

Excerpts From Testimony Before the Senate

Special to The New York Times

WASHINGTON, July 16—
Following are excerpts from the transcript of testimony today on the 20th day of hearings on the Watergate case before the Senate Select Committee on Presidential Campaign Activities:

MORNING SESSION

SENATOR ERVIN: Some have asked what the objectives, what the power and objectives of the Senate Select Committees on Presidential Campaign Activities are. I have never found a finer statement in respect to the desirability and the aim and necessity of congressional investigations than that made by the Congressman Richard M. Nixon or rather than that made by Richard M. Nixon in relation of his activities as a Congressman holding membership on the Un-American Activities Committee of the House, with particular reference to the investigation into the Hiss-Whittaker Chambers affair. This statement appears in the chapter entitled "Politics With Honor" in his "Six Crises," and I will read it:

"Despite its vulnerabilities, I strongly believe that the committee serves several necessary and vital purposes. Woodrow Wilson once said that Congressional investigating committees have three legitimate functions: First, to investigate for the purpose of determining what laws should be enacted. Second, to serve as a watchdog on the actions of the executive branch of the Government exposing inefficiency and corruption. Third, and in Wilson's view, probably most important, inform the public of great national and international issues.

Investigations Essential

"I had served on the committee long enough to realize that Congressional investigation of Communist activities were essential to further all these purposes. I knew that if the committee failed to follow through on the Hiss case the effectiveness of all Congressional investigations and particularly those in the field of Communist activities might be impaired for years but more important by far than the fate of the committee the national interest required that investigator go forward. If Chambers were telling the truth this meant that the Communists had been able to enlist the active support of men like Alger Hiss in education, background and intelligence among the very best the nation could produce. If this were the case then surely the country should be informed and Congress should determine what legislative action might be taken to deal with the problems."

I would like to add that I consider the investigation being conducted by this committee most crucial to the welfare of the nation. The committee, in short, is investigating allegations that men exercising great financial power, great political power, and great governmental pow-



The New York Times

Herbert W. Kalmbach, left, President Nixon's former personal lawyer, meeting with Richard A. Moore in Senate Caucus Room as Mr. Moore finished his testimony.

er have impaired, if not destroyed, the integrity of the process by which Presidents of the United States are nominated and elected. I do not know anything in which the country could have a greater interest than anything which requires Congress to determine whether or not such conditions existed and whether legislation is necessary to prevent their recurrence at some future date.

AFTERNOON SESSION

Alexander P. Butterfield

SENATOR ERVIN: Suppose for the record that you state your name and present occupation.

MR. BUTTERFIELD: My name is Alexander Porter Butterfield. I am the administrator of the Federal Aviation Administration.

MR. DASH: Mr. Chairman, at a staff interview with Mr. Butterfield on Friday, some very significant information was elicited and was attended by the majority members of the staff and the minority members. The information was elicited by a minority staff member. Therefore, I would like to change the usual routine of the questioning and ask minority counsel to begin the questioning of Mr. Butterfield.

MR. THOMPSON: I thank you, Mr. Dash.

Q. Mr. Butterfield, I understand you were previously an employe of the White House. Is that correct?

A. That is correct. I would like to preface my remarks, if I may, Mr. Thompson, with one statement.

Although I do not have a statement as such, I would simply like to remind the committee membership that whereas I appear voluntarily this afternoon, I appear with only some three hours notice and without time to arrange for permanent counsel or for assistance by a temporary counsel.

Q. During what period of time were you employed at the White House, Mr. Butterfield? **A.** I was at the White House as a deputy assistant to the President from the first day of the Nixon Administration, Jan. 21, 1969, until noon of March 14, 1973.

Q. And what were your duties at the White House?

A. My duties were many

JULY 17, 1973

Committee Investigating Watergate



Associated Press

Senator Sam J. Ervin Jr., left, chairman of the Watergate committee, conferring with Samuel Dash, center, chief counsel, and James Hamilton, assistant counsel, after Herbert W. Kalmbach testified yesterday.

and varied. I was in charge of administration — that is to say that the staff secretary, who is the day-to-day administrator at the White House, reported directly to me. And, of course I reported to Mr. Haldeman, as did everyone.

In addition to administration, I was responsible for the management and ultimate supervision of the Office of Presidential Papers and the Office of Special Files. Both of those offices pertained to the collection of documents which will eventually go to the Nixon library.

Thirdly, I was in charge of security at the White House insofar as liaison with the Secret Service and the Executive Protective Service is concerned and insofar as F.B.I. background investigations for prospective Presidential appointees is concerned.

A fourth duty was that I was the Secretary to the Cabinet.

I was additionally the liaison between the President and the Office of the President and all of the various support units. By that I mean the Office of the Military Assistant to the President and the Office of White House Visitors, again the Secret Service, the Executive Protective Service, the residence staff, Mrs. Nixon's staff—I served as sort of a conduit between all those elements and the Office of the President.

Finally, I was in charge of the smooth running of the President's official day, both in Washington, D.C., and at the Western White House in San Clemente.

Q. Mr. Butterfield, are you aware of the installation of any listening devices in the Oval Office of the President?

A. I was aware of listening devices, yes sir.

The Summer of 1970

Q. When were those devices placed in the Oval Office? A. Approximately the summer of 1970.

Q. Are you aware of any devices that were installed in the Executive Office Building Office of the President? A. Yes sir, at that time.

Q. Were they installed at the same time? A. They were installed at the same time.

Q. Would you tell us a little bit about how those devices worked, how they were activated, for example?

A. They were installed, of course, for historical purposes, to record the President's business and they were installed in his two offices, the Oval Office and the E.O.B. [Executive Office Building] Office. Within the West Wing of the White House, there are several, at least three, perhaps four—the three that I know of—boxes called Presidential locator boxes. These are square boxes approximately 10 by 10 inches, and on them are several locations, about seven locations, which would tell where the President might be at any time, locations such as the residence—that is one of them; the South Grounds is another; Oval

Office is another; E.O.B. Office is still another; West Wing, meaning West Wing of the White House, is another; and out, I think, is the last one. When the President moves—East Wing is still another and I think that covers all of the locations indicated on the box.

When the President moves from his Oval Office, for instance, to his Executive office Building Office and he departs the street, it is my understanding that the Secret Service agents, members of the Executive Protective Division who cover him—it is my understanding there are four, five, six of them—when he moves across the street, one of them covers the central location.

It says the President is leaving the West Wing and going to the E.O.B. Office.

And the little light moves from the Oval Office to E.O.B. Office. It doesn't actually move to the E.O.B. office until the President actually enters the E.O.B. office. As that light moves, there is a tie-in audio signal so that if one is preoccupied, as I might be, I realize that the locator box is indicating a change in the President's location and that kind of information was important to me.

Mr. Steve Bull, who at that time worked on the other side of the President, on the East side of the Oval Office, had one of these locator boxes, and Mr. Haldeman had a third. I believe there was a fourth in Mr. Chapin's office—in fact, I am sure there was a

fourth in Mr. Chapin's office. We were probably the four who would be the most immediately concerned with the President's whereabouts and the fact that he was changing locations.

In that the Oval Office and the Executive Office Building Office were indicated on this locator box, the installation was installed in such a way that, when the light was on "Oval Office," the taping device was at least triggered. It was not operating, but it was triggered — it was spring-loaded, if you will, the it was voice-actuated. So when the light was on "Oval Office," in the Oval Office and in the Oval Office only, the taping device was spring-loaded to a voice-actuating situation.

Q. Was there a taping device in the Cabinet Room?
A. Yes, sir, there was.

Manual Installation

Q. Was it activated in the same way? A. No, sir. In the Cabinet Room a manual installation was made.

Q. I understand the recording device in the Cabinet Room was manually operated then, is that correct? A. That is correct.

Q. There were buttons on the desk in the Cabinet Room that activated that device?
A. There were two buttons. To my knowledge, the President never did pay any attention to the buttons at the Cabinet table. It was activated, the button on my telephone, by me.

Q. So far as the Oval Office and the E.O.B. Office is concerned, would it be your testimony that the device would pick up any and all conversations no matter where the conversations took place in the room and no matter how soft the conversations might have been?

A. Yes, sir.

Q. Was it a little more difficult to pick up in the Cabinet Room? A. Yes, sir, it was a great deal more difficult to pick up in the Cabinet Room.

Q. All right. We talked about the rooms now and if we could move on to telephones. Are you aware of the installation of any devices on any of the telephones, first of all, the Oval Office?
A. Yes, sir.

Q. What about the Executive Office Building Office of the President? A. Yes, sir. The President's business telephone at his desk in the Executive Office Building.

Q. What about the Lincoln Room? A. Yes, sir, the telephone in the Lincoln sitting room in the residence.

Installed by Secret Service

Q. What about Aspen Cabin at Camp David? A. Only in, on the telephone at the President's desk in his study in the Aspen Cabin, his personal cabin.

Q. It is my understanding this cabin was sometimes used by foreign dignitaries. Was the device still present during those periods of time?
A. No, sir, the device was removed prior to occupancy by chiefs of state, heads of government and other foreign dignitaries.

Q. All right. Would you state who installed these devices. A. The Secret Service. The Technical Security Division of the Secret Service.

Q. Would you state why, as far as your understanding is concerned, these devices were installed in these rooms?

A. There was, no doubt in my mind they were installed to record things for posterity, for the Nixon library. The President was very conscious of that kind of thing. We had quite an elaborate set-up at the White House for the collection and preservation of documents, and of things which transpired in the way of business of state.

Q. On whose authority were they installed? A. On the President's authority by way of Mr. Haldeman and Mr. Higby. Mr. Haldeman instructed Mr. Higby to tell me and I was the liaison with the Secret Service.

Q. Who else knew about the presence of these recording devices?

A. The President, Mr. Haldeman, Mr. Higby, and I, plus the Secret Service people.

My secretary knew also although she was not informed early on. She was informed much later because there were a number of occasions on which I just could not be there to press this button and I briefed her and asked her to do it for me but she does not, did not, have any idea of the extent of this. I think she was only aware of the Cabinet Room. Perhaps she was aware of the Oval Office. When I departed I was authorized to brief Steve Bull, who now occupies that office, and now has many of the responsibilities that I had.

General Haig, who is sitting at Mr. Haldeman's desk now, and I believe that is all, sir.

Dean Didn't Know

Q. As far as you know, did Mr. Ehrlichman nor Mr. Dean know about the existence of the presence of those devices? A. It would be very unlikely. My guess is they definitely did not know.

Q. Where were the tapes of these conversations kept, maintained? A. I cannot say where. I am quite sure in the Executive Office Building in some closets or cupboards or files which are maintained by the Technical Security division of the United States Secret Service.

Q. Were these tapes checked periodically?

A. Yes, they were checked at least daily. Some were used more frequently than others. Of course the Secret Service knew this; they made sure that they were checked periodically and sufficiently.

It was my duty to insure that the equipment was working properly. I checked the Oval Office, F.O.B. Office, Cabinet Room tapes several times and it was always working properly in the Oval Office and F.O.B. Office. It was very, very difficult to pick up conversation in the Cabinet Room and I never did check any of the telephones.

Q. Were any of these tapes ever transcribed as far as you know? A. To my recollection, no.

Q. Were you present during the installation? A. No, sir, I was not. I simply gave instruction in my office, immediately after I was asked to do just that.

Q. Did they indicate they were familiar with how they should go about installing these devices? A. There was sort of the intimation that they were, yes, sir. But that is very definitely my interpretation of that. No one said that to me.

All Conversations Taped

Q. Would it be an intimation that they had done that before? A. I have heard that rumored and together with the intimation on this occasion I mentioned I assume that it has but I certainly do not have any proof.

Q. Mr. Butterfield, as far as you know from your own personal knowledge, from 1970 then until the present time all of the President's conversations in the offices mentioned and on the telephones mentioned, were recorded as far as you know?
A. That is correct.

Q. and as far as you know, those tapes are still available? A. as far as I know, but I have been away for four months, sir.

MR. DASH: Now was your understanding that this operated on an on-going basis daily, that this system operated on an on-going basis daily? A. Yes, Sir.

Q. To your knowledge, did the President ever ask while he was in the Oval Office to have the system not operate, the locator light not show in that office so as to trigger the device?

A. No Sir. As matter of fact, the President seemed to be totally, really oblivious, or certainly uninhibited by this fact.

Q. The tapes you mentioned were stored, are they stored by a particular date? A. Yes sir, they are.

Q. And so that if either Mr. Dean, Mr. Haldeman, Mr. Ehrlichman, or Mr. Colson had particular meetings in the Oval Office with the President on any particular dates that have been testified before this committee, there would be a tape recording with the President of that full conversation, would there not? A. Yes sir.

Q. You tested the system at one point, did you not?
A. Yes, sir.

Q. To see if the Oval office

or the E.O.B. Office, that you could pick up sound even though it was hardly audible when a sound was made in the room? A. Yes.

Q. What was the result of your test? A. The result was that voices, conversations, were picked up very well, very clearly.

Q. Even if there was a whisper? A. I can't tell you about a whisper. I just don't know. But it would appear that even low tones were picked up well.

Q. Now, with regard to the telephone taps, they were operated, were they not, by as soon as the president, lifted up his telephone and engaged in a conversation or received a conversation on his President's phone, the recording device began to record the telephone conversation.

A. That is my understanding, Mr. Dash.

Q. So far as you know, all telephone calls were also recorded.

A. From the President's office telephone on his desk in the Oval Office.

Q. Yes.

A. And his regular office phone in the Executive Office Building, and the desk telephone in his study at Camp David and his telephone in the Lincoln sitting room—those four phones.

Q. Just one last question. If one were therefore to reconstruct the conversations at any particular date, what would be the best way to reconstruct those conversations, Mr. Butterfield, in the President's Oval Office?

A. Well, in the obvious manner, Mr. Dash—to obtain the tape and play it.

SENATOR BAKER: Mr. Chairman, I have only one brief question, Mr. Butterfield, it is my understanding that in an interview this past Friday, you volunteered this information in response to a question put by minority staff about how certain information supplied by the White House might have been so exact and some query was made about whether or not Mr. Dean might have thought there was a recording device. My understanding is that you at that time said that there are recording devices in these offices.

A. Yes, that is essentially correct. When asked the direct question, I answered openly and freely. With regard to the query concerning Mr. Dean's suspicions, my guess was that that was his imagination only. I am sure that the President would not lead Mr. Dean off to the side. The President seemed completely unaware of these. I am sure that he forgot them from time to time, or perhaps for good long periods of time.

Q. You have notified counsel for the White House of your interview and of your testimony, what you are going to testify here today? A. Yes, sir, I have.

Q. Was there any intimation to you that executive privilege should be claimed on your part? A. No, sir, there was not.

No Warning Signal

SENATOR TALMADGE: I shall be quite brief, Mr. Chairman. Mr. Butterfield, I understood you to say that all calls to the White House of whatever nature and character would be taped. Is that an accurate statement?

A. Into those telephones, to and from those telephones I mentioned, yes; sir, that is an accurate statement.

Q. If a Senator or Congressman or Governor called, it was taped? A. Yes, the tape would not discriminate.

Q. Was there any warning signal to let them know the conversation would be taped? A. I am told that when devices are on telephones, there is oftentimes a click-

Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, July 16—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 I. Edmisten, deputy counsel.
Terry F. Lenzner, assistant chief counsel.

WITNESSES

Richard A. Moore, special counsel to the President.
Alexander P. Butterfield, F.A.A. administrator and ex-White House aide.

Herbert W. Kalmbach, President Nixon's former personal attorney.

PERSONS NAMED IN TESTIMONY

Dwight L. Chapin, former Presidential appointments secretary.

Charles W. Colson, former counsel to the President.

John W. Dean 3d, former counsel to the President.

John D. Ehrlichman, former White House adviser.

H. R. Haldeman, former White House chief of staff.

Lawrence M. Higby, deputy assistant to the President.

Frederick C. LaRue, former aide to Mr. Mitchell.

Hugh W. Sloan Jr., former treasurer of Finance Committee to Re-elect the President.

Maurice H. Stans, former Commerce Secretary; former chief of Nixon Finance Committee.

Gordon Strachan, former assistant to Mr. Haldeman.

Anthony T. Ulasewicz, former aide to John J. Caulfield at the re-election committee.

ing sound. But other than that, I would guess that no one would be aware, sir.

Q. No one verbally undertook to say, Governor, your conversation will be taped?

A. No, sir.

Q. Or Mr. Senator, or Congressman, or Mr. Private Citizen, whatever the case might be? A. No, sir.

Q. Were the visitors who went into the White House warned that their conversations with the President would be taped? A. No, sir.

Q. None of them had knowledge that their conversations were being taped? A. No, sir, although I say one thing, which I think perhaps should be said at this point.

When people go to visit the President, almost always, I know of very, very few exceptions, a staff member sits in on the conversation, often takes notes. That is standard procedure in order to record commitments made by the President, at least the thread or the substance of the business discussed.

Q. Do you know whether or not the Attorney General of the United States approved the recording of these telephone verbal conversations? A. I have no idea, sir.

Q. If any call was made from one official in the White house to another one, Mr. Haldeman to Mr. Dean or Mr. Dean or Mr. Dean to Mr. Ehrlichman, was that also taped? A. Not to my knowledge, sir. I have no knowledge of any other taping devices at all.

Q. Only the conversations with the President by telephone and in his presence, is that an accurate statement?

A. To and from these specific four telephones.

SENATOR GURNEY:

Where were the recording machines kept, do you know? A. At least most of the recording machines were in the basement of the West Wing of the White House.

Q. And who was in charge of those? A. The chief of the Technical Security Division of the United States Secret Service.

Q. And did the chef or someone under his direction handle the changing of the tapes and the putting them on, the taking them off? A. Yes, Sir.

Q. And also the storage? A. Yes, Sir.

Q. Did anybody else handle those, to your knowledge? A. I am as sure as I know I am sitting here that no one else handled the tapes other than this individual I mentioned, the chief of the Technical Security Division, and the two or three people designated by him.

Q. What about in Key Biscayne and San Clemente, the Florida and Western White Houses? Were there any recording devices there to your knowledge? A. Not to my knowledge or recollection. I do not recall any instructions being given with regard to those locations, sir.

SENATOR MONTOYA: Mr. Butterfield, was there any mechanism available whereby the President could turn off the recording in the Oval Office or in the Executive Office? A. No, sir.

Q. In other words, it was not within the power of the President or anyone working under him in those particular offices to turn off this recording.

A. No, sir. But technically speaking one could order that the locator light be moved even though the President might be in that position. But that would not happen under normal circumstances. I know of no occasion on which that happened.

Q. Well, did you know whether anyone else had the proper mechanism to turn the recording off? A. No, sir, I am sure no one did.

Q. So what you are saying is there is no possibility that this, any conversation in the Oval Office or in the Executive Office or in the Camp David study room could be turned off. There is no possibility of that? A. No, sir, not from within those offices, they would have to instruct me to have the equipment moved, changed.

Q. Were you ever instructed? A. No, sir, I was not.

Q. Now, is there any possibility that the tapes which were collected, that some of them could be missing or could have been destroyed?

A. Not to my knowledge. There shouldn't be. The Secret Service are highly trustworthy. It was their re-

sponsibility to change the tapes and to store—and to mark the tapes and to store them.

Q. Who had responsibility for the storage, for the removal and the storage, of these tapes besides yourself? A. Well, I ultimately, but the director of the Technical security Division was given that responsibility by me, and he carried it out.

Q. Was he the only one besides yourself? A. He and those who worked for him.

Q. Did Mr. Ehrlichman or Mr. Haldeman or anyone else who worked for the President have authority to go into this particular room where the tapes were stored?

A. Mr. Haldeman had authority to do anything in the White House, sir, in that he was in effect the chief of staff. It would be very unlikely for him to do that. He entrusted the responsibility to me. Mr. Ehrlichman, to the best of my knowledge, and I feel quite certain of this, knew nothing about the tapes.

Q. And you state that the tapes were primarily to record conversations within these particular offices so that we could preserve history for posterity?

A. Yes, there really is no question in my mind about it, Senator Montoya. That was often on the President's mind and, as I said, he was very conscious of our having a good system for collecting the things which transpired with regard to the affairs of state.

Q. Then why, Mr. Butterfield, wasn't anybody recording history at Key Biscayne or at San Clemente or at other places. Why was that gap, why the gap there?

A. I can't answer that question except that when the President did go to Key Biscayne and to Camp David he was going principally for the reason of resting and relaxing. The President does work, he does see people but he used the time to check his thoughts and to lay out plans and that sort of thing. So whereas there is a gap I would not say it is a serious one.

SENATOR WEICKER: Do you know of any instance when [there was] a taping of a conversation held in the Cabinet Room without the President present?

A. No, sir. As a matter of fact, on a number of occasions the President would leave the Cabinet Room, and the Cabinet meeting would continue under the chairmanship of the Vice President perhaps or under the chairmanship of Secretary Rogers.

As a general rule, I would leave too, if the President left and I would go back to my office and push the off button and we would stop recording. It was only for the President's business. That again, supports my earlier guess that it was purely for historical purposes.

Interviewed on Friday

Q. Now, in the interview which you had with the staff of this committee, on July 13, 1973, at 2:15 P.M., the interview, as reported by this staff, concludes with: "Butterfield stated this is all something I know the President did not want revealed, but you asked me and I feel it is something you ought to know about in your investigations. I was told no one was to know about the information I have told you."

Is that a correct quotation?

A. I could not say that it was correct, but there was some reluctance on my part to reveal information which I felt could have a number of serious repercussions with regard to foreign governments. It is very obvious that this could be embarrassing to our Government.