

Excerpts From Transcript of Statements and

Special to The New York Times

MAY 18, 1973

WASHINGTON, May 17—Following are excerpts from a transcript of opening statements and testimony today before the Senate Select Committee on Presidential Campaign Activities on the first day of its hearings into the Watergate case:

OPENING STATEMENTS

Senator Sam J. Ervin Jr.

We are beginning these hearings today in an atmosphere of the utmost gravity. The questions that have been raised in the wake of the June 17 break-in strike at the very undergirding of our democracy. If the many allegations made to this date are true, then the burglars who broke into the headquarters of the Democratic National Committee at the Watergate were in effect breaking into the home of every citizen of the United States. And if these allegations prove to be true, what they were seeking to steal was not the jewels, money or other property of American citizens, but something much more valuable—their most precious heritage, the right to vote in a free election.

Since that day, a mood of incredulity has prevailed among our populace, and it is the constitutional duty of this committee to act expeditiously to allay the fears being expressed by the citizenry, and to establish the factual bases upon which these fears have been founded.

The first phase of the committee's investigation will probe the planning and execution of the wiretapping and break-in of the Democratic National Committee's headquarters at the Watergate complex, and the alleged cover-up that followed. Subsequent phases will focus on allegations of campaign espionage and subversion and allegations of extensive violations of campaign financing laws. The clear mandate of the unanimous Senate resolution provides for a bipartisan investigation of every phase of political espionage and illegal fund raising. Thus it is clear that we have the full responsibility to recommend any remedial legislation necessary.

In pursuing its task, it is clear that the committee will be dealing with the workings of the democratic process under which we operate in a nation that still is the last, best hope of mankind in his eternal struggle to govern himself decently and effectively.

Separation of Powers

We will be concerned with the integrity of a governmental system designed by men who understood the lessons of the past and who, accordingly, established a framework of separated governmental powers in order to prevent any one branch of the government from becoming dominant over the others.

Testimony at the Watergate

Hearing

The founding fathers, having participated in the struggle against arbitrary power, comprehended some eternal truths respecting men and government. They knew that those who are entrusted with power are susceptible to the disease of tyrants, which George Washington rightly described as "love of power and the proneness to abuse it." For that reason, they realized that the power of public officers should be defined by laws which they, as well as the people, are obligated to obey, a truth enunciated by Daniel Webster when he said that "whatever government is not a government of laws is a despotism, let it be called what it may."

To the end of ensuring a society governed by laws, these men embodied in our Constitution the enduring principles in which they so firmly believed, establishing a legislature to make all laws, an executive to carry them out, and a judicial system to interpret them.

Recently, we have been faced with massive challenges to the historical framework created in 1787, with the most recent fears having been focused upon assertions by Administrations of both parties of executive power over the Congress—for example, in the impoundment of appropriated funds and the abuse of executive privilege. Those challenges, however, can and are being dealt with by the working of the system itself—that is, through the enactment of powerful statutes by the Congress, and the rendering of decisions by the courts upholding the law-making power of the Congress.

System of Safeguards

In dealing with the challenges posed by the multitudinous allegations arising out of the Watergate affair, however, the select committee has a task much more difficult and complex than dealing with intrusions of one branch of the government upon the power of the others. It must probe into assertions that the very system itself has been subverted and its foundations shaken.

To safeguard the structural scheme of our governmental system, the founding fathers provided for an elec-

toral process by which the elected officials of this nation should be chosen. The Constitution, later adopted amendments, and more specifically, statutory law, provide that the electoral processes shall be conducted by the people, outside the confines of the formal branches of the government, and through a political process that must operate under the

strictures of law and ethical guidelines, but independent of the overwhelming power of the government itself. Only then can we be sure that each electoral process cannot be made to serve as the mere handmaiden of a particular Administration in power.

If the allegations that have been made in the wake of the Watergate affair are substantiated, there has been a very serious subversion of the integrity of the electoral process, and the committee will be obliged to consider the manner in which such a subversion affects the continued existence of this nation as a representative democracy, and how, if we are to survive, such subversions may be prevented in the future.

It has been asserted that the 1972 campaign was influenced by a wide variety of illegal or unethical activities, including the widespread wiretapping of the telephones, political headquarters, and even the residences of candidates and their campaign staffs and of members of the press; by the publication of forged documents designed to defame certain candidates or enhance others through fraudulent means; the infiltration and disruption of opponents' political organizations and gatherings; the raising and handling of campaign contributions through means designed to circumvent, either in letter or in spirit, the provisions of campaign disclosure acts; and even the acceptance of campaign contributions based upon promises of illegal interference in governmental processes on behalf of the contributors.

Finally, and perhaps most disturbingly, it has been alleged that, following the Watergate break-in, there has been a massive attempt to cover up all the improper activities, extending even so far as to pay off potential witnesses and, in particular, the seven defendants in the Watergate trial in exchange for their promise to remain silent—activities which, if true, represent interference in the integrity of the prosecutorial and judicial processes of this nation. Moreover, there has been evidence of the use of governmental instrumentalities in efforts to exercise political surveillance over candidates in the 1972 campaign.

'Black Cloud of Distrust'

Let me emphasize at the outset that our judicial process thus far has convicted only the seven persons accused of burglarizing and wiretapping in the Demo-

cratic National Committee Headquarters at the Watergate complex on June 17. The hearings which we initiate today are not designed to intensify or reiterate unfounded accusations or to poison further the political climate of our nation. On the contrary, it is my conviction and that of the other committee members that the accusations that have been leveled and the evidence of wrongdoing that has surfaced has cast a black cloud of distrust over our entire society. Our citizens do not know whom to believe, and many of them have concluded that all the processes of government have become so compromised that honest governance has been rendered impossible.

We believe that the health, if not the survival of our social structure and of our form of government requires the most candid and public investigation of all the evidence and of all the accusations that have been leveled at any persons, at whatever level, who were engaged in the 1972 campaign. My colleagues on the committee and I are determined to uncover all the relevant facts sur-

rounding these matters, and to spare no one, whatever his station in life may be, in our efforts to accomplish that goal. At the same time, I want to emphasize that the purpose of these hearings is not prosecutorial or judicial, but rather investigative and informative.

No one is more cognizant than I of the separation of powers issues that hover over these hearings. The committee is fully aware of the ongoing grand jury proceedings that are taking place in several areas of the country, and of the fact that criminal indictments have been returned already by one of these grand juries. Like all Americans, the members of this committee are vitally interested in seeing that the judicial processes operate effectively and fairly, and without interference from any other branch of government.

The investigation of this select committee was born of crisis, unabated as of this very time, the crisis of a mounting loss of confidence of American citizens in the integrity of our electoral process which is the bedrock of our democracy. The American people are looking to this committee, as the representative of all the Congress, for enlightenment and guidance regarding the details of the allegations regarding the subversion of our electoral and political processes.

As the elected representatives of the people, we would be derelict in our duty to them if we failed to pursue our mission expeditiously, fully, and with the utmost fairness. The aim of the committee is to provide full and open public testimony in order that the nation can proceed toward the healing of the wounds that now afflict the body politic. It is that aim that we are here to pursue today, within the terms of the mandate imposed upon us by our colleagues and in full compliance with all applicable rules of law. The nation and history itself are watching us. We cannot fail our mission.

Sen. Howard H. Baker Jr.

I believe there is no need for me to further emphasize the gravity of the matters that we begin to explore publicly here this morning. Suffice it to say there are most serious charges and allegations made against individuals, and against institutions. The very integrity of our political process itself has been called into question.

Commensurate with the gravity of the subject matter under review and the responsibilities of this committee and the witnesses who come before it, we have a great burden to discharge and carry. This committee is not a court, nor is it a jury. We do not sit to pass judgment on the guilt or innocence of anyone.

The greatest service that this committee can perform for the Senate, the Congress, and for the people of this nation is to achieve a full discovery of all of the facts that bear on the subject of this inquiry. This committee was created by the Senate to do exactly that. To find as many of the facts, the circumstances and the relationships as we could, to assemble those facts into a coherent and intelligible presentation and to make recommendations to the Congress for any changes in statute law or the basic charter document of the United States that may seem indicated.

But this committee can serve another quite important function that neither a grand jury investigation nor a jury proceeding is equipped to serve, and that is to develop the facts in full view of all of the people of America. Although juries will eventually determine the guilt or the innocence of persons who have been and may be indicted for specific violations of the law, it is the American people who must be the final judge of Watergate. It is the American people who must decide, based on the evidence spread before them, what Watergate means about how we all

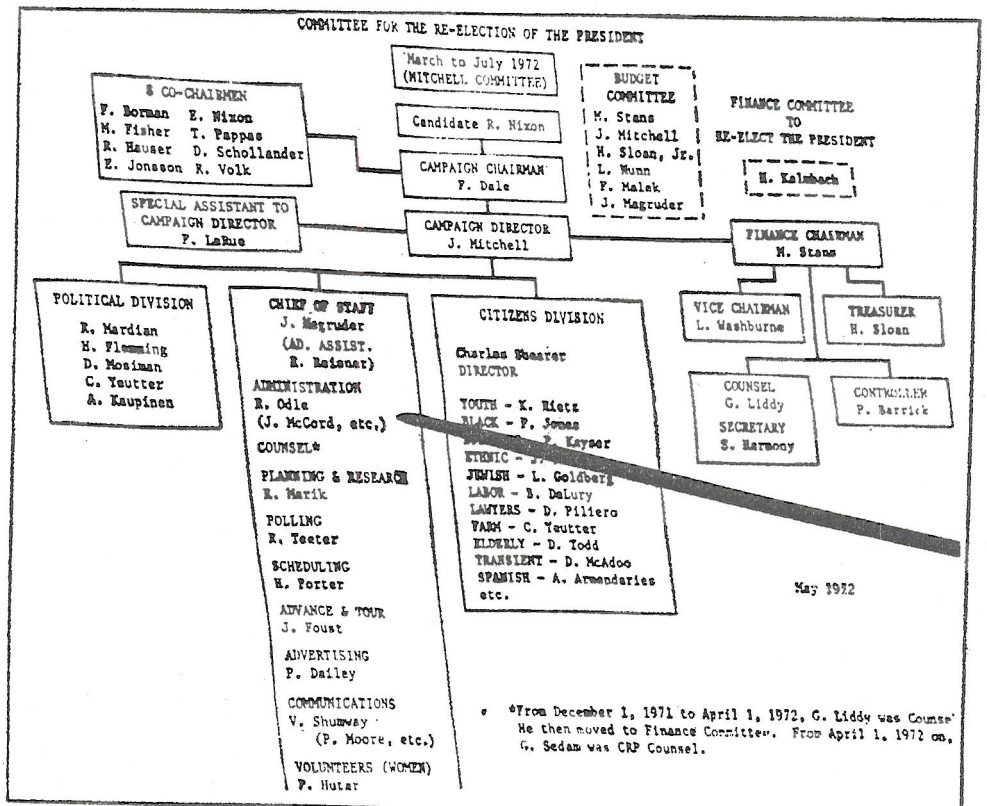
should conduct our public business in the future.

When the resolution which created this committee was being debated on the floor of the Senate in February of this year, I and other Republican Senators expressed concern that the inquiry might become a partisan effort by one party to exploit the temporary vulnerability of another. Other Congressional inquiries in the past had been conducted by committees made up of equal numbers of members from each party. I offered an amendment to the resolution which would have given the Republican members equal representation on this committee. That amendment did not pass.

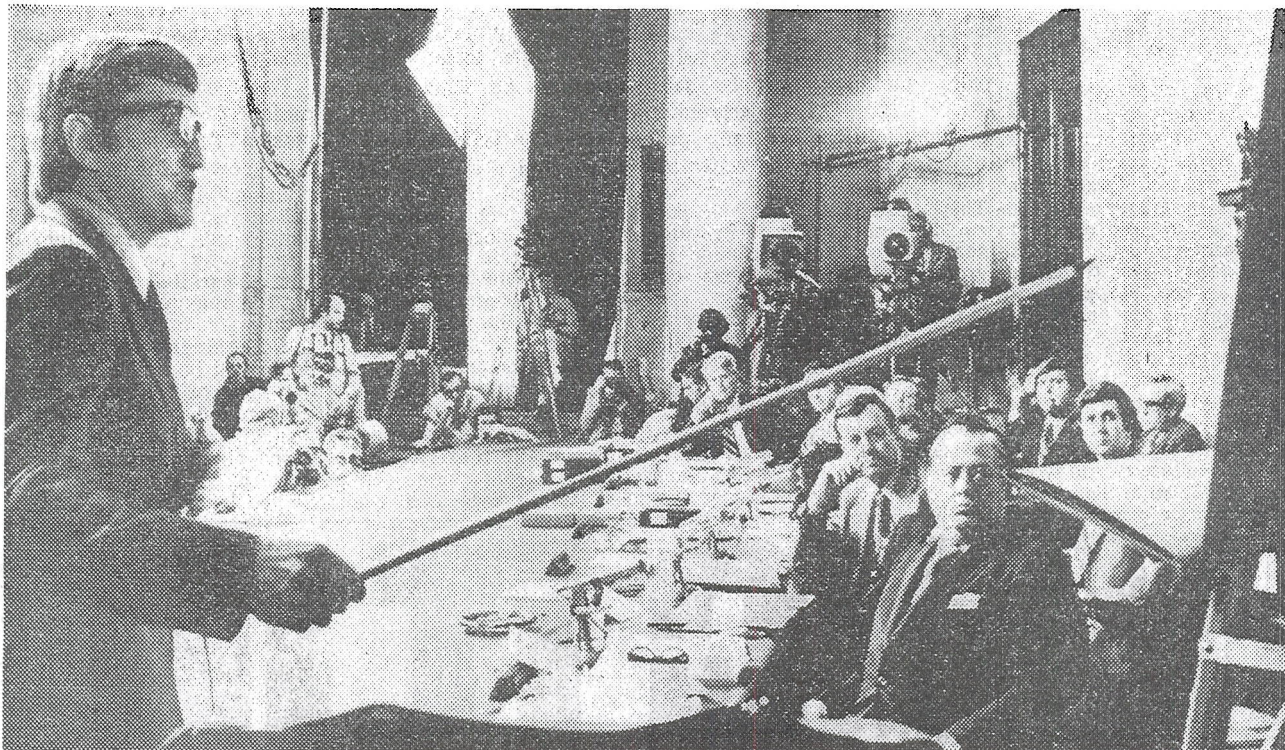
Doubts Are Dissipated

But any doubts that I might have had about the fairness and impartiality of this investigation have been swept away during the last few weeks. Virtually every action taken by this committee since its inception has been taken with complete unanimity of purpose and procedure. The integrity and fairness of each member of this committee and of its fine professional staff have been made manifest to me, and I know they will be made manifest to the American people during the course of this proceeding. This is not in any way a partisan undertaking, but, rather it is a bipartisan search for the unvarnished truth.

I would like to close, Mr. Chairman, with a few thoughts on the political process in this country. There has been a great deal of discussion across the country in recent weeks about the impact that Watergate might have on the President, the office of the Presidency, the Congress, or our ability to carry on relations with other countries, and so on.



Associated Press
 Pointer used by Robert C. Odle Jr. at Watergate hearing indicates name of James W. McCord Jr. on a chart of the Committee for the Re-election of the President.



The New York Times/George Tames

Bruce A. Kehrli, special assistant to the President, explaining the White House staff setup to the committee

The constitutional institutions of this Republic are so strong and so resilient that I have never doubted for a moment their ability to function without interruption. On the contrary, it seems clear to me the very fact that we are now involved in the public process of cleaning our own house, before the eyes of the world, is a mark of the greatest strength. I do not believe that any other political system could endure the thoroughness and the ferocity of the various inquiries now under way within the branch of government and in our courageous, tenacious free press.

Essential to Democracy

No mention is made in our Constitution of political parties. But the two-party system, in my judgment, is as integral and as important to our form of government as the three formal branches of the central government themselves. Millions of Americans participated actively, on one level or another, and with great enthusiasm, in the Presidential election of 1972.

This involvement in the political process by citizens across the land is essential to participatory democracy. If one of the effects of Watergate is public disillusionment with partisan politics, if people are turned off and drop out of the political system, this will be the greatest Watergate casualty of all.

If, on the other hand, this national catharsis in which we are now engaged should result in a new and better way of doing political business, if Watergate produces changes in laws and campaign procedures, then Watergate may prove to be a great national opportunity to revitalize the political process and to involve even more Americans in the day-to-day work of our two great political parties.

I am deeply encouraged by the fact that I find no evidence at this point in time to indicate that either the Democratic National Committee or the Republican National Committee played any role in whatever may have gone wrong in 1972. The hundreds of seasoned political professionals across this country, and the millions of people who devoted their time and energies to the campaigns, should not feel implicated or let down by what has taken place.

With these thoughts in mind, I intend to pursue, as I know each member of this committee intends to pursue, an objective and evenhanded but thorough, complete, and energetic inquiry into the facts. We will inquire into every fact and follow every lead, unrestrained by any fear of where that lead might ultimately take us.

TESTIMONY

Robert G. Odle Jr.

Mr. DASH: Mr. Odle, I understand you have a brief statement that you wish to read to the committee.

Mr. ODLE: Thank you, I would like to use this opportunity to make just one brief point. I joined the staff of the Committee for the Re-election of the President more than two years ago because I believed in President Nixon and in his hopes and dreams for America. I still do.

During my association with the committee, I came into contact with more than 400 members of its national staff, salaried and volunteer. It now appears tragically that some of those people have acted unethically. Indeed, two former members of the staff have been convicted of crimes and if others are guilty, I hope that they will be exposed and prosecuted. These hearings will help in that purpose.

The point I want to make is this, that when we discuss the committee, we should remember that in addition to those who did wrong and who did act unethically, there were a million volunteers across the nation and 400 people at national head-

quarters who did nothing unethical or illegal. They joined in the campaign because they believed in the President, a President who opened a door to China, all too long closed; a President who traveled to Russia and signed substantive agreements while there; a President who brought an end to the longest war in our history. I found those hundreds of people with whom I worked for two years, most of them, to be among the finest, most decent, hard-working Americans I have ever met and I was proud to be associated with them in the cause of re-electing a man who I feel will ultimately be regarded as one of the greatest Presidents this nation has ever known.

Origin of Re-Election Unit

Q. What position did you hold for the Committee to Re-elect the President? A. I was director of administration for the committee from May 1, 1971, until approximately May 1, 1973.

Q. Can you state briefly your knowledge of for what purpose the Committee for the Re-election of the President was set up?

A. Yes, sir. In the year 1971, a number of people began to look at the 1972 campaign. There was the thought that people would have to be getting to work full-time to the President's campaign. They did not want those people to remain on a Government payroll or on a White House payroll. They did not want that activity at the Republican National Committee, because at that point, it appeared the President might have competition in the primaries from two Congressmen and it would be particularly inappropriate for the R.N.C. to house Presidential campaign activities. Therefore, the Committee for the Re-election of the President was set up in May of 1961.

Q. Now, Mr. Odle, who were the initial persons who came over and formed the Committee to Re-elect the President or give it its start?

Key Figures in Hearing

Special to The New York Times

WASHINGTON, May 17—Following are the names of individuals who figured in the opening today of hearings of the Senate select committee on the Watergate case:

COMMITTEE MEMBERS

Sam J. Ervin Jr., Democrat of North Carolina, 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.

WITNESSES

Robert C. Odle Jr., director of administration for the Committee for the Re-election of the President.
Bruce A. Kehrli, White House aide.
Sgt. Paul W. Leeper of the Metropolitan Police Department.

A. There was Mr. Jeb Magruder, Mr. Harry S. Fleming, Mr. Hugh W. Sloan Jr., myself, Dr. Robert Merrick, Mr. Herbert Porter, and a number of secretaries who went there to assist us.

Q. What was the difference between the Committee to Re-elect the President and the Finance Committee to Re-elect the President? A. The essential function of the Finance Committee to Re-elect the President was to raise the necessary funds for the campaign, to account for them, to keep records, to allocate the funds.

Q. What was the role of Mr. McCord? A. Mr. McCord was one of about five assistants who worked for me. His job was office security.

Q. Now, do you have Mr. Liddy appearing on that chart? A. Yes, sir. Mr. Liddy was general counsel of the Committee for the Re-election of the President from Dec. 1 to April 11, 1972. About the time that the new campaign legislation was taking effect, Mr. Liddy moved to the finance committee, where he became general counsel.

Selection of Key People

Q. Is it your opinion that Mr. Mitchell and Mr. Haldeman were playing principal roles in selecting key people for the committee? A. Yes.

Mr. Thompson: Who presided over those [budget committee] meetings? A. I would say the campaign director and the finance chairman jointly. That would have been Mr. Mitchell up until July 1, Mr. MacGregor thereafter, and the finance chairman, Mr. Stans.

Q. With regard to Mr. Stans, was his role limited to raising money or did Mr. Stans also participate in the decision as to how the money would be allocated?

A. I think that Mr. Stans, in the budget meetings, certainly kept an eye on where the money was going. He sometimes challenged expenditures. He would say, for example, do we really need to spend this amount of

money on television advertising this next week?

Yes, he was an active participant in the budget committee meetings.

Q. Were all expenditures approved by him, or all major expenditures approved by him? A. I would say that in the budget committee sessions, his agreement was necessary before we could allocate a great deal of money.

SENATOR ERVIN: Is it correct to say that most of the people in positions of authority, of the highest authority in the Committee to Re-elect the President came originally from the White House staff? A. Well, the campaign director, his chief deputies certainly did. Most of the people from the finance committee did not, and I would say that among the most divisions that reported to the two deputy campaign directors it is about evenly split.

Q. The head of the committee was former Attorney General John Mitchell, who occupied the office of Attorney General until about March of 1972, did he not? A. Yes, Sir.

Memorandums to Mitchell

Q. Did he have anything to do with the committee prior to the time of his resignation as Attorney General? A. Major decision memoranda were sent to him for decision.

Q. Decision memoranda were subject to his approval? A. Yes.

Q. Before he left the Attorney General's office? A. Yes.

Q. Now, what relationship, if any, did Mr. Bob Haldeman have with the Committee to Re-elect the President? A. No official relationship, of course, but Mr. Haldeman was assistant to the President and he, I know, was interested in what the committee was doing, what its programs were and how it was helping in the reelection of the President.

Q. Did he ever give, instructions to anybody on the committee that you know of? A. Well, he did not become involved directly in that he had an assistant who worked for him who from time to time, was in touch with members of the committee.

Q. Who was the assistant? A. Mr. Gordon Strachan.

Q. What about Mr. Mitchell? Did he have authority or did he exercise authority to direct expenditure of funds? A. Yes, I think with Mr. Stans he would have had authority to directly disburse funds. Whether or not he exercised or not would be pure speculation.

Q. What about Mr. Jeb Stuart Magruder? A. Magruder. I would think in his capacity as deputy campaign director he would have.

SENATOR TALMADGE: Is it fair to say that that committee was set up, organized and directed from the White House? A. I would say this: That I would say that those people who were at the White House had influence over the committee, they gave it direction, they assisted it but the campaign director of course was not at the White House, he came from the Justice Department.

Q. There was no doubt as to where the ultimate authority lay in that committee, was there? A. No, sir.

Emptying of Desk

SENATOR WEICKER: Did you participate in the emptying of Mr. Magruder's desk with Robert Reisner on June 17?

A. Yes, sir, Mr. Magruder asked Mr. Reisner and myself to take certain things home over the weekend, because at the time it appeared that he was concerned for the security of them. My best recollection is that I took home a file folder and he took home some other file folders and brought them back the following Monday or sometime.

Q. Now, who made the suggestion that Mr. Magruder's desk be emptied? A. Well, I don't—first of all, I am not exactly sure of the chronology of events. I don't believe that anybody made the suggestion that the desk be emptied, although he expressed concern over the telephone from California—

Q. Will you give the committee your best recollection of that conversation?

A. My best recollection is that he was extremely con-

cerned that we might be subject to similar activities, that there might be retaliation, that he was concerned for the security of the office building and the files and the papers, and he wanted certain things to be taken home over the weekend.

As I remember it, Mr. Reisner took home a lot of advertising matters, I believe.

All I know is the way it ended up is that I had a file and Mr. Reisner had some files and we brought them back the next week.

Q. Then what did you do with that file? A. I put it in my briefcase.

Q. Then what happened to the file? A. Then on Monday I returned it.

Q. Did Mr. Strachan participate rather actively in matters over at the Committee to Re-elect the President? A. Yes, sir.

Q. Can you tell me why, what his specific mission was?

A. Mr. Haldeman obviously was worried a lot with a lot of other things besides the campaign. He was the chief of staff at the White House and a very busy man working on Government substantive policies and he was assisting the President. Mr. Strachan was there to devote himself more to what was going on politically so if Mr. Haldeman wanted to be aware of what was going on politically and simply asked Mr. Strachan, Mr. Strachan was simply the eyes and ears, you might say.

Call From McCord's Wife

Senator Montoya: How long did you keep Mr. McCord on the payroll after the Watergate bugging? A. About one minute.

Q. You mentioned that some of the major decisions were made by Attorney General Mitchell while he was at the Justice Department. A. I presume they were. Decision memos were sent to Mr. Mitchell from time to time.

Senator Baker: Would you begin describing in your own way what happened on June 17. A. Let me give you some examples. The security office telephone me. One of the guards in the security office.

Q. Tell me what happened, then. A. He said, "Mrs. McCord is on the telephone. She is looking for a lawyer. We don't know who she is looking for, can you help her?"

I said, I didn't think I could, but put her up to me.

She said something to the effect that Jim has been involved in a project that has failed and he is in jail.

Q. Jim has been involved in a project which has failed and what else? A. And that he has been in the Watergate, and I can't remember the exact words.

Q. What was your reaction? A. Well, one of real shock.

Q. Did you ask her what project? A. No, I didn't go into it, because I had been down—I had heard earlier from someone in the press office that there was a possibility that McCord was involved in it, too.

. All right, what next happened on June 17? A. One of the things that happened—I very honestly don't know if it happened before or after the phone call—was that I saw Mr. Liddy, as I testified at the trial. He asked me where the paper shredder was.

Q. Did he have anything with him? A. Not at that time. Then later on I saw him with a pile of papers, perhaps a foot high.

Q. What was he doing with them? A. He was on his way into the shredding room.

TV and Radio Coverage Of Watergate Hearings

Today's sessions of the Senate Watergate hearings will be televised live and in full by the Columbia Broadcasting System (WCBS) and the National Broadcasting Company (WNBC), as well as by WNET, WNYC and WPIX. The American Broadcasting Company's coverage will run from 2 to 4:30 P.M.

WNET and WNYC will show tapes of the sessions beginning at 8 P.M.

On radio, the hearing will be covered live by stations WRVR, WNYC and WBAI.