

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRATIC NATIONAL COMMITTEE, et al.,

Plaintiffs,

vs.

JAMES W. McCORD, et al.,

Defendants.

Civil Action
No. 1233-72

FRANCIS L. DALE, et al.,

Plaintiffs,

vs.

LAWRENCE F. O'BRIEN,

Defendant.

Civil Action
No. 1847-72

MAURICE H. STANS,

Plaintiff,

vs.

LAWRENCE F. O'BRIEN,

Defendant.

Civil Action
No. 1854-72

Washington, D. C.,

Thursday, April 19, 1973.

FRIEDLI, WOLFF & PASTORE
919 18TH STREET, N.W.
WASHINGTON, D. C. 20006

PHONES: NA 8-3981
NA 8-3982

Deposition of

ROBERT FOSTER BENNETT,

a witness, called for examination by counsel for the plaintiffs Democratic National Committee, et al., and defendants O'Brien, pursuant to notice, at the offices of Cohen and Uretz, 1730 M Street, N. W., Washington, D. C., beginning at 2:25 o'clock p.m. before Hilmar K. Klamans, Jr., a Notary Public in and for the District of Columbia, when were present on behalf of the respective parties:

In Civil Action No. 1233-72:

For the Plaintiffs:

BULMAN, GOLDSTEIN, FELD & DUNIE
BY: MAURICE R. DUNIE, ESQ.

COHEN AND URETZ
BY: SHELDON S. COHEN, ESQ.

For the Defendant James W. McCord:

FENSTERWALD & OHLHAUSEN
BY: BERNARD FENSTERWALD, JR., ESQ.

For the Defendants Committee for the Re-Election of the President, Finance Committee to Re-Elect the President, Maurice H. Stans and Francis L. Dale:

JACKSON, LASKEY & PARKINSON
BY: KENNETH WELLS PARKINSON, ESQ.

For the Defendant Hugh W. Sloan, Jr.

STONER, TREESE & RUFFNER
BY: JAMES R. STONER, ESQ.

C O N T E N T S

EXAMINATION BY:

WITNESS.

Mr.
DUNIE

Mr.
FENSTERWALD

ROBERT FOSTER BENNETT

5, 59

55

- - -

MR. DUNIE: Let me state for the record that this deposition is being taken pursuant to notice duly filed in the United States District Court for the District of Columbia and the witness is appearing and testifying today pursuant to agreement among counsel and without a subpoena having been issued. I also want to say that this deposition was set for 2:00 p.m. It is now 25 minutes past 2:00 and counsel present, in addition to counsel for plaintiffs, are Mr. Fensterwald, Mr. Stoner, Mr. Parkinson, who represent defendants in this lawsuit, Mr. McNamara and Mr. Bywater who are appearing on behalf of Mr. Bennett.

Thereupon

ROBERT FOSTER BENNETT,

the witness, was called for examination by counsel for the plaintiffs Democratic National Committee, et al., and defendants O'Brien and, after having been sworn by the notary, was examined and testified as follows:

EXAMINATION BY COUNSEL FOR PLAINTIFFS
DEMOCRATIC NATIONAL COMMITTEE, ET AL.

and

DEFENDANTS O'BRIEN

BY MR. DUNIE:

Q Mr. Bennett, will you state your full name, please.

A Robert Foster Bennett.

Q What is your home address?

A 3800 Ridgeview Road, Arlington, Virginia.

Q What is your date of birth, sir?

A September 18, 1933.

Q Are you married?

A Yes.

Q Do you live with your wife and family?

A Right.

Q Would you state very briefly, please, your educational background.

A I am a graduate of the University of Utah in 1957, bachelor of science degree ⁱⁿ and political science.

Q What is your present profession or business?

A I am in public relations work. I am President of the Robert R. Mullen Company, a public relations firm headquartered in Washington, D. C.

Q How long have you been President of the Robert R. Mullen Company?

A Since September 1971.

Q Prior to that, sir, what was your occupation or profession?

A I was Executive Vice President of the company from January '71 until my election as president. Prior to that time, I put in approximately two years as Director of the Office of Congressional Relations in the Office of the Secretary of

To clarify the record -

Transportation. Prior to that, I was the Washington representative of the J. C. Penney Company for approximately four and a half years.

Q Where is the Robert R. Mullen Company presently located?

A We are headquartered at 1700 Pennsylvania Avenue, Suite 770.

Q How long has the company been located there?

A Since September of '71.

Q How many people do you have employed at your headquarters at 1700 Pennsylvania Avenue, approximately. I don't expect the precise number.

A Ten.

Q When you first came with the Mullen Company, where was its office located?

A 1729 H Street, Northwest.

Q When you came in as Executive Vice President, what were your duties with the company?

A I had certain accounts which I was responsible for and because it was contemplated that I would be eventually taking over the company, I tried to acquaint myself with all of the activities of the company, all of its accounts.

Q In the course of that, did you also meet all persons

Q Did you maintain copies of any of those records?

A I didn't.

Q So you don't have the originals, nor do you have any copies of the records of payments made to Mr. Hunt from July of '71 through June 20th of '72; is that correct?

A That's correct.

Q Do you have any recollection as to the sums paid to Mr. Hunt during this period of time on a monthly basis or otherwise?

A He was paid \$125 a day. As I say, my recollection is that he worked between 17 and 20 days per month.

Q Did he work that many days per month all through the first six months of '72?

A Yes.

Q So that his job at the White House, so far as you were concerned, was really a limited, part-time job; is that correct?

A Yes. He told me that his work for the White House would be primarily in the evenings and on weekends. There were occasions when he would leave the office at say 3:00 o'clock in the afternoon or 4:00 o'clock in the afternoon and say he was going to his office in the White House and indicate to us that he had worked there until 9:00 or 10:00 o'clock at night.

— should meet.

Q Did he indicate to you whether Mr. Liddy had any position with the Committee to Re-Elect the President?

A Yes. He said he was the general counsel.

Q Did you see Mr. Liddy at any time thereafter?

A Yes. Mr. Liddy was a frequent visitor to Mr. Hunt's office in our offices and I saw him on those occasions.

Q In your offices at 1700 Pennsylvania Avenue, Mr. Bennett, what was the physical arrangement vis-a-vis Mr. Hunt's office and your office?

A We took the offices over from a law firm that had occupied the premises previously and rearranged them substantially when we moved in. As a result of the rearrangement, the office that the prior tenants had used as the reception area became Mr. Hunt's office. Subsequently, he had a door leading directly to the hallway. There was then a large secretarial pool kind of space through which Mr. Hunt would have to go to get to my office. I would normally come in the door directly to that secretarial area and go through it to get to my office.

Q When Mr. Liddy would come to visit Mr. Hunt, would Mr. Liddy also drop in and say hello to you?

A Not usually. He would use the door leading directly

into Howard's office that allowed him to come and go without the other people in the office always knowing that he was there. However, if passing Howard's office in the secretarial area I were to see Gordon there, I would stick my head in and say hello and exchange greetings with him.

Q Did you have occasion after the initial luncheon meeting to have any other meetings or luncheons with Mr. Liddy?

A No.

Q Did you ever have occasion to discuss any business, Mullen Company business, with Mr. Liddy?

A At that initial luncheon Mr. Liddy indicated that he might be helpful to us in obtaining the account of the Browning Arms Company with whom he said he had good contact. Nothing ever came of it. That is the only conversation we ever had about Mullen Company business.

Q Did he ever indicate to you that he thought he could get you any of the accounts relative to the campaign to re-elect the President?

A No.

Q Did Mr. Liddy at any time ever do any work of any kind for the Mullen Company?

A No.

Q Was he ever authorized to use the name of any account

of the Mullen Company?

A No.

Q Would you tell us, please, the nature of your telephone system in existence in 1972 at the Mullen Company.

A We have 10 lines -- 11 lines. In the secretarial area four call directors carry all the 11 lines. In the individual offices on the six-button instruments, we carry the first three lines, an intercom line and one of the other seven lines, so that, in effect, each professional office has its own outside line that cannot be used by anyone else other than the girls in the secretarial area.

Q What were the telephone numbers?

A 293-2900 through 2910.

Q What was your private line?

A 2909.

Q Actually, I suppose that these numbers were on a rotary system, were they not?

A Only the first four.

Q What was Mr. Hunt's private line?

A 2904.

Q 239 --

A 293 --

Q 293-2904?

A 293-2904.

Q Did Mr. Hunt have any other telephone in his office at the Mullen Company?

A He had one installed in January of '72.

Q What was the reason for that?

A He told me he was having it installed for use in his White House job so that his calls relating to his White House work would not go through the Mullen Company secretaries.

Q Did he clear it with you prior to having this additional telephone installed?

A Yes.

Q Did you have any objection to it?

A No.

Q So that the bill for that particular private number came into the Mullen Company?

A Yes, it did.

Q What did you do with that billing?

A When the first month's billing arrived, our office manager paid it and then asked Mr. Hunt for reimbursement and Mr. Hunt said that the telephone company had made a mistake and the billing should come to him directly. We notified the telephone company and they changed the billing system at a subsequent time.

Q Do you recall how many bills your company received from Mr. Hunt's private number?

A Three.

Q Your company paid those bills?

A Yes.

Q You were reimbursed by Mr. Hunt?

A That's correct.

Q Do you recall the telephone number of that private line?

A No, I don't.

Q Did you ever know the number of that private line?

A No, I didn't.

Q Do you know whether it was an unlisted number?

A I was told that it was.

Q Did Mr. Hunt discuss with you his office at the White House?

A No.

Q Did he ever tell you where it was located?

A In the Executive Office Building, the Old Executive Office Building.

Q At his office in your office, did Mr. Hunt have a safe?

A No.

Q Did he have any secured file cabinets or anything of that nature?

A No.

Q Was there anything in that office which could be locked up in the sense of a desk that could be locked or a file cabinet?

A No. Only in the file room where we have locked file cabinets.

Q Did Mr. Hunt have access to those locked file cabinets?

A Yes.

Q Do you know whether he ever used any of those locked file cabinets to secure personal items of his own?

A No, he did not.

Q This private telephone that Mr. Hunt had installed rang only in his office; is that correct?

A That is correct.

Q There was no extension to any of the secretaries?

A No.

Q Who would answer that telephone when Mr. Hunt was not there?

A Initially no one.

Q It would just ring?

A It would just ring. Later on, he came to me and

asked if I would permit my secretary, whose desk was immediately next to his door, to answer the phone and either take a message or tell the caller he was not there. I agreed and she did perform that service for him.

Q How was she told to answer that telephone?

A "Hello," I believe. I really don't know. She didn't answer, "Mullen Company."

Q Normally, are your telephones answered as "Mullen Company"?

A Yes. The name of the company is given.

Q There came a time, did there not, in late '71 and early 1972, when Mr. Hunt was traveling for extended periods of time?

A He was not absent from the office during working days for extended periods of time. His traveling was done over the weekends.

Q Do you know where he went?

A I know on one occasion he went to Los Angeles and several times he told me he was going to Miami.

Q Do you know with whom he traveled to these places?

A There were occasions when he traveled with Mr. Liddy. I do not know if he ever traveled with anyone else.

Q Do you know if he ever traveled to Miami with Mr.

Liddy?

A I can't say of my own knowledge that I know that.

Q Did he ever tell you that?

A I have surmised it from our various conversations, but I do not recall a specific occasion where he said, "Gordon and I are going to Miami."

Q Did he ever tell you the purpose of these various trips?

A No.

Q Did you ever inquire of him as to the reason for these trips?

A No.

Q Did these trips in any way affect his work for the Mullen Company?

A No.

Q Was he working under any deadline for the Mullen Company during the period, let's say, of 1972, from January 1st to June?

A We had to submit our proposal for the following fiscal year on the HEW contract in either May or June. My memory is hazy on the point. He had to produce that in a timely fashion. There were no other hard deadlines under which he had to work.

Q Did he meet that deadline?

A Yes.

Q Mr. Hunt had a key to your office, did he not?

A Yes, sir.

Q Is your office now in the same location and on the same floor as it was in 1972?

A Yes.

Q What floor is that?

A The seventh.

Q Did Mr. Hunt have a key to your office?

A Yes.

Q Are there any guard facilities to enter the building or security facilities of any kind?

A After 6:00 o'clock, you have to sign in at a desk in the lobby.

Q The front door of the building is open?

A That's correct.

Q Would everyone sign in and sign out after 6:00 o'clock?

A I believe that is the policy.

Q That is the policy of the building; is that correct?

A Yes.

Q When was the last time that you can recall prior to June 17, 1972, when you saw Mr. Liddy?

A I can't recall the date. I would assume that it would be on one of the occasions when he was in Howard's office that I greeted him there, but I can't recall any specific occasion.

Q I realize, Mr. Bennett, that I am relying on your recollection. Let me ask you whether you can recall the work habits of Mr. Hunt, let's say from mid-May to mid-June of 1972, in terms of how many days he was giving your company for work and how many days when he was not working for your company.

A I can't recall any dramatic change in his normal pattern during that period.

Q He was still working about 17 to 20 odd days a month; is that correct?

A That's correct. Usually when it was necessary for him to be gone for a day in order to do his work for the White House, he would choose a Friday or a Monday so that it would be over a weekend period and not seriously affect his regular workweek.

Q Mr. Hunt used a briefcase of course, did he not, to carry about his work and the like?

A Not that I recall.

Q He never carried a briefcase?

A I can't say either way.

Q Do you have any recollection of his ever using a

briefcase of any kind?

A I am sure he did have a briefcase or an attache case, but it is not a distinctive thing about him that stands out in my memory.

Q Would it be fair to assume that during the period of time that you knew Mr. Hunt up until June 17th of 1972 that you had discussions, friendly talks with him about matters other than business?

A Oh, yes.

Q Did he ever indicate to you the kind of work that he did in the CIA?

A He indicated that he was involved with the Bay of Pigs operation, that he had done a lot of writing for the CIA. He was obviously a talented writer so that rang true, but he never gave me any specifics.

Q Did he ever discuss with you whether he had any particular knowledge of electronic surveillance and this sort of thing?

A Not as far as his CIA activities were concerned, no.

Q Did he ever indicate that he had that knowledge other than what was involved in his CIA activities?

A He indicated an interest in it after he had joined our company, an interest growing out of his activities with the

White House.

Q In what context did that interest express itself?

A He said a friend of his had developed a device, which as he described it, was very, very sophisticated in the realm of electronic surveillance. He said it could be attached to a piece of furniture, that it was voice actuated so that the batteries or whatever power source it had would be preserved and that it was invulnerable to an electronic sweep and suggested that maybe some of our clients would be interested in knowing about the existence of this device. If they were, he said he could introduce them to the individual who had developed it. I checked and none of our clients had any interest in it.

Q Did he ever show you one of these devices?

A No.

Q Did he ever show you any kind of electronic equipment?

A No.

Q When was the first time after June 17, 1972, when you saw Mr. Hunt?

A The following Monday morning when I got to work.

Q Was he already there?

A Yes.

Q What time did you get to work that morning?

A I can't recall specifically. 9:00, 9:15.

Q About the usual time that you get in?

A The usual time.

Q Incidentally, what time did your office usually open in the morning?

A 9:00 o'clock.

Q That is when the first girl would appear?

A Yes.

Q When you got there on Monday morning, June 19th, Mr. Hunt was already there; is that correct?

A That's correct.

Q Did you have any conversation with him?

A Yes.

Q Would you tell us the nature of that conversation?

A I asked him about the stories that had appeared in the newspapers over the weekend with respect to the Watergate burglary and he refused to discuss them in any detail.

Q Why would you ask him about the stories in the paper?

A Because out of the conversation we had had previously, I had reason to believe that he might know something about what had gone on.

Q Will you tell us about those previous conversations, Mr. Bennett, which led to this surmise or speculation on your part.

A Of course, the most dramatic one was the conversation I had with Tom Gregory, who is a young college student, as you know, whom Howard had recruited to act as an information source for him within first the Muskie and later the McGovern campaign. Tom had come to me for advice as to what he should do because he was getting very nervous about some of the things he was being asked to do by Mr. Hunt, specifically to help lay plans for the planting of a bug in Frank Mankiewicz's office in McGovern's headquarters. I had advised Tom that he must not participate in any such activity and that he should terminate his relationship with Mr. Hunt, which he had done.

Q When did Mr. Gregory come to you to request your advice on this matter?

A The week prior to this. Well, the week of June 17th.

Q June 17th was a Saturday.

A I believe it was the Wednesday prior.

Q After you had that conversation with Mr. Gregory on that Wednesday, did you have any conversation with Mr. Hunt?

A No, although I expected to, but it never occurred.

Q Did you see Mr. Hunt between that Wednesday and the following Monday?

A Yes, but not to have any in-depth conversation with him.

Q Did you recommend Tom Gregory to Mr. Hunt?

A No.

Q Did you recommend anyone to Mr. Hunt to work for the White House or with the Committee to Re-Elect the President or anyone else?

A I will go back. I had a number of people come to me from time to time saying they would like to get jobs in the campaign and could I help them and I would say, "Well, I'll find out" and I would ask Mr. Hunt would there be a possibility that this one or that one might get a job somewhere in the Committee to Re-Elect. Nothing ever came of any of these inquiries. They were usually in the nature of someone seeking part-time work or someone between jobs looking for a salary for a few months, or something of this kind. In that sense, I suppose you could say yes, but in the sense of anyone ever being hired, no.

Q Why was it that Tom Gregory came to you for advice?

A Tom Gregory was recruited through my nephew and he knew that I had contact with Mr. Hunt and, therefore, assumed that I would be knowledgeable about Mr. Hunt's activities. Also, Mr. Gregory and I are both members of the same religious faith and he knew that I would understand his religious qualms about what it was he was doing.

Q Prior to this conversation with Mr. Gregory on that Wednesday, had you had any indication of any of the kinds of work that Mr. Hunt was doing?

A Only that he was involved in the campaign.

Q You had no indication then that his work may have involved bugging, wiretapping and the like?

A No.

Q On Monday, the 19th, when you saw Mr. Hunt, did you have any discussion with him then concerning the problem that Tom Gregory was having?

A No.

Q Did you raise the question with him?

A No.

Q Did you have the opportunity on that Monday to discuss that problem with him?

A I suppose I did, but, that not being the principal item of concern that day, I didn't think to bring it up.

Q The principal item that day was the newspaper reports, the stories about the Watergate break-in?

A That's correct, plus the fact that there were two FBI agents that came to the office to see Mr. Hunt. That kind of cleared everything else away.

Q What time did those FBI agents get there?

A Around noon.

Q Prior to noon, you talked to Mr. Hunt, but he did not want to discuss anything; is that correct?

A That's correct.

Q You did not take that opportunity at that time to discuss Mr. Gregory's problem?

A That's correct.

Q What did Mr. Hunt do at the office that morning?

A I don't know. I had a very busy morning, which was why I couldn't take the time to probe with him further and spent the morning in my own office working on my own problems.

Q Did Mr. Hunt remain at the office all day?

A No. As I left for lunch, he joined me on the elevator saying that he was going out to his oculist to get his glasses and that he might not be back that afternoon, the oculist shop being in Rockville. When I got back from lunch, the FBI agents were there and Howard was not.

Q Did you go to lunch with Mr. Hunt?

A No.

Q You simply left the building together; is that correct?

A Yes, that's correct. He came back later that afternoon and I told him that the FBI was looking for him.

Q What did he say?

A He said, "I have no reason to talk to them." "I don't have to talk to them," I think was his exact phrase.

Q Did he again leave the office that afternoon?

A Yes, he did.

Q Thereafter, did you receive any telephone calls from anyone?

A Yes. Gordon Liddy called.

Q About what time did Mr. Liddy call?

A I would guess this would be in the late afternoon. 3:30 or 4:00 o'clock.

Q On what telephone did Mr. Liddy call?

A He called through the regular switchboard. That is, through the regular phone system.

Q How busy was Mr. Hunt's private telephone that afternoon while he wasn't there?

A I do not know.

Q What did Mr. Liddy want to do? Did he want to talk to Mr. Hunt?

A Yes.

Q Did you speak with Mr. Liddy?

A Yes.

Q Did he ask to speak to you after he found out that Mr. Hunt was not present?

A I believe so. Again, that would have been handled by the secretary.

Q What was the nature of the conversation?

A He wanted to know where Howard was.

Q What did you tell him?

A I told him that as far as I knew Howard was at home, that he had left the office telling me that he had planned to leave town until the concern about the Watergate had blown over and that he was going home to pack.

Q Did that satisfy Mr. Liddy?

A Mr. Liddy said, "Will you get in touch with him and tell him that the signals have changed and he's to stay put." I called Mr. Hunt's home and gave him that message, whereupon he commented, "I wish they'd make up their minds."

Q You called him at home and he was at home at that time?

A That's right.

Q Approximately what time was that?

A That would be in the afternoon immediately after the call from Gordon.

Q Give us that time.

A 3:30 or 4:00 o'clock.

Q Did you have any further conversation that day or that night with Mr. Hunt or Mr. Liddy?

A No.

Q Did you have any conversation that day with anyone else from the Committee to Re-Elect the President?

A No.

Q Did you have any conversation that day with anyone from the Finance Committee for the Re-Election of the President?

A No.

Q Did you have any conversation that day with anyone from the White House?

A Yes.

Q Who was that?

A Des Barker.

Q Who was Mr. Barker?

A He is a man I have known since I was a freshman in college, an old friend of mine, who happened at the time to have been a special assistant to the President with whom I talked quite regularly on a number of subjects.

Q Did he call you that day?

A I believe he did.

Q Did he discuss the Watergate episode with you?

A Simply to make comment about what a stupid kind of thing it had been over the weekend.

Q Did he inquire as to the whereabouts of Mr. Hunt?

A He asked me if Mr. Hunt had come to work that morning and I said yes, he had.

Q Did he make any inquiry as to Mr. Liddy?

A No.

Q Did he ask you where Mr. Hunt was at the time that you had your conversation with Mr. Barker?

A No.

Q That was the sum and substance of your conversation with Mr. Barker?

A As far as this.

Q I am not interested in personal matters.

A Right. As far as this was concerned.

Q Did you have any conversations with anyone else in the White House that day?

A Not that I recall. I would say no.

Q The next day would be June 20th. Did you see Mr. Hunt on that day?

A No.

Q Did you talk to Mr. Hunt on the telephone that day?

A I would say it would be June 19th.

Q The 20th, Tuesday the 20th.

A Yes, I talked to him on the phone.

Q Where was he when you spoke to him on the telephone?

A He was in New York.

Q What did he say to you?

A I told him that the newspapers had been calling, because that morning his name had appeared in the papers for the first time, and that if he did not show up the following day to explain why his name was in the address books of the suspects who had been arrested in the Democratic Headquarters that I would be forced to suspend him from his job.

Q What did he say?

A Well, he said, "Is that really necessary?" and I said, "Yes, Howard, it is." He said, "All right. "I'll be at work tomorrow morning."

Q I assume he called you from New York?

A No. I called him.

Q How did you know where to reach him in New York?

A Mr. Liddy had told me that Howard had gone to New York to work on the television spot that was then in preparation

Q When did Mr. Liddy give you that information?

A Tuesday morning.

Q You spoke to Mr. Liddy Tuesday morning before you spoke to Mr. Hunt?

A That's right. Mr. Hunt did not come to work and Mr. Liddy called to explain why.

Q That television spot, would that be in connection with your business or White House business?

A It would be in connection with our business.

Q When Mr. Hunt would go out of town on your business, would he normally notify you or anyone else where he was going and what he was doing?

A We arranged his transportation.

Q Was the trip to New York arranged through the office?

A No.

Q Do you know whether that trip had been arranged any period of time prior to the 19th or the 20th of June?

A No, I do not.

Q So he arranged his own transportation presumably on this occasion?

A That's right.

Q At least to the best of your knowledge?

A To the best of my knowledge.

Q What time did Mr. Liddy call you Tuesday morning?

A I didn't go directly to the office myself Tuesday morning. I got the message that he had called when I called in about 10:00 or 11:00 o'clock that morning.

Q Did you then call Mr. Liddy?

A I then called Mr. Liddy and he said that Howard was

in New York and that he was working on the television spot that we had in production up there.

Q When you called Mr. Liddy back, where was he?

A He was at his office at the Finance Committee to Re-Select.

Q Did you have any conversation with him that day in that telephone call that you would pick him up in your car and go some place together?

A Yes. He said he wanted to talk to me but that he preferred not to do it on the telephone. This was in the first conversation that we had. I said, "Well, I am away from the office. I am driving back down to the office. Why don't you come out and meet me at the curb and I will pick you up and we can talk in complete security in my car?" He said he preferred not to do that and we made arrangements instead to meet at the magazine stand of the Drug Fair immediately adjacent to 1701 Pennsylvania Avenue.

Q I understand then that when you returned his call, it was from some place other than your own office.

A That's right.

Q Do you recall where you were at that time?

A I was in my father's office.

Q You had called your own office for messages and found

— out that Liddy had called and then started returning your business calls?

A That's correct.

Q Did there come a time when you met Mr. Liddy at the magazine stand?

A That's right.

Q About what time was that?

A 11:15, 11:30. Before lunch.

Q What was the nature of the conversation?

A He told me that Howard would be going from New York to Miami and that the instructions that he had had been changed

Q Who had?

A Howard had. -- and that I was to call Miami looking for him and give him the new instructions. He said, "It is perfectly all right for you as his employer to be looking for him, but we think it would not be well for me to be looking for him." He never identified who the "we" were or was. I do not remember those instructions. They were very, very complicated. I went back to the office and said, "If Howard really was in New York working on the television spot, where would he be?" One of the girls in the office said, "I know where he should be" and called that number, found him there and he and I then had the conversation I have described.

—

Q You passed on to him the instructions that Liddy had asked you to?

A No. I just said, "I have been in touch with Liddy and he has given me a series of instructions for you which I would prefer you got directly from him. I suggest, Howard, you call him and let him tell you what it is he wants to tell you."

Q Do you have any recollection at all concerning the kind of instructions that were passed on?

A They had to do with where he was supposed to go and whom he was supposed to see.

Q Did Liddy indicate to you from whom these instructions were coming?

A No.

Q Did you ask him?

A No.

Q Did you have any further conversation with Mr. Hunt relative to his position with your company?

A Only as I have described. I told him in that same conversation that if he failed to show up for work the next day I would be forced to suspend him. I also told Mr. Liddy that while we were at the magazine stand, that I could not keep Howard in full status while this cloud was hanging over his head.

Q What did Mr. Liddy say?

A He simply said, "I can understand that."

Q Did Mr. Liddy indicate to you in the additional telephone call from your father's office that he did not want you to pick him up because his office may be under surveillance?

A Yes.

Q Did he indicate who he thought would put him under surveillance?

A No.

Q Did you make any inquiry?

A No.

Q Did you have any further conversations with either Mr. Hunt or Mr. Liddy on that day, Tuesday, June 20th?

A No.

Q What about the next day, June 21st? First of all, let me ask you this: Did Mr. Hunt come to work that day?

A No.

Q Did you take any action as a result of that?

A Yes. I suspended him.

Q How did you suspend him?

A I simply stopped paying him.

Q You notified the office manager that he was no longer on the payroll?

A He was not to be paid until he returned to work. He was not to be paid for that day or any subsequent days until he returned to work.

Q He would not have been paid for those days if he was not working in any event, would he?

A If he were out of town working on Mullen Company business, he would be paid.

Q He had completed the television job prior to Wednesday, the 21st?

A Since I had told him that he must specifically be in the Washington office on Wednesday, I was not prepared to pay him for any work he would be doing out of town even if he were claiming it was work for us.

Q Did you have any conversation with Mr. Hunt that day?

A The 21st?

Q Yes.

A That night around midnight.

Q Where were you at that time?

A I was at home.

Q Did he call you?

A Mr. Liddy called me and told me that he had a message for me from Mr. Hunt which I was authorized to repeat to the newspapers in Mr. Hunt's name, that I could say that I had heard

from Mr. Hunt, that he had left town because of the effect from the press harassment on his children and he was going to stay out of town until such time as this pressure on his family were to die down. I said to Mr. Liddy I understood that and I would so state to the press that that was his reason for leaving town. I also told him that his wife, that is, Howard's wife, had called wanting to know where he was.

Q When did she call?

A She called Wednesday during the day from New York. She had been in Europe. She had flown home, as she put it, to be at Howard's side in this time of difficulty. Mr. Liddy was surprised to hear Howard's wife was in the country and looking for him. He said, "Just a moment." There was a pause on the other end of the line and Howard came on the line and said, "What's this about my wife?"

Q You mean Liddy and Hunt were together?

A Yes.

Q Then Howard Hunt got on the telephone?

A That's correct.

Q What did he say to you?

A He said, "What's this about my wife?" I repeated to him the circumstances of his wife's having called me. He said, "Would you please call her for me and tell her you have heard

from me and that I am fine and will be in touch with her."

Q Do you know where these people were calling from?

A No, I don't.

Q Was there any indication that it was a long distance call?

A Yes, there was.

Q How did you get that indication?

A Well, you can tell from the sound in the telephone that it was a long distance call. It was direct dial. That is, there was no operator, but it was obvious from the tone of the reception that it was a long distance call.

Q Other than that one call around midnight to your home, that day you did not hear from Mr. Hunt?

A That's correct.

Q On that day, did you hear at all from Mr. Liddy?

A None other than this one phone call.

Q That day did you hear from anyone from the Finance Committee for the Re-Election of the President?

A No.

Q Or the Committee to Re-Elect the President?

A No.

Q Or the White House?

A I don't know again about the White House. I didn't

receive a call on this subject.

Q The next day, which would have been the 23rd, did you have any conversations with Mr. Hunt or Mr. Liddy?

A I don't believe so. You now get into a period where my memory of which day and which call came in gets a little vague and I can't accurately respond day by day beyond that one Wednesday.

Q Let me refresh your recollection and ask you whether you received a message on Friday, June the 23rd, from Mr. Liddy. Your attention was directed to Friday, the 23rd and you were asked whether you received a message from Mr. Liddy at the time of the trial before Judge Sirica and your answer at that time was that you did.

A All right. If I may, one of the reasons why the testimony in the trial before Judge Sirica is a little bit disjointed is because Howard had pled guilty by that time and all questions relating to Howard were therefore ruled out so that they all came in backward. I received a call on that day, assuming that that was the day -- because the U. S. Attorney had the telephone records which I did not have -- from Howard with a message for Liddy. I then called Liddy and gave him the message.

Q What was the message?

A It was that Howard was with the individual he was

supposed to be with, had delivered the message and was awaiting further instructions. It was very cryptic.

Q This is the message you passed on to Mr. Liddy?

A That's right.

Q Where was Mr. Liddy at that time?

A He was, I assume, at his office at the Finance Committee to Re-Elect. I had the call placed by my secretary so I don't know where she reached him.

Q Did you have any other numbers for Mr. Liddy other than that number?

A No.

Q Did your secretary have any numbers, other than the number at the Finance Committee?

A Not that I know of.

MR. PARKINSON: Off the record.

(Discussion off the record.)

BY MR. DUNIE:

Q Mr. Bennett, your recollection as to dates of telephone calls was refreshed at the criminal trial on the basis of certain telephone records in the possession of the United States Attorney; is that correct?

A That's correct.

Q What kind of telephone records were they, if you know?

A I don't know for sure because they were incoming calls to me from a long distance location. I assumed that the U. S. Attorney had the records of Howard's movements in the form of the hotel bills, airline tickets or what have you in that period and from those records got the dates of when the calls were placed to me.

Q Did your secretary keep a log of incoming telephone calls?

A Usually, although this call, as I recall, came in on my private line, that is, 2909, which she may or may not intercept. We don't have a hard and fast rule on that line.

Q She had the capability to intercept that line?

A Yes, that's right.

Q Did you call Mr. Liddy as soon as you received this message from Mr. Hunt?

A That's correct.

Q In the next day or two, did you have any further conversations with Mr. Hunt or Mr. Liddy?

A Again, I cannot give you the date. The U. S. Attorney would have the records of the incoming calls. I received a phone call from Howard prior to the 4th of July weekend, at which time he said he was tired of being in hiding, he wanted to join his family for the long 4th of July weekend and would

I please get him a lawyer, that as soon as he had a lawyer he felt he could surface.

Q Did he tell you where he was?

A No.

Q Did you ask him?

A No. He said that he would be calling back. I called Mr. Liddy to say, "Howard wants to surface and he wants a lawyer."

Q What did Liddy say?

A Liddy said, "Fine. Tell him that Doug Caddy will be his lawyer." Mr. Hunt called back the next day and I told him, "Doug Caddy is your lawyer." He said, "No, he's not," and he said, "I want another lawyer."

Q You spoke to Mr. Liddy at home on Sunday morning on that occasion?

A I spoke to Mr. Liddy at home on a Sunday morning of that same weekend.

Q That was before this conversation with Mr. Hunt that you have just related?

A That was after.

Q This is after Mr. Hunt turned down Caddy and wanted a new lawyer?

A I felt I had to get back to Liddy and tell him that Hunt would not accept Caddy and that he needed another lawyer.

Q Did you have any other conversation with Mr. Liddy that morning?

A That is the only conversation I had with him and that is the last conversation I ever had with him.

Q Did he say anything about the fact that he had left the Committee?

A Yes. I opened the conversation in what I thought was a joking fashion, or friendly fashion would be a better way of putting it, by saying, "Well, I see you have a new boss," referring to Clark McGregor whose appointment had just been announced, and Liddy said, "Well, they have down at the Committee. I'm not there anymore." I said, "Why not?" He said, "Well, it is the Committee's policy that no one can be employed there who does not agree to cooperative fully with the FBI," or words to that effect, "in their investigation of the Water-gate. Since I'm not cooperating with the FBI, it is necessary for me to leave."

Then I repeated Howard's request for another lawyer. Mr. Liddy gave me the name of the lawyer he had retained for himself, which name I have subsequently forgotten, and he said, "Tell Howard to get in touch with this lawyer and he will help him find an attorney." I told Liddy again, as I had told him on previous occasions when he said tell Howard to do this or

that, that I didn't know where Howard was. I couldn't tell him anything. I had to wait for Howard to call me. He said, "All right, but when he calls you, tell him my lawyer is" so-and-so "and he will get a lawyer for Howard."

I never had any subsequent conversations with either Howard or Gordon.

Q During the time that Mr. Hunt called you and asked you to pass on messages to Mr. Liddy, did you ever ask him where you could call him?

A No.

Q Did you ask him and he refused to tell you or you just never asked him?

A I didn't ask him.

Q Did he tell you that he would be calling you back later on?

A The first time he said he would call me back the next day to get the name of the lawyer and that is when he called back and I told him that it was Doug Caddy.

Q Mr. Bennett, from that day to this day, have you had any further conversations with Mr. Hunt or Mr. Liddy?

A No.

Q Have you had any written communications from either one?

A No. I have had a note from Howard telling me the number of days he worked in June so that we could arrange his severance.

Q Did Mr. Hunt have any telephone charge card for the Mullen Company?

A I believe he did. When he was terminated, he turned in all of his credit cards.

Q Did you see him after he was terminated?

A No. The details of his termination were arranged by his attorney, Mr. Bittman, who asked me to come over to his office to discuss it, which I did. Howard came into the office on a Saturday when there was no one else from the company there, cleaned out his desk and left all of his credit cards, his keys and a note to me indicating the number of days he had worked on my desk.

Q When was that, to the best of your recollection?

A It would be sometime in July, maybe early August.

Q You did not see him?

A No.

Q Was he present in Mr. Bittman's office when you got there?

A No.

Q Do you know whether any of the telephone calls that

he was making to you which may have been from out of town were charged to the Mullen Company?

A They were not. If they had been, they would have shown up on our subsequent billing. Every call is monitored by our office manager for assignment to a particular client, a long distance call.

Q What about the calls that were coming in on your private number from Mr. Hunt?

A If they had been charged with a credit card, they would have also shown up on our bill.

Q Those records, are they still available?

A I believe so.

Q I assume there would be no objection if we wanted at some future time to look at those records.

^{McNAMARA:}
MR. ~~BYWATER~~: No objection.

MR. DUNIE: Let the record indicate that counsel indicated no objection.

BY MR. DUNIE:

Q If someone went into your office on a Saturday, is there also a sign-in procedure?

A Yes.

Q Is that true for all day Saturday?

To correct stenographic error

A Yes.

Q Do you know whether it was Mr. Hunt who signed in that Saturday and cleaned out his desk?

A Yes, because it was Howard's handwriting on the note that was on my desk and the guard who let him in told me the following Monday or Tuesday, whenever it was I visited with him, that he had not only admitted Mr. Hunt but that he had helped him clean out his effects and helped him carry things down, et cetera, et cetera. Howard had a television set, he had a radio, he had, I believe, a lamp -- no, I guess it wasn't a lamp. Anyway, things of this kind that were bulky enough that he needed some help with and the guard had helped him. He knew him so there was no question in my mind that it was Howard.

Q Do you know whether Mr. Hunt or Mr. Liddy came to your office after the arrests took place on June 17th, that is, the early morning hours of June 17, 1972?

A I do not know.

Q Have you heard whether they did or not?

A I have heard speculation that one or the other of them did, but I have no way of knowing.

Q Do you know whether Mr. Hunt used his office at night following June 17, 1972, for any purpose?

A I would be very surprised if he did, but I have no

way of knowing for sure.

Q Did any of the guards ever mention to you, "Mr. Hunt was here last night"?

A No.

Q Do you know whether Mr. Liddy ever came back to your office and used your office in your building at night?

A No, I don't. I would doubt it. After this occurred, we changed all the locks.

Q When?

A A few days following Howard's disappearance.

Q Were those locks changed before he came in on that Saturday?

A Yes.

Q How did he get in on that Saturday?

A The guard let him in.

Q Let him into your office also?

A That's right.

Q The guard had keys to your office as well?

A That's right. A passkey.

Q A passkey?

A We know that because the guard called Mr. Mullen to ask for authorization to let Howard into the offices to clean out his personal effects. Mr. Mullen spoke with Mr. Hunt. I

had forgotten that. That is for certainty that it was Howard and not someone else. He spoke to Mr. Hunt and then spoke to the guard and said, "Yes, you may let him in to clean out his desk."

Q Approximately how long after June 17th did you have the locks changed?

A I would say a week, a few days. I don't know for sure.

Q What was the reason for that?

A I guess we were all getting a little paranoid at the time. With a member of our staff having disappeared with a key to the office, we changed the locks so that we knew who would be coming in.

Q When the FBI came to look for Mr. Hunt, I think you said they came on only one occasion; is that correct?

A They came back after he disappeared to see if I knew where he was.

Q At that time, did they look in his office?

A Not to my knowledge.

Q Do you know whether they had a search warrant?

A Not that they showed me.

Q Did they search his office?

A Not to my knowledge.

Q Who could authorize them to search your office other

— than yourself?

A As long as I was present in the office, no one.

Q Could Mr. Mullen give that authorization to the FBI?

A Mr. Mullen during this period of time was in Singapore, which is why the whole action fell on me.

MR. DUNIE: I have no further questions.

MR. PARKINSON: No questions.

MR. STONER: I have no questions.

EXAMINATION BY COUNSEL FOR DEFENDANT JAMES W. McCORD

BY MR. FENSTERWALD:

Q Could you tell me who Mr. Hunt's secretary was when he worked for your company?

A He didn't have a specific secretary assigned to him. He used the girls in the pool.

Q Is there anyone in particular that you could point to that he used?

A I really couldn't.

Q What is your secretary's name who answered his phone?

A Lin Jones.

Q Do you happen to know her address or whereabouts?
Does she still work for you?

A Yes.

Q I would like to go back just a minute to the question

—

of Mr. Barker at the White House, a phone call on June the 19th. Can you tell us a little more about who Mr. Barker is and what position he had in the White House?

A Mr. Barker is -- in private life, Mr. Barker is the head of Barker & Jorgenson, a Salt Lake City advertising agency and public relations firm. He worked with Ken Clawson and Herb Klein and Chuck Colson. I was never sure of the exact reporting relationship in the White House. As I say, I have known him since I was a freshman in college back in 1951 and it was not unusual at all for us to have conversations about a number of things.

Q Had he been at the White House a considerable period of time in June of 1972?

A No. His total service at the White House was less than 18 months and he left in December of '72 or January of '73.

Q Do you know where he is today?

A In Salt Lake City.

Q Do you know who his immediate superior would have been?

A I believe it would have been Chuck Colson, but I couldn't say for sure.

Q Do you know by whom he was recruited for the White House?

A I believe Colson hired him. He was recommended for

the job by me, among others.

Q Could you relate again for me so I can get it straight the conversation you had with him on Monday, June 19th?

A As I say, I don't recall the conversation because it had nothing to do with this, but in the course of the conversation, responding to the question was the subject brought up, I do recall that he expressed great disgust at how stupid the break-in had been over the weekend and his personal distaste for it. Beyond that, I don't recall whether we discussed this or anything else.

Q Do you know who initiated that call?

A I can't recall.

Q He, as I remember your answer, asked you if Mr. Hunt had come to work that morning?

A Yes. He asked if Howard had come in that day.

Q Did he give you any reason for wanting to know?

A No.

Q Was that in any way connected with your conversation about the Watergate? What I am trying to get at is perfectly obvious. Was there anything in your mind that would connect that question with his statement about the Watergate?

A This is difficult because he and I have had a number of conversations about this since then, as I am sure is obvious

to you, and I can't really isolate what he said on that occasion in my own mind with what he may have said on subsequent occasion. but I am sure that everyone on the White House staff knew that morning that Howard had been implicated, which I didn't know, and I am assuming that perhaps he thought Howard would have left already, which he subsequently did.

Q Now I am confused because I didn't know that had become public until Tuesday, June the 20th, that there was some connection between Mr. Hunt or Mr. Liddy and the Watergate.

A But obviously the FBI knew it and members of the White House staff knew it long before the newspapers knew it.

Q What you are saying is you don't know if there was any connection, but there could have been since it was knowledge at the White House that Mr. Hunt had been connected?

A I didn't place any significance on it at the time and I don't now.

Q Did Mr. Hunt during the winter and spring of 1972 operate out of any office other than the one at the White House and the one at your company?

A Not that I know of.

Q Except for his home telephone and the one either at the White House and your office, you don't know of any other telephones that he had?

A No.

Q Did you ever meet Mr. McCord?

A No.

Q Do you know if he ever came to your office?

A No, I don't know.

MR. FENSTERWALD: I have no further questions.

FURTHER EXAMINATION BY COUNSEL FOR PLAINTIFFS
DEMOCRATIC NATIONAL COMMITTEE, ET AL.
and
DEFENDANTS O'BRIEN

BY MR. DUNIE:

Q Mr. Bennett, one question. When your secretary would answer the private telephone that Mr. Hunt had, did she keep a log of those calls?

A No.

Q Would she make notes of who called when she answered his phone when he was not there?

A I don't know. I doubt it. One of the reasons for her answering the calls was that often that phone would ring while Mr. Hunt would be in another part of the office with instructions that no one else was to answer it. By the time he could run from wherever he was to his office, the party would have hung up. Since she was right there, he said, "She should answer it and hold it while I can be brought to the phone. If I am not there, all she needs to do is say I am not

there and hang up."

Q And not take names?

A And not take names and numbers. Those were her instructions.

Q They were his instructions to her?

A That's right.

Q He did not want her to find out who was calling; is that correct?

A That is my understanding.

MR. DUNIE: I have no further questions.

Any questions, gentlemen?

MR. STONER: None.

MR. PARKINSON: None.

MR. DUNIE: Mr. Bennett, you are appearing as a witness and you are represented by Mr. McNamara and Mr. Bywater. A witness at a deposition has several rights. One right is to waive signature and rely upon the expertise of the reporter that all of the questions and answers have been properly taken down. The second right you have is to read the deposition and sign it before it is made public and filed in court. I want to state for you that the Court has ruled that all depositions in this case will be made public and a matter of public record. I want to say to you that you have an absolute right to read

— this deposition and to make minor changes before you sign it and then it will be filed. You have a certain number of days to do that. If you don't sign it within a certain number of days it will be filed automatically. If you choose to read it and sign it and if you choose to make major changes in substance, we would have a right to redepose you to straighten those matters out. Normally, I think that the time a witness has to read and sign a deposition is ten days, but, in view of the public interest in this lawsuit, I would say to you that we don't have that kind of time. It is entirely the option of you and your counsel as to what you all choose to do.

THE WITNESS: Normally, I would choose to read it and sign it, if for no other reason that I like to straighten out the syntax to make myself literate, but I am going to be out of town all next week and so I would allow my counsel under the circumstances to read it and sign it on my behalf.

MR. DUNIE: I have no objection to that.

MR. STONER: No objection.

MR. PARKINSON: No objection.

MR. FENSTERWALD: No objection.

MR. DUNIE: There is no objection expressed by anyone, Mr. Klamans. I think we can now end the deposition.

— Off the record.

(Discussion off the record.)

MR. DUNIE: Mr. Bennett has indicated he is going to be out of the city next week and he has authorized his counsel, Mr. McNamara and/or Mr. Bywater, to read the deposition on his behalf and to sign the deposition on his behalf and counsel have agreed that they will take those steps within 24 hours after they have been notified that the deposition has been typed up.

Is that correct, Mr. Bennett?

THE WITNESS: That's correct.

MR. McNAMARA: Or at least within 24 hours from the time we get it.

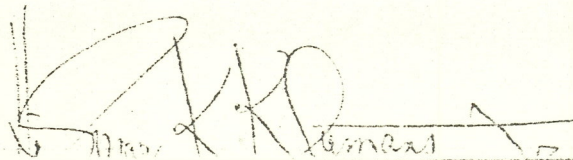
MR. DUNIE: Fine.

On behalf of the witness, I have read the foregoing pages, 5 to 62, inclusive, which contain a correct transcript of the answers made by said witness to the questions there in recorded.

CERTIFICATE OF NOTARY PUBLIC

I, Hilmar K. Klamans, Jr., the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition

— was duly sworn by me; that the testimony of said witness was taken by me in shorthand and thereafter reduced to typewriting under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.



Notary Public in and for
the District of Columbia

My commission expires
June 14, 1977.