

IMPEACHMENT

FRIDAY,

Selected Judiciary

Statement of Information Submitted on Behalf of President Nixon—Events Following the Watergate Break-in, June 19, 1972 to March 1, 1974

1. On Monday, June 19, 1972, two days after the break-in of the Democratic National Committee headquarters, Dean contacted Liddy and Liddy told Dean the men caught in the Democratic National Committee headquarters were Liddy's men and that Magruder had pushed him to do it. Dean asked Liddy if anyone from the White House was involved and Liddy told Dean no.

2. John Dean testified that on June 18, 1972, one day after the break-in of the Democratic National Committee headquarters, "the cover-up was already in effect, in being." Dean testified he was in on the cover-up from the very beginning. Dean concurred with Senator Gurney that the cover-up "grew like Topsy, and Dean was a part of it." When questioned if he advised the President of what was going on, Dean responded that the first time he ever talked to the President was Sept. 15, 1972, some three months later.

3. Dean did not meet with the President until approximately three months after the Democratic National Committee headquarters break-in. The allegation that Dean informed the President of an illegal cover-up on Sept. 15, 1972, is based exclusively on the testimony of Dean. In testimony before the Senate Select committee, Dean stated he was "certain after the September fifteenth meeting that the President was fully aware of the cover-up." However, in answering questions of Senator Baker, he modified this by agreeing that it was an "inference" of his. Later Dean admitted he had no personal knowledge that the President knew on Sept. 15 about a cover-up of Watergate.

4. On May 22, 1973, the President stated that the bugging and burglary of the Democratic National Committee was a complete surprise and that he had no prior knowledge that persons associated with his campaign had planned such activities. On March 21, 1973, John Dean told the President that no one at the White House knew of the plans to break in the Democratic National Committee.

5. H. R. Haldeman and John Ehrlichman testified before the Senate select committee that they did not believe the President had prior knowledge of the break-in plans. On March 21, 1973, John Ehrlichman told the President that, on the basis of information he had, no one in the White House had been involved, had notice, had knowledge, participated nor aided or abetted in any way in the Democratic National Committee burglary.

6. John Mitchell testified before the Senate select committee that the President did not know of either the burglary plans or the cover-up. Richard Moore testified before the Senate select committee that, as a result of his meetings with the President and Dean on March 20, 1973, he concluded that the President had no knowledge that anyone in the White House was involved in the Watergate affair and John Dean told him as they departed that he had never told the President.

7. After the second meeting in Mitchell's office on Feb. 4, 1972, the modified Liddy plan was turned down and Dean concluded the plan was at end. Dean later met with Haldeman and advised Haldeman that the White House should have nothing to do with any such activity. Haldeman agreed.

8. Magruder reported to Strachan that a "sophisticated political intelligence-gathering system" had been approved. Strachan included this item in a memo containing approximately 30 other items directed to Haldeman. Attached at tab "H" of this report were examples of the type information being developed and identified by the code name "Sedan Chair." Magruder and Reisner testified "Sedan Chair" involved a disgruntled campaign worker from the Humphrey Pennsylvania organization who passed information to Committee to Re-Elect the President. Porter deemed this activity surreptitious but not illegal.

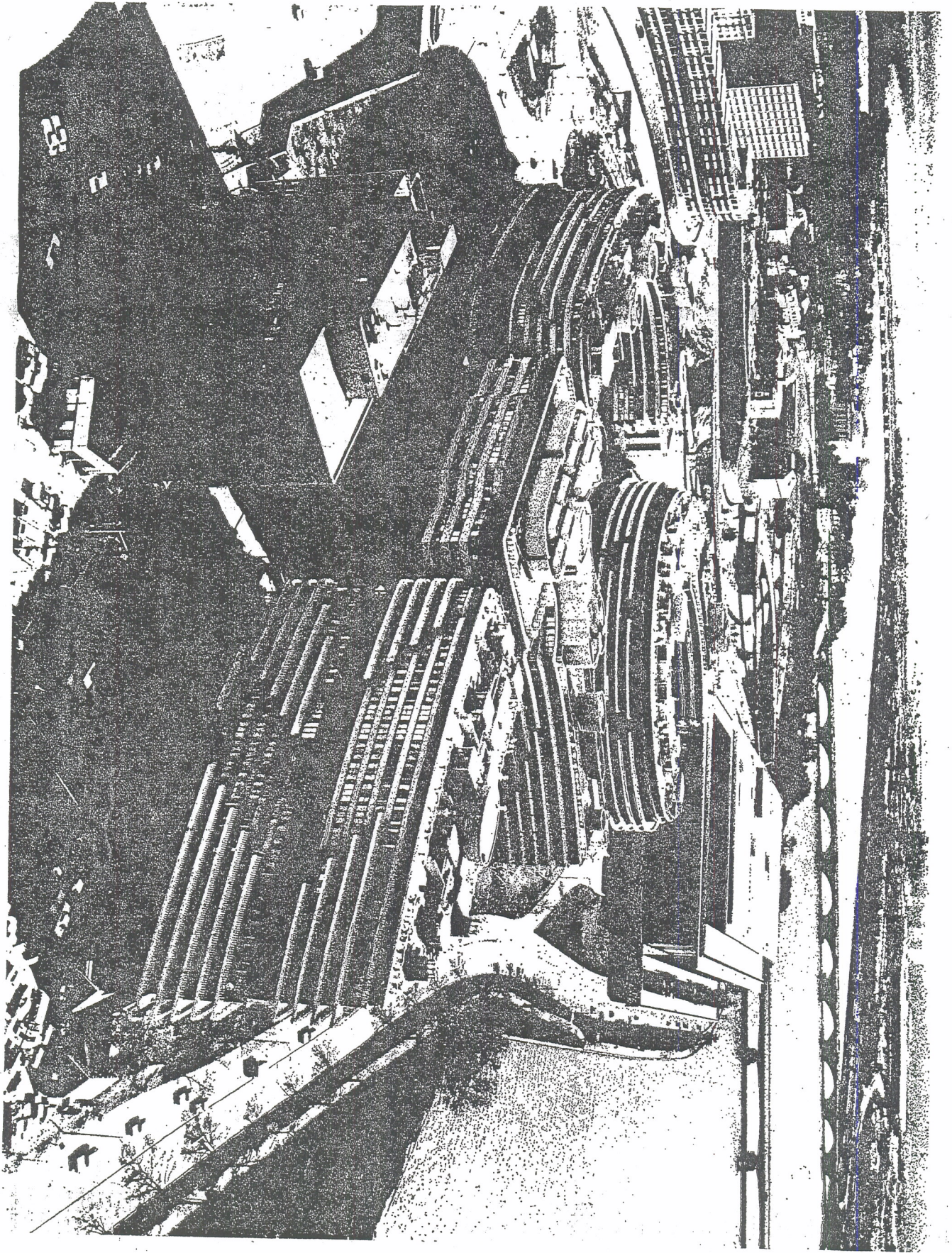
9. Dean told the President on March 21, 1973, that Haldeman was assuming that the Committee to Re-Elect the President had an intelligence-gathering operation conducted by Liddy that was proper. Dean told the President there was nothing illegal about "Sedan Chair".

10. Political Matters Memo No. 18 was prepared by Strachan and submitted to Haldeman on March 31, 1972. On April 4, 1972, Strachan prepared a talking paper including the mention of the "sophisticated intelligence-gathering operation" for use by Haldeman in a meeting he was having with Mitchell on that day. The paper was returned to Strachan and filed with Memo No. 18 after Haldeman met with Mitchell. Strachan testified the subject of intelligence gathering was never raised again by Haldeman. Strachan is certain none of the Political Matters Memo had the "P" with a check mark through the "P" which was the procedure used for memos discussed in that form with the President.

Committee Evidence

JULY 12, 1974

SENATE INQUIRY - I



By Harry Naltonaugh—The Washington Post

11. Haldeman has testified that he and Mitchell did not discuss intelligence-gathering activities with the President on April 4, 1972, and that he and Mitchell only reviewed with the President matters relating to the ITT-Kleindienst hearings and arguments of regional campaign responsibilities. Haldeman's notes of the meeting show no political intelligence-gathering operations were discussed. The transcript of April 4, 1972, meeting be-

tween the President, Haldeman and John Mitchell confirms that there was no discussion of campaign intelligence-gathering activities.

12. The President had no knowledge of an attempt by the White House to cover up involvement on the Watergate affair. Dean told the President that there were things Dean knew the President had no knowledge of.

13. The testimony of Gray before the Senate select committee establishes that the origin of the theory of Central Intelligence Agency involvement in the break-in of the DNC was in the FBI and that Gray communicated the theory to Dean on June 22, 1972. Dean confirmed that Gray informed him on June 22, 1972, that one of the FBI theories of the case was that it was a CIA operation and Dean testified that he reported this to Haldeman and Ehrlichman on June 23.

14. Haldeman's testimony before the Senate select committee confirms that Dean reported to him the FBI's concern about CIA involvement, and that Haldeman in turn reported this to the President, who ordered Haldeman and Ehrlichman to meet with the CIA officials to insure that the FBI investigation not expose any unrelated covert operation of the CIA. The uncertainty regarding the possibility of uncovering CIA activities was recognized in a memo dated June 28, 1972, from Helms to Walters.

15. The President stated on May 22, 1973, that it did seem possible to him that because of the involvement of former CIA personnel, the investigation could lead to the uncovering of covert CIA operations totally unrelated to the Watergate break-in. The President stated he was also concerned that the Watergate investigation might lead to an inquiry into the activities of the Special Investigations Unit. Gray testified that on July 6, 1972, the President told him to continue to conduct his aggressive and thorough investigation of the Watergate affair.

16. The President indicated that he was unaware that Gray had destroyed documents found in Hunt's safe when told by Henry Peterson on April 17, 1973.

17. Dean did not disclose until November 2, 1973, while being questioned by attorneys of the special prosecutor's office, that he had personally destroyed documents from Hunt's safe.

18. The President was unaware prior to March 21, 1973, that Magruder and Porter perjured themselves to a grand jury. On April 17, 1973, the President advised Ehrlichman and Haldeman against perjury.

19. John Dean advised the President on March 21, 1973, of Hunt's demand for approximately \$120,000 for legal fees and family support. The President explored the option of meeting Hunt's demands so as to secure the time needed to consider alternative courses. The President was not concerned with the possible Watergate-related disclosures, but rather which disclosure of the National Security matters Hunt had been involved in as a member of the Plumbers.

The President advised Dean that the would look like a cover-up. At another point in the conversations the President requested advice as to whether or not the money should be paid. Later the President concludes that Hunt will

blow the whistle no matter what is done for him.

20. At the March 21, 1973, meeting the President, after considering several options, seized on the possibility of calling a new grand jury, thereby delaying Hunt's sentencing and making the immediate payment unnecessary as a means of buying time. Not once after this option was explored was there any suggestion that Hunt's demand be met.

The concluding page of the transcript of the March 21, 1973, morning meeting clearly demonstrates that the President recognizes that any blackmail and cover-up activities then in progress could not continue.

21. Neither of the participants of the March 21, 1973, morning meeting came away with any opinion that the President authorized payments to Hunt. Haldeman concluded that the President rejected payments to Hunt. Dean testified: "The money matter was left very much hanging at the meeting. Nothing was resolved."

22. At the March 21, 1973, morning meeting, while discussing the practicality of getting another grand jury, the President told Dean and Haldeman to get Mitchell to come to Washington, so that Mitchell could meet with Haldeman, Ehrlichman and Dean.

23. Haldeman and Dean left the meeting with the President at approximately 11:55 a.m. on March 21, 1973. Pursuant to the President's request Haldeman called Mitchell at approximately 12:30 p.m. and requested Mitchell come to Washington. Dean's testimony confirms this.

24. On March 21, 1973, Dean had a telephone conversation with LaRue concerning Hunt's request for money, and Dean suggested LaRue call Mitchell. LaRue called Mitchell in the early afternoon of March 21, 1973, and advised Mitchell that he had a request for \$75,000 for Hunt's legal fees. Mitchell acknowledges that he advised LaRue to pay the money for attorney fees. During the March 21, 1973, late afternoon meeting with the President, Dean denied that he had spoken to either LaRue or Mitchell, when in fact he had spoken to both.

25. Having received information on March 21, 1973, of possible obstruction of justice having taken place following the break-in of the DNC, the President promptly undertook an investigation

into the facts. The record discloses that the President started his investigation the night of his meeting with Dean on March 21, as confirmed by Dean in his conversation with the President on April 16, 1973. At the meeting with Mitchell and the others on the afternoon of March 22, the President instructed Dean to prepare a written report of his earlier oral disclosures.

26. Although Dean was instructed to go to Camp David and write a report on March 22, 1973, by the President, Dean denied this and later testified before the Senate Select Committee that he was never requested to write a report until Haldeman called him after he arrived at Camp David.

27. Just six days after Dean's disclosures, on March 27, 1973, the President met with Ehrlichman and Haldeman to discuss the evidence thus far developed and how best to proceed. Again the President stated his resolve that White House officials should appear before the grand jury. They confirmed to the President, as Dean had, that no one at the White House had prior knowledge of the Watergate break-in. Ehrlichman told the President that there wasn't "a scintilla of a hint that Dean knew about this." The President asked about the possibility of Colson having prior knowledge and Ehrlichman stated that Colson's response was "of total surprise. . . He was totally non-plussed, as the rest of us."

28. On April 8, 1973, the President met with Ehrlichman and Haldeman on board Air Force One and directed them to meet with Dean and urge him to go to the grand jury. Haldeman and Ehrlichman met with Dean that afternoon, and at 7:33 p.m. Ehrlichman reported to the President that Dean indicated he would agree to go before the grand jury.

29. Dean did in fact communicate his intention to testify before the grand jury to Mitchell and Magruder and told them he would not agree to support Magruder's previous testimony to the grand jury. Thereafter on April 14, 1973, Magruder appeared before the U.S. attorneys and cooperated with them fully.

30. On April 14, 1973, the President again met with Ehrlichman and Haldeman to review the results of three weeks' investigation and to determine the future course of action. Based on Ehrlichman's report, the President concluded Mitchell should go before a grand jury. The President instructed Ehrlichman to see Magruder and tell him that he did not serve the President by remaining silent. The President told Ehrlichman that when he met with Mitchell to advise him that "the President has said let the chips fall where they may. He will not furnish cover for anybody." The President told Ehrlichman to tell Magruder to purge himself and tell this whole story.

31. On April 15, 1973, the President met with Attorney General Kleindienst. They considered who should be in charge of the continuing investigation. The President met with Assistant Attorney General Petersen on the afternoon of April 15, 1973, in his EOB office. At this meeting Petersen indicated there was no criminal case on Haldeman and Ehrlichman at this

time. Having been told Liddy would not talk unless authorized by "higher authority" the President instructed Petersen to tell Liddy's counsel the President would confirm his urging of Liddy to cooperate.

32. The President met with Dean on the morning of April 16, 1973, discussed with Dean his resignation, and advised him to be totally truthful in his explanations. The President asked Dean not to lie about the President either.

At this same meeting Dean explained to the President that O'Brien had been the one who relayed Hunt's demand, that Dean had informed Ehrlichman and Ehrlichman advised Dean to inform Mitchell which Dean did. Dean told the President that all along he had tried to make sure that anything he passed to the President didn't cause the President any personal problems.

33. On April 27, Petersen reported to the President that Dean's lawyer was threatening that unless Dean got immunity, they would bring "the President in — not this case but in other things." The President told Petersen to use immunity if he needed to get the facts, but there would be no blackmail. It was not until June 25, 1973, while testifying before the Senate Select Committee, that Dean stated the President had prior knowledge of the cover-up.

34. On March 1, 1974, a federal grand jury returned an indictment against seven individuals charging all defendants with one count of conspiracy in violation of Title 18 U.S.C. Sec. 371 and charging some of the defendants with additional charges of perjury, making false declarations to a grand jury or court, making false statements to agents of the FBI and obstruction of justice.

These are the narratives of evidence from the House Judiciary Committee in its impeachment inquiry on President Nixon, and selected portions of the committee's supporting evidence. The narratives begin with a submission on behalf of President Nixon regarding post-Watergate break-in events. The committee's evidence is in four sections: Book I—Events

Prior to the Watergate Break-in, Dec. 2, 1971, to June 17, 1972; Book II—Events Following the Watergate Break-in, June 17, 1972, to Feb. 9, 1973; Book III—Events Following the Watergate Break-in, June 20, 1972, to March 22, 1973, and Book IV—Events Following the Watergate Break-in, March 22, 1973, to April 30, 1973.

White House Transcript of April 4, 1972, 4:13 to 4:50 p.m.—Oval Office, President Nixon, Attorney General John Mitchell and H. R. Haldeman.

P Well John, I hope you had some time off—that they didn't bother you to death with ITT and all that

M No. It was simply wonderful.

P Good (unintelligible).

M We always enjoy it, Mr. President. Oh, Bebe turned that thing up according to your formula and

H (Laughter).

M I tell you, it was just great.

P I told these people around here, I said (unintelligible) call Mitchell, I said don't you Bob, and. Of course, I suppose they had to (unintelligible) one or two.

M Well some of them did.

H We didn't bother you too much?

M No, not you fellows.

P I said in the campaign—I said to hell with the damn campaign. Did you do any golfing? No?

M Hell, I didn't even care to.

P Did you fish?

M We fished, and we went out in the boat with Bebe a couple of times and had dinner with him two or three times.

P I'd like a little consommé. Want some consommé?

M I'd love some. So it was just absolutely great. We had some of the people down from the Committee where

we could spend a couple of days, you know, with quiet and so

P Yeah (unintelligible) sort of busy these days. Try and get the weather, damn it, if any of you know any prayers, say them (unintelligible) weather. Let's get that weather cleared up. The bastards have never been bombed like they're going to be bombed this time, but you've got to have weather.

M Is the weather still bad?

P Huh! It isn't bad. The Air Force isn't worth a I mean, they won't fly. Oh, they fly, but they won't—you see our Air Force is not . . .

H It's the strangest thing—in World War II they flew those bombing runs all the time and they couldn't see a thing.

P I know.

M But they were doing a different type of bombing then.

P Strategic bombing and all that—nevertheless it's a miserable business.

M Are the Navy pilots as bad?

P Oh they're better, but they're all under this one command. It's all screwed up. We just aren't going to talk about it. The weather will clear up. It's bound to. When they do, they'll hit something—and, they're a lot of brave guys—you've got to say. After all that POW (unintelligible) that poor who got shot down. They're over there starving on that damned rice. It's all right, we'll give 'em hell. Well the ah, what are your reflections on the present thing. Why don't we start with what I told the staff to get the hell off of the ITT and then get on to politics which is more interesting, not that that isn't—

M But that's politics—pure and simple politics, but hopefully we'll get this thing.

P Well, I don't know if we'll ever get out of it—I mean—I think what we have to face is that it will be investigated by (unintelligible) election as

you get closer to the election of course it's extremely, I think that—I think you might adopt the practice—I think you might consider adopting the practice that after the Democratic Convention the Republicans will boycott all investigating committees on the grounds that they are politically motivated. How would that be?

M I would think I would go beyond investigative committees. I'd go to some of the others where you have a facade

P Harassing.

M Of substance, but

H (Unintelligible). It's a good idea.

P Yeah—we're going to boycott anything that we think is politically motivated.

H These people are disgracing (unintelligible).

P And ah, Republicans just walk off and say it's just politically motivated. Well, at least ITT got 'em confused.

M I would say it's quite confusing. Some of the more enlightened newspaper people are beginning to write to the effect that the Democrats got to come up with something more than they've come up with or the monkey's going to be on their back.

H Manolo, who do you think (unintelligible).

MS I don't think so, sir.

M Not much Manolo.

MS What they do is (unintelligible).

M You happen to be right, Manolo. I was just telling—

(Material unrelated to Presidential actions deleted)

M You know this little girl—the Lichtman—the secretary? You know where she had her press conference don't you—did you notice that? Down in the law office of the Democrat Chairman for the District—

P She's a Democrat?

M Yeah, but the press conference

was held in the law office of this (unintelligible) District, Democrat Chairman, and yet there wasn't anything in the newspapers about it or why it just so happened.

HorP (Unintelligible).

M Most of the "shakers" are, that's for sure.

P What is your view about the convention—about all the scares and cries I hear about the 250,000 naked kids that are going to be coming?

M Well, Bob and I have just gone over this and I've had a meeting this morning with

P Kleindienst told us about it.

M And so forth, ah, it seems to me there are three factors—number one was screaming kids—if you call them kids; number two—the ITT Sheraton business with the television on the hotel all through the Convention; and thirdly, and equally, if not more important, is the fact that the site selection committee and the people that went out there to look at that thing did a God damned poor job. It's come to the point where it's going to cost between 2.4 and 2.5 million to put that thing together. In addition to that, there's

H That's if we just get the convention hall apparently?

M No, no, this is the whole thing, this is the whole thing.

H I see, all the hotels and stuff involved.

M Yeah everything; in addition to that there has to be nine hundred odd thousand dollars of insulation in that arena out there, and in addition to that there's a

P Who (unintelligible) this, Wilson (unintelligible).

M No, I think a lot of our people closer to us than that were at fault in not recognizing the limitations of these facilities.

P All right.

M In addition to that you have your building trades labor contract coming up on June 1, out there for negotiations, and they can put the pressure on your pay board or the rest of it. So, in view of that we have thought of the potential of changing site. We can get out of there—

P What ground would you use for changing it?

M The cost and the uncertainty of the availability of the facilities.

H There's a real question as to whether they can do the construction on—

M That's correct, and the arena out there is owned by two Canadians, and they're just acting tougher than hell.

P All Canadians are tough.

M And, there's no contract with them that covers some of these things;—ah, so that you're not walking away from the City of San Diego, you're walking away

H You can make a very good case.

P How about San Diegians—how do they feel?

M I don't know, frankly, I believe it would be mixed emotions.

H It's mixed, but with all the talk of the demonstrators.

P Lot of people don't want them there

H I think a lot of San Diegians would be very happy to have them go away.

M I would think that that would be the case. (Overlapping conversation)

H Hotels anyway—

P (Unintelligible) you build the fact that the arena is in trouble, in other words, you've got to find the cause. This subject came up before, you know, you raised it, Bob, and said, well, our people are so stupid on public relations that I'm sure the way it would come out is we went because we didn't

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want to stay at the Sheraton where somebody I understand agreed I was to stay.

H No.

P I'm not even going to stay any place in San Diego—I'm staying in San Clemente, but be that as it may that was apparently some story that they had. Well anyway, whatever it was, the question is whether or not at this point we could start the talk. It's awful hot incidentally, terribly hot.

H I can see that

M Well, we've started this

P Put it on the basis that the arena can't be finished. Can we do that?

M Yes, as a matter of fact, I was going to say we're starting this, programming this, by sending people out to continue, and I say continue the negotiations with these Canadians because they don't want to give us a place for lead time in order to get in there to do the improvements, etc., etc.

H Then we could start the cost thing and then (Overlapping conversation).

P I'd just say that the arena would not be finished.

M Well, the cost factor goes in with the negotiations because if you don't get into the arena to do the reconstruction by a certain date your cost factors multiply and multiply and multiply—so you just (unintelligible) the same factor. In the meantime, I talked to

Bebe this morning and a Miami Beach of course is the logical place.

P Sure.

H (Unintelligible.)

P We, if it's all set up—safe—television—that's the major consideration. At least it's all there. Go to the stupid damned place again, and I got a place to stay this time I wouldn't have to stay in a hotel.

M So, Bebe has got this fellow Myers.

P Hank Myers.

M Hank Myers, who has the contacts and so forth, quietly canvassing to see if the arena and the hotel rooms will be available.

H This time of year?

M Oh hell, they run a lot of conventions.

P They run a lot of conventions but they'll clear them out by that time. It isn't really, I've been there in June and August—we all have—and they do run conventions, but generally speaking, it's still more open in the summer and the rates are lower.

M Of course.

H It's still ridiculous though.

M So, if the only negative factors that I see in the change.

P Is the admission of guilt in ITT, right?

M Well, I think that that will go by the boards.

P Maybe that's better than just having the damned story rehashed again.

M I would rather have the—if they can sell it as an admission of guilt now than I would have the television cameras on the Sheraton Hotel all through the convention.

P That's right. That's right.

M I don't know.

P My theory is—It's the old story you know that a good poker player—cut your losses—get out of the bad box and get out of it fast.

M I don't know how our friend the Governor would take this. He might be damned glad to get the problems out of the way. I don't know, but we would do—

P Can't we—could we have a situation where we have a break with the Canadians. You see what I mean? Create a conflict with them.

M That what we're . . .

P And then go out and announce it, but it's got—if for once we could do the PR right—if for once—just one single solitary time—and keep it out of Bob Wilson's hands—and do it right—but the problem is that the convention (unintelligible) that is the arena won't be ready, the cost is too great, or . . .

M That's the way we would program it.

P Think it would work?

H Sure. I think it would. You're bound to get some bumps on the other side? So what? You got a base, a story—just stick with it—couldn't get the arena done—made a mistake in surveying it. It's all fallen apart.

P You've got to establish that immediately though. This is April, and the convention is only five months away, and so everybody is going, as you know, now that's going to be ready—

M You see these negotiations are going on and what we were proposing to do is to send a big architect and a builder or somebody else up to have a confrontation with the Canadians in Vancouver.

P Well let's do it.

M Well, we want to make sure we can go to Florida before we break this pick.

H I'd just soon not have a convention, but we can't get away with it.

M Have an absentee ballot—that's what I'd prefer.

H The Ripon Society is suing us for improper selection of delegates or something.

P (Unintelligible.)

H We have something where you state that (unintelligible) to the President gets eight additional delegates or something and the Ripon people have gone to court and some judge has upheld them on the first round.

P Is that right? Well that's been done—been done from the beginning—I don't know whether it means anything.

H I don't think it does. They don't seem to worry about that anymore.

M The fact of the matter is that there are a few rules that a political party has control of its convention and in the past they have ignored even the state laws that require people to be pledged for so many ballots and so forth. They've just ignored them.

P Let me ask you this. Do you think the possibilities of major demonstrations are less in Florida? It doesn't make a hell of a lot of difference anyway. I'd rather have a demonstration in Florida than I would in California anyway. California is a state we have to go for for other reasons.

H Well, I think they are infinitely less.

M Infinitely less.

H You've got much better physical (unintelligible).

M And in addition to that you have all the Democrats in control in Florida from the Governor on down—where in California you have all the Republicans in control.

H (Unintelligible) have demonstrations (unintelligible).

P One story John, whenever you're asked about a (unintelligible). You

know, I'm the only one in the whole outfit that didn't want to go to California. I was against it all the time.

M You wanted to go to Chicago. I didn't want you to.

P I did. That's right, but I (unintelligible).

M No question about it.

P How about Chicago now?

M Daley wouldn't let you in there, I bet.

P Oh

H Can't start from scratch from anyway now, I don't think. You've got

M Be very very difficult.

H It would.

M And we have a month between the Conventions—more than a month in which

H Clean things up

M To change things enough to make it look like—assuming that (unintelligible)

P (Unintelligible) platform in.

M The facilities for crowd control are so much better in Miami Beach there.

H And of course the cost is

M And we save LEAA money, we don't have to

H Save police money.

P The other point is the Democrats really fouled up, and the police and the rest will feel that they have a responsibility to be a little bit more restrained when we're there. Well, I hope you can do it. My idea is—I'd wait. Obviously we have to get ready—when it's ready—I'd say in about 30 days from now.

M I think we could move in on it before then

H Faster

M Because we're at the point where

P (Unintelligible) no way you could do it though without being charged because of ITT

M Well Herman came out with a statement today which shows that ITT's contribution is down to \$25,000. I just think that the cost of it, the labor problem, the possibility that you'll never get that place in shape

P Yeah

M Ah, added on top—

P Also, we don't—there's very little that we could do to screw up Florida as a state that we might win. California is a toss up anyway you figure it. It's a to carry and there's a nasty incident that could hurt us.

M Yep.

P That's the point. On the other hand, I don't think Reagan's attitude is supportive. He wants to carry the state. On the other hand, you got to figure whether or not—these clowns that want to go there say—oh it would help so much—and all that business.

H (Unintelligible).

M Well—you've a double edged sword there—if everything went off nice and peaceful and you had all those 10,000 college kids we were going to have out there marching with their banners and everything was beautiful—that'd be great.

P Yeah.

M But if you have one of these confrontations with a Republican Governor and a Republican Mayor and Pete Pitchess is sending in his storm troopers—why

P Yep.

M Well that's where the police are going to come from, you know they don't have enough in San Diego to handle it.

P (Unintelligible) send Pete Pitchess down—Sheriff's posse. Those old farts riding their horses. Well, I like it, but I would say that if you just start getting the word out awful fast about the (unintelligible) problem you are having with the Canadians. Is that being done, I haven't seen anything?

M Well, it's all local out there. It's known locally.

P The main point is to get it out nationally. Well.

H Local too.

P Who would say that?—the Mayor would say it or the Convention Committee—that we regret that we cannot handle it—that we cannot have the hall ready.

M Well this is the Republican Convention and they wouldn't be saying it because they would, of course, have to bring that site selection committee back and they'd have to put out another call and things like that; so it would be the Republican National Committee that's the party of interest.

P OK.—Well leaving that subject—what else is—I guess today is Wisconsin isn't it?

M It certainly is—ought to be an interesting go—ah—I told those fellows over there tonight with Dale and Dole and so forth—to get out two thoughts in connection with this primary in Wisconsin. Number one, that there was a clear indication because of the proliferation that the Democrats did not have a viable national candidate when you look at who won in New Hampshire and who won in Florida and who won here and the next place and secondly, if there was any winner at all it was Teddy Kennedy. Now Teddy's been getting a free ride, but not being drawn into this, and if you have Dole, Dale and whoever else bring this up that—

P Why wouldn't you say that Teddy is going to be the nominee.

M Yeah, Teddy's getting

P Rather than he's a winner—I'd simply say that McGovern's a stumping horse for Kennedy and Lucey is the Kennedy man and it looks like Kennedy is going to be the winner of the nomination. Looks like Kennedy. None of the others have got the horses to win it. Smoke him out a little.

M That's right and then, what I would hope would come out of it—is what the Republican National Chairman and so forth are saying is that the reporters will be going to these other candidates and say "what do you think about what they are saying about Kennedy" and let's get them posturing themselves against Kennedy so that he

doesn't get this free ride.

P It's clear, it's clear that this is a —Mel Laird is saying that the reason Muskie has been really poleaxed there among other is that Lucey and the Kennedy Democrats have ganged up on him. They got behind McGovern, not for the purposes of supporting McGovern, but to kick the hell out of M Muskie

P Muskie, and also, he said they did it for another reason: they didn't figure Hubert had a chance before Florida and didn't have time to change their course until then or they'd all been for Hubert, but then anybody but Kennedy. Their purpose was to stop Muskie. But they've done that—now Hubert, of course, has come in.

H They can't stop Hubert!
(Laughter)

P They can't stop him if he wins this time.

P I think he will. I think he'd be first—McGovern second—and if Wallace is third, I think Muskie then would be fourth, but that's just a guess.

M I don't know how the

P Maybe Muskie will be—Muskie will be second.

M Well, I doubt that very much.

P He's up there though. He had a big telethon push which I (unintelligible).

M I don't think Muskie is going to have that drawing power up there.

P You know the thing that occurred to me is that—it seems to me that as you look around the states—the big states—New York is one that I don't think you could (unintelligible)—you really have to be personally in charge out there, and anybody else I let in there, you know what I mean, because you've to play the game and Rockefeller's got to carry it for us hasn't he? Have to get off his ass, but you've got to play the game with those conservatives, right? And so there the problem

H Incidentally, did you see Bill Buckley's—you see that letter he sent out?

P No. What's he done now?

H He sent out a letter to the—I don't know whether it's a circulation building letter or something to the publication people or whatever it is—but anyway, the whole pitch is—"I've been asked about this coming election or something, and I will say proudly I will vote for Richard Nixon for President. I Consider any one of the Democratic possibilities would be a disaster for this country." He said that "Nixon will be a problem too

M or P (Unintelligible)

H but that he has the job"—no, he insists that "he has the job now of doing just what the conservatives want of pulling together a sufficiently broad coalition in order to be elected to govern." He said "I would not vote for Nixon as editor of a conservative journal."

P That's very good.

H And he said "I don't feel that we should abandon our principles but when we get to the election we must vote (unintelligible).

P Then he sort of sticks it to Ashbrook?

M Well, Bill's written

H He said he was going to do that

M A couple of columns you know that go in this

P How does he, well how does he deal with Ashbrook. I mean does he want him to get a good vote anyway?

H Yeah, because that's forcing you

M That's the signal

H To take a conservative position.

P I mean I watched Ashbrook closely

H You watch Ashbrook closely and get your guidance from (unintelligible)

P What I was going to say is—in Pennsylvania, who do we have there

that you would say—you also will handle New Jersey won't you? I don't think (unintelligible) or were you using Sears or others.

M Yeah, Sears.

P What about the list of the big states? We got New York and New Jersey. What would you say about Pennsylvania? (Unintelligible). Or do you just divide the state up?

M Oh, do you mean who do we have in Pennsylvania?

P The boss, I mean it's a (unintelligible). Who would you consider to be the top man?

M That's really divided into regions but Arlen Specter is—well

P Specter is our general

M Well he's our campaign director. Scott and Schweiker are the co-chairmen, and Arlen—

P Specter is the statewide chairman?

M Yes.

M Good.

M Well he's really going to work.

P Well he's good.

M And a

P And he wants to be governor doesn't he?

M That's correct.

P Whether he wants to be (unintelligible), he's good don't you think with the Jews and with the Blacks and (unintelligible)? Also he's with us.

M Yes, and also he's—we're deciding whether Rizzo's campaign manager should go to work for Arlen Specter now or wait and a

P How's his relationship with the Pittsburgh crowd, all right?

M They're good, because we've got other lines

P But Specter—that's the guy—in other words you wouldn't be in direct—you wouldn't need anybody here to watch (unintelligible)?

M We're going to have to have people to do that, but what I've done

P (Unintelligible) you ought to handle that

M Well let me.

P On a real tough job, I would not let them out of your hands. I don't know whether you can do them all but

M No, I've already decided that in California, Illinois, Ohio, Pennsylvania, New York and New Jersey, that I am going to have a direct line through to the people. The other states we will have these surrogates

P Surrogates.

M Regional people. Now, what I want is what we've talked about before, it's—well, use the example of California: If we can get Cap Weinberger, if he's not so far "Hatched" that he can't do it, Cap could be a state desk man or auditor, or whatever you want to call it, somebody with the expertise of politics in California—can go in and see what's going on up in the Valley under Monagan or what Packard is doing and his people and San Francisco, or what they're doing here there and the next place. I expect to have somebody like that for each of these big states. But I think

P I'm afraid he is "Hatched," but a

M Is he?

P (Unintelligible)

M Cap is pretty bright able guy and he's been immersed in politics out there as state chairman

P Wonder if we should pull him out of the Budget?

M He gets along with everybody.

H Well, he doesn't want to stay in the Budget.

P I know he doesn't want to stay there. Can we pull him out and put him in an agency. He might be just as good a man as you could find around California.

M Can he take a leave?

H Just resign.

P Let Carlucci or somebody else be Budget Director if he resigns, and

H After you get a Budget Director.

P I'd have him as full time. George could find somebody

H You've George on top of it.

P George Shultz can run the Budget, (unintelligible). I really think the thing for Cap—so important that you want him (unintelligible). Illinois?

M Well, we've got, of course. Tom Houser is a good operator and I haven't got anybody yet.

P Pretty good, yeah

M Tom Houser.

P He's Percy's man, you know.

M No.

P No, I meant he was.

M He was.

P I mean his

M He broke with Percy you know when Percy went back on his commitment to vote for you—or to me to vote for you at the Convention.

P Well he helps us in the area we needed him (unintelligible) and so forth, and Texas?

M And we have

P How does Texas stand?

M We have Al — we have John Connally.

P (Unintelligible).

M We have Al Topper (phonetically) downstate.

P Oh, good.

M Who is, you know

P (Unintelligible).

M And so—plus a lot of good regional people—even a top flight guy in the city of Chicago which is a real good politician. In Texas, I've been talking to John Connally about it.

P Have you? Good.

M John's feeling is that by the time they get to the Democratic Convention he is not even sure that Bentsen or the Lt. Governor

P Barnes

M Ben Barnes or these people should even go to that Convention. I guess it's his line. What he is angling for in effect, is keep your options open. Don't get tied in with an organization now, because you may want to bring

P Texans for Nixon, I know, I know (unintelligible).

M Well, on the other side of the coin, of course, our Republican friends are getting itchy and I keep telling them to go out and write you some more Republicans—but they say well, we're going to lose good people to the gubernatorial campaign, etc., etc.

P Let 'em go.

H So what?

P Let them go. They don't — that doesn't make any difference. Hold it firm. We need Texas Democrats. We don't win Texas—we haven't won it yet—but you don't win it with Republicans. We never have. And let's just face it, that's the way the score is. Tower has won it once or twice but—accidents, pure accidents. (Unintelligible) any Democrat, believe me, by any Democrat (unintelligible) committee of that sort is better. Rather than that fellow who is finance chairman down there. What's his name?

H Al Fay

P Al Fay

M You mean Peter O'Donnell? Peter's left.

H He's left?

M Peter quit. He's (unintelligible) national committee (unintelligible).

H I'll be darned.

M Agnitch is the new national committeeman.

P Yeah.

H O'Donnell was such a horrible whiner.

P Ohio!

M Ohio we still have the Bliss.

P Bliss is still.

M Situation.

P I think going for the old timer there is a bad idea. What do you think

Bob?

H I think it is a good idea.

M Well, we have to, Mr. President—almost have to—to keep the Taft forces and the Rhodes forces and the rest of them.

P Well, we've got to go for the young too and the rest, but I guess Bliss is

M Well, Bliss is going to come back to work for me, you see, he wants the recognition.

P Great.

M He's not going to be the guy to come and do the nuts and bolts, but he wants the identification with you and back here to re-establish his

P Let me ask you this. We have these curious reports, which, you've seen these of course, (unintelligible) out of Michigan showing we have a chance in Michigan. Do you think we ought to take a whirl at it or not?

M We're going to take a whirl at it. We're going to take a whirl at all of them.

P Well (unintelligible) even Minnesota?

M Well, I mean a whirl at them to the point where we're going to organize to the teeth and then when it comes to where you're going to spend the money on your media, your mail, your telephone, and things like that, we'll make the judgment a little further down the line.

P Michigan judgment could be very interesting because if it gets really heated up on busing, if it could, and we're on the one side and they're on the other side, you might win the state on that issue. You agree Bob?

H Sure.

M In addition to that, look what you've done for the automobile industry.

H That was a year ago.

P Well, still

M It still can be sold

P Sold lots of cars

M And, Milliken is all aboard and he's working hard, and we've got a good chairman out there.

P I'd even run—I'd even have some sort of a campaign on that. I'd even do something in Massachusetts. Do you know why? Solely because I think it isn't good to let any one area just go completely.

M No, you can't, because of its rub off on Vermont.

P (unintelligible)

M We've got an added starter there who wants to be the chairman to get out and work and that's the Governor.

P He does?

H Sargent?

M Why not? He gets

P Won't hurt us!

M He gets on the tube.

H (Unintelligible).

P Well, he's a good liberal fellow.

H He really wants to get in?

M Yep—and I think we can get it cleared with Brooke and Volpe and all the rest of them.

P I think there's a great deal to be said to go for every state. You know the line I took with those people—the governors which they all like to hear—but you take, I was telling Bob the other day that in terms of our own plan, of course, we've got to look at everything you can without killing ourselves or without being over exposed. But, I feel very strongly that Wallace in or out, we ought to hit of the southern states that I ought to get to Georgia, Alabama, Louisiana, and Mississippi, because I think if we can sweep that South and of course Texas is the big question mark (unintelligible).

M Did I tell you about Connally's poll that Barnes ran down there? Shows the President did very well—quite different from our polls.

P In Texas?

M Yep.

P Our poll shows five points behind.

M With Muskie, yeah.

P Of course that would be

H That was awhile back.

M Quite awhile back. Yeah. But John Connally's impression is that you're in good shape in Texas with or without Wallace.

P Well, that's hard to say (unintelligible).

M Well we don't have that liquor thing down there this year that we had in '68. That was what really did us in.

H (Unintelligible).

P You know (unintelligible) really kicked Muskie in (unintelligible) that

Harris Poll showed him slipping in the trial heats. Apparently (unintelligible) something similar (unintelligible).

M Well, this has a hell of an impact because the press picks it up and drums on it day in day out.

H Especially because he had been (unintelligible).

P (Unintelligible) Galup (Unintelligible) even, even in February and now (unintelligible).

M When is this coming out?

P I've got to see the Ambassador—he's leaving—he's leaving.

M Oh, is he?

H Going home.

P Yep. Well, anyway John (Voices fade).

H French Ambassador's name is Kosciuszko. Figure that one out.

P For your—I can't tell you too strongly now with regard to the San Diego thing—got something to do, do it! Cut our losses and get out. But I do think from a PR standpoint, Bob, at this time we really ought to.

H (Unintelligible) ahead of time.

P To build (unintelligible). Start a fight right now. Play hard (unintelligible) no question.

M As soon as we see any light through it all.

P I'd start right now.

M Give them the guidelines and put them right on it and let them stay right on it. (Unintelligible).

P John, I would start the fight right now. (voices fade away).

**Statement of Information—Events Prior to the Watergate
Break-in, Dec. 2, 1971 to June 17, 1972**

1. On Dec. 2, 1971, Gordon Strachan, reported in writing to H. R. Haldeman, assistant to President Nixon, on activities relating to the President's re-election campaign. In his Political Matters Memorandum of that date Strachan reported:

John Dean—The Attorney General discussed with John Dean the need to develop a political intelligence capability. Sandwedge has been scrapped. Instead, Gordon Liddy, who has been working with Bud Krogh, will become general counsel to the Committee for the Re-Election of the President, effective Dec. 6, 1971. He will handle political intelligence as well as legal matters. Liddy will also work with Dean on the "political enemies" project.

Jack Caulfield will go over to the Committee when the Attorney General moves. Caulfield will handle the same projects he currently does. In addition he will assume responsibility for the personal protection of the Attorney General.

2. In response to a Political Matters Memorandum from Strachan dated Dec. 6, 1971, Haldeman approved Gordon Liddy's transfer to the Committee for the Re-Election of the President (CRP) at an increase of \$4,000 per annum above his White House salary, as an exception to the rule that no White House employee would receive a salary at CRP higher than that which he was receiving at the White House.

3. On Jan 27, 1972, Attorney General John Mitchell, John Dean, Jeb Magruder, acting CRP campaign director, and G. Gordon Liddy, who had assumed his position as CRP counsel, met in Mitchell's office. At this meeting Liddy proposed a \$1 million political intelligence operation, which contemplated the use of electronic surveillance of political opponents, abduction of radical leaders, muggings, and the use of call girls. Mitchell rejected the proposal.

4. On Feb. 4, 1972 Attorney General Mitchell, John Dean, Jeb Magruder and Gordon Liddy met in Mitchell's office. Liddy presented a modified version of his proposal with a budget of \$500,000. The proposal included plans for electronic surveillance of political opponents. Magruder and Dean have testified that the targets included the office of Lawrence O'Brien, the Chairman of the Democratic National Committee (DNC); the DNC headquarters; and the Democratic Convention headquarters at the Fontainebleau Hotel in Miami, Florida. Magruder has also testified that the office of Henry Green-spun, editor of the Las Vegas Sun, was mentioned as another target. Mitchell has denied that there was discussion of specific targets. The meeting ended when Dean stated that these subjects should not be discussed in the office of the Attorney General of the United States. Following the meeting, Dean reported on the meeting to Haldeman.

5. In February 1972 H. R. Haldeman directed that \$350,000 cash in campaign funds be placed under his unquestioned personal control. The money was picked up by Gordon Strachan, Haldeman's assistant, in early April 1972. Strachan in turn delivered it to Alexander Butterfield, a deputy assistant to the President. Butterfield delivered the money to a personal friend for safekeeping. This fund was maintained substantially intact until after the November election.

6. Prior to March 30, 1972, Charles Colson, Special Counsel to the President, met with Gordon Liddy and How-

ard Hunt, a White House consultant who had served with Liddy in the "Plumbers" unit. During the meeting Colson telephoned Jeb Magruder. Colson has stated that he urged Magruder "to resolve whatever it was Hunt and Liddy wanted to do and to be sure he had an opportunity to listen to their plans."

7. On March 30, 1972, former Attorney General John Mitchell, who had been officially designated CRP Campaign Director; Jeb Magruder, Mitchell's chief of staff; and Fred LaRue, a special assistant to Mitchell, met at Key Biscayne, Florida, to discuss campaign matters. Liddy's intelligence-gathering plan, now budgeted for \$250,000, was again discussed. Magruder has testified that Mitchell approved the plan, and that the plan specifically approved entry into the DNC headquarters and, if funds were available, entry into the headquarters of presidential contenders and Democratic convention headquarters at the Fontainebleau Hotel in Miami. LaRue has testified that Mitchell stated that they did not have to do anything on the plan at that time. Mitchell has testified that he rejected the plan. After the March 30, 1972, meeting, Magruder asked his assistant, Robert Reisner, to tell Liddy that his proposal had been approved. Reisner telephoned Liddy and conveyed Magruder's message.

8. On March 31, 1972, Gordon Strachan reported in writing to H. R. Haldeman in a Political Matters Memorandum that Magruder had reported that CRP "now has a sophisticated political intelligence gathering system including a budget of (\$) 300 (000)." Strachan attached tabs to the Memorandum, including a tab referring to political intelligence reports on Senator Humphrey's Pennsylvania campaign organization by a source identified as "Sedan Chair II." On or before April 4, 1972, Strachan prepared a talking paper for Haldeman's use during a meeting with Mitchell scheduled for April 4, 1972, at 3:00 p.m. The talking paper included a paragraph relating to the intelligence system, raising questions as to whether it was adequate and whether it was "on track." (As indicated below in Paragraph 9, both the Political Matters Memorandum and the talking paper were destroyed following the break-in at the Watergate offices of the DNC.)

9. On April 4, 1972, from approximately 3:00 p.m. until approximately 4:00 p.m., Mitchell and Haldeman met in Haldeman's White House office. Haldeman has testified that he does not believe political intelligence was discussed at the meeting. From 4:13 p.m. until 4:50 p.m., Haldeman and Mitchell met with the President. Haldeman testified that his notes of this meeting indicate a discussion of the "ITT-Kleindienst" hearings and the assignment of regional campaign responsibility and do not indicate a discussion of intelligence. Haldeman later returned to Gordon Strachan the talking paper specified in the preceding paragraph. It was Haldeman's practice to indicate on the talking paper agenda matters that had not been discussed. In this instance there was no such indication with respect to the agenda items covering political intelligence. Strachan has testified that on June 20, 1972, shortly after the break-in at the DNC headquarters in the Watergate office building, he showed Haldeman the Political Matters Memorandum referring to the sophisticated intelligence gathering system and other sensitive materials from Halde-

man's files, and that he was instructed by Haldeman to clean out the files. Strachan immediately destroyed the Political Matters Memorandum, the talking paper he had prepared for the April 4, 1972, meeting between Mitchell and Haldeman, and other sensitive documents. Haldeman has testified that he has no recollection of giving Strachan instructions to destroy any materials.

10. On or about April 7, 1972, Gordon Liddy showed a budget of \$250,000 to Hugh Sloan, treasurer of the Finance Committee to Re-Elect the President (FCRP). Liddy told Sloan that he would be coming back to Sloan in a day or two to pick up the first cash payment, which was to be \$83,000. Sloan telephoned Magruder, who authorized Sloan to disburse to Liddy the \$83,000 requested. Magruder told Sloan that Magruder was to approve all subsequent disbursements of money to Liddy.

11. On or about April 7, 1972, Sloan met with Maurice Stans, Chairman of FCRP. Sloan told Stans that Magruder had approved a cash disbursement of \$83,000 to Liddy. Stans met with Mitchell to confirm Magruder's authority to authorize the requested disbursement. Mitchell told Stans that Magruder had the authority to authorize expenditures to Liddy. Stans then met with Sloan and confirmed Magruder's authority to approve the disbursement of funds to Liddy. Stans has testified that when asked by Sloan the purpose for which the money was to be expended, he replied, "I don't know what's going on in this campaign and I don't think you ought to try to know."

12. On or about April 12, 1972, Gordon Liddy gave James McCord, security consultant for CRP, \$65,000 for purchasing electronic equipment and for related purposes.

13. In April 1972 Assistant to the President H. R. Haldeman met with Gordon Strachan and instructed Strachan to contact Gordon Liddy and advise him to transfer whatever "capability" he had from the presidential campaign of Senator Edmund Muskie to the campaign of Senator George McGovern. Strachan met with Liddy in Strachan's White House office and told Liddy of Haldeman's desire to have Liddy's "capability" transferred from the Muskie campaign to the McGovern campaign. Haldeman has testified that he does not recall giving Strachan that instruction.

14. In April 1972 Gordon Liddy told Howard Hunt that the DNC headquarters would be a target of electronic surveillance.

15. Shortly before May 25, 1972, a group, including Bernard Barker, Eu-

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genio Martinez, Virgilio Gonzalez and Frank Sturgis, came to Washington, D.C., from Miami, Florida, in response to a request from Howard Hunt to Barker for a team of men to conduct a mission. On or about May 25 and May 26, 1972, two unsuccessful attempts were made to enter surreptitiously the premises of the DNC, and one unsuccessful attempt was made to enter surreptitiously Senator McGovern's headquarters.

16. On or about May 27, 1972, under the supervision of Gordon Liddy and Howard Hunt, McCord, Barker, Martinez, Gonzalez, and Sturgis broke into the DNC headquarters. McCord placed two monitoring devices on the telephones of DNC officials, one on the telephone of Chairman Lawrence O'Brien, and the second on the telephone of the executive director of

Democratic state chairmen, R Spencer Oliver, Jr. Barker selected documents relating to the DNC contributors, and these documents were then photographed.

17. On May 28, 1972, Alfred Baldwin, an employee of CRP, began intercepting conversations derived from the monitoring devices placed in the telephones at the DNC. Baldwin was unable to pick up the signal from the device placed in Lawrence O'Brien's telephone. Between May 28 and June 16, 1972, Baldwin monitored approximately 200 conversations and each day gave the logs and summaries to McCord. McCord delivered these logs and summaries to Liddy, except on one occasion when Baldwin delivered the logs to the CRP headquarters.

18. During the first or second week in June 1972, Magruder received transcripts of conversations intercepted from the DNC headquarters. The transcripts were typed on stationery captioned "Gemstone." In addition to the transcripts, Magruder was supplied with prints of the documents photographed during the initial entry into the DNC headquarters. During this period, Magruder handed his administrative assistant, Robert Reisner, documents on the top of which was printed the word "Gemstone." Magruder instructed Reisner to place the Gemstone documents in a file marked "Mr. Mitchell's file," which was to be used for a meeting between Magruder and Mitchell. Shortly after the June 17, 1972, break-in at the DNC headquarters, Magruder told Reisner to remove the Gemstone files containing transcripts of conversations and other politically sensitive documents from the CRP files. Thereafter Reisner destroyed certain documents.

19. Before June 17, 1972, Liddy, Hunt, Barker and McCord engaged in certain preliminary intelligence activities preparatory to the Democratic National Convention to be held in Miami, Florida.

20. On June 17, 1972, at approximately 2:00 am., McCord, Barker, Sturgis, Gonzalez and Martinez were arrested for burglary in the Watergate offices of the DNC. On Sept. 15, 1972, Howard Hunt, Gordon Liddy, and the five men who had been arrested at the DNC headquarters were named in an eight-count indictment charging, among other offenses, conspiracy illegally to obtain and use information from the offices and headquarters of the DNC. Hunt, Barker, Sturgis, Gonzalez and Martinez entered pleas of guilty. Liddy and McCord stood trial and were convicted on all charges. On Aug. 16, 1973, Jeb Magruder pled guilty to an information charging, among other offenses, conspiracy unlawfully to obtain and use information from headquarters of the DNC.

Gordon Strachan memorandum, Dec. 2, 1971:

MEMORANDUM FOR: H. R. HALDEMAN
FROM: GORDON STRACHAN
SUBJECT: Political Matters

The Nixon Finance Committee of Lee Nunn and Hugh Sloan has received 1,700 and disbursed 630, leaving a balance of 1,070. The receipts are low because fundraising was curtailed before the November 9 RNC dinner and Secretary Stans does not return from Russia until December 6. On his return the Attorney General is prepared to discuss with him the position of Financial Chairman for 1972.

Herb Kalmbach now has pledges of 11,600 but "in the barn" receipts are only 1,000. However, he believes there will be a 95% delivery on the pledges.

The RNC financial situation will be reviewed by the Attorney General on December 4. Magruder will meet with Tom Evans on December 2 and 3 to get

detailed budget and receipt figures from the RNC with particular focus on the November 9 dinners.

Concerning ambassadorships, Kalmbach will get a case by case determination from the Attorney General as he did in the case of John Safer. Kalmbach has tried to approach Flanagan but continues to have the same problems of having telephone calls returned and reaching an understanding.

The Committee for the Re-Election of the President has a December budget of 100,000, of which 50,000 is salary, 16,000 travel and entertainment, and 36,000 operating expenses. The budget submitted to the Attorney General does not list the 40 employees and their individual salaries.

Cliff Miller—He met with the Attorney General on December 2 for one hour to review the Campaign. The Attorney General asked Miller to know the details and to supply independent advice on polling and research, advertising, the PR—press area, and telephone—direct mail. Miller expressed his view, that the weakest part of the Campaign was Harry Flemming's field operation. The Attorney General admitted that there was a problem, which the Attorney General planned to alleviate by bringing in "fellows with a little more stature", such as Mardian. Also, the Attorney General has kept Flemming under "very close reins" so far.

The Attorney General agreed that it might be a good idea to have Miller or someone else go to New Hampshire to take an independent look at the New Hampshire campaign operation.

The Attorney General is concerned that the Shumway move did not proceed quicker and with more careful checking by Miller. Miller assured him that all parties were now in agreement and that he will work directly with Fred Malek.

Without any hard evidence, Miller

believes that the Attorney General is pleased with Magruder's performance.

Harry Dent—The Attorney General is being urged to talk to Governor Holton about a Byrd Coalition candidate for Senator Spong's seat so that Virginia will be an easy victory for the President.

Ehrlichman received a political briefing from Dent on North Carolina in connection with his trip to Duke University. The memorandum emphasizes the impending party primary fight between Jim Holshouser and Jim Gardner for the governorship and the problems getting Jim Broyhill to run for Senator Jordan's Senate seat. However, "the President seems to be in good shape in North Carolina."

After you questioned whether Wallace would forfeit delegates or electors if he runs in the Democratic primary in Florida and then as an independent in another state, Dent double checked. The Florida Democratic Executive Committee passed and then rescinded a provision that would have denied Wallace his delegates. The Secretary of State did not follow the Democratic party's example and rule that he would also lose his electors.

Dent talks with Kevin Phillips periodically. Last week the Attorney General "hit Phillips hard" on some of his recently published remarks. Dent has the highest regard for Phillips' "political brain" and says that although Phillips hates Colson, Ehrlichman, Flemming and Kleindienst, he is only beginning to turn sour on the Administration. Dent, at the Attorney General's direction, will continue to stay in touch with Phillips, but Dent believes you should see Phillips briefly to convince him that the President still looks to Kevin Phillips for political advice.

—Arrange Haldeman meeting with Phillips

—Receive Phillips political advice through the Attorney General and Dent

—Other

Dent attended the Republican Governors Conference on November 20-21 in Indiana and reports that "their public statements and actions were very good." The Governors want to be more political and help the President. They also feel that more information should be made available to the Vice President.

Martha Mitchell was a "smash hit" at a GOP fund raising appearance in South Carolina, November 19.

Dent is urging the Attorney General to contact the Vice President to have him reconsider his change of plans cancelling his appearance before the Southern GOP Conference on December the 4th.

Wallace Henley is tracking George Wallace and reports that he has resigned himself to running as an independent in Alabama because of his problems with the Legislature. The new AIP platform is like a reprint of the Burchers Blue Book. The AIP National Convention will be held in Toledo. The date has not been set.

Murray Chotiner—Because of Governor Peterson's unpopularity in New Hampshire, Chotiner advised you and the Attorney General that he believes Peterson would "make an excellent appointee somewhere in the Administration."

Cliff White is still meeting with Conservatives and blaming the President for the U.N. result.

John Dean—The Attorney General discussed with John Dean the need to develop a political intelligence capability. Sandwedge has been scrapped. Instead, Gordon Liddy, who has been working with Bud Krogh, will become general counsel to the Committee for the Re-Election of the President, effective December 6, 1971. He will handle political intelligence as well as legal matters. Liddy will also work with Dean on the "political enemies" project.

Jack Caulfield will go over to the Committee when the Attorney General moves. Caulfield will handle the same projects he currently does. In addition he will assume responsibility for the personal protection of the Attorney General.

Campaign Related Action Memo—A Sigma Delta Chi Convention identified the Campaign's principle issues as the economy (107 of 122 votes), international affairs (9), and law and order (3). While reading the news summary report of this the President "strongly stated that the Democrats must not be allowed to get away with this . . . international affairs is our issue and the economy is theirs—regardless of what happens to it because the liberals can always promise more". You, Ehrlichman, and Colson received the memorandum.

You, Ehrlichman, and Colson were also advised that "our political types working the precinct in the ghettos and Navaho Reservations for Republican converts would do well to focus their attention upon the Holy Name Society, the Women's Sodality, and the Polish-American Union".

Magruder's Projects—The weekly report submitted to the Attorney General on December 1 is briefer and better than previous reports. It is attached at Tab A for your review instead of being summarized because you had asked about the youth registration drives, which are covered in some detail.

Magruder reports that the Attorney General met with Lyn Nofziger on December 1. On November 4 you and the Attorney General talked about the importance of getting a Nofziger interpretation of the Dole-Evans split. Unfortunately, Magruder believes this subject was not covered because the meeting focused on the California situation.

Magruder will meet with Tom Evans of the RNC on December 2 and 3 to

get his reviews of the role of the RNC in the Campaign. Magruder and Flemming meet with the Attorney General on December 4 to decide on the role and budget of the RNC vis a vis the Committee. On December 6 the Attorney General, Magruder and Flemming will tell Tom Evans of their decisions. Tom Evans will explain the decisions to the RNC at the meeting in Washington on December 9-12. Besides the Budget, Magruder considers the voter registration and get out the vote functions as the only important areas that have not been resolved.

Magruder and some of his top people have moved into new offices adjoining Judge Rose Guthrie and Alexander at 1701 because everyone is still under the impression that the Attorney General will become a partner in the law firm when he leaves Justice. You may already have discussed this matter of joining the firm with the Attorney General pursuant to the Len Garmant memorandum.

Magruder now receives a copy of the news summary. He says he needs another copy for Larry Flemming and Ken Rietz.

—Approve additional copy of news summary

—Cancel Magruder's news summary

—Other

Magruder submitted memoranda to the Attorney General on transient voters, women in the Campaign, the Middle American, and the functions of a Citizens organization. The Attorney General has not yet reviewed them. The one on the Middle American received substantial input from Colson but is very long. You will receive it for reading on one of the trips this month.

Gordon Strachan memorandum, Dec. 6, 1971:

MEMORANDUM FOR: H. R. HALDEMAN
FROM: GORDON STRACHAN
SUBJECT: Political Matters

Jeb Magruder met with the Attorney General for four hours on December 4. Some of the matters covered require decisions by you:

1) Julie Nixon Eisenhower—"Registration '72." Jeb Magruder has recommended to the Attorney General that Julie Nixon Eisenhower become the Honorary Chairman for "Registration '72", which is a joint registration effort by the Committee (Ken Rietz) and the RNC (Ed DeBolt) in the largest counties of California, Florida, and Texas. This position would require Julie to "make appearances, write letters, and otherwise get publicity" for these registration drives. In terms of a particular scheduling requirement, she would have to appear at the RNC meeting this week for the announcement. Dave Parker reports that she will be in Virginia and so is available. The Attorney General defers, entirely to you on whether she should become Honorary Chairman. The Attorney General feels that you should consider if this appointment of Julie Nixon Eisenhower as Honorary Chairman of Registration '72 is "too gimmicky." (The original memorandum to the Attorney General is attached at Tab A.)

—Yes, Julie Nixon Eisenhower is to be named Honorary Chairman of Registration '72

—No, Julie is not to be Honorary Chairman

—Other

2) RNC Budget—White House Support. The RNC is currently preparing their budget for 1972. The Attorney General will receive a report from Tom Evans today on the general financial condition of the RNC. A copy of the report will be forwarded for you. In 1971 the White House subsidiary account was \$500,000. This paid for advancement, White House special events and receptions, the Colson/Klein printing and distribution of materials, and the Vice President's expenses. Tom Evans of the RNC wants to

continue to have a White House account of 500 to pay for these support activities. The Attorney General estimates that there will be an additional 1,000 in "political expenses" for the White House in 1972. The Attorney General believes that there should be a single White House political account of 1,500 for 1972. According to Magruder the Attorney General believes this ac-

count should be controlled at the Committee instead of the RNC to assure a unified accounting mechanism and to protect against any "McCloskey type" criticism of the RNC for giving financial assistance to the political activities of the President.

Since Tom Evans and the RNC must be told before the RNFC meeting this week, the Attorney General asks that you consider this general approach without the specific budget information from the RNC.

Recommendation:

That you approve of the transfer of all "political expenses" for the White House to the Committee for the Re-Election of the President.

—Approve

—Disapprove

... If you approve I will inform the Attorney General through Magruder. Upon receipt of the detailed RNC budget information Bruce Kehrl (as the new Staff Secretary) and I will develop recommended procedures with Hugh Sloan and Jeb Magruder.

3) The Nixon Re-Elector. Jeb Magruder, Lyn Nofziger and Frank Leonard prepared the materials at Tab B regarding a "campaign publication to get the message out to the organization." The format would be similar to that of 1968. The Attorney General basically thinks it would be a good idea but asks whether you believe it is a generally good or bad idea. If you give your general approval, Magruder will have Peter Dailey prepare a detailed proposal for review by you and the Attorney General. Frank Leonard would have

primary responsibility for the publication that may be called the "Nixon Re-Elector."

Recommendation:

That you approve the general idea of a tabloid publication for the Campaign similar to the Nixon Re-Elector, subject to review of the Peter Dailey detailed proposal.

—Approve

—Disapprove

4) Committee Press Relations. The question of whether and at what salary Van Shumway is to move to the Committee for the Re-Election of the President raises several related matters. According to Magruder, the Attorney General assumes that the President will announce his candidacy for re-election on January 6. Although Magruder is not privy to the decision he believes that there will be just a low-key Presidential statement. The candidacy will not be announced at a press conference or during a "conversation with the President" as had been suggested. "It may be that the Attorney General has reviewed these matters with the President. The Attorney General expects that after the announcement, Ziegler will not answer "political questions" but rather will refer them to the Committee. This means that on January 6 the Committee must have a sophisticated individual to handle the questions. If Shumway cannot definitely be transferred to the Committee by January 6 or some other date certain, the Attorney General believes the Committee must hire someone else. The Attorney General respects the fact that Shumway must be replaced but also appreciates Malek's assessment of the chances of finding a replacement: 50/50 for Shumway replacement by January 3; 75/25 by January 15; but 25% chance that it will be impossible to obtain a Shumway replacement that is acceptable to Colson and Klein. The Attorney General wants the press man at the Committee

to be compatible with Colson. The Attorney General rejected Jim Holland, the very capable PIO at the Post Office because Colson objected.

One alternative would be to have Cliff Hillar become the press man on January 3. He currently has no operational responsibilities but serves as a "consultant" to the Attorney General on public relations, press, polling and research, and advertising. The Attorney General has given some thought to making Cliff Miller the top PR man for the Campaign. He could serve as the Herb Klein of the 1968 Campaign for 1972. The possibility of Miller performing this function is increasing because Colson told Magruder not to consider Neal Freeman because Colson may be hiring him.

Magruder wants a "reading" from you about Cliff Miller as the top PR man so that he can advise the Attorney General. After three years of observation Higby believes Cliff Miller is not that good. The one project I have worked with Miller on—the Shumway transfer—leads me to the same conclusion.

—Agree, Miller not strong enough to handle top PR spot in Campaign

—Disagree, Miller strong and should be considered by the Attorney General

—Other

In the meantime, Ann Dore, a New York PR person recruited by Magruder and Miller, will begin handling some press relations at the Committee, work with the 10 Nixon State Chairmen to prevent another New Hampshire press announcement disaster, and eventually work with the surrogate candidates on radio and TV coverage. She begins December 13.

The net result of this sketch of the Committee's press/PR situation is that you must decide whether Malek should be instructed to have a replacement for Shumway locked with Colson and Klein by a date, hopefully January 3.

—Yes, Malek must find a Shumway replacement by a date certain

—No, Malek should assist Magruder in finding someone else to handle press relations at the Committee

—Other

5) General Counsel to the Committee. Gordon Liddy will become General Counsel to the Committee for the Re-Election of the President on December 14. He has been working with Bud Krogh on the declassification project. Liddy is paid \$26,000 by the Domestic Council. Bud Krogh has been urging Ken Cole to raise his salary, but nothing happened during the freeze. Krogh talked with the Attorney General and recommended that Liddy receive an increase. Dean agrees that Liddy should receive an increase to \$30,000 because of his age (41), experience, and prior sacrifice. The Attorney General said the Committee will hire Liddy, and he won't be paid any less than he is receiving from the Domestic Council. Magruder has put a hold on Liddy's transfer to the Committee at \$30,000 because of the rule that no one goes to the Committee a salary higher than he is receiving at the White House. Dean and Krogh are familiar with this rule, but strongly urge an exception in this case.

—Grant exception, Liddy to receive 30,000 per annum at Committee

—Deny exception, Liddy accept job at 26,000 or find someone else

—Other

The subject of salaries at the Committee appears in the talking paper for you to cover with the Attorney General. An updated version of this talking paper of subjects pending will be submitted separately.

Other matters which Magruder discussed with the Attorney General which do not require decisions by you include:



Sketch by David Suter for The Washington Post

1) Advertising Advisory Group.

The Advertising Advisory Group (list attached at Tab C) will hold its first meeting December 9. The group will meet periodically to advise Peter Dailey.

2) Direct Mail Fund Raising.

The Richard A. Viguerie Company will probably handle direct mail fund raising for the Committee. In addition, the Attorney General has authorized the Viguerie Company to conduct direct mail fund raising for former Senator McCarthy on the condition that he run "in another party", not as a Democrat.

3) Americans for Agnew Group.

The Attorney General decided against doing anything to encourage or discourage the Americans for Agnew group that recently sent out a 50,000 mailing over John Wayne's signature.

4) The Middle Level Campaign Strategy Group

The middle level Campaign Strategy Group met on November 29 and December 1. The minutes are attached at Tab D. The minutes cover New Hampshire Campaign details, Campaign publications, and suggestions for the Florida primary.

Gordon Strachan memorandum, Feb. 16, 1972.

MEMORANDUM FOR: H. R. HALDEMAN

FROM: GORDON STRACHAN

SUBJECT: Political Matters

Finances

(1) Herb Kalmbach will serve as Associate Chairman of the Finance Committee under Secretary Stans. The Attorney General concurs.

(2) Kalmbach cleared with the Attorney General and Stans the 350 in green under your unquestioned personal control. A separate box of green is being developed for the Campaign.

(3) Kalmbach will receive an additional 100 from Dick Watson in Paris raising Watson's total from 200 to 300.

(4) Kalmbach is working with the milk people to increase the 233 currently banked to 1,000 by April 7.

(5) Kalmbach saw DON NIXON and informed him that he should channel all requests of the White House through Kalmbach. This is exactly the same treatment Jack Drown receives.

(6) Kalmbach granted the full-time gardner at San Clemente, Brigado Garcia, a \$25 per month raise bringing his monthly salary to \$539.00.

(7) Concerning the Star story on Kalmbach, discussions with John Dean, Fred Malek, Jack Gleason, Hugh Sloan, Jeb Magruder, and Herb Kalmbach developed these tentative conclusions:

(a) The material is primarily the result of thorough investigative reporting by skilled newspapermen; (b) The material was probably not directly leaked but rather the result of careless, loose talk disclosing the only new information, Kalmbach's name; (c) Information from 1968 may have come from Dan Hofgren (Herb Kalmbach lectured him harshly); the 1970 information may have come from Eleanor Williams (Jack Gleason and Herb Kalmbach say she is vindictive and cannot be influenced) and the 1972 information may have come from Jon Huntsman, who was mentioning Kalmbach's name to people when leaving the White House Staff. Kalmbach personally talked to him. These tentative conclusions regarding resources of information have not been confirmed by polygraphs.

(8) The budget committee for the Committee for the Re-Election of the President will be Stans and the Attorney General is Co-Chairman, Herb Kalmbach as Associate Chairman, and Lee Nunn, Cliff Miller, and Fred Malek as members. Magruder is not on the Committee. Paul Barrik, a Stans' recruit, will act as Controller and Hugh Sloan will continue as Treasurer.

(9) Within the strictly finance area, Stans will be Chairman and Leonard Firestone, Gus Levy, Max Fisher, John Rollins, and Mrs. Ogden Phipps will serve as Co-Chairmen. In house the Vice Chairmen will be Dan Hofgren, Lee Nunn, and Newell Weed.

(10) Stans' goal of 10,000 in by the Campaign Spending Legislation effective date of April 7 is approximately one-third complete.

(11) The Campaign has raised 5,000 but spent 2,000 in its first nine months. Expenses for January totalled 550 while projected expenses for February are 900. The Attorney General has asked Magruder for a list of the 124

employees and their salaries.

Harry Dent

(1) Magruder believes he was the source of the February 14 Evans and Novak story on political aides at the White House criticizing the "consciously aiding" comment you made. The meeting could have been the Campaign Strategy Group meeting of February 7. Magruder has re-cast the Campaign Strategy Group to exclude Dent.

(2) Dent advised the Attorney General that if Governor Nunn does not seek John Sherman Cooper's Senate seat, Robert Gable should be encouraged. Gable is a wealthy, loyal Republican.

(3) Dent advised the Vice President that he should speak to the California Republican Assembly on April 8. Governor Reagan urged that the Vice President appear, and the Vice President accepted.

(4) In the New Mexico Senate race Dave Cargo may cause problems in the GOP primary even through our 1970 candidate for Governor, Domenici, is the only one who could beat the Democrat, Jack Daniels.

(5) A nationwide voter turnout survey indicates that only in the South has there been a rise in voter turnout, while the key states, Ohio and Missouri, suffered a decline of 7.9 and 8.1 respectively between 1960 and 1968. The rise in the South is attributed to the black vote while the decline in certain states is attributed to apathy.

(6) Wallace Henley monitors George Wallace for Harry Dent through Tom Turnipseed, Wallace's former Campaign Manager. A third party attack

lence by Wallace in November is not anticipated but could develop if Wallace in November is not anticipated but could develop if Wallace receives enough money and publicity.

(7) West Virginia Governor Arch Moore will seek re-election according to Dent because he has a poll showing him ahead of Jay Rockefeller. The President leads all Democratic contenders in West Virginia by at least 13 when Wallace is in the race.

(8) David Trean lost the Louisiana Gubernatorial race to Congressman Ed Edwards because of the solidarity of the Democratic Party and the heavy black vote. Dent believes that this relatively narrow defeat augurs well for the President even if Wallace is in the race.

(9) In North Carolina, Charlie Jonas, Jr. has turned out to be a weak Nixon Chairman who will not dissociate the Jim Holshouser effort to become Governor. Dent has assured the Attorney General that he will continue to try to separate the Nixon and Holshouser operations and to prevent any other campaigns from tying into the President's campaign.

Don Rumsfeld

He forwarded an anonymous political assessment of Hawaii which indicates that "the likelihood of the President carrying Hawaii seems very slender." There are no races state wide in Hawaii in 1972.

Tom Evans

(1) The primary responsibilities of the RNC in the 1972 Campaign will be voter registration, voter turnout, and ballot security. The registration drive (Target '72) began in Florida and Texas in January and will continue through the spring. Ed DeBolt at the RNC is the man responsible to register 1½ million Republicans by May 15 and 8 million by October 1972.

(2) Tom Evans asked Jeb Magruder to censure John Lofton for his POW wife call last week. Evans does not feel he controls Lofton. Chuck Colson is exerting more control over Lofton and Monday with only occasional complaints from Evans.

Charlie McWhorter

During the campaign he will continue to travel at AT&T's expense. However, he has terminated his formal ties with the Vice President's office to protect against any suggestion of impropriety.

Magruder's Projects

(1) Advertising—The newspaper ads that Peter Dailey prepared and you reviewed on February 14 will run in New Hampshire. You did not view the TV spots which are not scheduled to run in New Hampshire. The decision as to the extent of the media campaign in Florida will be made when the Florida follow-up telephone poll arrives.

(2) New Hampshire/Florida—The extensive direct mail \$75,000 in New Hampshire and \$100,000 in Florida and telephone (\$25,000 in New Hampshire) campaigns are continuing as planned.

(3) Wisconsin—A campaign plan prepared by the Davis Agency for Nixon State Chairman John MacIver has been submitted to Magruder for review before submission to the Attorney General.

(4) Farm—Clayton Yeutter, the farm director at 1701, hired John Foltz, visited Secretary Butz, farm Senators and Congressmen, and worked with USDA on the rural development issue.

(5) Elderly—Fred Malek has been asked to "untangle" the White House/1701 confusion. His report is due March 1. Arthur Flemming is now scheduled by he 1701 speakers bureau. Danny Todd and Peter Dailey are reworking HEW films for the elderly.

(6) Spokesmen Resources—Schedules for New Hampshire, Florida and Wisconsin are submitted weekly.

(7) California—The California delegation list for the RNC Convention has been submitted to the Attorney General. The Los Angeles County list has not been completed. The Attorney General authorized \$150,000 for a special 1,000,000 new young voters drive in California under the direction of Ken Rietz.

(8) Campaign Strategy Group—At the February 7 meeting the group approved he title for the campaign newspaper (The Re-Elector). Bob Teeter informed the group that the "President was in good shape in 17 of 19 target states, and was running ahead of his 1968 margin. Important issues are Vietnam, inflation, and order/calmness (in the President's favor), environment, race, health care (even), unemployment, crime/drugs (negative)."

(9) Campaign Briefing—Fred Malek and Jeb Magruder are considering a briefing for the White House Staff on the activities at the Committee for the Re-Election of the President.

(10) Media Monitoring—Van Shum-

Continued on Next Page

Continued From Preceding Page

way is establishing state by state systems to review press coverage and to counteract negative comments. The Illinois program with weekly reports will serve as the model. The Attorney General does not receive the proposal, but Shumway is proceeding with Magruder's concurrence.

(11) RNC Convention—Timmons and Magruder have asked the Attorney General to establish a permanent office in San Diego with Chick Cudlip as Executive Director. No decision has been reached. Timmons is meeting bi-weekly with Senator Dole, Representative John Rhodes, Dick Herman, John Dean and Bryce Harlow on plans for the Convention.

(12) New York—The Attorney General is using Bob Marik (generally considered the best man at 1701) as the staff man for regular contact with Governor Rockefeller's staff.

(13) Magruder is seeking authority for approval of Campaign media by Cliff Miller instead of you for the White House. Repeated explanations to Magruder that you only want to see is unnecessary. Magruder frequently finesses Miller (e.g. the infamous RNC film) in spite of the fact that Miller is the final media review for the Attorney General. However low your interest in the media materials you should continue to receive them on an FYI, not approval, basis.

(14) Magruder and Colson are increasingly at odds. The most recent dispute concerns the "line" as to whether Muskie should be personally attacked on his war stand. After your "consciously aiding" statement Magruder and Miller thought they had an agreement on behalf of the Attorney General that Colson was not to continue programming hits at Muskie. Colson continued the attack on Muskie through Cabinet and Hill spokesmen. Magruder plans on seeking authority from the Attorney General to be the only contact with the spokesmen to the express exclusion of Colson.

Robert Reisner testimony before Watergate grand jury, Aug. 15, 1973:

... or "I've got to have an answer," really was more of what he was saying.

Q And did you pass these messages on to Mr. Magruder?

A That was the kind of thing that lots of people in the campaign would do. Sometimes they'd call me, and that was really the nature of my job, to sit in front of Magruder's office and just—

Q But did you pass these things along?

A Oh, yes, I would have, definitely.

Q And what did Mr. Magruder say when you passed that particular message along?

A Just, "Okay."

Q Did there come a time when Mr. Magruder told you to tell Mr. Liddy that he had approval?

A That's right. I'm very vague on the time of this, but the reason I place the time at the beginning of April was that part of the message to Mr. Liddy was to tell him to get going within two weeks and when I passed that message on, I have the feeling that "two weeks," that I was thinking in terms of when two weeks would be, and the time was going to be the first two weeks of April.

Mr. Magruder, as I remember, stopped in the entrance to my office and said, "Call Liddy and tell him its approved. Tell him we want to get going in the next two weeks." And, as I remember, part of the message may have been, "Tell him the first part is approved," but that's as close as I can come to Mr. Magruder's message.

Q When do you place the time of this event?

A In the beginning of April, is the best I can do.

Q And was this by telephone or in person with Mr. Magruder?

A As I remember, Mr. Magruder stopped in the entrance to my doorway and told me to tell Mr. Liddy that.

Q Was this after his return from Key Biscayne?

A Well, if I'm correct about the date, then it would be after his return from Key Biscayne. However—and I think my general reluctance about this is that I don't remember it in reference to Key Biscayne. I just remember it in the beginning of April.

Q Did he call you from Key Biscayne and give you a similar message?

A Not that I remember.

Q Did he call you from Key Biscayne at all?

A Yes, he did.

Q What was the purpose of it?

A I think he called me a number of times and probably—well, he would have called me for the normal kinds of things he would call me about.

He took to Key Biscayne with him 26 or 30 documents that he needed approval on—26 or 30 documents that he needed approval on—and as he, maybe, got approval, he would call me and say, "Call so-and-so and tell him that his plan is approved but that he should only spend so much money," and that sort of thing. I mean, he was calling me and giving me instructions.

Q I'd like to show you a book marked RR-1, and can you identify this, please?

A Yes. It's a log that I kept. It's not an accurate calendar but a log that I kept during the year 1972.

Q All right. When you say it's a log, it's a log of your activities or a log of Mr. Magruder's activities?

A It's a log of my activities in 1972.

Q Does it also reflect some of Mr. Magruder's activities?

A Yes, it does. Particularly because my job was related to his and, therefore, my activities related to his.

Q Now, concerning the Key Biscayne meeting, does it indicate in your diary

when Mr. Magruder left for Florida?

A Yes. It indicates that he was scheduled to leave at 11:00 o'clock on Wednesday, the 29th, and there also is an entry—

Q Let me just ask you, does your recollection conform to that? Do you have any personal knowledge that he did leave on that day?

A Well, no, I don't, but there also is an entry of my activities saying that he would leave from Miami, unless there was some other entry which I don't see. I believe that he did leave on the 29th.

Q Okay. Now, there's an entry on the 30th. Would you like to read that to the grand jury—at 4:00 o'clock?

A The entry on the 30th refers to the matter that we were just discussing, where he did call asking that decisions be transmitted concerning activities that he had memoranda in Florida about and he was getting approval for the memoranda.

Q Now, what were those specific items? Did they include the Liddy proposal?

A Not that I can see here. It seems that the decisions that he was getting approval on were concerning the plans for the Maryland primary. Some sort of a decision, and I had to transmit that to Al Calpin; and something concerning the convention, that related to Dick Herman and Bill Timmins.

Q Was there any reference to Mr. Liddy on the 30th?

A Yes. There's a request that I get Gordon Liddy, and, to the best of my recollection, what I was asked to do was to find Mr. Liddy and have him call Mr. Magruder in Florida.

Q And, therefore, your entry on Thursday, March 30, indicates to you that Mr. Magruder had either before leaving or from Florida asked you to get Mr. Liddy to call him in Florida?

A That's correct. I think he left on the 29th and I was asked by Mr. —

Q And that entry is at 9:00?

A That's just a rough entry.

Q Somewhere in the area of 9:00 o'clock a.m.?

A Well, I could have been called the previous evening and had written down that I had to find him and I might have written that on the calendar to do that early in the day.

Q Did you get Gordon Liddy?

A As I remember, I had him call Mr. Magruder in Miami.

Q All right. Now, on the 31st, I note that there's an entry that just says Key Biscayne. Does that indicate that is where Mr. Magruder was?

A Yes, it does.

Q Is there also a mention of Mr. Liddy on the 31st?

A Yes. There's a column in this log which I use just to note the things that were coming up that were interrupting me, because there was a lot of activity and a lot of interruptions and just so I didn't forget about things that I'd been asked to do.

And in that column—which I think means it was an interruption—there is the word Gordon Liddy and then it says next to him, "Give answer," and I believe that what that refers to is Mr. Liddy must have stopped by my office on Friday morning and said he talked to Magruder yesterday, "I need an answer" or "I'm waiting for an answer," or something like that.

Q Is it possible that that meant Mr. Magruder had called you and give an answer to Mr. Liddy?

A Because I do not have a specific recollection of that, that is a possible interpretation.

Q Now, and then following this sometime—because you think it's in early April—you did, in fact, give Mr. Liddy an answer?

A Yes. Except that I have no recollection of being called by Mr. Magruder and asked to give Mr. Liddy any answer.

Q Your recollection is he was in the doorway when he asked you. And what was Mr. Liddy's reaction to your saying, "It's approved. Get started in the next two weeks"?

A Well, he used to call a lot of people in the campaign and give them messages exactly like that. "The Maryland plan is approved," or something like that, and I wouldn't know what the Maryland plan was, but I assume that Bob Merrick—who had submitted the Maryland plan—knew what it was and when I said it was approved, he

knew what that meant.

So I called Mr. Liddy, and his reaction was not characteristic of other people in the campaign. He said, "But I can't," or "It's going to be difficult. I've got people," or something like that.

So I said to Mr. Liddy, "I don't know what it is that you're talking about. You're going to have to discuss that with Mr. Magruder." And he said, "Well, all right." I said, "You're just going to have to talk about it to Mr. Magruder. I don't know what it is that you and he were talking about."

Q Now, I'd also like to show you what is marked MG-1, and can you identify this please?

A Yes, that's Mr. Magruder's calendar—diary.

Q And do you know what year it's for?

A Yes, 1972.

Q Now, I note, in MG-1, under Thursday, March 9th, there's an entry that just says, "8:00—Gordon Liddy." Beneath that it says, in a different pen, "Florida Rally. Leave 11:00." Now, can you explain what that entry on the 9th means or those two entries on the 9th?

A Well, I assume the 8 o'clock entry, which is written in Mr. Magruder's handwriting, indicates that Mr. Magruder had at sometime, perhaps the previous evening, called Mr. Liddy and made an appointment to see Mr. Liddy at 8 o'clock in his office.

Statement of Information—Events Following the Watergate Break-in, June 17, 1972 to Feb. 9, 1973

1. On June 17, 1972, shortly after 2 a.m. five persons, including James McCord, a security consultant for the Committee for the Re-election of the President (CRP), were arrested in the Watergate headquarters of the Democratic National Committee (DNC). Immediately after the arrests, Howard Hunt and Gordon Liddy left the Watergate Hotel. Hunt took with him a briefcase belonging to McCord that contained electronic equipment, went to his office in the Executive Office Building (EOB), and withdrew from a safe located in his EOB office \$10,000 previously provided to him by Liddy for use in case there was a mishap.

Hunt placed McCord's briefcase in the safe. In the early morning hours, he delivered the money to an attorney on behalf of the five persons arrested at the DNC headquarters.

2. At the time of the arrests at the Watergate headquarters of the DNC, electronic surveillance and photographic equipment and approximately \$1,500 in cash were found in the possession of the persons arrested. A subsequent search of rooms in the Watergate Hotel that had been rented under alias names used by certain of the persons arrested produced a directory containing a White House telephone number for Howard Hunt, a check

29 June 1972

MEMORANDUM FOR RECORD

At 1145 on 27 June 1972, I saw John Dean at his office in the Executive Office Building.

I told him that I had spoken to Director Helms and found that what I had said to Dean the previous day did indeed reflect Helms' views accurately. That he felt any involvement of the Agency would be most counter productive and furthermore, we had a legislative constraint about the expenditure of our funds within the United States. We had to clear them with the Chairmen of the CIA Oversight Committees in both House and Senate. This visibly lessened his enthusiasm.

I then repeated my arguments that this caper while presently seeming very large would be overtaken by other spicier developments. Unfortunate though its consequences might be currently, Agency involvement by direction at the highest level would undoubtedly become known sooner or later and would then reach to people who were still uninvolved. He nodded. I said that my mind boggled that such risks as those involved in this caper could have been taken for such an unremunerative target. Involving the Agency would transform what was now a medium-sized conventional explosive into a multi-megaton explosion and simply was not worth the risk to all concerned.

Dean thanked me looking glum and said he agreed with my judgment in all of these matters.

Vernon A. Walters
Lieutenant General, USA

File memo by CIA deputy director after meeting with Dean.

drawn by E. Howard Hunt, and 32 sequentially numbered \$100 bills. (These bills had been received from a Florida bank into which Barker had deposited five checks contributed to the President's re-election campaign. Four of these checks totalling \$89,000 had been drawn on a Mexican bank payable to Manuel Ogarrio, a Mexican lawyer. The fifth check totaling \$25,000 had been drawn by Kenneth Dahlberg. These checks had been delivered to Gordon Liddy by FCRP Treasurer Hugh Sloan to be converted into cash.)

3. At approximately 8 a.m. on the morning of the arrests, Henry Petersen, the Assistant Attorney General in charge of the Criminal Division of the Justice Department, telephoned Attorney General Richard Kleindienst at home to tell him of the arrests at the DNC headquarters.

4. On the morning of June 17, 1972, Gordon Liddy telephoned Jeb Magruder, Chief of Staff to John Mitchell at CRP, at the Beverly Hills Hotel in California. Magruder returned Liddy's call from a pay telephone. Liddy advised Magruder of the arrests at the DNC headquarters. Shortly thereafter, DNC headquarters. Shortly thereafter, Magruder met with John Mitchell, the Campaign Director of CRP, and Fred LaRue, Mitchell's Special Assistant at CRP, at the hotel. There was discussion regarding somebody's contacting Attorney General Richard Kleindienst concerning the arrests at the DNC headquarters. Later that day, Liddy and Powell Moore, an official at CRP, met with Attorney General Kleindienst at the Burning Tree Club near Washington, D. C. Liddy told Kleindienst that Mitchell had asked him to give Kleindienst a report on the break-

in at the DNC headquarters and that some of the persons arrested might be employed by either the White House or CRP. Kleindienst called Henry Petersen and instructed him not to give special treatment to those arrested at the Watergate. Kleindienst told Liddy to leave the premises.

5. In the late afternoon of June 17, 1972, Secret Service Agent Boggs telephoned John Ehrlichman, Assistant to the President, and told him that one of the persons arrested at the DNC headquarters had in his possession a document referring to Howard Hunt, who apparently was a White House employee. Later that day, Ehrlichman telephoned Ronald Ziegler, the President's press secretary, who was with the Presidential party in Florida. Ehrlichman told Ziegler the substance of his telephone conversation with Agent Boggs. Ehrlichman also telephoned Charles Colson, Special Counsel to the President, and discussed Hunt's White House employment status.

6. During the evening of June 17, 1972, Assistant Attorney General Petersen telephoned Attorney General Kleindienst and told him that documentation relating to a White House consultant had been found at the scene of the break-in at the DNC headquarters.

7. On June 18, 1972, H. R. Haldeman, Chief of Staff to President Nixon, who was at Key Biscayne, Florida with the Presidential party, spoke by telephone with Jeb Magruder, who was in California. Haldeman directed Magruder to return to Washington, D. C. to meet with Counsel to the President John Dean, Haldeman's Special Assistant Gordon Strachan, and FCRP Treasurer Hugh Sloan to learn what had hap-

pened and determine the source of the money found in the possession of the persons arrested at the DNC headquarters. By the following day, Magruder had returned to Washington.

8. On June 18, 1972, John Ehrlichman spoke by telephone with H. R. Haldeman. They discussed the break-in at the DNC headquarters, the involvement of James McCord, and the fact of Hunt's name being involved.

9. At noon on June 18, 1972, Gordon Strachan telephoned Haldeman's principal staff assistant, Lawrence Higby. Higby told Strachan that Haldeman had spoken with Jeb Magruder about the break-in and that John Ehrlichman was handling the entire matter.

10. At 7:32 a.m. on June 19, 1972, Attorney General Kleindienst telephoned the Acting Director of the FBI, L. Patrick Gray in Palm Springs, Calif., and stated that Kleindienst wished to be briefed on the investigation of the break-in at the DNC headquarters. Kleindienst told Gray that the President wanted to talk to Kleindienst about it that day or possibly the next day.

11. In the morning or early afternoon of June 19, 1972, Ehrlichman told John Dean to look into the question of White House involvement in the break-

in at the DNC and to determine Howard Hunt's White House employment status. Dean has testified that he then spoke to Charles Colson regarding Colson's knowledge of the break-in and Hunt's status and that Colson denied knowledge of the event, but expressed concern over the contents of Hunt's safe. Dean has also testified that he spoke to Gordon Liddy, who advised of his and Magruder's involvement in the planning and execution of the break-in. Thereafter Ehrlichman received a report from Dean that Dean had spoken to Liddy and to law enforcement officials, that law enforcement officials were aware that the matter went beyond the five persons who were apprehended, that Liddy was involved, and that there was a further direct involvement of the CRP.

12. On June 19, 1972, the President telephoned Charles Colson from Florida and spoke with him for approximately one hour ending shortly before noon. The break-in at the DNC headquarters was discussed.

13. On June 19, 1972, Howard Hunt went to the Executive Office Building and reviewed the contents of his safe. He determined that the contents included cables Hunt had fabricated indicating a relationship between the Kennedy Administration and the assassination of Vietnamese President Diem, materials relating to Gemstone, James McCord's electronic equipment, and other material. Hunt thereupon informed Charles Colson's secretary, Joan Hall, that Hunt's safe contained sensitive materials.

14. During the afternoon of June 19, 1972, John Ehrlichman, Charles Colson, John Dean, Bruce A. Kehrli, Staff Assistant to H. R. Haldeman, and Ken Clawson, White House Deputy Director of Communications met in Ehrlichman's office and discussed Howard Hunt's White House employment status. Colson stated that Hunt should have been terminated as a White House consultant as of March 31, 1972. Kehrli was asked to and did bring Hunt's employment records to Ehrlichman's office. These records did not indicate that Hunt's consultant status had been terminated. By memorandum dated June 19, 1972, Colson transmitted to Dean documents relating to Hunt's status.

(By memorandum dated March 27, 1972, to Charles Colson, Hunt had requested assistance in changing the annuity benefit option he had selected upon retirement from the CIA. By memorandum dated March 30, 1972, to

Kehrli, Richard Howard, Staff Assistant to Charles Colson, had inquired respecting Hunt's situation. At the top of the original of the Howard memorandum, there is a handwritten note: "Noble—Please let me know on this w/o giving out any info. on the name of the fellow we're trying to help. B." At the bottom of that memorandum there is a handwritten note "OK—Drop as of April 1, 1972 BAK." On May 5, 1972, Hunt had written a letter on White House stationery to CIA General Counsel Lawrence Houston, renewing his request respecting his benefit option and stating that he had discussed the matter with the White House legal staff.)

15. At the meeting specified in the preceding paragraph, John Ehrlichman instructed that Howard Hunt's EOB safe should be opened in the presence of John Dean, Bruce Kehrli and a Secret Service Agent, and that Dean should take possession of the contents. Charles Colson said that this should be done immediately. On the evening of June 19, 1972, at Kehrli's request, Hunt's safe was forcibly opened in the presence of a Secret Service Agent and a GSA representative. Kehrli and Fred Fielding, Dean's assistant, arrived shortly thereafter.

16. Immediately before the meeting specified in paragraph 14, John Dean asked Gordon Liddy to advise Howard Hunt that he should leave the country. Liddy contacted Hunt and told him that "they" wanted Hunt to get out of town. Dean states that he took this action on instructions from Ehrlichman, and that Dean retracted his instruction shortly after he gave it. Ehrlichman has denied that he gave such instructions.

17. On the evening of June 19, 1972, John Mitchell met at his apartment in Washington, D.C. with John Dean, Jeb Magruder, Robert Mardian and Fred LaRue and discussed the break-in at the DNC headquarters.

18. On June 19, 1972, Ronald Ziegler, the President's press secretary, described the break-in at the DNC headquarters as "a third-rate burglary attempt."

19. On June 20, 1972, at 9 a.m. H. R. Haldeman, John Ehrlichman and John Mitchell met to discuss the break-in at the DNC headquarters. John Dean joined the meeting at 9:45 a.m. Attorney General Kleindienst joined the meeting at 9:55 a.m. Later that day, Haldeman met with the President for one hour and nineteen minutes (11:26 a.m. to 12:45 p.m.) and the subjects discussed included Watergate. Haldeman's notes of the meeting reflect that that portion of their discussion dealt with checking an EOB office for bugs, a "counter-attack," "PR offensive to top this," and the need to "be on the attack—for diversion." When a tape recording of the conversation was produced on November 26, 1973 in response to a subpoena by the Watergate Special Prosecutor, the recording contained an eighteen and one-half minute buzzing sound that obliterated the portion of the conversation reflected in the foregoing segment of Haldeman's notes.

20. On June 20, 1972, Gordon Strachan met with H. R. Haldeman and showed him a copy of a Political Matters Memorandum Strachan had sent to Haldeman prior to April 4, 1972, concerning approval of a "sophisticated intelligence system with a budget of \$300,000." Haldeman acknowledged to Strachan that he had read the political intelligence item in the memorandum. Strachan also showed Haldeman, political intelligence reports referring to "Sedan Chair II" which had been attached to the memorandum. Haldeman said he had not previously read the attachment, and proceeded to read it. According to Strachan, Haldeman di-

rected him to destroy all of the documents. Haldeman has testified that he could not recall giving Strachan any such instruction.

21. Following his meeting with H. R. Haldeman, Gordon Strachan shredded the Political Matters Memorandum regarding a sophisticated intelligence gathering system that he had shown Haldeman. Strachan also shredded other related documents, including a memorandum regarding Gordon Liddy, an April 4, 1972, talking paper prepared by Strachan for a meeting between Haldeman and John Mitchell, a memorandum from Jeb Magruder to Mitchell regarding Donald Segretti, and Segretti's telephone number. After Strachan destroyed these documents, he told John Dean what documents he had destroyed. On July 1, 1972, Strachan, Haldeman and Lawrence Higby were part of a Presidential party aboard Air Force One. Strachan has testified that during the flight he reported to Haldeman that the job had been accomplished, and Haldeman told him to reduce the number of copies made of future Political Matters Memoranda from three to two. Haldeman has testified that he does not recall receiving such a report.

22. On June 20 or 21, 1972, Robert Mardian and Fred LaRue met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that he and Howard Hunt had developed the plans for entries into the DNC and the McGovern presidential campaign offices; that he, Hunt and others involved in the Watergate break-in had been previously involved in operations of the White House, specifically an entry into the offices of Daniel Ellsberg's psychiatrist; that Hunt had acted to make ITT lobbyist Dita Beard unavailable as a witness at the Senate Judiciary Committee hearings on the nomination of Richard Kleindienst to be Attorney General; and that he had shredded 11 new, serialized \$100 bills in his possession and other evidence relating to the Watergate break-in. Later that day Mardian and LaRue met with John Mitchell and apprised him of their meeting with Liddy. Mitchell was told of Liddy's and Hunt's surreptitious entry into the office of Daniel Ellsberg's psychiatrist and of Hunt's earlier activities involving Dita Beard.

23. Shortly after Hunt's involvement in the Watergate matter became known, a White House telephone list bearing Howard Hunt's name and phone extension was recalled and the list was re-issued, deleting Hunt.

24. On June 20, 1972, John Mitchell, the Campaign Director of CRP, issued a prepared press statement. The statement denied any legal, moral or ethical accountability on the part of CRP for the break-in at the DNC headquarters.

25. On June 20, 1972 at 6:08 p.m. the President spoke by telephone with John Mitchell. The President and Mitchell discussed the break-in at the DNC headquarters. According to a dictabelt recording made by the President on June 20, 1972 recollecting the events of that day, Mitchell expressed to the President his regret that he had not kept better control over the people at CRP.

26. On June 21, 1972, shortly after 9:35 a.m. John Ehrlichman told Acting FBI Director Gray that John Dean would be handling an inquiry into Watergate for the White House and that Gray should call Dean and work closely with him. Gray told Ehrlichman that the FBI was handling the case as a "major special with all of our normal procedures in effect." At 10 a.m. Gray telephoned Dean and arranged to meet Dean at 11:30 a.m. in Gray's office. At the meeting they discussed the sensitivity of the investigation, and Dean told Gray that Dean would sit in on FBI interviews. White House staff members in his official capacity as counsel to the President.

27. On or about June 22, 1972, John Ehrlichman met with John Dean and discussed the contents of Howard Hunt's safe and what to do with certain politically sensitive documents.

28. On June 22, 1972, FBI agents interviewed Charles Colson in the EOB. John Dean was present. When the agents inquired about Howard Hunt's office in the EOB, Dean told them whether that he would have to check out whether Hunt had an EOB office or would have to be checked out.

29. On or about June 22, 1972, Acting that the request to see Hunt's office would have to be checked out.

29. On or about June 22, 1972, Acting FBI Director LPatrick Gray met with John Dean. Gray told Dean the FBI had discovered that a \$25,000 check drawn by Kenneth Dahlberg and four checks totalling \$89,000 drawn on a bank in Mexico City payable to Manuel Ogarrio had been deposited in a Miami, Florida bank account of Bernard Barker, one of the persons arrested on June 17, 1972, at the DNC headquarters in the Watergate. Gray and Dean discussed the FBI's alternative theories of the Watergate case, in-

cluding the theory that the break-in was a covert operation of the CIA. Whether that same day or the following morning Dean reported to Haldeman on his meeting with Gray, and Haldeman in turn transmitted the essence of the report to the President.

30. On June 22, 1972, the President held a press conference. He was asked whether he had made an investigation to determine whether there was a direct link between the people who bugged the DNC headquarters and the White House. The President said:

Mr Ziegler and also Mr. Mitchell speaking for the campaign committee, have responded to questions of this in great detail. They have stated my position and have also stated the facts accurately.

This kind of activity, as Mr. Ziegler has indicated, has no place whatever in our electoral process, or in our governmental process. And, as Mr. Ziegler has stated, the White House has had no involvement whatever in this particular incident.

As far as the matter now is concerned, it is under investigation, and it should be by the proper legal authorities, by the District of Columbia Police, and the FBI. I will not comment on those matters, particularly since possible criminal charges are involved.

31. On June 23, 1972, H. R. Haldeman met with the President and informed the President of the communication John Dean had received from Acting FBI Director Gray. The President directed Haldeman to meet with CIA Director Richard Helms, Deputy CIA Director Vernon Walters and John Ehrlichman. Haldeman has testified that the President told him to ascertain whether there had been any CIA involvement in the Watergate affair and whether the relationship between some of the Watergate participants and the Bay of Pigs incident was a matter of concern to CIA. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert CIA operations and operations of the White House Special Investigations Unit (the "Plumbers"), not related to Watergate that had been undertaken previously by some of the Watergate principals. The President directed Haldeman to ask Walters to meet with Gray to express these concerns and to coordinate with the FBI, so that the FBI's investigation would not be expanded into unrelated matters that could lead to disclosure of the earlier activities of the Watergate principals.

32. In the early afternoon of June 21, 1972, John Mitchell, Campaign Director of CRP, met with Maurice Stans, Chairman of FCRP, in Mitchell's o-

office. They discussed the Danberg and the Mexican checks. Stans knew at that time that these checks were campaign contributions that Hugh Sloan, Treasurer of FCRP, had given to Gordon Liddy to be converted to cash.

33. At approximately 1:30 p.m. on June 23, 1972, pursuant to the President's prior directions, H. R. Haldeman, John Ehrlichman, CIA Director Helms and Deputy CIA Director Walters met in Ehrlichman's office. Helms assured Haldeman and Ehrlichman that there was no CIA involvement in the Watergate and that he had no concern from the CIA's viewpoint regarding any possible connections of the Watergate personnel with the Bay of Pigs operation. Helms told Haldeman and Ehrlichman that he had given this assurance directly to Acting FBI Director Gray. Haldeman stated that the Watergate affair was creating a lot of noise, that the investigation could lead to important people, and that this could get worse. Haldeman expressed concern that an FBI investigation in Mexico might uncover CIA activities or assets. Haldeman stated that it was the President's wish that Walters call on Gray and suggest to him that it was not advantageous to push the inquiry especially into Mexico. According to Ehrlichman, the Mexican money or the Florida bank account was discussed as a specific example of the kind of thing the President's wish that Walters call about. Following this meeting, Ehrlichman advised Walters that John Dean was following the Watergate matter on behalf of the White House.

34. On June 23, 1972, at 1:35 p.m. Dean telephoned Gray and said that Walters would be visiting Gray that afternoon. At 2:34 p.m. on the same day Walters met with Gray and discussed the FBI investigation of the break-in at the DNC headquarters. Walters stated that if the FBI investigation were pursued into Mexico it might uncover some covert CIA activities and that the matter should be tapered off with the five men under arrest. Gray agreed to hold in abeyance the FBI interview of Manuel Ogarrio. Gray has testified that the FBI continued its effort to locate Kenneth Dahlberg. Gray reported to Dean the substance of his conversations with Walters.

35. On June 23, 1972, at 3 p.m. Maurice Stans met at the CRP offices with Kenneth Dahlberg who, at the request of Stans and Fred LaRue, had flown to Washington that day for the meeting. LaRue and Stans discussed the check drawn by Dahlberg, the money from which had reached the bank account of Bernard Barker. At 5 p.m. on the same day Dahlberg met with Stans, LaRue and Robert Mardian.

36. On or before June 26, 1972, Walters determined that there were no CIA sources or activities in Mexico that might be jeopardized by FBI investigations of the Ogarrio check in Mexico. On June 26, 1972, Walters met with John Dean and advised him that there was nothing in any of the FBI investigations that could jeopardize or compromise in any way CIA activities or sources in Mexico.

37. On or about June 27, 1972, John Dean and Fred Fielding, his assistant delivered to FBI agents a portion of the materials from Howard Hunt's safe. The materials given to the FBI agents included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the FBI agents included fabricated diplomatic cables purporting to show the involvement of the Kennedy administration in the fall of the Diem regime in Vietnam, memoranda concerning the Plumbers unit, a file relating to an investigation Hunt had conducted for Charles Colson at Chappaquidick, and two notebooks and a pop-up address book.

38. On June 26 or 27, 1972, Dean met with Walters and asked if there was any way the CIA could provide the bail money or pay the salaries of the persons arrested in connection with the break-in at the DNC headquarters.

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Walters said the CIA would do so only on a direct order from the President. According to Dean, his proposal to the CIA had previously been approved by John Ehrlichman. Dean also has testified that he reported to Ehrlichman regarding Walters' negative position on the proposal, and that he was asked by Ehrlichman to push Walters a little harder. Ehrlichman has denied receiving these reports from Dean. On June 28, 1972, at 10:45 a.m. Dean met with Ehrlichman. At 11:30 a.m. Dean telephoned Walters and asked Walters to see him in his EOB office. At this meeting Walters and Dean discussed the Dahlberg check and the Mexican checks, and Dean again asked whether the CIA could do anything to stop the FBI investigation of these checks. Walters said there was nothing his Agency could do.

39. On the morning of June 27, 1972, Gray met with Mark Felt and Charles Bates of the FBI to receive a briefing on the latest Watergate break-in developments. During that briefing Dean telephoned Gray. Gray has testified that in the ensuing conversation he told Dean that if Dahlberg continued to evade the FBI, Dahlberg would be called before a grand jury. Gray also has testified that he asserted to Dean the importance of an aggressive FBI investigation to determine the motive and identity of all persons involved.

On June 27, 1972, CIA Director Helms received a memorandum from the Chief of the Western Hemisphere Division of the CIA stating that there were no CIA traces on Manuel Ogarrio and that the CIA's last contact with a person named Kenneth Dahlberg occurred in 1961 and concerned the manufacturing of a hearing aid for a high level Peruvian. Later that day, Helms told Gray that the CIA had no interest in Ogarrio. Helms confirmed with Gray their plan to meet the following day.

40. On June 28, 1972, at 10:25 a.m. Dean telephoned L. Patrick Gray about rumors of leaks from the FBI, the material from Hunt's safe, a slowdown in the investigation, and the tracing of the Mexican money. According to Gray, he may have told Dean during this conversation of the meeting he had scheduled with Helms for 2:30 p.m. that day. At 10:45 a.m. Dean met with John Ehrlichman. At 10:55 a.m., Ehrlichman telephoned Gray. Gray has testified that when he returned the call at 11:17 a.m., Ehrlichman said, "Cancel your meeting with Helms and Walters today; it is not necessary." At 11:23 a.m. Gray called Helms to cancel their meeting. Helms asked Gray to call off interviews which the FBI had scheduled with two CIA employees. (In July 1971 pursuant to a request from Ehrlichman to Deputy CIA Director Robert Cushman, the two CIA employees had provided Howard Hunt with disguises, hidden cameras, and other material for use in domestic clandestine operations. In requesting CIA assistance for Hunt, Ehrlichman had told Cushman that Hunt "has been asked by the President to do some special consulting work on security problems.")

41. On June 28, 1972, Helms wrote a memorandum to Walters stating the substance of Helms' conversation with Gray. Helms stated the CIA still adhered to its request that the FBI confine its investigation to the persons already arrested or directly under suspicion and that the FBI not expand its investigation into other areas which might eventually run afoul of CIA operations.

42. On June 28, 1972, Gray directed that the FBI interview Manuel Ogarrio and continue its efforts to locate and interview Kenneth Dahlberg. On that evening John Dean telephoned Gray at home and urged that, for national security reasons or because of CIA interest, efforts to interview Ogarrio and Dahlberg be held up. Gray thereafter cancelled the interviews.

43. On June 28, 1972, FBI agents met with Gordon Liddy, in the presence of FCRP attorney Kenneth Parkinson, to question Liddy regarding the break-in at the DNC headquarters. When Liddy decline to answer the agents' questions, he was discharged by FCRP Chairman Maurice Stans.

44. On or about June 28, 1972, John Dean was informed that the FBI was attempting to interview Kathleen Chenow, the secretary of David Young and Egil Krogh in the White House Special Investigations Unit (the "Plumbers"). (The number of a telephone billed to Chenow at her home address but located in the EOB was contained in a personal book of telephone numbers of Eugenio Martinez and in an address book of Bernard Barker found in the Watergate hotel room that had been occupied by certain of the men arrested in the DNC headquarters.) Dean has testified that he informed John Ehrlichman of problems connected with Chenow's interview and Ehrlichman agreed that before her FBI interview Chenow should be briefed not to disclose the activities of Howard Hunt and Gordon Liddy while at the White House. On June 28, 1972, Dean telephoned Acting FBI Director Gray and requested that Chenow's interview be temporarily held up for reasons of national security. Gray agreed to the request.

45. On June 28, 1972, Gray met with John Ehrlichman and John Dean. At this meeting Gray was given two folders containing documents which he was told had been retrieved from Howard Hunt's safe and had not been delivered to FBI agents when the remainder of the contents of the safe was delivered on June 27, 1972. Gray was told that these documents were politically sensitive, were unrelated to Watergate, and should never be made public. Dean did not deliver to Gray the two notebooks and popup address book that had been found in Hunt's safe; Dean has related that he discovered these items in a file folder in his office in late January 1973, at which time he shredded the notebooks and discarded the address book.

46. On June 30, 1972, the President met with H. R. Haldeman and John Mitchell. A portion of their discussion related to the Watergate break-in.

47. On July 2, 1972, Fred Fielding, staff assistant to John Dean, flew to England, where Kathleen Chenow was vacationing, to bring Chenow back to Washington. On or about July 3, 1972, Chenow discussed her forthcoming FBI interview with Fielding and Plumbers Unit member David Young. Dean

and Fielding were present when the FBI interviewed Chenow.

48. On July 5, 1972, at 5:45 p.m. Acting FBI Director Gray phoned Deputy CIA Director Walters and stated that, unless the CIA provided by the following morning a written rather than the verbal request to refrain from interviewing Manuel Ogarrio and Kenneth Dahlberg, the FBI would go forward with those interviews. At 10:05 a.m. on July 6, 1972, Walters met with Gray and furnished Gray a memorandum indicating that the CIA had no interest in Ogarrio or Dahlberg. Gray then ordered that Ogarrio and Dahlberg be interviewed. At 10:51 a.m. Gray called Clark MacGregor, Campaign Director of CRP, who was with the President at San Clemente, California. Gray has testified that he asked MacGregor to tell the President that Gray and Walters were uneasy and concerned about the confusion during the past two weeks in determining whether the CIA had any interest in people whom the FBI wished to interview in connection with the Watergate investigation. Gray also

has testified that he asked MacGregor to tell the President that Gray felt that people on the White House staff were careless and indifferent in their use of the CIA and FBI, that this activity was injurious to the CIA and the FBI, and that these White House staff people were wounding the President. MacGregor has denied both receiving this call and the substance of it as related by Gray, but has testified to receiving a call from Gray on another subject the previous evening or possibly that morning. (By letter of July 25, 1973, to Archibald Cox, J. Fred Buzhardt stated that the President's logs do not show any conversations or meetings between the President and Clark MacGregor on July 6, 1972. The President's log for that date shows meetings between the President and MacGregor from 10:40 a.m. to 12:12 p.m. Pacific time.) At 11:28 a.m. the President telephoned Gray. Gray told the President that he and Walters felt that people on the President's staff were trying to mortally wound the President by using the CIA and the FBI. The President responded by instructing Gray to continue to press ahead with the investigation.

49. In July 1972, Dean obtained from Gray various interview and investigative reports of the FBI investigation of the break-in at the DNC headquarters. Dean has testified that he showed these reports to the attorneys for CRP and to CRP officials. Previously Dean had asked Attorney General Kleindienst for access to FBI interview reports and Attorney General Kleindienst had refused his request.

50. On or about Friday, July 28, 1972, a grand jury subpoena was served on Maurice Stans, Chairman of FCRP, to testify in connection with the investigation of the break-in at the DNC headquarters about his knowledge of the purpose for which campaign funds were spent. The President requested that John Ehrlichman determine if Stans could testify by deposition instead of being subjected to a personal appearance before the grand jury. John Dean called Henry Petersen, Assistant Attorney General in charge of the Criminal Division, and requested that Stans' testimony be taken at the offices of the Department of Justice rather than before the grand jury. Petersen had previously agreed to this arrangement in the case of testimony by members of the White House staff. Petersen told Dean that this procedure could not be used for Stans, and Dean reported that response to Ehrlichman. On Saturday, July 29, 1972, Ehrlichman called Petersen and requested that Stans not be compelled to appear before the grand jury. Ehrlichman accused the prosecutors of harassing Stans. On Sunday, July 30, 1972, Ehrlichman called Attorney General Kleindienst. Ehrlichman reported that Petersen had refused to follow his instructions. The next day Kleindienst, Petersen and Assistant United States Attorney Earl Silbert met in Petersen's office. They agreed that Stans would be questioned under oath at the Department of Justice and not before the grand jury. On August 2, 1972, Stans was questioned in Petersen's conference room. According to Stans, in August the President called Stans and told him that he appreciated the sacrifice that Stans was making in not answering questions for the press and hoped that he could continue to take it.

51. John Ehrlichman has testified that on July 31, 1972, Ehrlichman, John Dean and Attorney General Kleindienst met and discussed whether Jeb Magruder was involved in the break-in at the DNC and that shortly thereafter Ehrlichman discussed the meeting with the President. Kleindienst has

testified he does not recall the meeting. In August 1972, after Magruder's testimony before the grand jury investigating the break-in at the DNC headquarters, Dean called Assistant Attorney General Henry Petersen to find out how Magruder had done when testifying. Petersen called Assistant United States Attorney Silbert and discussed Magruder's testimony. Petersen has testified that he told Dean that while Magruder was a very articulate young man, nobody believed Magruder's story that he did not know the purposes for which campaign funds had been spent.

52. At the end of August 1972, John Ehrlichman met with the President and discussed what public statements the President should make about the White House and CRP involvement in the June 17 break-in. The President decided that he would state that there was no involvement of present White House employees. On August 29, 1972, in a press conference the President stated that John Dean, under the President's direction, had conducted a complete investigation of all leads that might involve any present members of the White House staff or anybody in the government. The President said, "I can say categorically that his investigation indicates that no one in the White House staff, no one in his Administration, presently employed, was involved in this very bizarre incident." John Dean has denied conducting that investigation. The President also stated that the FBI and the Department of Justice had had the total cooperation of the White House and that CRP was continuing its investigation.

53. On Sept. 15, 1972, the President met with H. R. Haldeman and John Dean. Certain subjects were discussed in the course of the Sept. 15, 1972 meeting:

Filing of indictment against seven Watergate defendants.

Manner in which Dean has handled Watergate matter.

Human frailties and bitterness between Finance Committee and Political Committee.

Governmental power and political opponents.

White House and Watergate matter.

54. On Oct. 5, 1972, the President held a press conference. He stated that the FBI had conducted an intensive investigation of Watergate because "I wanted to be sure that no member of the White House staff and no man or woman in a position of major responsibility in the Committee for Re-Election had anything to do with this kind of reprehensible activity."

55. On Dec. 15, 1972, John Ehrlichman met with CIA director Richard Helms, William Colby of the CIA, and John Dean. They discussed answers to questions posed by Assistant Attorney General Henry Petersen and Assistant U.S. Attorney Earl Silbert. Colby had disclosed on Nov. 27, 1972, to the Federal prosecutors that Ehrlichman was the person who had requested CIA assistance for Howard Hunt in 1971. They also discussed the materials turned over by the CIA to the Justice Department on Oct. 24, 1972.

56. On Jan. 8, 1973, former CIA Deputy Director Cushman sent a memorandum to John Ehrlichman identifying as the person who requested CIA assistance for Howard Hunt in 1971 one of the following: Ehrlichman, Charles Colson or John Dean. On Jan. 10, 1973, after discussions with Ehrlichman and Dean, Cushman changed the memorandum to state that he did not recall the identity of the White House person who requested assistance for Hunt.

57. Early in 1973 John Dean met with Assistant Attorney General Petersen. Petersen showed Dean documents delivered by the CIA to the Department of Justice, including copies of the photographs connecting Howard Hunt and Gordon Liddy with Dr. Fielding's office. On a second occasion prior to Feb. 9, 1973, Dean met with Petersen and discussed what the Department of Justice would do if requested by the CIA to return materials. Petersen told him that an indication that the materials had been sent back to the CIA would have to be made in the Department's files.

58. On Feb. 9, 1973, Dean called CIA Director James Schlesinger. Dean suggested that the CIA request the Department of Justice to return a package of materials that had been sent to the Department of Justice in connection with the Watergate investigation. Deputy CIA Director Walters contacted Dean on Feb. 21, 1973, and refused Dean's request.

E. Howard Hunt testimony, July 26, 1973, Senate Watergate committee executive session.

Mr. Hunt. I'm trying to keep it in the money context. On Monday, the 19th, I was told by Mr. Liddy that they wanted me to get out of town.

Mr. Lackritz. Now, Monday the 19th, when did you see Mr. Liddy?

Mr. Hunt. It was, I gather, around 11, 11:30 in the morning. He called me and asked me to meet him down at the corner by the USIA Building, which is about 19th and Pennsylvania Ave.

It was very mysterious, we walked, and he talked; and he said, "We want you to get out of town right away," and I expressed surprise at that.

I said, "Well, what is the purpose, where do you want me to go," and he said, "Well"—I said, "What excuse would I have for going." He said, "Well, your wife is in Europe, why don't you go over and visit her for a while, spend the rest of the summer over there; it's a free vacation."

I said, "Well, I still have two children here in the United States," so we went on in that vein and it had been decided. He wasn't specific as to who had instructed him to get in touch with me, but he said, "All expenses will be paid, everything will be taken care of"; and I said, "What I need right now is an attorney, you know, he has been out to visit me; I communicated with him telephonically over the weekend."

I went home in due course and began packing, and within a period of 45 minutes—

Mr. Lackritz. Before you get into that, when you met with Mr. Liddy on the street corner he said "they wanted you to get out of town," who were "they"?

Mr. Hunt. I assumed it to be the Mitchell, Magruder, Dean group, whom I identified as the principals.

Mr. Lackritz. You identified these individuals that you just named as being Mr. Liddy's principals?

Mr. Hunt. Yes.

Mr. Lackritz. I see. Did you ask Mr. Liddy specifically who "they" were?

Mr. Hunt. No, I did not at that time. We, both of us, were in a pretty emotional state at that point, and he felt it was imperative, he was relaying instructions to me to get out of town. I resisted that instruction, I wanted legal representation.

He overcame my reluctance and I said, "All right, I've got a pretext for going up to New York overnight—in fact I did have a conference slated for the following day in New York. So, I went up to New York and telephoned my wife in London the following day—oh, it was after I got home that Mr. Liddy rescinded the order. I was just

about packed, though I had no intention of going abroad; I didn't actually take my passport out of the drawer.

I said, "Well, I'm very concerned over the mental processes, or the rationale of people who tell me to get out of town, nothing else will do; and suddenly, 45 minutes later, the order is rescinded."

E. Howard Hunt testimony, Sept. 24, 1973.

Mr. Dash. Now, did you hear from Mr. Liddy during this period of time?

Mr. Hunt. What period of time?

Mr. Dash. Shortly after, around June 19 or around that time?

Mr. Hunt. Yes, sir, I did.

Mr. Dash. What, if anything, did he tell you?

Mr. Hunt. Toward midday on the 19th, I got a telephone call from him at my Mullen Co. office saying that he needed urgently to meet me. We met at the corner of the USIA building, which I believe is at 17th and Pennsylvania Ave. We met, walked around the block. During the course of the conversation, he told me that it was necessary for me to get out of town, that "they" wanted me to get out of town.

Mr. Dash. Did he indicate who "they" were?

Mr. Hunt. Not at that time.

Mr. Dash. Then, was it a fact that that particular order was rescinded?

Mr. Hunt. He told me that it was.

Mr. Dash. Now, in fact, you did leave Washington, did you not?

Mr. Hunt. I did.

Mr. Dash. And did you ultimately go to California?

Mr. Hunt. I did.

CIA employee statement, Jan. 17, 1974.

My secretary, Mrs. 19 and I frequently speculated about the possible involvement of Howard Hunt and the Watergate affair and the possible involvement of the Agency. I was aware that Hunt had frequently transmitted sealed envelopes via our office to the Agency. We had receipts for these envelopes but were unaware of the contents. However, Mr. 20 who had temporarily occupied my post during the illness of my predecessor, 21 and had been on hand to "break in" my immediate predecessor, 22 (who held the post for 30 days), had told me that he had opened one of the packages one day to see what Hunt was sending to the Agency. He said that the envelope was addressed to 6 and appeared to contain "gossip" information about an unknown person—he assumed that it had something to do with a psychological study of that person. Mrs. 19 subsequently confirmed this information.

Shortly after my assignment at the Executive Office Building, a new telephone list was issued by the White House and it contained Hunt's name. The Watergate news broke and Hunt was involved. The White House recalled the phone listings without reason and reissued them—we noted that Hunt's name had been deleted. As the news of the Watergate and Hunt's involvement spread, we—at a date unknown—decided that it was not prudent nor necessary to retain the receipts for envelopes which we had transmitted from him to CIA and we destroyed these receipts.

Earlier this year information appeared in the press which discussed Hunt and psychological studies. Linking the above information with these news reports I became concerned that the Agency might become publicly involved in this publicity and that it would be an embarrassment which the Agency should be aware of and prepared for. I had no knowledge of whether or not Hunt had arranged

with Mr. Helms or someone else in authority for 6 to make psychological studies of whether Hunt had prevailed upon 6 because of some past connection or whether or not 6 was doing this officially or "free lance." But I felt strongly that the Agency should be aware of this Hunt 6 connection, in case it did not already know.

I called Dr. Schlessinger and said that I had a confidential matter to discuss with him and visited him one night about 6:30. (I do not recollect the time but Mr. ... fixes it at 2 May.) I said that I was aware of some information that was not first hand but which I had verified and that I felt it had implications which might embarrass the Agency and therefore he should be aware of this information so that he could prepare for public involvement, in case he was not already aware of it. I related what I knew about envelopes from Hunt to the Agency and specifically about the transmittal of information to 6. He seemed surprised and unaware of any such link. He asked me, "What shall I do with 6." I said (somewhat taken aback at this question) that I thought he should first talk to 6 and get his side of the story and that I found it hard to believe that an individual of the Agency would become involved in something like this without some approval from higher authority within the Agency, also, that I was sure that someone had compiled the facts about the Agency's involvement with Hunt and the Watergate and that it should be available somewhere in the Agency if he had not already seen it. He seemed dismayed and bewildered that something like this could have happened and that he did not know about it. I repeated that I was sure that it was a matter of record somewhere and that it simply may not have been brought to his attention. He thanked me for reporting this information.

The following day I had a call from Mr. 23, Dr. Schlessinger's assistant and a former colleague on the NSC staff, asking for a review of what I had reported saying that Dr. Schlessinger was very upset and had asked him to look into this right away. He wanted to know if I had any more details. I subsequently remembered another tangent to this subject and stopped in his office the following day (which was 3 May according to Mr. 1 timetable) and related it to him. It was that Mrs. 19 recalled that one day Hunt had come to see 22 and they had talked behind closed doors. After the talk 22 came out and remarked to her that he was amazed, shocked and bewildered by the things that Hunt told him he was doing. He scratched and shook his head, remarked what an interesting job Hunt had, but revealed none of the details of his conversation. The only specific item he mentioned was a film that Hunt was working on for educational TV which involved one of the Nixon daughters. (I confirmed with Mrs. 19 this date that this is her recollection of this event.) 23 said that my report to Dr. Schlessinger was the first that the latter had heard that the Agency was in any way involved and that the Agency and Dr. Schlessinger, in particular, owed me a debt of gratitude for coming forward with this information. I remarked again that I would be surprised if the Agency had not already compiled a report on Hunt's involvement with the Agency because I knew that Mr. Helms was probably aware of some of Hunt's activities and might have authorized the use of ... and that because of his 23 and Schlessinger's newsness of the job they simply had not seen this material or had reason to

ask for it. He said that he intended to find out.

23 subsequently told me that 22 had been interviewed and said that he knew nothing of Hunt's activities. I suggested that 20 be interviewed because not only had he opened at least the one Hunt 6 envelope, but he may have additional information to report from his personal talks with Hunt.

23 told me sometime later that Schlessinger was awarding a medal to General Walters for his role in the Watergate affair and remarked again that my report had triggered the revelation of the iceberg. We joked about how the Generals always get the medals!

I do not believe that the subject has come up again until this time.

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Transcript of President Nixon's June 20, 1972, recollections, from dictabelt recording by the President on a telephone conversation with John Mitchell.

President. I also talked to John Mitchell in—late in the day and tried to cheer him up a bit. He is terribly chagrined that, uh, the activities of anybody attached to his committee should, uh, have, uh, been handled in such a manner, and he said that he only regretted that he had not policed all the people more effectively on a— in his own organization—

[42 second silence]

[unintelligible]

Excerpt from a document by C. W. Bates regarding "James W. McCord Jr. and others, burglary of Democratic Party national headquarters . . ." dated June 22, 1972. The "Mr. Gray" referred to is L. Patrick Gray, then acting director of the FBI:

While on the phone with [Mr. Gray], I advised him of a new development: Subject Barker had tried to cash a cashier's check with the Republic National Bank, Miami, on 4/24/72. This check was drawn on the Boca Raton Bank and was for \$25,000. The Republic Bank checked with the Boca Raton Bank and they were advised the check was good and had been obtained by Mr. Kenneth Harry Dahlberg. Our files show Dahlberg was investigated at the request of the White House in December, 1969. He is an industrialist from Minnesota, is a millionaire, and has been active in the Republican Party in the Midwest for a number of years. The White House records disclosed he was not presently connected with the White House.

FBI Washington office telegram, June 22, 1972.

To acting director from Washington field . . .

James Walter McCord, Jr., et al, burglary, Democratic National Committee headquarters, Washington, D.C., June 17, 1972, Interception of Communications.

Summary of investigation.

Investigation at Republic National Bank, Miami, Florida, revealed bank records regarding "Barker Associates, Inc." reflect four checks deposited to Barker Associates, incorporated account totaling \$89,000. All checks dated April 4, 1972. Two checks were drawn on Banco Internacional, Mexico City. Barker attempted to cash these checks on April 21, 1972 but Miami Bank refused until checks were deposited and cleared through foreign bank. Barker received cash for these deposits on May 8, 1972. On that same date Barker received approximately \$10,000 in new one hundreds.

H. R. Haldeman testimony, May 31, 1973, Senate appropriations subcommittee executive session:

Mr. Haldeman. Either the 23d or the preceding afternoon, and I am not sure which, afternoon or evening, John Dean, as I can best recall this, and again it is trying to recall events of a year ago, John Dean told me that the



Sketch by David Suter for The Washington Post

FBI was concerned about the question of whether there might be CIA involvement in some aspects of the Watergate affair, either directly or indirectly.

In raising this concern of the FBI, I felt that something needed to be done at that point in time to guide the FBI as to whether there was involvement and, if so, what, and what problems there might be in that respect. I transmitted this report, in essence, to the President, I believe on the morning of the 23d.

I believe that the only area in which I can be helpful to you in your investigation is with regard to the reported meeting of White House and CIA officials last June.

In that regard, on June 23, 1972, John Ehrlichman and I were requested by the President to meet with Director Richard Helms and Deputy Director Vernon Walters of the CIA.

To the best of my recollection, the purpose of this meeting was five-fold:

One, to ascertain whether there had been any CIA involvement in the Watergate affair;

Two, to ascertain whether the relation between some of the Watergate participants and the Bay of Pigs was a matter of concern to CIA;

Three, to inform the CIA of an FBI request for guidance regarding some aspects of the Watergate investigation because of the possibility of CIA involvement, directly or indirectly;

I could interject there that this request had been made known by John Dean, counsel to the President, and had been transmitted by me to the President immediately upon being told of it by John Dean.

The President, as a result of that, told me to meet with Director Helms and General Walters and John Ehrlichman to get into this matter as I am laying it out here.

The fourth purpose was to discuss White House concern regarding possible disclosure of non-Watergate-related covert CIA operations or other national security activities, not related to Watergate, that had been undertaken previously by some of the Watergate principals.

Fifth, to request General Walters to meet with Acting Director Gray of the FBI to express these concerns and to coordinate with the FBI so that the FBI's area of investigation of the suspects, the Watergate suspects, not be expanded into unrelated matters which could lead to disclosure of their earlier national security and CIA activities.

The meeting was held in Mr. Ehrlichman's office on the afternoon of June 23 and, to the best of my recollection, all of the above points were covered.

As I recall, Director Helms assured us that there was no CIA involvement in the Watergate and also that he had no concern from the CIA's viewpoint regarding any possible connections of the Watergate personnel with the Bay of Pigs operation. Helms told us he had given this assurance to Gray directly.

Walters agreed to meet with Gray as requested. I do not recall having any further communication or meeting with Walters, Helms or Gray on this subject.

I do not specifically recall the question of "Mexican aspects" being discussed at this meeting although I do not question General Walters' report that this was covered. We did discuss the concern that, in the interest of national security and the former relationships of some of the principals, the Watergate principals, with CIA, the FBI investigation be limited to the Watergate case specifically and not expanded into prior activities of the individuals involved.

We did this in the full belief that we were acting in the national interest and with no intent or desire to impede or cover up any aspects of the Watergate investigation itself.

I do not recall any subsequent discussion with John Dean regarding this meeting. I do not recall any discussion at any time of a suggestion to involve the CIA in the Watergate matter except as described above. Specifically, I do not recall hearing of any idea of having the CIA furnish bail or pay suspects' salaries while in jail, using covert action funds.

It must be understood that, at the time of our meeting with the CIA, we had only very sketchy knowledge of what and who were involved in the Watergate affair. We had no reason to believe that anyone in the White House was involved and no reason, therefore, to seek any cover-up of the Watergate investigation from the White House.

On the contrary, everyone in the White House was instructed to cooperate fully with the Watergate investigation and, so far as I knew at the time, was doing so.

At the same time, there was concern at the White House that activities which had been in no way related to Watergate or to the 1972 political campaign—and which were in the area of national security—would be compromised in the process of the Watergate investigation and the attendant publicity and political furor.

Recent events have fully justified that concern with the disclosure of the FBI wiretaps on press and NSC personnel, the details of the so-called "plumbers' operation," et cetera.

In summary, the meeting of June 23 with the CIA was held at the President's request in the interest of national security. I do not believe there was any intention to cover up the Watergate. I do not believe there was any direct connection between this meeting and General Walters' reported subsequent meetings with John Dean. I believe I acted properly, in accord with the President's instructions, and in the national interest.

Chairman McClellan. You referred to Gen. Walters' memorandum. I would like to ask some questions about it. . . . It says, "On June 23, at 1300, on request, I called, with Director Helms, on John Ehrlichman and Robert Haldeman in Ehrlichman's office at the White House.

"Haldeman said"—and I want to give you an opportunity to comment on each of these—"Haldeman said that the 'bugging' affair at the Democratic National Committee headquarters at the Watergate Apartments had made a lot of noise and the Democrats were trying to maximize it."

Do you wish to comment on that?

Mr. Haldeman. No, sir. . . .

Chairman McClellan. All right. . . . He states in the next sentence you said the FBI was being called in and was investigating the matter. Did you tell him that, or was that statement made at that meeting?

Mr. Haldeman. In some sense it undoubtedly was. I don't think I needed to tell him that. I think it was pretty well known at that time.

Chairman McClellan. Then he says that the FBI had been called in and was investigating the matter, and he says you said the investigation was leading to a lot of important people and this could get worse. Do you wish to comment on that?

Mr. Haldeman. No, sir.

Chairman McClellan. Do you want to say it is true, or just remain silent about it?

Mr. Haldeman. I would have no comment to make on it. That is his characterization of the conversation.

Chairman McClellan. Is his characterization of the conversation wrong, or correct?

Mr. Haldeman. I have no material conflict with it.

Chairman McClellan. Then you said that, or something like that, I would assume, unless you state otherwise.

Then he goes on further to say, "he" meaning you, "asked what the connection with the agency was, and the Director repeated"—I am sure he means Director Helms—"repeated that there was none."

Did Helms tell you that that day?

Mr. Haldeman. As I have so indicated; yes, sir.

Chairman McClellan. "Haldeman said that the whole affair was getting embarrassing and it was the Presi-

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dent's wish that Walters call on Acting FBI Director Patrick Gray"—now, is that much correct, up to there?

Mr. Haldeman. I think that it is subject to interpretation. It isn't correct, Senator. I don't believe that the request that Walters call on the Acting Director of the FBI was in the context of the whole affair getting embarrassing. I think it was in the context I have laid out in my statement.

Chairman McClellan. Did you tell him that the whole affair was getting embarrassing?

Mr. Haldeman. No, sir; that I recall, no.

Chairman McClellan. You didn't make that statement at the meeting?

Mr. Haldeman. I don't recall making such a statement.

Chairman McClellan. Are you in a position to deny it?

Mr. Haldeman. No, but that is not the flavor of the approach to the meeting that I took.

Excerpts from a memorandum of June 27, 1972, from "Chief, Western Hemisphere Division" to the Director of Central Intelligence. The document originally was marked "Secret/Sensitive" and "Eyes only."

Manuel Ogarrío Daguerre has an office on 156 Paseo de la Reforma in Mexico City. This office is located in the same building as the Banco Internacional de Mexico City. His home address is Cerro de Maika 310, Mexico City. There are no CIA traces on Manuel Ogarrío Daguerre. This man is listed in the Mexico City telephone directory.

Kenneth Harry Dahlberg. The Office of Security gave DCS an approval on 13 July 1965 to contact Kenneth Harry Dahlberg. Security File No. EE 30944 indicates Dahlberg was born on 30 June 1917 in St. Paul, Minnesota. Dis-

cussions with DCS reveal Kenneth Harry Dahlberg is president of Dahlberg Company, 7731 Country Club Drive, Minneapolis, which manufactures hearing aids. CIA's last recorded contact with Dahlberg was in May 1961 when he worked on a hearing aid for a high level Peruvian. The cards indicate there was interest in recontacting Dahlberg in April 1965, but there is no record if he was contacted. The Dahlberg file is in Archives and will be available to us on 28 June 1972. The FBI wanted traces on Kenneth Dahlberg. Thus it is not clear if Kenneth Dahlberg, who is of interest to the FBI is identical with Kenneth Harry Dahlberg who was in touch with CIA. (Comment: Kenneth Harry Dahlberg originally contacted CIA in 1958 on radio matters, not further specified. There is an outside chance that radio matters could be tied to audio operations.) Additional conversations with the FBI on the working level will be needed to sort out the various interests in the name Kenneth Dahlberg.

Excerpts from an affidavit by a CIA employee dated May 18, 1973. Some deletions were made by the House Judiciary Committee at the request of the CIA.

On 22 July 1971 Mr. E. Howard Hunt, a former Agency employee who had joined the White House staff, called on the Deputy Director of Central Intelligence, General Cushman. I was present in the room because General Cushman usually asked me to sit in on his meetings. When Mr. Hunt arrived he said that he wanted to talk to General Cushman privately and I withdrew.

Later that day General Cushman told me that Mr. Hunt has asked for some help (of an unspecified nature), that he (General Cushman) had checked it out and that it was all right, and that he had told Mr. Hunt to get in touch with me to obtain the assistance. Mr. Hunt called me later in the day and requested aid in obtaining a physical disguise and "pocket litter" documentation in alias to assist him in connection with an extremely sensitive project, which he could not further discuss, and which had been approved by Mr. Ehrlichman. Under these circumstances my presumption was that the request must be legitimate and proper.

I then contacted Mr. . . . , Acting Chief of Technical Services Division, and instructed him to make arrangements for furnishing a physical disguise and alias documentation to an individual (Mr. Hunt), who had insisted that his identity not be known to the TSD officers. I explained to Mr. . . . that the undertaking was for an extremely sensitive project which had been requested by the White House, of which I was not at liberty to describe further and the nature of which I was unaware. I also indicated that because of the sensitivity factor all the requested support should be handled by TSD.

When Mr. . . . explained that it would be necessary for a TSD officer to meet the subject before creating a disguise, and because Mr. Hunt was unwilling to come to the Headquarters building again, I arranged for the TSD officer to meet Mr. Hunt, who was under an assumed name, in an Agency safehouse. I obtained a key to the safehouse from the Office of Logistics on 23 July and passed it to a TSD representative, Mr. . . . I believe. TSD was able to provide Mr. Hunt (who dealt with them under the alias of "Mr. Edward") with a disguise and alias documentation later that day (23 July 1971).

Following my contacts with TSD officers I notified the Executive Assistant to the DDP, Mr. . . . that on the instruction of General Cushman I had

enlisted the assistance of TSD (which was subordinate to the Directorate for Plans) in a project for the White House which was said to be extremely sensitive and whose nature was unknown to me.

My next contact with Mr. Hunt was a telephone call from him on 18 August 1971 to a request that the Agency furnish a specific secretary (who was named) for a temporary assignment of between 30 and 90 days. Mr. Hunt said that he needed the secretary to work on a highly sensitive assignment and that Mr. John Ehrlichman had suggested that he call General Cushman. Mr. Hunt said that he did not want the young lady's Division Chief to know that he or the White House was involved in the request. Mr. Hunt suggested that the Director's office should immediately recall the young lady from her assignment overseas

and explain to all concerned that she was urgently needed for an unspecified special assignment. Mr. Hunt again stressed that White House involvement should not be mentioned. After discussing the case with General Cushman and the Office of Personnel I informed Mr. Hunt that the Agency would be unwilling to withdraw the secretary from her overseas assignment. I suggested that if Mr. Hunt would furnish us with a statement of his requirements we might be able to provide a qualified secretary from Headquarters. Mr. Hunt replied that the individual he had requested was the only secretary he would accept because of the "loyalty factor." Mr. Hunt said that he would discuss our attitude with Mr. Ehrlichman and I heard no more of this particular matter.

Mr. . . . records show that we were August 1971 regarding a new request again in contact by telephone on 20 August 1971 regarding a new request from Mr. Hunt for a tape recorder and business cards in alias. Since there was nothing improper in this request and it was consistent with my understanding of the assistance we were authorized to give Mr. Hunt, I instructed Mr. . . . to proceed with this assistance.

My records show that Mr. . . . called me on 26 August 1971 to express concern about additional assistance that had been requested by Mr. Hunt. I learned that Mr. Hunt had introduced an unidentified associate who had been given a disguise and identification documents in alias. Mr. Hunt had also on about 25 August requested and received training in clandestine photography and was given a camera concealed in a tobacco pouch in connection with a new assignment. Mr. . . . expressed concern that Mr. Hunt now possessed a considerable amount of special materials and noted that the concealed camera was a particularly sensitive item. I agreed with Mr. . . . concern and remarked to Mr. . . . that it raised the question of the use of Agency materials in domestic clandestine activity I told Mr. . . . that I would report his call promptly and obtain guidance, and that additional gear should not be given to Mr. Hunt and his requests referred to the Deputy Director's office. (It should also be noted that General Cushman's office was informed only after the camera had been given to Mr. Hunt and his associate outfitted with a disguise.)

I summarized my conversation with Mr. . . . in a memorandum for General Cushman and gave it to him the next morning (27 August). My covering buckslip stated that Mr. Hunt's latest request raised two significant problems for the Agency. Mr. Hunt had introduced a stranger into the picture without any word of explanation to

General Cushman from the White House. I noted that this unknown person was now aware of Agency support to Hunt in whatever he was doing. I also noted that Mr. Hunt's possession and use of unique clandestine equipment (the disguised camera) in domestic activity of uncertain nature also contained potential for trouble. My buckslip read: "The Agency could suffer if its clandestine gear were discovered (being) used in domestic secret operations." My buckslip continued that I would instruct TSD to clear all of Hunt's requests with the Deputy Director's office and recommend that General Cushman seek Mr. Ehrlichman's assurance that Mr. Hunt's "latest caper" was legitimate. (We were still operating on the assumption that the White House project was proper but feared that Mr. Hunt had exceeded his authority.) My buckslip concluded that "Even then (if Mr. Ehrlichman validated Mr. Hunt's request) this does not relieve the Agency from its vulnerability if associated with domestic clandestine operations against Americans."

I had given my memorandum to General Cushman on the morning of 27 August 1971 when Mr. . . . called me again to report additional troublesome requests from Mr. Hunt on the previous day. Mr. . . . said that he was increasingly concerned at the nature of assistance requested by Mr. Hunt. The latter was now pressing for fully backstopped documentation and support, including a driver's license and car rental credit cards in alias. Mr. . . . said that he had turned down this request. Mr. Hunt also asked that the Agency arrange to backstop a New York telephone number either through an answering service there or by a hook-up which would permit the New York number to be answered in Washington. Mr. . . . said that this action was beyond his Division's capability. I told Mr. . . . that Mr. Hunt's latest requests drew the Agency even further into the sensitive area of domestic clandestine operations against Americans and that all such requests should be referred to General Cushman's office. I added that, meanwhile, Mr. Hunt's requests should not be met. I reported Mr. . . . call promptly to General Cushman and recommended that the Agency terminate its support to Mr. Hunt because he was drawing us into a compromising and dangerous situation in which we were not authorized to be engaged, i.e., facilitating domestic clandestine operations against Americans.

General Cushman's notes on my buckslips indicate that he promptly spoke to Mr. Ehrlichman by telephone at 1100 hours on 27 August 1971, and explained why CIA could not meet Mr. Hunt's requests. General Cushman noted on the buckslip that Mr. Ehrlichman indicated he would call a halt to Mr. Hunt's activities.

I informed Mr. . . . on 27 August that General Cushman had notified Mr. Ehrlichman that CIA could not give additional help to Mr. Hunt, that TSD should not accept any more requests from Mr. Hunt, and that Mr. Hunt should be instructed to return the sensitive materials from TSD. TSD records show that when Mr. Hunt next contacted TSD personnel on 31 August 1971 he was again informed that the Agency could not provide further assistance.

Partial transcript of telephone call to General Cushman from John Ehrlichman, July 7, 1971.

Mr. Ehrlichman: I want to alert you that an old acquaintance, Howard Hunt, has been asked by the President to do some special consultant work on security problems. He may be con-

tacting you sometime in the future for some assistance. I wanted you to know that he was in fact doing some things for the President. He is a long-time acquaintance with the people here. He may want some help on computer runs and other things. You should consider he has pretty much carte blanche.

Excerpts from an affidavit by a CIA employee dated Feb. 5, 1974. Names deleted at request of the CIA.

Director Colby's secretary, Miss . . . , came to my office on Monday morning Feb. 4, 1974. She said that Mr. Colby would like me to go through my files once more to make certain that there were no misplaced transcripts of conversations which had been recorded in the Office of the Deputy Director of Central Intelligence. The recording of visitors' conversations had been done on a very selective basis and this practice was discontinued after General Cushman left CIA in December 1971.

During the morning of Feb. 4, 1974, I went through the papers in my safe in order to determine if any misplaced transcripts of conversations were located there. At the bottom of the second drawer were two folders of material that contained information used for General Walters' orientation briefings after he was appointed Deputy Director of Central Intelligence in March 1972. Under these briefing files I found a brown folder containing ten stenographic notes summarizing General Cushman's telephone conversations with members of the White House staff in 1969, 1970 and 1971. In this folder was a summary of General Cushman's 7 July 1971 conversation with Mr. John Ehrlichman.

These stenographic notes in this folder included summaries of General Cushman's conversations with Dr. Kissinger on leaks of intelligence reports in the press, and his request for an analytical paper on Cambodia. There were also conversations with other White House officials on intelligence leaks and on requests for name checks of foreigners. The conversations with Dr. Kissinger were on top of the file of ten stenographic notes and one memorandum written by the CIA General Counsel. The notes of General Cushman's conversations with Mr. Ehrlichman of 7 July 1971 was included about two thirds of the way down in the file. I had looked at this file in May 1973 when Dr. Schlesinger requested employees to search all files for material which might have been related to Howard Hunt and the Watergate affair. At that time I noted the records of the conversations with Dr. Kissinger and others on matters which were completely unrelated to Watergate. I did not see the single page item on General Cushman's conversation with Mr. Ehrlichman about Howard Hunt, and presumably, inadvertently failed to uncover it when I was paging through these papers.

The file of summary notes of General Cushman's telephone conversations was maintained by his secretary. I usually did not see them when they were made because they were chiefly used by the secretaries to clarify questions which might be raised later. In many cases, General Cushman probably did not see them either. In December 1971 Miss . . . , General Cushman's secretary, and I reviewed General Cushman's papers after he left CIA to become Marine Commandant. I decided to retain only those papers which related to General Cushman's conversations with members of the White House staff.

Transcript prepared by the impeachment inquiry staff for the House Judiciary Committee of excerpts from a recording of a meeting among the President and H. R. Haldeman and John Mitchell on June 30, 1972.

Haldeman: Well, there maybe is another facet. The longer you wait the more risk each hour brings. You run the risk of more stuff, valid or invalid, surfacing on the Watergate caper—type of thing—

Mitchell: You couldn't possibly do it if you got into a—

Haldeman: —the potential problem and then you are stuck—

President: Yes, that's the other thing, if something does come out, but we won't—we hope nothing will. It may not. But there is always the risk.

Haldeman: As of now there is no problem there. As, as of any moment in the future there is at least a potential problem.

President: Well, I'd cut the loss fast. I'd cut it fast. If we're going to do it I'd cut it fast. That's my view, gen-

erally speaking. And I wouldn't—and I don't think, though, as a matter of fact, I don't think the story, if we, if you put it in human terms—I think the story is, you're positive rather than negative, because as I said as I was preparing to answer for this press conference, I just wrote it out, as I usually do, one way—terribly sensitive [unintelligible]. A hell of a lot of people will like that answer. They would. And it'd make anybody else who asked any other question on it look like a selfish son-of-a-bitch, which I thoroughly intended them to look like . . .

Mitchell: [Unintelligible] Westchester Country Club with all the sympathy in the world.

President: That's great. That's great.

Mitchell: [Unintelligible] don't let—

Haldeman: You taking this route—people won't expect you to—be a surprise.

President: No—if it's a surprise. Otherwise, you're right. It will be tied right to Watergate. [Unintelligible] tighten if you wait too long, till it simmers down.

Haldeman: You can't if other stuff develops on Watergate. The problem is, it's always potentially the same thing.

President: Well if it does, don't just hard-line.

Haldeman: [Unintelligible] That's right. In other words, it'd be hard to hard-line Mitchell's departure under—

President: That's right. You can't do it. I just want it to be handled in a way Martha's not hurt.

Mitchell: Yeah, okay.

James Schlesinger memorandum, Feb. 9, 1973.

MEMORANDUM FOR THE RECORD

SUBJECT: Telephone Call from John Dean

This evening at 6:10 I received a telephone call from John Dean at the White House. Dean indicated that he wanted to discuss two topics.

First, he averted to a package of material that had been sent to the Department of Justice in connection with the Watergate investigation. He suggested that Justice be requested to return this package to the Agency. The only item that would be left at Justice would be a card in the files indicating that a package had been returned to the Agency, since the material in the package was no longer needed for purposes of the investigation. He indicated that the agency had originally provided these materials to the Department of Justice at the request of The Attorney General and Mr. Howard Peterson.

The second subject that he raised was the pending investigation by the Senate of the ITT affair in relation to the Chilean problem. He felt that this investigation could be rather explosive. He also indicated that there might be some sensitive cables at the Agency that might be requested by the Senate investigators. I indicated to him that while I had not seen any cables, I had been briefed on the subject and that the role of the government appeared to be clean. He expressed his delight at hearing this assessment. I indicated that I would look into the cables further.

In this connection he mentioned that there is a hot story being passed about in the press, primarily instigated by Seymour Hersh of the New York Times. The story suggests that Sturgis, who sometimes goes by the code name Federini, was the individual responsible for the burglarizing of the Chilean Embassy in Washington. He also indicated that he expected Senator Fulbright to request the Justice Department to produce Sturgis for the Senate hearings.

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I indicated that I would look further into the matter. He closed with some jovial remarks about being the bearer of bad tidings, and I inquired what the good news might be. Further references were made to pending appointments at the AEC.

Shortly thereafter I discussed these matters with Bill Colby, who indicated that Sturgis has not been on the payroll for a number of years and that whatever the allegations about the Chilean Embassy, the Agency has no connection at all. We also agreed that he would discuss the question of the package relating to the Watergate investigation with General Walters and a decision would be made with regard to the appropriate action.

JRS

cc: General Walters

Statement of Information—Events Following the Watergate Break-in, June 20, 1972 to March 22, 1973

1. On June 20 or 21, 1972 Fred LaRue, special assistant to CRP campaign director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that he and Howard Hunt had developed the plans for entries into the DNC and the McGovern presidential campaign offices; that certain persons involved in Watergate previously had been involved in operations of the White House "Plumbers" unit, specifically entering the offices of Daniel Ellsberg's psychiatrist and making ITT lobbyist Dita Beard unavailable as a witness at the Senate Judiciary Committee hearings on the nomination of Richard Kleindienst to be Attorney General; and that he had shredded evidence relating to the Watergate break-in. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

2. Later that day (or, according to Mitchell, the day following) Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including the details of the DNC break-in, the involvement of Magruder and Liddy in the DNC break-in, Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist, and Hunt's earlier activities involving Dita Beard. Mitchell was also advised of Liddy's request for bail

money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

3. During the week after the break-in at the DNC, Jeb Magruder told Hugh Sloan that Sloan might have to perjure himself regarding his payments to Gordon Liddy prior to the break-in. Magruder told Sloan that Sloan would have to say that he had given only approximately \$75,000 to \$80,000 to Gordon Liddy. Sloan had in fact given Liddy approximately \$199,000.

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4. On the afternoon of June 23, 1972 Hugh Sloan met with John Ehrlichman at Sloan's request to discuss Sloan's cash disbursements to Liddy. Ehrlichman told Sloan that he did not wish to discuss the subject with him and suggested that Sloan get an attorney. Sloan has testified that Ehrlichman said that he would take executive privilege with respect to whatever Sloan

told him until after the election. Earlier that day Sloan had spoken to Dwight Chapin, the President's appointments secretary about his "concern that there was something very wrong at the campaign committee." Chapin said that the important thing was that the President be protected.

5. On June 23, 1972 Mitchell, Mardian, LaRue and Dean attended a meeting in Mitchell's CRP office. Mardian raised the possibility that since the persons arrested were former CIA people the CIA should take care of its own in furnishing their bail money. It was suggested that Dean determine if CIA assistance could be obtained. Mitchell has testified that to his best recollection the concept of the CIA's providing funds was not discussed in his presence.

6. On or before June 26, 1972 John Ehrlichman told CIA Deputy Director Vernon Walters that John Dean would be Walters' White House contact on matters affecting Watergate. On June 26 or 27, 1972 Dean met with Walters and discussed the possibility of using the CIA to provide funds for the bail and salaries of persons involved in the break-in at the DNC headquarters. Walters rejected the suggestion. On the morning of June 28, 1972 Dean repeated the suggestion to Walters that the CIA assist the persons arrested. Walters again rejected the suggestion.

7. On June 28, 1972 John Ehrlichman met with John Dean at the White House. Ehrlichman approved Dean's contacting Herbert Kalmbach, the President's personal attorney and a Presidential campaign fundraiser, to ask Kalmbach to raise funds for the Watergate defendants. Kalmbach flew to Washington during the night of June 28, 1972, and the following morning Dean met Kalmbach and asked Kalmbach to raise and distribute such

funds. Dean indicated that Kalmbach should raise from \$50,000 to \$100,000, and Kalmbach accepted this assignment. Kalmbach has testified that he acted in the belief that these payments were necessary to discharge a moral obligation that had arisen in some manner unknown to him by reason of earlier events.

8. On or about June 28, 1972 Magruder met with Herbert Porter, who was in charge of the CRP surrogate speakers program, and asked Porter to corroborate to the FBI a false story that CRP had paid Liddy \$100,000 to conduct lawful intelligence projects to prevent disruption of campaign speeches by radical groups. Porter agreed to repeat the false story to FBI agents. Porter has testified that he felt a deep sense of loyalty to the President and was appealed to on this basis.

9. On June 29, 1972, after Kalmbach agreed to undertake the fundraising assignment, he telephoned Maurice Stans and told him he needed from \$50,000 to \$100,000 for an important and confidential White House assignment. Later that day Stans delivered \$75,000 in \$100 bills to Kalmbach in Kalmbach's hotel room. The next day Kalmbach delivered the funds to Anthony Ulasewicz, who previously had undertaken assignments for the White House. Kalmbach told him that the funds were for the Watergate defendants, that the payments would be in absolute secrecy and that contact between Kalmbach and Ulasewicz would be from phone booths using alias names.

10. On or about June 29, 1972 LaRue met Kalmbach in Kalmbach's hotel room. Kalmbach advised LaRue of the nature of his assignment to provide financial support for the Watergate defendants. They discussed the method whereby the defendants could be contacted, how the amount of money needed could be determined, the man who would make the contacts (Ulasewicz, alias Mr. Rivers) and a code name to be used for contacts between Kalmbach and LaRue (i.e., Mr. Bradford). They determined that the contacts with the defendants should be made through the defendants' attorneys.

11. In early July, 1972, the President met with John Ehrlichman. Ehrlichman has testified that they discussed executive clemency with respect to those who might be indicted in connection with the break-in at the DNC headquarters, and that the President told him that he wanted no one in the White House to get into the area of executive clemency with anyone involved in the Watergate case and that no assurances of executive clemency should be made to anyone. At the time of this discussion with Ehrlichman, the President was aware that Howard Hunt had "surfaced" in connection with the Watergate break-in and was a former member of the Special Investigations Unit in the White House (the "Plumbers"). The President was concerned that the FBI investigation of the break-in not expose the activities of that unit.

12. In or about July 1972 and at other times subsequently, John Dean told H. R. Haldeman that CRP was raising funds for those involved in the break-in at the DNC headquarters.

13. On July 5, 1972 John Mitchell was interviewed by agents of the FBI and stated to them that he had no knowledge of the break-in at the DNC headquarters other than what he had read in newspaper accounts of that incident. Mitchell has testified that prior to the time he was interviewed by the FBI he received a report from Robert Mardian and Fred LaRue of a conversation they had with Gordon Liddy in which Liddy described his role in the Watergate break-in; but he was not sure this information was correct when

he was interviewed by the FBI on July 5, 1972 and he was not volunteering any information under any circumstances.

14. On or about July 7, 1972, after several unsuccessful efforts by Ulasewicz to deliver funds for the Watergate defendants to attorneys, and after telephone conversations among Kalmbach, LaRue and Dean, instructions were given by Kalmbach to Ulasewicz to contact Howard Hunt's attorney, William Bittman. After that contact was made and after approval by Kalmbach of a \$25,000 payment, Ulasewicz delivered \$25,000 to Bittman by placing an unmarked envelope containing the money on a shelf in the lobby of Bittman's office building.

15. In mid-July 1972, upon instructions from Kalmbach, Ulasewicz deliv-

ered \$40,000 to Howard Hunt's wife for the benefit of the Watergate defendants and \$8,000 to Gordon Liddy by sealing these monies in unmarked envelopes and placing them in lockers at Washington National Airport. These payments were made from the funds Kalmbach previously had obtained from Stans and delivered to Ulasewicz informed Kalmbach of the amount requested, and Kalmbach in turn discussed the amount with Dean or LaRue, and then instructed Ulasewicz to make the delivery in a specified amount.

16. On July 19, 1972, Porter falsely stated to FBI agents that the funds he had paid Liddy were for the purpose of conducting lawful activities.

17. On July 20, 1972, Magruder falsely stated to FBI agents that he had authorized Sloan to permit Liddy to spend up to \$250,000 to gather intelligence information for use in attempting to prevent disruption at the convention and at speeches by surrogate celebrities and political figures. Magruder has testified that he had volunteered at one point "to take the heat" but that the decision was that if it got to him it would go higher.

18. On July 19, 1972 Herbert Kalmbach met with Dean and LaRue in Dean's EOB office. At that meeting, LaRue, in Dean's presence, delivered cash to Kalmbach for use in meeting the commitments to the Watergate defendants. That evening Kalmbach delivered this cash to Ulasewicz in a hotel room in New York City. The amount of this cash is uncertain, being reported as \$20,000 by LaRue and as \$40,000 by Kalmbach. On or about July 20, 1972 Kalmbach was asked by either Dean or LaRue to raise from outside contributors additional funds for the Watergate defendants. On July 27, 1972 Kalmbach received another \$30,000 from LaRue in LaRue's CRP office. These payments to Kalmbach were made by LaRue out of \$81,000 in cash he had received from Stans and Sloan early in July, when Stans decided that it would be unwise to retain such a cash sum in FCRP custody.

19. On or about July 26, 1972 Herbert Kalmbach met with John Ehrlichman in Ehrlichman's office. Kalmbach has testified to the following regarding that meeting: Ehrlichman assured Kalmbach that it was necessary and legally proper for Kalmbach to continue secretly to raise and provide funds for the persons involved in the break-in at the DNC headquarters; Kalmbach that it was necessary and him that Dean had authority to direct him in this assignment, and Ehrlichman stated that Dean had that authority, that it was a legally proper project and that Kalmbach was to go forward

with it; Kalmbach requested the meeting because he had become concerned whether the secret payments operation he was conducting with Ulasewicz was a legally proper activity, whether Dean had authority to have Kalmbach undertake that assignment, and whether the operation should be continued; and Kalmbach received the desired reassurance from Ehrlichman. Ehrlichman has testified that he did not give assurance to Kalmbach. On April 19, 1973, just prior to Kalmbach's testifying before the Watergate grand jury, he and Ehrlichman discussed by telephone their July 26, 1972, conference. Ehrlichman tape recorded that conversation.

20. On or about Aug. 5, 1972, Kalmbach met in California with Thomas Jones, chairman of Northrop Corporation, who previously had contributed and had offered to provide additional funds for the President's campaign. At that meeting Jones delivered to Kalmbach a wrapped package of cash (\$50,000 according to Jones, and \$75,000 according to Kalmbach). Shortly thereafter Ulasewicz came to California and Kalmbach covertly delivered \$75,000 in cash to Ulasewicz for the Watergate defendants. Kalmbach has testified that a few days thereafter he advised Ehrlichman that in connection with his assignment he had raised \$75,000. Ehrlichman has testified that he places this conversation with Kalmbach in April 1973 rather than August 1972.

In August 1972, in accordance with the procedures previously described (paragraph 15), Ulasewicz made two payments to Mr. and Mrs. Howard Hunt (\$43,000 and \$18,000) by placing unmarked envelopes containing the money in lockers at Washington National Airport.

21. On Aug. 10, 1972, Herbert Porter testified falsely before the Watergate grand jury that the money he had paid Liddy prior to the Watergate break-in was for the purpose of obtaining information regarding plans by radical groups to disrupt political rallies.

22. On Aug. 18, 1972, Jeb Magruder testified falsely before the Watergate grand jury that CRP had paid Gordon Liddy to conduct lawful intelligence projects. Magruder has testified that he felt it important that the story of the Watergate break-in did not come out in its true form, and he volunteered to work on the cover-up story. Prior to his grand jury testimony Magruder met at different times with John Mitchell and John Dean. Magruder has testified that Dean, Mitchell and others helped prepare him for his grand jury appearance. Mitchell has testified that he attended a meeting with Magruder and others where Magruder outlined the nature of the testimony that he was going to give. Dean has testified that he informed H. R. Haldeman and John Ehrlichman about Magruder's proposed story and Herbert Porter's proposed corroboration of it. Ehrlichman has denied that he was so advised. Magruder has testified that his reason for testifying falsely was that "if it had gotten out that people like Mr. Mitchell and others had been involved at that point in time, I honestly thought that his [the President's] re-election would be probably negated."

23. On Aug. 28, 1972, Egil Krogh, an assistant to Ehrlichman who had established the Plumbers organization (the White House Special Investigations Unit) appeared and testified falsely before the Watergate grand jury that he had no knowledge that Howard Hunt had traveled to any place other than Texas while he was working on the declassification of the "Pentagon Pa-

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pers." He also testified falsely that he knew of no trips to California, "for the White House" by Gordon Liddy.

24. In the summer of 1972 Dwight Chapin, the President's appointments secretary, met with Donald Segretti. Segretti, whom Chapin had employed to disrupt the campaigns of candidates for the Democratic presidential nomination, had previously been questioned by the grand jury investigating the Watergate break-in and by the FBI. Segretti has testified:

Mr. Chapin told me to cease all activities. I asked Mr. Chapin if I should make an accounting of funds, that I did have some money that was left over. Mr. Chapin told me, no, to keep whatever money I had remaining as a bonus; and I had been through a lot of problems, with the FBI and the grand jury appearance.

The amount involved was several thousand dollars. They also discussed the possibility of Chapin's finding Segretti a job.

25. On or about Sept. 12 or 13, 1972, at 12:00 noon, John Mitchell, John Dean and Jeb Magruder met. Magruder outlined the false story he was planning to give before the Watergate grand jury regarding the meetings among Mitchell, Magruder, Dean and Gordon Liddy in January and February 1972 at which political intelligence and electronic surveillance had been discussed. Mitchell did not express any disagreement. Thereafter, Magruder appeared before the grand jury and testified falsely.

26. On Sept. 14, 1972, John Mitchell testified before the Watergate grand jury that he had no prior knowledge of illegal CRP political intelligence operations or of Gordon Liddy's political intelligence gathering activities.

27. On Sept. 15, 1972 Gordon Liddy, Howard Hunt and the five persons arrested in the DNC Watergate offices were indicted for several offenses including burglary, unlawful entry for the purpose of intercepting oral and wire communications, and conspiracy.

28. On Sept. 15, 1972 John Dean met with the President and H. R. Haldeman. They discussed the Watergate investigations and the indictment returned earlier that day. The President discussed with Haldeman and Dean the way Dean had handled the matter. The President said:

Well, the whole thing is a can of worms. As you know, a lot of this stuff went on. And, uh, and, uh, and the people who worked (unintelligible) awfully embarrassing. And, uh, and, the, uh, but the but the way you, you've handled it, it seems to me, has been very skillful, because you—putting your fingers in the dikes every time that leaks have sprung here and sprung there. (Unintelligible) having people straighten the (unintelligible). The Grand Jury is dismissed now?

29. On Sept. 17 or 18, 1972 Kalmbach was directed by Dean or LaRue to deliver \$53,500 to Mrs. Howard Hunt for the benefit of the Watergate defendants and to deliver the remainder of the funds he had received to LaRue.

On Sept. 19, 1972, after having been directed by Kalmbach to make these deliveries, Ulasewicz delivered \$53,500 to Mrs. Hunt by placing the cash in an unmarked envelope in a locker at the Washington National Airport, and delivered \$29,900 to LaRue by placing the cash in an unmarked envelope on a shelf in the lobby of a Howard Johnson's Hotel near LaRue's residence. On Sept. 21, 1972 Kalmbach, LaRue, and Dean met in Dean's office to reconcile Kalmbach's and LaRue's records of Kalmbach's disbursements of the

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funds he had obtained from Stans, LaRue and Jones. These records showed that as of Sept. 21, 1972 Kalmbach had disbursed \$187,500 for the benefit of the seven defendants and \$29,900 to LaRue. Kalmbach said that he did not wish to continue his role concerning the payments to the defendants. At the end of the meeting, Kalmbach burned his records in an ashtray on Deans' desk.

30. In October, 1972, CRP attorney Kenneth Parkinson told Fred LaRue and John Dean that William Bittman, Hunt's attorney, needed additional money for legal fees. Using the alias "Mr. Baker," LaRue contacted Bittman and caused cash (25,000 or \$20,000) to be delivered to Bittman's office. The package was received at Bittman's office in Hunt's presence. LaRue has testified that he understood the money was for legal fees for Bittman.

31. On Nov. 10, 1972 John Dean met with Donald Segretti in Palm Springs, California. Dean taped a conversation in which Segretti described his disruption of the campaigns of candidates for the Democratic presidential nomination during the period he was employed by Dwight Chapin. On Nov. 11, 1972 Dean was called from Palm Springs to Key Biscayne, Florida where H. R. Haldeman and John Ehrlichman had accompanied the President. Dean flew to Florida and reported on Segretti to Haldeman and Ehrlichman. Segretti has testified that in mid-November 1972 Dean offered him a position in Montego Bay, Jamaica, at a salary of about \$35,000 per year.

32. In November, 1972, Howard Hunt telephoned Charles Colson. Colson recorded the conversation. Hunt discussed with Colson the need to make additional payments for the defendants in *United States v. Liddy*. Hunt said:

(T)his is a long haul thing and the stakes are very, very high and I thought that you would want to know that this thing must not break apart for foolish reasons . . .

We're protecting the guys who are really responsible . . . but at the same time, this is a two way street and as I said before, we think that now is the time when a move should be made and surely the cheapest commodity available is money.

Colson gave a tape recording of the conversation to John Dean. Dean has testified that on or about Nov. 15, 1972 he met with John Ehrlichman and H. R. Haldeman at Camp David, Md., and played the recording for them. Ehrlichman has testified that he does not recall ever hearing the recording. Dean also has testified that immediately after the meeting at Camp David, he met with John Mitchell regarding the defendants' money demands and played the recording for him.

33. On or about Dec. 1, 1972, William Bittman, Howard Hunt's attorney, gave

a folded paper to CRP attorney Kenneth Parkinson. Parkinson gave it to John Dean and to Fred LaRue. In or around early December, 1972, Dean had a discussion with Haldeman about CRP's need for funds for the defendants in *United States v. Liddy*, during which Haldeman approved the transfer to CRP of a cash fund of \$350,000 in campaign contributions which had been placed at the disposal of the White House at Haldeman's direction prior to April 7, 1972. [See Haldeman's grand jury testimony in Footnote 1.] The first portion of between \$40,000 and \$70,000 was delivered by Haldeman's assistant Gordon Strachan to LaRue. Shortly thereafter LaRue delivered \$40,000 to Bittman by messenger. In Jan. 1973 the remaining \$280,000 was delivered to LaRue. In Jan. 1973 FCRP Director Maurice Stans approved the transfer of \$14,000 or \$17,

000 in campaign funds to LaRue.

34. On Dec. 31, 1972, Howard Hunt wrote to Charles Colson, requesting that Colson meet with Hunt's attorney, William Bittman. Hunt said, "There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th." [Hunt's wife had been killed in a plane crash on that date.] On Jan. 2, 1973, Colson wrote to Dean forwarding copy of Hunt's letter. The transmittal slip from Colson stated, "Now what the hell do I do?" On Jan. 3, 1973, John Ehrlichman, Colson and Dean met to discuss Hunt's letter. Ehrlichman and Dean have testified that the three discussed the subject of executive clemency. Colson has stated he met privately with Dean and discussed the need to give personal reassurance to Hunt. Later that day and on the following day, Colson met with Bittman. According to Colson, Bittman told him that if Hunt went to jail, Hunt did not want to stay in jail beyond the end of the year, and Colson replied that he could not make any representation, but that as long as he was around he would do everything he could to help Hunt.

35. Between Jan. 3 and Jan. 5, 1973, John Caulfield, a friend of James McCord and former assistant to John Dean, delivered to Dean a handwritten copy of a letter Caulfield had received from McCord. McCord's letter stated, "If Helms goes and the Watergate operation is laid at CIA's feet, where it does not belong, every tree in the forest will fall . . . Just pass the message that if they want it to blow, they are on exactly the right course."

36. On Jan. 11, 1973, Hunt pleaded guilty to all counts of the indictment against him in *United States v. Liddy*. The remaining defendants, except for Gordon Liddy and James McCord, pleaded guilty to all counts against them on January 15, 1973.

37. On Jan. 12, 14 and 25, 1973, offers of executive clemency were made to McCord by Caulfield at the direction of Dean.

38. In January, 1973, LaRue discussed with Dean a payment to Gordon Liddy's attorney and shortly thereafter delivered \$20,000 to Peter Maroulis, Liddy's attorney.

39. On Jan. 23, 1973 Herbert Porter and Jeb Magruder testified falsely during the trial in *United States v. Liddy* that Porter had paid Liddy to conduct a program of infiltrating radical groups to obtain political intelligence. Magruder has testified that he had previously told Haldeman that Magruder would commit perjury and that Porter had been cooperative. Haldeman denies that he was so informed.

40. In about January or February 1973 LaRue made payments of \$25,000 and \$35,000 in cash to Howard Hunt's attorney, William Bittman. These funds came from the money that LaRue had received from the White House.

41. On Feb. 7, 1973 the United States Senate, by a vote of 77 to 0, established the Senate Select Committee on Presidential Campaign Activities (SSC) "to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass. . . ." The authorizing resolution "directs the select committee to make a complete investigation and study" of activities "which have any tendency to reveal the full facts" in respect to sixteen specified topics including the break-in and the electronic surveillance at the DNC headquarters, the payment of money or the use of coercion, threats or other means to conceal evidence relating to the

break-in, presidential campaign sabotage, presidential campaign fund raising and the concealment, suppression or destruction of evidence relating to matters within the Committee's jurisdiction.

42. On Feb. 9, 1973 H. R. Haldeman sent John Dean an "Eyes only" memorandum. Mr. Haldeman wrote:

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

He directed Dean to have the Attorney General "order the FBI project on the 1968 bugging . . ." so as to gather the data on whether the President was subject to bugging during the 1968 campaign. He also stated that "Mitchell should probably have Kendall (President of Pepsi Cola Company) call DeLoach (former FBI Assistant Director now working for Mr. Kendall) in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him."

43. On Feb. 10 and 11, 1973 H. R. Haldeman, John Ehrlichman, John Dean and Special Counsel to the President Richard Moore met at San Clemente and at Haldeman's cottage at Rancho LaCosta, California to discuss strategy for the hearings of the Senate Select Committee on Campaign Activities. The meeting was called because the President wanted to know what planning was being done for the hearings and what strategy should be adopted with respect to the White House position on executive privilege and other similar matters. The meetings involved between 8 and 14 hours of discussion. It was agreed that CRP rather than the White House would take primary responsibility for the defense on Watergate-related matters

and that John Mitchell should be asked to coordinate these activities. According to Ehrlichman there was discussion of possible dilatory tactics with respect to the hearings of the Senate Select Committee on Campaign Activities. One tactic considered was monetary assistance to the attorneys for the Watergate defendants in possibly seeking judicial delay of the hearings. It was agreed that Moore would go to New York to speak to Mitchell about the group's discussions and Mitchell's role in preparing for the hearings.

44. On or about Feb. 14, 1973 Magruder met with Haldeman and discussed Magruder's possible future employment. Prior to this meeting Hugh Sloan had told John Dean that because of Jeb Magruder's suggestion to Sloan in June 1972 that Sloan perjure himself regarding the funds paid to Gordon Liddy by CRP, Sloan would testify against Magruder if Magruder should be nominated for a high government office. On or about Feb. 19, 1973 Dean met with Haldeman, and he thereafter drew up an agenda of matters to be discussed and resolved at a meeting between Haldeman and the President. In that agenda it was stated that Magruder wanted to return to the White House; that Magruder "may be vulnerable (Sloan) until Senate hearings are completed;" and that Magruder "personally is prepared to withstand confirmation hearings." On Feb. 23, 1973 Sloan met with Haldeman. According to Sloan, Haldeman told Sloan that no individual who had become a prominent figure in the Watergate matter would be placed in a high government position. On March 2, 1973 Magruder met with Haldeman and Dean. At this meeting Magruder was

offered and subsequently accepted the position of Deputy Under-Secretary of Commerce for Policy Development, a Level IV government position carrying an annual salary of \$36,000.

45. On Feb. 22, 1973, H. R. Haldeman asked John Dean to prepare a briefing paper for a meeting between the President and Attorney General Richard Kleindienst. Haldeman told Dean not to transmit the memorandum through normal channels, but to hand carry it to him. Dean prepared a briefing paper stating that Kleindienst would probably like to leave government to accept an offer he had received from a law firm but that "Kleindienst is extremely loyal to the President and will do anything asked of him by the President." (Emphasis in original.) The memorandum set forth recommendations for retaining Kleindienst as Attorney General. On Feb. 23, 1973, the President met with Kleindienst from 10:08 to 10:52 a.m. Kleindienst testified that the President asked him to stay as Attorney General until the Watergate situation was over and discussed Kleindienst's role as liaison to the minority members of the Senate Select Committee.

46. Dean has testified that prior to Feb. 27, 1973, that he told Ehrlichman that he would not be able to assert executive privilege since he had so little personal contact with the President. On February 27, 1973, the President met with John Dean and directed him to assume responsibility for Watergate-related matters. Both Haldeman and Ehrlichman have testified that the President believed that they were spending too much of their time on Watergate matters. Dean has testified that at this meeting the President instructed Dean to report directly to him on all Watergate matters. There was discussion of preparation for the Senate Select Committee on Presidential Campaign Activities hearings, which included a discussion of the President's meetings with Senator Howard Baker, of executive privilege, of the minority counsel to the Select Committee, and whether the White House staff would be permitted to testify before the Select Committee. Dean testified that the President stated he would not permit White House staff members to appear before the Select Committee, but would only permit the answering of written interrogatories.

47. On Feb. 28, 1973, the President met with John Dean . . . certain of the subjects discussed in the course of that meeting:

Executive privilege, written interrogatories and forthcoming hearings of Senate Select Committee.

Wiretapping and domestic surveillance.

Sentencing of seven Watergate defendants.

Clemency and the Watergate defendants.

White House position with respect to Watergate trial and appeals.

Segretti, Chapin and political intelligence.

Kalmbach as a witness

White House and Watergate matter.

Role of CRP and John Mitchell in Watergate matter.

48. On Feb. 28, 1973, Senate hearings commenced on the nomination of L. Patrick Gray to be Director of the FBI. Gray testified that he had shown interview reports and other data from FBI Watergate files to John Dean who had told him that the President specifically charged him with looking into any involvement on the part of White House staff members. Gray offered to open those files to any senator or either the Senate Select Committee or Senate Judiciary Committee who wanted to see them.

49. On March 1, 1973, the President met three times with John Dean in the Oval Office from 9:18 to 9:46 a.m., from 10:36 to 10:44 a.m. and from 1:06 to 1:14 p.m. The President decided that the White House would explain publicly that Dean sat in on FBI interviews because he was conducting an investigation for the President.

50. On March 2, 1973, President Nixon explained at a press conference that John Dean had access to FBI interviews in July and August 1972 because he had conducted an investigation at the direction of the President. The President stated that Dean's investigation showed that no one on the White House staff in July and August at the time Dean conducted his investigation had knowledge of or was involved in the Watergate matter. The President promised to cooperate with the Senate Select Committee if it conducted its investigation in an even-handed way. The President stated that because of executive privilege, no President could ever agree to allow the counsel to the President to testify before a congressional committee. The President said that if the Congress requested information from a member of the White House staff, arrangements

would be made to provide that information.

51. As Gray's confirmation hearings continued during the first week in March 1973, public reports circulated that John Dean would be called to testify. Dean has testified that on March 4 or 5, 1973, he reported to Ehrlichman that it would be difficult to win a court test of executive privilege involving Dean as counsel to the President because Dean had met with the President so infrequently.

52. On March 6, 1973, the President met with John Dean in the Oval Office between 11:49 a.m. and 12:00 noon. According to information supplied to the Senate Select Committee by White House Special Counsel Buzhardt, the President decided that executive privilege guidelines would cover former as well as present White House personnel. Dean has testified that the President told him to report directly to the President and not to involve Haldeman and Ehrlichman with Watergate-related matters. On March 7, 1973, the President met with Dean in the Oval Office from 8:53 to 9:16 a.m. and, according to information supplied by Buzhardt, there was a discussion of executive privilege guidelines; Dean told the President that the White House was clear; and the President inquired as to how Gray was doing. Dean has testified that the President instructed him to tell Attorney General Kleindienst to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee.

53. On or about March 7, 1973, L. Patrick Gray and John Ehrlichman had a telephone conversation. Gray told Ehrlichman that he was being pushed awfully hard in certain areas and was not giving an inch, and that Ehrlichman knew those areas. Gray also told Ehrlichman to tell Dean to be very careful about what he said and to be absolutely certain that he knew in his own mind that he delivered everything he had to the FBI, and not to make any distinction between the recipients of the materials.

54. After the call from Gray, Ehrlichman called Dean. Ehrlichman told Dean that Gray wanted to be sure that Dean would stay very firm and steady on his story that Dean had delivered every document to the FBI and that Dean not start making nice distinctions between agents and directors. Ehrlichman also told Dean that he thought they ought to let Gray hang there and "twist slowly, slowly in the wind." Dean agreed and said, "I was in with the boss this morning and that is

exactly where he was coming out."

55. On March 8, 1973, Dean met with the President in the Oval Office from 9:51 to 9:54 a.m. Dean has testified that the President asked if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee, and Dean replied that he believed the matter had been taken care of by Attorney General Kleindienst. On March 10 the President and Dean spoke by telephone from 9:20 to 9:44 a.m. Dean has testified that the President called to tell him that the executive privilege statement should be got out immediately, and that this should be done before Dean was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

56. On March 12, 1973 the President issued a statement on executive privilege. The statement set forth in part:

A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a formal appearance before a committee of the Congress. At the same time, it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the Constitutional separation of the branches.

57. On March 13, 1973 the Senate Judiciary Committee voted in executive session to ask John Dean to testify in the Gray confirmation hearings concerning his contacts with the FBI during the investigation of the Watergate break-in.

58. On March 13, 1973 the President met with John Dean from 12:42 to 2:00 p.m. . . . certain . . . subjects were discussed in the course of the March 13, 1973 meeting:

Advisability of public disclosure.
Possible public testimony of Sloan, Kambach, Stans and Mitchell.

The pre-June 1972 role of Gordon Strachan in Watergate and Strachan's statements to investigators.

The pre-June role of Jeb Magruder in Watergate.

John Mitchell, H. R. Haldeman and Gordon Liddy's intelligence program at CRP.

59. On March 14, 1973 Dean wrote to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, and, citing the doctrine of executive privilege, formally refused to testify in the Senate confirmation hearing on the nomination of Gray to be Director of the FBI. On the same day the President met with Dean and White House Special Counsel Richard Moore in his Executive Office Building Office from 9:43 to 10:50 a.m. and from 12:47 to 1:30 p.m. They discussed a press conference scheduled for the next day and making Dean a test case in the courts on executive privilege.

60. On March 15, 1973 the President held a press conference. He stated he would adhere to his decision not to allow Dean to testify before the Congress even if it meant defeat of Gray's nomination as Director of the FBI, because there was "a double privilege, the lawyer-client relationship, as well as the Presidential privilege." He also stated that he would not be willing to have Dean sit down informally and let Senators question him, but Dean would provide all pertinent information.

61. On or about March 16, 1973 E. Howard Hunt met with Paul O'Brien, an attorney for CRP. Hunt informed O'Brien that commitments had not been met, that he had done "seamy things" for the White House, [See Hunt's grand jury testimony in Footnote 2] and that unless he received

\$130,000 he might review his options. On March 16, 1973 Hunt also met with Colson's lawyer, David Shapiro. According to Colson, Hunt requested of Shapiro that Colson act as Hunt's liaison with the White House, but was told that that was impossible.

62. On March 17, 1973 the President

met with John Dean in the Oval Office from 1:25 to 2:10 p.m. (On April 11, 1974 the Committee on the Judiciary subpoenaed the President to produce the tape recording of the March 17 meeting. The President has refused to produce that tape but has furnished an edited partial transcript of the meeting. After having listened to the tape recording of the March 17, 1973 meeting, the President on June 4, 1973 discussed with Press Secretary Ron Ziegler his recollections of that March 17 meeting. A tape recording of the June 4 discussion has been furnished to the Committee. The evidence regarding the content of the March 17 meeting presently possessed by the Committee also includes a summary of the March 17 meeting furnished, in June 1973, to SSC Minority Counsel Fred Thompson by White House Special Counsel Buzhardt and the SCC testimony of John Dean.)

In his discussion with Ziegler on June 4, 1973 the President told Ziegler the following regarding the March 17 meeting: Up to March 17, 1973 the President had no discussion with Dean on the basic conception of Watergate, but on the 17th there began a discussion of the substance of Watergate. Dean said that Magruder was good, but that if he sees himself sinking he'll drag everything with him. He said no one in the White House had prior knowledge of Watergate, except possibly Strachan. There was a discussion of whether Haldeman or Strachan had pushed on Watergate and whether anyone in the White House was involved. The President said that Magruder put the heat on, and Sloan starts pissing on Haldeman. The President said that "we've got to cut that off. We can't have that go to Haldeman." The President said that looking to the future there were problems and that Magruder could bring it right to Haldeman, and that could bring it to the White House, to the President. The President said that "We've got to cut that back. That ought to be cut out." There was also a discussion of the Ellsberg break-in.

The edited partial transcript of the March 17 meeting supplied by the White House contains only a passage of conversation relating to Segretti and a portion of the conversation relating to the Ellsberg break-in. It contains no discussion of matters relating to Watergate.

63. On March 19, 1973 Paul O'Brien met with John Dean in the EOB and conveyed a message from E. Howard Hunt that if money for living and for attorneys' fees were not forthcoming, Hunt might have to reconsider his options and might have some very seamy things to say about Ehrlichman. [See O'Brien's and Dean's grand jury testimony in Footnotes 3 and 4]

64. On March 20, 1973 John Ehrlichman met with John Dean at the White House. They discussed Howard Hunt's request for money, the possibility that Hunt would reveal activities of the Plumbers' operations if the money were not forthcoming, and plans for Dean to discuss the matter with John Mitchell. According to Dean, Dean discussed the matter with Mitchell by telephone later that evening, but

Mitchell did not indicate whether Hunt would be paid. On the afternoon of March 20, 1973 Ehrlichman had a telephone conversation with Egil Krogh and told him Hunt was asking for a large amount of money. They discussed the possibility that Hunt might publicly reveal the Plumbers' operations. Krogh has testified that Ehrlichman stated that Hunt might blow the lid off and that Mitchell was responsible for the care and feeding of Howard Hunt. [See Ehrlichman's and Dean's grand jury testimony in Footnotes 5 and 6]

65. On March 20, 1973 Dean had a conversation with Richard Moore, Special Counsel to the President. Dean told Moore that Hunt was demanding a large sum of money before his sentencing on March 23, and that if this payment were not made, Hunt was threatening to say things that would be very serious for the White House. After this conversation, Dean and Moore met with the President from 1:42 to 2:31 p.m. According to information furnished to the Senate Select Committee by Special Counsel Buzhardt, the President and Moore agreed that a statement should be released immediately after the sentencing of the defendants. According to Moore, following this meeting he told Dean that Dean should tell the President what he knew. According to Dean, Dean told Moore that Dean did not think the President understood all of the facts involved in the Watergate and particularly the implication of those facts and that Dean felt he had to lay those facts and implications out for the President.

66. On March 20, 1973 John Dean had an evening telephone conversation with the President during which he arranged a meeting with the President for the next morning. According to the edited transcript of this conversation, made public by the White House, Dean requested a meeting with the President to go over soft spots and potential problem areas. Dean said that his prior conversation with the President had been "sort of bits and pieces" and that he wanted to paint the whole picture for the President. The President agreed to such a meeting, and the President also instructed Dean to try to write a general statement like one that would state categorically that based on Dean's investigation Haldeman, Colson and others were not involved in the Watergate matter.

67. On March 21, 1973 the President met with John Dean from 10:12 to 11:55 a.m. H. R. Haldeman joined the meeting at approximately 11:15 a.m. . . . following . . . (are) certain of the subjects discussed in the course of the March 21, 1973 morning meeting:

Possible involvement of Haldeman, Dean, Mitchell, Magruder, Colson, Strachan and Porter in Watergate matter.

Clemency and Watergate defendants.

Whether money should be paid to E. Howard Hunt.

68. On March 21, 1973 at 12:30 p.m. H. R. Haldeman spoke by telephone to John Mitchell, who was in New York City. In addition to reflecting the 12:30 p.m. call, Haldeman's telephone log for that day also shows a conversation with John Mitchell's office at 4:06 p.m. with a marginal notation "car—9:30 a.m. (word illegible) Nat'l—Amer 520." Haldeman has testified that he does not recall asking Mitchell on March 21 whether Mitchell was go-

ing to take care of Hunt's demand for money.

69. On the afternoon of March 21, 1973 Dean met with Haldeman and Ehrlichman. Ehrlichman and Dean have testified that the participants at the meeting speculated about John Mitchell's role in the Watergate affair, and wondered whether Mitchell's not coming forward was the cause of the beating everyone was taking on the subject of Watergate. [See Dean's testimony in Footnote 7] Dean and Haldeman have testified that in the late afternoon of March 21, just before their second meeting with the President on that day, Dean told Haldeman that perhaps the solution to the whole thing was to draw the wagons around the White House. According to Haldeman, Dean also said that they should let all the chips fall where they may, because that would not hurt anybody at the White House since no one there had a problem.

70. On the afternoon of March 21, 1973 from 5:20 to 6:01 p.m. the President met with Haldeman, Ehrlichman and Dean. . . . Following (are) certain of the subjects discussed in the course of the March 21, 1973 afternoon meeting:

Possibility of testimony before a new Grand Jury or before an independent panel established to investigate facts.

Possibility of pardon or clemency for Hunt.

What was being done about Hunt's demand.

Existence of persons with knowledge.

Written report by Dean on which President at some later time could be shown to have relied.

Ellsberg search and seizure may be sufficient for mistrial.

Possibility of Magruder, Chapin, Dean and Haldeman going to jail.

Possibility of Mitchell stepping forward and making some kind of disclosure.

71. On the evening of March 21, 1973 Fred LaRue caused approximately \$75,000 in cash to be delivered to William Bittman, attorney for E. Howard Hunt. Earlier that day LaRue had called Mitchell when Dean refused to authorize the payment to Hunt, and Mitchell had approved the payment to Hunt. [See LaRue's testimony in Footnote 8]

72. On April 17, 1973 the President issued the following public statement:

On March 21, as a result of serious charges which came to my attention, some of which were publicly reported, I began intensive new inquiries into this whole matter.

In his address to the nation of April 30, 1973 the President stated that in March 1973 he received new information regarding the involvement of members of the White House staff in the Watergate affair, and that:

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

73. On the evening of March 21, 1973 the President dictated his recollections of the events that had occurred on that day. [See Footnote 9]

74. On the morning of March 22, 1973 at 11:00 a.m. H. R. Haldeman, John Ehrlichman, John Mitchell and John Dean met in Haldeman's office. Haldeman, Ehrlichman and Dean have testified that at this time Mitchell indicated that E. Howard Hunt was not a "problem any longer." Mitchell has denied making such a statement. At this meeting, according to Ehrlichman and Haldeman, Mitchell stated that the Administration's rigid executive privilege policy was untenable, both from a legal and from a political standpoint, because it appeared to the public to be a cover-up on the part of the President. Haldeman testified that most of the discussion at the meeting concerned approaches to dealing with the situation, rather than a review of the facts.

Footnote 2. Excerpts from the testimony of E. Howard Hunt, Jan. 29, 1974, before the Watergate grand jury:

Q. That's precisely the point, is it not, Mr. Hunt? Your option was either to continue to keep quiet or to talk. And what you're saying is, wasn't it, that in the event that they weren't prepared to meet your demands, you'd had enough and you were about ready to talk?

A. I knew all along that I was going to have to talk and, in fact, I began to talk within a very few days thereafter. Everyone knew that.

Q. That's not the point, Mr. Hunt. That's not the question. If everybody knew that, what was the point in mentioning that? Then you have no option.

That's totally inconsistent with the concept of option, if you were to suggest, now, that you had no option.

A. Well, that's a great White House phrase—options this, options that. It's a parlance I picked up. I was being as vague—

Q. It meant, did it not, that you were going to see whether or not you were going to talk? Does it have any other interpretation than that?

A. I don't know how it was interpreted.

Q. Well, does it have any other interpretation?

A. Well, the interpretation, again, I placed on it was that I had been involved in "seamy things" for the White House of which Mr. O'Brien might not be aware, and my implication was that I, having done this kind of work for them before, felt that they had, in effect, a double obligation to me.

Q. That's the first half of it. But the second half of it is you will review your options if your demands aren't met. And what does that mean?

A. Well, it sort of means what a parent says to a child. "If you don't bring home the car at 11:00 o'clock tonight, I'll have to give further consideration to our relationship."

I mean, in other words, what does that mean really? It's just a form of speech, I think.

Q. You were speaking to Mr. Shapiro as a parent does a child?

A. I would like to have. I didn't, though.

Q. And, indeed, you were speaking to Mr. Shapiro in a manner that grave-

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ly indicates concern. You were in dead earnest.

A. Are we talking of Mr. O'Brien or Mr. Shapiro now?

Q. I'm sorry. Mr. O'Brien, yes. And you're saying that you would have to review your options. You were saying, as a father might say to a child, "You can't have the car any more. I'm going to do what you don't like me to do. I'm going to punish you." Isn't that so?

A. It's very hard for me to reconstruct my frame of mind then.

Q. In fact, the only thing you could punish with them was to tell the story—to tell about the seamy things.

A. Well, these people were well on top of the case, then. They knew it was just a matter of ten days or two weeks before this was going to come before the Grand Jury.

Q. The point is, Mr. Hunt, we're dealing with a conversation, at this time, and we're asking you, under oath before this Grand Jury, if you can provide any other explanation other than what the plain words mean that you would review your options.

A. Well, I know that at one point I was contemplating suicide.

Q. Mr. Hunt, that is not in your mind at the time. You were not threatening or stating to Mr. O'Brien, at this time, were you, that if these monies were not paid that you would commit suicide?

A. No.

Q. You don't mean to seriously suggest that?

A. No, I don't. But you're asking me now to project for you what was in my mind. This is one of the things that was in my mind.

Q. That had been in your mind earlier but, at this time, you were saying to Mr. O'Brien, "Look, in addition to what I know about Watergate and the chain of command, I've done a lot of things for Mr. Ehrlichman.

To this extent, this is new information that you're conveying to Mr. O'Brien that, to your knowledge, he didn't know about before, and you were saying this in the context of making demands for an extraordinary amount of money but, in the face of your going away to jail and losing whatever bargaining position you had at that time, you clearly understood that was the situation. That unless you got these commitments acted on, at that time, that your chances were substantially diminishing in being able to argue your own case from jail later on. Isn't that right?

A. What do you mean? Arguing my case in jail?

Q. In respect to getting your commitments. In respect to getting your money.

A. Oh.

Q. That was clearly foremost in your mind?

A. Right.

Q. And in the same connection, you're telling him, now, that you will review your options in the event that he's not responsive to your immediate demands.

A. He told me that he was impotent; that he was becoming very ineffective; that he was really not the one that I should be talking to, and so forth.

Q. Well, of course, you told him to pass on this demand to Mr. Dean and tell Mr. Dean what it was.

A. I don't think I knew that Mr. Dean was his principal, at that time. I said "to whomever." I don't believe Mr. O'Brien identified Mr. Dean. I could be wrong about that.

Q. So it's quite possible that if Mr. O'Brien recollects that you said, "Pass it on to Mr. Dean," that Mr. O'Brien could be accurate in his recollection?

A. I beg your pardon, sir?

Q. That if Mr. O'Brien recollects you said, "Pass it on to Dean," that you wouldn't quarrel with that particularly.

A. I wouldn't quarrel particularly with it. I would say that, at that juncture, I had no knowledge that John Dean was active in this thing, as he turned out to be.

I presumed, all along, that O'Brien's principal was John Mitchell.

Q. And you were expecting it to be passed on to John Mitchell rather than Mr. Dean?

A. To the best of my recollection, yes.

Q. But Mr. Ehrlichman was at the White House, where Mr. Dean was, and Mr. Mitchell was up in New York on Wall Street, at the time.

A. I didn't know where Mr. Mitchell was.

Q. Well, you knew where he wasn't.

A. Did I?

Q. Didn't you know he was no longer Attorney General?

A. I didn't know that he wasn't living down at the Watergate.

Q. Well, you knew he wasn't in the White House?

A. That's correct?

Q. Now, going back to the initial question, Mr. Hunt, is there any other interpretation one could place other than the plain meaning when you said you would review your options other than the fact that unless they met your demands you would tell about the seamy things?

A. I would like to consult with counsel on that point . . .

Q. Mr. Hunt, have you had time to talk to your attorney?

A. I have.

Q. Are you now prepared to answer the question?

A. I am.

Q. Would you answer the question, then?

A. Could I trouble you to restate the question?

Q. The question was one which has been restated several times, but, again, is there any other interpretation other than the clear meaning of the words that you would review your options for alternatives other than that you would tell about these so-called seamy things unless they met your demands?

Footnote 3. Excerpts from the testimony of Paul O'Brien, Jan. 24, 1974, before the Watergate grand jury.

Q. Did you then repeat what Mr. Hunt had told you to Mr. Dean?

A. I did.

Q. When was that?

A. As far as I recall, immediately following the meeting.

Footnote 4. Excerpts from the testimony of John W. Dean III, Feb. 14, 1974, before the Watergate grand jury:

Q. Mr. Dean, did there come a time around the latter part of March when

you learned that Howard Hunt was threatening to reveal certain matters if his demands for payment of substantial amounts of money were not met?

A. Yes, I did learn such a fact.

Q. From whom did you learn this information?

A. From Mr. Paul O'Brien.

Q. In substance, what did Mr. Paul O'Brien tell you?

A. Mr. O'Brien reported that he had had a meeting with Mr. Hunt and Mr. Hunt had told him, at the meeting, a number of things. One particularly of which was that he should take a message to John Dean.

I said "Why Dean?" And he said, "I raised the same question with Mr. Hunt and his response was, 'Well, you just take this to Dean,' which O'Brien was doing. He told me that Hunt said that sentencing was imminent and he had to make his arrange-

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ments and he had just a few days to do it in; that he wanted to have some, you know, hard evidence that he was being supported in terms of money for his living fees and money for his attorney fees, and if this money did not come he would have to reconsider his option and might have some very seamy things to say about Mr. Ehrlichman.

Footnote 5. Excerpts from the testimony of John D. Ehrlichman, Sept. 13, 1973, before the Watergate grand jury:

Q. I want to ask you if, on or around March the 20th, 1973, you had a conversation with Mr. Dean in which he related to you a certain message that he had allegedly received, either directly or indirectly, from Mr. Hunt?

A. Yes.

Q. Would you tell us what he related to you?

A. As I recall, he said that he had either a call or a conversation with an attorney in behalf of Hunt. He said that, in effect, unless Hunt were paid a substantial amount of money, that he would disclose activities in which he had been engaged in during the time he was at the White House.

Q. I'm sorry, I missed the last part of your answer.

A. I say he said he would disclose the activities in which he had been engaged during the time he was at the White House, and the message which Dean got apparently related those to Mr. Krogh, but Dean also related them as affecting me.

Q. Did he say that the message he passed on to you from Hunt would have a lot of things to say about what he'd done—a lot of things to say about the seamy things that he had done while he was at the White House?

A. Yes. Or words to that effect.

Q. Words to that effect. Who was present during this conversation with Dean? You were present, Dean present. Was anyone else present?

A. I don't believe so.

Q. What did you say in response to this, if anything?

A. Well, for one thing, I said it looked to me like blackmail. I asked him—I also said it looked to me like he was talking about the Plumbers' operation, but I asked him if he understood, from whoever he talked to—and I believe it was Bittman that he told me he had talked to—whether this fellow had indicated that this was to be a particular event that he was threatening about or if this was the whole Special Unit operation that he was talking about, or just what Dean understood it to relate to.

Q. What did Dean say in response to that?

A. Well, he said he didn't know.

Q. Did you give Dean any instructions with respect to this?

A. I asked him—

Q. Shall we strike out for just a moment from the record. And before I get to that, ask you if you remember any specific sum of money being mentioned?

A. I remember—yes, I remember that a specific sum of money was named—mentioned. Actually, two sums of money were mentioned and I can't tell you precisely what they were, but it was something over \$100,000, in total.

Q. Right. Do you remember what the purpose of this money—what Hunt said this money would be used for? The purpose of giving him the money?

A. I don't think that that was—well, it may have been told me. I don't recall it, though.

Q. Now, go on with what, if anything, you asked Dean or instructed Dean to do, after this conversation?

A. Well, first, there was more conversation.

Q. Tell us all the conversation.

A. And I asked Dean for his estimate of the reality of this, whether or not this was a real problem for us or not, because I was thinking in terms of Hunt making a disclosure to the prosecutors of the Special Unit operations.

And we discussed whether that was the intent of this or—because he said that Hunt was coming up for sentencing. I think that was at the time that Hunt was coming up for sentencing. So I was curious as to whether this was in sort of a judicial process framework or whether he was talking about going public with this.

Dean said that he felt that it was not a threat to go to the press or to the public with this as much as it was to go to the prosecutors.

And the other question that I asked, which led to my requesting, was whether he thought this was really Hunt or whether he thought this was the attorney trying to get money for attorney's fees; and he said that he didn't know, he didn't have a feel for that.

And this had apparently not occurred to him and so I said, "I think you ought to talk to Colson."

Q. Talk to Colson?

A. And see if he can give you any feel or his estimate of whether that is the case or not but, at the same time, we discussed the possibility of problems in the exposure of the Special Unit operations to the prosecutors and he said he felt that since Peterson had information about the Special Unit for a long time, that did not pose any particular problem in terms of any notoriety or any newspaper stories or things of that kind.

So it was kind of a back and forth and, frankly, I was shaken by this because Dean put it in terms that this was a threat aimed at me on a personal basis.

So I also asked him whether, in his opinion, I had any legal liability in

the eyes of a prosecutor on account of the Plumbers' operation and, particularly, the Ellsberg break-in business.

So that was the nature of that conversation.

Q. Other than what you have related, did you give Mr. Dean any instructions?

A. I can't recall any.

Q. Specifically, did you tell him—did you ask him if he'd discussed this matter with Mitchell, the matter being the subject of this conversation?

A. No. I think he said he was going to discuss it with Mitchell. I didn't ask him to discuss it with Mitchell.

Q. That was my next question. Did you ask, request or instruct Dean to take this matter to Mitchell or to discuss the matter with Mitchell?

A. No. I think that was a given. I think he indicated that that was what he had done or was going to do.

Q. Okay. But you made no request along that line?

A. I believe not.

Footnote 6. Excerpts of testimony of John W. Dean III, Feb. 14, 1974, before the Watergate grand jury:

Q. Now, prior to the 21st of March, did you have a conversation with Mr. Ehrlichman about what you had learned from Mr. O'Brien?

A. Yes. After Mr. O'Brien brought this to my attention, I brought it to Mr. Ehrlichman's attention.

Q. Well, what was the conversation, in substance, which you had with Mr. Ehrlichman?

A. Mr. Ehrlichman appeared to want to give the impression that he wasn't particularly concerned about the —

Q. I take it you related the substance of what Mr. O'Brien told you to Mr. Ehrlichman?

A. Yes, I did. And he wanted to give the impression he wasn't particularly concerned about it. I said, no, I had not. He said, "Well, I think you better talk to Mr. Mitchell about this." And that was the conversation.

Q. Thereafter, did you have a conversation with Mr. Mitchell?

A. Yes, I did.

Q. And, in substance, what was that conversation? I take it Mr. Mitchell was not in Washington at the time?

A. No, he was not. I had to call him in New York and, as I recall it, it was late in the evening and he had left



Sketch by David Suter for The Washington Post

his office. I reached him at home and had a guarded conversation with him because I had been told by Mr. LaRue — as a matter of fact, I think he was the one who first told me to be very careful in calling Mr. Mitchell's hotel or apartment because Mrs. Mitchell might well want to listen in on the telephone.

Q. And what do you recall the substance of that conversation being?

A. I recall that it was a guarded conversation and that I related to Mr. Mitchell what Mr. Ehrlichman had asked me to relate to him.

Q. And what was Mr. Mitchell's response, if any?

A. Well, I don't recall — I recall one thing we talked about was whether Mr. Pappas — but I didn't use the name Pappas, as I recall — was coming into town, as a potential source of money.

I referred to Mr. Pappas as "a Greek bearing gifts," and most of the conversation was in a guarded manner like this. And Mr. Mitchell indicated to me he believed Mr. Pappas was going to be in town shortly — something to that effect.

Q. Now, did Mr. Mitchell, at that time, indicate to you, one way or another, whether Mr. Hunt would be paid?

A. No, he did not.

Footnote 7. Excerpts from the testimony of John W. Dean II, Feb. 14, 1974, before the Watergate grand jury:

Q. During the course of that meeting, was there any discussion about what your preference might be as to Mr. Mitchell's future actions?

A. Yes, there was. The nature of that conversation was that it was felt that Mr. Mitchell should be the one to step forward and stand responsible for the entire Watergate matter and that, if he did, the problems that had occurred after June 17th would dissipate themselves and there would be a satisfaction with somebody that was standing accountable for the matter.

In other words, a big enough fish would have been caught that the problem would have been resolved.

Q. In other words, that would have taken public opinion away from what might have occurred after the break-in, in connection with the so-called cover-up?

A. That is correct.

Footnote 8. Excerpts from the testimony of Frederick LaRue, Feb. 13, 1974, before the Watergate grand jury:

Q. That day had you spoken to Mr. Mitchell?

A. That is correct.

Q. Now starting with Mr. Dean, can you tell us what Mr. Dean told you in substance?

A. My best recollection of that phone call is that Mr. Dean called me. He stated that he had a request for a delivery of money to Mr. Bittman for

Mr. Hunt's attorneys fees and for Mr. Hunt's expenses, living expenses.

Q. Okay.

A. He indicated to me that he was passing this information on to me for whatever purpose I wanted to make of it, that he was not going to have any further involvement, contact, in the delivery of monies to the so-called Watergate defendants, and that I would have to exercise my own judgment to decide what to do about this request.

I told Mr. Dean that unless I was authorized by someone that I would not make this delivery, at which point he suggested that I call Mr. Mitchell.

Q. Did Mr. Dean in that conversation indicate that there was a sense of urgency about this?

A. Yes. I recall that he indicated there was a sense of urgency. To the best of my recollection he mentioned something to the effect that Mr. Hunt

was due to be sentenced, I think within the next two or three days, and he did imply a sense of urgency about it, yes.

Q. I take it Mr. Dean identified an amount of money in the course of that conversation that Mr. Hunt was asking for?

A. That is correct. My recollection is that there was \$75,000 required for attorneys fees, and \$60,000 required for his living expenses.

Q. Now I take it you had a conversation with Mr. Mitchell following that with Mr. Dean.

A. That is correct.

Q. Can you recall to the best of your recollection the substance of that conversation?

A. As it relates to the delivery of this money, I can, yes. I told Mr. Mitchell of my conversation with John Dean, indicating that Dean was not going to be involved any further in the authorization and distribution of money.

I told Mr. Mitchell that we had had a request for \$75,000 for Mr. Hunt. He asked me what it was for. I told him to the best of my knowledge it was for attorneys' fees, and he said that under the circumstances, he said, "I think you ought to pay it," which I proceeded to do.

Q. Is it a fact that you didn't mention to Mr. Mitchell the request for \$60,000—

A. This is my best recollection—
Q. Mr. LaRue, let me finish the question. \$60,000 for maintenance.

A. To the best of my recollection this is true. I think this was a decision I made myself. It was certainly a rather large sum of money involved, quite frankly approaching the amount of money which I had on hand at that time.

The only amount of money I recall discussing with Mr. Mitchell was the \$75,000 which was delivered.

Q. Was there anything in the conversation you had with Mr. Mitchell by which Mr. Mitchell indicated that he had or had not heard of this request earlier than the time of your conversation?

A. Nothing that would indicate to me one way or the other.

Footnote 9. Transcript of Dictabelt recording of the President's recollections of March 21, 1973.

President:

As far as the day was concerned it was relatively uneventful except for the, uh, talk with Dean. Dean, really in effect let it all hang out when he said there was a cancerous growth around the President that simply was going to continue to grow and that we had probably to cut it out, now rather than let it grow and destroy us later. He obviously is very depressed and doesn't really see anything — other course of action open, but to, uh, move to let the, uh, the facts out. Paragraph.

As I examined him it, uh, seems that he feels even he would be guilty of some, uh, criminal pra—, uh, liability, due to the fact that he, uh, participated in the actions which, uh, resulted in taking care of the defendants, while they were, uh, under trial. Uh, as he pointed out, uh, what is causing him concern is that every one of the various participants is now getting his own counsel and that this is going to cause considerable problems, because it will be each man for himself, and, uh, one will not be afraid to rat on the other. As a matter of fact, uh, Haldeman backed him up in this respect, when, uh, he mentioned the fact that, uh, even Magruder would, uh, bring Haldeman down if he, would, uh, if he felt that he himself was to go down. Haldeman said he agreed. Uh, the Haldeman selection on Magruder is still a very hard one for me to figure out. He was, he's made very few mistakes, but this is one case where Rose

was right. He picked a rather weak man, who had all the appearance of character, but who really lacks it when the, uh, chips are down. It seemed to me in my talk with Dean that the idea of a Grand Jury had, uh, much to, uh, be said for it. Yet after he, Haldeman and Ehrlichman had met they came back and said they'd been around the track and felt that that would be a mistake. Ehrlichman did not feel, for example, that a Grand Jury or some

sort of a special panel which Dean thought could be set up, uh, would be able to grant immunity. Uh, the Grand Jury appealed to me because, uh, it seemed to me this would be much better to have the White House, uh, people appear before a **Grand Jury** with some rules of evidence than to, uh, be forced, uh, eventually to appear before a Committee of the Congress, where there would be none. Of course, the other option is for them not to appear at all, but this puts the buck right back on the President, as Dean pointed out, and leaves, uh, not only the aura of cover-up but also the, uh, very great danger that somebody like H—Hunt is going to blow. Paragraph.

Hunt seems to be a real problem according to, uh, Dean. What really concerned him was that somebody approached him, Hunt's lawyer, at some party and said that Hunt needed a hundred and—thousand dollars or so to pay his lawyer and handle other things or he was going to have some things to say that would be very detrimental to Colson and Ehrlichman, et al. This is, uh, Dean recognizes as pure blackmail. Of course, Hunt's in a pretty bad position on this because it would expose him to another charge, but I suppose that what he might be figure is that if he, uh, turns state's evidence he could, uh, go free himself. Paragraph.

I feel for all of the people involved here, because they were all, as I pointed out to them in the meeting in the EOB this afternoon, involved for the very best of motives. Uh, I don't think that, uh, certainly Haldeman or Ehrlichman had any idea about bugging, I, I and of course know Dean didn't. He in fact pointed out that when, uh, Liddy had first presented this scheme it was so wild that Mitchell sat puffing his pipe rather chuck—or rather, uh, chuckling all the while, that Dean had then pointed out, uh, later to Ehrlichman that, uh, to, uh, Mitchell that they had to get off this kick right away. Uh, then came the, uh, real cruncher: Apparently what had happened is that Colson, with Liddy and Hunt in his office, called Magruder and told him in February to get off his ass and start doing something about, uh, setting up some kind of an operation. Uh, this involvement by Colson, of course, is, uh, uh, was perhaps the very best intention and it may be that he is telling the literal truth, when he says he doesn't know what

they were going to do in terms of bugging, etcetera. Yet, uh, Colson was always pushing terribly hard for action, and in this instance, uh, pushed so hard that, uh, Liddy et al, following their natural inclinations, uh, went, uh, the extra step which got them into serious trouble. Period. Paragraph.

I learned for the first time that, uh, Ehrlichman apparently had sent Hunt and his crew out to check into Ellsberg, uh, to see something about his, uh, check something about his, uh, uh, psychiatric problem with his doctor, or something like that. That seemed to me to be a very curious junket for, uh, Ehrlichman to be involved in. Ehrlichman says that, uh, he was three or four steps away from it, but apparently Krogh has a problem here because Krogh did answer one question to the effect that he did not know the Cubans, which, of course,

puts him in a straight position of perjury. This of course would be a terrible tragedy because Krogh, uh, was involved in national security work at the time, had nothing whatever to do with Watergate and the whole Ellsberg business, uh, was something was undertaken solely for the purpose of, uh, attempting to get information which would be helpful in, uh, working up some of the Government's case, uh, on the, uh, Pentagon papers. It seems that Strachan has been a real, uh, courageous fellow through all this. He apparently certainly had knowledge of the informa—of the matter, and, uh, according to uh, uh, uh, Dean, uh, Strachan apparently transferred the \$300,000 or so that Haldeman had I—that was left to Haldeman after the 1969 campaign — '68 campaign — had transferred it back to the Committee. Uh, I don't think that this is the problem that Dean seems to think it is, but of course he's—has to warn against every loose end that might come out, particularly in view of some of the things that have come out up to this point. They are going to meet with Mitchell in the morning, and I, uh, hope that Mitchell will really put his mind to this thing and perhaps out of it all can come so — some sort of a course of action we can follow. Uh, it seems to me just to hunker down without making any kind of a statement is really, uh, too dangerous as far as the President — [57-second silence] I got over to the house quite late—

Statement of Information—Events Following the Watergate Break-in March 22, 1973 to April 30, 1973

1. On March 22, 1973, from 1:57 to 3:43 p.m. there was a meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean.

... Certain of the subjects discussed in the course of that meeting:

Nature and purpose of a written report on Watergate-related matters to be drafted by John Dean.

White House contacts with the Senate select committee; and discussion of the activities of that committee.

White House position on doctrine of executive privilege, and possible changes in that position.

White House relationship to future grand jury investigations.

Reference to White House approach to disclosure as "modified limited hang out" and other discussion relating to disclosure.

2. On March 22, 1973, during the meeting specified in the preceding paragraph, the President telephoned Attorney General Kleindienst and spoke to him from 2:19 to 2:26 p.m. According to the White House log of meetings and conversations between the President and the Attorney General, except for the President's cabinet meeting on March 9, the last previous meeting or conversation between the President and Attorney General Kleindienst occurred on March 1, 1973. The President directed Kleindienst to be the administration's contact with Sen. Howard Baker in connection with the hearings to be conducted by the Senate select committee. He asked Kleindienst to give Sen. Baker "guidance," to be "our Baker handholder," to "babysit him, starting in like, like 10 minutes."

3. On the morning of March 23, 1973, Judge John Sirica read in open court a letter that James McCord had written on March 19, 1973. The letter alleged in part that political pressure to plead guilty and remain silent had been applied to the defendants in the Watergate trial; that perjury had occurred during the trial; and that oth-

ers involved in the Watergate operation were not identified when they could have been by those testifying. At this time, Judge Sirica deferred final sentencing of all defendants except Gordon Liddy. Judge Sirica stated that in imposing sentence he would weigh as a factor the defendants' cooperation with the ongoing Watergate investigations.

4. On the morning of March 23, 1973, members of the press attempted to question John Dean regarding Patrick Gray's testimony at his confirmation hearings on the previous day that Dean "probably lied" when he told FBI agents on June 22, 1972, that he did not know whether Howard Hunt had a White House office. Later in the morning of March 23 Dean was informed by Paul O'Brien, an attorney for CRP, that a letter from James McCord to Judge Sirica had been read in open court. Dean has testified that he then telephoned Ehrlichman to inform him of McCord's letter and that Ehrlichman stated he had already received a copy. In the early afternoon of March 23 the President telephoned Dean from Key Biscayne. Dean has testified that the President told him, "Well, John, you were right in your prediction." Dean has testified that the President suggested that Dean and his wife go to Camp David and get some relaxation, and that Dean analyze the situation and report back to him.

5. On March 23, 1973, the President telephoned Patrick Gray at 1:11 p.m. According to the President's logs the last time the President had spoken to Gray was on Feb. 16, 1973. Gray has testified that he cannot remember the President's precise words, but the call was a "buck up call" in which the President told Gray that he knew the beating Gray had taken at his confirmation hearing, that it was very unfair, and that there would be another day to get back at their enemies. Gray has testified that he remembered distinctly that the President said to him, "You will remember, Pat, I told you

to conduct a thorough and aggressive investigation." Gray also has testified that from March 21 on he received no order from the President or anyone implementing a Presidential directive to get all the facts with respect to the Watergate matter and report them directly to the President.

6. On March 23, 1973, the President met with H. R. Haldeman in Key Biscayne, Fla. from 1:25 to 1:45 p.m. and from 2 to 6:30 p.m. Haldeman has testified that on March 23 the President told him that he had been informed about the McCord letter and its contents, and that the President asked Haldeman to call Charles Colson to ask if Colson had ever offered Howard Hunt clemency or had any conversation with Hunt about clemency. Haldeman telephoned Colson some time before 2:15 p.m. on March 23 and asked what commitment Colson had made to Howard Hunt with respect to the commutation of his sentence. Colson reported to Haldeman on this matter. Immediately after this conversation Colson dictated a memorandum of the conversation for the file. Colson's memorandum states, in part, that he told Haldeman that he made no representations nor used any one else's name in the conversation; that he had only told Hunt's lawyer that as long as he was around he would do anything he could to help Hunt. Colson's memorandum states that Haldeman asked what would happen if Hunt "blew" and that Colson replied that "it would be very bad" and that Hunt "would say things that would be very damaging." Colson's memorandum states that Haldeman replied, "then we can't let that happen."

7. According to Colson's memorandum to the file regarding the telephone conversation between Colson and Haldeman described in the preceding paragraph, Haldeman also questioned Colson about a telephone conversation Colson had had with Magruder. Colson reported to Haldeman that one night in January or February 1972 Hunt and Liddy had come to Colson's office, and Hunt had stated that Liddy had some excellent plans and ideas for intelligence and counterintelligence which he had not been able to have approved at CRP. Colson told Haldeman that without learning of the details of the plan or endorsing the plan, Colson had telephoned Magruder, had asked Magruder to advise Liddy whether he was going to be used in the campaign, and had told Magruder that Hunt was a good man and that his ideas should be considered. Colson told Haldeman that Magruder had assured Colson that the plan would be considered. Haldeman told Colson that Magruder might not remember the conversation the same way and that Magruder thought Colson had told him to start Liddy's operation. Haldeman also told Colson that the reason for Haldeman's call was to help decide whether all White House aides should volunteer immediately to go before the Grand Jury waiving all privilege. Haldeman said he was concerned that the President not appear to be covering up.

8. On the afternoon of March 23, 1973, Dean and his wife went to Camp David, Md. The White House compilation of meetings and conversations between the President and John Dean indicate that the President spoke by telephone with Dean at Camp David from 3:23 to 3:44 p.m. Dean has testified that after the operator said that the President was calling Haldeman came on the line and said that while Dean was at Camp David he should spend some time writing a report on everything he knew about Watergate. Dean has testified that when he asked whether the report was for internal or public use Haldeman said that would be decided later. Haldeman has testified that Dean had been told to write a report prior to the time he left for Camp David.

9. Between March 23 and March 28,

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1973, John Dean stayed at Camp David and attempted to prepare a report on matters relating to the break-in at the DNC headquarters and that the investigation of the break-in. A draft of portions of a report was prepared by Dean, and partially typed. It related certain events before and after the Watergate break-in. The draft report made no reference to Dean's meetings with the President or to any statements or actions by the President. Dean has testified that during his stay at Camp David he decided that he would have to think of some way for the President to get out in front of the matter and that, during a telephone conversation with Haldeman, he discussed the creation of an independent Warren-type commission. On March 28, 1973, Haldeman called Dean and requested that he return to Washington to meet with Mitchell and Magruder.

10. On March 26, 1973, the Los Angeles Times reported that James McCord had told investigators for the Senate select committee that both John Dean and Jeb Magruder had prior knowledge of the break-in at the DNC headquarters. On this same morning, H. R. Haldeman, who was with the President in Key Biscayne, Fla. called Dean at Camp David. They discussed Dean's recollection of facts relating to the authorization of the Liddy plan. Haldeman has testified that he asked Dean if he would have any problems if the President announced that day that he was requesting that Dean go to the grand jury without immunity; Dean replied that he would have no problem with appearing before the grand jury, but that his testimony concerning the number and purpose of the meetings among Dean, John Mitchell, Gordon Liddy and Magruder would conflict with the testimony previously given by Magruder; Dean stated that there were other areas of concern, such as payments to the defendants by Kalmbach, the \$350,000, the Hunt threat and Colson's talk about helping Hunt. Following his telephone call with Dean, Haldeman met with the President. Haldeman has testified that the President decided to drop his plan to announce that Dean would be requesting an appearance immediately before the grand jury. Haldeman has testified that the problem was that Dean had not really sorted out the facts at that point and it was not appropriate for him to go to the grand jury.

11. On March 26, 1973, the President, in the presence of H. R. Haldeman, instructed Ronald Ziegler, his press secretary, to express the President's confidence in John Dean. Ziegler, announced publicly on that day that the President had "absolute and total" confidence in Dean.

12. March 26, 1973, John Dean telephoned Jeb Magruder and Dean made a recording of the conversation. Dean has testified that at Haldeman's suggestion he telephoned Magruder and taped this conversation. Magruder acknowledged that the Los Angeles Times story stating that Dean had prior knowledge of the break-in was a "bum rap" for Dean. There was also discussion about the number and purpose of meetings among John Mitchell, Gordon Liddy, Magruder and Dean. Magruder told Dean that Magruder had testified that there had been "one meeting, not two," and that the purpose of the meeting was to go over the general framework of the job of CRP general counsel.

13. On March 26, 1973, the District of Columbia United States Attorney's office filed in open court a motion for an order compelling Gordon Liddy to testify under a grant of immunity before the grand jury investigating the Watergate break-in. As of March 27,

1973, Judge Sirica granted leave to proceed forthwith with grand jury interrogation of Howard Hunt and other of the convicted Watergate defendants. From March 28, 1973, through April 5, 1973, hearings were held in open court and orders were entered compelling Howard Hunt, Gordon Liddy and the remaining Watergate defendants to testify before the grand jury under grant of immunity.

14. On March 27, 1973, Jeb Magruder met with John Mitchell in New York City and discussed the potential of Magruder's being brought before the grand jury on a perjury count. Magruder has testified that he received from Mitchell assurances respecting continued salary and that they discussed executive clemency. Mitchell has testified that with respect to support, he told Magruder that he "was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so." Mitchell has testified that he did not make any promises of executive clemency. During the conversation, Magruder asked for a meeting with Haldeman.

15. On March 27, 1973, the President met from 11:10 a.m. to 1:30 p.m. with John Ehrlichman and from 11:35 a.m. to 1:35 p.m. with H. R. Haldeman. Ehrlichman has testified that at this meeting the President directed him to contact Attorney General Kleindienst. The President has stated that on March 27, 1973, he directed that Kleindienst be told to report directly to the President anything he found in the Watergate area. The President has produced an edited transcript of this conversation and a summary of that transcript has been prepared.

16. On March 28, 1973, Mitchell and Haldeman met with Magruder in Haldeman's office. They discussed Magruder's false testimony regarding the approval of the Liddy plan. Haldeman telephoned Dean and requested that he return from Camp David to meet with Mitchell and Magruder. Dean has testified that on his return he went directly to Haldeman's office; that Haldeman told him that Mitchell and Magruder were waiting in another office to discuss with Dean his knowledge of the January and February 1972 meetings in Mitchell's office; that Dean said he would not lie about those meetings, and that Haldeman said he did not want to get into it but Dean should work it out with Mitchell and Magruder. Dean met with Mitchell and Magruder. Following the meeting, both Mitchell and Dean reported to Haldeman that there was a problem as to what the facts were regarding the 1972 meetings.

17. On March 28, 1973, John Ehrlichman telephoned Attorney General Kleindienst on the President's instruc-

tions and asked Kleindienst a series of questions which the President had dictated and which Ehrlichman had handwritten on a piece of paper. Ehrlichman, during the conversation, told Kleindienst that the President directed him to tell the Attorney General that the best information he had or has is that neither Dean, Haldeman, Colson nor Ehrlichman nor anybody in the White House had any prior knowledge of the Watergate burglary and that the President was counting on the Attorney General to provide him with any information to the contrary and to contact him direct. Ehrlichman also told the Attorney General that serious questions were being raised with regard to John Mitchell and the President wanted the Attorney General to communicate to him any evidence or inference on that subject.

18. On Aug. 22, 1973 the President publicly stated that on March 29 he directed Ehrlichman to continue the investigation that Dean was unable to conclude.

19. On March 29, 1973, a report of James McCord's testimony at an executive session in the Senate select committee on March 28, 1973, appeared in the national press. The report said, among other things, that McCord testified that he had been told that John Mitchell, Charles Colson, John Dean and Jeb Magruder had prior knowledge of the Watergate bugging operation.

20. On Aug. 15, 1973, the President stated that when he learned on March 30, 1973, that Dean had been unable to complete his report he instructed Ehrlichman to conduct an independent inquiry and to bring all the facts to him. On March 30 the President met with John Ehrlichman and Ronald Ziegler from 12:02 to 12:18 p.m. According to the White House edited transcript of this meeting, the only subject discussed was a draft statement to be issued by Ziegler at a press briefing. Ehrlichman has testified that at the noon meeting the President directed him to conduct an inquiry into the Watergate matter. Ehrlichman has testified that the President said he was satisfied John Dean was in this Watergate activity so deeply that he simply could not any longer have anything to do with it; that the President needed to know about executive privilege and the attorney-client privilege; that the President needed someone to set strategy with regard to testifying at the Committee and the grand jury and other places, and that the President needed the truth about the Watergate matter.

21. On March 30, 1973, at 12:30 p.m. Ehrlichman met with Fielding, Dean's assistant. Ehrlichman has testified that he had directed Fielding to deliver Dean's personnel records to Ehrlichman and to brief Ehrlichman about allegations that Dean had been dismissed by a law firm because of unethical conduct. At 3 p.m. on March 30, 1973, Ehrlichman and the President flew to San Clemente, where Haldeman joined them on April 1, 1973. They remained in San Clemente until April 8, 1973. While they were at San Clemente, Ehrlichman had a long dis-

tance telephone conversation with Dean in which they discussed the allegations that Dean had been involved in unethical conduct.

22. On March 30, 1973, Ronald Ziegler stated in a press briefing that no one in the White House had any involvement in the Watergate matter. Ziegler also announced that the President reiterated his instructions that any member of the White House staff would appear before the grand jury if called to answer questions regarding that individual's alleged knowledge or possible involvement in the Watergate matter.

23. On March 30, 1973, John Dean, after consultation with his attorney, Thomas Hogan, retained Charles Shaffer, an attorney in the criminal law field. That day Dean met with Hogan and Shaffer and discussed the break-in at the DNC headquarters and the events that followed. Haldeman has testified that Dean had indicated earlier that he might retain a private attorney so that Dean—and, through him, the President—could consult an attorney familiar with criminal law on the implications of some of Dean's concerns. On the afternoon of April 2, 1973, Dean's lawyers began a series of meetings with the Watergate prosecutors.

24. On March 30, 1973, newspaper reports stated that Robert Reisner, former Administrative Assistant to Jeb Magruder at CRP, was to be subpoenaed by the staff of the Senate select committee. Magruder has testified that he realized that his story about his 1972 meetings with Mitchell, Dean and Liddy would not hold up. Magruder realized, among other things, that the committee had begun

an investigation and Reisner, who knew about the meetings and who had previously been missed by the prosecutors, would be gotten to. On March 31, 1973, Magruder, who previously had been represented by the attorneys for CRP, retained James Bierbower as his personal attorney.

25. On April 2, 1973, Ronald Ziegler issued a public statement criticizing the Senate select committee as being plagued by irresponsible leaks of tidal wave proportions. Ziegler stated that the White House intended to cooperate with the committee but called on Sen. Ervin to get his own disorganized house in order so that the investigation could go forward in a proper atmosphere of traditional fairness and due process.

26. On April 4, 1973, Dean told Haldeman that his lawyers had met privately with the prosecutors.

27. On April 5, 1973, L. Patrick Gray called the President and requested that his nomination as permanent director of the FBI be withdrawn. According to Gray, the President told him that this was a bitter thing to have happened to Gray and there would be a place for Gray in the Nixon administration. The President informed Gray that he wanted him to serve as Acting FBI director until a successor was confirmed. In a public statement issued by the President on April 5, 1973, announcing the withdrawal of Gray's name, the President praised Gray and stated that his compliance with Dean's completely proper and necessary request for FBI reports exposed Gray to totally unfair innuendo and suspicion.

28. On April 5, 1973, John Ehrlichman met in San Clemente, Calif. with Paul O'Brien. According to Ehrlichman, O'Brien had asked to meet with

H. R. Haldeman to transmit some information to the President. According to Ehrlichman's testimony and notes, O'Brien told him that he had obtained information from Jeb Magruder and others concerning, among other things, Magruder's and Mitchell's involvement in meetings in which the Liddy plan for electronic surveillance with a budget of \$100,000 to \$250,000, was outlined; Magruder's testimony concerning the number of meetings among John Mitchell, Gordon Liddy, John Dean and Magruder; Magruder's claim that Charles Colson called him urging that the program go forward; Magruder's claim that Gordon Strachan came to him and said the President wants this project to go on; payments that had been made to the defendants and their attorneys, and possible offers or commitments regarding executive clemency to Liddy, Howard Hunt and James McCord. O'Brien told Ehrlichman that neither Magruder nor Mitchell were inevitably hung and that Dean was the key problem. Ehrlichman's notes also state "must close ranks," "JNM will tough it out," "H must bring Jeb up short" and, written below "Jeb," "shut up" and "stop seeing people." After this meeting Ehrlichman met with the President. Ehrlichman has testified that he reported to the President after he had talked to O'Brien.

29. On April 6, 1973, Ehrlichman met with Kalmbach in the Bank of America parking lot in San Clemente, Calif. Ehrlichman's notes dictated after the meeting reflect a discussion of Kalmbach's activities in raising and disbursing money for the Watergate defendants. Kalmbach told Ehrlichman that he had retained the services of an attorney, Paul O'Connor.

30. On April 8, 1973, Dean started to meet with the prosecutors. While meeting with the prosecutors, Dean received a call from Air Force One from Haldeman's assistant Lawrence Higby, who asked Dean to be in Ehrlichman's office that afternoon for a

meeting. Ehrlichman and Haldeman met with Dean from 5 until 7 p.m. There was a discussion of the possibility of a grand jury appearance by Dean. Ehrlichman has testified that they discussed, among other things, what this "hang up" was between Mitchell and Dean and Dean's feeling that Mitchell did not want Dean to talk to the prosecutors or appear before the grand jury. Ehrlichman has also testified that the President decided on the flight that he wanted Dean to go to the grand jury, and that Ehrlichman and Haldeman conveyed that to Dean at the meeting.

31. On April 8, 1973, from 7:33 to 7:37 p.m., the President and John Ehrlichman spoke by telephone. The President has produced an edited transcript of that conversation. A summary has been prepared of that transcript.

32. On April 11, 1973, Attorney General Kleindienst had a conversation with Assistant Attorney General Petersen. Kleindienst told Petersen that Ehrlichman had just called to tell Kleindienst that he did not feel that any White House aides should be granted immunity.

33. On or about April 12, 1973, Ehrlichman met with Haldeman's assistant Gordon Strachan. Ehrlichman has testified that Strachan said that he had just returned from the grand jury and that upon leaving the grand jury room he had realized that the testimony he had given was mistaken with respect to the amount of money he had delivered to Fred LaRue. Ehrlichman has testified that he advised Strachan to get an attorney and, subject to the attorney's advice, to tell the prosecutor that he had made a mistake in his testimony.

34. On April 12, 1973, the President telephoned Charles Colson at 7:31 p.m. and asked Colson to prepare a specific set of recommendations with respect to the Watergate matter. The following day Colson met with Ehrlichman twice. At the second meeting Colson was accompanied by this lawyer. Ehrlichman has testified that at the second meeting Colson said that he understood that Howard Hunt would testify before the grand jury that the second break-in at the Watergate was opposed by Hunt but that Liddy said to Hunt that they couldn't call it off because they were doing it on Mitchell's order; that Hunt would testify about the transmittal of funds to the Watergate defendants, and that McCord was making allegations about a trip to Las Vegas by Hunt, McCord and possibly Liddy to break into the safe of Hank Greenspun in a project masterminded by Colson. Colson has stated that he recommended to Ehrlichman, among other things, that the President take steps to expose those involved in the planning, approving or authorizing of the Watergate break-in.

35. On April 13, 1973, the day Magruder began meeting with the prosecutors, Lawrence Higby, staff assistant to Haldeman, had two telephone conversations with Magruder which were taped without Magruder's knowledge. Higby asked Magruder whether his testimony was going to be damaging to Strachan and Haldeman. Magruder said it would damage Strachan but he had not talked to Haldeman about the Watergate until long after. Higby told Magruder that it wasn't in his long or short term interest to blame the White House. On April 14, 1973, Ehrlichman and Haldeman reported these conversations to the President. Ehrlichman told the President that Higby had handled Magruder so well that Magruder had closed all his doors now with this tape; that the tape would beat the socks off Magruder if he ever got off the reservation.

36. On April 14, 1973, the President met with Ehrlichman from 8:55 to 11:31 a.m. and with Haldeman from 9 to 11:30 a.m. At this meeting the President instructed Ehrlichman to meet with Mitchell. The President was advised that the grand jury was focusing on the Watergate aftermath. There was a discussion of payments to the Watergate defendants and of the transfer of \$350,000 from Strachan to LaRue to be used for payments to the defendants.

In response to the Judiciary Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

37. On the afternoon of April 14, 1973, Dean, Haldeman and Ehrlichman met in Ehrlichman's office. Dean has testified that there was a discussion

of whether Haldeman, Ehrlichman, Dean, Mitchell, Colson and others would be indicted.

38. On April 14, 1973, at 1:30 p.m., Haldeman had a telephone conversation with Magruder and taped the conversation. Magruder told Haldeman that he had committed perjury many times, that he had now decided to follow his lawyer's advice and make a full disclosure to the grand jury, that his testimony would put Gordon in a spot, and that he intended to plead guilty.

39. On April 14, 1973, at the President's request, Ehrlichman met with Mitchell from 1:40 to 2:10 p.m. Ehrlichman told Mitchell that the President had instructed him to talk to Mitchell and say not to hold back on account of the Presidency. Mitchell said that he was going to stay where he was because he was too far out. Mitchell said that he got euchred into it by not paying attention and that the whole genesis of this thing was at the White House. Mitchell told Ehrlichman that Dean had been caught in the middle like so many others who were trying to keep the lid on until after the election and trying to keep the lid on all the other things that had gone on at the White House. Magruder's pending disclosures to the prosecutors were also discussed. Mitchell told Ehrlichman that some of the White House fund had been used to make payments to the defendants, with Haldeman's approval, prior to the return of the money to Fred LaRue.

40. On April 14, 1973, the President met with Haldeman from 1:55 to 2:13 p.m. Haldeman reported to the President on his telephone conversation with Magruder. There was a discussion of what Haldeman and Strachan would say if Magruder testified that he had sent Gemstone materials to Strachan.

In response to the Committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

41. On April 14, 1973, the President met with Haldeman and Ehrlichman from 2:24 to 3:55 p.m. At this meeting Ehrlichman reported on his meeting with Mitchell. There was a discussion of the motive for the payments to the defendants and the transfer of the \$350,000 from the White House to the Committee for the Re-election of the President. The President instructed Ehrlichman to meet with Magruder. There was a discussion whether it would reduce the likelihood of Department of Justice follow-up if Ehrlichman gave a report to Kleindienst rather than Silbert.

In response to the committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

42. On April 14, 1973, John Ehrlichman met with Jeb Magruder and his attorneys. Ehrlichman informed Magruder and his attorneys that he was conducting an investigation for the President. Magruder and his attorneys discussed with Ehrlichman the information which Magruder has disclosed to the prosecutors earlier that day to the effect that at a meeting in Key Biscayne Mitchell, LaRue and Magruder had participated in an express and specific approval of the plan to break into and bug the DNC headquarters and to bug McGovern headquarters and the Fontainebleau headquarters of the Democratic Convention.

43. On April 14, 1973, the President met with Haldeman and Ehrlichman from 5:15 to 6:45 p.m. Ehrlichman reported to the President on his meeting with Magruder and his attorneys. The President instructed Haldeman to give Strachan a report of Magruder's testimony. There was a discussion of the motive for the payments to the defendants.

In response to the committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

44. On April 14, 1973, at approximately 6 p.m. and during the meeting specified in the preceding paragraph, Ehrlichman telephoned Kleindienst. Ehrlichman told Kleindienst that he had been conducting an investigation for the President. There was a discussion of what Ehrlichman should do with the information he had uncovered. Kleindienst has testified that Ehrlichman told him that the testimony that Magruder had given to the U. S. Attorneys would implicate people high and low in the White House and in the campaign committee. The President has produced an edited transcript of this conversation. According to this transcript Ehrlichman stated that the information provided by Magruder implicated people up and down in the Committee to Re-elect; and, when Kleindienst asked who Magruder implicated besides himself and Mitchell, Ehrlichman answered Dean, LaRue, Mardian and Porter.

45. On April 14, 1973, the President had a telephone conversation with Haldeman from 11:02 to 11:16 p.m. There was a discussion of what would be said to Strachan about the information Magruder was giving to the prosecutors. There was also a discussion about the motive for making payments to the defendants.

In response to the committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

46. On April 14, 1973, from 11:22 to 11:53 p.m., the President had a telephone conversation with John Ehrlichman. There was a discussion of what Ehrlichman would say to Colson and Strachan about his conversation with Magruder, and what Ehrlichman would say to Dean about a plan to deal with obstruction of justice allegations. There was also a discussion of whether Haldeman should be dismissed.

In response to the committee's subpoena for the tape recording and other evidence of this conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

47. During the evening of April 14, 1973, Petersen was briefed by the prosecutors on the information furnished by Dean and Magruder. Petersen telephoned Kleindienst and

arranged to report to him immediately. On April 15, 1973, Kleindienst met at his home with Petersen, United States Attorney Titus, and chief prosecutor Silbert from approximately 1 to 5 a.m. Kleindienst was briefed on evidence implicating high White House and CRP officials in the Watergate break-in and the obstruction of the government's investigation. Kleindienst decided to arrange a meeting with the President that morning.

48. On April 15, 1973, at 8:41 a.m. Kleindienst attempt to reach the President by telephone to request an immediate meeting. The President returned Kleindienst's call at 10:13 a.m. and agreed to meet Kleindienst that afternoon.

49. On April 15, 1973, John Ehrlichman met with Gordon Strachan from approximately 10 to 10:35 a.m. and 11:15 a.m. to noon. They discussed Strachan's recollection of his contacts with Magruder and Haldeman relating to Watergate. Ehrlichman has testified that he confronted Strachan with Magruder's allegation about sending Strachan a budget which included specific reference to bugging, and that Strachan said that he was sure he had never seen anything like that. Ehrlichman's notes of his meeting with Strachan reflect a reference to a memorandum from Strachan to Haldeman stating a sophisticated intelligence operation is going with a 300 budget.

50. On April 15, 1973, the President met with John Ehrlichman from 10:35 to 11:15 a.m. Ehrlichman reported that he was meeting with Strachan. There was a discussion of the motive for payments to the defendants and of what Dean's defense might be to obstruction of justice charges.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

51. On April 15, 1973, the President met with Attorney General Kleindienst from 1:12 to 2:22 p.m. in the President's EOB office. Kleindienst reported to the President on the evidence against Mitchell, Dean, Haldeman, Ehrlichman, Magruder, Colson and the others. Kleindienst has testified that the President appeared dumbfounded and upset when Kleindienst told him about the Watergate involvement of administration officials, and that the President did not state that he had previously been given this information by John Dean. The President asked about the evidence against Haldeman and Ehrlichman and made notes on Kleindienst's response. There was a discussion of the payments to the defendants and what motive had to be proved to establish criminal liability. There was discussion of the transfer of \$350,000 from the White House to LaRue. The President made a note: "What will LaRue say he got the 350 for?"

The committee has subpoenaed the tape recording and other evidence of this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst. The President has produced an edited

transcript of a recording of a portion of the conversation. A summary of that transcript has been prepared.

52. On April 15, 1973, from 2:24 to 3:30 p.m. the President met with Ehrlichman in the President's EOB office. From 3:27 to 3:44 p.m. the President spoke to Haldeman by telephone and discussed conflicts between the recollections of Magruder and Strachan concerning conversations about Watergate. At 3:48 p.m. the President returned a telephone call from Kleindienst and agreed to have Petersen join their upcoming meeting.

In response to the committee's subpoena for the tape recording and other evidence of the President's meeting with Ehrlichman, his telephone conversation with Haldeman, and his telephone conversation with Kleindienst, the President has produced edited transcripts of the recordings of the Haldeman and Kleindienst telephone calls. Summaries of those transcripts have been prepared. The President has stated that the tape on the recorder his afternoon meeting of April 15, for his EOB office had run out during 1973, with Kleindienst and that no further conversations in that office were recorded.

53. On April 15, 1973, Petersen and Kleindienst met with the President from 4:00 to 5:15 p.m. in the President's EOB office. Petersen has testified that he reported on the information that the prosecutors had received from Dean and Magruder and that his report included the following: That Mitchell had approved the \$300,000 budget for the Liddy "gemstone" operation; that budget information for "gemstone" and summaries of intercepted conversations were given to Strachan and that information given to Strachan was for delivery to Haldeman; that if the prosecutors could develop Strachan as a witness, "school was going to be out as far as Haldeman was concerned"; that Ehrlichman through Dean informed Liddy that Hunt should leave the country; and that Ehrlichman had told Dean to "deep six" certain information recovered by Dean from Hunt's office. Petersen has also testified that he recommended that Haldeman and Ehrlichman be dismissed, but Dean be retained while cooperating with the prosecutors. Petersen has testified that the President exhibited a lack of shock and emotion; spoke well of Haldeman and Ehrlichman; suggested that Dean and Magruder were trying to exculpate themselves; suggested a cautionary approach to the granting of immunity; stated that he had first learned that there were more significant problems than he had anticipated on March 21, 1973, although he did not tell Petersen what Dean had told him on that date; stated that he had told Dean to write a report but that Dean had been unable to write a report; stated that he told Ehrlichman to conduct an investigation after Dean failed to deliver his report; stated that Haldeman and Ehrlichman had denied the charges against them; and requested that Petersen reduce to writing what he had said to the President about Haldeman and Ehrlichman.

The committee had subpoenaed the tape recording and other evidence regarding this conversation. The President has stated that the tape on the recorder for his EOB office ran out during his afternoon meeting with Kleindienst.

54. On April 15, 1973 the Watergate

prosecutors interviewed John Dean. The prosecutors were informed that Gordon Liddy and E. Howard Hunt had participated in the break-in at the office of Daniel Ellsberg's psychiatrist. Dean stated that not all of the material from Hunt's safe had been turned over to FBI agents after the Watergate break-in, but that certain materials from the safe were personally handed by Dean to Gray.

55. On April 15, 1973 at approximately 7:30 p.m., Ehrlichman requested a meeting with Dean. Dean's attorney discussed this request with Petersen who advised against such a meeting. Dean arranged to have the President told that Dean was acting out of loyalty to the President and that Dean felt the meeting requested by Ehrlichman was inappropriate at this time. The President telephoned Petersen and spoke with him from 8:14 to

8:18 p.m. and from 8:25 to 8:26 p.m. Petersen told the President about Ehrlichman's request to meet with Dean. The President asked if Petersen would have any objection to the President's meeting with Dean. Petersen said he had no objection. The President arranged to meet with Dean that evening.

In response to the committee's subpoena for the tape recording and other evidence of the President's telephone conversations with Petersen, the President has produced edited transcripts of the recordings. A summary of these transcripts has been prepared.

56. On April 15, 1973, from 9:17 to 10:12 p.m., the President met with John Dean in the President's EOB office. Dean has testified that he reported to the President that he had been to the prosecutors; that the President asked him about Haldeman's knowledge of the Liddy plans; that the President stated he had been joking when he said it would be easy to raise \$1 million to pay for maintaining the silence of the Watergate defendants; and that the President said in a nearly inaudible tone that he had been foolish to discuss Hunt's clemency with Colson. Dean also has testified that he told the President he had not discussed with the prosecutors his conversations with the President and that the President told him that he could not tell the prosecutors about national security matters or about any of the conversations between the President and Dean. Dean has testified that the nature of the President's questions led him to think that the President was taping the conversation. The President's notes of this meeting indicate that the President asked Dean what he had told Kalmbach about the purpose of the money and that Dean said he had briefed Haldeman and Ehrlichman every inch of the way. During this meeting the President telephoned Petersen from 9:39 to 9:41 p.m. and instructed Petersen to contact Liddy's attorney and tell him that the President wanted Liddy to tell everything he knows.

The President has stated that the tape on the recorder for his EOB office ran out on the afternoon of April 15, 1973. In response to the committee's subpoena for the tape recording and other evidence of his telephone conversation with Petersen, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

57. On April 15, 1973, from 10:16 to 11:15 p.m. the President met with H. R. Haldeman and John Ehrlichman in the President's EOB office. During this meeting Ehrlichman at the President's request telephoned Patrick Gray and discussed the documents taken from Hunt's White House safe and given to Gray by Dean in June 1972. Shortly thereafter Ehrlichman telephoned Gray and had a second conversation regarding the contents of Hunt's safe. Ehrlichman told Gray that Dean had told the prosecutors that he had delivered two of Hunt's files to Gray. Gray told Ehrlichman that he had destroyed the documents.

58. On April 15, 1973, from 11:45 to 11:53 p.m., the President had a telephone conversation with Henry Petersen. The President told Petersen that he had met with Dean. There was also a discussion of whether the President should ask Dean, Haldeman and Ehrlichman to resign. Petersen has testified that the President told him that Dean had given the President basically the same information which Dean had previously given to the prosecutors.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

59. On April 16, 1973, from 8:18 to 8:22 a.m. the President had a telephone conversation with John Ehrlichman. Ehrlichman has testified that the President stated he was going to ask Dean to resign or take a leave of absence because Dean apparently continued to have access to White House files and because the President and Dean then had basically an adversary relationship. From 9:50 to 9:59 a.m. the President met with Haldeman and Ehrlichman. There was a discussion of what the President would say to Dean and of what statement might be released to the press.

In response to the committee's subpoena for the tape recording and other evidence of the conversation between the President, Haldeman and Ehrlichman, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

60. On April 16, 1973 the President met with John Dean from 10:00 to 10:40 a.m. Certain of the subjects discussed in the course of that meeting:

President's request that Dean submit a letter of resignation or a request for a leave of absence, and discussion of other resignations.

March 21, 1973, conversation among the President, Dean and Haldeman, and what Dean should say about that conversation.

Whether the President would waive executive privilege.

How events after the break-in and after March 21 would be described.

What induced Magruder to talk and the President's desire to take credit for Magruder's cooperation.

President's statements to Dean that Dean should tell the truth.

Executive clemency.

President's statement that Dean was still his counsel.

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What should be done about legal problems of White House aides.

61. On April 16, 1973 from 10:50 to 11:04 a.m. the President, H. R. Haldeman and John Ehrlichman met. The President reported on his meeting with Dean. There was a discussion of a "scenario" of events after the President became aware that there were some discrepancies between what he had been told by Dean in the report that there was nobody in the White House involved.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of that recording. A summary of that transcript has been prepared.

62. On April 16, 1973, from 12:00 to 12:31 p.m. the President met with H.R. Haldeman. There was a discussion of what Haldeman might state publicly about his involvement in the transfer of cash from the White House to CRP.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

63. On April 16, 1973, from 1:39 to 3:25 p.m. the President met with Henry Petersen. Ronald Ziegler was also present from 2:25 to 2:52 p.m. During this meeting Petersen gave the President a report on the investigation and a written memorandum summarizing the prosecutors' evidence as of that time implicating Haldeman and Ehrlichman. There was discussion of whether the President should ask Haldeman and Ehrlichman to resign.

64. On April 16, 1973 from 3:27 to 4:04 p.m. the President met with John Ehrlichman and Ronald Ziegler. There was a discussion of the information furnished by Henry Petersen.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

65. On April 16, 1973 from 4:07 to 4:35 p.m. the President met with John Dean. Certain of the subjects discussed during that conversation:

Presidential statement in regard to Watergate.

Haldeman, Ehrlichman and Dean's continued presence on the White House staff.

Magruder's negotiations with the U.S. attorneys.

President's statement to Dean to tell the truth.

Dean's proposed testimony before the grand jury in regard to the issue of Haldeman's prior knowledge of the Possible discovery of Hunt and Liddy's involvement in the Fielding break-in.

Senate select committee and the failure of "containment" during the past nine months.

66. On April 16, 1973 from 8:58 to 9:14 p.m. the President spoke by telephone with Henry Petersen. Petersen gave the President a report. The President said he would not pass the information on because he knew the rules of the grand jury.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

67. On April 17, 1973, from 9:47 to 9:59 a.m. the President met with H.R. Haldeman. The President instructed Haldeman to tell Kalmbach that LaRue was talking freely. There was discussion of the problem raised by Dean's efforts to get immunity.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

68. On or about April 17, 1973, John Ehrlichman had telephone conversations with Charles Colson, White House aide Ken Clawson, and former CRP campaign director Clark MacGregor. Ehrlichman asked Colson and Clawson about their recollections regarding Dean's allegations that Ehrlichman had told Dean to destroy documents from Hunt's safe and to order Hunt to leave the country. During the course of their conversation, Colson and Ehrlichman discussed nailing Dean by seeing that he not get immunity. Each of these conversations was tape recorded by Ehrlichman.

69. On April 17, 1973 at 10:26 a.m. Gray met with Petersen in Gray's office. Gray has testified that he admitted to Petersen that he had received files from Dean in Ehrlichman's office and told Petersen that he had burned the files without reading them. Petersen told Gray that the assistant U.S. attorneys would want him before the grand jury. During the afternoon of April 17 Petersen told the President that Gray had admitted destroying documents he received from Dean.

70. On April 17 1973, from 12:35 to 2:20 p.m. the President met with H.R. Haldeman and John Ehrlichman. Ronald Ziegler joined the meeting from 2:10 to 2:17 p.m. There was a discussion about what to do about Dean and what Dean might say if he were fired; about the motive for making payments to the defendants; about what Strachan would say concerning intelligence material received from Magruder; and about whether Dean had reported to the President in the summer of 1972. There was also discussion of a press plan.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

71. On April 17, 1973, from 2:39 to 2:40 p.m. the President had a telephone conversation with John Ehrlichman. There was a discussion of what the President would say to Petersen about immunity for top White House staff members.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

72. On April 17, 1973, from 2:46 to 3:49 p.m. the President met with Henry Petersen. There was a discussion about whether Petersen had passed grand jury information to Dean and about whether Dean would be granted immunity. The President read to Petersen a proposed press statement and Petersen stated the difficulties which would be posed by a statement that the President opposed granting immunity to high White House officials. Petersen told the President that Gray had admitted receiving from Ehrlichman and Dean documents unrelated to Watergate taken from Hunt's safe. Petersen said that Gray said he had burned these documents without reading them.

In response to the committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

73. On April 17, 1973, from 3:50 to 4:35 p.m. the President met with H. R. Haldeman, Ronald Ziegler and John Ehrlichman. The President described his conversation with Petersen. There was a discussion of whether Haldeman and Ehrlichman should take leaves of absence. The President went over the text of the statement he was about to give.

In response to the Committee's subpoena for the tape recording and other evidence of that conversation, the President has produced an edited transcript of the recording. A summary of that transcript has been prepared.

74. On April 17, 1973, from 4:42 to 4:45 p.m. the President issued a public statement containing two announcements. The President first announced that White House personnel would appear before the Senate Select Committee, but would reserve the right to assert executive privilege during the course of questioning. He then reported that on March 21 he had begun intensive new inquiries into the whole Watergate matter and that there had been major developments in the case. The President stated he had expressed to the appropriate authorities his view that there should be no immunity from prosecution for present or former high Administration officials. The President said that those still in government would be suspended if indicted and discharged if convicted.

75. On April 17, 1973, the President met in his EOB office with William Rogers from 5:20 to 6:19 p.m. and with H. R. Haldeman and John Ehrlichman from 5:50 to 7:14 p.m. The President briefed Rogers on his investigation and his discussion with Petersen. There was a discussion of whether Haldeman, Ehrlichman and Dean should resign and of Dean's testimony against Haldeman and Ehrlichman. Haldeman and Ehrlichman reported on their conversation with John Wilson, a defense attorney in criminal cases who had been recommended by Rogers. There was a discussion of what Dean had told Kalmbach about the purpose of the money he was asked to raise.

In response to the committee's subpoena for the tape recording and other evidence of the President's conversations of April 17, 1973, from 5:50 to 7:14 p.m., the President has produced an edited transcript of the recording of his conversations from 5:20 to 7:14

p.m. A summary of that transcript has been prepared.

76. In April, 1973, former and present White House aides and CRP officials were interviewed by the prosecutors or called before the Watergate Grand Jury. These included E. Howard Hunt, Gordon Liddy, Jeb Magruder, Gordon Strachan, Richard Moore, Dwight Chapin, Herbert Kalmbach, James McCord, Fred LaRue, Herbert Porter, John Mitchell, Charles Colson and John Dean.

77. On April 18, 1973, the President had telephone conversations with Henry Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m. Petersen has testified that the President told him that Dean said he had been granted immunity and the President had it on tape, and that Petersen denied that Dean had been granted immunity. Petersen told the President that the prosecutors had received evidence that Gordon Liddy and E. Howard Hunt had burglarized the office of Dr. Fielding, Daniel Ellsberg's psychiatrist. The President told Petersen that he knew of that event; it was a national security matter; Petersen's mandate was Watergate; and Petersen should stay out of the Fielding break-in. The President told Petersen that the prosecutors should not question Hunt about national security matters. After this telephone call, Petersen relayed this directive to Silbert.

In response to the committee's subpoena for the tape recording and other evidence of the telephone conversations between the President and Petersen from 2:50 to 2:56 p.m. and from 6:28 to 6:37 p.m., the President has produced an edited transcript of the conversation from 2:50 to 2:56 p.m., during which the President and Petersen discussed immunity for Dean and Magruder. A summary of that transcript has been prepared. The President has informed the committee that the telephone call from 6:28 to 6:37 p.m. was placed from Camp David and was not recorded.



Sketch by David Suter for The Washington Post

78. On April 19, 1973, John Dean issued a public statement declaring in part that he would not become a scapegoat in the Watergate case. He added that anyone who believed that did not know the true facts nor understand our system of justice. Following Dean's statement, Stephen Bull of the President's White House staff checked with the Secret Service agent in charge of the White House taping system to determine if Dean knew about the existence of the taping system. The agent replied that as far as the Secret Service knew Dean had no such knowledge.

79. On April 19, 1973, the President met with Richard Moore. They discussed the President's public statement of April 17 and the fact that on March 20, 1973, Dean and Moore discussed Dean's telling the President about the Watergate matter. Moore testified that the President said that he had told Dean to raise money for the Watergate defendants was not only wrong but stupid. Moore told the President that Dean had shown him a list of individuals who might be indicted, and that Dean had said that Ehrlichman's problem might be involved with the Ellsberg case. The President responded that the White House investigation of Ellsberg had to be done because J. Edgar Hoover could not be counted on as he was a close friend of Ellsberg's father-in-law.

80. On April 19, 1973, from 8:26 to 9:32 p.m. the President met with John Wilson and Frank Strickler, attorneys

for H. P. Haldeman and John Ehrlichman. There was a discussion of the case against Haldeman and Ehrlichman.

The committee has requested the tape recording and other evidence of this conversation. The President has provided an edited transcript of that recording. A summary of that transcript has been prepared.

81. Between April 19 and April 26, 1973, the President had 11 conversations with Henry Petersen. Petersen has testified that during these conversations the President asked Peterson for a detailed written report on the Watergate matter; discussed the advisability of retaining Haldeman and Ehrlichman at the White House; and discussed the progress of the Grand Jury investigation. Petersen has testified that some time in the course of the April discussions the President made a flattering reference to Petersen as an adviser to the President and said he would have to serve as "White House counsel." The President also asked Petersen whether he would like to be FBI director, but stated he was not offering him the job.

82. On April 20, 1973 Herbert Kalmbach was scheduled to testify before the Watergate grand jury. On the afternoon prior to his scheduled appearance, John Ehrlichman and Kalmbach had a telephone conversation, which was taped by Ehrlichman without Kalmbach's knowledge, during which they discussed Kalmbach's payment of funds to the Watergate defendants.

83. On April 22, 1973, Easter Sunday, the President telephoned John Dean from Key Biscayne, Fla. Dean has testified that the President called to wish him a happy holiday.

84. On April 25 and 26, 1973, presidential aide Stephen Bull delivered a number of tape recordings of Presidential conversations to H. R. Haldeman. At the President's request Haldeman listened to the tape recording of the President's March 21, 1973, morning meeting with John Dean, made notes and reported to the President.

85. On April 26, 1973, Sen. Lowell Weicker, a member of the Senate select committee, released to the press information that Patrick Gray had burned politically sensitive files which had been given to him by John Dean from Howard Hunt's White House safe. Petersen has testified that on this date the President telephoned him to ask if Gray ought to resign as acting FBI director and that Petersen told the President that he thought Gray's position was untenable. At the President's instruction, Petersen, Gray and Kleindienst met that evening and discussed Gray's possible resignation. Kleindienst telephoned the President and recommended that Gray step down, but added that Gray did not see it that way. The President told Kleindienst that he would not require Gray to resign immediately. Gray has testified that Kleindienst also stated after speaking to the President there must be no implication that in burning these files there was any attempt to a cover-up at the White House.

86. On April 26, 1973, Jeb Magruder resigned his post as director of policy development for the Department of Commerce.

87. On the afternoon of April 27, 1973, Patrick Gray notified Lawrence Higby that he was resigning as acting director of the FBI. From 4:31 to 4:35 p.m. on April 27, the President had a telephone conversation with Petersen during which the President asked if Petersen had any information that would reflect on the President. Petersen said no. At the President's request, Petersen met with the President from 5:37 to 5:43 p.m. and from 6:04 to 6:48 p.m. The President again asked if there was adverse information about the President. Petersen said he was sure that the prosecutors did not have that type of information.

The committee has requested the tape recordings and other evidence of various presidential conversations on the afternoon and evening of April 27, 1973. The President has produced edited transcripts of the conversations between the President and Petersen from 5:37 to 5:43 p.m. and among the

President, Petersen and Ronald Ziegler from 6:04 to 6:48 p.m. Summaries of the transcripts have been prepared.

88. On or about April 28, 1973, H. R. Haldeman and John Ehrlichman determined that they should resign from their positions on the White House staff. Haldeman and Ehrlichman have testified that the President did not request their resignations.

89. On April 29, 1973, the President met with Attorney General Richard Kleindienst at Camp David. They discussed Kleindienst's resignation as Attorney General. The President asked

Kleindienst if he could announce Kleindienst's resignation in his statement the next day and Kleindienst consented. Also on that date the President met with Elliot Richardson at Camp David and informed him of his intention to nominate Richardson to be Attorney General. The President told Richardson that he would commit to Richardson's determination whether a special prosecutor was needed.

90. On April 30, 1973 the President made a nationwide televised address on the Watergate matter. He announced the resignations of H. R. Haldeman, John Ehrlichman, Richard Kleindienst and John Dean and the appointment of Elliot Richardson as Attorney General of the United States.

~

Charles Colson memorandum, March 23, 1973.

Bob Haldeman just called and asked what representations I had made to Howard Hunt with respect to the commutation of his sentence. I told him that I had made no representation, that I had not seen Howard Hunt since the Watergate, that I had seen his lawyer twice, perhaps three times, at Dean's request. Bob asked what I had told Bittman, and I simply said that I told him essentially that I considered myself Howard Hunt's friend, that I would do anything anytime that I possibly could for Howard.

Bob asked whether I told Howard Hunt that his sentence would be commuted before Christmas and I said no, that I had not, that his lawyer had come to me and said that Hunt did not want to go to jail, that he was going to jail, but didn't want to stay in jail beyond the end of this year. I told Bittman that I had no control over that, that I couldn't make any representations in any respect, but that so long as I was around, I would do anything I could to help Hunt, that I felt he had been punished enough and that he should not be subject to further punishment. I told Bob that I was very clear in what I had said to Bittman, that in fact I wrote it down as I was saying it so that there would never be a misunderstanding, that I had made very explicit memoranda for the file and that I had advised Ehrlichman and Dean of the conversations since I had been asked by Dean to see Bittman.

Bob asked whether I had ever used anyone else's name in the conversation and I said no, that I had not. He asked whether Hunt might have the impression from my communication with Bittman that he, Hunt, would not serve beyond the end of this year in prison and I said that he might well have drawn whatever conclusions he wanted to from my having said that I would do anything I could to help him, having said that in response to the specific point that Hunt did not want to serve beyond the end of the year. However, Bittman, in my conversations with him, understood fully that I was not in a position to say anything more explicit than what I did say.

Haldeman asked whether I had ever met McCord or had anything to do with McCord and I said no. He asked whether I had ever made any representations to McCord and I said no. I explained that I had made no representations direct or indirect to anyone. Bob again asked whether Hunt could get the impression from what I said that he might be out before the end of the year and my answer was that Hunt could get any impression he wanted from the fact that I had stated I was his friend and that I would help him in any way I could but that I was explicit in my recollection that I had not said anything that would give anyone any cause to have any specific understandings. In fact, there was no understanding.

Bob asked whether I ever mentioned the fact that I had discussed this with anyone else and I said no, I had not, although in fact I did discuss it with Dean and Ehrlichman.

Bob then asked me what would happen if Hunt "blew." I said I thought it would be very bad, that from what I knew he would say things that would be very damaging. Bob said, "then we can't let that happen." I told Bob that I did not know how much Howard Hunt knew first hand, but he had said things in one conversation with me (recording of which I have) and had said things to Shapiro and apparently Dittman, that would be highly incriminating, that this was one reason that acting on Shapiro's advice, I had nothing to do with Hunt or his lawyer over the past two weeks and have stayed out of any contact between Hunt or anyone else.

Bob then asked me about a phone conversation I had with Jeb Magruder. I told him precisely how I remembered the conversation, that Hunt and Liddy had come in my office one night, unannounced, that it was sometime in January or February (I could not remember when), that Hunt told me Liddy had been across the street, had some excellent plans and ideas for intelligence and counter-intelligence, but that he hadn't been able to get anyone to approve his plans. They started to explain what the plan was and I told them that I wasn't interested, that this was not my area, that I didn't want to get involved or spend the time, but that I would call Magruder and ask him to see them. I told Haldeman that I had called Magruder and asked Magruder to advise them, that is, Hunt and Liddy, or specifically Liddy, whether he was going to be used in the campaign or not. Liddy's position was that "if I'm just going to be sitting around, I don't want to waste my time: I have some ideas of how I can be helpful, but I don't want to just sit and waste time at the committee."

Magruder assured me that he would see that their plan was considered and that he would attend to it. I explained to Jeb that I wasn't advocating their plan because I didn't know what it was, but that Hunt was a good man and if they had some ideas that ought to be explored and used, that they should have an opportunity to talk to someone that could either authorize them to do something or not. Haldeman said that may not be the way Magruder remembers the conversation. Magruder, he said, seems to think that he was told to get their operation started by Colson. I told Haldeman that I had never been able to order Magruder to do anything.

I also did not urge him to do anything other than to let Liddy make a presentation of whatever his ideas were and in fact I specifically did not endorse them because I didn't know what the proposals were. I asked Bob whether he knew whether Magruder had any different recollection and he

said no, but he had reason to think that he might.

I explained to Bob that Magruder didn't even remember the conversation, that I had written a memorandum right after the Watergate of everything I could remember and in it I had that phone conversation. When I showed the memo to John Dean, Dean said, in effect: "don't show that to anyone because Magruder does not ever remember your calling and in fact, has already testified. John told me, therefore, not to leave the memo lying around and not to use it because it might impeach Magruder's testimony.

I told Bob therefore that I was confident that Magruder either didn't remember the conversation or if he did now, certainly wasn't remembering it very accurately.

Haldeman went on to say that the reason for his call was the question before the House, i. e., should all White House aides volunteer immediately to go before the grand jury waiving all privilege. I told Bob if we did that we would in turn be waiving all privilege before the Hill and that we would end up in my opinion worse off, particularly since the grand jury has no rules of evidence, than if we simply continued to adhere to a sound position on executive privilege.

Bob said he was concerned that the President not appear to be covering up. I told Bob that I didn't think the President had done so.

Bob asked me in the conversation with Magruder whether I had said I was calling at anyone else's direction and I said no, that I realize the gravamen of his question which was, had I used the President's name and the answer was obviously no since I never did that and since the particular call, in any event, had not arisen out of anything that had come up with the President.

Transcript of a telephone conversation between Jeb Magruder and Lawrence Higby on April 13, 1973.

HIGBY: Hi.

MAGRUDER: Hello.

HIGBY: How are you?

MAGRUDER: All right.

HIGBY: Say, I wanted to call you. I've just picked up a story here that really bugs the shit out of me. Ehrlichman just called down here and says that he's received word that you have talked to two reporters and given the story out with regard to Watergate.

MAGRUDER: That bullshit.

HIGBY: that said that you had talked to them and in the story, you mention the fact that you'd talked to Haldeman regarding the bugging in general and the Watergate specifically.

MAGRUDER: I don't know what he's talking about.

HIGBY: Also said, uh, that

MAGRUDER: Larry—Look (unintelligible). Larry,

HIGBY: Mitchell had no knowledge of the Watergate

MAGRUDER: Larry,

HIGBY: or control over the committee.

MAGRUDER: stop the bullshit. I'm not going to fool around. I didn't talk to any reporters. Now that's ridiculous.

HIGBY: Really?

MAGRUDER: God damn it!

HIGBY: Well I can't believe it because I can't understand what the hell kind of a game you'd be playing in trying something like that.

MAGRUDER: Damn it Larry. No, I told you the other night. Didn't I? Now what do you guys have to have? A God damn television set?

HIGBY: Well you told me the other night—

MAGRUDER: I told you the other night, I was going to do what my lawyers told me to do.

HIGBY: That's right and I can't believe they would—

MAGRUDER: (Unintelligible) my lawyers aren't going to tell me to go tell two stupid reporters. Now Jesus Christ, would you guys start thinking!

HIGBY: Well, that's why I wanted to call you, Jeb. I couldn't believe it.

MAGRUDER: Well, it's just ridiculous.

HIGBY: Is somebody trying to screw you here?

MAGRUDER: I don't—Who the shit cares anymore? You know? I mean this is just ridiculous. I don't know who thinks anybody's kidding an—who anymore. I mean that kind of crap. Jesus Christ. I mean that just makes me sick, Larry.

HIGBY: It makes me sick too because I can't see what possible gain you would have, one, by talking to the press in general

MAGRUDER: Yeah.

HIGBY: and by, two, giving them any kind of a story like that.

MAGRUDER: First of all (unintelligible) wrong.

HIGBY: But I, uh, I wouldn't even have said, said anything like had, had Ehrlichman not hit me directly on that. He was trying to reach Haldeman, Haldeman was in with the President. And I said uh, I said, "What's the problem John?" And he went through this thing. And I just about dropped my drawers.

MAGRUDER: Well Larry, look, you know, the game is over on this whole thing and I am certainly not going to go and tell a reporter or two reporters and if I do, I'm not going to tell them a story that's absolutely ridiculous.

HIGBY: In other words, you haven't talked to any reporters.

MAGRUDER: I haven't talked to any reporters. I haven't talked to reporters on this story since, you know, who knows when, as far as any substance is concerned. You know, that's, you know there's no reason to do that Larry.

HIGBY: I couldn't believe that.

MAGRUDER: Now there's no reason. But, uh, the worst place would be to tell reporters. You don't tell reporters. McCord may—that's his problem. Shit. Secondly, I wouldn't tell them an incorrect story.

HIGBY: Did you talk to Haldeman?

MAGRUDER: Well other th—th—th—not only did I talk—that is minor. Uh, I may or may not have talked to Haldeman, right? But I certainly wouldn't tell him the story that what—Mitchell was not involved?

HIGBY: Uh, the, the quote was out of the story, that, uh John just had it cold, which I couldn't believe. He said that, that you, you, told the—these two guys it—He wasn't sure if it was one interview or two—that first of all you had no knowledge, that Mitchell had no knowledge of Watergate, or he had no control over the, and he had no control over the committee.

MAGRUDER: Jesus Christ. That's just ridiculous. That isn't even, you know—What, does Ehrlichman need his head examined?

HIGBY: Well I don't think John—no, John wouldn't, wouldn't jump to conclusions on something like that. He must have got it somewhere that was factual.

MAGRUDER: He maybe got it from somewhere. I don't—Yeah, I've done so much junk on this that I can't believe it. I've told you. I told you the other night. I asked you if, if there was any direction I should get from, from Bob.

HIGBY: (Unintelligible) and the direction was: do, do exactly what your lawyers tell you to.

MAGRUDER: That's what exactly what I'm going to do.

HIGBY: And then you said you were going to go up and see Mitchell. And I thought Jesus Christ, maybe Mitchell told you something, and, and this was the result of that.

MAGRUDER: No. No, Mitchell didn't tell me anything at all. Mitchell had told me something, yes. But that had nothing to do with—(draws breath) I mean Mitchell has his own desires in this case as you know which may be in conflict now with mine. I don't know.

HIGBY: Oh, really?

MAGRUDER: Well, yeah. Very well may be in conflict with mine.

HIGBY: Does he, what does he—What position's he on now? Still the same one?

MAGRUDER: Yeah, I mean I don't, uh—

HIGBY: Stonewall it?

MAGRUDER: That's right. I don't see that I can stonewall it, Larry, probably.

HIGBY: Yeah.

MAGRUDER: My lawyers don't and I doubt if I can.

HIGBY: Yeah.

MAGRUDER: I think I is going to be in Lewisberg quite soon Larry.

HIGBY: Who is?

MAGRUDER: I am.

HIGBY: Oh, I—

MAGRUDER: Oh (Laughs) Larry, I mean you know.

HIGBY: Well the thing I couldn't understand—

MAGRUDER: (Unintelligible) fool around. This fooling around. I'm not talking about published stories. I'm probably going to jail, Larry. God damn it.

HIGBY: Of all the, of all the, the guys to turn on though, Bob—I just couldn't believe it. 'Cause, uh, you know, Bob has been the guy that has brought you here and, and—

MAGRUDER: Do you think I would turn on Bob?

HIGBY: I honestly didn't. That's why I couldn't believe this story. And I told Ehrlichman I thought it was, you know he's probably got a crock of shit here. And he said, well, "Would you please get this to Bob. Bob's still in with the President." But I wanted to get the damn thing to you to find out what the story was.

MAGRUDER: All right. But, I mean the fact is that, that if I have to discuss the case, I will discuss it only with the proper authority and obviously, if I do discuss the case, and have to get to that point, I'm going to have to tell them the facts. I'm not going to lie any more.

HIGBY: Yeah.

MAGRUDER: I've committed perjury so many times now that I'm, uh, you know, I'm uh, I've got probably a hundred years on perjury alone.

HIGBY: Well, I just couldn't believe you'd go around telling—

MAGRUDER: I would not tell reporters. If I tell the story, I will tell it to the proper authorities, which is not the Senate. I would tell it to the appropriate U.S. attorney's office. Uh, and I would tell it as, as I know it, and I would tell all the truth fully and completely.

HIGBY: Well, I just couldn't see why, where you would have anything to gain for yourself by turning on the White House or by, uh, turning on Bob.

MAGRUDER: Larry, you've got to realize, I'm not going to turn on anybody. I probably, if I have to, will tell the story. If I do. I haven't decided yet if I will.

HIGBY: Well, if you tell the story, I don't think Haldeman has anything to worry about.

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MAGRUDER: (Unintelligible) nothing to worry about. Now you, you—

HIGBY: 'Cause you never discussed this God damned thing with him.

MAGRUDER: Larry, there's no problem. Now you've got one guy who, uh, maybe has a problem. You know that.

HIGBY: Who?

MAGRUDER: Your friend. My friend. If I ever have to.

HIGBY: Who? Gordon?

MAGRUDER: Gordon, of course.

HIGBY: Yeah.

MAGRUDER: But that's, that's life. I mean, you know, we've ruined every half—you know. You know.

HIGBY: Hm.

MAGRUDER: Our lives are all ruined right now anyway. You know, most of ours. Mine is certainly and so will many others before this is over. I think we ought to realize that.

HIGBY: Well, the thing that bothered me is by, by, if, if something like this had come out, obviously I'm worried about Bob, but,

MAGRUDER: Course you are. You should be.

HIGBY: But that just put,

MAGRUDER: Well—

HIGBY: But that just puts it right at the President.

MAGRUDER: I would not, under any circumstance, discuss anything with anyone outside of my lawyers and the U.S. attorney's office, number one. All right?

HIGBY: He—and you didn't do that.

MAGRUDER: I have not, talked to any reporters. I did not discuss that—

HIGBY: Ehrlichman was so God damned sure about it.

MAGRUDER: Well you tell Ehrlichman to go to hell. For me. I mean, you just tell him. I'm tired of this bullshit. You know we're not playing games anymore. I is going to go to jail. Larry. You know, I mean there's no question about it: I'm going to jail. The question is for how long, is all the question is now.

HIGBY: Are you at home now?

MAGRUDER: No. I'm here at the attorney's office.

HIGBY: Well, okay. I wanted to get it to you and I'm just going to, I'm going to, I'm going to lob in our conversation in the notes I've made here, uh, along with this Ehrlichman thing, 'cause (1) either Ehrlichman's guy is full of shit, or you are.

MAGRUDER: Well, huh, I guarantee you when the facts are known, you will find I talked to no one.

HIGBY: Really?

MAGRUDER: Except my lawyers.

HIGBY: Huh.

MAGRUDER: I've talked to no one else yet and I have not decided whether I will talk to the U.S. attorney's office. If I do—

HIGBY: Huh.

MAGRUDER: Uh, I'm sure they will get all the facts, as I know them. They will have—Bob. Haldeman will have no problem with those facts.

HIGBY: Huh.

MAGRUDER: Uh, I'm sure they will get all the facts, as I know them. They will have—Bob. Haldeman will have no problem with those facts.

HIGBY: Huh.

MAGRUDER: John Mitchell will. John Dean will. And Gordon will, probably.

HIGBY: Well, my friend, if there's anything I can do, let me know.

MAGRUDER: As I told you, I'm still with everybody. The, the thing is that, uh, you know, I am facing between a hundred, hundred and twenty-five year sentence.

HIGBY: Jesus Christ.

MAGRUDER: At uh—Now, obviously, I'm not going to do that, I mean serve that, but, uh, uh, uh—(sighs).

HIGBY: Well your best thing I would guess is has to—I mean you, you can't screw this place in the process of doing that,

MAGRUDER: I, I—

HIGBY: for long term or short term.

MAGRUDER: No, I can't. Larry, I'm probably going to have to—I don't know what I'm going to do. I can't, I can't lie any more.

HIGBY: Yeah.

MAGRUDER: I cannot lie any more. I've lied—

HIGBY: Yeah.

MAGRUDER: been to the grand jury. I've protected John Mitchell. I've protected the President.

HIGBY: Yeah.

MAGRUDER: when it was important. Uh, the story is going to come out. I have to do what I have to do now to protect whatever I can, and I—

HIGBY: Did, is somebody else talked to the press or something, Jeb? Uh, when you say the story is going to come out, I just—

MAGRUDER: I, I'm sure—Well, I can't—I don't know who could talk to the press about that.

HIGBY: I see.

MAGRUDER: Uh, I mean, maybe somebody has. I don't know. Uh, the number of players in this game and the number of uh, people who are talking now are, is, is enormous. I mean, half the White House staff has been down to the Grand Jury.

HIGBY: Well, you know, I've been on the periphery of this God damned thing and it—to my knowledge you never did talk to Haldeman about any of this kind of bullshit.

MAGRUDER: Well I did talk to him one time long after it was over.

HIGBY: Yeah, I mean before it was started.

MAGRUDER: Of course not. Jesus Christ, no! The only person I ever dealt with was Gordon. You know—

HIGBY: Yeah.

MAGRUDER: that, Larry. I never talked to you about it.

HIGBY: I know that.

MAGRUDER: I talked to Gordon, is all I talked to.

HIGBY: Did, did Gordon ever relay to you any instructions from Haldeman on it?

MAGRUDER: Nope.

HIGBY: He didn't.

MAGRUDER: He, he, he did in—, he never relayed—

HIGBY: He never said to you anything like, uh, "Haldeman says to go ahead with the bugging," 'or any of that kind of bullshit?

MAGRUDER: No, No

HIGBY: Huh.

MAGRUDER: He indicated to me—

MAGRUDER: No, well let me tell you what he did indicate as best I can recollect, and, it's hard to recollect exactly what happened. He did indicate to me that, uh, uh, that, you know, how do you put it, that it was, uh, not approved or anything like that, but that, that they, he, Gordon, had heard or did not have any disagreement with it, or something to that effect.

HIGBY: I see.

MAGRUDER: No indication that Bob had ever seen anything—

HIGBY: Or the President?

MAGRUDER: Shit no. Nothing at all. Look, Larry, there is no way, in anything I will ever say that will implicate the President of the United States in anything.

HIGBY: Yeah. Well, I'm going knock the shit out of this story—

MAGRUDER: You know,

HIGBY: and Ehrlichman.

MAGRUDER: you know, I mean, you know these stupid sons-of-bitches are sitting there, uh, you know, and

HIGBY: You might want to, you might want to keep your ears open and have your people because this story must be floating around if John's picked it up.

MAGRUDER: Look, you know damn well that there's a rumor that they're going to dump everything on me. You know that Larry.

HIGBY: No I don't.

MAGRUDER: Well, the rumor's all over town on that basis. That Magruder is the pigeon and he's going to take it—all the gas.

HIGBY: Well,

MAGRUDER: Damn it.

HIGBY: Okay.

MAGRUDER: And I'm sure that there's all sorts of people that are going to, would love to dump it on me and I understand that. I understand that I am the easiest one right now to dump it on. But I tell you right now that the President will never be implicated, when I tell, if I tell the truth, and I will tell the truth if I talk. Obviously, I'm not going to re-perjure myself Larry.

HIGBY: Yeah, yeah.

MAGRUDER: I mean, I can't go down and lie.

HIGBY: Okay my friend.

MAGRUDER: But, uh—

HIGBY: I just wanted to give this to you.

MAGRUDER: (unintelligible) the problem with me—

HIGBY: Well, Bob doesn't know about this yet.

MAGRUDER: Well he doesn't have any problem because there isn't any problem. Other people will have a problem that I'm afraid like I have to face, they are going to have to face.

HIGBY: Yeah.

MAGRUDER: I'm sorry, but we are going to have to face it.

HIGBY: Okay.

MAGRUDER: And you, you know, you guys ought to realize that, uh—

HIGBY: Has Mitchell given you any advice?

MAGRUDER: Yes.

HIGBY: What's he, what's he want you to—or do you not want to get into it?

MAGRUDER: I can get into it but I haven't talked to Mitchell yet. When I make my decision—

HIGBY: Oh, didn't you go up and see him?

MAGRUDER: No.

HIGBY: I thought you went up to see him.

MAGRUDER: I was going to, but I decided since I hadn't made my decision—

HIGBY: You know, after you and I talked.

MAGRUDER: Yeah. But I hadn't made my decision, Larry. I just said to my—said to you, I think that, that I've got to do now what I feel has to be done based on my, the advice of my lawyers.

HIGBY: Well that's exactly what Bob feels you should do.

MAGRUDER: Bob feels—now, it what my lawyers tell me to do is to make a clean breast of things—get the thing out in the proper judicial form, by the way, not in any press story—

HIGBY: Yeah.

MAGRUDER: Uh, then I will tell John that Of course, he will be upset with me because I obviously will implicate John Mitchell.

HIGBY: Well, I on't know that of

HIGBY: Un hm.

MAGRUDER: Uh, and you know that Larry.

HIGBY: Well, I don't know that of my own accord. I mean everything you read would indicate—

MAGRUDER: —would indicate that. I will implicate John Dean uh, and I'll implicate Gordon

HIGBY: Hm.

MAGRUDER: to some extent. Uh—

HIGBY: I was going to say, if Gordon, if you just had that one conversation then.

MAGRUDER: No we didn't. See, he got everything, Larry, from me.

HIGBY: Oh.

MAGRUDER: And he knows that but, I'm sure he did nothing with it by the way, it was all junk. The whole thing was a waste of time.

HIGBY: Yeah. (Draws breath) O.K.

MAGRUDER: You can guarantee Bob there is never going to be any problem, uh, no matter what I say, 'cause he never had anything to do with it as far as I know.

HIGBY: (Unintelligible)

MAGRUDER: And I can tell that truthfully and honestly.

HIGBY: Very good sir.

MAGRUDER: All right But would you knock that other thing down—

HIGBY: Yeah, I'm going to, I'm—Oh I'm going to do more than knock it down, I'm going to shove it up somebody's rear.

MAGRUDER: You know, uh, he isn't facing the problem I'm facing. I'm not going o screw anybody other than—

HIGBY: Yeah.

MAGRUDER: what has to be done now to get this thing solved.

HIGBY: Yeah.

MAGRUDER: You know.

HIGBY: O.K. sir.

MAGRUDER: O.K. Larry.

HIGBY: Yep, see you later.

MAGRUDER: O.K.

MAGRUDER: (unintelligible) anyone (unintelligible)

HIGBY: Yeah.

MAGRUDER: One thing you should be aware of, I'm sure, and I thought you all would be and, is that the standard line our Committee is taking, that, Shumway has taken, that Mitchell has taken when asked, that I have taken when asked, anyone has taken when asked is we, at the present time, so far, anyway, had no knowledge of the Watergate.

HIGBY: Yeah.

MAGRUDER: And that we did not, and if asked the question: "Do we have any knowledge of anyone else?", we've said not to our knowledge.

HIGBY: Uh hm

MAGRUDER: Now, what they're trying to do which has been very obvious, by the way, to me anyway, is they're trying to get Shumway, as an example, to say, well that means that you mean that someone else maybe had something to do with it like, you know, X or Y or Z. They've done that and I'm sure there's—going to continue to do that until it's out.

HIGBY: Uh hm.

MAGRUDER: Playing people off against (unintelligible). I think

HIGBY: Yeah.

MAGRUDER: that's very understandable as having happened.

HIGBY: Yeah.

MAGRUDER: It will continue to happen. Now I've heard all sorts of things, Larry, about people trying to dump it off on me, as an example.

HIGBY: Hm.

MAGRUDER: I don't reply to those. I don't get mad and call you or Bob and say, "Would you tell X to stop some of it." Right? There's no purpose in it any more.

HIGBY: Yeah.

MAGRUDER: Just—You've got to ignore those kin of (unintelligible)

HIGBY: Well I was, I was (1) or, or course shocked, and, and, and skeptical; (2) wanted to make sure that, you know, if I could recede before this thing got into Bob, before everything started flying apart here—

MAGRUDER: Right.

HIGBY: and see what the story was. Also, (3) to find out if there was any truth to it.

MAGRUDER: Well, you know, it's just, uh, you know, there's no, you know, as—let me t—, let me take the kind of thing though that we've got to expect they're going to do and they've done it already.

HIGBY: Who is the they?

MAGRUDER: Anybody, I mean, you know, Woodward and Bernstein, say, who we won't even talk with as an example. I mean Shumway will not talk with them, as an example Those are the guys that have—the Post guys. Is what they did on Sunday, is say: If Strachan had any knowledge, you know, therefore, since he is a runner, X has knowledge.

HIGBY: Yeah.

MAGRUDER: Now, you, you, you've got to figure that's what they've done to me. They've said, well: If Magruder had any knowledge that means obviously Mitchell did. That kind of uh, of uh, technique. And I fully expect them to continue doing anything of that kind if they can get away with it.

HIGBY: Yeah.

MAGRUDER: I mean they've done it; they continue to do it. I mean the Post particularly but, uh, (draws breath), you know, you name it, every one has done that kind of thing: That therefore if Liddy did it, it couldn't be Liddy, it must be someone else, therefore, it must be Magruder, or maybe Dean, and if Dean did it or Magruder did it therefore it must be other people.

HIGBY: Yeah.

MAGRUDER: And the same with Gordon on Sunday. The guy in the Post did that for Gordon,

HIGBY: Yeah.

MAGRUDER: if you remember. But, uh, if I called you every time somebody said to me, "The White House guys are saying—," you know, I'd call you every day.

HIGBY: Oh, well this was a complete break, though. And, I mean, the way this came across, and as I say, with Ehrlichman saying it.

MAGRUDER: Yeah.

HIGBY: He doesn't, he doesn't just blithely go around doing it. I wish I knew where he got it from I think—wasn't in a position to ask him. But, uh, when he, when he says it, obviously I'm, if I'm, I'm going to call you.

MAGRUDER: Sure. Of course, I, I understand that.

HIGBY: And, uh, obviously, that, were it true, that would have been, been a substantial problem.

MAGRUDER: Of course it would. But you're not going to have that problem because that isn't true.

HIGBY: Yeah.

MAGRUDER: You know.

HIGBY: He said, he, he said that apparently it was—come from two unimpeachable sources.

MAGRUDER: Well that's a lot (ring) of—you know, unimpeachable sources, have on occasion—

HIGBY: Opps. That's Haldeman calting from the President's ofdice. (ring) Bye.

(Higy speak immediately to Haldeman)

HIGBY: Yes sir.

HALDEMAN: Do you believe Magruder?

(Twenty-one second silence)

MAGRUDER: Hello.

HIGBY: Oh hi Jeeber, I am sorry.

MAGRUDER: How are you?

HIGBY: I, — Patty just banged on here and said that you'd been trying to get me.

MAGRUDER: Yeah, well I, you know, I just wondered if you had any follow-up, I didn't—I'm really disturbed by that Larry.

HIGBY: No. Uh-uh. I just, uh, I haven't isn't that we haven't talked to gotten any followup yet Bob's now up in John's office. If I get any, I'll get back to you though. (Unintelligible)

MAGRUDER: Well, I just, you know, that kind of stuff is just, you know, well it just tees me off that we've had all, you know, if I'd, if every time everybody said, "Colson said this or Clawson said that, or so and so said that —," zeah, I'd — well, yeah.

HIGBY: How are you doing?

MAGRUDER: Oh? Badly.

HIGBY: Badly, huh. Are you home now?

MAGRUDER: No. I'm going to go, I'm — we got to, we're going to go out. I got to—you know, next week I—you know next wek's going to be, bad week, probably, I guess. They'll probably call me down there next week.

HIGBY: Have you got any uh, subpoenas, summons yet, or anything?

MAGRUDER: No, not yet. But I figure they're getting pretty close.

HIGBY: What about Mitchell?

MAGRUDER: No. I don't think, I think they'll go after me first and then go down you know.

HIGBY: When—it sounded to me like you really had kind of made a decision when we talked.

MAGRUDER: Well, I haven't made a decision I've just — or

HIGBY: Your lawyers advised you

MAGRUDER: Well, the problem is

HIGBY: Are you tucking it out or what?

MAGRUDER: The, the lawyers are you know, they're new and so, the problem more is that, uh is that, uh— Well, you see, I don't have any uh, I don't have any chips. You know, I am out of the bargaining position. So all I can do is go down and — All of us now are out of the bargaining position, Larry.

HIGBY: Really?

MAGRUDER: Well, I think so. I don't think anybody's got any bargaining room left. So you — I guess, uh, we are going to do one of two things when they call me. I'll go down and, and, ah, tell them the facts or I'll take the Fifth Amendment and, uh, take a trial.

HIGBY: Haven't you decided which to do yet?

MAGRUDER: No. I mean it — they haven't decided. I'm just you know, doing just what I've got to do, is let them decide. You know, what — if they think that the, uh, case is so bad that I can't, uh, get a good situation by talking, then I've got to go with the Fifth Amendment.

HIGBY: I see.

MAGRUDER: And if they think I can do better by not — See, by going the Fifth Amendment you may be able to beat it, not, uh, in the sense of ah, beating them in the, uh, you know, the truth sense, but beating them by, by legality, technicality uh,

HIGBY: Yeah.

MAGRUDER: Prejudicial jury, uh pre-trial publicity. Uh, and you go that way, I guess if you can't, uh, if you're going to get hung anyway.

HIGBY: Um hm.

MAGRUDE: That's, I think, the problem almost all of us are facing with them.

HIGBY: Have you talked at all to Mitchell?

MAGRUDER: Not yet. Because I haven't made up my mind. And when I make up my mind, I'll tell him, first, you know.

HIGBY: Yeah.

MAGRUDER: And let you all know, and —

HIGBY: But you haven't called him or anything?

MAGRUDER: Well, I've talked to him. But you know, he wants me to stay.

HIGBY: Um hm.

MAGRUDER: You know.

HIGBY: Jesus, you surprised me. I didn't realize Gordon had been involved (unintelligible) any extent.

MAGRUDER: Well I don't — I didn't say that. I mean, I don't want to say anything to you that's going to upset you.

HIGBY: Well, it's not going to upset me. I mean, the truth is going to come out I guess, sooner or later.

MAGRUDER: Sooner or later. Maybe not, you know. If I, if I, take the Fifth and it never comes out — It just, I just take the Fifth and that's the last thing I ever say.

HIGBY: Um hm.

MAGRUDER: You know, and then you hope that, uh — I think next week will be the week we will all figure out, find out, what to do. I, I'm shooting sure Dean's got the same problem I've got.

HIGBY: Really?

MAGRUDER: Well I mean, we're all past the point where we're in a —, You in a bargaining position, I guess, you know. Before McCord. But now, hell, they don't, they don't need us any more. Hell they had, they got, uh, you know, they got everybody down there. A parade of people.

HIGBY: Really?

MAGRUDER: Yeah. Well, I don't know exactly. I don't — Nobody knows know, two months ago, then you were exactly. I don't know exactly. But I've seen the list of witnesses. They have Reisner, Pal Moore, you know —

HIGBY: Yeah.

MAGRUDER: All these guys just build up the case. (draws breath) So, it's not too encouraging.

HIGBY: Jesus. Hell, it sure as hell isn't.

MAGRUDER: But, uh, may be better get it out, uh, sooner or later and get the President out of it, so he doesn't have to worry about it any more and let the rest of us, uh, pay the penalty.

HIGBY: Who the hell could have talked to, to the press, I wonder?

MAGRUDER: Well, Larry, I think a lot of people are talking to the press. That's, uh, you know, uh, uh —

HIGBY: Do any of the guys approach you?

MAGRUDER: Oh yeah, by the way, I've talked to people. It isn't that we haven't talked to them. We have done that purposely. But we've taken a standard line. Right now, up till now, which is that we had no knowledge of the, you know: blah, blah, blah.

HIGBY: Yeah.

MAGRUDER: But, uh, we had not to my knowledge, and I, I don't — can't think of any instance where in any of my discussions, the few that I've had, and I've had them only when Van thought that it was best for me to talk to them, uh, which have not been too often.

HIGBY: When was the last time you talked to —?

MAGRUDER: Oh shit, I can't think of the last — late, early this week, probably.

HIGBY: Really? Monday or Tuesday, huh?

MAGRUDER: Maybe.

HIGBY: Huh!

MAGRUDER: I can't, you know, I'd have to go back and look. Yeah, I'm

sure I talked to uh — The one guy at the Star has been legitimate, and we haven't had any problem with him. The ones who have been legitimate. But the point is, is that, uh, no time would they — the only thing they do, now — You know what they're doing, is they do supposition stuff. You know, they've done it on Shumway all the time. You know:

HIGBY: Yeah.

MAGRUDER: If so and so knew, wouldn't it be likely? And of course you say, "Well I don't know anything about that." Sure the guy reported to them. Yeah, but that doesn't mean anything, you know. You know, that kind of, you know, if, if Magruder — they pulled this — if, if Magruder knew, therefore wouldn't Mitchell know. Question.

HIGBY: Yeah.

MAGRUDER: They've done that on us all the time.

HIGBY: Sure.

MAGRUDER: Which is very understandable.

HIGBY: Hm.

MAGRUDER: But I would say one thing, Larry, and I mean this sincerely, you guys ought to forget about the press. In this case. Anymore. That's not the problem, Larry.

HIGBY: Uh hum.

MAGRUDER: You, you know the press are the minor problem in this case. No one is going —

HIGBY: Obviously it could be a problem on something like that.

MAGRUDER: Well, it won't be because the facts eventually will come out and no one is going to say, that I know of, at least certainly I'm not, uh, in any way, shape or form that I had any dealings with Mr. Haldeman. It's just — I never did.

HIGBY: Yeah.

MAGRUDER: Now there's no way I am going to say that, Larry. When I, I have to tell the truth, I'm going to tell the whole truth, and it ain't going to be a mixture of truth and half — and why would I any way, shape or form ever want to do that with Bob anyway unless it was true?

HIGBY: Yeah: I couldn't understand why you would.

MAGRUDER: So what you've got is a misinterpretation or, a uh, case where a guy is trying to make a case. I've had this happen now so many — I've had these guys call me and say, "Look, I've got good sources in the White House who say that you're the guy and it's all your fault and so on —" and they've named names to me.

HIGBY: Jimminy Christmas.

MAGRUDER: You know, I just say —

HIGBY: In the White House, they've named names of people who have said that?

MAGRUDER: Yeah.

HIGBY: Who?

MAGRUDER: Oh, you know, all the guys I have mentioned.

HIGBY: Who?

MAGRUDER: Oh Larry —

HIGBY: You haven't mentioned any White House guys. I can't believe it.

MAGRUDER: Yeah.

HIGBY: That any White House guys would be saying that.

MAGRUDER: Yeah. And they've even named names in my case. Which they don't usually do but they —

HIGBY: Like who? Seriously, that's terrible.

MAGRUDER: Larry, it's not, it's not — I know it's terrible, but it's not important. I just ignore it. I say fine, print it.

HIGBY: Are they responsible guys?

MAGRUDER: Yeah. Oh yeah.

HIGBY: High up guys here in the White House?

MAGRUDER: Oh Yeah. Yeah. But it's past that point to fool with that. I don't even fool with that any more. I could care less right now. (Unintelligible) interested in the press, Lar. Nobody should now. Other than getting the thing settled so the President comes out.

HIGBY: When do you think your guys will have a decision on what the hell you ought to do?

MAGRUDER: Oh I would take a guess, probably next Tuesday, or Wednesday.

HIGBY: Not till Tuesday or Wednesday?

MAGRUDER: No — Yeah, yeah, not until Tuesday —

HIGBY: What, are they evaluating your discussions now?

MAGRUDER: Yeah. They, see they haven't gotten into it — until, till, really until, uh late last week and then they were gone this, early this week at this conference down at the Homestead and they just got back in it on Wednesday.

HIGBY: Yeah.

MAGRUDER: And, uh, you know there is just a lot of stuff they've got to — they play catch-up ball. None of us had our own lawyers were were all dealing with committee lawyers —

HIGBY: Where does Colson fit in this whole thing? You crossed his path anywhere?

MAGRUDER: Well —

HIGBY: I don't mean, I don't mean in terms of the actual case. I mean, you know, the maeuvering that's going on.

MAGRUDER: Yeah. Yeah. I have.

HIGBY: Really?

MAGRUDER: Sure. Yeah.

HIGBY: Hm.

MAGRUDER: So you know, there's a lot of that back and forth Larry, you know, people figuring they had better save their ass as best they can. I understand that.

HIGBY: Yeah.

MAGRUDER: You know, that lie detector thing isn't going to (unintelligible)

HIGBY: Yeah.

MAGRUDER: That's a trick of the trade, that's all.

HIGBY: Yeah.

MAGRUDER: I could pass the lie detector test.

HIGBY: Yeah.

MAGRUDER: (Sighs) So, so there's a lot of that stuff going on. But that's life. That isn't important anymore. It really isn't. Along about three weeks ago I realized after (laughs) McCord that that wasn't the important point anymore. It isn't important for Bob anyway, by the way.

HIGBY: Yeah.

MAGRUDER: Larry, even, you know, it doesn't matter what X says anymore. The facts will sooner or later come out.

HIGBY: Yeah.

MAGRUDER: And when they come out, uh, hopefully, nobody of any substance will be hurt other than Big John.

HIGBY: You — Do you think Gordon will be hurt?

MAGRUDER: Well, I don't know. It all depends on what he has to say. I don't know. I really don't know.

HIGBY: What do you have to say?

MAGRUDER: Well, what I have to say, but probably what others have to say, too.

HIGBY: Really?

MAGRUDER: Yeah. I mean I don't know. I really don't.

HIGBY: You do think John Dean will definitely be hurt though?

MAGRUDER: Well I don't know if he will be hurt. I would think that, uh, uh — I mean, we all know he attended those meetings.

HIGBY: Yeah.

MACGRUDER: And, uh, if, if what ever happened in those meetings is discussed, I guess, uh — and he says he is going to say what happened in those meetings by the way.

HIGBY: Does he?

MAGRUDER: Yeah. If he does, then

he puts Mitchell, me, and he all in a spot.

HIGBY: Um hm.

MAGRUDER: Uh —

HIGBY: Okay sir.

MAGRUDER: A rough situation,

HIGBY: Yeah.

MAGRUDER: but I do think Lar, that I would hope you all were thinking more in terms of the big picture now and I wouldn't worry about the press anymore, Lar. It's not going to — There's going to be lots of stuff floating, and I'd worry about —

HIGBY: Well, we won't worry about the press unless something like that hits tomorrow morning's paper and then we'd have a substantial problem we'd have to worry about.

MAGRUDER: No you wouldn't because there's nothing to it. There wouldn't be anything to it, Lar. My point is that —

HIGBY: Well it would be if it was attributed to you.

MAGRUDER: Well, shit nobody — that just isn't going to happen.

HIGBY: Yeah.

MAGRUDER: You see.

HIGBY: Well obviously, if you were sitting and, and y-, somebody had given you that, uh, like Ehrlichman, you'd say, "Good Lord!"

MAGRUDER: You can guarantee Bob that

HIGBY: "I've got to find what the—"

MAGRUDER: there is no way, under any circumstances because it never happened. No matter what I ever have to say, a week from now, or two weeks, that his name will come into the situation at all. In any way, shape or form.

HIGBY: Huh.

MAGRUDER: Okay? Now it isn't true with Gordon and I told you that.

HIGBY: That's right.

MAGRUDER: And that's the way —

HIGBY: All you can do is tell the truth.

MACGRUDER: All I can do is tell the truth — if I do that. I may not even do that. So he may not have any problems from me anyway.

HIGBY: Okay.

MAGRUDER: I don't think — Look, they're not interested in Gordon, by the way.

HIGBY: Yeah.

MAGRUDER: They're not interested in those guys anymore. They're finished with those guys.

HIGBY: Yeah.

MAGRUDER: They've got, they've got everyone of our secretaries on perjury wraps. They are not going to do a damn thing to them. They don't care about those people anymore.

HIGBY: Really?

MAGRUDER: They don't care anything about the aides. They don't care about Bob Reiser, Gordon Strachan, Bart Porter — anymore. They want big fish.

HIGBY: You and Mitchell?

MAGRUDER: And they're going to get you and — me and Mitchell.

HIGBY: Really?

MAGRUDER: Oh sure they are. I mean no question, they're going to get me. It's just a question of how long.

HIGBY: Okay.

MAGRUDER: You visit me kiddo?

HIGBY: Huh! I'll do more than that.

MAGRUDER: All right.

HIGBY: Don't need to worry.

MAGRUDER: Yeah. Okay.

HIGBY: See you later.

MAGRUDER: All right.

HIGBY: Bye.

Transcript of a recording of a meeting between Ehrlichman and John Mitchell on April 14, 1973:

Ehrlichman: Come in, sir.

Mitchell: Yes, sir.

Ehrlichman: Sorry to drag you down here this way, but things seem to be moving and I thought you'd better know what we know. Sit down.

Mitchell: I'd like to know what you know.

Ehrlichman: Uh, late last night, uh, I gave the President the results of what I had been working on since about the 25th of March, which is an effort to try and give him as much as I could determine about the extrinsic facts of this whole episode, that is to say outside the White House, which Dean really had not brought in that meeting. He felt he needed to know because he had some judgments he had to make. Uh, he then asked that I talk to you and several other people about something that I discovered in this thing that, that troubled him very much, and that was that some people thought that their silence served his purpose at this point. Now, obviously you're in a situation of jeopardy, and other people are, too. And, he does not — I mean this is just very hard uh, uh, for, for him, and that's the reason I am talking to you. And, and, uh, he just didn't want anybody to labor under the misapprehension that there was any overriding consideration in his interest of anybody remaining mute. That, that, uh—obviously, everybody's got to decide for himself if, if he's got a Fifth Amendment situation or, uh, put them on your approved situation and that's not what I'm talking about. I'm talking about, uh, the, uh, attitude that several have—John Dean for one, that he is better off not, not testifying than testifying because it was the, the President's interest. The President now feels his interest institutionally, not, not individually necessarily, but the institution of the Presidency is better served by having this thing aired, disposed of, and put, put behind us, so to speak. It's pretty hard to put it behind him, but that is a better route to try and take than one of, of, uh, uh, making it difficult to get at the evidence. Now, uh, I learned in the process of, uh, trying to reach people that—access routes—that Jeb Magruder has decided to make a clean breast of things and to take a guilty plea. So that pretty well, uh, starts to work from the middle in all directions, and apparently he will be seeing the U.S. Attorney to carry this out either over this weekend, or immediately the first of the week. Uh, he, uh—on the, on the four corners of my investigation, that will pretty well determine the ultimate outcome of things, uh, if he does that, and I—absolutely everyone's opinion [unintelligible], Uh, in addition, it's coming unstuck in a number of other areas and uh, [unintelligible]

Mitchell: Well, I'd like to know about it.

Ehrlichman: Well, the U.S. attorney is focusing on the aftermath,

Mitchell: Uh huh.

Ehrlichman: on the obstruction of

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justice aspect of this, and, uh, apparently has induced Hunt to testify through some arrangement or other. Now, that's not very reliable evidence. [Unintelligible]

Mitchell: From what I hear, that's probably true.

Ehrlichman: But, uh, that seems to be the breaks at this [unintelligible]. Uh, what he would add, I don't know, but apparently that makes it hard for O'Brien and others and, uh, they expect that, uh, they will make a very wide-ranging case of the aftermath business.

Mitchell: On what, uh, what basis?

Ehrlichman: Obstruction of justice.

Mitchell: Huh.

Ehrlichman: Yeah, on a conspiracy.

Mitchell: In what way did they obstruct justice?

Ehrlichman: In inducing the defendants to withhold testimony, is their theory for corrupt [unintelligible]

Mitchell: Is, is that factually true?

Ehrlichman: I don't, I, I can't say that it is, from anything that I've been able to find I have, I have not been able to find any direct efficient actor who made that assertion. I've got a lot of third-hand hearsay, but I have not in my investigation been able to make that and I so advised the President.

Mitchell: Uh huh.

Ehrlichman: Because he—uh, a, a lot of validation has been made with regard to John Dean, for instance, and I have not been able to, uh, point out to the President any reliable evidence that John had any corrupt motive or participated in any such obstruction.

Mitchell: Well, certainly there wasn't any corrupt motive.

Ehrlichman: [Unintelligible]

Mitchell: Poor John is the guy that just got caught in the middle

Ehrlichman: Sure.

Mitchell: of this thing.

Ehrlichman: Sure, and that's what I said.

Mitchell: Like, uh, like so many others that were first of all trying to keep the lid on it until after the election,

Ehrlichman: Yeah.

Mitchell: and, uh, in addition to that, to keep the lid on all the other things that, uh, were going on over here, uh, that

Ehrlichman: Well, the, uh,

Mitchell: would have even been worse, I think than the Watergate business.

Ehrlichman: the, uh, uh, question that comes up whether these fellows would have talked to the press or not. It would, uh—the election would have been far worse than if they'd talked to the U.S. Attorney.

Mitchell: Yeah.

Ehrlichman: Yeah. So, I mean, we, we have a lot to talk about on that thing. But anyway, Silbert is going full bore on that, and, uh, uh, in, in some ways it's the least of our worries, but in other ways it, it does involve a, a lot of other players who were not involved in the, in the break-in thing.

Mitchell: Of course it also involves the White House fund.

Ehrlichman: That—Yeah. Yeah. Now, Strachan has been a witness.

Mitchell: What has he testified to?

Ehrlichman: Well, of course I don't know. But, uh, I know they interrogated him on that question.

Mitchell: Uh huh.

Ehrlichman: so, uh, uh, that's before them. Now, as far as what you do, obviously you're the, you're the captain of your own boat on this, but the President wanted you to have me tell you right now that he is extraordinarily troubled by the situation in which you find yourself, and, and therefore everybody finds themselves. That this,

uh, in no way affects his feeling for you in any regard,

Mitchell: Uh huh.

Ehrlichman: but—in the least degree—personally very much involved in this thing and,

Mitchell: Well, I, I can, I can believe that.

Ehrlichman: so that's the only reason that I'm delivering the message instead of, instead of him. That's the reason that Bob is not, obviously, and, and, 'cause I was sort of, uh, the one stuck with putting this whole thing together for him. Now, uh, I would suppose that the way things are going in the, in the judicial process, that the Ervin thing will get hung up for a long time because there will be a whole round of new trials and, and different trials.

Mitchell: Uh huh. You think that will be the case?

Ehrlichman: That's

Mitchell: that they would sit out?

Ehrlichman: what, that's what they—that's not what the Senate is saying, but that's what knowledgeable attorneys that I've been talking to—like O'Brien say the thing might, might be the case. He didn't say that to me, but [unintelligible]. So, uh, I don't know what the future of all that is.

Mitchell: What are you getting out of the Justice Department? Anything?

Ehrlichman: No. I have—Kleindienst is uh, uh, staying very far away from this thing, as far away as he can get. So, uh, I'm replying primarily on sources within the U.S. Attorney's Office for what little information I do get about who's going to be a witness, and that kind of thing but really, I haven't tried to do too much of that. I'm just uh—

Mitchell: What are the schedule of the witnesses?

Ehrlichman: Hunt is set for Monday.

Mitchell: Has there been any determination as to when John Dean is likely to go up there?

Ehrlichman: He thinks sometime in the middle of the week, something of that kind. He still has not had his informal conference, so uh, there's no uh—He has not imparted anything to them at all, at this point. Uh, the, the, uh, attorneys for Dean say to him, and he says to me, that they're almost not interested in him anymore. [Unintelligible]

Mitchell: In Dean?

Ehrlichman: Yeah, because they've got this thing made so many different ways. They're running a surplusage of

Mitchell: Are you

Ehrlichman: evidence.

Mitchell: talking about the obstruction of justice thing?

Ehrlichman: The whole, the whole thing.

Mitchell: How are they,

Ehrlichman: [Unintelligible]

Mitchell: how are they making that?

Ehrlichman: I don't know. I really don't. Uh, but, uh, whether they were playing cute with Dean's attorneys or not, I don't know. But uh, they called and said, "They won't even have our fellow down" and uh, Silbert, or whoever they talked to, said, "Well, you know, uh, in due course, but uh, we have so many witnesses to handle, why, we don't know what to do with them all."

Mitchell: Well, they would naturally joke and bargain on that.

Ehrlichman: Yeah, yeah. And then they've had people like Powell Moore, and uh—

Mitchell: Well, except uh, Powell's uh, uh testimony at this point was that uh, incident when he and Liddy went out to see Kleindienst, uh—

Ehrlichman: No. I understand that it also had something to do with shred-

ding: destruction of documents.

Mitchell: Did they get anything?

Ehrlichman: But I, I said, you know, that I called Dean and said, "Why do they have Powell Moore, [unintelligible]." So, that's the, that's the message, and it's, uh, uh, almost not worth dragging you all the way down here for, except that it's not the kind of thing that I could say to you very effectively on the telephone. Uh, but the time remaining to do anything which will in any way, uh, put plusses on the side of the Presidency is rapidly running out, obviously.

Mitchell: What's his first proposed action?

EHRlichman: He hasn't any right to tell you what to do. Uh—

Mitchell: Oh, I'm not talking about telling me.

EHRlichman: Yeah.

MITCHELL: No, no, no, no. What, what is brother Dick doing about that?

EHRlichman: Well, he, he doesn't have just a lot of options:

MITCHELL: No, I know that.

EHRlichman: Uh, at,

MITCHELL: That's why we just

EHRlichman: at this—

MITCHELL: talked all along.

EHRlichman: Uh, about the only thing that we can do, that we see that can be done is to try and get out the facts with regard to, say, Bob Halde- man, in whatever way remains to be effective. To uh, uh, I've, I've got a problem now and uh, I haven't, I haven't figured out what to do about it. And what I do with all this information it's mostly hearsay. It's probably not much of it adding to what he U. S. Attorney al —, already knows. But here's the President now possessed of a report, us, and it argues that some people are in violation of the law. What in the world does he do? What do I do?

MITCHELL: Well, there's, uh, obviously two things: to take care of his own house in an appropriate way.

EHRlichman: Right, right. That's underway.

MITCHELL: That's he one thing,

EHRlichman: Yeah.

MITCHELL: and the other thing is, uh, certainly not to, uh, impinge upon anybody's, uh, rights.

EHRlichman: Exactly. Exactly. It, it, it occurs to me that, that probably the best thing I could do with it is simply to advise Kleindienst that I have done this, and that it is, none of it, first party evidence and it's all hearsay. But that it is a, it is a report that I put together for the President. It is — anybody is uh, uh, interested in it at the Justice Department as hearsay or second class evidence, you know, I'll I'll repeat it for that. But that, uh, uh, it is not the kind of stuff that would be admissible in Court, or that would, uh, add much to what's already happened. But I think we have to say to somebody that we've done this, and that it's, it's praising Dean. That, that it's available. Now what do you think about it? Kleindienst probably hang up on you.

MITCHELL: Uh, well, I go back, John, in looking at the President's interest?

EHRlichman: Right.

MITCHELL: What's developed over the period of time. And, uh, you, uh, of course have a separation of powers

EHRlichman: Yes.

MITCHELL: until this thing and all the rest of he thing. Uh, you, you also have individual rights.

EHRlichman: Yeah.

MITCHELL: and (unintelligible)

EHRlichman: Right.

MITCHELL: So that, and uh —

EHRlichman: You don't go rushing out and say, "Hey, look it, this is what we suspect."

MITCHELL: No. Uh, you also have a

scenario which has been developed unfortunately around the President with the Dean re—, report, uh, so-called, and so forth. Uh, now John of course becomes a participant in it, uh, as to, uh, uh, when this knowledge was available, and what was it, and why now, because of the pressures are on, and all the rest of it. I think that has to be thought out

EHRlichman: Right.

MITCHELL: very carefully.

EHRlichman: Right.

MITCHELL: Uh, is Chappie Rose coming in as, uh, anything more than a consultant?

EHRlichman: President hasn't decided yet, — that's, that's our recommendation.

MITCHELL: Well, I think that that is, uh, probably something of consequence because of John's involvement.

EHRlichman: John Rose?

MITCHELL: No.

EHRlichman: John Dean. Oh, yeah. Well, John Dean is, you know, virtually gone — out of, out of any active role in the White House thing.

MITCHELL: No, but I mean there has to also be publicly prosecuted,

EHRlichman: I understand. I agree with that.

MITCHELL: so that Uh—

EHRlichman: Well, and, and frankly, Chappie's one, one, drawback for Chappie is the fact that he has a son on the White House staff.

MITCHELL: Yeah, but He (unintelligible) good standard.

EHRlichman: Yeah.

MITCHELL: (Unintelligible)

EHRlichman: Yeah. Well, I don't know. What, what do you think about this business of my calling Kleindienst?

MITCHELL: Uh, I would sort out very carefully as to what you're going to call Kleindienst and tell him about. Uh, I think that, uh, probably it's a — yeah, you know — good thing to do in connection with your Chappie Rose move.

EHRlichman: Uh huh.

MITCHELL: In other words, uh, if he comes in as an independent and let him get at the bottom of it

EHRlichman: Uh huh.

MITCHELL: and then maybe it'd be better if he'd go over and

EHRlichman: Uh huh.

MITCHELL: sit down with Kleindienst

EHRlichman: Uh huh.

MITCHELL: And very carefully, uh — the mere fact that he goes over and sits down with Kleindienst is going to take care of the PR aspect of it. Uh,

EHRlichman: Uh huh.

MITCHELL: What he tells him is not going to be made public anyway, I wouldn't suspect.

EHRlichman: I, I think that's right.

MITCHELL: So, that, uh, I think that you might handle him carefully, uh — parcel this out.

EHRlichman: Uh, huh. Uh huh.

MITCHELL: Well, let me (clears throat) tell you where I stand. Uh, there is no way that I'm going to do anything except staying where I am because I'm too far, uh, far out. Uh, the fact of the matter is that, uh, I got euchred into this thing, when I say, by not paying attention to what these bastards were doing, and uh, well you know how far back this goes — this, uh, whole genesis of this thing was over here — as you're perfectly well aware.

EHRlichman: No, I didn't know that.

MITCHELL: Uh, and uh, Gordon — Well, Gordon Liddy and John Dean — Well, it, it goes back, I think even further than that but, uh, I've never been

able to put the pieces together. On, Bob Haldeman and I were talking about this Sandwedge operation.

EHRlichman: I do — I remember the name.

MITCHELL: Yeah, and it turned out that, uh, tha twas to be an entirely different operation, of course, and then it turned out that uh, that we just couldn't get enough (unintelligible) players. Uh, Caulfield couldn't do it and, uh, the conflict with Joe Woods,

EHRlichman: Yeah.

MITCHELL: So, he just dropped the whole thing and turned it off.

EHRlichman: Yeah. All right.

MITCHELL: Uh, the next, uh, order of events for the sequence was when, uh, Dean and Magruder and, uh, Liddy show up in my office with this presentation about a million dollar, uh, intelligence operation, which, we of course laughed at.

EHRlichman: Yeah.

MITCHELL: We threw him the hell out of there. And of course, uh, Jeb blames John Dean on that. One of the problems that, uh —

EHRlichman: Blames him for what? Turning down?

MITCHELL: No, for authorizing Liddy to prepare the

EHRlichman: Oh, oh I see.

MITCHELL: the million dollar (unintelligible). One of the problems is it's to what if Jeb goes public, good God, he's got a, an imagination which is incredible.

EHRlichman: He's got 20 different stories.

MITCHELL: I know. Uh, well, that was the last time I ever saw Liddy or even talked to him until what, the 15th of June when Van Shumway dragged him into my office with a letter to the Washington Post about a campaign finance file. So I have no contact with Liddy; I've never seen Hunt, and, uh, as far as, uh Jeb and all of the dirty tricks department — I never knew a God damn thing about it.

EHRlichman: Uh, huh.

MITCHELL: So, uh, as far as my having made all these public statements and so forth, I'm just going to go ahead with it.

EHRlichman: Just go ahead and just, just let them come to you in effect.

MITCHELL: Oh, yeah.

EHRlichman: Yeah.

MITCHELL: Yeah, I'm going to have to do that. There is no other course

EHRlichman: Well, I certainly would not attempt to tell you what to do.

MITCHELL: No. I appreciate that.

EHRlichman: The, the thing that was lurking in the, in the President's mind and that I could not disabuse him of was, "Is — you think John thinks that he ought to hold back for me?" And I said, "Well, I haven't talked to John, I don't know what's in his mind."

MITCHELL: Hold back from the President?

EHRlichman: Hold back — no, no, no, no. Hold back from coming forward on account of the President. In other words, if you were to think I shouldn't really — even say to yourself: "I shouldn't come forward on this because I would hurt the President," or something of that kind. He said: "Well, somebody's got to talk to him and say: 'Don't, don't hold back on account of the Presidency.'"

MITCHELL: Uh huh.

EHRlichman: And, and, that's really the burden of this conversation. I don't have any, I don't have any desire to have you take anything else away from here except that. And y-, and it's his, that's his message.

MITCHELL: Yeah. I know.

EHRlichman: It isn't a question of his saying, "You ought to do this, or

do that, or do the other thing."

MITCHELL: Well, what you're saying is that he's leaving the options to me.

EHRlichman: Totally.

MITCHELL: Yeah.

EHRlichman: Totally and completely. And, it has to be that way. He doesn't, (unintelligible) he doesn't want to, uh, uh, ever have you look back on this moment and say that, you know, "They, they had me do this and they shouldn't have."

MITCHELL: (Unintelligible)

EHRlichman: Or that it was right or wrong, or anything of that kind.

MITCHELL: No, I just —

EHRlichman: But, he just didn't want you to be in the frame of mind, sitting in New York saying, "I wish I could come forward, but I can't because the President doesn't want me to."

MITCHELL: Well, from my own reputational point of view (unintelligible)

EHRlichman: Sure.

MITCHELL: Furthermore, uh, John, and, uh, with all the thought I've give to this, uh, uh, I really don't have a

guilty conscience. I didn't authorize these bastards.

EHRlichman: Okay.

MITCHELL: to go ahead.

EHRlichman: Well, then, then that's what you should do.

MITCHELL: Yeah.

EHRlichman: You know, uh, and, and, really, that's all I have for you today, except he wanted me to be sure and deliver it in person, so that you knew how he felt, and that uh, he hopes that it all turns out all right with him for a lot of rough weather for the next —

MITCHELL: Oh,

EHRlichman: Few months.

MITCHELL: I'm sure of that.

EHRlichman: And, uh —

MITCHELL: The, uh whole basis of it is how you cut it off, but there's no way to cut it off.

EHRlichman: No, there really isn't.

MITCHELL: No way to cut it off.

EHRlichman: They say that they've got you made here.

MITCHELL: You mean, the U. S. Attorney's office?

EHRlichman: Yeah. Yeah.

MITCHELL: Did they say how?

EHRlichman: No. And this was before anybody knew that Magruder was going to go in.

MITCHELL: I just don't believe it. I just don't believe it.

EHRlichman: I know, as I say, I don't have a reliable source,

MITCHELL: Uh huh.

EHRlichman: and uh, so, uh, I'm going pretty much on —

MITCHELL: hearsay whether —

EHRlichman: Right.

MITCHELL: The possibility of getting a fair trial in the District of Columbia with all this publicity

EHRlichman: No way.

MITCHELL: is negligible.

EHRlichman: No way.

MITCHELL: It's not — I, I realize that. But with all of this, uh, uh, (clears throat) there's uh, certainly no possibility that I would ever turn around and say, "Yes, I was part and parcel of this."

EHRlichman: Sure, sure. Okay. Well, can I get you an airplane to take you back?

MITCHELL: Yeah — Well, no. I can get a commercial plane if I find a proper seat on it.

EHRlichman: All right. Let me get you (unintelligible)

MITCHELL: Uh, there's one thing, John, that, uh —

EHRlichman: (Picks up phone) Would you work on a seat to New York for Mitchell please.

MITCHELL: American Air Lines.

EHRlichman: On American Air

it; they continue to do it. I mean the Post particularly but, uh, (draws breath) you know, you name it, every one has done that kind of thing: That therefore if Liddy did it, it couldn't be Liddy, it must be someone else, therefore, it must be Magruder, or maybe Dean, and if Dean did it or Magruder did it therefore it must be other people.

HIGBY: Yeah.

MAGRUDER: And the same with Gordon on Sunday. The guy in the Post did that for Gordon,

HIGBY: Yeah.

MAGRUDER: if you remember. But, uh, if I called you every time somebody said to me, "The White House guys are saying—," you know, I'd call you every day.

HIGBY: Oh, well this was a complete break, though. And, I mean, the way this came across, and as I say, with Ehrlichman saying it.

MAGRUDER: Yeah.

HIGBY: He doesn't, he doesn't just blithely go around doing it. I wish I knew where he got it from I think— wasn't in a position to ask him. But, uh, when he, when he says it, obviously I'm, if I'm, I'm going to call you.

MAGRUDER: Sure. Of course, I, I understand that.

HIGBY: And, uh, obviously, that, were it true, that would have been, been a substantial problem.

MAGRUDER: Of course it would. But you're not going to have that problem because that isn't true.

HIGBY: Yeah.

MAGRUDER: You know.

HIGBY: He said, he, he said that apparently it was—come from two unimpeachable sources.

MAGRUDER: Well that's a lot (ring) of—you know, unimpeachable sources, have on occasion—

HIGBY: Opps. That's Haldeman calting from the President's office. (ring) Bye.

(Higby speak immediately to Haldeman)

HIGBY: Yes sir.

HALDEMAN: Do you believe Magruder?

(Twenty-one second silence)

MAGRUDER: Hello.

HIGBY: Oh hi Jeeber, I am sorry.

MAGRUDER: How are you?

HIGBY: I, — Patty just banged on here and said that you'd been trying to get me.

MAGRUDER: Yeah, well I, you know, I just wondered if you had any follow-up, I didn't—I'm really disturbed by that Larry.

HIGBY: No. Uh-uh. I just, uh, I haven't isn't that we haven't talked to gotten any followup yet Bob's now up in John's office. If I get any, I'll get back to you though. (Unintelligible)

MAGRUDER: Well, I just, you know, that kind of stuff is just, you know, well it just tees me off that we've had all, you know, if I'd, if every time everybody said, "Colson said this or Clawson said that, or so and so said that —," yeah, I'd — well, yeah.

HIGBY: How are you doing?

MAGRUDER: Oh? Badly.

HIGBY: Badly, huh. Are you home now?

MAGRUDER: No. I'm going to go, I'm — we got to, we're going to go out. I got to—you know, next week I—you know next week's going to be, bad week, probably, I guess. They'll probably call me down there next week.

HIGBY: Have you got any uh, subpoenas, summons yet, or anything?

MAGRUDER: No, not yet. But I figure they're getting pretty close.

HIGBY: What about Mitchell?

MAGRUDER: No. I don't think, I think they'll go after me first and then go down you know.

HIGBY: When—it sounded to me like you really had kind of made a decision when we talked.

MAGRUDER: Well, I haven't made a decision I've just —

or

EHRlichman: Yeah.

MITCHELL: That's ridiculous.

EHRlichman: I know, but that's the testimony.

MITCHELL: Well, where would Liddy get that, John?

EHRlichman: I don't know. I do not know. But that's part of the res gestae So, that's the sort of thing that you're up against and it, uh, it sort of pervades.

MITCHELL: Well, that's about as far from the facts as you can possibly get.

EHRlichman: Well, but it, it makes a serious problem, obviously.

MITCHELL: Yes. Yeah, it does. I have not doubted it.

EHRlichman: Yeah.

MITCHELL: for a moment. All you have to do is look at what McCord's been saying.

EHRlichman: Yeah.

MITCHELL: Of course, McCord has gotten it from Liddy, and of course, Liddy was using my name, obviously, to impel these people into their operation.

EHRlichman: Right. Well, that's the, that's the kind of thing that has me concerned.

MITCHELL: Needless to say, I am concerned about it.

EHRlichman: (Picks up phone) Yeah. Uh huh. Flight 148. Okay. Will you write that out for him. Thanks. (Hangs up) Okay. Confirmed it, uh, in an hour and a quarter (clears throat)

MITCHELL: That would be —

MITCHELL: Three thirty.

MITCHELL: THREE THIRTY.

EHRlichman: Yeah.

MITCHELL: American at three thirty.

EHRlichman: Yes, she'll write it out on a card for you. The President said if there were any reason that you wanted to see him, he'd be happy to see you.

MITCHELL: No.

EHRlichman: But his judgment was that

MITCHELL: I don't want to embarrass him.

EHRlichman: you and I should decide that, and uh—

MITCHELL: No. I don't want to embarrass him.

EHRlichman: Okay. It wouldn't embarrass him—It might—today. It might later, you know. That's the, that's the problem as I see it.

MITCHELL: (Unintelligible)

EHRlichman: But, uh, now, I might caution—Remember the other day we, we, I asked you about your representation? Uh, O'Brien is probably a target and you may want to arrange other help.

MITCHELL: Well, I've, of course, thought about that too, John, but, uh, until something develops there is just no way. (Unintelligible)

EHRlichman: Yeah, well, I just wanted you to know what I know.

EHRlichman: They're working hard on him, apparently.

MITCHELL: Uh, who knows the story of those post activities? (Unintelligible) know that?

EHRlichman: Uh, Paul O'Brien.

MITCHELL: Well, he—I talked to him about that. He, he only knows something way down the line.

EHRlichman: He knows quite a bit.

MITCHELL: He doesn't know about

EHRlichman: He laid out a line.

MITCHELL: (Unintelligible) up front.

EHRlichman: He laid out an awful lot for me out in San Clemente. In fact, he is my principal source of information on that, that phase. Uh, Dean has added a little bit to it, but not, not very much.

MITCHELL: Now, what do they say is my involvement in it, other than knowing about it?

EHRlichman: Not much. Just that. Knowing and acquiescing and, uh, calling on Dean for help. And, uh, uh, that's about it.

MITCHELL: How did I call on him for help?

EHRlichman: Just, saying, uh, can you, can you get those fellows over there to help us raise some money, and uh, uh, not for what or anything of that kind. I've not found anybody, as I said before, who could be identified as an actor in the process of inducing anybody to perjury or silence, or anything of that kind

MITCHELL: No.

EHRlichman: insofar as the judicial process is concerned. And, so, uh, when the President asked me about that, I just had to tell him, you know, "I don't know. Maybe it was the lawyers. Maybe it was their lawyers. I don't know who was involved. I didn't talk to any of them, so I just don't know."

MITCHELL: Well, apparently from what I've learned, was that, uh, Bittman was the mover.

EHRlichman: What?

MITCHELL: Particularly with respect to the subpoenae. And Hunt said Bittman was—

EHRlichman: I'll bet you a wooden nickel that he's made a deal.

MITCHELL: Bittman?

EHRlichman: Yup.

MITCHELL: Well, he's been up there talking to them.

EHRlichman: Well, I don't know that. But I don't know that Hunt's coming forward is, uh—with some evidence to the fact that—you know, where something worked out.

MITCHELL: Well, Bittman's a knowledgeable guy but would uh—

EHRlichman: Used to be that.

MITCHELL: Yeah (unintelligible) but really, I didn't try to—

EHRlichman: I understand he's in trouble with his firm out of this whole thing.

MITCHELL: I wouldn't be surprised. (Unintelligible) I think he's being level with them on this Hunt thing.

EHRlichman: Yeah (unintelligible). Now Kleindienst has said this to me, and you may already know this—that, uh, if you in any way get in a crack in this case, that he will disassociate himself entirely from any process. He doesn't want to make the, any decision. He wouldn't want to in any way touch the case. And he's calling me, me regularly to advocate the appointment of a special prosecutor. That is not what I, at least, think ought to be done, uh, to bring in somebody from the outside in, who has to earn scalps and make a reputation for himself. It's exactly the wrong way to go on this. There are all sorts of eccentricities into the thing. There is a perfectly good deputy attorney general over there to, you know, you can delegate if you think anything like that needs doing.

MITCHELL: Well, unofficially, I think you break down the criminal justice system (unintelligible).

EHRlichman: Absolutely.

MITCHELL: Every time you get —, something like this

EHRlichman: Kangaroo court.

MITCHELL: Well, no, that's not—but, uh, the thought that every time, uh, uh, something comes along you'd have to supercede the prosecutor.

EHRlichman: Yeah. Yeah. Yeah.

MITCHELL: In other words, uh, you're throwing brickbats at the, uh, system of justice.

EHRlichman: Yeah. So, uh, that's not been finalized in regard with—things may move fast this week, from what they tell me, (Unintelligible).

We'll have to, have to, uh, be talking to Dick about some arrangement, but your tendency is to say to him, well, you know, delegate it within your department if you have a problem. Apparently Henry Petersen feels the same way.

MITCHELL: What's that, that he wants out?

EHRlichman: He would want to remove himself from the process.

MITCHELL: Nice to have friends, isn't it?

EHRlichman: Well, that's—may be the problem. They're your friends so they don't want to, uh, they don't want to be in it. You know, which is, uh, a net, a net minus [laughs] in the whole thing: Well, I uh—

MITCHELL: Particularly after what they went through before.

EHRlichman: Yeah. Yeah. Right. I, uh, will be glad to, you know, answer any questions as they come along, or keep you posted if there is a development. Uh, I didn't talk to Magruder but he was invited to come for a similar conversation and informed, uh, Higby to invite him (unintelligible). But he had last night decided—you know, his attorneys have advised him and he decided to go in so that kind of moods, you know, any conversation that I might have with him.

MITCHELL: What, uh, what is he going to say about what he said before about people over here?

EHRlichman: I don't know. He says he's, uh, liable for perjury and he understands that. Now whether that goes to anything he said in this direction, I just don't know. I don't think anybody here has asked him what he is going to say.

MITCHELL: Uh, no, I'm not thinking about that, no. He has basically perjured himself except that they claimed that John Dean (unintelligible) but, uh, Liddy cleaned them; uh, but some of the statements that he has made—Well, he made them in front of Bob and I, about Haldeman knowing all about this, and, uh, and Colson who—

EHRlichman: Oh, I think that was a, that was an effort to frighten people. And, uh, uh, I have, I haven't talked to Bob in detail about that, but Bob said he had, he has given another version since which will probably make people more worried not less since they change their stories a lot. But, uh, their feeling is that he's, he's settled down to basically what is the truth. And uh, at least that's what he says; that's what he's going to do, is go in and tell the truth.

MITCHELL: He's got these stories that he tells me that LaRue, uh, apparently was with him, uh, one phone conversation they had with Colson. Colson pushed them in when—it goes on, and on, and on, and on.

EHRlichman: Yeah, well, I have no doubt that there were such calls, and that, uh, he will testify to that if he's asked. That's part of the thing that I ran into in the course of this little short course I'm having, you see; that Colson, was, uh, urging action. I mean he had a lot of trouble with Magruder making him do a lot of different things he was troubled with. And that, uh, uh, he had trouble finding out about schedules and about what the Democrats were saying about each other, and all that kind of thing. I think one of the problems here is that when one fellow needs to order intelligence he meant one thing; the fellow who was listening to him thought another, uh, when he heard the word, and that there were imperfect communications among people in the whole, in the whole thing.

MITCHELL: Well,

EHRlichman: What was intended

MITCHELL: This was obviously true in Bob's case.

EHRlichman: Yeah. Yeah. So, uh, uh, and the, and that's Colson's view. That, when he called Magruder and said, "I need intelligence," he meant a certain thing. Magruder may have listened to a different thing.

MITCHELL: Yeah. That's like he and Hunt and Liddy and (unintelligible)

EHRlichman: He who? He, Colson?

MITCHELL: told (unintelligible)

EHRlichman: Well, that would tend to color the definition, I suppose. But, uh, I, uh, I obviously don't know what the specific conversation was, but I know there were a number of occasions when Colson was on Magruder to do certain things, and they didn't all relate to intelligence gathering. (Unintelligible) after the (unintelligible)

MITCHELL: Riots on the Capitol steps and a few other things.

EHRlichman: Yup. Well, let me know what I can do.

MITCHELL: Well, what I would like to do (unintelligible) posted.

EHRlichman: I'll make sure you do. Except that I haven't anything that's nearly reliable.

MITCHELL: Yeah. (Clears throat) Well, is anybody debriefing these witnesses after the Grand Jury?

EHRlichman: No. No. I'm told that's a violation of some section or other. One may not solicit from a witness, so we've been very scrupulous about doing so.

MITCHELL: Uh hugh.

EHRlichman: And, uh, a lot of what I pick up I pick up from just run of the mine leaks, you know, press leaks,

MITCHELL: Uh huh.

EHRlichman: And other kind of leaks, about what is reported, reported, to be said here. It's not very good.

MITCHELL: Sure and hell was done before the election. I assure you of that.

EHRlichman: Yeah. Yeah . . .