

The Watergate Evidence

On the following pages, NEWSWEEK prints virtually the full text of the House impeachment committee's factual description of the Watergate evidence and, beginning on page 44, Presidential counsel St. Clair's rebuttal. Deletions within paragraphs are indicated by . . . , deleted paragraphs by * * * . Insertions are indicated by [brackets].

Events Prior to

The Watergate Break-In

Dec. 2, 1971-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 [on] 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 . . .

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 . . .

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 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. Magruder has also testified that the office of Henry Greenspun, 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. [Afterward], 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 Howard 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 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 Political Matters Memorandum that Magruder had reported that CRP "now has a sophisticated political intelligence gathering system including a budget of [\$]300[000]" . . . 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 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" . . .

9. On April 4, 1972, from approximately 3 p.m. until approximately 4 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 "I.T.T.-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 [above].

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 Haldeman's files,

4. The meeting ended when Dean stated that these subjects should not be discussed in the office of the Attorney General of the United States.

termine 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 has testified that the President said that he had told Dean that 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.R. Haldeman and John Ehrlichman. There was a discussion of the case against Haldeman and Ehrlichman.

* * *

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 Petersen 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 F.B.I. 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.

87. . . . the President asked if Petersen had any information that would reflect on the President.

85. On April 26, 1973 Senator 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 F.B.I. 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 of a coverup 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 F.B.I. 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.

* * *

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 . . . [The] President met with Elliot Richardson at Camp David and informed him of his intention to nominate Richardson to be Attorney General. [He] 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.

Submitted on Behalf Of the President [By James St. Clair] Events Following

The Watergate Break-In

June 19, 1972-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 September 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 September 15, 1972, is based exclusively on the testi-

mony of Dean. In testimony before the Senate Select Committee, Dean stated he was "certain after the Sept. 15th 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. 15th 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

July 22, 1974

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.

11. Haldeman has testified that he and Mitchell did not discuss intelligence gathering activities with the President on April 4, 1972, and he and Mitchell only reviewed with the President matters relating to the I.T.T.-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 between the President,

[NOTE: Objection has been raised by Congressman Seiberling that the first sentence is a conclusion rather than a statement of information within the rules of procedure of the committee.]

14. Haldeman's testimony before the Senate Select Committee confirms that Dean reported to him the F.B.I.'s concern about C.I.A. involvement, and that Haldeman in turn reported this to the President, who ordered Haldeman and Ehrlichman to meet with the C.I.A. officials to insure that the F.B.I. investigation not expose any unrelated covert operation of the C.I.A. The uncertainty regarding the possibility of uncovering C.I.A. 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 C.I.A. personnel, the investigation could lead to the uncovering of covert C.I.A. 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

12. The President had no knowledge of an attempt by the White House to cover-up involvement in the Watergate affair.

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 in the Watergate affair. Dean told the President that there were things Dean knew the President had no knowledge of.

[NOTE: Objection has been raised by Congressman Seiberling that the first sentence is a conclusion rather than a statement of information within the rules of procedure of the committee.]

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 F.B.I. 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 F.B.I. theories of the case was that it was a C.I.A. operation and Dean testified that he reported this to Haldeman and Ehrlichman on June 23.

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 Petersen on April 17, 1973.

17. Dean did not disclose until Nov. 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.

[NOTE: Objection has been raised by Congresswoman Holtzman and Congressman Seiberling that the first sentence is a conclusion rather than a statement of information within the rules of procedure of the committee.]

19. John Dean advised the President on March 21, 1973, of Hunt's demand for approximately \$120,000 for legal fees

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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 money could not be paid because it 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.

[NOTE: Objection has been raised by Congresswoman Holtzman and Congressman Seiberling as to whole statement being a conclusion rather than a statement of information within the rules of procedure of the committee.]

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 meet-

ing 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 be-

33. The President told Petersen to use immunity if he needed to get the facts, but there would be no blackmail.

fore 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 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 E.O.B. 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 F.B.I. and obstruction of justice.

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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 3:00 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 distance 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 D.N.C. 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.

* * *

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

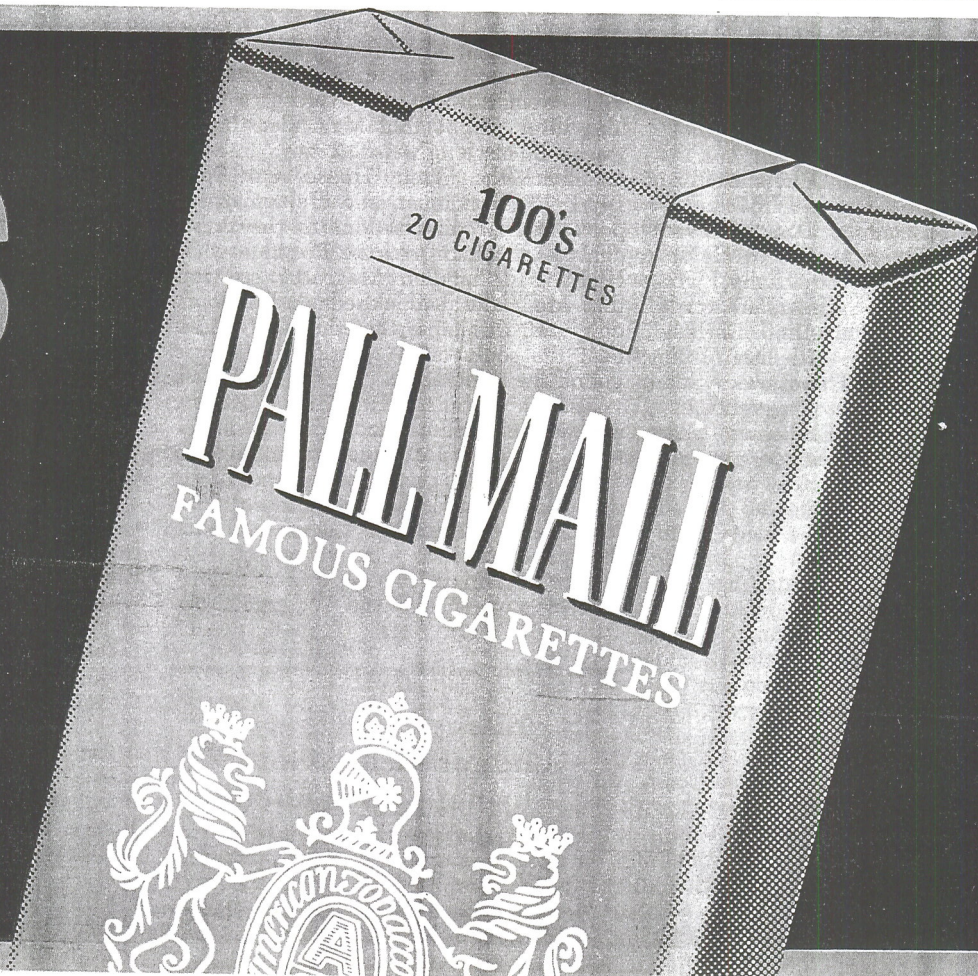
the White House intended to cooperate with the Committee but called on Senator Ervin to get his own disorganized house in order so that the investigation could go forward in a proper atmosphere of traditional fairness and due process.

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 F.B.I. 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 F.B.I. 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 F.B.I. 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 Ehrlich-

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man'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 5:00 until 7:00 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.

* * *

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.

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* * *

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 his 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 9:00 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 de-

39. 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.

defendants and of the transfer of \$350,000 from Strachan to LaRue to be used for payments to the defendants.

* * *

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.

* * *

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.

* * *

42. On April 14, 1973 John Ehrlichman met with Jeb Magruder and his

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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 had 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 D.N.C. 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 . . . 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.

* * *

44. On April 14, 1973, at approximately 6:00 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.

* * *

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.

* * *

47. During the evening of April 14, July 22, 1974 o

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 1:00 a.m. to 5:00 a.m. Kleindienst was briefed on evidence implicating high White House and C.R.P. 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.

* * *

49. On April 15, 1973 John Ehrlichman met with Gordon Strachan from approximately 10:00 A.M. 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.

* * *

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 Presi-

dent 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?"

* * *

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

51. There was discussion of . . . \$350,000 from the White House to LaRue. The President made a note: 'What will LaRue say he got the 350 for?'

to have Petersen join their upcoming meeting.

* * *

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 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

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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.

* * *

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 the material from Hunt's safe had been turned over to F.B.I. agents after the Watergate break-in, but that certain materials from the safe were personally handed by Dean

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.

56. Dean has testified that the nature of the President's questions led him to think that the President was taping the conversation.

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.

* * *

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

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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.

* * *

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.

* * *

60. On April 16, 1973 the President met with John Dean from 10:00 to 10:40 A.M. The following is an index to 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.

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.

* * *

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 C.R.P.

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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 Ehr-

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lichman 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.

* * *

65. On April 16, 1973 from 4:07 to 4:35 P.M. the President met with John Dean. The following is an index to 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 DNC break-in.

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.

* * *

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.

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68. On or about April 17, 1973 John Ehrlichman had telephone conversations with Charles Colson, White House aide Ken Clawson, and former C.R.P. 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.

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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

70. There was a discussion about what to do about Dean and what Dean might say if he were fired . . .

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 . . . from Hunt's safe. Petersen said that Gray said he had burned these documents without reading them.

* * *

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.

* * *

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.

* * *

76. In April, 1973 former and present White House aides and C.R.P. 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.

* * *

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 de-

THE EVIDENCE

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 F.B.I. Gray testified that he had shown interview reports and other data from F.B.I. 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 on 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 F.B.I. 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 F.B.I. 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 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 in-

formation 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 F.B.I., 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

50. The President promised to cooperate with the [Watergate committee] if it conducted its investigation in an even-handed way.

story that Dean had delivered every document to the F.B.I. 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 F.B.I. 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 F.B.I. 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. The following is an index to certain of the subjects discussed in the course of the March 13, 1973 meeting:

Advisability of public disclosure
Possible public testimony of Sloan, Kalmbach, 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 F.B.I. 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 F.B.I., 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, 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. Ac-

cording 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 . . .)

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 told the President that Dean had been over this like a blanket. 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.

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.

65. On March 20, 1973 Dean had a

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. The following is an index to 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

62. Dean told the President that . . . Magruder was good, but that if he sees himself sinking he'll drag everything with him.

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 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 . . . 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.

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 going 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. 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. The following is an index to 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 for-

ward and making some . . . 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.

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 [of] that day.

74. On the morning of March 22, 1973,

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.

75. On or about March 22, 1973, John Ehrlichman met with Egil Krogh at the White House. Ehrlichman assured Krogh that Howard Hunt was stable or more stable, that his recommendation was just to hang tough, and that Hunt was not going to disclose all.

Events Following

The Watergate Break-In

March 22, 1973-April 30, 1973

1. On March 22, 1973 from 1:57 to 3:43 P.M. there was a meeting among the President, John N. Mitchell, H.R. Haldeman, John D. Ehrlichman and John W. Dean 3d. The following is an index to 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

tion with the hearings to be conducted by the Senate Select Committee. He asked Kleindienst to give Senator Baker "guidance," to be "our Baker hand-holder," 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 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 F.B.I. 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 C.R.P., 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 that 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 Bis-

3. Judge Sirica stated that in imposing sentence he would weigh as a factor the defendants' cooperation with the ongoing Watergate investigations.

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

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 Senator Howard Baker in connec-

cayne, Fla., from 1:25 to 1:45 P.M. and from 2:00 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

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

ters. On this same morning, H.R. Haldeman, who was with the President in Key Biscayne, Florida 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 C.R.P. 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

11. On March 26, 1973 the President . . . instructed Ronald Ziegler, his press secretary, to express the President's confidence in John Dean.

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

President and John Dean indicate that the President spoke by telephone with Dean at Camp David from 3:28 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, 1973 John Dean stayed at Camp David and attempted to prepare a report on matters relating to the break-in at the D.N.C. headquarters and 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 D.N.C. headquar-

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.

* * *

16. On March 28, 1973 Mitchell and Haldeman met with Magruder in Halde-

man'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 instructions and asked Kleindienst a series of questions which the President had dictated and which Ehrlichman had hand written 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 inferences on that subject.

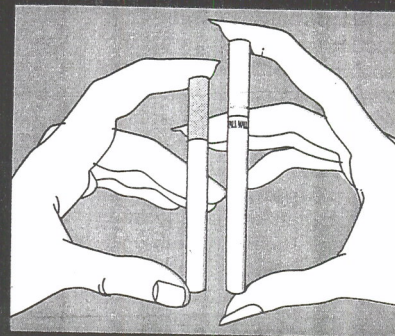
* * *

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

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48. Gray told the President that he and Walters felt that people on the President's staff were trying to mortally wound the President . . .

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 C.I.A. and F.B.I., that this activity was injurious to the C.I.A. and the F.B.I. 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 C.I.A. and the F.B.I. The President [instructed] Gray to continue to press ahead with the investigation.

49. In July, 1972, Dean obtained from Gray various interview and investigative reports of the F.B.I. 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 F.B.I. interview reports and 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 [and said] 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 [his] 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 17th break-in. The President decided that he would state that there was no involvement of present White House employees. On Aug. 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 this Administration, presently employed, was involved in this very bizarre incident." John Dean has denied conducting that investigation. The President also stated that the F.B.I. 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 F.B.I. 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."

* * *

56. On Jan. 8, 1973, former C.I.A. Deputy Director Cushman sent a memorandum to John Ehrlichman identifying as the person who requested C.I.A. 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 C.I.A. 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 February 9, 1973 Dean met with Petersen and discussed what the Department of Justice would do if requested by the C.I.A. to return materials. Petersen told him that an indication that the materials had been sent back to the C.I.A. would have to be made in the Department's files.

58. On Feb. 9, 1973, Dean called C.I.A. Director James Schlesinger. Dean suggested that the C.I.A. 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 C.I.A. Director Walters contacted Dean on Feb. 21, 1973, and refused Dean's request.

Events Following

The Watergate Break-In

June 20, 1972-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.

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 C.I.A. people the C.I.A. should take care of its own in furnishing their bail money. It was suggested that Dean determine if C.I.A. assistance could be obtained. Mitchell has testified that to his best recollection the concept of the C.I.A.'s providing funds was not discussed in his presence.

6. On or before June 26, 1972, John

9. . . . Kalmbach delivered the funds to Anthony Ulasewicz, who previously had undertaken assignments for the White House.

Ehrlichman told C.I.A. 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 C.I.A. 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 C.I.A. 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 fund raiser, 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 [agreed] . . .

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 F.B.I. 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 F.B.I. 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 fund-raising 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) . . .

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 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 conver-

sation 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 delivered \$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. In the usual situation in making such deliveries to Mrs. Hunt, 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 F.B.I. agents that the funds he had paid Liddy were for the purpose of conducting lawful political activities.

17. On July 20, 1972, Magruder falsely stated to F.B.I. 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 asked Ehrlichman to assure 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 . . . 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 August 5, 1972, Kalmbach met in California with Thomas Jones, chairman of Northrop Corpora-

gate 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."

* * *

24. In the summer of 1972 Dwight Chapin, the President's appointments sec-

17. 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.

tion, 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 . . .

In August, 1972, in accordance with the procedures previously described (paragraph 15), Ulasewicz made two payments to Mr. or 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 Water-

retary, 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 F.B.I. 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 September 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 September 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 defend-

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 Dean's 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, Calif. 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 . . .

32. In November, 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

ing 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. 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 January, 1973, the remaining \$280,000 was delivered to LaRue. In January, 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 a 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 C.I.A.'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 January 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 January 12, 14 and 25, 1973, offers of executive clemency were made to McCord by Caulfield at the direction

29. Kalmbach said that he did not wish to continue his role concerning the payments . . . Kalmbach burned his records in an ashtray on Dean's desk.

ants 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 funds he had obtained from Stans, LaRue and

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 record-

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..."

42. On February 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 F.B.I. project on the 1968 bugging..." so as to gather the data on whether the President was subject to bugging during the 1968 campaign...

43. On February 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... 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... discussions and Mitchell's role in preparing for the hearings.

44. On or about February 14, 1973, Magruder met with Haldeman and discussed Magruder's possible future em-

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

45. Dean prepared a briefing paper stating... 'Kleindienst is extremely loyal to the President and will do anything asked of him...?'

ployment. 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 February 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 February 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

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 Feb. 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. The following is an index to 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

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 Edmund Muskie to the campaign of Senator George McGovern. 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, Eugenio Martinez, Virgilio Gonzalez and Frank Sturgis, came to Washington from Miami 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. Barker selected documents relating to the DNC contributors, and these documents were then photographed.

17. On May 28, 1972, Alfred Baldwin,

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

11. Stans has testified that . . . he replied, 'I don't know what's going on in this campaign and I don't think you ought to try to know.'

an employe 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 . . . 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.

20. On June 17, 1972, at approximately 2 A.M., McCord, Barker, Sturgis, Gonzalez and Martinez were arrested for

guilty to an information charging, among other offenses, conspiracy unlawfully to obtain and use information from headquarters of the DNC.

Events Following

The Watergate Break-In

June 17, 1972-Feb. 9, 1973

1. On June 17, 1972, shortly after 2:00 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 brief case 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 drawn by E. Howard Hunt, and

THE EVIDENCE

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 totaling \$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 the 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 . . .

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, 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.

* * *

7. On June 18, 1972, H.R. Haldeman, chief of staff to President Nixon, who was at Key Biscayne, Fla., 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 the counsel to the President, John Dean;

Haldeman's special assistant, Gordon Strachan, and the FCRP treasurer, Hugh Sloan, to learn what had happened and determine the source of the money found in the possession of the persons arrested at the DNC headquarters . . .

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

4. Kleindienst called Henry Petersen and instructed him not to give special treatment to those arrested at the Watergate.

F.B.I., 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 . . .

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 G.S.A. 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 19 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 discus-

sion 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 Nov. 26, 1973, in response to a subpoena by the Watergate special prosecutor, the recording contained an 18½-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 directed 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 memorandums from three to two. Haldeman has testified that he does not recall receiving such a report.

22. On June 20 or June 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 I.T.T. 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 all 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 on their meeting with Liddy. Mitchell was told of Liddy's and Hunt's prior 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 reissued, 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

inquired about Howard Hunt's office in the EOB, Dean told them either that he would have to check out whether Hunt had an EOB office or that the request to see Hunt's office would have to be checked out.

29. On or about June 22, 1972, Acting F.B.I. Director L. Patrick Gray met with John Dean. Gray told Dean the F.B.I. had discovered that a \$25,000 check drawn by Kenneth Dahlberg and four checks totaling \$89,000 drawn on a bank in Mexico City payable to Manuel Ogario had been deposited in a Miami 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 F.B.I.'s alternative theories of the Watergate case, including the theory that the break-in was a covert operation of the C.I.A. Either that same day or the following morning Dean reported to Haldeman on his meeting with Gray, and Haldeman

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

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 F.B.I. 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 F.B.I. was handling the case as a "major special with all of our normal procedures in effect." At 10:00 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 F.B.I. interviews of 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, F.B.I. agents interviewed Charles Colson in the EOB. John Dean was present. When the agents

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 on 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 . . .

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 F.B.I. Director Gray. The President directed Haldeman to meet with C.I.A. Director Richard Helms, Deputy C.I.A. Director Vernon Walters and John Ehrlichman. Haldeman has testified that the President told him to ascertain whether there had been any C.I.A. 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 the C.I.A. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert C.I.A. 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 F.B.I. so that the F.B.I.'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 23, 1972, John Mitchell, campaign director of CRP, met with Maurice Stans, chairman of FCRP, in Mitchell's office. They discussed the Dahlberg 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, C.I.A. Director Helms and Deputy C.I.A. Director Walters met in Ehrlichman's office. Helms assured Haldeman and Ehrlichman that there was no C.I.A. involvement in the Watergate and that he had no concern from the C.I.A.'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 F.B.I. 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 F.B.I. investigation in Mexico might uncover C.I.A. 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 was . . . concerned about . . .

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 F.B.I. investigation of the break-in at the DNC headquarters. Walters stated that if the F.B.I. investigation were pursued into Mexico it might uncover some covert C.I.A. activities and that the matter should be tapered off with the five men under arrest. Gray agreed to hold in abeyance the F.B.I. interview of Manuel Ogarrio. Gray has testified that the F.B.I. 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 C.I.A. sources or activities in Mexico that might be jeopardized by F.B.I. 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 F.B.I. investigations that could jeopardize or compromise in any way C.I.A. activities or sources in Mexico.

37. On or about June 27, 1972, John Dean and Fred Fielding, his assistant, delivered to F.B.I. agents a portion of the materials from Howard Hunt's safe. The materials given to the F.B.I. agents included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the F.B.I. agents included

33. Haldeman stated that the Watergate . . . investigation could lead to important people, and that this could get worse.

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 Chappaquiddick, and two notebooks and [an] address book.

38. On June 26 or June 27, 1972, Dean met with Walters and asked if there was any way the C.I.A. could provide the bail money or pay the salaries of the persons arrested in connection with the break-in at the DNC headquarters. Walters said the C.I.A. would do so only on a direct order from the President. According to Dean, his proposal to the C.I.A. 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 . . .

[Paragraphs 39 through 42 concern efforts to trace the checks and C.I.A. concern about the F.B.I. investigation.]

43. On June 28, 1972, F.B.I. 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 declined 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 F.B.I. was attempting to interview Kathleen Chenow, the secretary of David Young and Egil Krogh in the White House Special Investigations Unit (the "Plumbers") . . . Dean has testified that he informed John Ehrlichman of problems connected with Chenow's interview and Ehrlichman agreed that before her F.B.I. 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 F.B.I. 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 F.B.I. 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 pop-up 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.

* * *

48. On July 5, 1972, at 5:54 P.M. Acting F.B.I. Director Gray phoned Deputy C.I.A. Director Walters and stated that, unless the C.I.A. provided by the following morning a written rather than the verbal request to refrain from interviewing Manuel Ogarrio and Kenneth Dahlberg, the F.B.I. 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 C.I.A. 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 C.I.A. had any interest in people whom the F.B.I. wished to interview in