

Texts of Memorandums to the House

Special to The New York Times

WASHINGTON, May 15— Following are the texts of a memorandum submitted to the House Judiciary Committee by John M. Doar, its special counsel, in justification of a subpoena of tape recordings of 11 White House conversations, and of a memorandum presented informally by James D. St. Clair, the President's chief defense attorney, in opposition to subpoena of additional Watergate evidence. The text of a second memorandum by Mr. St. Clair was not immediately available.

Memorandum by Mr. Doar

The following sets forth the facts and bases underlying the request contained in Mr. Doar's letter to Mr. St. Clair, dated April 19, 1974, for Presidential conversations necessary for the House Judiciary Committee's inquiry into Watergate and its aftermath. An asterisk following a specified conversation indicates that the special prosecutor has subpoenaed such conversation for the trial of the indictment in U.S. v. Mitchell, et al. filed on March 1, 1974, respecting Watergate and its aftermath.

1. Meeting among the President, Mr. Haldeman and Mr. Mitchell on April 4, 1972, from 4:13 to 4:50 P.M. and between the President and Mr. Haldeman from 6:03 to 6:18 P.M.

Mr. Magruder has testified that on March 30, 1972, Mr. Mitchell approved Mr. Liddy's plan for electronic surveillance of the President's political opponents and an entry into the Democratic National Committee headquarters in Washington. (Magruder, 2 SSC 794-05). Mr. Magruder called Mr. Strachan and indicated the project had been approved, and immediately thereafter, in early April, 1972, Mr. Strachan sent a memorandum to Mr. Haldeman which stated that a sophisticated political intelligence-gathering system for CRP had been approved with a budget of \$300,000. (Magruder, 2 SSC 795; Strachan, 6 SSC 2441, 2452).

Mr. Strachan has testified that he prepared a talking paper for a meeting between Mr. Haldeman and Mr. Mitchell which took place at 3:00 P.M. on April 4, 1972, and this talking paper included a reference to the sophisticated intelligence-gathering system (Strachan, 6 SSC 2453-54). Mr. Haldeman has testified

that the 3:00 P.M. meeting was "in conjunction with" the meeting commencing at 4:13 P.M. among the President, Mr. Mitchell and Mr. Haldeman during which matters relating to the political campaign and I.T.T. were discussed. (Haldeman, 8 SSC 3180-81.)

Mr. Haldeman has testified that his notes of the meeting among the President, Mr. Haldeman and Mr. Mitchell do not indicate a discussion of intelligence. (Haldeman, 7 SSC 2881. Not long after the meeting among the President, Mr. Haldeman and Mr. Mitchell ended, the President met with Mr. Haldeman alone.

2. Specified conversations on June 20, 1972, between the President and Mr. Haldeman, and the President and Mr. Colson.

The President's records set forth that the following meetings and telephone conversations took place between the President and Mr. Haldeman and the President and Mr. Colson on June 20, 1972:

2:20-3:30 P.M.*—Meeting between the President and Mr. Colson

4:35-5:25 P.M. — Meeting between the President and Mr. Haldeman

7:52-7:59 P.M. — Telephone conversation between the President and Mr. Haldeman.

8:04-8:21 P.M.* — Telephone conversation between the President and Mr. Colson.

8:42-8:50 P.M. — Telephone

conversation between the President and Mr. Haldeman.

11:33 P.M., 6/20-12:05 A.M., 6/21*—Telephone conversation between the President and Mr. Colson.

At an earlier meeting on June 20 between Mr. Haldeman and the President (11:26-11:45 A.M.), the Watergate matter was one of the items discussed. (Haldeman's notes, Exhibit 61 in re subpoena duces tecum ("SDT"), misc. no. 47-73). The tape of that conversation contained in 18 minute and 15 second hum which obliterated the conversation. Also on June 20, a meeting among Mr. Ehrlichman, Mr. Mitchell, Mr. Haldeman, Mr. Dean, and Mr. Kleindienst occurred to discuss the Watergate incident and investigation. (Ehrlichman, 7 SSC 2822; Haldeman, 8 SSC 3039-40).

Mr. Strachan has testified that on this date, following Mr. Haldeman's instructions, he shredded the political matters memorandum containing the reference to the plan for electronic surveillance formulated by Gordon Liddy. (Strachan, 6 SSC 2458, 2442). On the evening of June 20, 1972, the President was subpoenaed by the special prosecutor but was not produced as the President stated that it was not recorded. (President's statement, Nov. 12, 1973; Pres. Doc. 1329).

The President's recorded recollection of this conversation was produced. Mr. Mitchell has testified that in

this conversation he and the President discussed the Watergate break-in and Mr. Mitchell expressed regret that he had not kept better control over his men. (Mitchell, 4 SSC 1633). After this conversation with Mr. Mitchell, the President had the four telephone conversations specified with Mr. Haldeman and Mr. Colson.

3. Specified conversations on June 23, 1972 between the President and Mr. Haldeman.

The President's records set forth that the following meetings took place between the President and Mr. Haldeman on June 23, 1972:

10:04-10:39 A.M.* — Meeting between the President and Mr. Haldeman (Mr. Ziegler present from 10:33 to 10:39 A.M.)

1:04-1:13 P.M.*—Meeting between the President and Mr. Haldeman.

2:20-2:45 P.M.*—Meeting between the President and Mr. Haldeman (Mr. Ziegler present from 2:40 to 2:43 P.M.)

Mr. Haldeman has testified that on the basis of information supplied by Mr. Dean to the effect that the F.B.I. believed that the C.I.A. might have been involved in the Watergate break-in, he raised the possibility of C.I.A. involvement with the President on June 23, 1972. (Haldeman 8 SSC 3040-41). Mr. Haldeman also testified that the President ordered Mr. Haldeman and Mr. Ehrlichman to meet with Mr. Helms and Mr.

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Judiciary Committee by Doar

and St. Clair



The New York Times/George Tames

Peter W. Rodino Jr., left, chairman; Edward Hutchinson, right, ranking minority member, and Jerome M. Zeifman, general counsel of the House Judiciary Committee, reviewing one of the subpoenas voted out yesterday.

F.B.I. Watergate investigation should not be pursued into Mexico and should be tapered off at the five people arrested on June 17, 1972. (Walters' memorandum of meeting with Mr. Gray, SSC Exhibit 129; 9 SSC 3815; Gray 9 SSC 3452). Mr. Gray agreed to postpone two interviews involving funds in the bank account of Bernard Barker, one of the men arrested in the Democratic National Committee Headquarters.

Memorandum by Mr. St. Clair

The special staff has requested that the Committee on the Judiciary issue a subpoena for the tape of the President's meeting with Haldeman and Mitchell on April 4, 1972, ostensibly to ascertain the extent of the President's knowledge of the Liddy plan on that date. It is respectfully suggested that if the special staff had utilized all the evidence available to it the necessity for the tape of this conversation would be eliminated.

The evidence clearly establishes that after the second meeting in Mitchell's office on Feb. 4, 1972, at which Liddy presented a modified version of his original plan and was turned down for the second time; Dean concluded that this was the end of Liddy's plan. (Dean, 3SSC 931) Dean later described the plan in general terms to Haldeman and advised him that the White House should have nothing to do with any such activity. Haldeman agreed. (Dean, SSC930)

Dean in discussing this matter with the President on the morning of March 21, 1973, stated that: "... Bob (Haldeman) was assuming that they (CRP) had something that was proper over there, some intelligence gathering operation that Liddy was operating." (emphasis added) (Transcript March 21, 1973, pp. 178-9) From this it can only be concluded that Haldeman was informed that the Liddy plan "was dead" and that the committee had some proper intelligence gathering capability. There is no evidence that Haldeman was thereafter informed to the contrary.

Approval Reported

Later Magruder simply reported that a "sophisticated political intelligence gathering system" had been approved. Magruder did not elaborate and Strachan dutifully repeated this information, practically verbatim, in three line paragraph in his political matters memo No. 18. Attached to this memo

under tab H were reports identified by the code name "Sedan Chair" as examples of the type of information being developed. These reports did not disclose the source of the information. (Strachan, 3 SSC 2441, 2452).

Sedan Chair involved a disgruntled campaign worker from the Humphrey Pennsylvania organization who passed information to CRP (Magruder, 2 SSC 848). Reisner confirms this activity in his testimony utilized a Muskie campaign courier to photograph documents he was delivering. Porter deemed this activity surreptitious but not illegal (Porter, 2 SSC 669-671). Magruder testified that the original concept of intelligence gathering was "simply one of gathering information through sources in the opposition's committee." (Magruder, 2 SSC 810).

Dean indicated to the President on March 21, 1973, that these activities were not illegal (Transcript, March 21, 1973, pp. 173-182). Thus, when Haldeman directed Strachan to transfer the intelligence gathering "capabilities" from Muskie to McGovern, there is no evidence to indicate that these instructions applied to anything but lawful intelligence activities. Strachan himself suspected that it involved such things as the Muskie driver. (Strachan, 6 SSC 2470).

Moreover, there is no evidence that the markings on Memo No. 18 and a related talking paper prepared by Strachan for Haldeman indicate that the intelligence gathering capability was discussed by Haldeman with the President. As seen above, even if it was discussed with the President the discussion must have involved sedan chair-type operations rather than the Liddy plan.

However, an analysis of the evidence discloses that the political matters Memo No. 18 was prepared by Strachan on March 31, 1972, and submitted by Haldeman. It was returned to Haldeman with a check mark opposite the paragraph relating to intelligence gathering. According to Strachan, this mark indicated that Haldeman had seen the matter. (Strachan, 6 SSC 2452).

Four days later Strachan prepared a talking paper for Haldeman to use in a meeting that he was having that day with Mitchell—not with the President. (Strachan, 6 SSC 2452). After Haldeman met with Mitchell the talking paper was returned and filed with Memo No. 18. (Strachan, 6 SSC 2454).

According to Strachan, the subject of intelligence gathering was never raised again by Haldeman, and Strachan assumed Haldeman discussed it with Mitchell. (Strachan 6 SSC 2454). Strachan never testified that Haldeman discussed intelligence gathering with the President. In fact, Strachan testified that any memos discussed with the President bore the letter "P" in the upper right hand corner with a check mark through the "P." Strachan is quite certain that none of the political matter memos had this marking. (Strachan 6 SSC 2488).

Haldeman testified that he and Mitchell did not discuss intelligence gathering activities with the President later that day but only reviewed matters relating to the I.T.T.-Kleindienst hearings and assignments of regional campaign responsibilities. The notes Haldeman took during this meeting show that no other matters were discussed. (Haldeman, 7 SSC 2881).

If there remains any doubt that the President had no advance knowledge of the Watergate burglary, his records and unrehearsed statements which recount his shock upon first learning of the break-in are conclusive. On Feb. 28, 1973, at a meeting with Dean the President stated:

"Of course I am not dumb and I will never forget when I heard about this — forced entry and bugging. I thought 'What is this? What is the matter with these people are they crazy?' I thought they were nuts."

Again on March 13, 1973, in referring to the break-in, the President stated: "That was such a stupid thing." (Transcript, March 28, 1973, P. 149).

The foregoing analysis utilizing all of the evidence available to the committee makes it clear that the President did not have prior knowledge of the plan to break into the D.N.C. and that no subpoena for the April 4, 1972, conversation is warranted. Furthermore, this analysis supports the contention of the President that he has indeed submitted to the committee all of the evidence that is relevant to his activities in the Watergate matter.

Finally, if the committee has some remaining questions concerning this event the President, as he has previously offered, stands ready to respond under oath to written and oral questions.

Walters at the C.I.A. to determine the C.I.A.'s involvement and interest in the Watergate break-in and to request Mr. Walters to meet with acting F.B.I. director Mr. Gray to insure that the F.B.I.'s investigation of the Watergate participants not be expanded into unrelated matters which could lead to disclosure of non-Watergate related covert C.I.A. operations or other nonrelated national security activities that had been undertaken previously by some of the Watergate participants. (Haldeman, 7SSC 2881-85.)

The President has stated that he instructed Mr. Haldeman and Mr. Ehrlichman to insure that the F.B.I. investigation of the Watergate break-in did not expose either unrelated covert operations of the C.I.A. or the activities of the White House special investigations unit. (President's statement, May 22, 1973, Pres. Doc. 696). Mr. Haldeman and Mr. Ehrlichman did meet with Mr. Helms and General Walters of the C.I.A. on June 23, 1972, at 1:35 P.M. The three meetings specified above between the President and Mr. Haldeman preceded and followed the meeting among Mr. Haldeman, Mr. Ehrlichman and the representatives of the C.I.A. (Ehrlichman, 7 SSC 2712; Walters' memorandum, SSC Exhibit 101, 7 SSC 2948; Haldeman, 8 SSC 3041).

At 2:35 P.M., General Walters met with Mr. Gray of the F.B.I. and stated that the