

Excerpts From Haldeman's Testimony Before

Special to The New York Times

WASHINGTON, July 31—

Following are excerpts from the transcript of testimony today by H. R. Haldeman, former White House chief of staff, on the 32d day of hearings on the Watergate case before the Senate Select Committee on Presidential Campaign Activities:

MORNING SESSION

MR. DASH: As chief of staff, Mr. Haldeman, could you tell us how tight a ship you ran in the White House?

MR. HALDEMAN: Well, it has been amply reported here as being a tight ship, and I tried to run a tight ship, and I think successfully most of the time.

Q. And would it be fair to say that you were a hard taskmaster and often cracked the whip?

A. I don't know, I didn't feel I was a hard taskmaster. I felt I was a just taskmaster, but I guess some who didn't rise to the task felt that the whip was cracked sometimes. We operated of necessity on a basis of very extensive delegation of authority and of expecting people to get done what they were told to get done, to handle the responsibilities that they were understood to be handling and to do them without making any mistakes. We did throughout the White House operation operate on a what is known in some views as a zero defect system. We attempted to do everything right.

Q. How close to zero did you get? A. I am not sure. That is hard to evaluate.

Q. Well, therefore, would it not be also true that in your job especially in making recommendations to the President or being able to make decisions that you certainly wanted to be on top of the important facts you needed to make those decisions. A. I didn't have to make decisions for the President.

Q. I said, in making recommendations or in any decisions that you had to make in the White House.

Review and Recommendation

A. I was not making recommendations even to the President for decisions. I did take the responsibility for getting the material to the President for making decisions, and I did review the material before it went to the President to be sure it was complete. But I did not make the recommendation. The recommendation was made by the staff member or Administration official responsible for the area in which the decision rested.

Q. Well, then, to carry out his function to, see to it that the President had had information he needed, you saw to it that you were on top of the facts.

A. I saw to it that the facts were available. I did not attempt to stay on top of all the facts on any given matter. We had other people far more able than I in any given subject area who maintained the knowledge of the facts.

All I did was raise the question if it appeared that the facts weren't complete

or had not been presented adequately or that opposing views had not been included.

Q. Well, but at any time when you needed the facts you could be able to get them very quickly, or at least you expected to be able to get them very quickly? A. That is correct.

Q. Now, moving forward to the establishment of the Committee for the Re-election of the President, could you tell us how the Committee for the Re-election of the President got started for the 1972 campaign.

A. The concept of the committee was a result of a desire on the part of the President and the rest of us that the campaign for re-election be handled outside of the White House and by people not on the White House staff but assigned to general White House duties.

We looked to the Committee to Re-elect to handle the mechanics and operations of the political campaign. We had close liaison with the committee, at a lot of levels—in the White House, from the White House to the committee and from the departments in the Government to the committee and Government appointees.

A Separate Entity

Q. Why, was it necessary to set up this separate entity, when there was a national Republican committee and a political entity in the Republican party for the campaign of 1972?

A. Well, very simply because the national committee is the official body of the Republican party. It has the

responsibility for mobilizing the Republican vote and turning out the Republican vote, for developing and supporting candidates, Republican candidates for office at all levels, state and Federal, and the campaign for the President required beyond the Republican party the effort to reach out to independent voters and to Democratic voters to make an appeal to them for support as well as to mobilize the Republican troops that the national committee had the responsibility for. So there was quite naturally a need for an organization beyond the Republican National Committee.

As you know, after the convention there was a further organization set up of Democrats for Nixon which was directly involved in an effort to develop Democratic support specifically.

Q. Did not this committee really constitute a form of alter ego to the White House and the Administration? In other words, the political branch?

A. Well, no, I do not believe so. I think it was set up so that the White House would not be totally involved in the business of preparing for a political campaign.

Q. Is it not true that a number of White House staff people did move over and take a position in the Committee for the Re-election of the President. A. Some White House staff did. Some people from other departments and some people from outside.

Mitchell Was Chosen

Q. And it is true that Mr. Mitchell, the Attorney General, had been designated to actually run the campaign when he left his office as Attorney General in March. Is that right? A. Yes.

Q. Now, what particular role did you play in either

the Senate Committee on Watergate

staff assignments or the moving of staff from the White House to the committee.

A. I was consulted, on the senior people that moved from the White House, or middle level people.

Q. Now, were you also consulted with regard to major decisions that the committee was making?

A. Some, but not on a consistent basis. Rather than being consulted on major decisions we had a close working relationship with the committee that was implemented in the campaign period by the twice weekly meetings in Mr. Ehrlichman's office with the campaign committee people and senior White House people. In order to maintain continuing coordination, the campaign director, Mr. Mitchell and later Mr. Macgregor, sat in the regular morning White House staff meetings, so that the campaign people, or the campaign director, at least, would know what the ongoing business at the White House was, issue positions, and that sort of thing, and vice versa, so that he could keep us posted at the White House as to what was developing in the campaign.

Did you receive quite a bit of memoranda from the committee?

A. Yes, sir. I think you are referring to Strachan's political memoranda. I did not receive memoranda directly from the committee. Gordon Strachan was my staff man with that area of responsibility. [he] received all.

Area of Responsibility

Q. Just what was his area of responsibility? A. He was supposed to handle the liaison between my office and the campaign committee, to keep himself basically fully posted on the campaign, to keep me posted as I needed to be for information for the President, and to be available to answer questions or follow up on matters that might be raised by the President and from time to time others

Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, July 31—Following are the names of individuals who figured today in hearings by the Senate select committee on the Watergate case:

COMMITTEE MEMBERS

Sam J. Ervin Jr., North Carolina Democrat, chairman.
Herman E. Talmadge, Democrat of Georgia.
Daniel K. Inouye, Democrat of Hawaii.
Joseph M. Montoya, Democrat of New Mexico.
Howard H. Baker Jr., Republican of Tennessee.
Edward J. Gurney, Republican of Florida.
Lowell P. Weicker Jr., Republican of Connecticut.

COMMITTEE COUNSEL

Samuel Dash, chief counsel and staff director.
Fred D. Thompson, chief minority counsel.
Rufus L. Edmisten, deputy counsel.
Terry F. Lenzner, assistant chief counsel.
James Hamilton, assistant chief counsel.
David M. Dorsen, assistant chief counsel.
H. William Shure, assistant minority counsel.

WITNESS and COUNSEL

H. R. Haldeman, former White House chief of staff.
John J. Wilson, counsel for Mr. Ehrlichman and Mr. Haldeman.

PERSONS NAMED IN TESTIMONY

Alexander P. Butterfield, F.A.A. administrator and ex-White House aide.
John J. Caulfield, former employe of the re-election committee.
Charles W. Colson, former counsel to the President.
John W. Dean 3d, former counsel to the President.
John D. Ehrlichman, former White House adviser.
Dr. Daniel J. Ellsberg, key witness in Pentagon papers case.
Dr. Lewis Fielding, Dr. Daniel J. Ellsberg's psychiatrist.
J. Edgar Hoover, former Director of the Federal Bureau of Investigation.
E. Howard Hunt Jr., ex-White House aide, pleaded guilty in the Watergate break-in.
Tom Charles Huston, White House aide who designed intelligence gathering plan.
Bruce A. Kehrli, staff secretary to the President.
Egil Krogh Jr., former assistant to Mr. Ehrlichman.
Frederick C. LaRue, former assistant to John N. Mitchell.
G. Gordon Liddy, former White House aide convicted in Watergate break-in.
Clark MacGregor, former chief of the Committee for the re-election of the President.
Jeb Stuart Magruder, former deputy director of the Committee for the Re-election of the President.
Robert C. Mardian, former aide of re-election committee.
John N. Mitchell, former Attorney General and former chief of the re-election committee.
Gordon C. Strachan, former assistant to Mr. Haldeman.
Jeb Stuart Magruder, former deputy director of re-election committee.
Anthony T. Ulasewicz, former aide to John J. Caulfield.
David Young, co-director of White House intelligence unit.

in the White House with relation to the campaign.

Q. Now, were you consulted in any way at times on budgets, or matters involving the financing of the committee? A. Only on a very general basis. I reviewed the advertising budgets primarily with relation to the question of timing, of intensity of advertising, and to some degree regional concentration. I did not get into the details of the budgets.

Q. I would like to show you, Mr. Haldeman, a memorandum of Feb. 3, 1972, from Mr. Bruce Kehrli to you concerning Committee for re-election support which discusses general budget items.

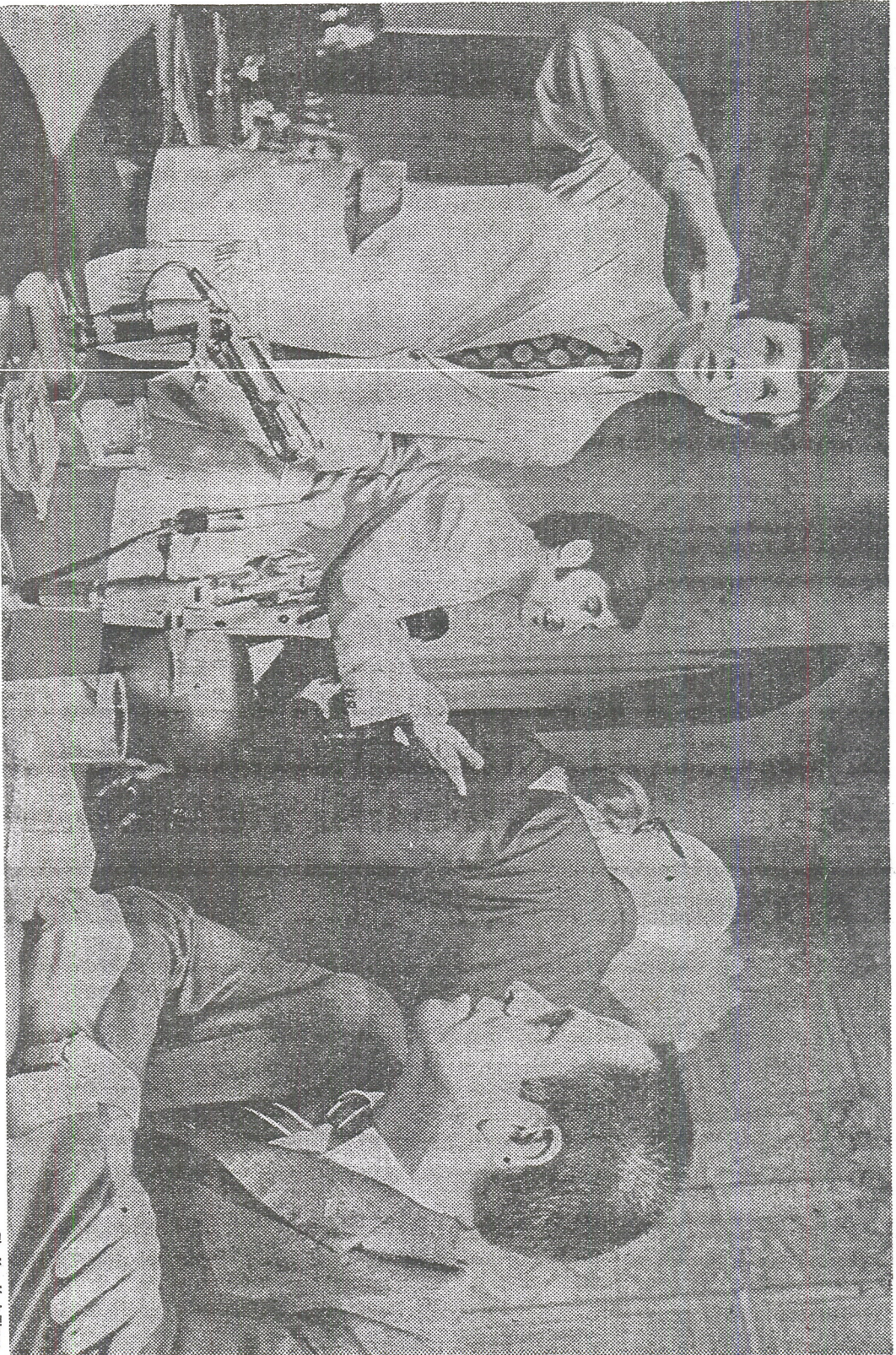
Do you recall that this particular memorandum, which has "administratively confidential" on it, deals with the question of the Presidential and first family travel budget and then it has items for pre-convention, convention, and post-nomination budget, and then on the second page there is some reference to staff and also there is a reference to Mr. Colson and a statement \$900,000 for the Colson office consists of \$600,000 for mailing and information retrieval, \$150,000 to expand his mailing list, and about \$90,000 for "black" projects, black in quotes.

Do you recall those items and why they were being presented to you in a memorandum?

Financial Memorandum

A. This over-all memorandum is for financial support for the White House from the Committee for the Re-election of the President. As I think I indicated, the committee provided financial support for activities that were not deemed to be governmental activities but that were conducted by the White House, the principal of these being, of course, the travel of the President when he was on a purely political trip. This same would apply to other activities that were carried out by other staff members.

The Colson office question appears to be primarily for mailings and Mr. Colson's office was the point of contact with groups and organizations, business organizations, veterans' organi-



H. R. Haldeman, right, listening to James Hamilton, assistant chief counsel to the Senate Watergate committee, before yesterday's hearing

The New York Times

zations, other particular interest groups, and I am sure that at his instance there were a number of mailings designed for these specific groups, and that this was to cover support for those mailings.

Q. Do you know what the reference to "black projects means? A. I am not sure.

Q. We have had testimony before on black advance projects, do you know what that means? A. I have heard that testimony. I would not think that this would relate to black advance projects as such because Mr. Colson was not concerned with advance work or campaign travel at all that I am aware of.

Campaign Support

Q. Well, then there is one item that says "This budget does not include White House polling expense which I understand will be handled in another way." Is that a reference to what later did happen, the transmittal of \$350,000 from the committee to the White House for polling purposes? A. I think that probably is, yes.

Q. Well, at least to this extent, would this cover this area of general budget?

A. No, not at all. This is what I would call campaign support for White House budget. I also saw from time to time or at all times the over-all campaign budget, the big spread sheets that spread out the planned expenditures on a month by month basis for the various campaign activities.

Q. Now, what was your relationship with Mr. Mitchell

in the Committee for the re-election of the President?

A. It was one of very close communication and cooperation, not on a very frequent basis but he kept me posted on what was going on and what problems he had, if any, in the campaign, and he had problems from time to time with the White House in cooperation and he was seeking for information that he would raise with me, and I passed on to him complaints and information and suggestions from the White House, other people in the White House, and from the President.

Q. In the summer of the fall of 1970, were you not concerned about the existing program of intelligence gathering with regard to either domestic dissent or security.

A. 1970 was the time of the concern on domestic security. The problem was the wave of violence, bombings, arson, trashing and other sorts of activities of damaging property, some of them killing people, that were sweeping across the country at that time.

Q. And this led to what we have now been referring to as the Huston plan, did it not? A. Yes, it did.

Q. And I take it you were aware of all of the facets of the Huston plan, what the recommendations were that were being made and as it finally went up to the President.

The Huston Plan

A. Not in any detail. The inception of the so-called Huston plan was a meeting that the President called. First, Mr. Huston, as a staff man, had done some preliminary work on analysis of the problem, and of the shortcomings that appeared to be in existence at that time with relation to the problem and the efforts to deal with it, as a result of which, the President called a meeting of the heads of the various security agencies, the F.B.I., the N.S.A., the C.I.A., and the D.I.A.

I sat in that meeting, as did Mr. Huston. The President discussed with these agency heads the nature of the problem, the shortcomings of domestic intelligence, the concern that some of these activities that were under way or being threatened during that period of time were possibly at least, and I think demonstrably, connected with foreign activities.

Some of the organizations that were declaring themselves out to destroy institutions and in some cases the

Government, were doing their training in foreign countries and were studying under foreign dissident organizations, and there was a feeling that there was a cross-over here that needed to be dealt with in terms of better intelligence, that we didn't know who was causing these things, who was directing them, who was financing them nor did we know what they were going to be directed to.

Q. How did you receive specific evidence of these events. You didn't know, you say, who was doing, but obviously you were concerned that the events occurred, what evidence occurred as to who might be involved?

Sources are Cited

A. There was evidence in terms of the people who were carrying some of them out. There was some intelligence, there was some F.B.I. intelligence, in this area, there was some Secret Service intelligence in this area as it related to Presidential threats and security. And there was some investigative reporting by the press going on as to background of some of these activities, and all of these I think would add together to be the sources at that time of what we did have.

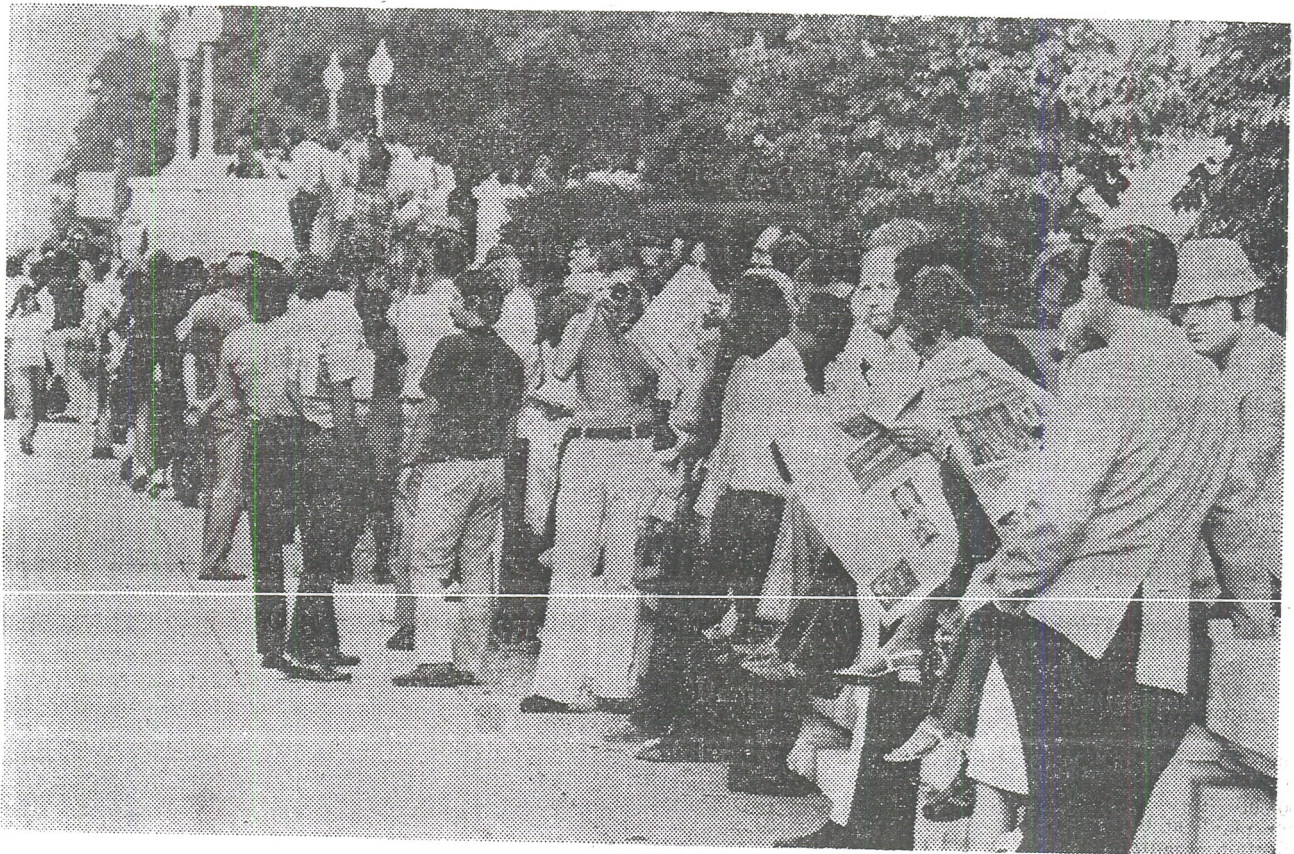
Q. But is it your statement that you were not fully aware of the specifics of the Huston plan?

A. I was not—let me get into how that was set up. In the meeting with the President and the heads of the security agencies, the President made it very clear that he expected some cooperation—which did not exist at that time between these agencies—in getting better information, evaluating the information more effectively, and disseminating it so that action could be taken if there was action indicated.

The group assembled in his office at that time was designated by the President as a task force to prepare recommendations for him as to what ought to be done, what steps should be taken to meet the problem and carry out the request that the President made of this group.

It is my understanding that such a task force under the chairmanship of Director Hoover which prepared an extensive set of recommendations. Mr. Huston worked with them, and those recommendations were submitted to the President. They were submitted, through Mr. Huston, to me and through me to the President.

Q. Mr. Huston actually reported to you. A. He report-



Associated Press

People lined up yesterday outside the Old Senate Office Building, awaiting admission to Watergate hearing

ed through me in this particular area.

Q. You saw all of the papers that were being reviewed, did you not? A. Not all the working papers of the committee. I saw the recommendations that went to the President.

Intelligence Activity

Q. Did you read the recommendations that went to the President? A. I am not sure I did or not. If I did it was not in any detail. I had an idea it was a proposal for an expanded intelligence activity.

Q. Were you aware in that proposal there was a recommendation for both national and internal security, that there be an increased use of wiretapping and surreptitious entry or break-in? A. I am not sure whether I was or not. I may very well have been.

Q. Were you aware that Mr. Hoover, director of the F.B.I., opposed, at least entered his opposition to most of the recommendations in that plan?

A. He had indicated in the various recommendations his disagreement with some of them in spite of the fact that

they were the committee recommendations. [As chairman] he was transmitting them as the committee recommendation with his dissent.

Q. Well, now, did Mr. Huston seek to get your assistance in overriding Mr. Hoover's objections? A. I think he did.

Q. And did he send a series of memorandums to you with regard to that? A. I have seen the memoranda that have been put into exhibit and reprinted in the papers and they would indicate that he did, yes.

Q. Well, did you just see them as they were reprinted in the papers or do you actually recall receiving those memoranda and reading them?

A. I have a general recollection. I do know that there was a definite concern on Mr. Huston's part and on the President's part that there was a problem. One of the reasons for bringing this group together was the fact that communication between the F.B.I. and other intelligence agencies was at best minimal.

Opposition of Hoover

Q. Do you know why Mr. Hoover opposed the plan? A. I am not sure.

Q. Now, are you aware that this plan was in fact approved by the President? A. Yes.

Q. After that approval, was the plan implemented? A. No, it was not. As I understand it, the approval was rescinded, I believe it was five days later.

Q. Why was it rescinded? A. Again, as I understand it, because of Director Hoover's objection to a number of parts of the plan.

Q. Did you know that Mr. Mitchell opposed his plan, the Attorney General? A. I am not sure that I knew that he did or that he did not.

Q. Well, he has testified here before this committee that he was not in on the original planning of the plan but when he first learned about it, he went to see you and the President and strongly opposed it and then the plan was not implemented and he assumed that is was partly on the basis of his objection. Do you recall that?

A. I do not, but I certainly would not deny that, if Mr.

Mitchell does feel that is the case.

Q. Did you become aware of an in-house White House effort for that special investigative unit?

Dean's Liaison Role

After the Huston plan was recinded? [this was the intelligence evaluation committee.]

A. It was not an in-house White House group, although there was a White House representative. Its purpose was coordination between the various intelligences agencies and an attempt to share and evaluate intelligence.

Q. And who was supervising this? A. I am not sure. I believe John Dean was the

White House representative on it and I am not sure how it was structured.

Q. Would it be true that it was Mr. John Dean's role to be liaison for the White House on intelligence programs like this? A. Yes. It would be.

Q. Now, did there come a time when there was an in-house White House special investigative unit? A. The question relates, I assume, to this special investigations unit that was set up in 1971.

Q. Yes. A. I was aware that such a unit was set up at the President's request.

Q. And did you know who was put in charge of that? A. I think that David Young of the National Security Council staff and Bud Krogh of the Domestic Council staff were the principal men assigned to that work.

Q. Did you know that Mr. Hunt and Liddy took a part in the role of the so-called plumbers? A. I guess so. It is hard now knowing it so thoroughly through testimony here to know whether I specifically knew they were at that time or not.

Q. Well, is it your testimony, Mr. Haldeman, that with your role as chief of staff, that an operation of this kind, a special investigative unit would not, one, come to your attention, so you would know who was involved, who the staff people would be, who would be working, who would be on its payroll?

A. No. I would know that such a unit existed but this unit was set up as an internal unit using as the two principal staff people, people that were already on staff. This wasn't an addition to staff. This was a reassignment of people, one on Dr. Kissinger's staff and one on Mr. Ehrlichman's staff, to a special proj-

ect. That was done very frequently and probably most of the time without my knowledge because these were assignments that would come and go.

Q. Well, if new people were brought on staff like Mr. Hunt or Mr. Liddy, wouldn't you have to know about that as the staff director? A. Not necessarily by name.

Q. You know the reason why this separate investigating unit was set up, do you not? A. Yes, I knew the approximate cause was the Pentagon papers leak and that it was set up for the purpose of looking into that and other national security leaks at that time.

Q. You were concerned about such leaks, were you not? A. I was personally concerned about, them, yes.

Q. Did you discuss with Mr. Ehrlichman at any time, the work of the special investigating unit? A. No, I do not think so, other than the fact there was such a unit and they were working on this.

Q. Did this come up in the senior staff meetings? A. It may have. I do not recall any specific reference to it. The subject of leaks came up often, of course.

Q. As a matter of fact, I think in your own statement, at one point the President dubbed you the Lord High Executioner— A. Yes, sir.

A Broad Basis

Q. — for leaks. A. That, however, was on a broad basis but specifically related to any individual leak, or to the area of national security or domestic security.

Q. Now, did you learn in discussion with Mr. Ehrlichman or at your senior staff meetings about the focusing in on Mr. Ellsberg not only as a suspect but as an effort to get more information about him? A. I do not think so; not through those means.

Q. Did you know there was an effort to get a psychiatric profile on Mr. Ellsberg? A. No.

Q. Did you know that a group had been sent out to California to seek through covert activity access to Dr. Fielding's records? A. No.

Q. Mr. Ehrlichman at no time would be discussing this with you? A. He did not discuss it with me.

Q. Now, I take it you were also aware of the Sandwedge

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plan which Mr. Caulfield presented? A. Yes.

Q. And that also was a proposed intelligence plan, was it not? A. Yes.

Q. Are you aware of what occurred on that? A. It was dropped.

Q. Did you have any role in seeing to it that it was dropped? A. I do not believe I did. I think that it sort of dropped of its own weight.

Q. Did you know Mr. Tony Ulasewicz? A. No.

Q. Never met him?
A. No.

Q. Did you know that he was working for certain White House projects? A. I knew there was a man employed outside on certain White House projects. I at some point knew his name but at that point did not know how to pronounce it.

Magruder Conversation

Q. Did not Mr. Magruder talk to you directly or by memoranda concerning the need for the committee to have its own in-house capabilities in intelligence with regard to the campaign? A. He may have.

Q. Did you become aware that Mr. Gordon Liddy was employed by the Committee for the Re-election of the President? A. At some point I did.

Q. Were you aware prior to the June 17 break-in? A. That Mr. Liddy was at the committee, yes.

Q. Did his name come by your desk for approval? A. His name came by my desk at some point in connection with his salary.

Q. Did you learn at a point in time of a meeting in Mr. Mitchell's office, one on Jan. 27, 1972, and then another meeting on Feb. 4, 1972, attended, not only by Mr. Mitchell but by Mr. Dean, Mr. Liddy and Mr. Magruder.

A. Yes, I learned of it in recent months and probably also in the summer of 1972 by way of Mr. Dean recounting to me that there had been these two meetings. That there had been presented an intelligence plan that was totally inconceivable and absurd. That Mitchell had concurred with him in turning this plan off, that he felt that there should be no further discussions of this kind of an intelligence program, and he intended to participate in no such discussions, and that he recommended the White House not participate, if there were any such further discussions, and that there should not be any and that I agreed with him.



The New York Times

Mrs. H. R. Haldeman and a daughter, Susan, in audience at Senate hearing yesterday.

Q. Now, this discussion you had with Mr. Dean, is that after the June 17 break-in that this took place? A. Yes.

Q. Now, you say in that discussion you had with Mr. Dean, Mr. Dean told you that right after the Feb. 4 meeting in 1972. He came to you and said the White House should not be involved and you agreed. Do you recall his doing that?

No Clear Recollection

A. I do not recall it with any clear recollection but I was willing to accept Mr. Dean's very specific and very positive recounting to me of what had happened.

Q. Well, then, leaving aside any report that Mr. Dean made to you of these meetings, were you not informed

by Mr. Strachan through a Political Matters Memorandum of a sophisticated intelligence system that the Committee for the Re-election of the President had developed for the approval of Mr. Mitchell shortly after March 30.

A. I don't recall Dean so informed [me] but I don't recall any of the other 30 or 29 decision items that were apparently also covered in that memorandum and it is not surprising that I wouldn't.

Q. Would a Political Matters Memorandum dealing with a sophisticated intelligence plan for the committee at a budget of \$300,000 strike your attention?

A. As Mr. Strachan has described it, a three-line item in a rather thick political matters memorandum would

not strike my attention, no.

Q. Well, do you recall having Mr. Strachan prepare a talking paper [for a meeting with Mr. Mitchell on April 14] that covered a number of these items and including the intelligence plan? A. No.

Q. [Mr. Strachan's] testimony is that this particular Political Matters Memorandum was numbered No. 18 and if you wanted to find out what was included in political matters memorandum No. 18 to refresh your recollection right now, where would you go? A. I would go to Mr. Strachan.

Q. Mr. Strachan doesn't have the document, I take it. Would the document be at the White House? A. Well, I understand from Mr. Strachan's testimony that he destroyed the document, so I presume it wouldn't be.

Q. It is not at the White House. A. I don't know whether it is or not, Mr. Dash.

Q. Have you gone to the White House in preparation for your testimony. A. Yes.

Q. Have you looked at any of the Political Matters Memorandum? A. No.

Q. You heard Mr. Strachan's testimony prior to your testimony here. Did you go to the White House to see if there was a Political Matters Memorandum No. 18 at the White House? A. No.

Now, Mr. Strachan has

testified that he did present to you shortly after the break-in when you returned to Washington this particular Political Matters Memorandum No. 18 which included the reference to the sophisticated intelligence plan at \$300,000 and the talking paper and I think some other matters, and that you said, and this is his testimony, you said that the file should be clean after he had indicated that this particular file might link you by some way to the break-in or the activity of the break-in. Do you recall that conversation with Mr. Strachan?

Strachan Statement

A. I don't recall the conversation. I don't recall my giving Mr. Strachan such an instruction.

Q. You didn't use that expression. A. I don't remember using it.

Q. Do you have any explanation as to why after that meeting Mr. Strachan would go out and shred that Political Matters Memorandum No. 18?

A. Well, by Mr. Strachan's statement indicates that he destroyed what he considered to be politically embarrassing material and as I recall under

direct questioning he quite specifically said that he did not think he was destroying anything that contained any evidence of illegal activities.

Q. Do you recall telling Mr. Strachan in April, sometime shortly after the meeting with Mr. Mitchell, that he should contact Mr. Liddy and tell Mr. Liddy to transfer his capabilities from Mr. Muskie to Mr. McGovern with special emphasis on the relationship to Senator Kennedy? A. No, I don't.

Q. Do you have any idea why Mr. Strachan would testify under oath here that he received that instruction from you?

A. Mr. Dash, I think that my attempt to determine why someone else does something is something that I should not get into.

Q. Well, you say that Mr. Strachan worked for you from 1970 on. A. That is correct.

Q. Did you during that period of time develop an opinion concerning his loyalty, concerning his character for veracity? A. Yes. I had a very high opinion of both his loyalty and his thoroughness and his veracity.

Dean Testimony Recalled

Q. Now, were you aware, that during this period after the break-in, during the latter part of June through July and in August, there actually were daily meetings between Mr. Dean, Mr. Mitchell, Mr. Mardian, Mr. LaRue, and frequently Mr. Magruder, and at such meetings the discussion of Mr. Magruder's involvement came up and a plan developed for Mr. Magruder to tell a false story before the grand jury. Did that ever come to your attention?

Q. Mr. Dean has testified he was serving merely as a liaison. The reason he was over at these meetings over at the committee was that he was there to report back to you and Mr. Ehrlichman what was going on, and that in fact did report back and inform you explicitly about Mr. Magruder's problem, that Mr. Magruder was involved and that it would be a serious question as to whether he could get through the grand jury. Do you recall Mr. Dean making reports to you?

A. He did not so inform me.

Q. Did you ever have any information that led you to be concerned about Mr. Magruder's involvement in the break-in of the Democratic

National Committee headquarters at the Watergate?

A. At that time? I do not believe so.

Q. Mr. Mitchell has testified before this committee that he learned for the first time on June 2, after being debriefed by Mr. Mardian and Mr. Larue when they spoke to Mr. Liddy, that he learned for the first time about Liddy's operation, which not only included the break-in at the Democratic National Committee headquarters but his plumbers operation, which included the Ellsberg break-in, the forged Diem cables and some other things and Mr. Mitchell characterized these things as White House horrors and he testified that shortly after learning of these things, he reported them to you and to Mr. Ehrlichman for the purpose of discussing the need to keep the lid on these things, that they should not get revealed to the public.

Do you recall Mr. Mitchell reporting what he learned from Mr. Mardian and Mr. Larue in these areas?

Knew of No Items

A. No. The reason I say that is that I do not know of any of the items that I can recall reading of in the newspaper or hearing Mr. Mitchell testify to under the category of White House horrors, at this time last year. I learned of some of them in March and April of this year and others of them in the course of these hearings, but I did not know of the items which he catalogued as white house horrors.

Q. I will give you some examples. He spoke of the Ellsberg break-in. A. I did not know of that.

Q. The Diem cable. A. I did not know of that.

Q. The spiriting out of Miss Dita Beard from town. A. I did not know of that.

Q. And certain wiretaps that had been taking place for certain security purposes. A. I did not know of security wiretaps.

Q. 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?

A. 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.

No Question Raised

Q. 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?

A. No, I did not. This was incidental information that I received and dismissed. I did not pursue it in any way.

Q. Well, did you consider that if that became public that it might be a matter of embarrassment to the campaign?

A. No, I did not consider that.

Q. Why not? A. I am not sure that one is able to explain why he did not think something, but I did not.

Q. Is it your view that per-

sons who had high position in administering the President's re-election 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?

A. This is not a question that occurred to me, Mr. Dash, and I did not ask it of myself or any of them.

Q. You formed no moral judgment on it at all? A. No.

Q. Is it your recollection that you condoned it? A. Well, I do not think I was called upon to condone or condemn. I think I received information and that was that.

Q. 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.

A. Well, I did not learn that it had come from them.

I caused it to come.

Q. You asked for it? A. Yes.

Q. And I think your statement indicates that you wanted it for polling purposes. A. Yes.

Fund Was Requested

Q. As a matter of fact, it was not used for polling purposes, was it? A. That is correct, it was not.

Q. Then you learned [that the money] went back to the committee. A. That is correct.

Q. And is it your statement that you saw or knew of no connection between that money going back and the need for more funds to pay legal defense fees and family support fees of these Watergate defendants?

A. 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 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.

Campaign Funds

Q. All right. Now you knew, at least that this \$350,000 represent campaign funds did you not? A. No, they did not in my understanding represent campaign funds. The \$350,000 came from, as I indicated in my statement the 1968 primary surplus fund.

Q. I think your testimony [yesterday] was that you did review these tapes [of a meeting with the President and Mr. Dean on Sept. 15, 1972] and that you had access to these tapes actually in this very month of July, is that true? Could you tell us who initiated the request for your listening to that tape?

A. I am not sure whether I did or whether the President did in a message to me, but it was one way or the other, on the basis that it ended up being that I should listen to it and give him a report as to its content.

Q. Do you know when you actually received that tape, when in July? A. This was after I moved to California,

and I came back to Washington for a several-day period that I believe was July 9, 10 and 11, and it would have been during that trip.

Q. Was it prior to Mr. Butterfield's testimony to this committee concerning the tapes? A. Oh, yes.

Q. In what form was the tape? A. It is a reel.

Q. And you say you listened to this in your home here in Washington? A. That is correct.

Q. Was it delivered to you or did you go and obtain it?

Tape Was Delivered

A. It was delivered to me at the E.O.B. in a guest office that I was using. The reason I was back here was to spend some time reviewing notes in the files that I can't take out, and those are in the E.O.B. up in the attic and I was over there. And they had provided me with an office to work in when I wasn't up in the file, and the tape was delivered to me at that office.

Q. Why did you select at this time this particular tape?

A. Well, let's see, I am not sure. I had already heard, as I indicated, the March 21 tape. The President, as he has said, had already listened to some of the other tapes. This was a tape that he had not listened to and a tape that I had not listened to, and it was obviously of a meeting of considerable importance, and testimony [of Mr. Dean] regarding which was contradictory to both my recollection and the President's.

Q. At that point did you ask or request to listen to any other tapes beside the Sept. 15 one. A. I am not sure whether I asked or whether there was a suggestion of listening to some other tapes also, but I did not do it.

Q. Why? A. Because they were [of] meetings in which I was not present at all, and I made the decision myself that it would not be appropriate for me to be in the position of listening to tapes of meetings at this point in time at least, of listening to tapes of meetings at which I had not been present.

Q. But in late April you listened to a tape of March 21 when Mr. Dean and the President, when you were not present at that meeting. A. I was present at a substantial portion of it.

Q. Substantial portion of it

but you did listen to the full tape? A. That is right.

Other Tapes Mentioned

Q. I take it if you had asked for it you could have had access to all of the relevant tapes that were testified to by Mr. Dean.

A. I don't know that as the case. Had the President asked me to review others I would have had access to them to review them, yes. I would not have had access on my own authority to any tape.

Q. Did you make notes?

A. Yes.

Q. Did you retain those notes? A. I retained them at that time and then turned them over to the President later.

Q. And you kept no copy of it? A. No.

Q. Did you show those notes to your counsel? A. No.

Q. Did you meet with the President after listening to that tape and make a report to him? A. No.

Q. Did you make any written report to him? A. Only by turning the notes over to him.

Q. Now, this committee has a subpoena which was a continuing subpoena to you to turn over such things as tapes, notes or things of that matter. Why did you not turn your notes over or the tapes to this committee which was in your possession?

A. I did not consider it to be in my custody. It was handed to me to listen to for the President and report back.

Q. Subpoenas are issued to people who have such things although they don't own them and they are required to honor them.

Question of Subpoena

MR. WILSON: Mr. Chairman, I would like the gentleman to point out where there is any continuing subpoena.

I have the subpoena and it is issued to produce on the 4th of May "all materials and documents listed on the attached sheet in your possession, custody, or control." Did we have any further subpoena?

MR. DASH: No.

MR. WILSON: It is unfair of Mr. Dash to give the impression that there is a continuing subpoena on this. There is not.

SENATOR ERVIN: Mr. Wilson, every witness who has been subpoenaed has understood his subpoena continues until this investigation is—

MR. WILSON: That is not the law, sir, of either the Congress of the United States or of the courts.

SENATOR ERVIN: Well, I say that is the understanding.

MR. WILSON: It is not the understanding with me.

SENATOR ERVIN: Well, I am not responsible for your understanding.

Q. Can you give us the specific details as to how it came about that you listened to [the March 21] tape?

A. The President asked me to listen to the tape and report to him on the contents. [He] was very much involved in trying to uncover the Watergate thing.

We are now to the

where on April 14 John Ehrlichman has given him his theory of the Watergate based on the interviews that he has had, and then on the 15th, the Attorney General and Assistant Attorney General have given him their reports based on the interviews that the prosecuting attorneys had had with Mr. Dean and Mr. Magruder. And at that point the President had quite a bit of information, some of it conflicting, and some of it corroborating.

April 17 Statement

Q. Was it [Mr. Haldeman's listening] before his statement [the President's] of April 17? A. I do not believe so but I am not sure.

Q. Did you have any role in the preparation of that statement of April 17? A. No. I do not think I did.

SENATOR WEICKER: The fact is no other witness has had access to these tapes, and very frankly, and I don't cite any great privilege theory and I am not a great constitutional lawyer, but I think I understand the concept of fairness in the American way, and to me it is grossly unfair to any witness who is before this committee and testifies on the basis of something which has been given to him and to him alone, and I raise this as a point of order that I intend to raise not only as on the March 21 meeting but also as to the Sept. 15 meeting, that this committee should not hear from this particular witness information which has been solely accorded to him and which has been denied to anyone else in the United States of America.

SENATOR ERVIN: Well, I ruled yesterday that executive privilege didn't apply. This is, I think a little planned action in which the White House allows Mr. Haldeman to use the tape which the

White House denies to this committee and lets Mr. Haldeman make the interpretation for this committee and then sends down through the counsel a three-paragraph letter protesting in a feeble way the coverage of executive privilege.

Counter to Evidence

I share the feeling about the Senator from Connecticut about the President of the United States denying this committee the tape, the original tape, and if this was a court of law this would never have been admitted in evidence because the ruling is that only the best evidence can be received and this evidence really, with all due respect to it, is, since the original tape is up in the White House in the exclusive possession of the President, and this is just some kind of a post facsimile of it, I think it is counter to evidence but I am going to admit it because it is the best we can get.

SENATOR WEICKER: This information has been denied individuals, never mind the committee, individuals, who may or may not be indicted, who may or may not go free depending on the information contained in those tapes, and yet one individual, one private citizen, does have a right to them and, as I say, just on the basis of fairness—I don't have any special doctrine to put forth before this committee but on the basis of fairness—it certainly doesn't seem to me to be the way we do things either in the Congress or in our daily lives here.

SENATOR BAKER: Mr. Chairman, might I say a word in this respect. Surely no one doubts that I feel strongly about the availability of the tapes. I think surely the fact that this committee has taken a position authorizing litigation over the availability of the tapes and the subpoena speaks for itself. I too have some concern, as I first had when I first read Mr. Haldeman's statement, about the disclosure of this information to this witness without access to this committee when this committee is involved in a lawsuit or about to be involved in a lawsuit over the same subject.

I entirely agree with my chairman that it is a strange situation.

AFTERNOON SESSION

SENATOR ERVIN: Now, the President consented for you to put in—your interpretation of these tapes in

your statement.

MR. HALDEMAN: The President authorized me to testify as to my recollection of meetings in which I was present.

Q. Did the President give you consent to put your interpretation of these two tapes in your statement? That is my question. A. No sir, he specifically authorized me to give my recollection, obviously aided by having listened to the tapes.

Q. Wasn't there a little bit of collaboration between you and attorneys for the White House in the preparation of this statement? A. I don't know what you mean, Mr. Chairman.

Q. Collaboration. Don't you know what the word collaboration means? Didn't the attorneys for the President know what was in your statement? A. No.

Q. Well, will you please tell me why they put this third paragraph in this letter of July 30, 1973, that, "If

asked to testify as to facts which he learned about meetings or portions of meetings which he did not attend, but of which he learned solely by listening to a tape recording of such meeting, the President has requested that you inform the committee that Mr. Haldeman has been instructed by the President to decline to testify to such matters, and that the President, in so instructing Mr. Haldeman, is doing so pursuant to the constitutional doctrine of separation of powers.

MR. WILSON: Mr. Chairman —

Q. Wait a minute. I am asking you witness a question, Mr. Wilson. This is no question of law. I am asking you how the attorneys for the President, why they wrote such a letter as this and gave it to your lawyer instead of this committee.

A. I don't know how they knew it. I represented to my attorneys my concern that in preparing my statement I was obviously of necessity dealing with matters that covered events the knowledge of which I had as a result of listening to the tapes, and I asked my attorneys to ascertain for me what requirements I would be under in terms of separation of powers restrictions as to my testimony in that regard.

Q. Isn't the inference irresistible that the attorneys for the White House knew that you had in your statement references to your interpre-

tation of these tapes?

A. At the time I raised the question I did not have them in my statement, Mr. Chairman. I was trying to determine what to put in my statement and on the other and what not to put in.

Q. Do you mean to tell me, Mr. Haldeman, that you had no communication in any fashion with attorneys for the White House about what you had put in your statement or contemplated putting in your statement? A. I had no specific discussion.

Q. I am not asking about specific. Any kind. A. No. No. I haven't discussed with them what I was putting in my statement. I have discussed with them the knowledge on my part that this was an area in which I would have to testify.

Q. You have told me just exactly what I have been asking you. You do say that you informed the attorneys for the White House of the area you were going to have to testify and that included the tapes. A. No, sir. I am sorry. If I gave that impression I didn't mean to. I informed via my attorneys.

Attorneys Consulted

Q. Do you know if your attorneys consulted with the White House attorneys? A. I understand they did, yes, sir.

Q. So instead of sending the letter to the White House attorneys about what they objected to from the committee they gave it to your lawyer to communicate to the committee. A. What is wrong with that, Mr. Chairman.

Q. I am not saying anything wrong. It just shows there has been a little what we call in North Carolina "canoodling together."

Mr. WILSON: Well, let me answer you now, sir. Mr. Strickler and I had discussions with Mr. Buzhardt on a to what extent they would simple principle and that was permit us to disclose these tapes without discussing in what manner they would be proposed, and so far as I know, not until Mr. Haldeman took the stand yesterday afternoon did the White House have a copy of his statement nor any ideas what the inferences were to be.

Q. Well, I practiced law a long time, Mr. Wilson, and I know that lawyers don't ordinarily do things like this without the consent of their clients.

Mr. WILSON: Yes, sir, but I will tell you again that the

White House did not know what the contents of those statements were going to be.

Q. Well, the White House has stated [that] the tapes "have been under my sole personal control and will remain so," [that] none has been transcribed or made public and none will be, and yet despite that fact, here a witness appears and makes them public just a few days after that and it raises this inference in my mind, Mr. Haldeman—we infer that the private word of the White House becomes inoperative a few days after it is given.

Faced With Dilemma

A. No, sir. I think that it is quite clear that, because the President had made that statement, I was faced with a question as to what I was to do with knowledge that I had when I appear here with the requirement and the desire to transmit all of the knowledge that I have as best I can, and I, faced with that dilemma, asked my attorneys how to deal with it in the terms of what I was permitted to testify to and what I was restricted from testifying to, and in that regard, it would appear to me that the White House's response was that they obviously could not restrict me from testifying as to knowledge I had as a result of my having been in attendance at a meeting, but they did place upon me the restriction that I must not testify to information which I had gained solely from the

process of listening to the tape.

Q. When did the White House lawyers learn that you contemplated using this, your interpretation of the tape, these tapes?

MR. WILSON: May I answer that.

Q. Yes.

MR. WILSON: Last weekend.

SENATOR ERVIN: Now, when the privilege of executive privilege belongs to the White House, and it ought to have been asserted by the White House lawyers, why did they have your lawyer call the matter to the attention of this committee and ask for a ruling?

So I would say that the clear indication is that the White House's counsel wanted Mr. Haldeman, to reveal his interpretation of the tapes to the public.

MR. HALDEMAN: If I could simply say that any-

thing that I have discussed regarding information I gained solely from the tapes I have so spoken here after the chair overruled the objection of the White House to my doing so.

Powder-Puff Objection

SENATOR ERVIN: Yes, this was what I would call a powder-puff objection. If they had really meant the objection to be sustained they would have been right here raising Cain about it themselves.

SENATOR BAKER: One statement in your addendum seems to me to be of extraordinary importance and I want to test the accuracy of your recollection and the quality of your note-taking from those tapes, and I am referring to the third from the last sentence on Page 2, "The President said there is no problem in raising a million dollars [for the Watergate convicted]. We can do that but it would be wrong."

Now if the period were to follow after "we can do that," it would be a most damning statement. If, in fact, the tapes clearly show he said "but it would be wrong," it is an entirely different context. Now, how sure are you, Mr. Haldeman, that those tapes, in fact say that?

A. I am absolutely positive.

No Distortion

Q. Was there any distortion in the Quality of the tapes in that respect?

A. No, I do not believe so.

Q. Mr. Haldeman, do you have any idea whether or not any other witnesses who were present at other Presidential conversations that relate to their conversations in order to refresh their recollection?

A. I do not know, Senator. It is my understanding that no one would, I do not think anybody that has appeared or will appear before this committee knew of the existence of the tapes.

Q. What about John Dean? He knows now. A. He knows now.

Q. Do you have any idea that Mr. Dean would be permitted to go to the White House and listen to those tapes? A. No, sir, it is my understanding that no one has been nor will be.

Q. Is the rationale for your utilization of them that it is an aid to the refreshing of your recollection for reporting to the President as a former staff member? A. Yes.

Q. Would not that precisely exact situation apply to John Dean? A. Not at this point in time, no.

Q. Would you be agreeable, Mr. Haldeman, if it could be negotiated otherwise, would you be agreeable personally as far as you are concerned, would you be agreeable to bringing those tapes up here, those two tapes and playing them?

A. Well, Senator, you are asking me to take a position on legal issue—

Contrary Position

Q. No, I am not. A. —contrary to the position that the White House has taken.

Q. No, you are perfectly free to confer with your counsel if you wish. I am not asking, will you ask the President to do it. I am not asking you if you think we violate the doctrine of separation of powers. I am simply saying, would Haldeman, a witness before this committee, be agreeable as an individual if we can otherwise procure the tapes to them being brought here and being played in public?

A. I would welcome that opportunity because they would confirm what I have told you.

Senator Talmadge: Mr. Haldeman, following up Senator Baker's line of interrogation, why were you and you alone, to the exclusion of every other witness who has been before this committee permitted to listen to the tapes?

A. I was not permitted to listen in my capacity as witness before this committee. I was asked to listen in my capacity or former capacity as a staff assistant to the President and as the assistant to the President who knew of the existence of the tapes.

Q. Mr. Ehrlichman was not permitted to listen to them. A. Mr. Ehrlichman, I do not believe, was aware of the existence of them.