -- Readers Digest direct mail appeal from various lists.

The current financial position of 1701 is 3,600 received, 1,300 disbursed, leaving a 1,600 balance of which only 50 is in green.

Stans is moving into operational responsibility, but there is still no budget set for the various parts of

Through Kalmbach, SS Stans is requesting Executive.
the 1701
GORD0a7 STRACA 7A17 MER70RANDUM

FEBRUARY

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Secretory mention of y+ yet thus privilege.

tzcormedation: ,~)<!J~v. >rev

3 That Stans r--iv--~,ExecuteiTze Mess privileges.

Approve ,! --- I Discus//rev. 
Comment,

Harry Dent

1) He believes that the President's "drop by" at the Bob Brown dinner was one of the most important, successful, politically astute moves made toward blacks in this Administration;

2) Hugh Chatham may seek and Tfin the North Carolina Senate seat in 1972; Pete Domenici may beat Dave Cargo for the nomination to seek the New Mexico Senate seat;

3) Thurston Morton may lead a drive to get Louie Nunn into the Kentucky Senate race if there is some financial assistance;

4) The first practical test of the Harry Dent theory of obtaining black votes has developed since your meeting elith Mr. Dent during the week of January 12 Don Johnson of the Veterans Administration reports that the Urban League claims that the President promised Whitney Young, in OvalOffice meetings, 9 million in ?nake-work projects. Dent says there is no written record of this promise. Dent says Len Garment will favor creating these jobs for the Urban League. Garment has not been contacted personally because he has been on a trip and unavailable. Dent is convinced that Don Johnson can reject this request without undue political flak. Dent strongly recommends that he do so, and that any available funds be channelled to Dent/Bob BroTzn recruited blacks who can deliver for the President on November 7, 1972 I am not sure whether you have discussed Dent's theory of Southern black voters with the Attorney General Dent has not contacted the Attorney General.

P--
eco.smende.tion
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a. <If you haze not discussed the Dent/Bro;7n theory With tee ~-
~~/~+ Attorney General, Dent should be advised to do so and. Thea

Ur - •eafjan >-equ-s

A.--. o.:

(4f55)
3) Rose 2' a-r-sr floods anal c'm., a-Grt--nor were inv-i'-ed -ru Fe-
Lr-f Dent's P--li.izal Issu-2s Group v--eti-g bu_ did not atF-->nl.
fit that ec__g all st8-o:-g_ly ur_~nt _y ye tell Fr~.;; Sh^.'<
espealre to mace sure no USI- p--eat.ge Sol', similar to the ore
that damaged STixon in 19'o0 ts co--!du-- wail 19,2 A tal'ci.lg
pager ;;as prepared for you, but there vsas only a "checkXr. mark"
on the coffer memorandum (original attached at Tab ...faith no
indication Whether you accepted or rejected the advice of the
Political issues group

Yes, Haldeman Will cover T.ith Shalespeare

No, the Attorney General will cover with Shakespeare

Neither Haldeman nor the Attorney General will cover it, drop the
suggestion

>> Other

According to Magruder, rumors are circulating in the Washington
Dress Corps that Shakespeare will be leaving USIA to join the
Campaign. Magruder checked with the Attorney General and he
confirmed that Shakespeare Will not join the Campaign.

Fred LaRu-

He has begun sitting in the Campaign Strategy meetings, s^Tor'.--cin with
Flemming, and generally making a contribution to the

C The Attorney General has asked LaRue to assume supervisory
control of the SYNC. In that connection, L-Rue has asked that

you send the memorandum attached at Tab B to the White House Staff.
It would enable LaRue to determine who is asking for what at the
SYNC. ~ ~

Cliff Miller

On January 27 Miller told the Attorney General that Yarrv Flemming
and the field operation needed Fred LaRue to add sta-tcure and
ability. The Attorney General agreed and plans on Fleering With Flemming
_and LaRue this Week.

The A'.tol-rev- General told Miller that he ~;ould set c.e c\of 'iris
o-ficial Cove to laud in a dis ussion x;ilh t,e President on January

fib

(446)
1) Jo'rln D-~~n summarized aIn.e]lege.-c2 Evaluation Co-<e report on * de--on-sara'ions o7an.ied for the .Detsublic-o. ~~Convention in Sat Dregs (Tab C);

o-9) Bill Timmons submitted three memoranda to the httlo-ne-ZP gGeneral on Son Diego and tie i372 Convention. The firs

indicates that o iginal estimates of income and costs must be revised substantially. As to income, toe City of San Diego is failing to honor its commitment to say for convention hall expenses. The SYNC is "reluctant" to accept the ITT-Sheraton money. Expenses projected by Dick Herman are not essential. Timmons is asking for authority from the Attorney General to direct Herman to cut expenses and force San Diego to deliver on its commitments. The second memorandum describes the success Timmons had, working with

the Attorney General, in persuading Senator Scott to accent

tty'3<\>~ the position of "floor leader". Finally, Timm.ons notes
\~Eb

that LIE-E has aninvestigative reporter working on what May be a rather negative article on San Diego, the RNC Convention, nd C. Arnholt Smith. (Timmons' three memoranda are attached at Tab D).

Jon

As you know, Jack Gleason's name has appeared in the recent "milk money" stories in the STAR. Gleason is "sick and fed up with this type of material appearing in the press". Gleason blames Bob O'Dell and Eleanor Williams at the RN'C. However, Gleason is also mad at Colson stemming from Colson's "summoning" him to his office and "accusing" Gleason of leaking derogatory information to the press about Colson Gleason is seeking advice whether he should have a quiet, off the record,-discussion-with reporters-Jules Whitcover and Polk to demonstrate that Gleason is a "nice" guy. It's hard to imagine a worse idea than having Gleason talk with reporters,

but told Gleason I would check.

PS Yes, Gleason see reporters

G<ANo, Gleason should continue to avoid reporters-

3-o-3 (447)

Other

Don Runsreld

K.Y - ~
molorandu--l on the Indira si il^,iorl al! 6:1-<n>1-Ad6 c:0K(1,4).

Jack Gleason
1) S$:--edlule Piat,~rs -- Updated lists o~ sur`o-g-te ca`'idates' -- a?gelrances in >,el tarpshire ar.d Florida are attached at $Tan Ew '

2) Olde<- Voters -- You asked -.hat the various AdmlPiistraWion Oeficials Were doing to cultivate the order voters. Ken Cole does not receive reports from Vicki Keller of the Domestic Council but does regularly review her wo~~}." Bud Evans, Colson's older voter's project manager is following an older voter plan developed in Colson's office. A final version of the resort will be submitted to you and the Attorney General Keller -- and Evans are working with Arthur Flemming and Danny Todd of the Committee to Re-Elect the President.

3) Maaruder as Spokesman -- Magruder was quite upset by your January 17 memorandum to the Attorney General indicating that Magruder should not be a spokesman for the Campaign. Magruder emphasizes that he and the Attorney General agree but that since May until February 7 there was no one else who could "get out the lines requested". There were only three series of interviews and most were quite positive. Magruder anticipates another series around the time of the Attorney General's move, but Shumway will handle the Committee's relations with the press at that time.

4) Polling -- The Attorney General directed Magruder to give Bob Teeter three weeks to deliver on his poll results scheduled or seek employment elsewhere. Magruder believes Teeter will now begin delivering the results and the projects you have requested. However, the Campaign polling system is currently working poorly. You are receiving chunks of survey data with no recommendations as to what should be held by you and the Attorney General and what should be distributed to Peter Dailey, Harry Flemming and other members of the Campaign Strategy Group. I would Welcome the assignment of reviewing these materials, recommending data for release, and processing requests to Teeter. One alternative, which Magruder is urging, is a meeting with you, the Attorney General, Teeter, and Magruder to resolve the polling problems of the quantity and quality or Teeter's work and the access to polling information.

Halde an meet With the Attorney Generel, Magruder, and Teeter

Strand's re-vi<x- polling materials

(448)
SUBJECT: Finances

1) Herb Kalmbach will serve as Associate Chairman of the Finance Committee under Secretary Stans. The Attorney

2) Kalmbach cleared with the Attorney General and Stans 350 in green under your unquestioned personal control. A separate box of green is being developed for the Campaign.

3) Kalmbach will receive an additional 100 from Dick Watson in Paris raising Watson's total from 200 to 300.

4) Kalmbach is working with the milk people to increase their total to 1,000 by April 7.

5) Kalmbach saw Don Nixon and informed him that he should catele all requests of the White House through Kalmbach. is is exactly the same treatment Jack Drown receives.

6) Kalmbach granted the full time gardner at San Clemente.

Bri Garcia, a $25 per month raise bringing his monthly Gary to $539.00.

7) Concerning the Star story on Kalmbach, discussions with John Dean, Fred Malek, Jack Gleason, Hugh Sloan; Jeb Magruder, and Herb Kalmbach developed these tentative conclusions:

a) The material is primarily the result of thorough investigative reporting by skilled newspapermen; b) The material was probably not directly leaked but rather the result of careless, loose talk disclosing the only new information, Kalmbach's name; c) Information from 1968 may have come from Dan Hofgren (Herb Kalmbach lectured him harshly); the 1970 information reviving come from Eleanor Williams (Jack Gleason and b Kalmbach say she is vindictive and cannot be influenced) and the 1972 information mall have come from Jon Huntsman, who was mentioning Kalfntaff; name to people when leaving the White House Staff. Kalmbach personally talked to him. These
teL'-atin.r-2 conclusions regarkt.y sources or irrlfor~. .ha e  
ro. 'rz'en Cell' Ted by HD1.--graiJhs.

-8) The bu>gnt co^mit.-e ~  
 o the President will be Stans and the Attorney General

9) Within the strictly finance area, Stans Mill be Chairman and Leonard Firestone, Gus Levy, flax Fisher, Jo'nn Rollins, an - s. Ogden Phipps fill serve as Co-Chairmen. In use the Vice Chairmen will be Dan Hofgren, Lee Nunn, and Newell '.eed.

Lo—

10) Stans' coal of 10,000 in by the Campaign Spending H:egislation effective date of April 7 is approximately one-third complete.

11) The Campaign has raised 5,000 but spent 2,000 in its first nine months. Expenses for January totalled 550 while — ected expenses for February are 900. The Attorney

Harry Dent ,sf} ~ i

1) Magruder bsieves h ~ e source o >February 14 Rwrm n c nnz

Unmade. The meeting could have been the Campaign Strategy Group meeting of February 7. Magruder has re-cast the Campaign Strategy Grout to exclude Dent.

2) JDent advised the Attorney General that if Governor Nunn Hodges not seek John Sherman Cooper's Senate seat, Robert Gable should be encouraged. Gable isawalthyS loyal Republican.

3) Afent advised the Vice President that he should speak to e California Republican Assembly on April 8. Governor ~ Reagan urged that the slice President appear,and the Vice be President accepted.

4) In the Ne, ideo Senate race Dave Cargo may cause pr ~ ms in the GOP primary even though our 1970 candidate CGr Governor nomnnini iq tho oniso one Echo could beat
for the Committee for the Re-Election for Governor, Democrats, is the only one who the Democrat, Jack Daniels.
5) Ad nationriic'l-- voter turnou- Ir;S2v nd-c-at--. _hat oni-.in th2 Sou_h -L>s the-l-e been a ri _in -. the 'e-> states, Ohio and Missouri, suffered a kecl ine a 7, <9, aid 8 lgD respectively bettee-n 1960 and 1976. T;ee rise in the South isattribuLed to the black vote white the decline in certain states is attributed to apathy.

6) Wallace Henley monitors George Wallace for Harry Dent through Tom Tizrnipseed, riallace's former Cam..?aign tanager. ird warty challenge by Wallace in November is not anticipated but could develop if Wallace receives enough money and publicity.

7) file Virginia Governor Arch Moore will seek reselection acc;-> na to Dent because he has a polls'awing him <ad of Jay Rockefeller. The President leads all Democratic contenders in West Virginia by at least 13% when Wallace is in the race.

8) David Treen lost the Louisiana Gubernatorial race to Congressman Ed Edwards because of the solidarity of the Democratic Party and the heavy black vote. Dent believes this relatively narrow defeat augurs well for the President even if Wallace is in the race.

9) In North Carolina, Charlie Jonas, Jr. has turned out to be a weak Nixon Chairman who will not dissociate the Jim Holshouser effort to become Governor. Dent has assured the Attorney General that he will continue to try to separate the Nixon and Holshouser operations and to prevent any other campaigns from tying into the President's campaign.

Don Rumsfeld

He,tor forwarded an anonymous political assessment of Hawaii which indicates that "the likelihood of the President carrying Hawaii seems very slender". There are no races state wide in Hawaii in 1972.

Tom Evans

1) The primary responsibilities of the SNC in the 1972 Campaign will be voter registration, voter turnout, and ballot security. The registration drive (Target '72) bgs < in Florida and Texas in January and will continue through the spring. Ed DeBolt at the RNC is the man < responsible to register 1 1/2 million Republicans by May 15 and 8 million by October 1"72.
not 30Sv

' Tor L;~ FF.11~.1L~L7-H~~~='--a census John often
nor his r'OV,>T-anife call last weed. . Evans does no. feel
le controls Lofton. Cn l< Colson is exerting rose control
offer 1,0 corl and MofldasAg with only>~ Cocca Anal complaints
from Evlds. .be ~Z~>>L_m

Nellie lECviaJhG-F-r a~ ~

During the campaign he 1.~ we travel at AT&T's
exp;nf'e. However, he has terminated his formal ties
_:>o loans pr?Sidentws nffinQ to protect ?rv>nct.

v-- suggestion ..impropriety.

Siorrudef's Projects

1) Advertising -- The newspaper ads that Peter Dailey prepared and you
reviewed on February 14 will run in New Hampshire. You did not view the TV
spots which are not scheduled to run in New Hampshire. The decision as to
the extent of the media campaign in Florida will be made when the Florida
follow-up telephone poll arrives.

2) New Hampshire/Florida -- The extensive direct mail ($75>n00 in New
Hampshire and$100,000 in Florida) and telephone ($25,000 in New
Hampshire) campaigns are cont as planned.

3) Wisconsin -- A campaign plan prepared by the Davis Agency for Nixon
State Chairman John MacIver has been submitted to Magruder for review
before submission to the Attorney General. .~ .

4) Farm -- Clayton Yeutter, the farm director at 1701,
visited John Foltz, visited Secretary Butz, farm Senators and Congressmen, and
worked with USDA on the rural development issue.

5) Elderly -- Fred Malek has been asked to "untangle" the butte House/1701
confusion. His report is due marcn l. Arthur Flemming is now scheduled by the
1701 speakers bureau Danny Todd and Peter Dailey are re-working HENCE films for
the elderly.

6) spokesmen Resources -- Schedules for New Hampshire, Florida Kd .[l~~ are submitted
weekly.
7) **Campaign Strategy Group** -- At the February 7 meeting the group approved the title for the campaign newspaper *(The Re-Elector)*. Bob Teeter informed the group that the "gr-esident was in good shags in 17 of 19 target states, and sNTaS running ahead of his 1968 margin. Im.ortant issues are Vietnam, inflation, and order/calmness (in the President's favor), environment, race, health care (even), unemployment, crime/drugs (negative)."

8) **Campaign Briefing** -- Fred Malek an if Jesus and Claud Magruder are considering a briefing for the White House Stiff on the President's activities at the Committee for the Delection of the President.

**Media Monitoring** -- Van Shunway is estabishing state by state systems to review press coverage and to counteract Negative comments. The Illinois program with weekly reports will serve as the model. The Attorney General does not receive the proposal, but Shumnzay is proceeding with Magruder's concurrence.

9) **RNC Convention** -- alla ilagacter nave asked the red Attorney Gen^-al-to e'stab-ish a permanent office in San Diego with Hick Cudlip Us Executive Director. No decision has been r-ons is meeting bi-weekly with Senator Dole, Representative John Rhodes, Dick Herman, John Dean and Bryce Harlow on plans for the Convention

10) **Sew York** -- The Attorney General is using Bob Marik enerally considered the best men at 1701) as the staff man for regular contact with Governor Rockefeller's staff.

11) **Magruder is seeking authority for approval of Campaign media by Cliff Miller instead of you for the White House. Repeated explanations to Magruder that you only T..ant ssethe material on an FYI basis have not convinced him that this is unnecessary. Magruder frequently finesses Miller (e.g. the infamous RNC film) in spite of the fact that tiller is the final rnic3i2 review for the Attorney General Ever let your interest in the media materials vou should continue to receive them on . xI, nor approval, basis

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~ln7 ~
The recent dispute centers on the "line" as to whether Muskie should be personally attacked on his rer Stan>. In your "consciously aiding" statement rIaarurler and rillier though they had an agreement on behalf of the At o-ne>- Generel that Colson Was not to contin.ue pro-gra-..ming hits at Muskie. Co'son continued the attack on 'uskie through Cabinet and Hill spokesmen Magruder plans on seeking authority from the Attorneys General to be the only contact With the spokesmen to the express exclusion of Colson.

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(454)
34. On December 31, 1972 Howard Hunt wrote to Charles Colson, requesting that Colson meet with Hunt's attorney, William Bittman. Hunt said, "There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th." (Hunt's wife had been killed in a plane crash on that date.) On January 2, 1973 Colson wrote to Dean forwarding a copy of Hunt's letter. The transmittal slip from Colson stated, "Now what the hell do I do?" On January 3, 1973 John Ehrlichman, Colson and Dean met to discuss Hunt's letter. Ehrlichman and Dean have testified that the three discussed the subject of executive clemency. Colson has stated he met privately with Dean and discussed the need to give personal reassurance to Hunt. Later that day and on the following day, Colson met with Bittman. According to Colson, Bittman told him that if Hunt went to jail, Hunt did not want to stay in jail beyond the end of the year, and Colson replied that he could not make any representation, but that as long as he was around he would do everything he could to help Hunt.

34.1 Letter from E. Howard Hunt to Charles Colson,
December 31, 1972 and memorandum from Charles Colson to John Dean, January 2, 1973, SSC

Page

Exhibit No. 34-28, 3 SSC 1233-34 457

34.2 John Ehrlichman log, January 3, 1973 (received from SSC) 459

34.3 John Dean testimony, 3 SSC 973-74 460

34.4 John Ehrlichman testimony, 6 SSC 2607-09 462
Charles Colson draft statement prepared for delivery to SSC, 1, 23-27 (received from SSC) 465

34.6 Memorandum to file from Charles W. Colson, March 23, 1973, 2:15 p.m. (received from SSC) 471

34.7 Memorandum to file from Charles W. Colson, January 5, 1973 (received from SSC) 472

(456)
TO: John Dean

FROM: Charles Colson

Now what the hell do I do?
December 31, 1972

The children and myself were touched by your letters, and we deeply appreciate your sympathy. I am unable to reconcile myself to Dorothy's death, much less accept it.

For years I was aware that I depended upon Dorothy, but only now do I realize how profound that dependence was.

Her death, of course, changes my personal equation entirely, and I believe that my paramount duty now and in the future is to my children, particularly — to my 9-year-old son who was unusually dependent upon his mother, particularly since last June's tumult began.

I had understood you to say that you would be willing to see my attorney, Bill Bittman, at any time. After my wife's death I asked him to see you, but his efforts were unavailing. And — though I believe I understand the delicacy of your overt position, I nevertheless feel myself even more isolated than before. My wife's death, — the immunet trial, my present mental depression, and my inability to get any relief from my present situation, all contribute to a sense of abandonment by friends on whom I had in good faith relied. I can't tell you how important it is, under the circumstances, for Bill Bittman to have the opportunity to meet with you, and I trust that you will do me that favor.

There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th. I do believe in God — not necessarily a just God but in the governance of a Divine Being. His Will, however, is often enacted through human hands, and human adversaries are arraigned against me.

Sincerely, and in friendship,

[Signature]
Xa 9 .7nnzN EHRLICHMAh' LOG.

JANUARY 3. 1973

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\W THURD\AY, JANUARY ' , 1973

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TUESDAY, JANUARY 2, 1973
Yuba, Mary, Idaho

Dean, Colson
President
Mr. DEAN. As I was commenting before the break on page 135 in dealing with the subject of Executive clemency for Mr. Hunt and others, I was out of my office from roughly December 99 until the morning of January 3. The latter part of this time I was in California with other members of the White House staff and their families on a short vacation. I received a call on the morning of January 2 while awaiting takeoff from California in the President’s new Air Force One. The call was from Paul O’Brien, who told me that there were some serious problems and I should speak with him as soon as I returned to Washington. He told me that Mr. Hunt was off the reservation I was traveling with Haldeman and told him about the call.

When I arrived in Washington that evening, I called O’Brien and he told me that Hunt was quite upset and wished to plead guilty but before he did so he wanted some assurances from the White House that he would receive Executive clemency. O’Brien told me that Hunt would only take the assurances from Colson and that Bittman had been trying to reach Colson. I told O’Brien that I doubted if Colson would be willing to give any such assurance because he was staying at more than arm’s length from Hunt. I told O’Brien that I would have to talk with him about it in the morning.

~~~ On the morning of January 3, I received another call from Mr. O’Brien saying that the matter had to be resolved immediately because he had talked to Bittman, and they had been trying to get hold of Colson without any success. Colson called to tell me that Bittman was trying to reach him and asked me if I had seen the letter that Hunt had sent him. I have submitted a copy of the letter to the committee. (The letter was marked exhibit No. 34-28.*]

Mr. DEAN-. I told Colson that I had not seen the letter, I had just returned to my office, and while we were talking I found in my mail a memorandum from Colson with a letter attached from Hunt in which he was desperately pleading to have Colson meet with his attorney. Mr. Bittman. I told Colson that I was a ware of the fact that Bittman wanted to discuss the matter of Executive clemency for Hunt and that Hunt would only take assurances from him—Colson. As I recalls Colson said that he did not want to meet with Mr. Bittman but he would do whatever I suggested. I told him I would get back in touch with him.

I next met with Ehrlichman and told him about the situation and he thought that Colson should meet with Bittman. I do not believe Colson was present when I first discussed this with Ehrlichman. I informed Colson that Ehrlichman thought he should meet with Bittman.

In trying to reconstruct as best as I recall what occurred there was a meeting in Ehrlichman’s office on January 3, after Mr. Colson had had a conversation with Bittman about hunt’s potential for Executive clemency. I recall that when Colson came to the meeting with Ehrlichman he was extremely shaken, which v was unlike Colson. He was not specific in his arguments to Ehrlichman but he said that he. felt it was imperative that Hunt be given some assurances of Executive clemency.

The meeting in Ehrlichman’s office did not last lon(r and Ehrlichman said that he would have to sp)ek with the President. Ehrlichman told Colson that he should not talk with the President about this. On
January 4. I learned from Ehrlichman that he had given Colson an affirmative regarding clemency for Hunt and that Colson had talked with Bittman again about the matter. There was another meeting on January 0, in which Colson explained exactly what he had told Bittman regarding clemency. He said that he had told Bittman that he could not promise a specific commitment but he gave him a general assurance. He also said that he told him that clemency generally came up around Christmas and that a year was a long time. It was as this meeting was ending (that I said to Ehrlichman that this will obviously affect all of the others involved, as the word will spread, and can I assume that the same commitment extends to all? He said that no one could be given a specific commitment but obviously, if Hunt was going to get an assurance for clemency, the others could understand that it applied to all.

After the meeting in Ehrlichman’s office, Colson told me that all though Colson had told him that he (Colson) should not discuss this matter with the President, that he, in fact, thought it was so important that he had taken it up with the President himself. I also learned shortly thereafter, as a result of a telephone call from O’Brien, that Bittman had informed O’Brien that Hunt was satisfied with Colson’s assurance.

As I shall state later, the President himself raised this subject on two occasions with me, and told me that he had discussed the matter of Executive clemency for Hunt with both Ehrlichman and Colson. The President raised this with me on March 13, 1973, and April 1a, 1973.

CAULFIELD’S DEALINGS WITH MCCORD—JANUARY 1973

While I was in California during the late December/early January, as I referred to a moment ago, 1973, I received a call from Mr. Fielding who told me that Jack Caulfield had received a letter from McCord. Fielding was not explicit regarding the contents of the letter, and said that he had taken down the letter and that I could read it when I returned in the next day or so to the office. I have submitted a copy of the letter transcribed by Fielding to the committee.

(The letter was marked exhibit No. 34-29.)*

Mr. DEAN-. Within 2 or 3 days of my return to the office—that is between January 3 and a, Mr. Caulfield came to my office with the original letter. I do not know what I did with the original, but I believe I gave it to Paul O’Brien. I know that O’Brien and I discussed the matter, because he told me that McCord was not cooperating with his lawyer—Mr. Alch. O’Brien also told me that Bittman had planned a CIA defense to the case, but McCord, who initially had been willing to withdraw later refused.

O’Brien subsequently talked with Mitchell about the matter, because Mitchell called me and informed me that he had discussed the matter with O’Brien, and Mitchell asked me to request that Jack Caulfield talk with McCord to find out what he was going to do. I told Mitchell that I would ask Caulfield to speak with McCord. When I later tried to reach Caulfield he had gone to California for a drug conference. I later informed Mitchell that Caulfield was out of town.

(461)
I thought it was only fair to Mr. Petersen to put that affidavit which gives his version of how he came to have knowledge of the alleged break-in of Ellsberg’s psychiatrist and that of course, was not until this year.

Mr. EHRLICHMAN. Senator, I certainly have brought you only hearsay on this.

Senator GURNEY. I understand.

Mr. EHRLICHMAN. I did it not for the purpose of the truth of the statement but I did it in response to a question about what I thought at the time about who knew about this.

Now, what the affidavit doesn’t say, that you all might be able to determine, is whether or not Mr. Dean was correct in what he told me about what those pictures showed because he told me that one of the pictures was a picture of G. Gordon Liddy standing in front of Dr. Fielding’s name plate and that the other pictures were pictures of ransacked premises.

Now, if, in fact, the affidavit is correct, and their got these things in the Justice Department back in October of 1972, which would have been sometime ago with G. Gordon Liddy standing in the foreground, that might cast more dignity upon Mr. Dean’s statement to me than just taking the bare affidavit. But again I hesitate to say in fairness to Mr. Petersen that I don’t vouch for the truth of what Mr. Dean told me about this. I just have to tell you what he thought at the time.

Senator GURNEY. Well, I realize that, and my introduction of the affidavit was in no way to impeach your testimony, but only to show that Mr. Petersen has an entirely different viewpoint of this, which I think is important from his point of view as well as the Justice Department.

Senator GURNEY. It also raises an interesting point, too, about how Mr. Dean could have found out a year ago if the Justice Department itself didn’t receive the information until October of last year. That certainly is a conflict of testimony.

Senator ERVIN. I think maybe I had better put in the record that this affidavit which we have offered without objection on the part of any member of the committee is received as an exhibit and the reporter will mark it appropriately as such.

(The document referred to was marked exhibit No. 93*.)

Senator GURNEY. One of the important pieces of testimony in this hearing, Mr. Ehrlichman, involves the whole matter of Executive clemency, whether the President actually authorized anybody to offer Executive clemency to any of the defendants. And I am sure you know this has come up till our testimony. I would like to examine that area for a moment.

(462)
First of all, did you have—your logs show that you had meetings with John Dean on January 3, 1973, January 4, and January 5.

Would you tell the committee what the subject of those meetings was, beginning with the 3d?

Mr. EHRLICHMAN: On January 3, I met twice with Mr. Dean, once alone at noon and once at 7 p.m. with Mr. Colson. The meeting with Mr. Colson related to a letter which Mr. Dean had told me about at our earlier brief meeting, and this was a letter which I believe Mr. Colson had received from Mr. Hunt. I believe I am correct about that. It was a very melancholy and a very passionate kind of letter. I think the letter is in the record, as a matter of fact. And it talks about his being abandoned by his friend and so on. It was on the heels of Mr. Hunt having lost his wife.

Mr. Colson was genuinely concerned and shaken by this. He had had long friendships with the Hunts, both Mr. and Mrs., and he had proposed to Mr. Dean that he get together with Hunt or with Hunt's attorney, at least, to register his continuing friendship and his compassion for Hunt's loss of his wife and so on, and so that Hunt would not feel that he had been abandoned by his friend. This is the thing that we discussed with Mr. Colson that evening at 7 o'clock.

I took it as almost a given in the meeting that there would be some contact between Mr. Hunt or his attorney and Mr. Colson. And it was simply a question of what the proper conduct would be under the circumstances, it being, obviously, delicate to have a White House contact of one of the defendants right at this particular point in time. So it was discussed and it was discussed in terms not of a personal meeting between them, which is what Mr. Hunt, apparently wanted in the letter, but Mr. Colson talking with William Bittman, who was then Hunt's attorney, and conveying this message of support, personal support through that avenue.

Mr. Dean raised the cautionary warning that if anybody from the White House sat down with Mr. Bittman in a situation like this, that there was an inevitable opportunity for misunderstanding, as to the purpose of the meeting, as to assurances that might or might not be given, and so forth.

Clemency was obviously at the forefront of everybody's mind in this meeting as one of the things which was a potential danger, and I advised both people at the meeting, Mr. Dean and Mr. Colson, of a previous conversation that I had had with the President on that subject, and indicated to them that—

Senator GURNEY: That was back in July, was it?

Mr. EHRLICHMAN: Yes, sir. I indicated to them the substance of that conversation, which was that the President wanted no one in the White House to get into this whole area of clemency with anybody involved in this case, and surely not make any assurances to anyone.

Mr. Colson said that he was sure that he could avoid that pitfall and have the conversation. He was advised by Mr. Dean to either take notes or make such mental notes of the conversation that he could reconstruct the conversation if the question ever came up again. And that is what Mr. Colson did. We had a subsequent meeting where

Senator GURNEY: Before we go to the subsequent meeting could you be a little more explicit in your testimony as to how the discussion arose about Executive clemency? Who brought it "1" and who said what on this subject at the January 3 meeting?
going over the potential problems that could come from Mr. Colson having any contact, either with Atty. Hunt or his attorney. It had been his firm practice not to have any contact with Sk. Hunt because of the imputation because frankly, everybody knew they were close, that they had been close friends. There had been a lot of suspicion that somehow, Mr. Colson might be implicated in the Watergate because he was a close friend of Mr. Hunt’s, and Mr. Colson was leaning over backward to do everything he could to avoid giving any credence or credibility to that suspicion.

So when we got into the decision that he would have contact with Bittman rather than Hunt, I think it was John Dean who said, “You are going to be asked whether you are willing to get Hunt out at some time in the future.”

Senator GURNEY. How did Dean know that he was going to be asked that?

Mr. EHRlichMAN. Well, it was conjecture, but I mean it was in the realm of what kind of problems are you liable to confront and you had better be ready for this, and look out, and what is your response going to be? I think both Dean and I had some mental reservations about the desirability of this, but Mr. Colson had a very strong friendship urge, so to speak—I mean, here was this really moving letter and he was saying, “I just can’t leave this fellow without hearing from me.”

Senator GURNEY. Nova, how do we go about this?

Mr. EHRlichMAN. Well, it was conjecture, but I mean it was in the realm of what kind of problems are you liable to confront and you had better be ready for this, and look out, and what is your response going to be? I think both Dean and I had some mental reservations about the desirability of this, but Mr. Colson had a very strong friendship urge, so to speak—I mean, here was this really moving letter and he was saying, “I just can’t leave this fellow without hearing from me.”

Senator GURNEY. All right, now, you have a meeting on January 4, the next day. Did that involve this subject at all?

Mr. EHRlichMAN. No, that included Attorney General Kleindienst.

Senator GURNEY. And it had nothing to do with the Hunt problem?

Mr. EHRlichMAN. I do not believe so. I do not think it was ever mentioned.

Senator GURNEY. I see you had a meeting, too, on that day January 4, with the President. Did you discuss Watergate in any fashion on that meeting?

Mr. EHRlichMAN. I do not recall, Senator. That would have been my first meeting with the President after I came back from about a week; absolution. My guess is that the—well, let us see. About an hour of that, I think was J’V myself—no, let us see, that was with the President, Mr. Haldeman, and then Dr. Kissinger came in for about 45 minutes of that meeting I believe that was a catchup session on just the problems that had accumulated during my long absence, but I just do not have any recollection of specific topics.

Senator GURNEY. Do you have notes of that meeting at all?

Mr. EHRlichMAN. Well I do, but they are not in my custody and
I have to be like an elephant and suck up the contents and then come somewhere and try to regurgitate them. It is a laborious process, because we, as I think I know, are not in a position to make any notes or copies. So I do not have e

Senator GURNEY-. Have you checked that meeting recently, the notes of that meeting?

Mr. EHRlichMAN-. No, sir; I have not. All I have is the President's log which I shows who was in the meeting.

Senator GURNEY-. Let us turn to January 16, now, a meeting with Dean and Colson.

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Openings—[LC Statement of Charles T.] Colson JCN

Before Select Committee on
'Presidential
Campaign Activities'

United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first at empt to the best of my recollection to recount my knowledge of' the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere, which existed in the White House during the Nixon years. I have reviewed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why, and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was 5:00 A.M., June 17, '379. I thought it was no more than an

05/11 burglar 0112 more addition o the D. C. crime

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publicity for the White House. I have regretted my decision ever since; it was a cowardly act.

I also received a letter dated December 11, from Kevan Hunt asking my help in getting his mother's body buried at the Rosebud Indian Reservation. Dorothy Hunt was one-eighth Sioux Indian. Once again, I referred this letter to John Dean under a cover memo of December 13, 1972. Both Kevan Hunt's letter and my memo to Mr. Dean have been furnished to the Committee staff.

The other matter I recall in the month of December was when Mr. Dean asked me whether I had called General Cushman in 1971 when Hunt first came into the White House. I told him I had not. It was not until the publicity recent months that I learned that the Department of Justice had asked Mr. Dean who had made the original call.

On December 31, Hunt acknowledged my two handwritten no-es in a sad and moving letter a copy of which was delivered to your staff in early January. I merely sent the letter to Mr. Dean on January 2 with a cover note, which Mr. Dean has already

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24.

read into the record. The note says, "Now what the hell do

On January 3, I believe while I was in the White House Staff Mess
having lunch, Mr. Dean called to say that he had to see me urgently. I saw him, I
think in his office. He asked me to see Howard Hunt. I recall being annoyed by
his request. For one thing, I was tired and overworked, having spent most of
New Year's weekend at the White House on matters related to the resumed
Vietnam peace negotiations and the President's announcements. Also, I was
preparing to leave the staff in a matter of weeks and did not at that point want to
become involved in any Watergate matters.

Dean told me that Hunt was in very bad shape, on the
verge of cracking up and that I simply owed it to him to see him and reassure
him of my continued friendship. I must also say that I was personally moved
by Hunt's letter.

I told Mr. Dean I would have to think about it. At
the same time Per. Bittman as placing calls to m) office, leaving, i messages that he
wanted to see me. As I recall, I called

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Dean an hour or two later. I told him I would not see Mr. Ent, as I would, as Mr. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ had asked in his letter see Mr. Bittman. I said I could not do it that day, that I was too busy, but I would in the next day or so. Mr. Dean responded, "All the lawyers are meeting across the street," which I assumed meant the Committee for the Reelection offices at 1701 Pennsylvania Avenue. He said it was urgent that I see Bittman immediately. I told Mr. Dean I did not want to be involved in what was going on "across the street."

Mr. Dean went on to explain the urgency, saying that Mr. Bittman intended motion to suppress the Government's evidence from Hunt's safe; that I would be called as a Government witness to testify that Hunt's employment had, in fact, been terminated in March of 1972 and that, therefore, he had been using the safe without authorization. Mr. Dean said I should at least explain these facts to Mr. Bittman. In view of my continuing objections, Mr. Dean suggested we discuss the matter with John Ehrlichman. We went to Mr. Ehrlichman's

Mr. Dean explained to Mr. Ehrlichman that he had asked me to see Mr. Bittman, but that I was reluctant to have any contact with Mr. Hunt or his lawyer. Or. Ehrlichman said he
saw no reason for me not to see Bittman but, obviously if Bittman should make any appeals or' behalf or' his client, I should be careful to make no commitments or representations.

I did see Mr. Bittman late that afternoon. Throughout the discussion) Mr. Bittman never asked for executive clemency for Hunt and I never offered it. In fact, executive clemency was never mentioned, The bulk of the discussion concerned Hunt ' s physical and mental conditi on - - his concern for his children -- his physical and mental inability to endure either a long trial or a long prison term -- and the motion to suppress as to which T discussed in scene detail the circumstances surrounding Mr. Hunt's termination, the fact that he had abandoned his safe and that the Government had properly seized the evidence contained in it . Mr. Bittman' s maj or concern, as he expressed it to me, was his inability to negotiate with the prosecutors a plea to a reduced number or counts; further that he had been unsuccessful in getting Hunt' s trial delayed in the light of Hunt’ s personal tragedy. I thereafter reported to Mr. Dean and Mr. Ehrlichman the substance of m y conversation with Mr. Bittman and expressed my personal sympathy for Hunt 's plight.

MrBittman asked to see me again on the 4th. He came

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to my office late in the afternoon. He informed me that he had dropped the motion to suppress and thought I would like to know that he believed he was now making headway in negotiating a reduction of the number of counts in consideration for Hunt's pleading guilty. He restated his concern over Hunt's ability to stand trial or to endure a long prison term.*

Following the second meeting with Mr. Bittman, I prepared a memorandum containing the substance of our two conversations, a copy of which was delivered to Mr. Dean. I might note that, while Mr. Dean seemed to have almost total recall for

minute detail in his 248 pace opus, he overlooked this memorandum in his testimony. The memorandum makes clear that I told Mr. Bittman under no circumstances could I do anything more for his client than assure him that I was his friend and, as such, that I would try to help him anytime. I specifically told Mr. Bittman I could make no representations as to what I might or might not be able to do if in fact Mr Hunt was sentenced and imprisoned. A copy of this memorandum was delivered to your staff on May 3

Mr. Dean's testimony--relative to this issue--that is,
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said tiwat I told ilim essentially that I cnsifered myseli LlO-SBard Flurtfs frier 4, tllat I xvould do, .Lythin-t anyti--e that I possia)y could tor Hoy--n rd.

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CHARLES COLOSO MEMORASDUM

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WASHINGTON

had not known that Howard was still on the payroll. Inasmuch as impression that he had gone to the Committee in March or and had to be formally removed when he asked me in March if there that he could revise the survivors benefit election which he had should pro-decrease liez. I explained to Biltman that I had asked Hunt for a memo, he gave it to me, that I gave in turn to Dick Howard for handling and that Dick at that time took Howard off the payroll.

I explained if there was a movement to suppress their, of course, I would have to testify as a Government witness against Howard, that I hoped he would understand that, that I would simply have to tell the truth, that
On Janu2 y 4, Bittman as7ied to see me 2gain. He told rne that he had
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(474)
35. Between January 3 and January 5, 1973 John Caulfield, a friend of James McCord and former assistant to John Dean, delivered to Dean a handwritten copy of a letter Caulfield had received from McCord. McCord's letter stated, "If Helms goes and the Watergate operation is laid at CIA's feet, where it does not belong, every tree in the forest will fall. . . . Just pass the message that if they want it to blow, they are on exactly the right course."

Page

35.1 Letter from James McCord to John Caulfield, December 28, 1972, SSC Exhibit No. 34-29, 3 SSC 1235.............

35.2 John Dean testimony, 3 SSC 974 477

35.3 James McCord testimony, 1 SSC 134, 196-97 478

35.4 John Caulfield testimony, 1 SSC 254 481

35.5 White House staff list (received from White...
JAMES McCORD LETTER, DECEMBER 28, 1972, SSC EXHIBIT NO. 34-29, SSC 1235

EXHIBIT NO. 34-29

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(476)
January A, I learned from Ehrlichman that he had given Colson an affirmative rewarding clemenev for HuAlt and that Colson had tallied with Bittman aDain about the matter. Tllere seas another meeting 011 this subject on January a, in Ehrlichmall's od'ice, in avilich Colson explained exactly what lie had told Bittman regarding clemenev. He said that he had told Bittman that he could not rive a specific commitment but he gave him a general assurance. HC also said thaFt he told him that clemency generally came up around Christmas and that a year Ivas a long time. It Ivas as this meeting svvs endinffl that I said to Ehrlichman that this avid obviously afi'eet all of the others involved as the word nvill spread, and can I assume that the same commitment extends to all q He said that no one could be given a specific commitment but obviously, if Hunt Ivas going to get an assurance for clemenev the others could understand that it applied to all.

After the meeting in Ehrlichman's office, Colson told me that although Ehrlichman had told him that he (Colson) should not discuss this matter with the President, that he, in fact, thought it svvas so important that he had taken it up with the President himself. I also learned shortly thereafter, as a result of a telephone call from O'Brien, that Bittman had informed O'Brien that Hunt svvas satisfied lvith Colson's assurances.

As I shall state later, the President himself raised this subject on two occasions with me, and told me that he had discussed the matter of Executive clemency for Hunt with both Ehrlichman and Colson. The President raised this with me on March 13, 1973, and April 19, 1973.

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CAULFIELD'S DEALINGS WrrH ACCOR~~JANUARY '1973

—While I xvas in California during the late December/early January, as I referred to a moment ago, 1973, I received a call from Mr. Fielding who told me that Jack Caulfield had received a letter from McCord. Fielding svvas not explicit regarding the contents of the letter, and said that he had taken dolvn the letter and that I could read it when I returned in the next day or so to the office. I have submitted a copv of the letter transcribed by Fielding to the committee.

(The letter was marked exhibit No. 3W_9.*)

Mr. DE.X5-. Alrithin 2 or 3 davs of mv return to the office—that is between vanuary 3 and .), Mr. Caulfielld came to mV office with the original letter. I do not lnolv what I did 5 with the original, but I believe I gave it to Paul O'Brien. I know that. O'Brien and I discussed the matter, because he told me that McCord eras not cooperating with his lawver—Sr. Alch. O'Brien also told me that Bittman had planned a CI & defense to the case, but McCord. who initially had been willing to go along, later refused.

O'Brien subsequently tallied lvith Mitellell about the matter, because Mitchell called me and informed me that he had discussed the matter with O'Brien—~ and Mitchell asked me to request that Jack Caulfield talk with McCord to find out what he was Going to do. I told Mitchell I lvonld ask Caulfield to speak lvith AtcCord. A5Then I later tried to reach Canlfield he had zone to California for a drug conference. I later informed Mitchell tllat, Caulfield Ivas out of tolvn.

*See p. 1235.

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filets tilnlselves. Xnr1 it is relev-ant to this commnittell's inquire as it 
elates to flour conslu-.t at one point or the other.

The request I made a felv moments ago lvas that •vllile some of vour 
testiulon,> Ovid be hearsay in the Strict sense, sirnplv identify those 
parts, that information which You give us in this statement, which ^-ou 
receive(l sex ondhand.

Air. NI CCORD. Alost respectfully, sir, I shall try to do so. What I am 
reading nosv is firsthand.

Senator BARER. Thank you.

Sir. SICCORD. The sentence that I beasn: Hound 4:.30 p.m. that 
afternoon, January 8, while waiting for a taxi after the court session, 
Bernard Barker asked my attorneys and me if he could ride in the cab 
with us to Bittman's office, which we agreed to. There he got out of 
the cab and went up toward Bittman's office. I had been under the 
impresion during the cab ride that Bittman was going to talk to both 
Barker and me jointly, and became angered at what seemed to me to 
be the arrogance and audacity of another man's lawyer calling in two 
other lawyer's clients and pitching them for the White House. filch 
saw mY anger and took me aside for about a half hour after the cab 
arrived in front of Bittman's office, and let Barker go up alone. A bout 5 
p.m. we went up to Bittman's office. There Alch disappeared with 
Bittman, and I sat alone in Bittman's office for a period of time, 
became irritated, and went next door where Bernard Shankman and 
Austin Whittler, attorneys for me and Hunt respectively, were talking 
about legitimate leDal matters. I mivht add at this point parentheti-
cally no knowledge whatever that either Bernard Shankman or Austin 
Brittlet had any knowledge of whatever of the events which I am 
discussing in thus memorandum.

Alch finally came back, took me aside and said that Bittman told 
him I would be called that same night by a friend I had known from 
the White House

• Senator B. KEER. --OV, at that point, I take it that that is second 
hand information?

Senator ERVIN. That is testimony of what he says that his lavver 
told him Fir. Bittman said. Of course, as far as Bittman is concerned 
and the White House is concerned, it is hearsay, but it is his ones 
knoxvledge.

Senator BAKER. I entirely agrees Fir. Chairman. The point I am 
making is I •vant to separate the ^^heat from the chaff and what his 
lawyer told him clearly is primarv evidence. \That his lawn er told him 
that someone else told him is clearly hearsay after that. But once 
again, I am not trying to exclude it. I xvish simply to identify it as eve 
go along

NiR. 31CCORD. I believe I stated it, sir, as it occurred, which svas 
that this xvas a statement by Air. Alch.

Svly statement was that: Nfr. filch finalk- came bflCk, took me aside, 
and said that Air. Bittman hatl told him that I would be called that 
same night by a friend I had knolvn from the White House.
I assume this would be John C:ulfield who had originally recruited me for the Committee for the Reselection of the President position.

About 17:00 p.m. that same evening, I received a call from an unidentified caller that Caulfield svas out of torso, and asked me to C# to a pay phone booth near the Blue Fountain IIm on

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was one of the things which led to Attn% Germany's downfall. When linked with what I saw happening to the FBI under Pat Grav—political control bar the White House—it appeared then that the two Government agencies which should be able to prepare their reports, and to conduct their business, with complete integrity and honesty in the national interest, were no longer going to be able to do so. That the Nation was in serious trouble has since been confirmed in my opinion by what happened in the case of Gray's leadership of the FBI.

E. Howard Hunt has additional information relevant to the above.

Hunt stated to me on more than one occasion in the latter part of 1972, that he, Hunt, had information in his possession which "would be sufficient to impeach the President." In addition, Mrs. E. Howard Hunt, on or about November 30, 1972, in a personal conversation with me, stated that E. Howard Hunt's attorney, Wm. O. Bittman, had read to Kenneth Parkinson, the attorney for the Committee To Re-Elect the President, in which letter, Hunt purportedly threatened "to blow the White House out of the water." Mrs. Hunt at this point in her conversation with me, also repeated the statement which she, too, had made before, which was that E. Howard Hunt had information which could impeach the President.

I regret that this memorandum has taken this length to set forth. In view of the nature of the information which I had to furnish, however, it appeared that there was no other way to adequately set this material forth, and to do so in the proper context, without deleting material highly relevant to the events being reported. I shall be glad to appear and answer questions under oath on the material which appears in this memorandum. It has my signature.

I have a further addition relevant to that in the statement which I could read at this time.

The topic of it is the December 1972 letter to John Caulfield. This letter is relevant to the May 4, 1973, memo submitted to Senate Watergate committee and the Federal grand jury, on the subject of pressure to place the blame on CIA for the Watergate operation.

A letter was written to John Caulfield during the week of December 25, 1972; reference to this letter appeared in the press the last weekend. And geared—speaking of my own feelings and at the time the letter was written—and geared because of what appeared to me to be a ruthless attempt by the White House to pelt the blame for the Watergate operation on CIA where it did not belong, I sought to hear it by sending a letter to Caulfield. This letter was couched in strong language because it seemed to me at the time that this was the only language that the White House understood. The letter read in substance as follows, to the best of my memory:

"Dear Jack: I am sorry to have to write you this letter. If Helms goes and the Watergate operation is laid at CIA's feet where it does not belong, every tree in the forest will fall. It will be a scorched desert. The whole matter is at the precipice right now. Pass the message that if they want it to blow, they are on exactly the light course.

I am sorry that you will get hurt in the fallout."

The letter was unsigned and did not contain any message re
questing any contact with Caulfield, nor any request for the WNlle
House to get me oS in the case I, in fact, sought no such contact at
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any time. If I had wanted to talk with Caulfield, it would not have been necessary to go through areas complicated arrangements and a trip to William Bittman’s office. It occurred on January 5, 1972. I need only have made a phone call to Caulfield’s office or home. At no time did I ever initiate any such call to Caulfield.

Now, the above letter to Caulfield brings to mind another set of communications of mine on December 6, 1972. On December 4, 1972, Judge Sirica had stated in open court that the jury in January 1973, would want to know who had hired the men for the Watergate operation and why.

On December 6, 1972, the Washington Star carried an article which appeared to me to be an administration-planted story answering Judge Sirica’s query stating that McCord recruited the four Cubans and that they believed that they were working for the President on an extremely sensitive mission. This was untrue.

This appeared to me to be laying the groundwork for a false claim at the trial that I was the “ringleader” of the Watergate plot. This would draw attention away from Hunt and Liddy, and I believe possibly away from the White House, since both of them had formerly worked at the White House and I had not.

That same evening December 6, 1972, I sent telegrams to William O. Bittman, attorney for Hunt, and Bernard Barker’s residence in Miami, Fla., stating that the story was untrue as they both knew, and I asked for comments by return mail from Barker. I also wrote Hunt a letter on the matter stating that as he also knew, the story was untrue and he could either correct it or I would do so. Copies of the telegrams can probably be obtained from the Western Union Co.

With the letter to Caulfield in late December 1972, I was trying to head off an effort to falsely lay the Watergate operation off or CIA. In the telegrams and letter to Hunt and the others in December 1972 that I have just referred to, I was trying to head off an effort to falsely lay the recruitment of the Cubans off on the writer which you, in turn, shift the focus of the trial off of those formerly connected with the White House, namely, Liddy and Hunt than from those who in effect had actually recruited them, namely Air. Stunt.

I have some other memorandums in the statements that I have here to read, and I can answer your questions at this point or proceed to the reading of the statement, as you would prefer.

Senator BALLENG. If it is agreeable with the chairman, Mr. WICCORD, I would prefer that you go ahead and read the material that you have.

Air. WICCORD. Newspapers over the weekend have also referred to some calls to some local embassies. I will try to explain those in the statement that I will read at this time.

In July 1975, Mrs. Hunt had told me that Paul O’Brien, attorney for CRP, had told her husband that when the Watergate case broke in June, the Committee for the Re-Election of the President told O’Brien that the Watergate operation was a CIA operation. I believe I referred to this in the earlier statement. She said that Howard Hunt had exploded at this and told O’Brien that this was not true; that it was not a CIA operation. A few days later Airs. Hunt told me that the CRP lawyers were now reporting that the administration was going to allege at the trial that Liddy had stolen $16,000 and had bribed Hunt.
to a designated public telephone booth near his house. Where I would call him. I called him at that public telephone and simply asked him if there was anything I could do for him or his family at this time of personal difficulty. No one had asked me to make this call and I was motivated entirely by my own personal concern for his condition and that of his family.

To deviate a bit here I noticed a comment indicated here his conversation with me on that occasion concerning a story relative to a double agent Altred Baldwin. I do recall him mentioning that, I did not when I made this statement, that is in fact correct.

- I did not see or hear from Mr. BicCord again until I received an anonymous letter at my home in December of 1972. It was typed, a note approximately two paragraphs in length and, to the best of my knowledge said:

Dear Jack—I am sorry to have to tell you this but the White House is bent on having the CIA take the blame for the Watergate. If they continue to pursue this course, every tree in the forest will fall and it will be a scorched earth. Jack, even you will be hurt in the fallout.

I examined the letter and found that it was postmarked in Rockville, Md., and thereby believed that the letter was from James McCord because he lived in Rockville. I called Mr. Dean's office and spoke with Mr. Fielding an assistant to Mr. Dean, and read the letter over the telephone to him. Thereafter I extent to Mr. Dean's office and gave him the letter.

In early January of 1973, I was attending a drug conference in San Clemente, Calif. when I received a telephone call in my hotel room from Mr. John Dean. He asked that I go outside the hotel and call him back from a public telephone, which I did. He told me that he had a very important message which he wanted me to deliver to James McCord, that Mr. McCord was expecting to hear from me and McCord would understand what the message referred to. He said the message consisted of three things:

1. "A year is a long time,"
2. "your wife and family will be taken care of;"
3. "you still be rehabilitated with employment. When this is all over."

I immediately realized that I was being asked to do a very dangerous thing and I said to Mr. Dean that I did not think it was wise to send me on such a mission since Mr. AlbCord knew, as many others did, that I had worked closely With Mr. Dean and Mr. Ehrlichman at the White House and therefore it might be quickly guessed that any messages I was conveying were probably from one of the two. The reason I raised this question with him was because, very frankly, I did not wish to convey the message. Mr. Dean asked if I could think of any other way to do it and I suggested that perhaps I could get Mr. Ulasevic to convey the message over the telephone anonymously, stating that the message had come from me.

Mr. Dean felt this would be all right so I hung up the telephone and called Mr. Ulasevic in New York. He did not wish to convey the message at first but I convinced him to do it merely as a matter of friendship to me. Mr. Ulasevic called Mr. McCord's home, and presumably, delivered the same message which Mr. Dean had given to me. He then called me back in California, and reported that he had delivered the message and that Mr. McCord's attitude had been one of
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<tr>
<td>Fred Fielding</td>
<td>Assistant to the Counsel</td>
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**Commissioned: Deputy Counsel to the President**

- Cohn J. Caulfield
- J. Dapary Muir
- David G. Wilson
- Roy E. Kinsey
- Jane M. Dannenhauer

**Other Service:**

- Marie D. Moulds

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**Other Service:**

- Marie D. Moulds

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**Other Service:**

- (Mr. Garmen)

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**Other Service:**

- (Mrs. Garment)
On January 11, 1973 Hunt pleaded guilty to all counts of the indictment against him in *United States* v. *Liddy*. The remaining defendants, except for Gordon Liddy and James McCord, pleaded guilty...
TISE COURT: I will put that question to you as framed by counsel: Do you accept those as substantially the facts as you know then to be?

DEFENDANT HUNT: Substantially, yes, Your Honor.

THE COURT: You agree with the Government's opening statement insofar as your knowledge of this conspiracy?

DEFENDANT HUNT: Yes, Your Honor.

THE COURT: And your participation in it?

DEFENDANT HUNT: Yes, your Honor.

THE COURT: Does that answer the question?

I'S. SILVERS: Yes, Your Honor, it does.

THE COURT: All right, take his plea.

THE DEPUTY CLERK: Sir. Hunt, in Criminal Case No. 1827-72, do you now wish to withdraw the plea of not guilty which was entered previously and now enter a plea of guilty to Counts One, Two, Three, Four, Five and Eight of the indictment?

DEFENDANT HUNT: I do.

THE COURT: This case will be referred to the Probation Officer for presentence investigation and resort.

Do you want to make a statement before I say anything about the commitment?

SIR. BITTERN: Your Honor, of course I would respectfully request for all the reasons I outlined yesterday and other reasons I am prepared to bring to your Honor's attention,
meeter to the Court of the Defendants.

I—lea?

MP-. SILMx'toR=: Is Yo~ur Honos wing to So ~ ly ~ e Che

THE COURT: COUPS T w s e s .

SE Duty Pu: i3ernard L. Fa,r',ver t Eugenio R.

rkrtinezt Frank x. Sturgis, and virgilio a. sonzalez, is it your desire to withdraw your rDies of r.ot cit} you enterM previously and now enter a plea of guilty to Co-snts O.ne tErouqS Seven of tae indictfut?

:52. B=x~:EPC: Yes.

7R. NE~i24: Yes, sir.

PI];:; STURGIS: Yes.

-1R. GONZ~LES: Yes.

THE COURT: A11 riGht tw1e DefensS&ntS lfi11 be CO-tted.

Court is adjourned.

25R. ROT. A~.x=]: YOUR .[oncr, so fzat we clarfy to] recor~:, Your ~onor propounded cerea:Ln c:uestions to tte Defe~n~~^~ an^~ with. respect to their con:en~nces with r~ e, t~ e, Co~e, ar.et ttr, ..7c-t.n.]~rer. 05 course, I Isoulei li~e the recortl to be clear

as I in~~catel to Yo-ur !'snor at t>e 9~r.ch, tile plea t!.a~ _IELS been evntcred has r.cIt beel..~ue wit;nTly consent aad concurr~ce.

',Tt COU"st': I un.erstanf. youl did no. consen, t, t`.zo -s

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oliS ~ t't-O-l~iL~~~ o s: So i L >].n ' t 1~een c:lang _d si:il~ - - _at.

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37. On January 12, 14 and 25, 1973 offers of executive clemency were made to McCord by Caulfield at the direction of Dean.

37.1 John Caulfield testimony, 1 SSC 256-58........ 488

37.2 James McCord testimony, 1 SSC 137-41.......... 492

37.3 John Dean testimony, 3 SSC 975-76............. 497
I did try to impress upon Mr. McCord that I was simply a messenger and was not too pleased to be doing that. I did say that the people who had asked me to convey the message had always been honorable toward me and that I thought it was a sincere offer.

He asked me who I was speaking with at the White House and I said I could not reveal any names but that they were from the "highest level of the White House."

He continually said that all he was interested in was his freedom and that he was not pleased that others who he felt had been involved were not suffering the consequences that he was. In the context of demanding his immediate freedom, he said that he knew of a way in which his freedom could be obtained and asked me if I could convey his plan to the people at the White House whom I was talking.

His plan, simply, was as follows: On two occasions, one in September 1972 and the other in October 1972, Mr. McCord told me that he had called telephone numbers at foreign embassies in Washington and he stated he was sure these embassies were subjects of national security wiretaps. On both occasions he had stated that he was an Irish involved in the Watergate scandal and, without giving his name, had inquired as to the possibility of acquiring visas and other traveling papers necessary to travel to these foreign countries.

It was Mr. McCord's theory that if the Government searched its wiretap records, it would find records of these two calls. Meanwhile, Mr. McCord and his attorneys would make a motion in court, aimed at dismissing the case against Mr. McCord because of the use of wiretap evidence by the prosecution. Mr. McCord's idea was that when the U.S. attorney was told that at least two of Mr. McCord's conversations had been intercepted over a national security wiretap, he would be forced to dismiss the case rather than reveal that the two embassies in question were the subject of national security wiretaps.

Mr. McCord was quite adamant in saying that he was sure the Government could secure his immediate release if they wanted to help him and, other than the publicity incumbent on the Government for being forced to dismiss the case against him, such an approach would save the administration any real embarrassment. He gave me a note with the dates of the two conversations that he referred to and told me that he knew this kind of thing had been done before, most recently in the Ellsberg case and that he saw no reason why the Government could not at least accomplish this for him. I told Mr. McCord that I would get back to him on the wiretap situation and would probably be calling him in a day or two to set this up. I agreed to carry this message concerning wiretaps back to the White House and the meeting ended.

—At no time in our first meeting do I recall saying anything about the President but I specifically renewed the offer of Executive clemency as indicated above and referred to it as coming from "the highest levels of the White House." At some point in the conversation Mr. McCord said to me, "Jack, I didn't ask to see you." This puzzled me since my clear understanding from Mr. Dean was that McCord had specifically asked to see me.

In any event, I called Mr. Dean on Friday night, January 12, and reported that Mr. McCord did not seem interested in accepting the offer made in Mr. Dean's original message to him, that Mr. McCord
avanteal his immediate freedom and that he, Mr. McCord, felt that he had a way to obtain that freedom. I then mentioned over the telephone, McCord's idea for securing his freedom because of the use of national security wiretaps and said that I wished to discuss this matter directly with Dean.

The following day I saw Mr. Dean in his office in the White House and explained to him Mr. McCord's suggestion for obtaining his freedom, as Mr. McCord had described it to me. Mr. Dean said, "Well, I'll check on that." He then turned the conversation back to the offer of Executive clemency. To the best of my knowledge he said, "Jack, I want you to go back to him—McCord—and tell him that we are checking on these wiretaps but this time impress upon him as fully as you can that this offer of Executive clemency is a sincere offer which comes from the very highest levels of the White House."

I said, "I have not used anybody's name with him, do you want me to?"

He said, "No, I don't want you to do that but tell him that this message comes from the very highest levels."

I said, "Do you want me to tell him it comes from the President?"

He said words to the effect, "No, don't do that; say that it comes from way up at the top."

I told Mr. Dean I would get back to Mr. McCord and that indeed, I had told Mr. McCord that I would.

At the meeting with Mr. Dean he also impressed upon me that this was a very grave situation which might someday threaten the President, that it had the potential of becoming a national scandal and that many people in the White House were quite concerned over it.

Mr. Dean said that none of the other then-defendants in the Watergate burglary "were any problem," and that Mr. McCord "was not cooperating with his attorney."

I have been asked at the U.S. attorney's office and by Senate investigators, and have tried as best I can to recall what impressions I had at this particular point in time. As best as these impressions can be stated, I believed that I was going back to see Mr. McCord to again extend an offer of Executive clemency and that by my doing so I was doing a great service for the President of the United States in a very sensitive matter. At no time, either before or after this meeting faith Fir. Dean did I ever speak to any other White House officials about this offer of Executive clemency. I specifically never spoke to the President of the United States and have no knowledge of my own as to whether he personally had endorsed this offer or indeed whether anyone had ever discussed it with him. Since I had worked extensively for Mr. Dean and Mr. Ehrlichman and had formed an impression that Mr. Dean rarely made decisions on matters of consequence Without speaking to Mr. Ehrlichman, I guess I was that shell Mr. Dean referred to "high White House officials" he at least meant Mr. Ehrlichman. I know that he was in conversation with someone about my contacts with Mr. McCord since, when I was in his office on January 13, he received a telephone call and I heard him say, "I'm receiving a report on that right now" to the party on the other end.

At any rate, I then called Mr. McCord and arranged a meeting faith him, attain at the second overlook of the George Washington Park, early in the afternoon on Sunday, January 14. On this
both got out of our cars and walked a dozen p a th from the overlook
to the Potomac Ris-er.

This meeting lasted only 10 to 15 minutes. I did most of the
talking. I told Mr. McCord that the White House was checking into
the wiretapping situation and that I had been asked to impress upon
him once again that the offer of Executive clemency was a sincere
and believable offer coming from the Bela- highest levels of the White
House. I explained to him that among the reasons why I believed
that such a commitment would be kept were the White House
officials with whom I was in contact were extremely concerned about
the Watergate burglary developing into a major scandal affecting> the
President and therefore such a promise would not be given lightly. I
told him that the White House officials with whom I was talking were
complaining because they felt that Mr. McCord was the only one of
the Watergate burglary defendants who was refusing to cooperate. At
no time on this occasion or on any other occasion do I recall telling
Mr. McCord to keep silent if called before the grand jury or any
congressional committees.

Senator ERVIN. Mr. Caulfield, we have another vote. I think maybe
you had better pause until we get back.

[Recess.]

Senator ERVIN. The committee will resume.

Mr. DASH. Mr. Caulfield, you were in the midst of your statement.
I suggest you go back a sentence or two so we will have continuity.

Mr. CAULFIELD. Yes, sir.

Mr. DASH. Actually, perhaps you should go back a little further.

Mr. CAULFIELD. I will pick up a couple of sentences, Mr. Dash.

I told him that the White House officials with whom I was talking
were complaining because they felt that Mr. McCord was the only one
of the Watergate burglary defendants who was refusing to cooperate.
At no time on this occasion or on any other occasion do I recall
telling Mr. McCord to keep silent if called before the grand jury or
any congressional committees.

His response to my conversation was that he still wanted his
immediate freedom and he felt stronger that if the White House had
any interest in helping him secure that freedom that they could do
something about the two telephone calls which he was sure had been
intercepted. I told him I would check on this matter again and get
back to him.

I was not attempting to exert pressure on Mr. McCord by telling
him of comments I was hearing from the White House; merely, I was
attempting to let him know the kinds of things I was hearing from Mr.
Dean concerning the White House’s attitude toward him if that would
be of any assistance to him.

Later on Sunday I telephoned Mr. Dean to report on my meeting with
Mr. McCord. I told him that in my opinion Mr. McCord has absolutely
no interest in the offer of Executive clemency. I told Mr. Dean
that Mr. McCord was still adamant in his belief that the White
House had the power to have the charges against him dismissed if it
would merely pursue the wiretaps which he had mentioned. Mr. Dean
said that I should tell him that there wasn't much likelihood that
anything would be done about the wiretap situation and, in response
to my comments about McCord’s refusal to consider Executive clem
ency he said something like, "Well, what the hell does he know, anyway?"

Dean told me to go back to Stir. McCord again and "commiserate" with him but he did not ask me to renew the offer of Executive clemency. I guessed that the reason why he wanted me to see Mr. McCord again was simply to maintain a friendly relationship with him in case there was a need for any further conversation with him through me. I probably would have met again with Mr. McCord anyway, since I felt badly about his predicament and I considered him a good friend.

In any event, on Monday, January 15, I called McCord to report that nothing seemed to be happening in regard to the wiretap situation. He became quite antsy over the telephone and reaffirmed his belief that if the White House really wanted to help him they could do so by using the method he had suggested and that he knew that Mr. Magruder (who was then going to be a Government witness) was going to perjure himself. I also mentioned getting together with him but he said he had no interest in seeing me unless I had something more to talk to him about. He was quite upset so I did not pursue the matter further.

On Tuesday, January 16, I again called him in an attempt to meet with him and he again was highly irritated about the White House's failure to do something about the wiretap situation and again mentioned Mr. Magruder. I said I would inquire further about the wiretaps and I might have something for him "in a week or so."

Subsequently I called him and arranged to meet with him again, the exact date of this meeting being unsure in my mind. We again met at the overlook on the George Washington Parkway, he got into my car and we drove out the parkway, pursuing a course in the general direction of Warrenton, Va. I have no specific recollection as to how long we drove but I would say that it was an hour or two.

I would characterize this conversation as a very friendly one in which a large portion of the time was spent discussing our respective families, how my job at the Treasury Department was going, and various other purely personal matters. I gave him my private telephone number at the Treasury Department and told him that if he or his wife ever wanted me to do anything for them, they should feel free to call me. I told McCord that if he or his wife should decide to call me, to simply use the name "Watson" and I would know who it was. Frankly, this was merely a device to save me from any possible embarrassment.

I do not have a specific recollection as to how it arose, but I believe he asked me if he was still the only one of the Watergate defendants that the White House was concerned about. I said that I thought he was, but that I had no knowledge of what relationship existed between the White House and the other Watergate defendants. He said that the Cuban defendants were quite nervous and in his opinion, might make a statement at any time and that I "could pass that along for whatever it was worth."

I told him there was absolutely no hope, in my opinion, of the White House ever doing anything about the wiretap situation and asked him when he thought he might make a statement. He said that he had not decided that yet, but that he had spoken to his wife and family and that he felt free to make a statement whenever he thought the time was right.
not}lilla that would infliciate such, and I simpv wanted to go on the
record faith .Nfr. Caulfield to that effect.

SellatOr GURNEY. pape do xvant to get back to the statement but, in
part, what you are saving is that Air. Caulfield's friend Watson bv
anwe is the man -hose voice you heart?

Afr. MCCORD. ?To, sir, that, most respectfully—that is not what I
said, sir.

Senator GURXSY. GO on.

Afr. NICCORD. I believe Sk. Caulfield used the name Watson. It
was

Senator GURNEY. I see.

Afr. SICCORD. Yes, sir.

Senator GURNEY. All right. Go on. How many times did you
hear this unidentified voice?

Afr. MCCORD. To the best of my recollection I heard the voice
prior to the January call two or three times. I cannot be absotettelv
sure but at least twice before Jt nuary.

Senator GURNEY. Were these in connection with contacts with
Caulfield?

Afr. AICCORD. Always.

Senator GURNEY. Yes. I just wanted to make sure.

Afr. NICCORD. Yes, sir.

Sentntor GURNEY. Thank vou.

Afr. DASH. Will You proceed with the statement from where tou
left off, Mr. McCord, and I guess the prior sentence so we can have
continuity.

Afr. ANICCORD. I believe mv last sentence that I read was: The
same message was once again repeated, obviously read.

I believe that appears in the statement vou have on page 3.

The next sentence was that: I told the caller I would not discuss
such matters over the phone. He said that Caulfield was out of toxYn.

On Wednesday evening, January 10, the same party, to the best of
my recollection, called and told me by phone that Jack would want
to talk with me by phone on Thursday night, the following night,

January 11, when he got back into town and requested that I go to
the same phone booth on Route 355 near the Blue Fountain Inn. He
also conveyed instructions regarding a personal meeting with Atlr.
Caulfield on Friday night, January 12.

On Thursday evening, January 11, the same party called me at
home and told me that Caulfield's plane was late and that he—
Speaking of Caulfield—wanted to meet with me personally the same
evening that is Thursday evening, after arrival. I told him that I would
not do so but would meet with him Fridav night if he desired. Later
that evening Thursday evening, about 9:30 p.m., Caulfield called me
on my home phone and insisted on talking with me but my family
refused to let him do so, since I was asleep.

On Friday night, January 12, from about 7 p.m. to 7:30 p.m. I met
with Caulfield at the second overlook, that is overlooking the Potomac
at the parking area for looking at the Potomac area on George
Washington Parkwav in Virginia.

Mr. DAswr. Mr. McCord, how did you know to go there? How v was
it arranged?
Mr. WICCORD. I believe it was stated in the Thursday evening call at which this unidentified party said Caulfield would want to meet with me personally and on Friday night said go to the second overlook on George Washington Parkway and he specified the time and that is what I followed through. I met with Caulfield at the second overlook on George Washington Parkway, that is the second one leaving Washington and going out to Virginia and talked with him in his car, in his automobile. Caulfield advised that he had been attending a law enforcement meeting in San Clemente, Calif., and had just returned. I advised him that I had no objection to meeting with him to tell him my frame of mind but that I had no intention of talking Executive clemency or pleading guilty; that I had come to the meeting at his request and not of my own, and was glad to tell him my views.

He said that the offer of Executive clemency which he was passing along and of support while in prison and rehabilitation and help toward a job later "was a sincere offer." He explained that he had been asked to convey this message to me and he was only doing what he was told to do. He repeated this last statement several times during the course of the meeting we had then, and I might add during subsequent meetings which he and I had.

My response was that I would not even discuss Executive clemency or pleading guilty and remaining silent, but I was glad to talk with him, so that there was no misunderstanding on anyone's part about it.

I might explain that the trial was going on during this period, this was the first week of the trial which began on January 8.

Caulfield stated that he was carrying the message of Executive clemency to me "from the very highest levels of the White House." He said that the President of the United States was in Key Biscayne, Fla., that weekend, referring to the weekend following January 8, the following meeting that we were in then, and that the President had been told of the results of the meeting.

Senator ERVIN. NOW the same rule previously announced that this evidence is competent to show what, if anything, John Caulfield did to induce Mr. McCord to plead guilty and keep silent—it is not any evidence at the present state of the hearing that collects or that makes any indication whatever and has any relevancy as to the President.

Mr. MCCORD. Yes, sir.

Senator ERVIN. Yes.

Mr. MCCORD. He further stated that "I may have a message to you at our next meeting from the President himself."

I advised Caulfield that I had seen the list of witnesses for the trial and had seen Jeb Magruder's name, appearing as a Government witness. I advised him that it was clear then that Magruder was going to perjure himself and that we were not going to get a fair trial. Further I told him that it was clear that some of those involved in the Watergate case were going to trial, and others were going to be covered for—I was referring to John Mitchell, John Clean, and Magruder—and I so named those individuals incidentally in the conversation, and I said that this was not my idea of American justice. I further—

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Senator EBVIN The same ruling applies so far as John Mitchell, John Dean, and Magruder are concerned, that is that it does not connect them legally speaking.

Sir. MCCORD. Yes, sir.

I further advised Caulfield that I believed that the Government had lied in denying electronic interception of my phone calls from my residence since June 17, 1972, and that I believed that the administration had also tapped the phones of the other defendants during that time. I mentioned two specific calls of mine which I had made during September and early October 1972, which I was certain had been intercepted by the Government, and that the Government had blithely denied any such tapping. These were my words to him.

I compared this denial to the denial that the Government had made in the Ellsberg case, in which for months the Government had denied any such impermissible interception of the calls and yet in the summer of 1972 had finally been forced to admit them when the judge ordered, by court order, a search of about a dozen Government agencies, and calls intercepted were then disclosed.

I might state separate from the record at this point, that as I have previously stated, I had no knowledge whatever of any activity, monitorially or what have you, of Mr. Ellsberg's calls as have previously come out—as have earlier come out in the newspapers in the past few days. It is purely coincidence that I happen to mention the Ellsberg case at that time, I had been following the case in the papers and I knew the history of the case.

To go on with the statement: I stated that if we were going to get a fiction of a fair trial, through perjured testimony to begin with, and then for the Government to lie about illegal telephone interceptions, that the trial ought to be kicked out and we start all over again, this time with all of those involved as defendants, sit least in this way, some would not be more equal than others before the bar of justice and we would get a fair trial.

The Executive clemency offer was made two or three times during this meeting, as I recall, and I repeated each time that I would not even discuss it, nor discuss pleading guilty, which I had been asked to do in the first telephone call received on the night of January 8, from Caulfield's friend, whose identity I do not know. I told him, referring to Mr. Caulfield, that I was going to renew the motion on disclosure of Government wiretapping of our telephones.

Caulfield ended the conversation by stating that he would call me the next day about a meeting that same afternoon, Saturday, January 13, and that if I did not hear from him, he would want to talk with me by telephone on the evening of Monday, January 15, 1973.

I did not hear from Caulfield on Saturday but on Sunday afternoon I called and asked to meet me that afternoon about an hour later at the same location on George Washington Parkway. He stated that there was no objection to renewing the motion on discovery of Government wiretapping, and that if that failed, that I would receive Executive clemency after 10 to 11 months. I told him I had not asked anyone's permission to file the motion.

He went on to say that, the President's ability to govern is at stake. Another Teapot Dome scandal is possible, and the Government
may fall. Everybody else is on track but you. You are not following
the game plan. 'Get closer to your attorney. You seem to be pulling
your own course of action. Do not talk if called before the grand jury,
keep silent, and do the sample if called before a Congressional
committee.

I might add that two congressional committees had, prior to January
S—prior to that date—been conducting investigations into this case. I
believe it was the Patluan committee and Senator Kennedy's

Wly response was that I felt a massive injustice was being done, that
I was different from the others, that I was going to fight the fixed
case, and had no intention of either pleading guilty taking Executive
clemency or agreeing to remain silent. He repeated the statement that
the Government would have difficulty in continuing to be able to
stand. I responded that they do have a problem, but that I had a
problem with the massive injustice of the whole trial being a sham,
and that I would fight it even if 

I should make a correction in the sentence I just read in saying the
whole trial being a sham, because I did not at that point in time make
any reference at any time to Judge Sirica to the contrary of his being
anything but an honest and dedicated judge, and I do not want the
sentence to be misread.

He—talking about Caulfield—asked for a commitment that I would
remain silent and I responded that I would make none. I gave him a
memorandum on the dates of the two calls of mine in September
1972 and October 1972 that I was sure had been intercepted, and said
that I believed the Government had lied about them. He said that he
would check and see if in fact the Government had done so.

On Monday night, January 10, 1973, Caulfield called me again at
the phone booth on Route 35a near my residence. I informed him
that I had no desire to talk further, that if the White House had any
intention of playing the game straight and giving us the semblance of
a fair trial they would check into the perjury charge of mine against
Magruder, and into the existence of the two intercepted calls
previously referred to, and hung up

On Tuesday morning, the next morning, about 7:30 a.m., Caulfield
called my residence but I had already left for court.

On Tuesday evening, Caulfield called and asked me again to meet
him and I responded not until they had something to talk about on
the perjured testimony and the intercepted calls. He said words to the
effect "Give us a week," and a meeting was subsequently arranged on
January 25, 1973, when he said he would have something to talk
about.

About 10 a.m., on Thursday, January 2a, 1973, in a meeting lasting
until about 12:30 a.m., correction—12:30 p.m.—we drove in his car
toward Warrenton, Va., and returned—that is, we drove there and
returned—and a conversation ensued which repeated the offers of
Executive clemency and financial support while in prison, and
rehabilitation later. I refused to discuss it. He stated that I was "fouling
up the game plan." I made a few comments about the "game plan." He
said that "they" had found no record of the interception of the two
calls I referred to, and said that perhaps it could wait until the appeals.
He asked what my plans were regarding talking publicly, and I said
that I planned to do so when I was ready; that I had

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discussed it with my wife and she said that I should do what I felt I must and not to worry about the family. I advised Jack that my
children were now Crown and could understand what I had to do.
When the disclosures came out, he responded by saying that: "Tell them
that if the administration gets its back to the wall, it will have to take
steps to defend itself." I took that as a personal threat and I told
him in response that I had had a good life, that my will was made out,
and that I had thought through the risks and would take them when I
was ready. He said that if I had to go off to jail that the administration
would help with the bail premiums. I advised him that it was not a bail
premium, but $100,000 straight cash and that that was a problem I
would have to worry about, through family and friends. On the night
before sentencing, Jack called me and said that the administration
would provide the $100,000 in cash if I could tell him how to get it
funded through an intermediary. I said that if we ever needed it I
would let him know. I never contacted him thereafter; neither have I
heard from him.

That completes the statement.

Mr. DASH. That completes it. I have one more question, Mr. McCord.

Have you ever made that statement before this Select Committee
Other than when you appeared before minority counsel and myself a
couple of days ago? Have you ever made that statement before this
committee, before the grand jury, or before any investigating body
until this time?

Mr. MCCORD. No, sir.

Mr. DASH. Would you please state to the committee why, when
you were making statements at earlier times before this committee,
before the grand jury and other inquiring bodies, you failed to
disclose that information?

Mr. MCCORD. I will be glad to.

I will take the grand jury and get that one out of the way. When I
appeared before the grand jury, I told them that—I raised the
question about political pressure, any pressure that had been put onto
me by the Hunts. I told them also that there was a personal friend who
was involved also in political pressure against me; that personally, at
that point in time, it was a very painful thing to go into it, that I would
be glad to do it at a later time, that I hoped they would defer that
question until subsequent questioning and I would be glad to answer
it. They said they would do so.

I believe when I appeared before the committee on March 28, your
Senators asked me the same question and I said, yes, there had been
political pressure applied to me, that one such pressure had been by a
Government—one of your Senators asked me if it were by a
He asked me if it were anyone at the White House. I said, no.

He asked if it were from the Department of Justice, and I said, no.

It was clear, I think, to the committee that I would like to be able to
answer that question at a later time. The reason for the delay was that
I wanted to be as accurate as I could about the information, get it all
together, because it involved the President of the United States, in my
opinion, and it was a very serious matter and I wanted to be very
careful about it and accurate.

Mr. DASH. I have no further questions, Mr. Chairman.
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It was on January 10 that I received calls from both O'Brien and Mitchell indicating that since Hunt had been given assurance of clemency and that those assurances were being passed by Hunt to the others, that Caulfield should give the same assurances to McCord, who was becoming an increasing problem and again I was told that McCord's lawyer was having problems with him. Both O'Brien and Mitchell felt that McCord might be responsive to an assurance from Caulfield, because Hunt, Bittman, and his lawyer, Welch, had lost rapport with him. I told Mitchell I would do so.

Based on the earlier conversation I had with Ehrlichman on January 5 that the clemency assurance that had been given to Hunt would also apply to the others, and Colson's description of how he had given Bittman a general assurance, without being specific as to the commitment, I called Caulfield later that day to request that he get in touch with McCord. Caulfield told me that it would be very difficult, because he was going to be in California for several more days. Caulfield indicated that it would be easier for Mr. Ulasewicz rather than himself to talk with McCord, because he was tied up with a lot of people at the drug conference. I said fine, and then gave him the clemency message similar to the message that Colson had transmitted to Hunt via Bittman. Caulfield wrote down the gist of the message, he repeated his notes back, and I said that was fine, and told him I thought that McCord would be expecting to hear from him as soon as possible. Caulfield said he would have the message delivered right away.

On January 11, I received a call from O'Brien who asked me if the message had been delivered by Caulfield. I told him that it had. O'Brien told me that McCord wanted to speak with Caulfield personally and asked me when Caulfield could meet with McCord. I told him I would try to arrange it. O'Brien told me he was going to be out of town, but I could reach him if there were any problems. He told me he was keeping Mitchell posted and requested I keep him posted. O'Brien said that we need a firsthand report, a firsthand reading on McCord from someone he will talk with, because he is not talking openly with his lawyer about what he plans to do. I told O'Brien I would call him (O'Brien) as soon as I learned anything.

I called Caulfield on January 11 and told him that McCord wanted to meet with him and asked him if he would do so and take McCord's pulse as to that he planned to do. He told me he would meet McCord as soon as he returned to Washington.

On Friday, June 12, Mitchell called me for a report. I told him I thought I would hear from Caulfield after he talked to McCord. Caulfield called me at home Friday night to inform me that he had met with McCord and suggested we meet at my office in the morning so he could give me a report, that was a Saturday morning. I said fine, and on Saturday morning we met and he gave me a report. The sum and substance of the report was that McCord had not decided what he was going to do, but that he wanted his freedom. Caulfield reported that McCord's lawyer was very annoyed at Magruder. He had seen a picture of Magruder in the paper which had peeked his annoyance. He also told Caulfield that he had a plan that would enable him to get his case dismissed, but his lawyer had not helped him with the matter and the government had lied to him. He explained that he had made calls to certain foreign embassies and that these calls had been recorded, but the Government would not admit it.
During this meeting with Caulfield I received a call from either John Mitchell or Paul O'Brien requesting a report on the meeting. I told the caller that I was vetting a report from Caulfield and would call back. Caulfield told me that AtcCorcl was very involved about his plans to gain his freedom through the phone calls that he had made to the foreign embassies. I told Caulfield I really did not understand why McCord thought he could get his case dismissed by reason of the wiretaps, but I would give the matter some thought. Caulfield told me that it was his assessment that McCord would only respond to a direct request from the President.

I told Caulfield that he couldn't make such a statement because I had no such request from the President, but suggested he meet again with McCord and keep him happy by telling him every time checking out the matter of his conversations with the Embassies.

Later that afternoon, Caulfield reported again to me that McCord was only interested in his theory about the calls to the Embassies. I told Caulfield to keep in touch with McCord, but I couldn't promise anything about his calling the Embassies. I told Caulfield to have McCord give him a memo on why he thought that his calls to the Embassies would result in dismissal of his case. I called O'Brien and told him what had transpired. On Monday morning I reported to _ D,itchell what Caulfield had reported.

It was sometime during this period that a result of my reports of Caulfield meetings with McCord, that O'Brien, Mitchell and Ak. Alch discussed having F. Lee Bailey, McC's partners meet with McCord and inform him that he would personally handle his case on appeal. Mitchell was to talk with Mr. Bailey about this; I do not know what happened regarding this proposed plan.

On January 19 or 20, Mr. Caulfield brought me copies of McCord's memo regarding his intercepted conversations to the embassies. I have submitted these documents to the committee.  

The document referred to was marked exhibit No. 3W30.*

Wlr. DEAN. I never did anything with these documents other than inform Mitchell I had received them and I showed them to Mr. O'Brien in my office. I do not recall ever telling Vital anyone at the Department of Justice, regarding McCord's proposal. At this time I concluded that McCord was going to do what he thought best for himself.

HANDLING LIDDY1S C ALL TO KROGH—JAN-E & RY 1973

On January 4, Gordon Liddy called Mr. Krogh. Krogh's secretary received the call and Liddy said that he had received a letter from an investigator for the Senate Commerce Committee about his relationship with Krogh. The letter was part of an investigation by the committee staff in connection with Krogh's nomination hearings for the Senate of Transportation post. Liddy wished to speak to Krogh, but the call was not put through to Keogh.

Krogh came to my office and asked what he should do. He said he wanted to be able to testify at his confirmation hearing that he had not spoken with Liddy since long before the Watergate incident. I told Krogh that his secretary should return the call. We then rolled out a

*See p. 1236.
In January 1973 LaRue discussed with Dean a payment to Gordon Liddy's attorney and shortly thereafter delivered $20,000 to Peter Maroulis, Liddy's attorney.

Page

38.1
Fred LaRue testimony, 6 SSC 2296................. 500

(499)
Mr. LARUE. Yes, sir.
Mr. DASH. Do you know how much that sum was?
Mr. LARUE. Approximately $50,000.
Mr. DASH. And did you know that this was part of the $3,000,000 at the White House?
Mr. LARUE. That was my understanding.
Mr. DASH. No, in January 1973, did you receive an additional sum from Mr. Strachan in the amount of $280,000?
Mr. LARUE. Yes, sir.
Mr. DASH. What prompted, to your knowledge, such a large transfer of money?
Mr. LARUE. I cannot state specifically. It all came to a conversation with Air. Dean regarding the need, at this time, I think, for $90,000 for one of the attorneys, Mr. Alaroulis. I had passed this information on to Air. Dean. Later, he called me back and told me that Mr. Caere going to deliver the remaining balance they had over at the NWhite House, which was approximately $80,000.
Mr. DASH. Would it be fair to say that as you were ongoing in this relationship of paying these fees, that this was going to be a continuing operation, certainly through the trial, and that this fund of money was necessary if you were going to be able to carry out these responsibilities?
Mr. LARUE. That certainly would be my assumption; yes, sir.
Mr. DASH. And is it true that in January 1973, you did pay Mr. Alaroulis, counsel for 3Ir. Liddy, $20,000?
Mr. LARUE. That is correct.
Mr. DASH. Now, did you receive $14,000 from Mr. Tim Balwoc?
Mr. LARUE. Yes, sir.
Mr. DASH. What was all about?
Mr. LARUE. I received this money from Mr. Babcock at—I think I said Mr. Stans' office. Mr. Stans was present. It was understood that Mr. Dash, less that Mr. Babcock had pledged this money during the campaign, had not gotten around to delivering it, and that he was fulfilling his pledge.
Mr. DASH. Did this have anything to do with the money or the cash fund you were developing for the legal defense fund?
Mr. LARUE. No, sir.
Mr. DASH. In January 1973, did you make two cash payments, one of $100,000 and one of $35,000, to Sk. Bittman, counsel to 3Ir. Hullt, in January 1983?
Mr. LARUE. Yes, sir.
Mr. DASH. And did that occur in the same way as have already described?
Mr. LARUE. No, sir; those payments were delivered to Mr. Bittman at his home.
Mr. DASH. At his home?
Mr. LARUE. Yes, sir.
Mr. DASH. How delivered them?
Mr. LARUE. This Ivas another messenger that delivered the other message.
Mr. DASH. ~ssl. Did you arrange that the same nav. by pilotte call;
39. On January 23, 1973 Herbert Porter and Jeb Magruder testified falsely during the trial in United States v. Liddy that Porter had paid Liddy to conduct a program of infiltrating radical groups to obtain political intelligence. Magruder has testified that he had previously told Haldeman that Magruder would commit perjury and that Porter had been cooperative. Haldeman denies that he was so informed.

39.1 Herbert Porter testimony, United States v. Liddy..............
39.2 Herbert Porter testimony, 2 SSC 635-37...504
39.3 United States v. Magruder information, August 16, 507
39.5 Jeb Magruder testimony, 2 SSC 805, 831-32513
39.6 H. R. Haldeman testimony, 7 SSC 2887.....516

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(Defendant Lidd-- stands . )

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Q Can .you tSell -us what transpir.2d at the ~ eting t.la you recall?

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that it might cost as such as a hundred thousand dollars from that period of time until the actual election. The use of about ten college-age people who might be able to assist themselves into such organizations as the yippies and the SDS and other SUCOI radical groups and perhaps parking a hundred thousand dollars, so that figure was discussed, yes.

Q Was some arrangement agreed upon or devised for disbursements of the money?

A Yes, there was. Mr. Magruder said that or the money to tire would be requesting funds from me and that I would in turn get the funds from Mr. Sloan who was treasurer of the Committee -- of the Finance Committee to Rel-e7ect the President, and I would give those funds to nor. Liddy.

Q So in effect the money would be disbursed through Thur to Sir. Liddy?

A Yes, sir.

Q And were you the person who called Mr. Sloan to generate the disbursements of the funds?

A Yes, sir. Mr. Liddy would call me and tell me how needed usually in the denominations of one two thousands dollars. I would call Mr. Sloan and ask for that.
Air. PORTER. All of it.

All. DOI(SEx. How have you now arrived at the figure you have just given us?

Lfr. PORTER. I have had ample opportunity to go back and recall as best I know how each of the transactions in which I Event and gave money to others, anti to the best of my ability I have come up with those fi-ntes.

Air. DORSEN. And is it your best recollection and knowledge that you received from LFr. Sloan a total of approximately $69,000?

Air. PORTER. Yes, sir; to the best of my knowledge.

Ar. DonSEN. Sr. Porter, when did you first become aware of the break-in at the Watergate?

NIr. PORTER. Saturday, June 17, in Los Angeles, Calif.

Ar. DORSEX. And briefly how did you become aware?

Ar. PORTER. Well, sir, that was a weekend which we were having a large party at a private residence in California for a lot of the celebrities who were going to be supporting the President during the campaign, and it was on that trip that apparently the word, the news broke Saturday morning here and was relayed to some of the campaign officials with whom I was traveling at the time and I learned it from them.

Mr. DORSEN. Following the break-in at the Watergate, did you have a conversation with Mr. Jeb Magruder concerning any statements you might make to the Federal Bureau of Investigation?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. Where and when did this conversation occur?

Mr. PORTER. I would say that approximately 10 or 11 days, I am not sure of the exact date, whether it was June 28 or the 29th, but in that time frame, Mr. Magruder asked me to come in to his office which I did. He shut the door and he told me that he had just come from a meeting with Mr. Mitchell, Air. LaRue, himself, and a fourth party whose name I cannot remember, where my name had been brought up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect.

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. What Mr. Magruder told me.

Mr. PORTER. Well, sir.

Mr. DORSEN. Where and when did this conversation occur?

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me to do, and he said, "XX ould you corroborate a story that the money xvas authorized for something a little bit more legitimate sounding than dirty tricks, even though the dirty tricks rvere legal, it still would be very embarrassing. You are aware that the Democrats have filed a civil suit against this committee." I said, "Yes, I has-e read that in the paper." He said, "Do you knolv What immediate discovery is?" I said, "I do not. They may get immediate discovery, which means they can come in at any moment and swoop in on our committee and take all of the files and subpoena all of the records and you know what would happen if they did that." I conjured up in my mind that scene and became rather excitable and knew I didn't avant to see that. So I said, "Well, be specific," and he said, "Well, you ere in charge of the surrogate campaign, you lvere -erg concerned about radical elements disrupting rallies, and so forth," and I said Jres, and he said, "Suppose that eve had authorized Liddy instead of the dirty tricks, Eve had authorized him to infiltrate some of these radical groups. Hovv could such a program have cost $100,00(1?" And I thought very quickly of a conversation I had had with a young man in California in December, as a matter of fact, and I said, "Jeb, that is very easy. You could get 10 college-age students or-24- or 25-year-old students, people, over a period of 10 months." At Mr. Magruder had prefaced his remark by saying from December on And I said, "You can pay them $1,000 a month which they would take their expenses out of that, and that is $100,000. That is not very much for a $45 million campaign." And he said, "I!Tosv that is right; would you be willing, if I made that statement to the FBI, would you be willing to corroborate that when I came to you in December and asked you how much it would cost, that that is what you said?" That xvas the net effect, the net of his question. I thought for a moment and I said, "Yes, I probably would do that." I don't remember saying yes, but I am sure I gave Mr. Magruder the impression I would probably do that and that was the end of the conversation.

Mr. DORSEN. Nolv, Mr. Porter, did the conversation you agTeed to tell the FBI actually take place?

Mr PORTER. Sir?

Mr DORSEN. Did the conversation which you agreed with Mr. Magruder that you would tell to the FBI actually take place in December of 1971?

Mr. PORTER. No, sir; it did not take place in December.

Mr. DORSEN. Later, did you tell the FBI what Mr. Magruder asked you to tell them?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. And subsequent to that, did you appear before a Federal grand jury?

Mr. PORTER. Yes, sir.

Mr. DORSEN. NVer you a X fitness at the trial of the seven defendants who Inhere indicted in the Watergate case?

Mr PORTER. wes, sir.

Mr. DORSEN. And did you give the same account'
Mr. PORTER. Yes, sir; I did.
Mr. DORSEN. Did Mr. Magruder ask you to make any other statements which you knew to be false?
Mr. PORTER. Yes, sir; he did.
Mr. DORSEN. What did he ask you?
Mr. PORTER. Shortly after that, he asked me to, if I should increase the amount of money that I was going to say that I gave to Mr. Liddy, and I said, no, I would not do that. He said, why not?
I said because I just absolutely—I did not give him that amount of money and I still not say I gave him that amount of money.
I said the conversation that you are asking me to relate, I can conceive of it happening because I would have told you that in December if you had asked me. And that is a strange answer, but that is the answer I gave him. And I would not increase the amount of money. He wanted me to say that I gave Mr. Liddy $75,000, when in fact, I had given him some $30,000 to $35,000.
Mr. DORSEN. Did Mr. Magruder tell you why he wanted the high figure?
Mr. PORTER. No, sir; he did not.
Mr. DORSEN. When was the first time you told any investigatory body that you had not testified truthfully at the grand jury and at the trial?
Mr. PORTER. April 18, I believe.
Mr. DORSEN. 1973?
Mr. PORTER. 1973, yes, sir.
Mr. DORSEN. Mr. Chairman, I have no further questions at this time.
Senator ERVIN. We have a vote on in the Senate, so it will be necessary for us to take a recess so the members of the committee can go and vote.
[Recess.]
Senator ERVIN. The committee will come to order.
Mr. Thompson.
Mr. THOMPSON. Mr. Porter, as I understand it, your statement here this morning is to the effect that you agreed with Mr. Magruder that you would tell the grand jury a false story, is that correct?
Mr. PORTER. What I agreed to specifically, Air. Thompson, was that I would agree initially to corroborate a story that Air. Islander was going to tell to the FBI, which I felt was, in effect, replacing one lawful authorization for another lawful authorization.
Mr. THOMPSON. Well, was it or was it not a false story?
Mr. PORTER. Yes, that is absolutely correct; it was a false statement.
Mr. THOMPSON. Well, you gave this false statement to the grand jury?
Mr. PORTER. Yes, sir.
Mr. THOMPSON. And you gave it at the trial in January? _ Sir. PORTER. Yes, sir.
Mr. THOMPSON. When did you go to the proper authorities and tell them the truth about these matters?
Sir. PORTER. The attorney's office, although the contact had been made earlier than that, or the contact to set up an appointment, I met with
Sir. THOMPSON. What was the contact?
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMM., v. MAGRUDER INFORMATION

Criminal No. 71D 79

Violation of 18 U.S.C. § 371 (Conspiracy to unlawfully intercept wire and
oral communications, to obstruct justice, and to defraud the United
States of America)

The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution

Force, charges:

1. At all times material herein, the Democratic National Committee, an unincorporated association, was the

organization responsible for conducting the affairs of the Democratic Party of the United States. Its offices were at the

Watergate Office Building, 2600 Virginia Avenue, N. W. in the District of Columbia.

2. At all times material herein, the Committee for the Re-Election of the President was conducting campaign

activities on behalf of the re-election of Richard M. Nixon as President of the United States, with office and headquarters

at 1701 Pennsylvania Avenue, N. W. in the District of Columbia.

3. At all times material herein, the United States Attorney’s Office for the District of Columbia and the Federal

Bureau of Investigation were parts of the Department of Justice, an agency of the United States.

4. On June 5, 1972, a Grand Jury of the United States District Court for the District of Columbia was duly

10. Around or before August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER attended meetings on the fourth floor of 1701 Pennsylvania Avenue, N.W. where the false, misleading and deceptive statement previously made by JEB STUART MAGRUDER to the Federal Bureau of Investigation, was further refined and developed in preparation for his appearance before the Grand Jury.

11. On or about August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

12. On or about September 12, 1972, in the District of Columbia, JEB STUART MAGRUDER attended a meeting on the fourth floor of 1701 Pennsylvania Avenue, N.W. to compose and develop Magruder's proposed testimony in preparation for another appearance before the Grand Jury.

13. On or about September 13, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.


15. On or about January 23, 1973, in the District Court for the District of Columbia, Herbert Lloyd Porter gave false, deceptive and misleading material testimony

(In violation of Title 18 United States Code 371.)

ARC IBALD COX
Special Prosecutor
Watergate Special Prosecution Force

during the trial of Criminal Case No. 1927-72, entitled
A As general counsel he was responsible to be sure not csly with the 2-oble--s we anticipated having in our priaxry sta but even more SG of course En the general election with the surrogate candidates. we had 35 surrogate candidates these were cabinet officers, Senators, and governors who in effect were stand-inds for the President since the President we knew at that t4>^ did not-plan to campaign as actively as he nad in 196~ and by this tica we had indications that there would be potential problems in zany of the places that these individuals would go, particularly relating to our rallies.

We had scheduled by that time approximately 1' rAlliA, «the primary states and we knew there were early plane by individuals and groups to possibly disrupt these rallies and also possibly cause bodily hare to the surrogates, so we were interested in effect finding out how serious these problems would be and then, of course, protecting these surrogates.

She surrogates did not have any protection in the sense of their own as the President does with The Secret Service, so we felt we had to establish our own lines of communication and in late December after mr. Porter and I discussed the problem we talked to .>t. Liddy and asked hLn would he be willing to take on She assignment setting up basically an intelligence

watering -- if there were problems and as it turned out there were considerable probleas ase had -- fire boddings in a nzmsr of our .l.\a_-uaroers Hind uLisru-tiorts ox teat tz, i .-vrou--u ;lt c

(D10)
De ocratic Convention in 1968, we were very concerned about the safety and the ability of us to put on a convention that would be successful because we knew that if it was the kind that occurred in Chicago, of course, it would be very difficult for the President to be reelected.

A valid ng about Chicago ~

A Chicago Convention the Democrats had that was disrupted as you recall by the demonstrators in '68.

The sages groups at that convention were planning similar activities, so 1971 we began to become concerned. So in January I asked or. Liddy if he would take on the assignment of being able to build up an intelligence-gathering operation in San Diego so that we could be aware of the problems that would occur at the tire of the convention.

I think it is important to note our main concern was not pre-convention but post-convention, during the convention. What we were concerned about was Ale SaGe problem to a much greater extent we thought we would have with the surrogates.

Here in a city there may be 250,000 demonstrators, could we function and have a convention? And, as you know, national television covers then and we didn't want Ale sane see on the television as in Chicago in '58.

so asked ;9B. Liddy to set us on intelligence-gathering
operation at the skin
of the convention Flat would alles us to preplan our
Comments and prevent msuny problems that occurred in
5a

What funding or financial arrangements did you
agree upon with Or. Liddy wiHl respect to the two
different assignments that you just described?

On the first assignment, we agreed to a funding
of approximately $100,000 for the ten-nonth period
starting in January and on the convention problem we
agreed to $150,000, so the total funding of $250,000.

Q WoS.10 was to he the source of the funds of
the money that would be given to ho. Liddy?

A Well, the source was to be the Finance
Committee to Reselect the President

Q Now, at any tine did you give him in addition to
those two major assignments you just described to the
ladies and gentlemen of the jury and His Honor, did
you give hin any other investigative assignnents?

Yes, as I recall, I gave him a nuSber of
others

Q Can you give an
exanDle?

An example would be there was a candidate for the
Democratic nomination sZho was known for his
antipollution s_and and there was also news reports
about some of his supporters, financial supporters
particularly, one Ln particular being major polluter,
and I asked :-5r. biddy as En e:-a-ple to il~wast^-g cLia
.itu.lt1oll .0 Se il ~;d: IaS a. zFor »in clan Vie _e .

(512)
had a direct relationship to the President at all. In fact, the use of his name was very common in many cases where it was inappropriate;
in other words where he had not had any dealings in the matter.
Q30 I line that this did not necessarily mean it came from the
President or anyone else other than Fir. Dean or Air. Mitchell.
Air. DASH. But thou did not know to the contrary.
Air. AtvGRuDER. No; I did not linev to the contrary.

Nor. DASH.

to pay attorney’s fees or salaries to defendants or support for the families of the defendants?
Atv. AGRE3ER. I was aware that they were being taken care of because, of course, one of the questions I had if I was Going to par-
tically Fir. McCord. I think 31r. Hutl to some extent at various times and also I think AI. Sturgis who I did not know. They were three who were brought up most frequently.
Air. DASH. Were you aware of any plans to propose a CLIP defense for the defendants?
Brr. AtAGRa3ER. Again, in these series of meetings that we had from the periods from the breal.S-in to September, that defense was dis-
cussed in general terms at meetings I attended but I could not be specific about it.

Air. DASH. No v, you testified at the first Watergate trial ?
Mr. WIAGRFDER. Yes, sir.
Air. DASH. And at that trial did you tell this same false Stole that J OU testified before the grand jurv and told the FBI ?
Fir. WIAGRIJDER. Yes, sir.
Air. DASH. Be the time of the trial in January all seemed. Air.
31a-ruder, to have worked Bell according to the plan that you lrad volked out with Air. AlitcLell, Errs Dean, Wrr. LaRue anal Air.

Arardian.

At what time, to our recollection, if it did occur click the plan begin to crumble ?

Air. AIAGRtr3Er. ANell, I thinli that as soon as Eve realized that the rand jury nwas going to reconvene. much lllore so than Air. AleCord’s statement because I linens 31l. 31(Ctold s statenlellts xvoncl 31e healsav.
13E1t as soon as I linexv the (rall(l just xvas Groins to recollrelle I hlen-
that trollrs xvoucl be difficult to hold. I linevx i cotll(l not, o tlllotl ah the same process. now that the election svas noxy ovel and the reason
for the covelarp fools my standl)oil t svas nox v no lon rer valid. 1311t
also I
linelv that Air. lseisnel. the one—fionl mv stanc1130illt. the onlv
noistalie

the ploseClltols Ill.Icle xvaS ill joiner tllrolllrl the oreT:zlizatioll they
lnissea! Air. Reisnel, allcl i r they llacl ( anXrllt 311. J~~eisne) eat lier. I
lllinl
this story •vollkl not have 13eell nzaele 13tlt i l;lesv thev svollilt ret
to

Or,. Rveisiler noxv 13ec:ills6e it lwa(l been o)violls he hall lxeen illV assistant
at that tine allcl so as SOOl: ts I lsnexv that and as s('oll as I l;nexv
Sir.

(513)
this case or one of his assistants. Only when he called me did I resolve (I cannot even recall an) time that I initiated a call to All.

Haldeman.

Senator ANTEICKER. All. MAGRUDER. Except m the Jalluara meeting, really I requested an interview with him to go over the job question.

Senator ANTEICKER. Now, you have heard All. Sloan's testimony in which he said in response to a question that I asked him that if it did produce discussion on his part, the statement of policy on the case was that no individual who had become a Watergate figure or prominent Government official x would be placed in office until the issue was totally resolved.

Senator ANTEICKER. Can you give me any indication as to why this general policy was excepted in your case?

Air. MAGRUDER. I did not know that was the general policy, Senator.

Senator ANTEICKER. And you related it to him at that time in January?

Air. MAGRUDER. Yes, sir.

Senator ANTEICKER. The situation as to what was going on, relative to your participation and the story being contrived?

Air. MAGRUDER. It was the other way around, Senator. I initiated the discussion on the subject of the Watergate because of what I considered to be beginning memory of difficulties on the part of some of the participants that I thought could have related to my own particular situation.

Senator ANTEICKER. And did you relate it to him at that time in January?

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Senator ANTEICKER. The situation as to the Watergate as to what was going on, relative to your participation and the story being contrived?
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Senator AVEX('R). So that All. Haldeman kIrav before the trial that perjury rvas beinet committed 2

311. AIAGR-ER. Yes. that lvonlel be correct. He knew that nl-- statements—lvell, after the trial he knew that perjury was committed. I think Senator, might be more appropriate. In other s words. I had not made those statements until the trial and then at the trial he would have if he read the trial statements known that perjury had been committed. That may have been a fine difference but that

Senator WEIC5SER. Let us be very specific. The trial wvas not over, is that correct ?

for. AL-GRUDER. -tS I recall, the trial had just begun. I had not. testified.

Senator WEICEER. That is correct. And your meeting with Arr. Haldeman nvas before the trial was over?

Mr. AIAGRUDER. Yes. as
Senator 00rE[CEER. And the story you'told him, you told him before the trial xvas over?

Mr. MAGRUDER. That is correct.

Senator WEICKER. So Air. Haldeman knew that perjury was going to be committed?

Mr. AIAGRUDER. AVas going to be committed and, of course, did IIOt know that it had been committed until after the triad

Senator AVEICEER. But he did know that perjury novas going to be committed .~

Mr. WIIAGR5'DER. Yes; I think that would be correct.

Senator +VEICEER. Xony, on the March 09 meeting—let me asli you one other thing; 011 the meeting in January do you feel that that meetinffl avas taped, the Januayl meetings

31r. MAGRUDER. I am not sure. I do not think that meeting was taped. I think all subsequent meetings that I had with either 31r. Haldeman, Air. Ehrlichman, and I gather meetings I had Faith Sir. Dean from that time on were taped but I do not have the taped transcripts so I do not specifically know which meetings zvere or revere not taped.

Senator NVEICEER. The March 99 meeting

Mr. AIAGRUDER. I know that was taped.

Senator vTIEICTsER. Do f ou Bow who is in possession of those tapes R

or 31r. Haldeman's itsivyer, I am just not sure. I do lonosv possibly Senator, this committee has those tapes, I do not know.

Senator AVVENGER. Beg pardon?

3r.-. AL\GRTTER. Possibly this committee has those tapes. Senator. I do klIONV tapes have been produced and discussed ill depositions.

Senator +0EICEiER. 3II. Chailmall. I ~^-ondel if I might inellilw] of counsel, majoritV and minoritV eolmeI. as to whether or not the COIIImitee is ill possession of those tapes.

AI), D.sswr. ZVe are just checl;illv.
AI'c ... OOOOes nPpeml that Air. Haldenan has (riven us and
one of them does relate. Not to Arr. Haldeman and not to Jl-rudel. but to a
telephone call with someone other than 3Tl: Haldeman.

311. AIAOR-ER. Telephone call svittiZII. Higby?

Air. Yes?; Yes.

(515)
He said, however, that all of the people he had talked with in California had urged him to go back into politics for a while; that he had strong family reasons for not wanting to stay in Washington because his children were well established in the schools here; and that he had lost some of his interest in running for office in California and was more interested in the idea of staying in Washington. Since the Presidential appointment or White House post was out of the question, I suggested that he look into other Government possibilities and that he work with Terry Jones and the White House personnel office in that regard.

I met with Magruder again on Starch 2 (I believe again at his request), at my office, with John Dean also present, for about an hour. At this meeting Eve reviewed the same general subjects we had discussed on February 14, and I gave him a list of jobs in the Government that had been developed by the personnel office. He expressed interest in one of the jobs on the list, a post at the Department of Commerce, and he subsequently did take that post.

I do not recall any discussion of any of the particulars of the Watergate matter or the so-called coverup—other than what I have already indicated regarding his feeling that the matter was not behind him.

I feel certain that there was no such discussion because had he told me the kinds of things that he has indicated to this committee that he told me regarding perjury, et cetera, I would have remembered them dearly and I would have done something about them.

Mr. Magruder has stated that he met with me in early January of 1973, before the inaugural, although he was unable to specify a date.

Mr. Dean, on the other hand, has indicated in his testimony that I met with Mr. Magruder in late January.

I do have a vague feeling that I talked with Mr. Magruder at least knew about his plans prior to his trip to California, which I believe was in early February. I cannot recall any specific conversation or meeting. Any feeling may arise from the fact that apparently John Dean talked with me in late January about 31a.,Cruder's plans for going into politics in California and his plans to tackle a trip out there. Sir. Higby has told me that 3Ir. Magruder did request a meeting in January, but that I was unable to schedule one. I did later agree to such a meeting but when he called 31a.-ruder to set it up 31acrruder had already left for California. It is possible that 31nfrudder told Higby of his California plans and Higby related them to me.

A Tagruelder's recollection of the substance of the alleged January conversation is in many respects very much along the lines of my recollection of our conversation on February 14, and I have the feeling that Eve are dealing here with a simple error in recollection of specific dates—which is certainly understandable.

Ott no meeting with Aln. rileler did he raise with me a monologic as he has described, laying out the true facts or claiming that he had committed or was doing to commit perjury or that there had been any other illegal cover-up activities uldelt;ivell in connection with the IVate relate ilvesti~ at ion.

I slolld also expl lill. Art. Dasll. that my oltlllle 0~ the arafrucler meetings of Febru;ll-14 and italtch v is somelvh;~ different thin the
In about January or February 1973 LaRue made payments of $25,000 and $35,000 in cash to Howard Hunt's attorney, William Bittman. These funds came from the money that LaRue had received from the White House.
Mr. LARUE. Yes, sir.

Air. DASH. Do you know how much that sum was?

Mr. LARUE. Approximately $50,000.

Air. DASH. And did you know that this was part of the $950,000 at the White House?

Mr. L TRUE. That was my understanding.

Mr. DASH. Now, in January 1973, did you receive an additional sum from Mr. Strachan in the amount of $80,000?

Mr. L TRUE. Yes, sir.

Air. DASH. What prompted, to your knowledge, such a large transfer of money?

Mr. LARUE. I cannot state specifically, Air. Dash. I had a conversation with Mr. Dean regarding the need, at this time, I think, for $100,000 for one of the attorneys, Mr. Strachan. I had passed this information on to Mr. Dean. Later, he called me back and told me that the amount going to deliver the remaining balance they had over at the White House, which was approximately $980,000.

Mr. DASH. Would it be fair to say that as you were ongoing in this relationship of paying these fees, that this was going to be a continuing operation, certainly through the trial, and that this fund of $500,000 was necessary if you were going to be able to carry out these responsibilities?

Mr. LARUE. That certainly would be my assumption, yes, sir.

Air. DASH. And is it true that in January 1973, you paid Mr. Strachan, counsel for Mr. Liddy, $10,000?

Mr. LARUE. That is correct.

Air. DASH. Now, did you receive $14,000 from Mr. Babcock in January 1973?

Mr. LARUE. Yes, sir.

Air. DASH. What was that all about?

Mr. LARUE. I received this money from Mr. Babcock at—I think at Mr. Stans’ office. Mr. Stans was present. I understand, Air. Dash, was that Mr. Babcock had pledged this money during the campaign, had not gotten around to delivering it, and that he was, you know, fulfilling his pledge.

Air. DASH. Did this have anything to do with the money or the cash fund you were developing for the legal defense fund?

Mr. LARUE. No, sir.

Air. DASH. And did you make two cash payments, one of $25,000 and one of $350,000? to Mr. Bittman, counsel to Mr. Hulit, in January 1973?

Mr. LARUE. Yes, sir.

Air. DASH. Who delivered them?

Mr. LARUE. This was another messenger that delivered them.

Air. DASH. Wasn’t that same one that delivered the others?

Mr. LARUE. Yes, sir.
Orb. T).ssl[l. l|x|l vou a,>aill identifv \OttlEelf as W|II-. Bal;el ?

311. LARUE. Yes; Sit-.

Air. I),vsr. Ijid Air. Bittman alxavs lil10NV vou as all: Balier?

Atr. LARUE. Yes, S|l-. -tS fat as I knoxv, he never knexv who I NYaS.

Air. Dvsrl. find this was ill cash, this 99a,CW and $S5,000—it svas all in cash R

Alt. LvRt-E. Yes, sir.

Air. D vslr. .&ncl this came from the ~o50,0no or $350.00—tlle amoullt. of money that was at the AVhite House?

Mr. DASH. Did you attend a meetin(r in AlTashin(rtoll with Air. Mitchell. Air. Dean. Afr. Kalmbach 011 Jnauar-- 19. 1,7' ,3's

311. LARUE. Air. Dasll, I have no recollection of at.tendillg that meeting,.

311. LARUE. Air. Dasll, I have no recollection of at.tendillg that meeting,.

311. LARUE. Air. Dasll, I have no recollection of at.tendillg that meeting,.

Mr. DASH. Did you hear the testimony of Afr. Kalmbach?

Alt. DASH. And also the testimony of Afr. Dean?

Afr. LARUE. Yes, sir.

Alt. DASH. Do you recall any discussion at any time with anybody asking Afr. Kalmbach to come back to the business of raising funds?

Mr. LARRJE. loo, sir, I do not.

Alt. DASH. ATOVV, did you take any expenses for the work that you xvere doing, during this period of time, any amount of money?

Alt. LARUE. Yes, sir, there was approximately <$9,00O in expenses

Alt. I)Aslr. Nag, when was your last payment to Afr. Bittman, counsel for Afr. Hunt ? Do you recall ?

Alt. LARUE. Yes, sir, it would be in March.

31r. DASH. March of l973 ?

Alt. LARUE. Yes, sir.

Alt. D.vsl[l. Clan vou tell IIS IIOW much was involved in that payment? Arr. LARUE. XS I recall, $75,000.

Alt. DASH. $75,000 ?

Alt. I TRUE. Yes, sir.
31r. DASH. I take it that was the largest sum of money that you ever transferred to any of the lawyers?

AIR. L. VRTZ. The largest sum I transferred, yes, sir.

AIR. D VSH. What led up to that unusual payment?

AIR. LARE-Z. I got a phone call from AIR. Dean. AIR. Dean stated that he had—I think he had had a conversation with AIR. O'Brien, in which GRIL. O'Brien had told him that there was a need for $75,000 asserted to AIR. Bittman for attorneys fees. I asked AIR. Dean if I should indeed make a delivery of this money. He said that he was out of the money business that he was no longer (coins to be involved in it and that he would loot, you know, I would have to use ally osvnu judUo,Unent as to hvhet.her to make the payment or not.

(519)
41. On February 7, 1973 the United States Senate, by a vote of 77 to 0, established the Senate Select Committee on Presidential Campaign Activities (SSC) "to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass." The authorizing resolution "directs the select committee to make a complete investigation and study" of activities "which have any tendency to reveal the full facts" in respect to sixteen specified topics including the break-in and the electronic surveillance at the DNC headquarters, the payment of money or the use of coercion, threats or other means to conceal evidence relating to the break-in, presidential campaign sabotage, presidential campaign fundraising and the concealment, suppression or destruction of evidence relating to matters within the Committee's jurisdiction.

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41.1. 119 Congressional Record S2317, S2335-37
...... (February 7, 1973).........................522

(521)
ESTABLISHMENT OF SELECT COMMITTEE TO INVESTIGATE AND STUDY CERTAIN ACTIVITIES IN THE PRESIDENTIAL ELECTION OF 1972

Sho Acting President Pro tem

Mr. HARRY P. BYRD JR

The Chair lays before the Senate the unfinished business which the Clerk will state.

The assistant legislative Clerk read as follows:

A resolution (S Res. 60) to establish a Select Committee of the Senate to conduct an investigation and study of the extent to which illegal or improper activities were engaged in by any person acting individually or in combination with others in two presidential elections of 1972 or any campaign, canvass or other activity related to it.

Mr. MAN SPEDLD. Mr. President, I suggest the absence of a quorum. The Clerk will call the roll.

The Acting President Pro tem

The Clerk will call the roll.

The legislative Clerk proceeded to call the roll.

Mr. President. I suggest that the order for quorum call be rescinded.

Mr. HEADWAY. Without objection, it is so ordered.

Mr. PELL proposed the Chair to ask me, What is the pending business?

The Presiding Officer.

The Clerk will state the pending business.

The legislative Clerk read as follows:

S ResP 60. to establish a select committee of the Senate to conduct an investigation and study of the extent to which illegal or improper activities were engaged in by any person acting individually or in combination with others in two presidential elections of 1972 or any campaign, canvass or other activity related to it.
Mr. PFTS Mr. President, is there a time agreement in connection with this matter?

The PRESIDING OFFICER. There is no time agreement.

Mr. PELL. I thank the Chair.

Mr. Presidents I suggest the absence of a quorum

The PRESIDING OFFICER. There is no time agreement.

Mr. BAKER. Mr. President I ask Unanimous Consent that the Order for the quorum can be rescinded.

The PRESIDING OFFICER. Without Objection, it is so Ordered.

Mr. BAKER. Mr. Presidents I ask Unanimous Consent, that, during the Tendency of any amendment I may offer to this resolution, Mr. J. P. Jordan or my stab be permitted the privilege of the floor.

The PRESIDING OFFICER. Without Objection, it is so Ordered.

CALL OF THE ROLL

A ten Ervin Nelson Baker or
Bentsen Hathaway SP2--
KnAL
B-j-r/t! Robert C. EleknoS S-f d to

and the SOUS.ning Sena ors answered to States the enrobed Joint reSOIUtiOD their name5 (So. PleS- 42, to extend the file of the NOE 12 Leg J Commission On BlhhWa:F BeaUtif.CatIOn eStabBned Under Section 123 Of the Federa1-ASd Highway ACt OX 19 SO.
Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BAAOSS), the Senator from Idaho (Mr. C)jn;Rea), the Senator from Washington (Mr. MAGNUSON), the Senator from Min— nerd (2r. MOwDxLz3), the Senator from New Mexico (Mr. Morrizzo;), the Senator from Connecticut (Mr. RalCorr), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Louisa (Mr. JonNsrox) is absent on official business.

I also announce that the Senator from WIis<—iptt (Mr. STYNNtts) is absent be—cause of illness.

Mr. GRIPE I announce that the Senator from Massachusetts (Mr. BRoort—~), the Senator from Colorado (Mr. Dor—cs) the Senator from Hawaii (Mr. PONG) the Senator from Arizona (Mr. GOLDMATER), the Senator from Oregon (Mr. PAer;wood), the Senator from Kansas (Mr. PrArson), and the Senator from South Carolina (Mr. T—myonD) are necessarily absent.

The Senator from Maryland (Mr. MAT—S), the Senator from Ohio (Mr. SAXBE), and the Senator from Vermont (Mr. STAFFORD) are absent on official business.

The PRESIDING OFFICER. A quorum is present.

ENROLLED JOINT RESOLUTION
PRESENTED
The Secretary of the Senate reported that on today, February 7, lds, he presented to the President of the United
The Senate continued with the consideration of the resolution (S. Res. 60) to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which improper, or unethical activities were engaged in by any persons, acting individually or in combination with others, in the Presidential election of 1972, or any campaign canvases or other activity related to it.

Mr. By Mr. President, I have an amendment at the desk, which I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk reads the amendment, as follows:

On page 2, line 11, strike “five” and insert “six.”

Mr. BAKER. Mr. President, this amendment to the resolution now pending before the Senate simply provides that the select committee constituted by the resolution would consist equally of three Republicans and three Democrats.

On yesterday, in colloquy with the distinguished senior Senator from North Carolina, I indicated that I felt that a select committee was the preferable way to constitute a board of inquiry of the Senate that I thought it was superior to one of the standing committees doing this inquiry. I thought it offered a greater opportunity to illuminate the facts attendant on the circumstances of the recent presidential campaign and other political activities.

I indicated, as well, that the precedent for having an equal division in select committees and special committees of the Senate in this respect we established, and that I believed we would enhance and reinforce the position of absolute objectivity and freedom from personal consideration if we were to back that precedent in this instance. I also indicated yesterday that I have no doubt whatever about the objective manner, the calm, cool, and judicial manner, in which the distinguished senior Senator from North Carolina will conduct this inquiry as chairman.
of the select committee if he is chosen as Chairman of the select committee. This amendment in no way implies his standing in that respect, nor does it suggest that I have any reason that the majority members of the committee, nor the staff for that matter, will engage in a partisan witch hunt.

On the other hand, Mr. President, we must face the fact that, marvelously this inquiry we be drafted with political implications. That has been the Claire pre
jectivity and greater purpose than at in cense. He has presented his analysis with a great deal of truce and supported his arguments with his accustomed vigor. However, I regret that he has rejected, one after another, suggestions made to improve upon his original proposal and to perfect its mechanism.

If the investigation which the Senator desires does not have the utmost appearance of impartiality and objectivity, then it will not gain the trust of the American people. It goes without saying that partisanship is at the very heart of the original problem. One of our major political parties stands accused of interfering with the privacy of our other major political party. Seven minor figures have been indicted and found guilty by our courts; two are seeking to appeal. The end of the case is not yet in sight. It is not surprising that feelings are running high.

It is all the more important therefore, that the investigation be conducted in an atmosphere that inspires confidence and betrays no suspicion that less than the truth, and the whole truth has been found. I am disappointed that my colleague has rejected the suggestion that both major political parties be equally represented in this investigation. Such a rejection will only fuel the areas of those who are charging that this investigation is only a year-long fishing expedition, designed to be as far-ranging as possible, gathering everything and everybody in the net. My distinguished colleague—and he knows of my great personal admiration and respect for him—has often been on the door of the Senate defending the civil rights of persons whose rightful privacy has been intruded upon. I know that he will be among the first to come to the floor if such a sweeping investigation as this cruelly brought the names of the innocent in association with the names of the guilty.

I am further dismayed that the cost of this investigation, under these circumstances, will be $500,000. If the subject were one which were cloaked with mystery, if new evidence tended to indicate that much more would be unearthed, if there were any hope at all that a definitive resolution would be achieved, then a half million dollars might be a price worth paying. Yet there is no evidence worth considering.

The Watergate situation has received the closest and most penetrating scrutiny of any story in modern journalism. A grand jury has made a thorough investigation and returned indictments. A trial was held in the U.S. District Court in which five defendants pleaded guilty and two others were convicted after an extensive trial. The trial judge himself went beyond the bounds of an adversary proceeding and interrogated the defendants himself before he satisfied himself that there were no others involved in the crimes.

The FBI and the Justice Department made a thorough investigation of their own. Our distinguished colleague from the House of Representatives, the Honorable Wright Patman, made a staff investigation through his House Banking and Currency Committee.

The distinguished Senator from Massachusetts had the staff of his Judiciary Subcommittee make on-the-spot investigations in this matter and has apparently not pursued it further.

The junior Senator from North Carolina therefore finds it difficult to justify spending $100,000 on another investigation with broad powers given to a select committee to rehash old charges for another year. If there are matters that need to be pursued further, then they ought to be looked into by the full Judiciary Committee. I know that the Judiciary Committee has a full calendar of proposals; but if there are overwhelming problems yet to be resolved in the Watergate affair, then I have been or have personal, that there would be any others involved in the crimes.

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Mr. President, I dislike seeing a half million dollars of the taxpayers money spent on another investigating mechanism, adding to the Senate's OWL bureaucracy, where the job could, in my judgment, be done by existing personnel and facilities already available to this body.

The PRESIDING OFFICER. The resolution is open to further amendment. If there be no further amendment to be proposed, the
question is on agreeing Absolution, as amended. I: 16. t.VRN: PKgr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered

The PRESIDING OFFICER The question is on agreeing to the resolution.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD, I announce that the Senator from Indiana (Mr. BAYH), the Senators from Nevada (Nbr. BIBLE and Mr. CANNON), the Senator from Idaho (Mr. CRUNCH, the Senator from Mississippi (Nbr. E^STLAND), the Senator from Washington (Mr. 1-ACOS :ISON), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Nbr. LIGNTOYA), the Senator from Connecticut (Mr. R:BCOFF), the Senator from Alabama (her. SPAarman) are necessarily absent.

I further announce that the Senator from Louisiana (Nbr. JonNooN) is absent on non Zicial business.

I also announce that the Senator from Mississippi (air. SRENDiS is absent because of illness.

I further announce that, if present and voting, the Senator from Indiana (Lbr. BAYH), the Senator from Nevada (air. CANNON), the Senator from Washington (Lbr. LIAGN150N), and the Senator from Colllnecticut (air. R:BCOFF), NVOILd each vote 'yea.'

Tr. GRIFFIN. I announce that the Senator from NorthCarthusetts (Nbr. B.ROOF), the Senator from Colorado

(523)

i TE S 2.5:,...

(Obr. Do-X 18-e1t-, the Senator from Efawau [Xbr. FOWNG], the Senator from Arizona (N.T. GoLID6: ^
Eia), the Senator from Oregon (Mr. i^xoowooDh the Senator from Kansas (Elr. P^YEOO C), and the Senator from South Carolina (ILLTUU 7^WOND) are necessary; absent.

Eve Senator "in tr. NI22r-122d f. utr. Lut:IZLS), the Senator from O led (a Or. SA.YEE), and the Senator from Verr-cut (Nbr. Sr. -FFO.1D) are absent on official business.

Tile Senator from Rlasla (air. SIZVED:S is detained on an acial business.

L; present and voting, to e Senator from jassachusetts (Nbr BROOSZ), the Senator from Arizona (Bar. GoLDvATznX, the Senator from Alaska (if. dr. SIZVED:S) and the Senator from South Carolina Dio. TerminsoD) would each vote 'yea.'

The result was announced—yeas 77 nays 0, as follows:

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So the resolution (S. Res. 60), as amended, was agreed to, as follows:

Resolved
  Sr. cToJ f i (a) That there is hereby established a select committee of the Senate which may be called, for convenience of expression, the Select Committee on Presidential Campaigns, to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1960, or in any related campaign or can-

...
Background, Kleindienst is biding his time until he returns to private law practice. He has discussed joining several law firms and has a particularly attractive offer from one that he would probably like to accept. Kleindienst is less than enthusiastic about helping to solve some of the tough problems relating to the forthcoming Watergate hearings. He does not want to get himself involved in any controversy at this time. The morale of the Department of Justice is low because they are extremely loyal to Kleindienst but they think the White House is trying to force him out. Kleindienst is extremely loyal to the President and will do anything asked of him by the President.

Kleindienst should be asked to remain in office at least one full year from this date, that is until after the Watergate hearings have passed because the hearings may well result in a request for additional action by the Department of Justice. We can’t afford bitterness at the Justice Department nor can we risk a new Attorney General being able to handle some of the potential problems. Kleindienst should be asked to follow the hearings closely and keep us apprised of any potential problems from a Department of Justice standpoint. Kleindienst should be given a feeling that he is an important member of the team and not merely because of these hearings is he being asked to stay on.

Senator BAKER. Of course, Mr. Kleindienst did not stay on; is that right?

Air. DEAN. His resignation was accepted, I believe, on April 30.

Senator BAKER. Just out of curiosity, is it your personal knowledge that Mr. Kleindienst's resignation was not requested but rather was tendered by Mr. Kleindienst.

Mr. DEAN. That is my understanding.

Senator MAKER. Go ahead, sir.

Mr. DEAN. The first meeting that I had after these series of documents were exchanged and I got, I was told of the results of the meetings in the first instance by Mr. Haldeman, and subsequently by the President himself when I met with him, that meeting was on February 27 and it was at this meeting that the President asked me to report directly to him on all Watergate matters. There had been a great exchange of this type of memorandums back and forth into the President's office and out. He indicated to me at that time that this was consuming a great deal of time of Mr. Haldeman and Sir. Ehrlichman, and that at that time he also indicated to me that they were principals and he felt that I could be more objective in this matter.

We had, I think, a lengthy discussion about that this morning with one of the members of the panel As I indicated, it was at this meeting that the President also repeated what had earlier been reported to me by Mr. Haldeman, about your meeting with the President, in which you had told the President that you suggested he waive executive privilege. He had told you that he was going to hold the line at written interrogatories and he asked me that time what did I think about that, and I said I certainly thought that written interrogatories could be handled. He also discussed the fact that he didn't want Atir. Haldeman and Ehrlichman to appear on the Hill.

Senator BAKER. Incidentally Mr. Dean, at that point, as we know, you are here without a claim of executive privilege Mr. Haldeman, Air. Dean— I mean Air. Haldeman and Mr. Ehrlichman are under subpoena and it is our understanding that they will appear without a claim of executive privilege.

Can you identify the point at which this position at the White House was reversed and that those y)rz-{jeaes indeed were waived?

Mr. DEAN. I believe it was probablyin late April. I don't know for certain, maybe it was May, maybe it was June, the position was evolv
Thzlrscdczy, February 22

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45.5 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND RICHARD KLEINDIENST, FEBRUARY 23, 1973

Richard Kleindienst

February 2, 1973

February 8, 1973

Swearing-In Ceremony for Cabinet and Subcabinet -- Kleindienst attended

AM 8:00 9:51 Breakfast Meeting with Members of the Cabinet -- Kleindienst attended

February 16, 1973

AM 9:39 9:44 Cabinet Meeting -- Kleindienst attended

March 1, 1973

AM 9:36 10:52 10:56 President received local call from Kleindienst

March 9, 1973

AM 10:14 12:09PM Cabinet Meeting -- Kleindienst attended

March 22, 1973

PM 2:19 2:26

March 23, 1973

PM 4:42

February 23, 1973

AM 10:08 10:52 President placed local call to Kleindienst

President placed long distance call to Kleindienst

4:59 5:12 President received long distance call from Kleindienst

President met with Kleindienst

(591)
Mr. DORSEN. Yes.
Mr. KLEINDIENST. Without something else to prod my memory I have no recollection of that.
Mr. DORSEN. Well, I'm still lead from page 5285 of Air. Ehrlichman's testimony before this committee:

There came a time when there was a feeling that, at least on my part, based upon what Mr. Dean was telling me about the unfolding of this thing, that Mr. Magruder may have had some involvement and that culminated in a meeting with the Attorney General at the end of July, on July 21, where Magruder was specifically discussed, but just where in there I acquired information I can't tell you.

Mr. KLEINDIENST. I have no recollection of any such meeting. The only recollection I have of anybody ever saying anything to me about Air. Magruder was Mr. Petersen's characterization to me after he appeared before the grand jury as a witness, that he said, Magruder just barely, you know, got by. As a result of our conversation, I gathered he meant by that that he didn't sound like a credible witness.

However there was no other evidence available to the IRS. Attorney to contradict what he said and that is the only characterization of Mr. Magruder that I heard.

Incidentally, Mr. Dorsen, let me make another gratuitous statement, if I may, and that is about these three young lawyers in the U.S. Attorney's Office who conducted this investigation. To me those three along with Mr. Petersen are the unsung heroes of the Watergate case. I think a lot of people should be given a lot of credit, the Senate, the press, Judge Sirica, but there haven't been very many people around talking about these career people in my Department.

These three young men were career lawyers. I believe that they are all Democrats. They were there before we came in. They were given this assignment by the I.J.S. Attorney and they were never interfered with. Under very difficult circumstances, the obvious political notoriety of it, the problems with respect to the press, the interest of the Nation with respect to this terrible, reprehensible event that had occurred, imposed upon these young men a burden that few prosecutors I think have ever had. I had complete faith in them throughout this thing. I do today. And I hope someday that they will get the recognition that they really deserve for conducting a thorough, comprehensive investigation.

And let me conclude my gratuity by this remark that this case, it seems to me, was ultimately broken not by Magruder and Mr. Dean going to the Senate, or the press, or the judge but by going to the I.J.S. Attorney's Office in the District of Columbia, to Mr. Silbert, Mr. - Glanzer, and Mr. Campbell and giving them the information that really had unfolded this and brought us to the point where we are today.

Excuse the interruption but I wanted to make that testimony for some very fine men that I admire very much.

I would like to move ahead to February 92, 1973, and to your meeting with the President on that day and ask you if you can summarize for the committee what occurred.

Mr. KLEINDIENST. February 22, 1973.
Mr. DORSEN. Correct.
MR. KLEINDIENST
Without something else to prod my memory, Mr. I)olsen, I haven't the slightest idea. Incidentally, for the benefit of the committee and counsel, throughout the time that I was in the Department Of Justice I did not keep lengthy memos of my conversations. I didn't write memos to tile file. I didn't write self congratulator memos bac k and forth. When I dealt with people at the White House and with the President of the United States I did it RS a C:abinet officer-, as the Attorney General, in good faith I gave him my best opinions at the time and I did not keep copious memorandums for the benefit of my grandchildren 50 years from now or anybody else. Consequently, and I think you can see there as a result of my logs, that it would not be uncommon for me to have 5(7 60, or 70 telephone calls or meetings in a day.

So, unless you have something else about February 22 to the President of the United States, I haven't the slightest idea what I did then.

Stir. I)or.sEN. I believe we raised it with y ou at one of the preparatory sessions and Sir. Dean testified about it as the meeting in which you were trying to be brought back into the family, where the agenda was prepa red and I think efforts were made to have you stay on as Attorney Gene ral past the deadline which you had set for yourself.

MI. KLEINDIENST. Well, I didn't know that I wasn' t a member of the family. The President of the United States, incidentally, never gas-e that indication to me. I never had anything but the finest relationship with him. Again, for!the record, the only instruction the President of the United States ever gave me at any time after Watergate was to see to it that the I)epartment of Justice and the F FBI conducted a thorough,h, complete, intensive investigations and I think the phrase that he used several times is, let the chips fall where they will.

If that was the meeting, however, at which the President discussed with the my tenure in the with of Justice, an/l I don't know if it was that date or not, I did have such a meeting because I recall the President asking me to come up to see him on rather shortnotice.

By way of preface, before the election I communicated to the President through Sir. Mitchell the fact that I would like to stay as the Attorney General until September 19X3 which would be coterminus with the expiration of my term as President of the Federal Bar Association. My reason for doing so was one strictly of financial reasons. I will have three children in college this year. My service in the Government had depleted a rather modest estate. And I just could not afford to stay longer in the Government of the United States.

After the election, when I had meetings at Camp David, I went to Europe for 10 days and had meetings with respect to drug enforcement matters in loncloll, Paris, Madrid, and Bonn. I was informed by Mr. Haldeman and Mr. Ehrlichman that my request had been acquiesced in and then I had a subsequent meeting, with the President in which he likewise said that that would be fine.

At a meeting after the inaugur ation and before April 15, whether it was February 22 ' or not, Mr. Dorsen, the President caalled me in and he said, "Dick, I don't want you to think about leaving as the
Attorney General in September." He said, "I understand your personal circumstances. It is going to be a hardship for you, but I have to have you stay until this Watergate situation is over." He said, "I just can't
have a new Attorney General, confirmation and all the problems, and
somebody coming ill brand new I right now.'

As I always have tried to do, I tried to respect the wishes of the
President of the United States. I said, "I hope it is not going to be long
after September. I won't be thinking of that date now. I want to get out of
here as soon as I can, but I will a, gree with you that I will not submit my
resignation in September."

Mr. DORESEN I am going to pass by certain other events that occurred
in this period, including any role you may have played in the
confirmation hearings of Mr. Gray, your receipt of any records from the
CIA, and discussions as to the role you were perhaps to play in connection
with this committee, and direct your attention instead at this time to a
conversation I believe you had with Mr. Ehrlichman on March 28,

Do you recall that conversation?

Mr. KLEINDIENST

No, sir.

Mr. DORESEN—May we have shown to the witness what purports
to be a transcript of a conversation on March 28, 1973, between Mr.
Kleindienst and Mr. Ehrlichman?

Mr. KLEINDIENST. Is that the one that Mr. Ehrlichman taped?

Mr. DORESEN: That is correct.

Mr. KLEINDIENST. Then I—I have had my memory vividly
refreshed with respect to that conversation.

Mr. DORESEN. Did Mr. Ehrlichman, before that conversation
started, tell you he was taping it?

Mr. KLEINDIENST. No, sir. And if he had, some of the words that
I used and that appear in this exhibit would not have been said by me, Mr.
Dorsen.

Mr. DORESEN. Well, in the interests of moving along I will not attempt
to question you about the contents of that conversation but merely
about Mr. Ehrlichman's not advising you.

Do you know whether Mr. Ehrlichman made a practice of recording
these phone calls?

Mr. KLEINDIENST. I don't know. I learned of this as a result of these
hearings I don't think I have language appropriate language in a public
hearing of this kind, to describe the reaction that I had when I learned of
this. I think it is reprehensible. I think it is incredible. The concept of
somebody at the White House taping a telephone conversation with the
Attorney General of the United States when he is talking to them about
business that relates to the President of the United States is just beyond my
comprehension. And like I say, I don't avant to be subjective but I don't
think I have at my command language that adequately expresses my
feelings about this incident.

Mr. DORESEN. Does that document that I have shown you appear to be
an accurate transcription of the conversation?

Mr. KLEINDIENST. I think so.

Mr. DORESEN. Fir. Chairman, may I request that the transcript be
placed in evidence?

Mr. KLEINDIENST. I would like to have the opportunity for the
benefit of two persons who used to be friends of mine. Senator Weicker
and Judge Sirica to explain some of the concepts that I had and why I used
some of the language that T did as a result of my conversation with Ehrlichman.
office and that what he's been telling us -- saying to them -- implicates people *high and low* in the White House and the Campaign Committee. Have a good time at the White House Correspondents Dinner.' Click. Down goes the phone That's all I ever knew about that.

Q Let me back track in time and then we'll pick up again. We sort of got ahead of ourselves.

Sometime in February, late February of 1973, did you have a conversation with President Nixon concerning the Ervin Committee?

A Well, I remember talking to him on the telephone a couple of times about that situation.

Q What do you recall?

A The general subject matter was that I think, because of the request of Senator Baker, that I was to be the liaison between the White House and the minority *members of the Ervin* Committee with respect to their procedures. And the thing that was troublesome to the White House, at that time, were the terms and circumstances under which *top people at the White House*, such as Haldeman and Ehrlichman and Dean, et cetera, were going to be giving testimony to the Ervin Committee. That was the general subject matter.

Once, the President reported to me that somebody on Baker's staff had complained to the White House that I wasn't available to Senator Baker, and that got me upset because
46. Dean has testified that prior to February 27, 1973 that he told Ehrlichman that he would not be able to assert executive privilege since he had so little personal contact with the President. On February 27, 1973 the President met with John Dean and directed him to assume responsibility for Watergate-related matters. Both Haldeman and Ehrlichman have testified that the President believed that they were spending too much of their time on Watergate matters. Dean has testified that at this meeting the President instructed Dean to report directly to him on all Watergate matters. There was discussion of preparation for the Senate Select Committee on Presidential Campaign Activities hearings, which included a discussion of the President's meetings with Senator Howard Baker, of executive privilege, of the minority counsel to the Select Committee, and whether the White House staff would be permitted to testify before the Select Committee. Dean testified that the President stated he would not permit White House staff members to appear before the Select Committee, but would only permit the answering of written interrogatories.
MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN, FEBRUARY 27, 1973

AND TELEPHONE CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January, February, and March 1972.

April 13, 1972

PM 4:31 4:32 President met with Frank DeMarco, Jr., 2nd

John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and July 1972.

August 14, 1972

PM

12:45 1:11
12:49 1:09
12:49 1:11
12:49 1:11
12:49 1:12
12:49 1:12
12:49 1:12
12:49 1:12

The President met to sign personal legal documents with:

The First Lady
John J. Ratchford
Mr. Butterfield
Air. Halderman
Mr. Ehrlichman
John W. Dean, III
John H. Ale:ancJer
Richard S. Ritzel

Other contact during Aug,1972

A/ust tort 'y>,J.--'-----cg 94/f --, aSe--eb12
46.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN, FEBRUARY 27, 1973

September 15, 1972

PM
3:15-6:17
5:27-6:17

The President met with:
Mr. Haldeman
Mr. Dean

(The President talked with Atty. MacGregor by phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10-3:34 The President met with Samuel Newhouse, President of Newhouse Newspapers and Newhouse Broadcasting and Herb Klein.
3:23-3:34 John Dean joined the meeting.

November 8, 1972

November 12, 1972

The President, attended a senior staff meeting in the Roosevelt Room. Mr. John Dean was in attendance.

8:40-8:44 The President met aboard "Spirit of '76" with Rose Mary Woods and Mr. and Mrs. John Dean.

No contact between the President and John W. Dean, III, during November and December 1972.
46.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND
JOHN
DEAN, FEBRUARY 27 1973

JANUARY:ary Z1, 19-7,

If31 (J30

AM II:()i 19:04 President and First Lady hosted Worship, Ser ice. John Dean attended.

February 27, 1973
PM 3:55 4:2G President met With John Dean alone in Oval Office.

February Z8, 1973
AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973
AM 9:18 9:46 President met with his Counsel, John w. Dean, III,

/ in the Oval Office.

PM 1:G6 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973
AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973
AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

ASPS 9:51 9:54 President met with Mr. Dean in the Oval Office.
MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN, FEBRUARY 27, 1973

March 10, 1973

AM 9:20 9:44 President talked long distance; i'll talk to Dean.

President initiated the call from Camp David; Lr. Dean, who was in Washington D.C.

March 13, 1973

March 14, 1973

. 2:00 President met with Mr. Dean in the Oval Office

(Mr. Haldeman was present from 12:30-12:50)

AM S:36 President telephoned Mr. Dean. The call was not completed.

8:55 8:59 Ator. Dean returned the call and talked with the President.

9:43 10:50 President met with Mr. Dean in the P'EOB Office. Also present were:

Ronald L. Ziegler (departed at 9:50)
Richard A. Moore (9:55-10:50)

PM 12:27 12:36 President telephoned Mr. Dean.

12:47 1:30 President met with Mr. Moore and Mr. Dean.

4:25 4:36 President talked with Mr. Dean. (The President initiated the call.)

4:34 4:36 President talked with Mr. Dean. Mr. Dean initiated the call.

PM ~36 G:2L President met with Mr. Dean and Mr. Moore in the Oval Office.

March 15, 1973

(601)
46.1 MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN, FEBRUARY 27, 7973

... Ocan in t'c O--. al O Office.

Mr. Ziegler (not present) from 10:00-11:00.

PM  8:14  S:2s President talked with Mr. Dean. (The President initiated the call.)

March 17, 1979

PM  1:25  2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

P1M  4:59  President requested that Mr. Moore and Mr. Dean join him in his EOB Office.

1:03  5:41  President met with Mr. Moore and Mr. Dean in his EOB Office.

March 20, 1973

AN4  10:46  10:07 President talked with Mr. Dean. (The President initiated the call.)

PM  12:59  1:00 President talked with Mr. Dean. (The President initiated the call.)

1:42  2:31 President met with Mr. Dean and Mr. Moore.

7:29  7:33 President talked with Mr. Dean. (The President initiated the call.)
MEETINGS ASD CONVERSATIONS BETWEEN THE PRESIDENT AND
JOHN DEAN, FEBRUARY 27 1973

PM', 5:9V 6:01 President met with Mr. Dean in the President's
EULD.O. Ce. Also present were:
Mr. Ziegler (departed at 5:23)
Mr. Haldeman
Mr. Ehrlichman (5:25 (5:25-5:01) I-tJ ~zGW
Gen. Scowcroft (5:Z7-6:CO)

PH 1:57 3:3 Presidnet, me. with Mr. Dean in the President's
EOLD. O,ffice. A1 so, present were:
Mr. Ehrlichman, arl (2:00-3: '0)
Mr. Haldeman (2:Cl-3:/~0)
Mr. Mitchell (2:01-3:/~3)

March 23, 1973

P:VI 12:44 1:02 President talked long distance with Mr. Dean
The President initiated the call from Floride
to Mr Dean who was in Washington D.C.

CERN. Camp, David.)

No Coil. Ct during., the period April 1-14

9.;rsl 15, 1973

President met with Mr Dean in President
EOLD. O-Office.

March a 22: Deleted

Mr Dean was scheduled to attend the Presidents,;:1 \W 11=5-

President met with Mr Dean in the Oval Office.
Mr. Haldeman was also present for at least part of the time.

March 22, 1973

3:28 President talked long distance with Mr. Dean.
MEETINGS AND CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN DEAN, FEBRUARY 27, 1973 - APRIL 19, 1973

AM 10:00 10:35 President met with Mr. Dean in the President's Office.

President talked with Mr. Dean (initiated the call).

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean (initiated the call).

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.
MEMORANDUM OF CONVERSATIONS WITH THE PRESIDENT, FEBRUARY 27, 1973

MEMORANDUM OF SUBSTANCE OF J. G. ANGEL'S

February 27, 1973

Dean reported on IRS investigation of Watergate. Dean reported on Watergate indictments.

Discussed executive privilege, minority counsel for Watergate Committee. Dean suggested White House aides assist in answering interrogatories.

President inquired of Watergate, Dean said no White House involvement. Stans was victim of circumstances. Colson was lightning rod because of his reputation. Discussed wiretappings which had been brought up in the Gray hearings. Sullivan, Deputy Director, was friend of Dean and Dean suggested they make sure that wiretaps of prior years (other Administrations) be made known.

Preparation for press conference -- go over question and answer book. Was decided the question would come up as to why Dean was sitting in on FBI interviews and that one reason was he was conducting an investigation for the President. President asked Dean to write a report. Dean was also critical of Gray.

(March 2 press conference)

Discussed executive privilege guidelines, decided to cover former White House personnel as well as present.

Again discussion executive privilege guidelines. Dean again told the President the White House was clear. The President inquired as to now Pat Gray was doing. Dean informed him E.B. Williams had dropped out of the civil case.

(605)

And.

September 15, 1972

March 1, 1973

March 7, 1973

Of
Fred D. Thompson, being sworn, deposes and says:

Early in June, 1973, the White House transmitted to the Select Committee a memorandum (which is attached to this affidavit) listing certain oral communications, both face-to-face and telephonic, between President Richard M. Nixon and John Wesley Dean. This memorandum, inter alia, includes the exact times and durations of these communications, and, in the case of face-to-face communications, the other participants, if any, in those conversations.
2. Shortly thereafter, I received a telephone call from J. Fred Buzhardt, Special Counsel to the President. During this telephone call, Mr. Buzhardt related to me his understanding as to the substance of certain portions of the enumerated conversations between the President and Mr. Dean.

3. During my discussion with Mr. Buzhardt I made detailed notes on the information that he gave me. Upon conclusion of the conversation, I promptly prepared a "Memorandum of Substance of Dean's Calls and Meeting with the President," a copy of which is attached to this affidavit. It is my belief that this memorandum accurately reflects the information imparted to me by Mr. Buzhardt.

Subscribed and sworn to, before
me, this 16 day of October, 1995
notary Public, D.C.
Commission Expires, 1/1/97
ance from Haldeman that if he made it through the Senate hearings, as he
had the grand jury and trial, that he could have a better job later.

Haldeman said that he could not make a firm promise, but that he would
do all he personally could do to assist. This was good enough for
Magruder. Haldeman said that Atty. Jones would be told to proceed with
Secretary Dent to get the position at the Commerce Department finalized.

On March 5, I received a call from Secretary Dent regarding his
hiring
Magruder. I did not want to tell Secretary Dent that Magruder.-I r was
totally free from future problems so I was evasive with
him that Magruder might have some problems Because I regretted
misleading him. I prepared a memorandum for my files—something I
seldom do because I felt Magruder was, in fact, going to have problems. In
fact. I thought everyone was going to have problems. I have submitted a
copy of this memorandum reflecting this conversation with Secretary Dent
to the committee.

(The document referred to m-as marked exhibit Dio. 34-38.*]

Mr. Deem. I would now like to turn to the meetings I had with the
President in February and March of this 5 ear.

I have described to the committee several matters that followed the La
Costa meeting which direc tl v in volved P residential decision making and
Presidential involvement. I would now like to turn to my direct
dealings with the President which began in late February of 1973 with regard to the
Watergate and related matters. I feel I can best set forth what transpired at
these meetings by discussing what occurred at each meeting

MEETING OF FEBRUARY 27

This was the first meeting I had had with the President since my
September 1.) 1'.3) meeting which related to the Watergate. It was at
this meeting that the President directed that I report directly to him
regarding all Watergate matters. He told me that this matter m-as taking too
much time from Haldemna's and Ehrlichman's normal duties and he also
told me that they were principals in the matter, and I therefore could be
more objective than they The President then told me of his meetings with
Senator Baker and the Attorney General He told me that Senator Baker
had requested that the Attorney General be his contact point and that I
should keep in contact with the Attorney General to make sure that the
Attorney General and Senator Baker were working together. He asked me
to follow up immediately to determine if the Attorney General and Baker
had met. I informed him that I had earlier discussed this with the
Attorney General and the Attorney General was planning to meet with
Senator Baker and Senator Ervin to discuss turning over FBI data
regarding the Watergate investigation.

& brief discussion followed in which the President recounted. what
had already been reported to me by Haldeman that he had told Senator
Baker that he would not permit White House staff to appear before the
Select Committee. rather he would only permit the taking of written inter rogatories He asked me if I agreed with this and I said that
written interrogatories were something that could be handled

see p. 1251

(608)
whereas appearances might create serious problems. He told me he would never let Haldeman and Ehrlichman to to the Hill. He also told me that Senator Gurney would be very friendly to the White House and that it would not be necessary to contact him because the President said Senator Gurney would know what to do on his own. On the way out of his office he told me I had done an excellent job of dealing with this matter during the campaign; that it had been the only issue that McGovern had had and the Democrats had tried to make something out of it but to no avail. I told him as we were walking together out of the office that I had only managed to contain the matter during the campaign, but was not sure it could he contained indefinitely. He then told me that we would have had to fight back and he was confident that I could do the job.

MEETING OF FEBRUARY 38

I had received word before I arrived at my office that the President wanted to see me. He asked me if I had talked to the Attorney General regarding Senator Baker.

I told him that the Attorney General was seeking to meet with both Senator Ervin and Senator Baker, but that a meeting date had not yet been firmed up. I told him that I knew it was the Attorney General’s wish to turn over the FBI investigation and the President said that he did not think we should, but asked me what I thought of the idea. I told him that I did not think that there was much damaging information in the FBI investigation, although there could be some bad public relations from it. He told me to think about this matter. He also said that he had read in the morning paper about the Vesco case and asked me what parts if any his brother Ed had had in the matter. I told him what I knew of his brother’s involvement, which was that he was an innocent agent in the contribution transaction. We then discussed the leak to Time magazine of the fact that the White House had placed wiretaps on newsmen and White House staff people. The President asked me if I knew how this had leaked I told him that I did not; that I knew several people were aware of it. but I did not know any who had leaked it. He asked me who knew about it. I told him that Mr. Sullivan had told me that he thought that Director Hoover had told somebody about it shortly after it happened because Hoover was against it and that Sullivan said that he had heard that this information had gone to Governor Rockefeller and in turn had come back from Governor Rockefeller to Tr. Kissinger. We then talked about the executive privilege statement and the President expressed his desire to get the statement out well in advance of the Watergate hearings so that it did not appear to he in response to the Watergate hearings. We also discussed Atty. Mollenhoff’s interest in the Fitzgerald case, and he asked me to look into the matter for Mr. Mollenhoff.

Before departing his office, he again raised the matter that I should rep)olt directly to him and not through Hal(eman and Ehrlichman I told him that I thought he should know that I was also involved in the y)ost-Tune 17 activities regarding Watergate. I briefly described to him why I thought I had legal problems. in that I had been a conduit for many of the decisions that were made an. therefore could be
Did there -- strike that. In your conversation with Mr. Haldeman... on, following; in the meeting Mr. Haldeman—on had With the President, what did Mr. Haldeman say?

A He told me that Mr. Magruder had not come back to the White House. He told me Magruder had wanted
to work in some capacity on the White House staff while assisting in the Bicentennial, and that this was just not possible.

The President didn't want him back in the White House.

Q Did he indicate that the President had made a decision, however, about giving Mr. Agruder some sort of a job? Well, I frankly don't recall in how much detail Haldeman discussed that with me. I know that there was very definitely a desire to get Mr. Agruder a job after that decision was made, and I think I would be inferring rather than have direct knowledge.

Q Now, did there come a time, on February 27th, when you met with the President?

A Yes, I did.

Q Prior thereto, did you have a conversation with Mr. Ehrlich in which the subject of Executive Privilege was discussed?

A Yes, I did.

Q Would you give us the substance of that conversation?

(610)
JOHNS DEAS TESTIMONY, FEBRUARY 14, 1074, WATERGATE
GRAND
JUF/Y, 7-8

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The conversation emanated from the likelihood of a rather vigorous set of hearings on the Watergate being pursued by the Senate and I told Mr. Ehrlichman that there was a good possibility that I could be called, as a lot of people could be called, to appear before the Senate, and there was no way in the world, I thought, that Executive Privilege could be invoked.

I had never, in fact, discussed this matter with the President or had any dealings with him directly on it because I felt that if it really came to a battle on Executive Privilege, it would require direct conversation with the President to be protected.

Q Thereafter, you were called by the President to meet with you?

A Yes, I was.

Q To meet with him, rather. And that occurred on the 27th of February, is that correct?

A That is correct.

Q Now, do you recall what was said, in substance during that meeting about to whom you ought to report?

A The President told me I should report to him directly on matters relating to the Watergate.

Q Did he mention anything about Mr. Haldeman and Mr. Ehrlichman in this regard?

A Yes, he did. He told me that they were principals

DM

(611)
Senator GURNEY. Well that could be understandable. How about Kalmbach; Kalmbach was your very good friend, was he not?

Mr. EHRLICHMAN. Yes; but he was also very knowledgeable in this case and he had been one of the People that I had interviewed to try to get information for the President on the money end of this thing, and so I considered him to be a witness, if you please, in the inquiry.

Senator GURNEY Of course, KALMBACH'S reaction, as I am sure you know, was total shock at this recording.

Mr. EHRLICHMAN. I understand, and I regret very much but I had an assignment from the President that I felt I had to carry out. As a matter of fact, I did some checking on Mr. Haldeman, who is also my very good friend. I did that because I felt I had to bring to the President whatever information was available in the higher interest.

Senator GURENY. Are you saying now this is during the period of time that the President had reassigned the business of Watergate to you and from Mr. Dean; is that correct?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. Going back to that, that assignment of investigation of the Watergate to Dean, and now I am not talking about June-July, I am talking about February of this year; as a matter of fact, I think Dean talked to the President on February 27.

Mr. EHRLICHMAN. That is right.

Senator GURNEY. And in that conversation with the President, the President assigned the investigation of Watergate, at least that current phase of it, to Dean. As I recall, he said that he wanted Dean to report directly to him. He also said that it was taking up too much of your time and also Haldeman's time. Was that ever discussed with you or with Haldeman, the President's decision to have Dean now become the chief investigator of Watergate, February 27?

Mr. EHRLICHMAN. Yes, Senator, except chief investigator, I think, is slightly off the track. The preoccupation at that time, as far as the president was concerned, was not in an investigation of the facts as nearly as it was to get some one person in the White House who was going to look after a number of existing problems with relation to this whole subject matter and they were primarily the problems of executive privilege and separation of powers as he saw it then, not a question of who done it.

So rather soon after this meeting we had at La Costa which was, incidentally, the meeting was the result of the President saying, "Who is in charge and what plans are being made and how is the work coming?"

Senator GURNEY. And this came at about the time this committee was created; is that right?

Mr. EHRLICHMAN. That is right; yes, sir.

Senator GURNEY. Concern about what to do about the investigation of the committee, how to respond to its

Mr. EHRLICHMAN. Yes, sir; that was certainly part of it.

Senator GURNEY. GO on.

Mr. EHRLICHMAN. Coming out of that session, as a result of our report back to him that the work was largely undone, that a tremendous amount of work was left to be done in terms of developing the administration's position on executive privilege and attorney-client
privilege and marshaling all of the files that had to be marshaled and all the rest, that he said 'Well, I want Dean to take charge of this. ' T avant JOU fel]oxvs to get out of it. ' He said to me, 'I halve got someth ing else I want you to do and I want you to press on it,' so I started off on an entirely different project that had to do with legislation and from about the third week in February the understanding was that r was out of it. Bob Haldeman was basically out of it. and Dean was the leadman in the White House on this whole subject of privilege, the committee, the grand jury, and all of the collateral questions that were associated w with this.

Senator GURNEY. Did Dean make any reports to you after that or only to the President?

Air. EHRLICHJIAN. I saw very little of Mr. Dean in those months and quite a few weeks went by when I didn't see him at all, or for that matter really talk to him very much. Let's see, in the month of February, after the President made that assignment I didn't see him at all. The month of March I didn't see him at all for the first 20 days and then I saw him in connection with the Hunt blackmail twice on the 90th and on the 21st but that was the only subject that was discussed and then, of course, there was the meeting on the 22d with Attr. Dean and Stir. Mitchell, and then the President, and then from then on I had virtually no contact with Mr. Dean except one meeting with—in Fir. Haldeman's company the day we got back from San Clemente, of April 8, once on April 10, and then this meeting of April 13 for which the notes exist that are in Senator Inouye's hands.

Senator GURNEY. Just one further question on that. Was there ever any suspicion in your mind that the President appointed Dean to sort of be in charge of Watergate on February 97 because he might have had some suspicion that maybe you were involved or Haldeman was involved or somebody else in the White House was involved?

Mr. EHRLICHJAN. Well, what the President explained to me was that the central question here was one of executive privilege and the availability of Presidential assistance to testify before the Congress. You will recall this had come up in the setting of Peter Flanigan and coming before the, what the

Senator GURNEY. Judiciary Committee.

Mr. EHRLICHJAN. Judiciary Committee.

Senator GURNEY. Kleindienst.

Mr. EHRLICHJAN. And through my notes or meetings with the President, there are three or four references to the President's strong concern that Haldeman and I were test cases, so to speak, of the availability of Presidential assistants to testify before the Congress, and I know there were some questions about his reference to us as principals. I think you have to take it in that setting. We were principals on the question of the availability of assistants to testify.

Now, the precedents that might be set by our testifying he was concerned would in turn open up Henry Kissinger's testifying and the whole panoply, so to speak, of Presidential assistants and very soon you would have a breakdown of the White House staff system because everybody would be up here testifying(T like Cabinet secretaries) do every day and couldn't get any work done.

(613)
the opportunity to reenter Government at a suitably high level and, second, to provide him with the opportunity in a very short period of time to appear publicly and under questioning, to clear up all charges regarding his role in the Watergate, if any, and to give him a chance to, as he requested of this committee, get back his good name. Third, a question of whether Magruder could have a White House job. At that time I had already told Magruder that that would not be possible, but I think, the point here was to check that decision with the President to be sure he concurred. Fourth, the question of Buchanan sitting in on the hearings as a watch dog of the press an idea that Dean says I suggested, although it is my recollection he suggested it at the I a Costa meeting. In any event, this was certainly not a coverup move, but exactly the opposite. Fifth, the question of the Attorney General meeting with the President. That, too, was a logical step because we were into the matters of executive privilege and the question of White House staff members going to the hearings was important for the President to discuss with the Attorney General. As it concurrently or shortly thereafter developed, Senator Baker requested that Mr. Kleindienst be his contact with the administration.

In the latter part of February, as the questions of executive privilege and other matters dealing with the Senate Watergate inquiry intensified, the President saw that this was involving a substantial amount of time of a number of people in the White House and particularly seemed to be involving Ehrlichman and me in more expenditure of time than the President felt was productive. Consequently, he met with John Dean at the end of February regarding the matters of executive privilege, the Senate hearings, and so forth, and he gave instructions to me and I am sure to others, that all Watergate matters were to be handled by Dean at the White House and by Kleindienst at the Justice Department and that no one else was to devote time to the subject and that no one else was to get into the matter with the President. He was trying to avoid everyone getting into the act. wasting time, and diverting attention—which is a real danger when a highly publicized and volatile matter such as this comes up.

This decision of the President's led to the series of meetings that he had with Mr. Dean starting February 27 and running through March 21, meetings that were primarily concerned at the outset, I believe, with executive privilege matters. That continued to be a major point, but as that 3-week period went on, the President's concern did grow regarding conflicting Watergate stories and, from what he indicated to me, he was intensifying pressure on Dean to find a way to get the full story out. Dean at this point was clearly in charge of any matters relating to the Watergate. He was meeting frequently with the President and he still indicated that he was positive there was no White House involvement. During this time the Gray hearings also became a matter of focus and the executive privilege question arose in connection with them, too. I have the feeling that during this period the President was gradually getting more of a feel of the possibility that there might be some problems involved in the Watergate matter that he had not even dreamed of and that that led to the meeting of March 91, in which John Dean was going to give the President the full story.
47. On February 28, 1973 the President met with John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

Executive privilege, written interrogatories and forthcoming hearings of Senate Select Committee ........................................1-8, 18-21, 29-30, 33-35, 65-67

Wiretapping and domestic surveillance

Sentencing of seven Watergate defendants

Clemency and the Watergate defendants

White House position with respect to Watergate trial and appeals

Segretti Chapin and political intelligent

Kalmbach as a witness

White House and Watergate matter

Role of CRP and John Mitchell in Watergate matter

47.1 Tape recording of meeting between the President and John Dean, February 28, 1973 and House Judiciary Committee transcript thereof
TRANSCRIPT OF FEBRUARY 28, 1973 MEETING, 1-77

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY STAFF

HOUSE JUDICIARY COMMITTEE

OF A RECORDING OF A MEETING BETWEEN

THE PRESIDENT AND JOHN DEAN

ON

FEBRUARY 28, 1973, FROM 9:12 TO 10:23 A.M.

(616)
DEAN: Good morning, sir.

PRESIDENT: Oh, hi.

DEAN:

How are you?

PRESIDENT: Oh, I wanted to, uh, to speak with you about, uh, what,

uh, kind of a line to test. Now, I want Kleindienst --

this is not a question of trust. You have?

DEAN:

[Clears throat]

PRESIDENT: you have it clearly understood that you will call him and

give him directions and that he will call you, and so

forth and so on. I just don't want Dick to go,

DEAN: No, I think --

PRESIDENT: go off -- you see, for example, on executive privilege --

I don't want him to go off and get the damn thing, uh, uh

-- get us --

DEAN:

Make any deals on this thing -

PRESIDENT: Well, to make a deal -- that's the point.

DEAN: Yeah.

(617)
PRESIDENT: That Baker, uh, as I said, was, uh, he was [unintelligible]
you know, this and that and the other thing, and, and
you've got to be very firm with these guys or you may not
end up with anything. No, as I said, the only back-up
position I can possibly see is one of a, uh, is Kleindienst
wants to back [unintelligible] didn't want to but suggested
we ought to back them heavily, send them up there in,
in executive session. Well, now you haul them up there in
executive session, we still got the problem of a, uh,
of, uh, well, I feel that the [unintelligible] I, I "think
any question

DEAN: PRESIDENT: at that point, and that's going to be far more
significant.

This crap bothers us at the moment, but that's far more

significant. And they'll haul him up there and bully-rag

him around the damn place and it'll raise holy hell

within

our or his relations with Rogers and all the other
people.

[Secretary enters.]

PRESIDENT: Yeah. Oh, uh, oh, I've sent some notes out, uh, -
- I guess there's, uh, a couple of yellow pages -
something

—2—

(618)
that I was, uh, from that file on the teachers' thing that I'm not doing today.

SECRETARY: Yes, sir.

PRESIDENT: Get the yellow pages [unintelligible]. Might save money

for the government.

SECRETARY: All right, sir.

PRESIDENT: Just send it back to me please.

[Secretary leaves.]

PRESIDENT: So you see, uh, I think you better have a good, hard

face-to-face talk with him and say, "Look, we've thought

this thing over," and, and, uh, you raise the point with

him: it cannot be executive session because, you know,

he's likely to float it out there and they'll grab him.

DEAN:

PRESIDENT: Yeah.

That's right, and as I mentioned yesterday, he is meeting with Sam Ervin and Baker in this joint session and that probably is one of the first things that, uh
DEAN: That they're -

PRESIDENT: That's the only thing they'll be there to discuss.

(619)
DEAN: It'll be --

PRESIDENT: The main thing

DEAN: That's right.

PRESIDENT: They'll be there to discuss -- not only -- the only -- but

the main thing Ervin is going to be, "Now what about executive privilege?" Now, he hasn't had that meeting set yet, though, has he?

DEAN: No, it's not. So there's ample time to have Dick go up,

uh --

PRESIDENT: Well, you, uh, you, have a talk with him and say we talked about this and this is where we stand and this is where he is. Now your position, I mean, uh, of course, I know our position is written interrogatories, which they will never probably accept, but it may give us a position, I mean it'd be reasonable in the public mind.
DEAN: Correct.

PRESIDENT: That's what you have in mind.

DEAN: Right.

PRESIDENT: Now, the other possibility is, uh, is the one that, uh,
Ehr --, Ehrlichman, I think suggested it. You could have, uh, uh, agree that, uh, the ranking, uh, the Chairman and the ranking member could, uh, question under basically the same -- under very restricted -uh, a little bit early [unintelligible] for that.

DEAN: You mean, coming down here, say?

PRESIDENT: Basically,

DEAN: That's a --

PRESIDENT: that is the thinking.

DEAN: I think, I think that's a, uh, a sort of "if" we couldn't get inter- --, written interrogatories. That's still a, a, a serious precedent to deal with, though, if they come down here and, uh, uh,

PRESIDENT: Yeah.

DEAN: start questioning people. I think the issues would have to be so narrowed for even that situation.

PRESIDENT: Yeah.

DEAN:

And that's what'll evolve with the

PRESIDENT: Right.

(621)
DEAN: narrowing of the issues to where what information, say, a, a Haldeman might have or an Ehrlichman might have

PRESIDENT: Yeah.

DEAN: that the Committee needs to be complete in its report or its investigation.

PRESIDENT: Yeah. We will say that you will then, you will [unintelligible] to written interrogatories under oath, than an-

answer questions.

DEAN: That's -- publicly, you, you're not withholding any information and you're not using the shield of the Presidency.

PRESIDENT: So, as I say, [clears throat] when you talk to Kleindienst -- because I have raised this in previous things with him on the Hiss case -- he got, he'd forgotten, and I said, "Well go back and read the first chapter of *Six Crises*. Tells all about it." But I know very -- as I said, I mean, that was espionage against the nation, not against the party. FBI, Hoover, himself, who was a friend of mine,

DEAN: Uh huh.

PRESIDENT: even then, said "I'm sorry. I have been ordered not to cooperate." And they didn't give us one God damned thing.
I conducted that investigation with two stupid little committee investigators -- they weren't that stupid -- they were tenacious. One had been fired by the FBI, he was a good, decent fellow, but he was a drunk.

DEAN: Uh huh.

PRESIDENT: And, uh, we got it done. But we broke that thing

DEAN: Against a wall --

PRESIDENT: without any help. The FBI then got the evidence

which eventually -- See, we got Piper, who -- We got

the, the, the, oh, the Pumpkin Papers, for instance. We,

we got all of that ourselves.

DEAN: Well, you know, it -

PRESIDENT: The FBI did not cooperate. The Justice Department did not cooperate. The Administration would not answer questions except, of course, for Cabinet officers, I mean, like, uh,

who's the, who -- Burling came down and some of the others [unintelligible]

DEAN: Funny, when the shoe is on the other foot, how they look at things, isn't it?

PRESIDENT: They did -- Well, and, as I said, the New York Times, the

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Washington Post and all the rest, said the Administration has an absolute right -- They then

DEAN: [Clears throat]

PRESIDENT: put it, they put it in terms of executive privilege. They were just against the investigation. So the real question there is that now, now you could say that I, having been through that -- we have talked it over, and that I feel that, uh, I think that was -- I have always felt very miffed about that, felt that was wrong, it was espionage against the nation. Now this is another matter. But I think that we ought to cooperate, and I'm trying to find an area of cooperation. Here it is: written interrogatories. All right. You see, the Er--, the, the Baker theory is that he wants to have a big slambang thing for a week and then he thinks interest in the whole thing'll fall off. And he's right about that. And he even -- But his point of having the big slambang thing for a week is to bring all the big shots up right away. But the big shots you could bring up -- you, you could bring up Stans. They've got to put him on, and they've got to put Mitchell on. But he'd like to get, of course, Haldeman, Ehrlichman, and Colson.

DEAN:

I understand that, uh, sob and you have talked about

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running Stans out as sort of a stalking horse on
AN on another post.

PRESIDENT: Well, it's not my idea. It's, uh, I guess Moore or
some-

body mentioned it.

DEAN:

I, I think it was my idea, as a matter of fact, and I

think it could defuse, could be one defusing factor
in the

hearings. Uh, Stans would like to get his side of
the

story out. He is not in any serious problem
ultimately.

It could be rough and tumble, but Maury is ready to
take

it and, uh, it would be a mini-hearing, no doubt
about it.

But this further detracts from, uh, the other
Committee.

PRESIDENT: It would be a mini-hearing, it's true. Except knowing

the press -- I'm trying to think out loud a minute --

knowing that they, uh, you know, they have, like they

have

taken [clears throat] -- they sold several of these
stories

on Colson and Haldeman about four
times.

DEAN: Oh, I know

that.
PRESIDENT: Now, that they can -- I just wonder if, if that
doesn't do that? I don't know [clears throat]. Take
Stans, they'll get him up by the seat; somebody's after
him about the Vesco contri- [clears throat] bution As I
read

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the, first read the story briefly in the [Dean clears throat] Post. And, I read, naturally, the first page and I turned to the Ti read it. The Times had in the second paragraph that the money had been refer --,

returned.

DEAN:

That is correct.

PRESIDENT: The Post didn't have it until after you continued to the next, to the next section.

DEAN:

That's right.

PRESIDENT: The God damnedest thing I ever saw.

DEAN: Typical.

PRESIDENT: [Coughs] My guess is that as far as that transction's concerned, that it was after, that he got the money after the tenth, but I don't think they pointed out that Sears got it before.

PRESIDENT: [Unintelligible]

DEAN:

Well, for all purposes, the, the, uh, the donor -

PRESIDENT: Because I'm sure,
DEAN: Vesco --

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DEAN: Well it was con--
PRESIDENT: I'm sure that Stans would never do a thing like that.

DEAN: Now, uh --


DEAN: Uh, I think we have a good strong case that the donor had relinquished control over the money, and constructive possession of the money was in the hands of the

PRESIDENT: Harry Sears.

DEAN: finance committee, and Sears and, uh, and the like. So that there is no, uh

PRESIDENT: How did they get my brother in it? Eddie?

DEAN: I'll tell you, you talk of the, that was -- that was sheer sandbagging of, of your brother. Here is what they did. They called him down here in Washington.

PRESIDENT: Who did?

DEAN: Uh, it's, uh, let's see,

PRESIDENT: Sears?

DEAN: it was Vesco; it was Vesco and Sears, and said that, "We want to talk to you about the nature of this transaction"
because we have had some earlier conversations with

PRESIDENT: Yeah.

DEAN:

uh, Stans." He really wasn't privy to it,

PRESIDENT: Yeah, I know.

DEAN:

and didn't know much about it; said, "Sure, I'll come up."
And what the, the long and short of it was, they were asking him to find out from Stans whether they wanted cash or check. Stans just responded to your brother and said, uh,"I don't really care -- whatever they want to do," and that's what he relayed back and it's, uh -- He wasn't, he, he didn't even understand why he was there.

PRESIDENT: Sure.

[Unintelligible]

DEAN:

So, uh, and he's clean as a whistle. There's just no -

PRESIDENT: Oh, I know that. I know that.

DEAN:

Just no problem at all.

PRESIDENT: He doesn't know anything about the money side.

So you'd sort of lean to having Stans go stalking out

there.

DEAN:

I think it'd have -- I think it would take a lot of the
teeth out of the -- you know -- the stardom of the people

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they'll try to build up to. If Stans had already gone through a hearing in another committee, obviously they'll use everything they have at that time and it won't be a hell of a lot. Uh, it confuses the public. The public is bored with this thing already.

PRESIDENT: Yeah.

DEAN: One of the s--, one of the **things I think we did succeed** in before the election --

PRESIDENT: Stans is very clean. What I mean is, let's face it, on this thing, the way I analyze it, and I have stayed deliberately away from it, but I think I can sense what it is. The way I analyze the thing, Stans would have been horrified at any such thing. And, uh, and, uh, what had happened, what happened was that he, he honestly is outraged. He thinks that what happened is that these pipsqueaks down the line took in some of his hard earned cash and got into silly business with it.

DEAN:
That's right. He -
PRESIDENT: Isn't that what he really thinks?

DEAN:

He, he does and he is a victim of circumstances, of innuendo, of false charges. Uh, he has a darn good chance of winning that libel suit he's got against Larry O'Brien.

PRESIDENT: Has he?
He’s -- that’s right.

President: Good. That’s why Larry filed a countersuit.

Dean: That’s right.

President: I see Ziegler was disturbed at the news that they subpoenaed newsmen. Did it disturb you?

Dean:

President:

Dean:

It didn’t disturb me at all. No, sir. I, I talked to Ron at some length about it the other night, and I said, “Ron, if it -- first of all you can be -- rest assured that the White House was not involved in that decision.” It’s not a criminal case, no,

President: [Unintelligible]

Dean: involved in that decision.” It’s not a criminal case, no,

President: It doesn’t involve prosecution.

Dean: No, it’s a civil deposition and, uh, uh, it’s not if -- we haven’t reached the newsmen’s privilege issue yet, and that’s way down the road, if for some reason they refuse to testify on some given evidence. What they are trying to establish is the fact that, uh, Edward, Edward Bennett Williams’ law.
firm passed out an amended complaint that libeled Stans
before it was into the Court process, so it was not privi
tagged. And the newsmen are the people who can answer
that question. Also, they are trying to find out how
Larry O'Brien and Edward Bennett Williams made statements
to the effect that this law suit was not really to -- the
first law suit they had brought against the Committee -
was not really to establish any invasion of privacy,
but rather they were harassing the, uh, the Committee.
PRESIDENT: They've made the [unintelligible]?  
DEAN: They made this off the record to several newsmen and we
know they did this. That this was a drummed up law suit.
PRESIDENT: So therefore that proves, uh, also malice, doesn't it?
DEAN: It, uh, it makes the abuse of process s-, uh, case that
we have against them on a countersuit. And the lawyers
made a very conscious and good decision that -- to proceed
with the suit, they were going to have to have this infor
mation and it doesn't bother me that, uh, they subpoenaed
nine or ten -
PRESIDENT: Well, one hell of a lot of people don't give one God damn
about this issue of suppression of the press, and so forth.
We know that we aren’t trying to do it, when they can all
squeal about it. It’s amusing to me when they say -

somebody says, “I watched the networks and they weren’t -
and I though they were restrained.” What the Christ do
they want them to do -- to go through the ’68 syndrome,
when they were eight to one against us? They were only
three to one this, this time on the -- according to the aver
age. You know, it’s really, really, really sickenting, you

know, to see

DEAN: Right.
PRESIDENT: these guys that always, they always figured, "Well, we
have the press on our side.” Then when we, uh, we, we
receive a modest amount of support -

DEAN: That’s right .
PRESIDENT: Colson, sure, making them move it around, saying [unintelligible]
we don't like this or that but, uh, it didn’t affect them.

DEAN: Well, you know Colson’s threat of a law suit that was, was
printed in Evans and Novak had a very sobering effect on
several of the national magazines. They are now checking
before they print a lot of this Watergate junk they print,
with the press office trying to get a confirmation, denial,
comment or calling the individual that’s involved. And
they have said as much as they are doing it because they
are afraid someone is going to bring a libel suit on them.

So it did have a sobering effect. It will keep them, maybe.

honest if we can, uh, remind them that they can't print

anything. I mean, uh -

PRESIDENT: Well, you of course know, that I said at the time of the

Hills case -- Well, it is God damned near impossible for a

public figure to win a libel case anymore.

DEAN: Yes sir. It is. To establish (1) malice, or reckless dis

regard of -- no they're both very difficult.

PRESIDENT: [Sneezes] Yeah. Well, malice is impossible, virtually.

This guy up there, "Who, me?" Reckless disregard, you can, maybe .

DEAN: Tough. That's a bad decision, Mr. President. It really is.

It was a bad decision.

PRESIDENT: [Unintelligible] What the hell happened. What's the name

of that -- I don't remember the case, but it was a horrible

decision.


PRESIDENT: [Unintelligible] Sullivan case.

DEAN:

[Unintelligible] and it came out of, uh, out of the South on a civil rights
PRESIDENT: Selma. It was talking about some, some guy that was -- yeah, he was a police chief or something. Anyway, I remember reading it at the time when -- that's when we were suing Life you know, for the Hi ... When Life was guilty as hell.

DEAN: Did they win it?

PRESIDENT: Supreme Court -- four to three. There were a couple of people who couldn't, uh -- no, five to four -- five to three and a half.

DEAN: [Laughs]

PRESIDENT: Basically, the, uh -- Well, this goes back to executive privilege [unintelligible]. Uh, we must, uh, we must, must go forward on that. Just so you understand, I think you'd better go over and get in touch with Dick, and say: you keep it at your level; don't say the President told you to say so. Well, I guess it's going to be me in the end, but I, I'd say, "This is the position, Dick, you should take."

Period. Let's let him get out there and take it. But I want them to think they can appeal to me. You can tell him that I took that position with Baker. But he -- Baker's a smoothy -- impressive -- "Oh, the President didn't say this or that," he said, "we just think he'll tell them this."

DEAN: [Laughs]

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President: Then he'd say, "All right, they have studied it, they have recommended it and the President has approved it." Right?

Dean: Now how about -

President: Is that what you want to say?

Dean: Yes sir, I, I, I think that's absolutely on all fours.

And, uh, how about our dealings with Baker? Under normal Congressional relations, uh, vis-a-vis Timmons and Baker, should we have Timmons making, uh, dealing with one of the --

President: Well, he, he objected to, uh, I mean, something, now that's a curious thing on that -- it's hard to know whether this would be a very big gaff by calling him, urging and trying to influence who would be on his staff.

But Jesus Christ, uh, I don't know why he did blow, he did that, if he did. I don't -- But if he did, I don't know why Baker would resent it. But, nevertheless, he --

Dean: [Clears throat]

[In background: "Thanks, Virginia."]

President: I don't know how to deal with him, frankly. Don't you ask [unintelligible] I gathered the impression that
Baker didn't want to talk to anybody but Kleindienst.

DEAN: Okay, I think that's one we'll just have to monitor and that's one we'll have

PRESIDENT: Fine.

DEAN: to know an awful lot about if something comes down the

PRESIDENT: Well, let's just let Timmons tell Baker that if he wants to talk to, if he wants to get anybody at the White House,

that I don't want him to talk to Timmons. Of course Timmons is a party in interest here, too. I don't want him to

DEAN: That's right.

PRESIDENT: talk to Haldeman; I don't want him to talk to Ehrlichman, that you're the man -- and that you're available. But leave it that way: that you're available to talk to him, but not for everything. But, nobody else. How does that sound to you?

DEAN: I think that sounds good.

PRESIDENT: You tell Timmons that he sees him privately and says that's it. We are not pressing him. We don't care,
we're not -- because Baker -- [sighs]. The woods are full of weak men.

DEAN: I would suspect if we're going to get any insight into

what--that -- that Special Committee is going to do, it's

going to be through the Gurneys -- I don't know about

Weicker, uh, where he's

PRESIDENT: Weicker's a --
DEAN: going to fall out on this thing.
PRESIDENT: Well, he'll, he'll, he'll be --
DEAN: Whatever's up --
PRESIDENT: I think Weicker, the line to Weicker is Gray. Now, Gray

has got to shape up here and, and, uh, handle himself

well, too. Do you think he will?

DEAN:
PRESIDENT:
I do. I think Pat is, uh, think Pat is tough. He goes

up this morning, as you know. Uh, he is, uh, he is

ready. He is very comfortable in all of the decisions

he has made, and, uh, I think he'll be good.
But he's close to Weicker -- that's what I meant.
Yes, he is.
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And, uh, so, uh, Gray, Gray --

As a vehicle -- yes.

One rather amusing thing about the Gray thing is that I, I -- and I knew this would come -- they constantly say that Gray is a political crony of, and a personal crony of the President's. Did you know that I have never seen him socially?

Is that correct? No, I didn't.

He's -- I think he's been to a couple of White House -- but I have never seen Pat Gray separately.

Back in ’47, I think, is something I have read.

Maybe Radford had a party or something.

Something like that.

Something like that. But that's all. Uh, well that's

-- I don't know. Gray is, uh, is somebody that I, that I know only as a -- He was a, he was Radford’s Assistant,

used to attend NSC meetings.
DEAN: Uh huh.

PRESIDENT: So I've met him. He's never been social. Edgar Hoover, on the other hand, I have seen socially at least a hundred times. He and I were very close friends.

DEAN:

That's curious, the way the press just -

PRESIDENT: But John -- and that's the point: Hoover was my crony and friend. He was as close or closer to me than Johnson, actually, although Johnson used him more. But as for Pat Gray, Christ, I never saw him.

DEAN:

PRESIDENT: Oh .

DEAN:

While it might have been, uh, a lot of blue chips to the late Director, I think we would have been a lot better off during this whole Wagergate thing if he'd been alive, 'cause he knew how to handle that Bureau,

knew how to keep them in bounds, uh -- was a tough cookie.

PRESIDENT: Well, if, if Hoover ever fought -- He would have fought,

that's the point. He'd have fired a few people, or

he'd have scared them to death. He's got files on everybody, God damn it.
[Laughs] That's right.

DEAN: But now, at the present time, the Bureau is leaking like a sieve, and, uh, Baker, and, and -- Gray denies it. Just says it's not coming from the Bureau. Just who in the hell is it coming from? How in the hell could it be coming from anybody else? It isn't coming from Henry Petersen, is it?

DEAN: No. I just would not --

PRESIDENT: It isn't coming from the depositions, is it?

DEAN: Yeah.

DEAN: Yeah. Yeah. Well, [coughs] if you could do -- handle it that way, I think that's the best thing to do. Do you ever wonder, really, if Colson, who's got the brass, the balls of a brass monkey, shouldn't bring a suit. Now, then, uh, understand, that I know that Colson, Colson's got a lot of vulnerabilities.
Uh, you know, in terms of people that he knew, and so forth and so on. It's certainly an issue. But I mean on a narrow issue.

DEAN:
Well, Chuck and I talked about this.

PRESIDENT: He could win it.

DEAN:
He, he could possibly win the suit, but, uh, lose the war, for this reason:

PRESIDENT: [Unintelligible]

DEAN:
A counter-discovery in a libel action has no bounds.

PRESIDENT: I get it. Okay.

DEAN:
The subject is wide open.

PRESIDENT: [Unintelligible]

DEAN:
That's the problem there.

PRESIDENT: That's the District Code in the Federal Court?

DEAN:
That's right. They could just come in and, and depose him on everything he's done at any point in time, and that does it.

PRESIDENT: Keep him out of it. Keep him out of it.

DEAN: Right.

PRESIDENT: Why doesn't Stans be the suer? He is the suer, anyway.
DEAN:
He's got a good one, and, uh, uh, he may well prevail. Way -- It may well be the device to
force a settlement of all these other suits we've got out there. You know, we've got fourteen
million dollars worth of suits against us, and we've got seven or s-, or ten against them.

PRESIDENT: Christ, they all ought to get together and drop them.

DEAN: That's what we're trying to get accomplished.

PRESIDENT: Hell, yes.

DEAN: They're just costing, they're, they're causing everybody
problems, and, uh --

PRESIDENT: That's right, that's right -- and they've got problems,
and we've got them.

DEAN: Uh --

PRESIDENT: So, you see this Vesco thing coming up burns my tail,'cause I, I raised hell with Haldeman on this and he
didn't do anything about it. Well, I guess he couldn't.
What in the name of God ever became of our investigation
of their financial activities? Jesus Christ, they borrowed
- they cancelled debts, they borrowed money. What the
hell is that?
DEAN: Yeah.

PRESIDENT: It's, uh, it's still going on, Mr. President. They're -- look -- McGovern's stuff is in such bad shape. That's another unfortunate thing. The GAO comes in to audit us.

DEAN: They, they, they find all the documents, so they are able to make --

PRESIDENT: [Unintelligible] GAO say that.

DEAN: They -- Well, they have now, but it, you know, gets about that much

PRESIDENT: Yeah.

DEAN: coverage in the paper. They can't even figure out what McGovern's done, the books are in such a mess, but you haven't seen them say anything yet. And that's one of those things that, hopefully, we'll, uh --

PRESIDENT: Bring out in the hearings.

DEAN: Bring out as to what a mess this was, and, and -

PRESIDENT: How are you going to bring it out? You can't bring it out in these hearings,

DEAN: --

Well I think, I think -

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PRESIDENT: Ervin'll rule it out.

DEAN:

PRESIDENT: Yeah.

DEAN:

PRESIDENT: Sure.

I think an independent sort of media type will bring it out, uh. Chuck is going to be of aid when he is out there not connected with the White House.

Little bits of tidbits can be dropped to Chuck, 'cause Chuck’ll still have his channels to

DEAN: push things out.

PRESIDENT: Sure. That's what -- In my view, I have use -- Of course

it's hard for him to leave because he loves the action

and the rest. But apart from the financial part of it, at

his age, and so forth -- which everybody has to think of --

Colson can be more valuable out than in, because, basically

in, he just reached the point where he was, uh, he was

too visible.

DEAN: He is a lightning rod.

PRESIDENT: And, uh, and outside, I mean, he can start this and that

and tell them, "I'm a private citizen and I'm saying what

I God damn please." Right?
DEAN: That's right. That's absolutely right. I think Chuck can be of great aid in this thing, and I think he'll, uh, he'll do it.

PRESIDENT: Now, on the other thing, that is, to recap: You will talk to, uh, Timmons about the Baker thing. Get that --'

get him tied down to the extent he can. I doubt if much could be done there. You must talk to Kleindienst, fast,

so that Kleindienst knows that it's been decided, and that's it. And, he'll say, "Well, they won't take it."

[Unintelligible]. That's all right. That's what it is, you know. Go on to the written interrogatory thing. We shall see. Your, your view would be not to give any further ground on that?

DEAN: I'd say hold -- You know, you, you, you initially hold the line as far as you go if it becomes apparent that it's necessary for informational purposes.

PRESIDENT: When the main, the main thing is not to --

PRESIDENT: Huh?

DEAN: I mean, the President, the President's not going to hide any information. He's not going to hide any information.
Then this can be given in a sworn statement, uh, through, uh, an interrogatory -- send your questions down, they'll be answered. We won't hide the information. We won't, uh, change the, uh, the nature of the ability of the President to make decisions, to operate internally and the like,

because you have a political circus going.

Okay. I understand you, you -- that Mollenhoff still thinks everybody should go up and testify.

That's right.

Uh, but at least you had a talk with him. I do want you to look into the case, though.

Yes, sir, I am.

If the guy's got a bad rap, uh, his, his man, God damn it, we'll get him out of it.

DEAN: Yeah. I am doing that. I talked to Clark, uh,
DEAN: yesterday. Uh, I talked to him last night again.

PRESIDENT: Yeah. Okay.

DEAN: And, I -- he's on this as hot and heavy as can be and --

PRESIDENT: Well, does he think he's got a bad rap?

DEAN: He does -- he thinks he's got a bad rap. And I, you know --

PRESIDENT: Maybe he has.

DEAN: It's a very funny --

PRESIDENT: I know Rule doesn't have a bad rap. That much -- which, uh, by, when, when Rule, Rule, Rule, uh, because when, when a, when a bureaucrat takes it upon himself to go out and, and go way beyond the pale in terms of attacking an Administration like he did, that can't be tolerated.

That -- He, he -- you've got to --

DEAN: It's a different --

PRESIDENT: Suppose a Congressman or a Senator or one of his Administrative Assistants went out and attacked one of his contributors. What the hell would he do? Fire him.

That's right.

DEAN: Right.
PRESIDENT: No -- I noticed several of our Congressmen and brave Republican Senators called upon us to reinstate Rule. Congress is, of course, on its, its -- It can -- I guess they are so enormously frustrated that they're irrelevant. Isn't that the point? That's their problem.

DEAN: I think, I think there's a lot of that.

PRESIDENT: It's too bad we can take no comfort -- we can take very little comfort from this; we have to work with them. But they become irrelevant because they're so damned irresponsible. Much as we would like that it would be otherwise.

Pretty sad lot, .

DEAN: It is. Yes, sir. I spent some years on the Hill myself and one of the things I always noticed was the inability of the, of the Congress to, to deal effectively with the Executive Branch because (1) they don't -- they've never supplied themselves with adequate staffs, in other words, had adequate information available, uh -

PRESIDENT: Well now they've got huge staffs, though, compared to what we had, you see.

DEAN: Well they've got huge staffs, uh, true, as opposed to what they had years ago.

isn't it?
But they are still inadequate.

DEAN: inadequate to deal effectively --

PRESIDENT: God, don't, don't, don't [coughs], don't get into --

Please don't try [unintelligible]

DEAN: No, no, I'm not suggesting that -- I keep, uh, I reserve my, Yeah.

DEAN: my observations for myself. Well, I think this, these hearings are going to be hot, and I think they are going to be tough. Uh, I think they are going to be gory in some regards, but I'm also convinced that if everyone pulls their own oar in this thing, in -- all those we've got with various concerns, that we can make it through these, and minimal people will be hurt. And they may even paint themselves as being such partisans and off base, that they are really damaging the institutions of government themselves, and -

PRESIDENT: [Coughs] I frankly would say that I perhaps rather that they be partisan -- that they get to be partisan.
DEAN: I, we're going to hope they, uh --

PRESIDENT: I'd rather have that, rather than for them to have

the facade of fairness and all the rest, and then come

out -- cause Ervin, in spite of all this business about

his being a great Constitutional lawyer -- Christ, he's

got, he's got Baker totally baffled on that. I mean,

Ervin is as partisan as most of our Southern gentlemen

are. They, they, they are great politicians. They're

just more clever than the minority. Just more clever.

DEAN: Well, I'm, I'm convinced it may be shown that he is

merely a puppet for Kennedy in this whole thing.

PRESIDENT: Kennedy.

DEAN: For Kennedy. The fine hand of the Kennedys is behind

this whole hearing that's going on -- or that is forth-

coming. There is no doubt about it. When, when they

considered the resolutions on the floor of the Senate I got

the R

out to read it. Who asked special permission


to have their staff man on the floor? Kennedy

PRESIDENT: Right.

DEAN: brings this man Flug out on the floor when they're debating a resolution. He is the only one that did this.
Uh, it's been Kennedy's push, quietly, his constant investigation, his committee using their subpoenas to get at Kalmbach, uh, and all these people,

PRESIDENT: Uh huh.

DEAN: that's kept the quiet and constant pressure on the thing.
I think this fellow Sam Dash, who has been selected Counsel, is a Kennedy choice. I think it's also something we'll be able to quietly and slowly document.
People will print it in the press, and, uh,

PRESIDENT: Um huh.

DEAN: the partisan cast of this will become much more apparent.

PRESIDENT: Yeah, I guess the Kennedy crowd is just laying in the

bushes waiting to make their move. Boy, it's a shocking

thing. You know, we, we talk about Johnson using the

FBI. Did your friends tell you, did your friends tell

you whether -- what Bobby did, or whether he [unintelligible]?

DEAN: I I haven't heard but I wouldn't --

PRESIDENT: Johnson believes that Bobby bugged him.

DEAN: That wouldn't surprise me, uh --

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PRESIDENT: Bobby was a ruthless little bastard. But the FBI does --

they, they tell you that, uh, Sullivan told you that,

the New Jersey thing? We did use a bug up there -- just

for intelligence work.

DEAN:

Intelligence work -- just had agents all over [unintelligible]

PRESIDENT: Frankly, the doctors say that the poor old gent had a tumor.

DEAN: That's right.

PRESIDENT: The FBI [unintelligible]

DEAN:

Well, uh, he used Abe Fortas and Deke DeLoach backed up by, uh, some other people in the

Bureau that were standing ready to go out and try to talk this doctor into examining Walter

Jenkins to say the man had a brain tumor. He was very ill, that's why the erratic behavior.

And this doctor, uh, wouldn't buy it.

PRESIDENT: The doctor had never examined him before or anything.

DEAN: No.

PRESIDENT: They were trying to set that up though, huh.

DEAN: Oh, yeah, that would've --

PRESIDENT: What other kind of activities?
DEAN:

Well, I, you know, as I say, I haven’t probed uh, uh,

PRESIDENT: Sullivan.

DEAN: Sullivan to the depths on this because I -- he’s, he’s

one I want to treat at arm’s length, till we make sure

PRESIDENT: Right.

DEAN:

he is safe.

PRESIDENT: That’s right.

DEAN:

But he has a world of information that, uh, may be

available.

PRESIDENT: But he says that what happened on the, on the, uh,

bugging thing is -- who told what to whom again? The

bugging thing?

DEAN: Oh. On the ’68 thing -- I was trying to track down the,

the leaks.

PRESIDENT: Yeah.

DEAN:

He said that the only place he could figure it coming from would be one of a couple of sources he

was aware of, uh, that had been somewhat discussed publicly. He said that Hoover had told Patrick

Coyne about the fact, that this was being done. Coyne had told Rockefeller.

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(653)
PRESIDENT: Yeah [unintelligible]

DEAN: Now Rockefeller has told Kissinger. Now, I have never run it any step beyond what Mr. Sullivan said there.

Now, the other thing is that when the records were unavailable for Hoover -- all these logs,

PRESIDENT: Yeah. [Clears throat]

DEAN: Hoover tried to re-- reconstruct them by going to the Washington Field Office and he made a pretty good stir about what he was doing when he was trying to get the record and reconstruct it. And, he said that at that time we probably hit the grapevine in the Bureau that this had occurred. But there is no evidence of it. Uh, the records show at the Department of, of Justice and, and the FBI that there's no such, uh, surveillance was ever conducted. Uh -

PRESIDENT: Shocking [unintelligible]

DEAN: Now, about White House staff and reporters and the like, and, now, the only, the other person that knows -- is aware of it -- is Mark Felt, and we've talked about Mark Felt, and, uh -- I guess, uh

PRESIDENT: What does it do to him, though? Let's face it. You
know, suppose that Felt comes out and unwraps the whole thing. What does it do to him?

DEAN: He can't do it. It just --

PRESIDENT: But my point is: Who's going to hire him?

DEAN: That's right.

PRESIDENT: Let's face it.

DEAN: He can't. He's-

PRESIDENT: If he -- the guy that does that can go out and, uh, you mean he's a -- of course, he couldn't do it unless he had a guarantee from somebody like Time Magazine saying "Look we'll give you a job for life." Then what do they do? They put him in a job for life, and everybody would treat him like a pariah. He's in a very dangerous situation. These guys you know -- the informers, look what it did to Chambers. Chambers informed because he didn't give a God damn.

DEAN: That's right.

PRESIDENT: But then, one of the most brilliant writers according to ...

^)i.m [unintelligible] we've ever seen in this country - and I am not referring to the Communist issue -- this

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(655)
greatest single guy in the time of -- twenty-five or, thirty years ago, probably, probably the best writer [unintelligible] this century. They finished him,

DEAN:

Uh huh. Well, I think, I, there's no

PRESIDENT: Either way, either way, the, the, the informer is not

wanted in our society. Either way, that's the one thing

people do sort of line up against. They,

DEAN:

That's right.

PRESIDENT: they say, well that son-of-a-bitch informed. I don't

want him around. We wouldn't want him around, would we?

DEAN:

I don't, uh --

PRESIDENT: Hoover to Coyne to N.R. to K. Right?

DEAN: Right.

PRESIDENT: Good God. Why would Coyne tell Nelson Rockefeller?

He was a -- I've known Coyne for years. I've -- not

well, but I -- he was a great friend of, oh, uh, one of my Administrative -- Bob, uh, King, who was a Bureau man.

DEAN:

Now this is Sullivan's story. I have no -

PRESIDENT: Fine, That's all right,
DEAN: I don't know if it's true, but I don't have any reason to doubt that --

PRESIDENT: Most of this is Gospel. Hoover told me, so, uh -- and he also told Mitchell, personally, that this had happened. [Unintelligible]

DEAN: Are you talking -- I was talking about the '68, uh, inci

PRESIDENT: I'm talking about the '68 bugging of the plane.

DEAN: Yeah. Oh, I wasn't referring to that now. When this, when this Coyne, to

PRESIDENT: Oh, oh, that's --

DEAN: Oh.

PRESIDENT: Oh .

DEAN: This, this was the, this was the fact that newsmen had been uh, I -- excuse me. I thought he meant the reference to the fact that, uh;

three years ago the White House had allegedly -- the *Time* story.

PRESIDENT: Oh, this is a -- That's, that's not the, uh --

DEAN: No, on the, on the '68 incident, uh, all I've been able to find out is what you told me that Hoover had told you, what he 'd

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(657)
That's right. Uh, then -

PRESIDENT: Sullivan doesn't remember that?

PRESIDENT: Yeah.

DEAN: Kevin Phillips called Pat Buchanan the other day with, with a, with a tidbit that, uh, Dick Whelan

on

the NSC staff had seen memoranda between the NSC and the FBI that the FBI had been instructed to

put surveillance on Anna Chennault, the South Vietnamese Embassy and

PRESIDENT: That is a -

DEAN:

PRESIDENT: Agnew?

the Agnew plane.

DEAN: Agnew plane.

(658)
PRESIDENT: They put it on our -- well, this isn't mine -- maybe
I'm wrong.

DEAN: Now, and it said al--, and this note also said that,
uh, Deke DeLoach was the operative FBI officer on this.

PRESIDENT: I think DeLoach's memory now is very, very hazy in that
connection. He doesn't remember anything.

DEAN: Well, I talked to Mitchell about this and Mitchell says

that he's talked to DeLoach. DeLoach has in his pos
session, and he has let Mitchell review them, some of

the files on this. Uh -

PRESIDENT: But not, but not --

DEAN: But they don't go very far; they don't go very far --

This, this is DeLoach, uh, protecting his own hide.

The, uh --

PRESIDENT: They are never going to -- It's just as well, to be
candid with you. Just as well. But, uh -- so Hoover
told Coyne, and, uh, and -- who told Rockefeller,

DEAN: -- that this --

PRESIDENT: who told Kissinger that newsmen were being bugged

(654)
DEAN: Yeah.

PRESIDENT: by us.

DEAN: That's right.

PRESIDENT: Now why would Hoover do that?

DEAN: I don't have the foggiest. This was Sullivan's story as to where, uh, the leak might have come from about this current Time Magazine story, which we are stonewalling totally, uh.

PRESIDENT: Oh, absolutely.

NOTE: At this point, there was a discussion of one minute and twelve seconds which has been deleted.

(660)
[DELETION CONTINUED]
PRESIDENT: Sure. And the, and the, and the, and Henry's staff --

He insisted on Lake, you see, after working with McGov--, uh, uh, for Muskie.

DEAN: Um huh.

PRESIDENT: Incidentally, didn't Muskie do anything bad on there? [unintelligible] Henry [unintelligible]. At least I know not because I know that, I know that he asked that it

,. be done, and I assumed that it was. Lake and Halperin.

They're both bad. But the taps were, too. They never helped us. Just gobs and gobs of material: gossip

and bull shitting [unintelligible]

DEAN: Um huh.

PRESIDENT: The tapping was a very, very unproductive thing. I've always known that. At least, I've never, it's never been useful in any operation I've ever conducted. Well, is it your view that we should try to get out that '68 story then, if we can?

DEAN: Well, I think the threat,

PRESIDENT: [Unintelligible]
DEAN: the threat of the '68 story when, when Scott and the others were arguing that the Committee up on the Hill broadened its mandate

PRESIDENT: Yeah.

DEAN: to include other elections,

PRESIDENT: Yeah.

DEAN: they were hinting around that something occurred in '68 and '64 that should be looked at.

PRESIDENT: Right. Goldwater claims he was bugged.

DEAN: That's right. Now I think that, I think that, that threats --

PRESIDENT: Did you think Gold -- Oh, you, didn't you say that Johnson did bug Goldwater's --?

DEAN: He, he didn't -- well, I, we don't know, I don't know if he bugged him, but --

PRESIDENT: He did intelligence work?

DEAN: He did intelligence work up one side and down the other --

PRESIDENT: From the FBI?
DEAN:

PRESIDENT: Um hm.

DEAN:

PRES B ENT: Sure.

DEAN:

From the FBI. Uh, just up one side and down the other on Goldwater.

Now I have not had a chance to talk to the Senator, and I've known the Senator for twenty years. Uh, he is the first man in public life I ever met. Uh, Barry Jr. and I were roommates in school together, so I, I, you know, I can talk to the man.

I am really going to sit down with him one day and say,

PRES D ENT: I think you should.

DEAN: say, what,

PRES Be ENT: Say, "What the hell do you--"?

DEAN: what what do you --

PRESIDENT: Do you have any hard evidence?

DEAN:

PRES m ENT: Right.

DEAN:

That's right. Then we can go from there and possibly reconstruct some things.

(664)
PRESIDENT: Get some stuff written, and so forth. I do think you've
got to remember that, as you sure do, this is mainly a
public relations thing, anyway. What is the situation,
incidentally, with regard to the, the sentencing of our,
of the people, the seven? When the hell is that going
to occur?

DEAN: That's likely to occur, I would say, [sighs] could occur
as early as late this week, more likely sometime next
week.

PRESIDENT: Why has it been delayed so long?

DEAN: Well, they, they've been in, in process of preparing
the pre-sentence report. The Judge sends out probation

officers to find out everybody who knew

PRESIDENT: Yeah.

DEAN: these people, and then he'll -

PRESIDENT: He's trying to work on them to break them, is he?

[Unintelligible]

DEAN: Well, there's some of that. They are using the probation officer for more than a normal
probation report. They are trying to, uh,
PRESIDENT: Yeah.

DEAN: do a mini-investigation by the Judge himself, which

is his only investigative tool here, so, they, that,

they are virtually completed now. They -- the U. S.

Attorney who handles, the, the Assistant U. S. Attorney.

PRESIDENT: You know when they talk, though, about a thirty-five year

sentence, now here's, here's something that does not

involve -- There were no weapons, right? There were no

injuries, right? There was no succ--,. well, success

maybe -- I don't know. The point is -- the, uh -- that, that

sort of thing is just ridiculous. One of these, one of these

blacks, you know, goes in here and holds up a, a store

with a God damned gun, and, uh, they give him two years

and then probation af ter

DEAN: And they --

PRESIDENT: six months.

DEAN: And they let him out on, on bond during the time that

he is considering his case. These fellows cannot get

—

PRESIDENT: Are they out? Have they been in jail?

(666)
DEAN: They're in -- well, all but one. Hunt made the, the bond. Everybody else is in jail. They've got a hundred-thousand dollar surety bond which means they have to put up actual collateral, and none of these people have a hundred-thousand dollars. The Court of Appeals has been sitting for two weeks or better now on a review of the bond issue. They're not even letting these people out to prepare their case for appeal.

NOTE: At this point, there was a discussion of about fifteen minutes which has been deleted.

PRESIDENT: You still think Sullivan is basically reliable?

DEAN:

PRESIDENT: No.

DEAN:

I, I have nothing to judge that on other -- I watched him for a number of years. I watched him when he was working with Tom Huston on domestic intelligence, and his, in his desire to do the right thing. Uh, I tried to, you know, stay in touch with Bill, and find out what his moods are. Bill was forced on the outside for a long time. He didn't
become, he didn’t become bitter. He sat back and
waited until he could come back in. Uh, he didn’t try
to force or blackmail his way around, uh, with knowledge

he had. So, I, I have, I have no signs of anything but

a reliable man who thinks a great deal of this Adminis-
tration and of, and of you.

PRESIDENT: You understand the problem we have here is that Gray is
going to insist, I am sure, come down hard for Felt as
the second man. And that would worry the hell out of me if

Felt -- I think at the present time it doesn’t.

DEAN: It, it worries me, frankly.

PRESIDENT: But for the future isn’t it a problem?

DEAN: I think it is for the future, cause onl -- things can only get more complex over there as
we move along. There is no [laughs ] doubt about it.

PRESIDENT: Well, as he gets closer to the next election -- Oh, uh,

[unintelligible]. I don’t know Felt, never met him.

What’s he look like?
NOTE:
At this point, there was a discussion of one minute and sixteen seconds which has been deleted.

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(669)
DEAN: Yeah.

DEAN: No.

DEAN: Well, I have got to say one thing. There has never been a leak out of my [laughs] office. There
never will
be a leak out of my office.
I wouldn't begin to know how to leak, even. I don't want to learn how you leak.

PRESIDENT: Well, it was a shocking thing. I was reading a book

last night on -- Quite a fascinating little book,

not well written, by Malcolm Smith, Jr. on Kennedy's
thirteen mistakes [unintelligible] foreign policy They are great mistakes, and one of them had to
do with the Bay of Pigs thing. And, what had happened there was, uh, Chester Bowles had
learned about it, and he deliberately leaked it. Deliberately, because he wanted the operation to
fail.

DEAN: Hm.
PRESIDENT: And admitted it later.
DEAN: Interesting.
PRESIDENT: Admitted it.
DEAN: Interesting.
PRESIDENT: This happens all the time. Well, you can, uh, follow
these characters to the, to their Gethsemane. I, I feel
for those poor guys in jail, I mean, I don't know --
particularly for Hunt. Hunt with his wife, uh, dead.

It's a tough thing.

DEAN: Well,
PRESIDENT: We have to do [unintelligible]
DEAN: every indication
PREIDENT: You will have to do --

DEAN: that they're, they're hanging in tough right now.

PRESIDENT: What the hell do they expect, though? Do they expect

that they will get clemency within a reasonable time?

DEAN: I think they do. [Unintelligible] going to do.

PRESIDENT: What would you say? What would you advise on that?

DEAN: Uh, I think it's one of those things we'll have to

watch very closely. For example -

PRESIDENT: You couldn't do it, you couldn't do it, say, in six

months?

PRESIDENT: No.

DEAN: No, you couldn't. This thing may become so political

as a result of these

PRESIDENT: Yeah.

DEAN: hearings that it is, it, it, is more -

PRESIDENT: A vendetta?

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DEAN: No.
DEAN: Yeah, it's a vendetta. This judge may, may go off the deep end in sentencing, and make it so absurd that, uh, it's clearly an injustice, uh --

PRESIDENT: Yeah.

DEAN: That they have been heavily --

PRESIDENT: Are they going to feel -- Uh, is there any kind of appeals left?

DEAN: Right. Liddy, Liddy and McCord, who sat through the trial, will both be on appeal.

PRESIDENT: Uh huh.

DEAN: And, uh, there is no telling how long that will last.

I think this is one of the, one of these things we'll just have to watch.

PRESIDENT: My view is: say nothing about the event on the ground that the matter is still in the courts and on appeal.

DEAN: That's right.

PRESIDENT: That's my position. Second, my view is to say nothing about the hearings at this point, except that "I trust that they will be conducted in the proper way," and,
"I will not comment on the hearings while they are in process." [Unintelligible]. And then I, of course if they break through -- if they get a lot luckier -But you see, it's best not to cultivate -- and I get Ziegler to do the same -- it's best not to elevate that thing here to the White House. 'Cause I don't want the White House gabbing around about the God damned thing. Now there, of course, you'd say, "But you leave it all to them."

[High frequency tone for four seconds.]

PRESIDENT: our policy. But the President should not become [unintelligible] on this case. Do you agree to that?

DEAN:
I agree totally, sir. Absolutely. Now, that doesn't mean that quietly we're not going to be working around the [unintelligible]. But, uh, you can rest assured that, uh, we're not going to be sitting quietly.

PRESIDENT: I don't know what we can do. The people that are most

disturbed about this [unintelligible] now are the God damned Republicans. A lot of these Congressmen,

financial contributors, and so forth are highly moral.

The Democrats are just sort of saying, "Oh, Christ,

fun and games. Fun and games."
Take that Segretti thing: Ha, Jesus Christ. He was a sort of a clownish figure, I don't see how our boys Laughs], could have gone for him. But nevertheless, they did.

It was, it was really -- shall we say, juvenile, the way that was handled. But nevertheless, what the hell did he do? What in the name of God did he do? Should, shouldn't we get, be trying to get intelligence?

Weren't they trying to get intelligence from us?

Absolutely.

Don't we try to get schedules? Don't you try to disrupt their meetings? Didn't they try to disrupt ours? Christ, they threw rocks, ran demonstrations, and shouted, cut the public address system, they had to tear gas them in Miami. What the hell was that all about?

Well --

Did we do that?

McGovern had Dick Tuck on his payroll, uh, and Dick Tuck was down in Texas when you went down to the Connally ranch, set up to do a prank down there.
President: That's right.

Dean: But it never came off, uh -

President: What did, what, what did, what did Segretti do

that came off? Much? I mean --

Dean:

President: Yeah.

Dean:

President: Yeah.

Dean:

He, he, he did some, some humorous things. He -

For example, there'd be a fund raising dinner, and he had hired Wayne the Wizard to fly in from

the virgin Islands to perform a magic show, and, of course, he hadn't been hired. He sent uh,
PRESIDENT: Well, what the hell.

DEAN: Pranks.

PRESIDENT: Tuck do all this sort of thing?

DEAN: And so, so --

PRESIDENT: They did it to me in '62, in 1960, and the rest -- they

want to say, "Well, now, that's terrible. Now isn't

that terrible?" What the hell.

DEAN: I think we can keep this, uh, the Segretti stuff in perspective because it's not that bad. Chapin's involvement is not that deep. Uh, he was a catalyst, and that's about the extent of it.

PRESIDENT: Sure, he, he knew him and recommended him.

DEAN: That's right.

PRESIDENT: But he didn't run him. He was too busy with us.

DEAN: Yes.

PRESIDENT: The one I think they are going to go after, uh, with a

vengeance, and who I plan to spend a great deal of

time with next week, a couple of days, as a matter of

fact, getting this all in order -- is Herb Kalmbach.
Uh, Herb has got -- they've subpoenaed his records,

and he's got records that run all over __

things for the last few years, uh. You know Herb has

been a man who's been moving things around for Maury

and keeping things in,

DEAN: in tow and taking care of little polling inferences.

PRESIDENT: What'll he do about those records? Is he going to give

'em all to them?

DEAN: Well, he's he -- they brought his -- they, they've

gotten to the banks that had them, and I think what we

will do is we'll -- there'll be a logical, natural

explanation for every single transaction.

PRESIDENT: Right.

DEAN: It's just a lot of minutia we've got to go through but

we -- he's coming in next week and we -- I told him we'd

sit down and he is preparing everything, getting all

that's available, and we're going to sit down with his, with

Frank DeMarco, uh, and see if we can't get this whole

thing -
PRESIDENT: Now, his records, that is, with regards to the campaign. They can't re- --, they can't get his records with regard to his private transactions?

DEAN: No, none of the private transactions. Absolutely -- that is privileged material.

PRESIDENT: That's right.

DEAN: Anything to do with San Clemente and, and the like --

that is just so far out of bounds that, uh --

PRESIDENT: Yeah. Did they ask for that?

DEAN: No, no, no. No indication.

DEAN: Good. Oh, well, even if it is, I mean --

Well, it's just none of their -- you know, that's really none of their business.

PRESIDENT: They can't get it. Kalmbach is a decent fellow.

He 'll make a good witness.

DEAN: I think he will. He has been -

PRESIDENT: He is smart.

DEAN: He has been tough thus far. He hasn't -- you know, he
DEAN: His skin is thick now. Uh, sure it bothered him, and all the press he was getting. The A. Times has been running stories on him all the time and, of a personality, and, and, his partners have been nipping at him, but Herb's tough now. He is ready and he's going to go through and he's going to — he is hunkered down and he's ready to handle it. So I'm not worried.

PRESIDENT: Yeah.

DEAN: Yeah.

PRESIDENT: Yeah.

DEAN: About Herb at all.

PRESIDENT: Oh well, it'll be hard for him, he —

DEAN: Still get out about Hunt. It's — I suppose the big thing is the financing transaction they'll go after.

PRESIDENT: How did the money get to the Bank of Mexico, and so

DEAN: And so on.

PRESIDENT: What'll he say?

DEAN: All that stuff. And then—
DEAN:

PRESIDENT: It can?

DEAN:

PRESIDENT: Yeah.

DEAN:

It can all be explained.

Yes, indeed. Yes, sir. They are going to be disappointed with a lot of the answers they get.

when they actually get the facts -- because the Times and the Post had such fun with innuendo. When they get the facts, they are going to be disappointed.

PRESIDENT: The one point that you ought to, you better get to
got it through his thick skull. I

guess it's -- his skull is not thick -- but tell, tell

Kleindienst that Kleindienst in talking to Baker and

Ervin should emphasize that the way to have a successful

hearing and a fair one is to run it like a court: no

hearsay, no innuendo. Now you know God damned well

they aren't going to -

DEAN:

But, that's a hell of a good point.

PRESIDENT: But don't -- no hearsay. Tell them that's the way Nixon

ran the Hiss case. Now, as a matter of fact some innuendo

came out, but there was God damned little hearsay. We
really -- we, we just got them on the facts, and just
tore them to pieces.

DEAN:
That's right.

PRESIDENT: Say "No hearsay, no innuendo. And that, that he,
Ervin, should sit like a court there, say, "Now that's
hearsay and I don't like it." And tell him that the -
and that -- and let's have the counsel, the counsel for
the, uh, for our people -- he sets up there and says,
"I object to that, Mr. Chairman, on the basis that it
is hearsay."

DEAN:
That's an excellent idea, Mr. President, for some of these early articles, as this thing gets
steamed up: "Will, will Sam Ervin, Constitutional man, be a judge? Will he admit hearsay?"
We can probably get some think pieces out, uh, uh, to get a little pressure on him to perform
that way, or to, to make it look very partisan when he doesn't, you know, he lets all this in

PRESIDENT: I'd like to get some articles out that -- no hearsay, no

innuendo, There'll be no hearsay, no innuendo. This,

this is going to be, shall we say, a model of a Congres-
sional hearing. A model. Now that'll disappoint the God
damned press. There's no hearsay, no innuendo, no leaks.
DEAN: Well, uh, there are a lot of precedents. I,

I've been involved in two Congressional investigations.

Uh, one was the Adam Clayton Powell investigation when

I was working over there as the Minority Counsel of the

House Judiciary. We didn't take hearsay. We made a --

we stuck to the facts on that.

PRESIDENT: Uh huh.

DEAN: We did an investigation of the Oklahoma judges. Again,

the same sort of thing. We went into executive session

when necessary to, uh -- I bet w--, we look around, we'll

find respectable investigations that have been conducted

up there that could be held up, and some of this should

be, uh, should be coming forth to set the uh,

PRESIDENT: Yeah.

DEAN: the

PRESIDENT: Yeah.

DEAN: stage for these hearings. Well, I'm, uh, I, I'm planning a number of brain sessions to -- with some of

these media people to, to

PRESIDENT: I know. Well, it's, it's very important, and it seems

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(683)
like a terrible waste of, of your time. [Unintelligible], important in the sense that, it's -- all this
business is a battle and they're going to wage the

their enormous frustra
tion about losing the elections, the state
of their party,

and so forth. And their party has its
problems. We think

we've got problems. Look at some of
theirs. Strauss is
der there to pull them all together. He's not
doing all that
well you know.

DEAN:  
PRESIDENT: Yeah.

DEAN:

Well, I was, you know, we've gone a long road on this thing now. I had thought it was an
impossible task, uh, to hold together until after the election until things

just

started squirting out, but we've made it this far, and, uh, I'm convinced we're going to make it
the whole road and put this thing in, in, in, uh, the funny pages of the, of the history books
rather than anything serious. We've got to. It's got to be that way.

PRESIDENT: Would it -- it'll be somewhat serious, but the main

thing, of course, is also the, the isolation of the

President from this.

--68--

(68+)

battle. And, uh, a lot of it is t
DEAN: Absolutely.

PRESIDENT: Because it's, because that, fortunately, is totally true.

DEAN: I know sir.

PRESIDENT: Good God almighty. I mean, of course, I'm not dumb, and I will never forget when I heard about this God damned thing [unintelligible] Jesus Christ, what in the hell is this? What's the matter with these people? Are they crazy? I thought they were nuts. You know, that it was a prank. But it wasn't. It was really something. I think that our Democratic friends know that's true, too.

DEAN: I think they do too.

PRESIDENT: This was. I mean they know that we then wouldn't be involved in such -- they'd think others were capable of it, however. I think -- and they are correct: They think Colson would do anything. [Laughs] Well, anyway, have a little fun.

DEAN: All right.

PRESIDENT: And now, I will not talk to you again until you have something to report to me.

DEAN: All right sir.

PRESIDENT: Uh, but I think it's very important that you have these...
transcript of february 28, 1973 meeting, i?1

talks with, uh, our good friend Kleindienst.

DEAN:

PRESIDENT: Give him that together thing, work it out. We have to
work together on this thing. He's the man -- I'd
build him up -- that he's the man who can make the
difference. Also point out to him that the fish they're
really after -- Tell him, look, for Christ sakes,

Colson's got brass balls and so forth, but

DEAN: All right.

PRESIDENT: the idea that's really, really to be slugged here is --
let's forget this, remember, this was not done by the

White House. This was done by the Committee to Re
Elect, and Mitchell was the Chairman, correct?

DEAN: That's correct. And that means that --

PRESIDENT: So, and Mitchell -- and Kleindienst owes Mitchell
everything. Mitchell wanted him for Attorney General,

he wanted him for Deputy, and here he is. Now, God damn

it, Baker's got to realize this, and that if he allows

this thing to get out he's going to potentially ruin

John Mitchell. He won't. I mean Mitchell won't allow

himself to be ruined. He's too clever. He'll put on

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That'll be done.

(686)
his big stone face act, but -- I hope to Christ he does. The point is that, as you well know, uh, that's
the fish they are after.

DEAN: That's right.
PRESIDENT: Well, no, the Committee is after somebody at the White

House. They, they, they'd like to get Haldeman or

Colson, Ehrlichman. They, they've got --

DEAN: Or possibly Dean. You know, who, you know, who's, huh --

anybody they can -- I'm a small fish, but --

PRESIDENT: Anybody at the White House they would, but in your

case I think they realize you are the lawyer and they

e know you didn't have a God damned thing to do with,

with the campaign.

DEAN: That's right.
PRESIDENT: That's what I think. Well, we'll see.
DEAN: All right sir.
PRESIDENT: Good luck.
DEAN: Thank you.

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