

Excerpts From Testimony Before the Senate

Special to The New York Times

WASHINGTON, July 19—
Following are excerpts from
the transcript of testimony
today on the 24th day of
hearings on the Watergate
case before the Senate Select
Committee on Presidential
Campaign Activities:

MORNING SESSION

Frederick C. LaRue

SENATOR INOUE: How
did you get involved in this
cover-up scheme?

MR. LARUE: Early 1972 I
joined the re-election com-
mittee in 1972 with the title
eventually of Special Assist-
ant to the Campaign Direc-
tor.

Q. You have testified on
several occasions that you
discussed the matter of \$75,-
000 with Mr. Mitchell. [The
\$75,000 was the final bundle
of bills, totaling \$230,000
distributed by Mr. LaRue, of
which \$210,000 went to Wil-
liam O. Bittman.] A. That is
correct.

Q. Why did you call upon
Mr. Mitchell? Mr. Mitchell
was no longer Attorney Gen-
eral of the United States nor
was he chairman of the com-
mittee to re-elect the Presi-
dent.

A. Senator, I think I stated
in my testimony yesterday
that I had a phone call from
Mr. Dean regarding this \$75,-
000. He would not authorize
or instruct me to make this
payment, and he suggested
that I call Mr. Mitchell.

Q. Why did Mr. Dean tell
you to call Mr. Mitchell? A.
Mr. Dean indicated to me
that he was not going to be-
come involved any further in
the distribution of funds, and
that if I were to get any au-
thorization on this it would
have to come from someone
else and he suggested that I
call Mr. Mitchell.

Q. Am I correct to assume
that Mr. Dean was aware
that the \$75,000 was part of
the grand scheme, the grand
cover-up scheme? A. I think
that would be a safe assump-
tion, yes, sir.

Q. Am I correct to assume
that you were aware that this
was part of the grand cover-
up scheme? A. Yes, sir.

Q. Am I correct to assume
that Mr. Mitchell was aware
that this was part of the
grand cover-up scheme? A.
I would say, Senator, that
that is a correct assumption.

Q. Then, when Mr. Mit-
chell suggested to the com-
mittee that he was not aware
of these cover-up activities
he was not absolutely cor-
rect, was he? A. Senator, I
did not gather from Mr. Mit-
chell's testimony that he
stated he was not aware of
the cover-up activities.

Question on Laws

Q. You advised the com-
mittee [on the re-election of
the President] on how to
carry out their activities, and
you were involved in some of
the most extraordinary meet-
ings, and now you are sitting
before us, and we have asked
this question, I believe, of all
or most of the witnesses, in

retrospect now that you
know it was illegal, and if
you were asked to recom-
mend any legislation to pre-
vent the reoccurrence of
those activities in which you
were involved, what would
you recommend sir?

A. Senator, I haven't given
that a great deal of thought.
I think basically one of the
recommendations would be
legislation to curtail or pro-
hibit to the extent possible
the use of cash in political
campaigns.

Q. If you recall, Mr. Mit-
chell said that the re-election
of President Nixon was para-
mount, and that all other
considerations were insignifi-
cant. Do you concur with
that, sir, or at that time did
you concur with that?

A. Senator, I don't know if
I can make that broad a
statement. Certainly at that
time I considered the elec-
tion of paramount impor-
tance, yes sir.

Q. Sufficiently important
that the commission of
crimes would not be con-
sidered significant?

A. Senator, as I have
stated in my opening state-
ment, at that time, I did not
consider myself involved in
the commission of a crime.
In retrospect that has turned
out to be the case. At that
particular point I was not
thinking in those terms.

Q. What would your re-
sponse be to a question that
was posed with Mr. Mitchell:
Would you have lied to pro-
tect the President? A. Sena-
tor, fortunately I never had
to cope with that problem.

Q. It is not possible for you
to give a yes or no response
to that? A. I can't — it's too
hard to go back to that time
period and assess my state of
mind, what I would have
done at that time.

'I Hhave Faced Up'

Q. Then what conclusion
are we supposed to reach to-
day as to whether you would
lie today? A. Senator, I have
no reason to tell anything
other than the truth to this
committee. As I have stated
in my opening statement I
have faced up to what I have
done and it would serve no
purpose to me to tell you
anything but the truth.

SENATOR BAKER: Yester-
day, you said that Mr. Mag-
ruder indicated after the
telephone call [on June 18]
from Washington to Califor-
nia, "Last night was the
night he [G. Gordon Liddy]
was going into the Demo-

cratic National Committee
headquarters."

A. Mr. LaRue: I think,
Senator, that that is substan-
tially correct. I think I said
that he told me he thought
last night may be the night
that they were going to go
into the Democratic National
Committee headquarters, yes,
sir.

Q. It sounds like Mr.
Magruder was stating a fact
that he already knew, that
last night was the night that
they may have been going
into the Democratic National
Committee headquarters. Is
that your impression, Mr.
LaRue? A. Yes, sir.

Q. So you are under the
impression from that state-
ment by Mr. Magruder, that
he did in fact know that
there was a planned entry
into the Democratic National
Committee headquarters the
early morning hours of June
17, 1972? A. That would be
my assumption, yes, sir.

Q. Did you, Mr. LaRue,
know that they were going
to break into the Watergate?
A. No, sir, I did not.

Q. What was your reaction
to Mr. Magruder's statement,
then, when he said, well last
night was the night they were
going to break into the
D.N.C.? Here is a very high
campaign official saying,
well, last night was the night
they were going to break in.
What was your reaction to
that Mr. LaRue?

Expressed Concern

A. My reaction to that,
Senator, was one of concern.
I asked Mr. Magruder to go
to a pay phone and call Mr.
Liddy and find out what the
details were, what actually
had happened.

Q. Who else was present
when Magruder made that
statement? A. Well, Senator,
we [Mr. Mitchell, Mr. LaRue,
Herbert D. Porter and Robert
C. Mardian] were at break-
fast. I am sure several people
were present at breakfast,
but he made the statement to
me in an aside, where no one
else heard it.

Q. Did you convey that in-
formation to anyone else? A.
No, sir, I didn't.

Q. Did Mr. Magruder make
the same or a similar state-
ment to anyone else at that
time? A. Not that I know of,
Senator.

Q. Did you gain the im-
pression, Mr. LaRue, that
others present in California
on that occasion also knew
that that was the night that
they were going to break into
the DNC? A. No, sir, I did
not.

Q. Were you present when
Mr. Mitchell received that
information, that in fact there
had been an entry into the
D.N.C.? A. Yes, sir, I gave
him the information. Mr.
Mitchell did indicate surprise,
I think made the statement
that "that is incredible."

JULY 20, 1973

Committee Investigating Watergate

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Q. Mr. LaRue, you indicated that someone said to contact Mr. Kleindienst, meaning former Attorney General Kleindienst, I understand, and to ask him to contact Chief Wilson, the chief of police for the District of Columbia, about the release of certain people arrested on the morning of June 17.

A. No, Sir, I did not testify to that, Senator. I said that in my recollection of that incident, that Mr. Mitchell asked that a phone call be made to Gordon Liddy and that Mr. Liddy contact Mr. Kleindienst and Mr. Kleindienst contact Chief Wilson to see what details he could get on the break-in.

The Call Was Made

Q. Was the call in fact made or do you know, Mr. LaRue? A. Yes, the call was made.

Q. But you don't recall who made it? A. No, I do not recall who made it.

Q. Did you later learn of any response or development as a result of that call to Mr. Liddy?

A. Yes, I did. I think Mr. Liddy contacted Mr. Kleindienst and Mr. Kleindienst refused to do this. He told Mr. Liddy if Mr. Mitchell wanted him to contact Chief Wilson, then Mr. Mitchell

should contact Mr. Kleindienst directly.

Q. But Mr. Kleindienst, in effect, refused to contact Chief Wilson? A. That is my understanding, yes, sir.

SENATOR WEICKER: Do you know from whom or from what office the payoff money that you distributed came from?

A. \$81,000 that I received in early July [came] from Mr. Stans and Mr. Sloan, \$30,000 in September from Mr. Ulasewicz, \$50,000 in December from Mr. Strachan, \$14,000 in January from Mr. Babcock, a former Governor of Montana.

Q. In what capacity was he [Mr. Babcock] delivering the money? A. My understanding, Senator, is that this was a pledge made during the campaign and there was a delivery just happened to be made after the campaign. And then in January \$280,000 from Mr. Strachan.

SENATOR ERVIN: The proposal of G. Gordon Liddy to commit burglary and bugging on the Democratic national headquarters was discussed by and between John Mitchell, the director of the Committee to Re-elect the President, and his deputy director, Jeb Magruder, in your presence at the meeting in Key Biscayne [on March 20, 1972]. A. This is correct.

Q. You also state that you disapproved of the project not on moral grounds but on the grounds that the risk of carrying out the project was too great.

A. Senator, I would like to clarify that, if I may. I think inherent in that statement are the moral considerations and the legal considerations. If it was not morally wrong, if it was not legally wrong, there would be no risk involved.

Question of Approval

Q. Now, you also know that John Mitchell did not disapprove of the project at that meeting, in your presence? A. That is my recollection, Senator, yes, sir.



The New York Times
Frederick C. LaRue, right, conferring with Terry F. Lentzner, assistant chief counsel, before testifying yesterday. At left is Fred M. Vinson Jr., Mr. LaRue's lawyer.

Q. He said that that was a matter that did not have to be determined or decided at that meeting. A. That is to the best of my recollection, yes, sir.

Q. And you are not able to either affirm or disaffirm that John Mitchell subsequently by word or wink or nod conducted himself in such a way as to give Magruder the impression that Mitchell had approved it? A. I can only state that he did not conduct himself in such a way in my presence, Senator.

Q. Now, you and Mardian and Mitchell were in Los Angeles when the news broke that the five men, including the security chief for the Committee to Re-elect the President, had been caught redhanded in the act of burglary in the Watergate, Democratic National Headquarters. A. Yes, that is correct.

Q. And naturally you became concerned with the possibility that the persons charged with enforcing the criminal law might undertake to trace this money [in the pockets of four apprehended] and trace criminality from the Watergate into the Committee to Re-elect the President? A. Yes, sir, that is correct.

Q. And after you and Mr. Mitchell and Mr. Mardian and Mr. Magruder had returned to Washington you all had—and Mr. Dean—had almost daily conversations among yourselves with respect to the dilemma which had been posed by this tragic event? A. That is correct, Senator.

Q. And you all were concerned with the re-election of President Nixon, and you felt, and so agreed among yourselves that it would be—it might have tragic repercussions if the responsibility for this burglary was traced by the press or prosecuting attorneys into the Committee to Re-elect the President?

No Meetings Recalled

A. Senator, I can't recall any meetings or discussions with these individuals in which that was discussed. I

can only say that certainly I had this concern, and this is what motivated my actions.

Q. Well, don't you know from your conversations with Mr. Mitchell, Mr. Mardian, Mr. Dean, and Mr. Magruder that they also shared that concern? A. I would assume they did, sir.

Q. Yes, and so it was either expressly or implicitly agreed among you all, that is Mr. Mitchell, Mr. Mardian, Mr. Magruder, Mr. Dean and yourself, that you would do everything in your power to keep any information about any connection between the burglary and the Committee to Re-elect the President a secret.

A. Senator, that, as I say, is what motivated my actions and that certainly was my impression of what I was doing. As far as the other individuals, I just can't speak for them.

Q. Well, you had conversations with them, you say, about this matter almost daily. I am just asking you if you do not know, if you do not infer in your own mind and know in your own mind from conversations with the others whom I have mentioned that they shared your desire to keep from the public and keep from the press and keep from prosecuting attorneys knowledge of the events that had happened in connection with this matter in the Committee to Re-elect the President?

A. That would be my inference, Senator, yes, sir.

Q. Now, did you not apprehend that there was danger that some of the five burglars and that there was danger that Mr. Liddy and Mr. Hunt after they were arrested, might, in the common parlance, spill the beans about this matter? A. Yes, sir.

Q. And so, thereupon, you joined other persons connected with the Committee to Re-elect the President in an effort to finance these

people pending their trials and finance legal defense? A. Senator, Yes, I engaged in such activity as I have testified here previously.

\$400,000 Furnished

Q. And you know that some \$400,000 was furnished directly or indirectly at the instance of members of the Committee to Re-elect the President, if not at the instance of aides in the White House, to the families and counsel for these seven Watergate defendants? A. That is correct, Senator, yes.

Q. And how much of this money did you yourself pay or deliver to any of these defendants or their counsel? A. I come up with a figure of \$242,000.

Q. Now, was that additional to money that was delivered to them through the arrangements with Kalmbach and Ulasewicz? A. Yes, sir.

Q. And as a result of this we had a situation which arose which is calculated as to pollute justice, that is, we had the prosecution of these seven men [which] was in the hands of men who held offices at the pleasure of the President, and the Committee to Re-elect the President was furnishing the money to pay the lawyers who were supposed to defend these men, is that not true? A. Yes, sir, that is true.

Q. And that kind of situation is enough to make justice weep, is it not? A. I agree with that, Senator.

Q. I can't resist the temptation to philosophize just a little bit about the Watergate.

The evidence thus far introduced or presented before this committee tends to show that men upon whom fortune had smiled benevolently and who possessed great financial power, great political power, and great governmental power undertook to nullify the laws of man and the laws of God for the purpose of gaining what history will call a very temporary political advantage.

The evidence also indicates that it might possibly, the efforts to nullify the laws of man might have succeeded if it had not been for a coura-

geous Federal judge. Judge Sirica, and a very untiring set of investigative reporters. But I come from a state like the state of Mississippi [Mr. LaRue's home state], where they have great faith in the fact that the laws of God are embodied in the King James Version of the Bible, and I think that those who participated in this effort to nullify the laws of man and the laws of God overlooked one of the laws of God which is set forth in the seventh verse of the sixth chapter of Galatians: "Be not deceived. God is not mocked; for whatsoever a man soweth, that shall he also reap."

Robert C. Mardian

MR. MARDIAN: I was appointed originally as a campaign coordinator, but with respect to the events which are subject of this committee's inquiry, I should point out that I had not in my capacity as one of the political coordinators or otherwise been consulted, advised or favored with any information relating to the "dirty tricks" campaign which has now come to light, much less given even a hint of any proposed burglary or electronic surveillance.

I was not included until my help was needed as a lawyer and I would like it in the record that as of the morning of June 17, 1972, I was relieved of my political responsibilities to the extent possible and charged with the responsibility of acting as counsel to the committee, at least as far as Watergate was concerned. I accepted this responsibility with the understanding that I would obtain the assistance of independent legal counsel and that I would be relieved of this legal responsibility when they were sufficiently acquainted with the facts to handle the matter.

I would also like to say at this point that the information that I received on the morning of June 17 and June 21 was the most shocking experience in my entire legal career.

The facts thus learned thrust me into a situation which I can only compare, in terms of personal anxiety, to being caught in quicksand. Commencing the morning of June 17, 1972, information was imparted to me bit by bit, much of it contradictory, which drew me inexorably into an intolerable and, at times unbearable, situation of personal conscience — a situation in which I was precluded from acting according to the dictates of my personal desires or interests; a situation in which ultimately my only hope was the selfish one of not becoming implicated in the conduct of others who I felt it my duty to serve.

I am not at all sure of the exact sequence of events, or all the times, places and parties present, but I shall attempt to relate, as fairly and as candidly as I can, the history of Watergate as I learned it.

No Knowledge of Plan

MR. HAMILTON: Mr. Mardian, did you, prior to June 17, 1972, have knowledge of any covert intelligence plans or operations that had as their purpose the gathering of information for political purposes?

A. None whatsoever, and I have been involved in numerous campaigns and it's the first time I have ever heard of this type of activity in a campaign. It may have gone on but I never was aware of it.

Q. When did you first learn of the break-in at the Democratic headquarters?

A. On the morning of June 17th. I was at the Airporter Hotel in Englewood, Calif. We were on the way to the hotel, from one hotel to the other, we were following a limousine in which Mr. Mitchell and Governor Reagan were riding and present with me were the National Committeeman from California, Mr. Magruder and Mr. LaRue, and Mr. Magruder told me in the car on the way to the Airporter that he had a slight problem he wished to discuss with me.

At the hotel he told me that he had this call from Mr. Liddy and he had been informed that Mr. McCord, who was the security officer for the committee, along with five Cuban Americans, maybe four, I am not sure, had been arrested in a break-in of the Democratic National Committee headquarters.

He told me that the people arrested all, all had fake ID cards, which Mr. Hunt had procured for them from the C.I.A., and that although they were incarcerated the identities of the accused were not known.

He told me that, I guess in response to my question of how and why, he told me that Mr. Liddy was some kind of nut, he should have suspected that something like this would happen. He regretted that he had not insisted on firing him when he attempted to some weeks or months before.

He also told me, I believe, that this was not the first break-in of the Democratic national headquarters.

Q. Now, did there come a time later that afternoon when you had a further discussion on the events surrounding the break-in with

Mr. Mitchell and Magruder and LaRue? Was there a discussion that afternoon about a budget that had been approved for dirty tricks and black advance. A. Yes.

Q. Did Mr. Magruder inform you who had approved the budget for dirty tricks and black advance? A. Yes.

Q. Whom did he say? A. He told me that the budget had been approved by Mr. Mitchell.

Q. Did Mr. Mitchell later that afternoon confirm that he had approved such a budget?

A. I would like to put it this way: It is my best recollection that I think the subject was discussed and he didn't deny it. And again, it may have come up when Mr. Mitchell wasn't in the room. I want to be fair on that point.

AFTERNOON SESSION

MR. HAMILTON: Mr. Mardian, when we broke for lunch we were discussing the meeting in Mr. Mitchell's apartment on the evening of June 19 [present also were Magruder, LaRue and Dean]. Now, at this meeting was there any discussion as to burning or otherwise destroying a Gemstone file or any other sensitive file?

A. Not in my presence. I never heard the word Gemstone until this investigation this year came out.

Q. Mr. Mardian, I would like to read portions of Mr. Magruder's testimony to you and Mr. LaRue's testimony to you of yesterday, and receive your comments. First from Mr. Magruder's testimony at page 1,913 and 1,914:

"Mr. Dash: Did you have a meeting on that evening, the evening of June 19, when you came back to Washington in Mr. Mitchell's apartment?"

"Mr. MaGruder: Yes. Mr. Mitchell flew back that Monday with Mr. LaRue and Mr. Mardian. We met in his apartment with Mr. Dean, Mr. Mardian and myself and the general discussion again was what we were going to do about the problem. It was again we had very little information. We did not, of course, know what type of investigation would then be had and we talked about times of alternative solutions. One solution was recommended in which I was to, of

Figures in Senate Inquiry

Special to The New York Times

WASHINGTON, July 19—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.
James Hamilton, assistant chief counsel.

WITNESSES

Frederick C. LaRue, former aide to John N. Mitchell.
Robert C. Mardian, former official of Committee for the Re-election of the President.

PERSONS NAMED IN TESTIMONY

Tim Babcock, former Governor of Montana.
William O. Bittman, attorney for E. Howard Hunt Jr.
John J. Caulfield, ex-aide of committee to re-elect the President.
John W. Dean 3d, former counsel to the President.
L. Patrick Gray 3d, former acting director of the F.B.I.
E. Howard Hunt Jr., ex-C.I.A. agent and White House aide, pleaded guilty in Watergate break-in.
Herbert W. Kalmbach, President Nixon's former personal attorney.
Richard G. Kleindienst, former Attorney General of United States.
G. Gordon Liddy, former White House aide convicted in Watergate break-in.
James W. McCord Jr., convicted in Watergate break-in.
Jeb Stuart Magruder, former deputy director of the Committee for the Re-election of the President.
John N. Mitchell, former Attorney General and former chief of re-election committee.
John J. Sirica, chief judge of the United States District Court in Washington.
Hugh W. Sloan Jr., former Treasurer of Finance Committee to Re-elect the President.
Maurice H. Stans, former Commerce Secretary who headed Nixon finance committee.
Gordon C. Strachan, former assistant to Mr. Haldeman.
Anthony T. Ulasewicz, former aide to John J. Caulfield.
Jerry V. Wilson, District of Columbia Chief of Police.

'Nothing to Fear'

About the arrest of the five people, Mr. McCord and the others, their plight, he indicated to me that there was nothing to fear, because the only person that could identify Mr. Liddy was Mr. McCord and Mr. McCord would not divulge his identity, that the Cuban Americans were old soldiers who had worked in the C.I.A. with Mr. Hunt since the Bay of Pigs, and that they would never under any circumstances disclose Mr. Hunt's identity, and that the committee had nothing to fear in that regard.

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

He discounted this completely by saying, that this group had been operating together for some considerable period of time, that they were all real pros, that they had engaged in numerous jobs. And when I asked him what kind of jobs, he said, we pulled two right under your nose.

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

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

I asked him because of the Ellsberg break-in what, if

anything, they had obtained? He told me that they had obtained nothing, that they had searched all the files and couldn't find his record.

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

Magruder Blamed

He told me that the purpose of making this entry, that this entry was not of his doing, that neither he nor Mr. Hunt thought it was a good idea, that they had obtained nothing from the bug that they had previously implanted in the place, but that he had, they made the entry at the insistence of Mr. Magruder.

Q. Did Mr. Liddy also say to you that the operations that he had been involved in such as the Ellsberg burglary and the Dita Beard incident had the approval of the President and the C.I.A. Is that a correct paraphrase, and if not, please correct me?

A. As I told you before, the staff, I don't recall, I can't say that he said the President of the United States, but the words he used or the word he used were meant to imply that, and that is the impression he left with me.

Q. That they had been approved by the President, that was your impression? A. Yes, sir.

Q. Now, did Mr. Liddy mention to you that he had shredded any documents?

A. Yes. In trying to demonstrate to me that there was no way of tracing him he told me he had shredded every bit of evidence that would have linked him to this operation as well as all the other operations. He told me he had even gone home—he has a habit, he told me, or a hobby, I should say, of collecting soap from the various hotels—he had taken the soap wrappers off and shredded all the soap wrappers.

He also told me that during this process he had shredded all of the \$100 bills that he had in his possession that were new and serialized.

He did make the statement that the committee could be assured that he would never talk and if they doubted that, as Mr. LaRue testified, if we would tell him what corner to stand on he was ready to be assassinated.

Told to Look Elsewhere

I told Mr. Liddy that I did not think Mr. Mitchell would approve the use of committee funds to bail out the defendants and he should so advise Mr. Hunt, and that it seemed to me that if Mr. Hunt had such good connections in the Miami [Cuban] community that they should look to that community for the bail money.

Q. When you spoke to Mr. Mitchell did you transmit this request for bail money to Mr. Mitchell? A. Mr. Mitchell told me that under no circumstances would bail money be forthcoming and for me to call Mr. Liddy and tell him, And I did so.

course, destroy the Gemstone file so I called my office and—

"Mr. Dash: That solution came up as a result of the meeting?"

"Mr. Magruder: Well, I think, Yes. It was generally concluded that that file should be immediately destroyed."

Now reading from Mr. LaRue's testimony of yesterday at Pages 4,589 and 4,590:

"Mr. Dash: You said Mr. Magruder asked what he should do about these sensitive files?"

"Mr. LaRue: Yes Sir.

"Mr. Dash: Did he get a response to that?"

Discussion Denied

"Mr. LaRue: As I remember, there was a response from Mr. Mitchell that it might be a good idea if Mr. Magruder had a fire."

Now, previous to that testimony, Mr. LaRue had testified that you were at that meeting. Do these portions that I have read of the testimony refresh your recollection as to what was discussed?

A. I heard the testimony and I just read Mr. Dean's

testimony—or Mr. Magruder's testimony, I am sorry. No such discussion took place in my presence.

Q. Mr. Mardian, did you in the several days following June 19 have an occasion to interview Mr. Liddy? A. Yes.

Q. And who else was present in this interview? A. Mr. Fred LaRue. Mr. Liddy was reluctant to come to my office. He wanted to meet some place else, and we met in Mr. LaRue's apartment.

Q. Mr. Mardian, tell us what information Mr. Liddy imparted to you.

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

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

He said that he wanted to hire me as his lawyer, as his personal attorney. I told him that I was acting as attorney for the committee and that I could not relieve myself of that responsibility to represent him. He then said it was imperative that he be able to talk to me in confidence and that under no circumstances could I disclose what he told me.

One of the things that he told me was that he had a message from Mr. Hunt, that Mr. Hunt felt that it was the committee's obligation to provide bail money to get his men out of jail.

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

"It was Dean who suggested to General Walters on January 6 [1973], that C.I.A. pay the Watergate defendants while in jail," and Mr. in commenting on this particular passage said this:

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

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

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