

The text of the first seven sections of the "Summary of Information" presented to the House Judiciary Committee Friday by John M. Doar, the committee's special counsel, appears on Pages 20 to 23. The remainder will be published on subsequent days. The Times will publish the full text of a comprehensive statement in President Nixon's defense, issued Saturday, when it finishes printing the Doar summation.

# The Beginning of Doar's

Special to The New York Times

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## Summary to the

### Impeachment Inquiry

WASHINGTON, July 21—Following is the text of the first seven sections of the "Summary of Information" presented to the House Judiciary Committee last Friday by John M. Doar, the committee's special counsel. These sections deal with the Watergate break-in and cover-up. News articles concerning the "Summary of Information" as well as the text of proposed Articles of Impeachment appeared in The New York Times on Saturday. Additional sections of the summation will be published on subsequent days. The full text of a comprehensive statement in President Nixon's defense, issued yesterday, will be published when The Times has finished printing the Doar summation.

#### INTRODUCTION— WATERGATE

On April 30, 1973, President Richard M. Nixon addressed the nation:

"In recent months, members of my Administration and officials of the Committee for the Re-election of the President—including some of my closest friends and most trusted aides—have been charged with involvement in what has come to be known as the Watergate affair. These include charges of illegal activity during and preceding the 1972 Presidential election and charges that responsible officials participated in efforts to cover up that illegal activity. . . .

"Last June 17, while I was in Florida trying to get a few days rest after my visit to Moscow, I first learned from news reports of the Watergate break-in. . . . I immediately ordered an investigation by appropriate Government authorities. On September 15, as you will recall, indictments were brought against seven defendants in the case.

"As the investigations went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my Administration were in any way involved. I received repeated assurances that there were not. Because of these continuing reassurances, because I believed the reports I was getting, because I had faith in the persons from whom I was getting them, I discounted the stories in the press that appeared to implicate members of my Administration or other officials of the campaign committee.

"Until March of this year, I remained convinced that the denials were true and that the charges of involvement by members of the White House Staff were false. . . . However, new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort

to conceal the facts both from the public, from you, and from me."

Richard M. Nixon, before entering on the execution of his office as President of the United States, has twice taken, as required in Article II, Section 1, Clause 7 of the Constitution, the following oath:

"I do solemnly swear that I will faithfully execute the office of the President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

In Article II, Section 3, the Constitution requires that the President "shall take care that the laws be faithfully executed." Under the Constitution, the executive power is vested in the President. Of necessity, the President must rely on subordinates to carry out his instructions in the execution of his office.

In his statement of April 30, President Nixon told the American people that he had been deceived by subordinates into believing that none of the members of his Administration or his personal campaign committee were implicated in the Watergate break-in, and that none had participated in efforts to cover up that illegal activity. The President had said he recently received new information that persuaded him there was a real possibility that some of the charges were true and he declared his determination to "get to the bottom of the matter."

Almost fifteen months later, the Committee on the Judiciary is faced with the responsibility of making recommendations whether or not the House of Representatives should exercise its constitutional power of impeachment.

The critical question this committee must decide is whether the President was duped by his closest political associates or whether they were in fact carrying out his policies and decisions. This question must be decided one way or the other.

It must be decided whether the President was duped by his subordinates into believing that his personal agents and his key political associates were not involved in a program of illegal electronic surveillance for his political purposes; or whether, in fact, Richard M. Nixon, in violation of the sacred obligation of his constitutional oath, authorized illegal intelligence-gathering activities against his political opponents.

It must also be decided whether the President was duped by his subordinates into believing that his personal agents and key political associates had not been engaged in a systematic cover-up of the illegal political intelligence operation, of the identities of those responsible, and of the existence and scope of other related activities; or whether, in fact, Richard M. Nixon, in violation of the sacred obligation of his constitution-

al oath, has used the power of his high office for over two years to cover up and conceal responsibility for the Watergate burglary and other activities of a similar nature.

In short, the committee has to decide whether in his statement of April 30 the President was telling the truth to the

American people, or whether that statement was part of a pattern of conduct designed not to take care that the laws were faithfully executed, but to impede their faithful execution in his political interest and on his behalf.

The committee has found that much of the evidence pertinent to this question and other questions is within the custody and control of the President. In defiance of subpoenas legally authorized, issued and served by the committee on behalf of the House of Representatives, President Nixon has denied the committee access to this evidence.

Nevertheless, the committee has considered evidence that is substantial. This report summarizes that evidence. The report begins with an account of how President Nixon organized his personal staff to implement his policies and instructions in his execution of the office of President of the United States.

#### The Organization of the White House and Its Relationship to C.R.P.

##### I

From January, 1970, until February, 1973, Alexander Butterfield was the personal aide to the President. His office was next to the Oval Office; his responsibilities were to insure the "smooth running of the President's official day." He was thus in a unique position to know how President Nixon operated his Presidency.

Butterfield testified that during his first term, President Nixon spent almost all of his working time with one of a handful of assistants: on domestic matters, John Ehrlichman; on political matters, Charles Colson; on foreign affairs, Henry Kissinger; on all matters of policy, direction, implementation, politics, public position and strategy with his chief of staff, H. R. Haldeman—but the vast majority of his time with Haldeman. According to Butterfield, Haldeman "was an extension of the President":

"[T]here was no question in anyone's mind at any time that he [Haldeman] was, in effect, the chief of staff. He was far and away the closest person to the President. There was never any competition with regard to Mr. Haldeman's role. He was everything that Sherman Adams was to President Eisenhower, in my view.

He was an extension of the President, in my view."

"Haldeman was the alter ego. Haldeman was almost the other President. I can't emphasize that enough."

Haldeman had no independent schedule. He was always at the call of the President. Haldeman ordinarily spent several hours a day with the President—a "good six to seven times as much time with the President as anyone else" [according to Butterfield testimony]. Except for daily press summaries, virtually all written material addressed to the President was screened and transmitted through Haldeman. When the President made a decision he would authorize one of his aides, almost always Haldeman, to see that it was executed. Butterfield testified:

"[The President] communicated by telephone with a great many people at night, in the evenings, and during the day. But his normal communications, oral and in writing, were just to Haldeman, Ehrlichman and Kissinger. It would be quite unusual for him to communicate with anyone else—perhaps a few times to Colson during that 1972 campaign year. But almost always with Haldeman."

Butterfield testified that Haldeman was not a decision-maker, but an "implementer." All important information in Haldeman's possession was relayed to the President; all decisions of consequence were made by the President. Butterfield testified that it would have been "altogether out of character" for Haldeman to have done anything, except to decide minor staff management questions, without the knowledge of the President:

MR. JENNER: Was there any occasion during all of the time that you were at the White House that there came to your attention that Haldeman ever did anything without the knowledge of the President?

MR. BUTTERFIELD: No; never.

MR. JENNER: Dealing with White House affairs?

MR. BUTTERFIELD: No, never nothing unilaterally at all. He was essentially—I may have said this—but an implementer. Mr. Haldeman implemented the decisions of the President as did Mr. Ehrlichman, but perhaps to a lesser extent. But, Haldeman especially was an implementer, because the President ran his own personal affairs. He was not a decision maker... I can hardly recall the decisions, any decisions that he made, unless that it was that the White House staff mess personnel would wear jackets or something along that line. He implemented the President's decisions. The President was the decision-maker. The President was 100 percent in charge.

Mr. Mitchell's testimony is to the same effect:

MR. THORNTON: Did you ever check to determine whether or not the information relayed to you through Mr. Haldeman was a correct reflection of the President's instructions?

MR. MITCHELL: There may have been occasions, Congressman, but I would have to say that in most all instances that I can recall, Mr. Haldeman's representations to me of the President's position were truthfully and fully stated.

MR. THORNTON: Did you ever check with the President to determine whether information you had passed toward him through Mr. Haldeman had been received by him.

MR. MITCHELL: No, I don't believe I did, but I think there again, the record of actions coming from such line of communication would

indicate that, they were fully and faithfully conveyed.

## II

Haldeman's responsibility extended to the President's campaign. During the summer and fall of 1971, Haldeman personally reviewed and supervised plans for the development of the re-election committee and the assignment of staff to it. He established formal rules and procedures for the transfer of employees from the White House staff to the re-election committee; waiver of these rules required his personal approval. John Mitchell had hiring authority once he became responsible for the day-to-day operations of the campaign committee in mid-1971; but Haldeman still reviewed the hiring of key personnel and vetoed several employment recommendations.

Haldeman and other White House staff members were active in formulating campaign strategy. The highest level decisions on domestic policy and campaign tactics were discussed by the "political group," consisting of Haldeman, Ehrlichman, Clark MacGregor, Bryce Harlow, Charles Colson, Mitchell, and Harry Dent. This group met regularly in the White House. Others, primarily White House personnel, handled other areas of the campaign. A group headed by Colson coordinated C.R.P. press releases and speeches by surrogates for the President.

A copy of each document submitted to the campaign director (first Mitchell and later MacGregor) was also submitted to Haldeman's assistant, Gordon Strachan, who collected these documents and summarized them for Haldeman in the "Political Matters Memoranda." These memoranda covered the whole range of the issues involved in running a campaign. Butterfield testified that these memos "would not go to the President under normal circumstances," but Haldeman "would relay the information when he spoke to the President next." After reviewing these memoranda, Haldeman would note the actions to be taken. Strachan would contact the appropriate C.R.P. personnel to implement Haldeman's instructions. In addition, Haldeman met with campaign director Mitchell on a weekly basis, to discuss such subjects as campaign financing, personnel and strategy. Haldeman was regularly informed of even the most minor administrative decisions, including the rental of office space, rejecting press requests for interviews with campaign staff and the formulation of C.R.P.'s field organizational plan. Haldeman insisted upon clearing every piece of advertising and promotional material.

The President was attentive to the details of White House operations and directives. After certain Watergate disclosures, in late April, 1973, the President stated that, in 1972, for the first time in his political career, he left management of his campaign to others, concentrating instead on his duties as President. The White House edited transcript of the April 4, 1972, Presidential conversation and tape recordings of September 15, 1972, Presidential conversations, however, show that the President was fully aware of and actively participated in deciding the details of the campaign.

The April 4, 1972, transcript reflects the President's knowledge of and dominant role with regard to specifics of the campaign. He, Haldeman and Mitchell discuss the details of the site for the 1972 convention (the President decides it will be changed to Miami), the Wisconsin Democratic primary, and the prospects for various Democratic Presidential hopefuls, a letter of support for the President from columnist William F. Buckley, the Ashbrook campaign, various individuals and their responsibility in the President's re-election cam-

paign, and the President's prospects and organization in Wisconsin, California, Illinois, Ohio, Pennsylvania, New York, New Jersey, Texas, Ohio, Michigan, Minnesota, Massachusetts and Vermont.

Butterfield testified that the President "made the big decisions," "anything having to do with strategy would emanate from the President" and that the President was in charge. Butterfield testified that the committee was an extension of the political White House.

## III

The [Judiciary] committee has seen and heard from Fred LaRue, John Mitchell, John Dean, Charles Colson and Herbert Kalmbach. Their testimony in substance and on the whole fully corroborates Butterfield's description of how President Nixon conducted his Presidency. Of course, there are some differences, most notably Colson's testimony as to the direct relationship he developed with the President by 1972. But such differences are to be expected and seem only to add weight to the proof of the fact that President Nixon required discipline of himself and his subordinates; that he established orderly procedures; that he preferred to communicate his decisions through Haldeman and to receive information and reports from Haldeman; that he, as President, was in charge; that he made the decisions; and that he was running his staff and his re-election campaign for President.

## Approval of a Political Intelligence Plan Including the Use of Electronic Surveillance

The evidence available to the committee establishes that on May 27 and June 17, 1972, agents of C.R.P., acting pursuant to a political intelligence plan (which included use of illegal electronic surveillance), authorized in advance by John Mitchell, head of C.R.P., and H. R. Haldeman, the President's chief of staff, broke into the Democratic National Committee headquarters at the Watergate for the purpose of effecting electronic surveillance; and that this was part of the President's policy of gathering political intelligence to be used as part of his campaign for re-election. The illegal activities contemplated by the plan were implemented and supervised by Howard Hunt and Gordon Liddy, who from July, 1971, to the time

of their transfer to C.R.P. were employed by the President to conduct investigations, and who had been authorized to engage in illegal covert activity under the supervision of John Ehrlichman.

## I

On Aug. 10, 1971, H. R. Haldeman, chief of staff to President Nixon, gave instructions that Gordon Strachan, Patrick Buchanan, Dwight Chapin and Ron Walker should develop recommendations for "political intelligence and covert activities" in connection with the President's campaign for re-election in 1972. It is a fair inference that Haldeman was implementing the President's policy with respect to the tactics he wanted used in his re-election campaign. The President has stated his belief that in politics "everybody bugs everybody else" and that he could understand the desire for electronic surveillance, prior to the Democratic Convention. As a result of Haldeman's instructions, a political intelligence proposal, Operation Sandwedge, was developed. Operation Sandwedge contemplated electronic surveillance and "black bag" capability. Dean was assigned responsibility for a planning study of Operation Sandwedge and other "covert" intelligence activities.

The planning study was completed in

early October, 1971. When Strachan reported to Haldeman that the then Attorney General Mitchell had not made the "hard decisions" on C.R.P. planning studies, Haldeman instructed Strachan to arrange a meeting with Mitchell. Mitchell was one of the President's closest political associates, his former law partner, and director of the President's 1968 campaign. Haldeman, Mitchell, Magruder and Strachan met in November, 1971, to discuss Operation Sandwedge. The talking paper prepared by Strachan for Haldeman to use at this meeting notes that Sandwedge has received an "initial 50" and asks "Are we really developing the capability needed?" and, "Should his [Dean's] involvement be expanded to something more than mere White House contact?"

The talking paper also listed topics to be discussed between Haldeman and Mitchell when Magruder and Strachan were not present. One topic asks, "Who should we designate to increase the surveillance of EMK from periodic to constant?" and "Is there any other candidate or group, such as Common Cause, about whom we should obtain damaging information?" The copy of the talking paper provided by the White House to this committee cuts off from the bottom of the page a portion of the full text of one of these topics. The text of that topic contains the statement, "From Campaign funds I need 800-300 for surveillance. . . ."

On Dec. 2, 1971, Haldeman was informed by his assistant, Gordon Strachan, that Sandwedge had been scrapped. Haldeman was also informed that "instead" of Sandwedge, Liddy, "who has been working with Bud Krogh," the head of the plumbers unit, would handle political intelligence as well as legal matters at C.R.P., and would work with Dean on the "political enemies" project. Mitchell has testified he approved the transfer of Liddy to C.R.P. Four days later, Haldeman approved Liddy's transfer to C.R.P. at a salary increase of \$4,000 over his White House salary, although a policy that there were to be no such salary increases was then in effect.

With the selection of Liddy and the approval of his transfer by Haldeman from the White House to C.R.P., it was clear that the decision had been made and implemented to set up a political intelligence gathering unit for the campaign. All that remained was approval of a particular proposal and its funding.

In late January and early February, 1972, after consultation with plumbers unit member Howard Hunt, Liddy proposed a \$1-million intelligence program to Mitchell, Magruder and Dean at a meeting in the Attorney General's office. The proposal included the use of mugging, kidnapping, prostitutes, photography and electronic surveillance. According to Dean and Magruder, Mitchell directed Liddy to prepare a revised and more realistic proposal. Mitchell has denied this. However, in February, 1972, Liddy returned with a \$500,000 intelligence program which contemplated electronic surveillance at the D.N.C. headquarters. After this meeting, which Dean reported to Haldeman, Dean expressed his opposition to a political intelligence operation that included activities like burglary and wiretapping. Haldeman did not order the termination of these campaign activities, but rather he told Dean that he agreed with Dean's view that the White House should have nothing to do with this.

Sometime in February or March, 1972, Liddy and Hunt met with Colson. Hunt and Liddy had taken part in the plumbers operation, including the Fielding break-in. Hunt was a friend of Colson. During this meeting, according to Colson, he called Magruder, the C.R.P. chief of staff, and told him "to resolve whatever it was Hunt and Liddy wanted to do and to be sure he had an opportunity to listen to their plans." Magruder has testified Colson told him to "get

off the stick" and get Liddy's plans approved, and that information was needed, particularly about O'Brien.

## II

On March 30, 1972, in Key Biscayne, Fla., the Liddy Plan was again reviewed at a meeting attended by Mitchell, Magruder and Fred LaRue. They reviewed the proposal for electronic surveillance and, according to Magruder, approved its revised budget of either \$250,000 or \$300,000. Magruder's testimony that Mitchell approved the Liddy plan is that shortly after March 31, 1972, Magruder told him to tell Liddy that his plan had been approved; by Strachan's testimony that Magruder reported the approval of a "sophisticated political intelligence gathering system" on March 31, 1972, and by Stans' testimony that Mitchell confirmed after March 31, 1972, Magruder's authority to authorize substantial cash payments to Liddy.

In a Political Matters Memorandum dated March 31, 1972, Strachan informed Haldeman that Magruder reported that C.R.P. now had a "sophisticated political intelligence gathering system including a budget of [\$]300 [0,000]."

On April 4, 1972, Haldeman met with Mitchell. A talking paper which Strachan had prepared for Haldeman for that meeting included a question on the adequacy of the political intelligence system. Following this meeting, Haldeman and Mitchell met with the President.

The President has furnished to the committee an edited transcript of this meeting. According to the edited transcript, the subject of a political intelligence operation was not discussed. The April 4 transcript is the only material furnished by the President to the committee in response to its subpoenas for recordings of Presidential conversations occurring prior to March 17, 1973.

The Liddy plan was designed to be nontraceable in the event something went wrong. Professionals (Liddy and Hunt) had been hired as the chief operatives. Liddy had agreed not to use C.R.P. employes in his operation. Cuban-Americans were used to make the entry; they could be portrayed as anti-Castro extremists if discovered. But things did not go according to the plan. Contrary to his agreement, Liddy used C.R.P. Security Director McCord to install electronic surveillance equipment. And at the scene of the crime the police discovered thirty-two sequentially numbered \$100 bills, part of the proceeds of C.R.P. campaign contribution checks, and documentation tying the burglars to Howard Hunt.

## The Implementation of the Political Intelligence Plan

The plan to gather political intelligence for use in the President's re-election campaign got under way in April, 1972. With Mitchell's approval, F.C.R.P. Treasurer Hugh Sloan disbursed approximately \$199,000, in cash, to Liddy prior to June, 1972. Of this sum, McCord spent approximately \$65,000 on technical equipment and related expenditures. Magruder, Mitchell and Haldeman later received the fruits of the illegal intelligence activities at the D.N.C.

The first break-in of D.N.C. occurred on or about May 27, 1972. During the first or second week in June, 1972, Magruder received transcripts of conversations intercepted at the D.N.C. headquarters transcribed on paper labeled "Gemstone." According to Magruder, these transcripts were shown to Mitchell. Magruder's assistant, Robert Reisner, corroborates this. On one occasion, Magruder asked Reisner to place a group of the Gemstone papers in the

file labeled "Mr. Mitchell's file," the file ordinarily used by Magruder in meetings between himself and Mitchell. Magruder also received prints of the documents photographed during the initial entry into the D.N.C. headquarters.

The White House also received the reports obtained through the break-in and bugging. Through Strachan, Magruder forwarded the information to Haldeman's office. In the March 13, 1973, meeting, there are two references to wiretap information. The President described the Watergate operation as "a dry hole, huh?" and then said: "Yeah. Yeah. But, uh, Bob one time said something about the fact we got some information about this or that or the other, but I, I think it was about the convention, what they were planning, I said [unintelligible]. So I assume that must have been MacGregor, I mean not MacGregor, but Segretti." Later in the conversation, Dean, referring to the D.N.C. incident, stated that "People just, here, would—did not know that that was going to be done. I think there are some people who saw the fruits of it, but that's another story."

On March 21, 1973 Dean told the President the wiretap information was given to Haldeman:

DEAN: . . . The information was coming over here to Strachan. Some of it was given to Haldeman, uh, there is no doubt about it. Uh—

PRESIDENT: Did he know what it was coming from?

DEAN: I don't really know if he would.

PRESIDENT: Not necessarily.

DEAN: Not necessarily. That's not necessarily. Uh—

PRESIDENT: Strachan knew what it was from.

DEAN: Strachan knew what it was from. No doubt about it, and whether Strachan—I have never come to press these people on these points because it,

PRESIDENT: Yeah.

DEAN: It hurts them to, to give up that next inch, so I had to piece things together. All right, so Strachan was aware of receiving information, reporting to Bob. At one point Bob even gave instructions to change their capabilities from Muskie to McGovern, and had, passed this back through Strachan to Magruder and, apparently, to Liddy. And Liddy was starting to make arrangements to go in and bug the, uh, uh, McGovern operation. They had done prelim—

PRESIDENT: They had never bugged Muskie, though, did they?

DEAN: No, they hadn't but they had a, they had, uh, they'd

PRESIDENT: [Unintelligible]

DEAN: infiltrated it by a, a, they had

PRESIDENT: A secretary.

DEAN: a secretary and a chauffeur. Nothing illegal about that.

On April 14, 1973, Haldeman told the President that Strachan, at some time, had stopped reading the wiretap reports; but that they had been in the White House:

E: He [Magruder] thought they were all junk too. "furnish a junk store." The one copy that Magruder had had pictures of the kinds of papers that you'd find around with campaign headquarters. He sent a synopsis of the pictures to Mitchell. He thought it was so bad he picked up the phone and called Liddy and chewed him out. He called 'em "(expletive deleted)" "I told Strachan that the synopses were here. He may have come over and read them." and as I pressed him on that he got less and less sure of that. He says, "I told him they were there."

H. Strachan says, "I stopped reading the synopses, and they were—we had 'em here."

When, on April 14, 1973, the President asked Haldeman what he would say if Magruder testified that wiretap reports had come to Haldeman's office, Haldeman responded, "This doesn't ever have to come out."

## The President's Response to the Arrests

At 2 A.M. on June 17, 1972, five of Liddy's men, including C.R.P. Security Director McCord, were found in the D.N.C. offices and arrested. Hunt and Liddy were elsewhere in the Watergate Hotel. Upon discovering the arrests of the others, they left. Hunt went to the E.O.B. office, placed a briefcase containing electronic equipment in his safe and removed from the safe \$10,000 in cash which Liddy had given him in case of a mishap.

On the morning of June 17, 1972, Liddy telephoned Magruder in California and informed him of the arrests. Former Attorney General and campaign director John Mitchell; Robert Mardian, former Assistant Attorney General, Internal Security Division; Jeb Magruder, deputy campaign director and former assistant to Haldeman, and Fred LaRue, all top officials in C.R.P., were in Los Angeles, working on the President's reelection campaign. Magruder immediately informed LaRue, who in turn informed Mitchell. Mitchell learned that McCord, an employe of the committee, was one of the five persons arrested. His response—"incredible." He asked LaRue to get more information. Mitchell also ordered Mardian back to Washington to find out what he could about the break-in. After consultation with his aides, Mitchell issued a press release on the afternoon of June 17, 1972, stating:

"We have just learned from news reports that a man identified as employed by our campaign committee was one of five persons arrested at the Democratic National Committee headquarters in Washington, D. C. early Saturday morning.

"The person involved is the proprietor of a private security agency who was employed by our committee months ago to assist with the installation of our security system.

"He has, as we understand it, a number of business clients and interests and we have no knowledge of those relationships.

"We want to emphasize that this man and the other people involved were not operating either in our behalf or with our consent.

"I am surprised and dismayed at these reports.

"At this time, we are experiencing our own security problems at the Committee for the Re-election of the President. Our problems are not as dramatic as the events of Saturday morning—but nonetheless of a serious nature to us. We do not know as of this moment whether our security problems are related to the events of Saturday morning at the Democratic headquarters or not.

"There is no place in our campaign or in the electoral process for this type of activity and we will not permit nor condone it."

LaRue testified that Mitchell directed that Liddy contact Attorney General Kleindienst. Later that day Liddy met with Kleindienst at the Burning Tree Country Club and told him that some of the people arrested were White House or C.R.P. employes. Liddy said that Mitchell wanted a report on the break-in. Kleindienst refused to discuss the matter and ordered Liddy off the premises.

At the time of the break-in, the President was in Key Biscayne with his chief of staff, H. R. Haldeman, and his Press Secretary, Ron Ziegler. Chief domestic

adviser to the President John Ehrlichman and Haldeman's assistants, Higby and Strachan, were in Washington.

A White House telephone number of Howard Hunt had been found in a Watergate Hotel room used by the burglars. By the afternoon of June 17, 1972, this fact was reported to Ehrlichman. Ehrlichman was well aware of unit's previous covert operations for the White House. In fact, on July 7, 1971, when Hunt was first hired, Ehrlichman called the C.I.A. and said:

"I want to alert you that an old acquaintance, Howard Hunt, has been asked by the President to do some special consultant work on security problems. He may be contacting you sometime in the future for some assistance. I wanted you to know that he was in fact doing some things for the President. He is a long-time acquaintance with the people here. He may want some help on computer runs and other things. You should consider he has pretty much carte blanche."

Upon learning of Hunt's possible association with one of those arrested inside the D.N.C., Ehrlichman immediately called Colson, whom he knew to be Hunt's sponsor at the White House. Colson had recommended Hunt for his White House position and knew of Hunt's covert activities for the White House; Ehrlichman had told him of Hunt and Liddy's unsuccessful attempt to get Ellsberg's psychiatric records by breaking into Fielding's office. Ehrlichman had told Colson not to talk about the matter. In this June 17, 1972, conversation, Ehrlichman raised with Colson questions about Hunt's employment record at the White House and how it should be handled.

In the late afternoon of Saturday, June 17, 1972, Ehrlichman telephoned Ziegler, who was then with Haldeman and the President in Key Biscayne, and told him about the documents linking Hunt to the Watergate burglars. On the next day, June 18, Ehrlichman placed another call to Key Biscayne, this time to Haldeman. He discussed McCord's and Hunt's involvement in the break-in and the problems posed for C.R.P. and the White House. The arrests posed difficult problems: an investigation might reveal that Mitchell and Haldeman had authorized a plan to place the President's political opponents under electronic surveillance; that funds for the operation were campaign funds supplied by C.R.P., and that the participants in

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the Watergate break-in had previously engaged in illegal covert activities for the White House under the immediate supervision of Ehrlichman.

After this telephone conversation with Ehrlichman, Haldeman called Magruder in California and discussed the arrests. Haldeman directed Magruder to return to Washington from California to meet with Dean, Strachan and Sloan to determine what had happened and the source of the money found on the arrested persons. Thus Haldeman reversed Mitchell's decision that Mardian should be the one to return immediately to Washington.

Dean returned on Sunday, June 18, 1972. He had been on a trip to the Far East and planned to stay in California. He canceled his plans after a conversation with his assistant Fred Fielding and returned to Washington. On June 18th, Ehrlichman was placed in charge of Watergate by the President, and he in turn assigned Dean to work on the matter. Dean met with Liddy who told him that the break-in was a C.R.P. operation. Dean reported this conversation to Ehrlichman, and on June 19, Ehrlichman, Colson and Dean met.

Their discussion of the break-in cen-

tered on the fact that White House records did not reflect the termination of Hunt's consultant status and on the contents of his safe in the E.O.B. building. Ehrlichman ordered that Hunt's safe in the Executive Office Building be drilled open. Ehrlichman and Colson directed that Dean take possession of the contents of Hunt's safe. The safe contained State Department cables Hunt had fabricated, materials related to the plumbers, McCord's briefcase filled with electronic equipment which Hunt had placed in the safe immediately after the arrests, and two Hermes notebooks.

On June 19, 1972, at about noon, the President called Colson. They talked for approximately one hour and discussed the break-in. According to Colson, he told the President that Administration officials in Washington were holding a meeting to determine what they could do, and either during this conversation or one with the President the following day he told the President that he believed that Hunt was not employed by the White House at the time of the break-in.

Later that day, Magruder, Mitchell, Mardian and LaRue, who had returned to Washington, met in Mitchell's apartment. Dean joined the meeting later. They discussed the break-in and the need for a statement from C.R.P. denying any responsibility for the burglary. Magruder has testified he was directed at that meeting to destroy sensitive documents related to the political surveillance operation. This testimony is confirmed by LaRue's testimony before the committee.

The President and Haldeman returned from Key Biscayne on June 18, 1972. At least by June 19, 1972, C.R.P. officials Mitchell, Magruder, Mardian and LaRue, and White House officials Haldeman, Ehrlichman and Dean all knew that the D.N.C. break-in was an operation carried out under the direction of Liddy. Yet Liddy continued to serve as general counsel to the F.C.R.P. until June 28, 1972, when he was discharged by Stans for failure to cooperate with the F.B.I.

Early the following morning, Haldeman met with Ehrlichman and Mitchell at the White House. Dean and Kleindienst joined this meeting about 45 minutes later. The previous day Kleindienst had requested that Gray arrange for his briefing on the F.B.I. investigation because Kleindienst had to brief the President that day or the next. They discussed the Watergate break-in. During this meeting in Ehrlichman's office the President remained alone in the Oval Office (with the exception of a three-minute meeting with Butterfield).

At 10:20 A.M., at the end of the meeting on Watergate, Ehrlichman met with the President. Although the President had assigned Ehrlichman to handle Watergate matters for the White House he did not discuss Watergate with Ehrlichman. Neither did he meet with Kleindienst or Mitchell that day.

Thereafter and for about an hour and a half, Haldeman—who by this time had been fully briefed and who, according to Strachan, had instructed Strachan to get rid of documents related to the Liddy Plan and other sensitive documents—met with the President. At this meeting they discussed Watergate. A portion of the notes taken by Haldeman during the meeting read:

"Be sure E.O.B. office is thoroughly checked regarding bugs at all times —et cetera. What is our counter attack? PR offensive to top this: Hit the opposition with their activities. Point out libertarians have created public what I believe is callousness. Do they justify this less than stealing Pentagon papers, Anderson file, et cetera. We should be on the attack for diversion."

The tape recording of this June 20, 1972, meeting between the President and Haldeman was subpoenaed by the special

prosecutor in July, 1973. The subpoena was resisted by the President on the ground of executive privilege, but the subpoena was upheld by the Court of Appeals. On Nov. 26, 1973, when the recording was finally produced, it contained an eighteen and one-half minute erasure that obliterated the portion of the conversation which, according to Haldeman's notes, referred to Watergate.

The report of the United States District Court's advisory panel on the White House tapes concluded that the erasure was produced by repeated manual erasures of the tape on the tape recorder used by the President's personal secretary, Rose Mary Woods.

On the morning of June 20, 1972, Magruder, as instructed by Haldeman, met with Sloan and determined that the source of the money found on the persons arrested was F.C.R.P. At 10:30 A.M., Mitchell, who had returned to his office, met with LaRue, Magruder and Mardian. Also on June 20, 1972, Mitchell's prepared statement denying any legal, moral or ethical accountability on the part of C.R.P. for the Watergate break-in was issued. That evening the President telephoned Mitchell. They discussed the break-in. The tape of that telephone call was subpoenaed by the special prosecutor. The President responded that the conversation had not

been recorded. The President did, however, provide a Dictabelt recording of his recollections of the day that included an interrupted account of his conversation with Mitchell:

"Paragraph. I also talked to John Mitchell in—late in the day and tried to cheer him up a bit. He is terribly chagrined that, uh, the activities of anybody attached to his committee should, uh, have, uh, been handled in such a manner, and he said that he only regretted that he had not policed all the people more effectively on a—in his own organization—(42 second silence) (unintelligible)."

On June 22, 1972, the President—who had been with Haldeman in Key Biscayne when the news of the break-in first appeared, had remained there with him on June 17, 18 and 19, and then had discussed Watergate with Haldeman and Mitchell on June 20—held a news conference. He was asked if he had ordered any sort of investigation to determine the truth of the charges "that the people who bugged [D.N.C.] headquarters had a direct link to the White House." The President replied:

"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.

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

### III

By June 21, 1972, a decision to limit further Watergate disclosures had been made. Ehrlichman was in charge. Dean was assigned to cover the F.B.I. investigation. Ehrlichman called Gray and told him that Dean was conducting an inquiry into the Watergate matter for the White House and to work closely with him.

The money found on those arrested posed a risk of exposure for the President and a danger to his re-election campaign. This was what caused Haldeman, on June 18, the day after the

break-in, to direct Magruder to return from California to Washington and talk to Sloan, Dean and Strachan about the source of the money. The F.B.I. might be able to trace the \$100 bills back to the bank that supplied the cash, and that in turn would lead to the bank account of Bernard Barker and the five checks, four of which were drawn on a Mexican bank, totaling \$114,000. Liddy was well aware of such risk, for he had shredded the \$100 bills in his possession immediately after the break-in. The persons whose names appeared on the checks producing the cash, Kenneth Dahlberg and Manuel Ogarrio, could tell the F.B.I. that they delivered them to the President's re-election campaign; in fact Dahlberg had handed his check personally to Stans. Liddy had obtained these checks while serving as general counsel to F.C.R.P. and had given them to Barker to cash.

The risk that the C.R.P. link would be uncovered became more imminent on June 21 and 22, 1972, when Gray informed Dean that the \$100 bills had already been traced to Barker's bank account in Florida and that Dahlberg and Ogarrio had been identified and the bureau intended to interview them. On June 23, Dean reported this information to Haldeman, who immediately reported it to the President. It is undisputed that on June 23, 1972, the President directed Haldeman and Ehrlichman to meet with Helms and Walters and express White House concerns, and ask Walters to meet with Gray and communicate those concerns to him.

On that afternoon, Ehrlichman and Haldeman met with Helms and Walters. Helms assured Haldeman that there was no C.I.A. involvement in the Watergate break-in, and told him that he had given a similar assurance to acting F.B.I. Director Gray. Haldeman said that the F.B.I. investigation was leading to important people and that it was the President's wish, because an F.B.I. investigation in Mexico might uncover C.I.A. activities or assets, that Walters suggest to Gray that it was not advantageous to pursue the inquiry, especially into Mexico. Ehrlichman testified that the Mexican checks traced to the Florida bank account were discussed as a specific example of the President's concern. During or shortly after the meeting, Dean called Gray and told him to expect a call from Walters. Immediately after the meeting with Haldeman and Ehrlichman, Walters met with Gray and expressed these concerns. Gray agreed to hold the interview of Ogarrio in abeyance, although he indicated the F.B.I. would continue to try to locate and interview Dahlberg. At this time, Dahlberg was meeting with Stans at C.R.P.

Walters checked whether any C.I.A. sources would be jeopardized by an F.B.I. investigation in Mexico, and determined that none would. On June 26, 1972, he so advised Dean, whom Ehrlichman had designated as the White House liaison. On June 27, 1972, Helms notified Gray that the C.I.A. had no interest in Ogarrio. Helms and Gray set up a meeting the following day, and Gray reported this to Dean. On the morning of June 28, 1972, Ehrlichman telephoned Gray and instructed him to cancel his meeting with Helms.

On June 28, 1972, Dean asked Walters if the C.I.A. could stop the F.B.I. investigations of the Dahlberg and Ogarrio checks. Walters refused to do anything. Unable to use the C.I.A. to block the investigation, Dean acted directly. On the evening of June 28, 1972, Dean called Gray and insisted that his instructions to interview Ogarrio and Dahlberg be withdrawn. Gray complied. Earlier that day, Dean and Ehrlichman gave the contents of Hunt's safe, withheld from F.B.I. agents the previous day, to Gray. In addition, at Helms' request, Gray canceled interviews of two C.I.A. employees who had furnished

Hunt with information and with disguises and alias identification cards in 1971 in connection with his earlier covert activities. Helms also instructed Walters that the C.I.A. still adhered to its request that the F.B.I. not expand its investigation beyond those already arrested or directly under suspicion.

These activities of Ehrlichman, Dean, Helms, Walters and Gray limited the investigatory efforts of the F.B.I. But there were other problems.

The defendants were in jail and needed money for bail and attorneys fees and other support funds. Mitchell testified he decided C.R.P. could not provide bail. Dean first asked Walters if the C.I.A. could pay bail and support money, but was rebuffed. On June 28, 1972, Ehrlichman and Haldeman agreed to use Kalmbach, personal attorney for the President and a long time high-level fund raiser for the President, to handle the raising of funds for the Watergate defendants. Kalmbach flew to Washington that night. He met with Dean the following morning, and agreed to undertake the assignment. On June 29, 1972, Kalmbach obtained \$75,000 cash from Stans for this purpose. He delivered it to Ulasewicz the following day for clandestine payments for the benefit of those involved in Watergate.

As of June 30, 1972, the risks of further disclosure connecting the White House or C.R.P. with the break-in were contained, at least temporarily. Cash was in hand to be distributed to the persons arrested; the cash found on the persons arrested had not yet been traced to C.R.P.; and by June 28, 1972, Gray had stopped the F.B.I.'s efforts to trace the money found on the persons arrested.

On June 30, 1972, the President met with Haldeman and Mitchell to discuss Mitchell's resignation as director of the C.R.P. Mitchell had approved Liddy's intelligence activities and following Liddy's call to Magruder on the morning of June 17, 1972, had been kept fully informed of all the developments. As of this June 30, 1972, meeting, Haldeman knew of the C.R.P. and White House involvement in the formulation of a political intelligence gathering capability and in the Watergate break-in itself: (1) Haldeman knew since Oct. 7, 1971, that "Operation Sandwedge," which contemplated a "black bag" capability and electronic surveillance, had been under study by Attorney General Mitchell and John Dean; (2) Haldeman knew that on Dec. 2, 1971, Operation Sandwedge had been scrapped and that instead Liddy had been hired by the C.R.P. to handle political intelligence; (3) Haldeman knew that in February, 1972, Liddy had made two presentations to Mitchell, Magruder and Dean and that Liddy's proposed plans had contemplated the use of electronic surveillance and illegal entries into such targeted facilities as the D.N.C. headquarters; (4) Haldeman knew at the end of March, 1972, that a sophisticated political intelligence gathering system with a budget of \$300,000 had been approved by the C.R.P.; (5) Haldeman knew that he had directed

Liddy to change his capabilities from Muskie to McGovern; (6) Haldeman knew shortly after the break-in that James McCord, security consultant to the C.R.P., and Howard Hunt, a White House consultant, had been linked to C.R.P.'s intelligence gathering operation; (7) Haldeman knew on June 18, 1972, of the possibility that the money found on the five persons arrested in the D.N.C. offices was C.R.P. money; (8) Haldeman knew on June 20, 1972 that he had instructed his assistant Strachan to destroy all politically sensitive documents; (9) Haldeman knew on June 22, 1972, that the F.B.I. had uncovered five checks bearing the names of Dahlberg and Ogarrio totaling \$114,000 that had passed through the bank account of Watergate conspirator Bernard Barker; (10) Haldeman knew on June 23, 1972,

that he had instructed Walters to inform Gray that the F.B.I. investigation should not go beyond the five persons already in custody and should not extend into Mexico, and (II) Haldeman knew on or about June 28 that he and Ehrlichman had approved Dean's use of Kalmbach to raise and distribute cash for those involved in Watergate.

One of the subjects of the June 30, 1972, discussion was Mitchell's resignation and why this was the appropriate time for Mitchell to resign as head of C.R.P. The portion of the tape recording of the conversation made available to the committee reads:

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

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

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

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

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

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

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

HALDEMAN: That's great. That's great. [Unintelligible] you taking this route—people won't expect you to be a surprise.

PRESIDENT: No, if it is a surprise—Otherwise, you're right—it will be tied right to Watergate. [Unintelligible]—if you wait too long, if it simmers down.

HALDEMAN: You can't if other

stuff develops on Watergate. The problem is, it's always potentially the same thing.

PRESIDENT: [Unintelligible]

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

PRESIDENT: You can't do it. I guess Bob can handle it in a way that—Martha's not hurt.

MITCHELL: Yeah, okay.

On July 1, 1972, Mitchell resigned as director of the President's re-election campaign organization; as the President suggested the previous day, the story was put in "human terms." However the story was put, all the prior circumstances strongly suggest that President Nixon decided, shortly after learning of the Watergate break-in, on a plan to cover up the identities of high officials of the White House and C.R.P. directly involved in the illegal operation and to prevent the disclosure of the prior covert activities undertaken on behalf of President Nixon by Hunt, Liddy and other participants in the Watergate break-in. The foregoing is only the first portion of the evidence that the com-

mittee had before it for consideration. Evidence of the President's later conduct as set forth in the next section, shows that President Nixon acknowledged his decision and labeled it one of containment.

## Containment— July 1 to Election

From the beginning of July, 1972, until after the Presidential election in November, President Nixon's policy of containment—of "cutting the loss"—worked. The policy prevented disclosure that might have resulted in the indictment of high White House and C.R.P. officials and might have jeopardized the outcome of the November election. The policy worked because two of the President's assistants, John Dean, counsel to the President, and Herbert Kalmbach, personal attorney to the President, assigned to carry out the President's policy, did their jobs well—with the full support of the power and authority of the office of President of the United States.

The risks to the re-election of the President were the disclosures of the use of illegal means to implement the President's plan of obtaining political intelligence and the underlying risk of disclosures of the use of similar means in connection with various activities during his first term in office, such as the burglary of Dr. Fielding's office. Beyond that, his closest political associates, Haldeman, Mitchell and Ehrlichman, were directly and deeply involved in one or more of the illegal aspects of the President's activities.

Tape recordings of Presidential conversations in the possession of the committee establish that the plan of containment prior to the election had

full approval of the President. On June 30, 1972, the President told Haldeman and Mitchell that his desire was to "cut the loss." On Sept. 15, 1972, the President told Dean and Haldeman, "So you just try to button it up as well as you can and hope for the best. And, . . . remember that basically the damn thing is just one of those unfortunate things and we're trying to cut our losses." On the morning of March 21, 1973, the President told Dean, "[Y]ou had the right plan, let me say, I have no doubts about the right plan before the election. And you handled it just right. You contained it. Now after the election we've got to have another plan, because we can't have, for four years, we can't have this thing—you're going to be eaten away. We can't do it." And on March 22, 1973, the President told Mitchell, "The whole theory has been containment, as you know, John."

As of the beginning of July, 1972, the situation was in fact contained. Haldeman told the President and Mitchell on June 30, 1972, "As of now there is no problem there." But, "As, as of any moment in the future there is, there is at least a potential problem." The objective was to maintain, to the extent possible, the stability of this situation. That is what Dean and Kalmbach were assigned to do.

Dean was assigned by Ehrlichman to monitor the F.B.I. investigation for the White House, by obtaining on an ongoing basis its fruit and by enlisting the C.I.A. to help narrow the scope of the investigation. Dean regularly obtained information from Gray about the progress of the investigation. In fact he was on the phone with Gray continually.

He obtained information from F.B.I. reports, which he showed to C.R.P. officials. He sat in on all F.B.I. interviews of White House personnel—a system arranged by Ehrlichman with Gray. Thus, Dean was able to anticipate the leads the F.B.I. would follow and prepare those persons who had knowledge

of the facts within C.R.P. and the White House. Instead of having White House staff members Colson, Kehrl and Krogh appear before the Watergate grand jury, Dean arranged with Assistant General Petersen to have their depositions taken outside the presence of the grand jury.

Kalmbach secured additional sources of funds for the clandestine payments to the Watergate defendants. By the middle of September (when he unconditionally withdrew from any further assignment in carrying out the President's decision, Kalmbach had delivered more than \$187,000 in cash to the defendants or their attorneys. Dean and/or LaRue met and consulted with Kalmbach on each of the deliveries. Dean reported the payments to Haldeman and Ehrlichman. Only once, during the latter part of July, was there a need for Ehrlichman to step in directly.

Kalmbach had been requested to seek sources of funds outside C.R.P., and he was concerned about the secrecy and the clandestine or covert nature of the activity. He sought and obtained assurances from Ehrlichman that Dean had the authority to pursue the project and that the project was one Kalmbach had to take on.

Investigations by Federal agencies were successfully rebuffed. On July 5, 1972, when Mitchell was interviewed by the F.B.I., he denied knowledge of any information related to the break-in. Mitchell testified that, at the time of the interview, he had been told by Mardian

and LaRue of Liddy's involvement in the break-in, but that the information had not been checked out; and that he was not volunteering information under any circumstances.

On July 19 and 20, 1972, respectively, Porter and Magruder falsely told F.B.I. agents that the funds obtained by Liddy from C.R.P. were for legal intelligence gathering activities. On Aug. 10, Porter testified falsely before the Watergate grand jury as to the purpose of the \$199,000 in cash paid to Liddy. On Aug. 18, Magruder, after discussing his false story about Liddy money with Dean and Mitchell, testified falsely before the Watergate grand jury. On or about Aug. 28, Bud Krogh, on Ehrlichman's staff, who had been in charge of the plumbers unit, testified falsely before the Watergate grand jury as to prior activities of Liddy and Hunt. On September 12 or 13, 1972, Magruder met with Mitchell and Dean to plan a false story regarding certain meetings among Mitchell, Magruder, Dean and Liddy in early 1972 in which political intelligence and electronic surveillance were discussed; Magruder thereafter testified falsely about the meetings before the Watergate grand jury.

The President's decision not to have former Commerce Secretary Maurice Stans appear personally before the grand jury was implemented; the President assigned Ehrlichman to see that Stans need not appear. In July, 1972, Ehrlichman instructed Dean to make arrangements with Henry Petersen to take Stans' deposition outside of the grand jury. Dean, and then Ehrlichman, contacted Petersen, but both were unsuccessful. Finally, Ehrlichman telephoned Kleindienst. According to Kleindienst, he warned Ehrlichman that he was lucky Petersen had not made an obstruction of justice complaint. Petersen subsequently agreed to take the deposition by Stans in his office, in lieu of his scheduled grand jury appearance.

One break the investigators had was the cooperation of Alfred Baldwin, a C.R.P. employe recruited by McCord who had been monitoring the intercepted conversations at the D.N.C. Since, at the time of the break-in, he was across the street from Watergate at the Howard Johnson Motel, he was not arrested on June 17. On July 5th, Baldwin stepped forward and identified Hunt as one of

the Watergate burglars.

Baldwin's disclosure came on the day before Gray's conversation on July 6, 1972, with the President. On the morning of July 6, Gray met with Walters. The two men discussed what they felt were efforts by White House staff to wound the President by confusing the issue of whether the C.I.A. had any interest in the F.B.I.'s Watergate investigation. They discussed the need to raise the matter with the President. Gray has testified that after Walters left, he decided to call Clark MacGregor, the new chairman of the President's re-election campaign.

Gray testified he told MacGregor that both he and Walters were concerned about the use of the C.I.A. and F.B.I. by White House staff members. Gray asked MacGregor to inform the President that the F.B.I. and C.I.A. had been injured by the conduct of White House staff and that the same persons were hurting the President.

According to Gray's records, thirty-seven minutes after Gray's conversation with MacGregor, Gray received a telephone call, from the President. The President began the conversation with Gray not about Watergate and the serious allegations Gray had just made to MacGregor. Rather, the President told Gray how pleased he was with the way the F.B.I. had handled an attempted skyjacking in San Francisco.

Gray thanked the President. According to Gray, Gray then blurted out that both he and General Walters thought people on the President's staff were trying to "mortally wound" the President by manipulation of the F.B.I. and C.I.A.; Gray told the President that he had just spoken to MacGregor and "asked him to speak to you about this." According to Gray, after a perceptible pause, the President said only: "Pat, you just continue to conduct your aggressive and thorough investigation." That was the whole of the phone call. The President asked no questions about what facts Gray had to support his serious charges; the President asked for no names. There is no evidence before the committee that the President pursued the matter.

Two days after the telephone conversation with Gray, Ehrlichman and the President discussed clemency for the Watergate defendants, while walking on a beach at San Clemente, Calif. According to Ehrlichman's testimony, he told the President that "Presidential pardons or something of that kind would inevitably be a question that he would have to confront by reason of the political aspect of this." The President's response, according to Ehrlichman, was no one in the White House should "get into this whole area of clemency with anybody involved in this case and surely not make any assurances to anyone."

In August, 1972, when the President discussed with Ehrlichman the issuance of public statements on Watergate, Ehrlichman knew the details of C.R.P. and White House involvement in the break-in and had secreted certain of the contents of Hunt's safe outside the normal channels of the law by delivering them personally to acting F.B.I. Director Gray; he had recruited Kalmbach to make the secret payments to the defendants; he knew of the actual payments to the defendants, and he knew of the use of the C.I.A. to narrow and thwart the F.B.I. investigation.

On Aug. 29, 1972, the President held a news conference. He discussed various pending investigative proceedings in connection with Watergate, including the F.B.I. and the Department of Justice, the House Banking and Currency Committee and the J.G.A.O., in suggesting that the appointment of a special prosecutor would serve no useful purpose. He then said:

"In addition to that [other areas of

investigation], within my own staff, under my direction, counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present member of the White House staff or anybody in the Government. 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."

With respect to the involvement of C.R.P., the President said:

"At the same time, the committee itself is conducting its own investigation, independent of the rest, because the committee desires to clear the air and to be sure that as far as any people who have responsibility for this campaign are concerned, that there is nothing that hangs over them. Before Mr. Mitchell left as campaign chairman he had employed a very good law firm with investigatory experience to look into this matter. Mr. MacGregor has continued that investigation and is continuing it now. I will say in that respect that anyone on the campaign committee, Mr. MacGregor has assured me, who does not cooperate with the investigation . . . will be discharged immediately."

These statements were untrue; Dean acted to narrow and frustrate the F.B.I. investigation. He conducted no independent investigation. He reached no conclusion that there was no White House involvement in Watergate. He interviewed no witnesses. He examined no documents. He made no report on an investigation.

MacGregor had received, on matters related to Watergate, only one or two briefings, of which the primary concern, MacGregor said, was not to report on C.R.P. involvement in the break-in, but rather to determine the C.R.P.'s status in the pending civil suits initiated by the D.N.C. The President's statement that he had received an assurance from MacGregor that anyone not cooperating with the investigation would be discharged is untrue. MacGregor has testified that he had not given such an assurance to the President.

### III

On Sept. 15, 1972, Liddy, Hunt and the five persons arrested in the D.N.C. Watergate offices on June 17 were indicted for burglary, unlawful entry for the purpose of intercepting oral and wire communications, and conspiracy, all serious felonies. No other C.R.P. or White House officials were charged with having been involved in the break-in.

On that same day, John Dean, counsel to the President, counsel to the President's staff in fact, was summoned to see the President. This was the first time since before June 17, 1972, that Dean had met with the President.

At the time of this conversation, it is undisputed that the President knew, and had known since a few days after the break-in, that Howard Hunt had "surfaced" in connection with Watergate and that Hunt had previously been a member of the White House Special Investigations Unit. The President had met and discussed Watergate with Haldeman and Mitchell, who were fully apprised of the C.R.P. and White House

connections to the Watergate break-in. He had arranged, authorized and publicly advanced the misleading explanation for Mitchell's resignation from C.R.P. on June 30. He had received Gray's warning of White House interference with the F.B.I.'s Watergate investigation on July 6. He had prevented Stans's personal appearance before the grand jury. On Aug. 29, he had made an untrue public statement about Dean's "complete investigation" of the Watergate matter. These facts about the extent of the President's knowledge at the

time of the Sept. 15, 1972, meeting are undisputed. Beyond that, the President has refused to comply with subpoenas from this committee requiring tapes of six conversations the President had with Haldeman and three conversations the President had with Colson on June 20 and June 23, 1972.

Prior to Dean's arrival at the Sept. 15, 1972, meeting, Haldeman advised the President of the good job Dean was doing "by enabling other people to gain ground while he's making sure that you don't fall through the holes." The President told Haldeman that he could not meet with the finance group in the morning because it was too soon after Watergate. Then Dean entered the room, and the President asked him about the events of the day:

PRESIDENT: Well, you had quite a day today, didn't you? You got, uh, Watergate, uh, on the way, huh?

DEAN: Quite a three months.

HALDEMAN: How did it all end up?

DEAN: Uh, I think we can say "Well" at this point. The, uh, the press is playing it just as we expect.

HALDEMAN: Whitewash?

DEAN: No, not yet; the, the story right now—

PRESIDENT: It's a big story.

DEAN: Yeah.

PRESIDENT: [Unintelligible].

HALDEMAN: Five indicted.

DEAN: Plus.

HALDEMAN: They're building up the fact that one of—

DEAN: Plus two White House aides.

HALDEMAN: Plus, plus the White House former guy and all that. That's good. That, that takes the edge off whitewash really—which—that was the thing Mitchell kept saying that.

PRESIDENT: Yeah. They're White

HALDEMAN: That to those in the country, Liddy and, and, uh, Hunt are big men.

DEAN: That's right.

PRESIDENT: Yeah. They're White House aides.

The President asked how MacGregor handled himself. Dean responded that MacGregor had made a good statement about the grand jury indictment, and it is now time to realize that some apologies may be due. The President replied, "Just remember all the trouble they gave us on this. We'll have a chance to get back at them one day."

Then the three men talked about the pending civil litigation regarding the Watergate break-in, including Maurice Stans's libel action. Dean explained that the Federal prosecutor of the Watergate defendants said that the civil cases made it difficult to draw criminal indictments because the prosecutors did not want to come out with indictments when civil cases tended to approach matters differently.

The President accepted a telephone call from Clark MacGregor. The President said he had heard MacGregor was

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going to be sued. "[J]ust don't let this keep you or your colleagues from concentrating on the big game," the President directed MacGregor. "[T]his thing is just . . . one of those side issues and a month later everybody looks back and wonders what the shouting was about."

DEAN: Three months ago I would have had trouble predicting where we'd be today. I think that I can say that fifty-four days from now that, uh, not a thing will come crashing down to our, our surprise.

\* \* \*

PRESIDENT: 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?

Dean began to speak of some problems that might lie ahead, remarking that some bitterness and internal disension existed in C.R.P. because of this case. The President stated:

PRESIDENT: They should just, uh, just behave and, and, recognize this, this is, again, this is war. We're getting a few shots. It'll be over. Don't worry. [Unintelligible]. I wouldn't want to be on the other side right now. Would you?

The President said, "I want the most comprehensive notes on all of those that have tried to do us in. Because they didn't have to do it. . . . I mean if the thing had been a clo-uh, they had a very close election everybody on the other side would understand this game. But now, they are doing this quite deliberately and they are asking for it and they are going to get it."

After a discussion on ways to get even with those who had made an issue of Watergate, Dean turned to the Patman (Banking and Currency Committee) hearings. He identified the hearings as another potential problem "now that the indictments are down." He was uncertain of success in "turning that off." He continued:

DEAN: . . . We've got a plan whereby Rothblatt and Bittman, who are counsel for the five men who were, or actually a total of seven, that were indicted today, are going to go up and visit every member and say, "If you commence hearings you are going to jeopardize the civil rights of these individuals in the worst way, and they'll never get a fair trial," and the like, and try to talk to members on, on that level. Uh—

PRESIDENT: Why not ask that they request to be heard by, by the Committee and explain it publicly?

DEAN: How could they—They've planned that what they're going to say is, "If you do commence with these hearings, we plan to publicly come up and say what you're doing to the rights of individuals." Something to that effect.

PRESIDENT: As a matter of fact they could even make a motion in court to get the thing dismissed.

DEAN: That's another thing we're doing is to, is—

PRESIDENT: Because these hearings—

DEAN: bring an injunctive action against, uh, the appearance, say—

HALDEMAN: Well, going the other way, the dismissal of the, of the, of the indictment—

PRESIDENT: How about trying to get the criminal cases, criminal charges dismissed on the grounds that there, well, you know—

HALDEMAN: The civil rights type stuff.

Dean said that he was working with civil rights groups to put pressure on Patman and suggested that Stans go to see Congressman Ford and brief him on Stans's difficulties with the law suits. They could also look at the campaign spending reports of every member of the Patman Committee.

The three men spoke of how to influence the minority members of the committee. Both Secretary Connally and Congressman Ford were mentioned as liaison people. The President took charge. He said to Haldeman: "Put it down, uh, Gerry should talk to Widnall and, uh, just brace him, tell him I thought it was [unintelligible] start behaving. Not let him be the chairman of

the committee in the House. That's what you want?" Dean replied, "That would be very helpful, to get our minority side at least together on the thing."

The President continued to stress the importance of cutting off the Patman hearings, which Dean said was a form over which they would have the least control.

PRESIDENT: Gerry has really got to lead on this. He's got to be, really be [unintelligible]

HALDEMAN: Gerry should, damn it. This is exactly the thing he was talking about, that the reason they are staying in is so that they can—

PRESIDENT: That's right.

HALDEMAN: run investigations.

PRESIDENT: Well, the point is that they ought to raise hell about this, uh, this—these hearings are jeopardizing the—I don't know that they're, that the, the, the counsel calling on the members of the committee will do much good. I was, I—it may be all right but—I was thinking that they really ought to blunderbuss in the public arena. It ought to be publicized.

DEAN: Right.

HALDEMAN: Good.

DEAN: Right.

PRESIDENT: That's what this is, public relations.

DEAN: That's, that's all it is, particularly if Patman pulls the strings off, uh—That's the last forum that, uh, uh, it looks like it could be a problem where you just have the least control the way it stands right now. Kennedy has also suggested he may call hearings of his Administrative Practices and Procedures Subcommittee. Uh, as, as this case has been all along, you can spin out horrors that,

uh, you, you can conceive of, and so we just don't do that. I stopped doing that about, uh, two months ago.

PRESIDENT: Yeah.

DEAN: We just take one at a time and you deal with it based on—

PRESIDENT: And you really can't just sit and worry yourself—

DEAN: No.

PRESIDENT: about it all the time, thinking, "The worst may happen," but it may not. So you just try to button it up as well as you can and hope for the best. And,

DEAN: Well if Bob—

PRESIDENT: and remember that basically the damn thing is just one of those unfortunate things and, we're trying to cut our losses.

DEAN: Well, certainly that's right and certainly it had no effect on you. That's the, the good thing.

HALDEMAN: It really hasn't.

PRESIDENT: [Unintelligible.]

HALDEMAN: No, it hasn't. It has been kept away from the White House almost completely and from the President totally. The only tie to the White House has been the Colson effort they keep trying to haul in.

The President returned to the problem of the Patman committee and the use of Ford. He rejected Mitchell as the man to contact Ford. The President said, ". . . maybe Ehrlichman should talk to him. Ehrlichman understands the law, and the rest, and should say, 'Now Goddamn it, get the hell over with this.'"

The President elaborated on how the plan must be carried out. He explained that the Congressman has to know that it comes from the top but that he cannot talk to him himself.

PRESIDENT: I think maybe that's the thing to do [unintelligible]. This is, this is big, big play. I'm getting into this thing. So that he—he's got to know that it comes from the top.

HALDEMAN: Yeah.

PRESIDENT: That's what he's got to know.

DEAN: Right.

PRESIDENT: and if he [unintelligible] and we're not going to—I can't talk to him myself—and that he's got to get at this and screw this thing up while he can, right?

DEAN: Well, if we let that slide up there with the Patman Committee it'd be just, you know, just a tragedy to let Patman have a field day up there.

PRESIDENT: What's the first move? When does he call his wit—, witnesses?

Dean reported that Patman had not even gotten the vote of his committee; "[He] hasn't convened his committee yet on whether he can call hearings." Dean also reported that Congressman Brown had written a letter to Kleindienst, saying that the Committee hearings were going to jeopardize the criminal cases against the Watergate defendants. The President approved of this. Dean told the President, "We can keep them well briefed on the moves if they'll, if they'll move when we provide them with the, the strategy." Dean reported that there was a likelihood that Stan's libel suit would be dismissed but that they would still have the abuse of process suit pending.

HALDEMAN: We can take depositions on both of those?

DEAN: Absolutely.

PRESIDENT: Hell yes.

HALDEMAN: [Laughs]

PRESIDENT: [Unintelligible] depositions.

DEAN: It's a, it's a glimmer down the road anyway, but, uh—

The final step was to carry out the President's decision to stop the Patman hearings. After the Sept. 15, 1972, meeting, and a consultation with Haldeman, Dean began to take the necessary steps. He contacted Assistant Attorney General Henry Petersen and successfully urged that he write a letter to the House committee pointing out that the hearings could prejudice the rights of the seven Watergate defendants. On Oct. 2, 1972, the same day the Petersen letter was sent to the committee, the committee released the names of the persons it expected to call to testify during its hearings. The list included the names of Magruder, Sloan, Caulfield, Mitchell, Stans, Dean, Mardian, LaRue, Porter and MacGregor. The next day, the House Committee on Banking and Currency voted 20 to 15 to withhold from its chairman, Wright Patman, the power to issue subpoenas for the purpose of investigating the financing of the Watergate break-in.

## Payments

### I

Prior to the Watergate operation, Gordon Liddy gave Howard Hunt \$10,000 to use in case there was a mishap. Hunt placed the money in the safe in his E.O.B. office. Immediately after the arrests at the Watergate, Hunt went to his E.O.B. office and withdrew the money. In the early morning hours following the break-in, Hunt delivered the money on behalf of those arrested to an attorney.

On June 20 or 21, 1972, Liddy told LaRue and Mardian that commitments for bail money, maintenance and legal assistance had been made and that Hunt felt it was C.R.P.'s obligation to provide bail money to get the men out of jail. Liddy also told LaRue and Mardian of his and Hunt's prior involvement in the Fielding break-in. Thereafter Mardian and LaRue reported to Mitchell on Liddy's request for money.

Between June 26 and 28, 1972, after discussions with Mitchell, Ehrlichman and Haldeman, Dean met on three occasions with C.I.A. Deputy Director Walters and suggested, among other things, that the C.I.A. provide the bail and salaries of the persons arrested. Walters rejected the requests.

On June 28, 1972, Haldeman and



Ehrlichman approved Dean's contacting Herbert Kalmbach, President Nixon's personal attorney, to ask Kalmbach to raise funds for the Watergate defendants. Kalmbach flew to Washington that night, and the following morning met with Dean and LaRue to discuss procedures for making payments. Thereafter Kalmbach received cash from C.R.P. officials Stans and LaRue and from a private contributor whom Kalmbach told he could not reveal the purpose of the contribution.

Between July 7, 1972, and Sept. 19, 1972, Kalmbach directed Anthony Ulasewicz, who had previously engaged in surveillance and other confidential activities for John Ehrlichman, to make payments totaling \$187,500 for the Watergate defendants. Ulasewicz made the deliveries by sealing cash in unmarked envelopes and leaving the envelopes at various drops such as airport lockers. He communicated with Kalmbach, LaRue and the recipients of the payments using aliases.

In September, 1972, Kalmbach told Dean and LaRue that he would not continue his role in making the payments. Kalmbach transferred the remainder of the funds to LaRue and burned his records of the transactions.

## II

Gordon Liddy and Howard Hunt were involved in both the Fielding and the Watergate break-ins and knew the identity of the superiors who had authorized their activities. Liddy agreed to remain silent and did not make many demands. From the outset Hunt was a problem because he made demands for himself and the others. During the summer and fall, Hunt received payments for himself and other defendants amounting to over \$200,000.

Shortly after the November, 1972, election, Hunt contacted his friend Colson. Hunt told Colson that "commitments that were made to us at the outset have not been kept." Hunt stated:

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

Colson tape recorded this conversation and gave it to Dean. Dean has testified that he played the recording for Haldeman and Ehrlichman, who instructed Dean to play it for Mitchell.

Dean flew to New York and played the recording for Mitchell. Mitchell verifies this, describing the tape as a lot of self-serving statements by Colson.

In late November, 1972, Dean reported to Haldeman of the need for additional funds to make payments to the defendants. Haldeman then ordered the delivery to LaRue of a portion of the \$350,000 in cash from a special fund Haldeman personally controlled. Strachan delivered between \$40,000 and \$70,000 to LaRue, who handled the cash using rubber gloves and refused to furnish Strachan with a receipt. In January, 1973, at Haldeman's direction, LaRue received the remainder of the fund. Prior to March 21, 1973, LaRue disbursed \$132,000 from the fund for the defendants, including \$100,000 to Hunt's attorney, William Bittman.

On March 16, 1973, Hunt met with Colson's law partner, David Shapiro. Hunt told Shapiro that if certain financial commitments, which had been made to him, were broken, the Republicans would lose the 1974 elections and probably the 1976 one, but if commitments were kept, none of his men would "blow." Shapiro's memorandum of the

meeting reads:

"Hunt stated that several persons should be terribly concerned were he to testify before the Ervin Committee (where he said he presently proposed to invoke the 5th Amendment). These persons he identified as John Dean, Bud Krogh, Pat Gray, John Mitchell and one or two others whom I can't remember (I did not take notes). Hunt said he knew he was risking the possibility of an obstruction of justice charge when he convinced those who pleaded guilty to do so, but is also convinced that if the commitments made to him are kept, no one in his "operation" will "blow." In apparent contradiction to his prior statement, however, Hunt said he was concerned that McCord was the one weak link in his "operation" and that McCord could well "open up" to the detriment of those concerned."

On March 19, 1973, Shapiro met with Colson and related the substance of his conversation with Hunt on March 16. Shapiro advised Colson not to tell anyone at the White House about Hunt's message because he might "unwittingly become a party to an obstruction of justice." Colson concluded that the only way he could help the President was to recommend that the President appoint a special counsel of impeccable credentials who was not involved in Watergate. Shapiro suggested J. Lee Rankin, a former Solicitor General, and Shapiro arranged to discuss this with Rankin on March 21, 1973. On the evening of March 19, 1973, Colson had a telephone conversation with the President, during which they discussed the political impact of Watergate, but according to Colson, he did not raise his suggestion for the appointment of a special counsel, until he spoke with the President at 7:53 P.M. on March 21, 1973, and suggested Rankin's appointment as special counsel.

On or about March 16, 1973, Hunt told O'Brien that he had to have \$120,000 before his sentencing. Hunt said he had done "seamy things" for the White House and that if he were not paid he might have to reconsider his options. O'Brien conveyed Hunt's message to Dean. O'Brien testified that Dean told him that he and Dean were being used as conduits in an obstruction of justice. At 3:30 P.M. on March 20, 1973, Dean and Ehrlichman discussed Hunt's demand for money and the possibility that Hunt would reveal the activities of the plumbers' operations if the money were not forthcoming. Ehrlichman left Dean to see the President. Haldeman joined him on the way. From 4:26 to 5:39 P.M. the President and Ehrlichman met. Ehrlichman told Krogh, who formerly co-directed the Plumbers, that Hunt was asking for a great deal of money and if it were not paid Hunt might blow the lid off and tell all he knew. On March 20, 1973, Dean also discussed Hunt's demand with at least Krogh and Richard Moore.

On the evening of March 20, 1973, the President called Dean. Dean told the President he had spoken with Ehrlichman that afternoon, before Ehrlichman met with the President. Dean said, "I think that one thing that

we have to continue to do, and particularly right now, is to examine the broadest, broadest implication of this whole thing, and, you know, maybe about 30 minutes of just my recitation to you of facts so that you operate from the same facts that everybody else has." The President agreed to meet with Dean the following morning.

## III

Dean met with the President for almost two hours on the morning of March 21, 1973. Dean opened the meeting by briefing the President on the payment activity that had occurred. He told the President that there had been

payments to Watergate aeronaunts; that the payments were made to keep things from blowing up; that this activity constituted an obstruction of justice; and that in addition to Dean, the President's chief of staff Haldeman, domestic adviser Ehrlichman, and his campaign director Mitchell were all involved.

In response to this report, the President did not condemn the payments or the involvement of his closest aides. He did not direct that the activity be stopped. The President did not express any surprise or shock. He did not report it to the proper investigatory agencies. He indicated familiarity with the payment scheme, and an awareness of some details—such as the use of a Cuban Committee:

DEAN: Uh, Liddy said, said that, you know, if they all got counsel instantly and said that, you know, "We'll, we'll ride this thing out." All right, then they started making demands. "We've got to have attorneys' fees. Uh, we don't have any money ourselves, and if — you are asking us to take this through the election." All right, so arrangements were made through Mitchell, uh, initiating it, in discussions that—I was present—that these guys had to be taken care of. Their attorneys' fees had to be done. Kalmbach was brought in. Uh, Kalmbach raised some cash. Uh, they were obv—, uh, you know.

PRESIDENT: They put that under the cover of a Cuban Committee or [unintelligible]

DEAN: Yeah, they, they had a Cuban Committee and they had—some of it was given to Hunt's lawyer, who in turn passed it out. This, you know, when Hunt's wife was flying to Chicago with ten thousand, she was actually, I understand after the fact now, was going to pass that money to, uh, one of the Cubans—to meet him in Chicago and pass it to somebody there.

PRESIDENT: [Unintelligible]. Maybe—Well, whether it's maybe too late to do anything about it, but I would certainly keep that, [laughs] that cover for whatever it's worth.

DEAN: I'll—

PRESIDENT: Keep the Committee.

DEAN: Af—, after, well, that, that's

PRESIDENT: [Unintelligible]

DEAN: The most troublesome post-thing, uh, because (1) Bob is involved in that; John is involved in that; I am involved in that; Mitchell is involved in that. And that's an obstruction of justice.

PRESIDENT: In other words the fact that, uh, that you're, you're, you're taking care of witnesses.

DEAN: That's right. Uh,

PRESIDENT: How was Bob involved?

DEAN: Well, th—, they ran out of money over there. Bob had three hundred and fifty thousand dollars in a safe over here that was really set aside for polling purposes. Uh, and there was no other source of money, so they came over here and said, "You all have got to give us some money."

PRESIDENT: Right.

DEAN: I had to go to Bob and say, "Bob, you know, you've got to have some—they need some money over there." He said "What for?" And so I had to tell him what it was for cause he wasn't about to just send money over there willy-nilly. And, uh, John was involved in those discussions, and we decided, you know, that, you know, that there was no price too high to pay to let this thing blow up in front of the election.

PRESIDENT: I think you should handle that one pretty fast.

DEAN: Oh, I think—

PRESIDENT: That issue, I mean.

DEAN: I think we can.

PRESIDENT: So that the three-fifty

went back to him. All it did was—

DEAN: That's right. I think we can too.

PRESIDENT: Who else [unintelligible]?

DEAN: But, now, here, what's happening right now.

PRESIDENT: Yeah.

After this initial briefing, Dean turned to the crisis precipitated by Hunt's demands. Dean explained that these demands by Hunt, and possibly others, could, over the next two years, amount to a million dollars. The President said that one million dollars was available. The troublesome issue was exactly how it could be raised and used to avoid disclosure of the cover-up. The President considered various alternatives.

DEAN: . . . Now, where, where are the soft spots on this? Well, first of all, there's the, there's the problem of the continued blackmail.

PRESIDENT: Right.

DEAN: Which will not only go on now, it'll go on when these people are in prison, and it will compound the obstruction of justice situation. It'll cost money. It's dangerous. Nobody, nothing—people around here are not pros at this sort of thing. This is the sort of thing Mafia people can do: washing money, getting clean money, and things like that, uh—we're — We just don't know about those things, because we're not used to, you know—we are not criminals and not used to dealing in that business. It's, uh, it's, uh—

PRESIDENT: That's right.

DEAN: It's a tough thing to know how to do.

PRESIDENT: Maybe we can't even do that.

DEAN: That's right. It's a real problem as to whether we could even do it. Plus there's a real problem in raising some money. Uh, feeling he's got, you know, he's got one, he's

one of the ones with the most to lose. Uh, but there's no denying the fact that the White House, and, uh, Ehrlichman, Haldeman, Dean are involved in some of the early money decisions.

PRESIDENT: How much money do you need?

DEAN: I would say these people are going to cost, uh, a million dollars over the next, uh, two years.

PRESIDENT: We could get that.

DEAN: Uh huh.

PRESIDENT: You, on the money, if you need the money, I mean, uh, you could get the money. Let's say—

DEAN: Well, I think that we're going—

PRESIDENT: What I meant is, you could, you get a million dollars. And you could get it in cash. I, I know where it could be gotten.

DEAN: Uh, huh.

PRESIDENT: I mean it's not easy, but it could be done. But, uh, the question is who the hell would handle it?

DEAN: That's right. Uh—

PRESIDENT: Any idea on that?

DEAN: Well, I would think that would be something that Mitchell ought to be charged with.

PRESIDENT: I think so too.

DEAN: And get some, get some pros to help him.

PRESIDENT: Let me say, there shouldn't be a lot of people running around getting money. We should set up a little—

DEAN: Well, he's got one person doing it who I am not sure is—

PRESIDENT: Who is that?

DEAN: He's got Fred LaRue, uh, doing it. Now Fred started out going out trying to

PRESIDENT: No.

DEAN: soliciting money from all kinds of people. Now, I learned about that, and I said,

PRESIDENT: No.

DEAN: "My God."

PRESIDENT: No.

DEAN: "It's just awful. Don't do it."

PRESIDENT: Yeah.

DEAN: Uh, people are going to ask what the money is for. He's working — He's apparently talked to Tom Pappas.

PRESIDENT: I know.

DEAN: And Pappas has, uh, agreed to come up with a sizable amount, I gather, from, from

PRESIDENT: Yeah.

DEAN: Mitchell.

PRESIDENT: Yeah. Well, what do you need, then? You need, uh, you don't need a million right away, but you need a million. Is that right?

DEAN: That's right.

PRESIDENT: You need a million in cash, don't you? If you want to put that through, would you put that through, uh—this is thinking out loud here for a moment—would you put that through the Cuban Committee?

DEAN: Um, no.

PRESIDENT: Or would you just do this through a [unintelligible] that it's going to be, uh, well, it's cash money, and so forth. How, if that ever comes out, are you going to handle it? Is the Cuban Committee an obstruction of justice, if they want to help?

DEAN: Well, they've got a pr—, they've got priests, and they—

PRESIDENT: Would you like to put, I mean, would that, would that give a little bit of a cover, for example?

DEAN: That would give some for the Cubans and possibly Hunt.

PRESIDENT: Yeah.

DEAN: Uh, then you've got Liddy, an McCord is not, not accepting any money. So, he's, he is not a bought man right now.

PRESIDENT: Okay.

The discussion had been addressed primarily to a general consideration of the necessity for payments over the long term. There still remained the immediate demand by Hunt for approximately \$120,000. The President said that Hunt's demands should be met. At the very least, he reasoned, the payment would buy time.

PRESIDENT: Well, your, your major, your major guy to keep under control is Hunt.

DEAN: That's right.

PRESIDENT: I think. Because he knows

DEAN: He knows so much.

PRESIDENT: About a lot of other things.

DEAN: He knows so much. Right. Uh, he could sink Chuck Colson. Apparently, apparently he is quite distressed with Colson. He thinks Colson has abandoned him. Uh, Colson was to meet with him when he was out there, after, now he had left the White House. He met with him through his lawyer. Hunt raised the question: he wanted money. Colson's lawyer told him that Colson wasn't doing anything with money, and Hunt took offense with that immediately, that, uh, uh, that Colson had abandoned him. Uh—

PRESIDENT: Don't you, just looking at the immediate problem, don't you have to have—handle Hunt's financial situation.

DEAN: I, I think that's.

PRESIDENT: Damn soon?

DEAN: That is, uh, I talked to Mitchell about that last night,

PRESIDENT: Mitchell.

DEAN: and, and, uh, I told—

PRESIDENT: Might as well. May have the rule you've got to keep the cap on the bottle that much,

DEAN: That's right; that's right.

PRESIDENT: in order to have any options.

DEAN: That's right.

PRESIDENT: Either that or let it

all blow right now.

DEAN: Well that, you know, that's the, that's the question. Uh—

PRESIDENT: Now, go ahead. The others. You've got Hunt.

\* \* \*

DEAN: But what I am coming to you today with is: I don't have a plan of how to solve it right now, but I think it's at the juncture that we should begin to think in terms of, of how to cut the losses; how to minimize the further growth of this thing, rather than further compound it by, you know, ultimately paying these guys forever.

PRESIDENT: Yeah.

DEAN: I think we've got to look—

PRESIDENT: But at the moment, don't you agree that you'd better get the Hunt thing? I mean, that's worth it, at the moment.

DEAN: That, that's worth buying time on, right.

PRESIDENT: And that's buying time on, I agree.

The President and Dean continued to discuss the payments. They discussed Haldeman's transfer of the \$350,000 to the C.R.P. in December and January for the purpose of meeting the demands made by Hunt and the other defendants. They considered the pros and cons of adopting a new strategy and calling a halt to the payments. At the conclusion of that discussion on March 21, the President stated that they could not let things blow.

PRESIDENT: Suppose the worst—that Bob is indicted and Ehrlichman is indicted. And I must say, maybe we just better then try to tough it through. You get my point.

DEAN: That's right. That—

PRESIDENT: If, if, if, for example, our, uh, our—say, well, let's cut our losses and you say we're going to go down the road, see if we can cut our losses, and no more blackmail and all the rest, and the thing blows and they indict Bob and the rest. Jesus, you'd never recover from that, John.

DEAN: That's right.

PRESIDENT: It's better to fight it out instead. You see, that's the other thing, the other thing. It's better just to fight it out, and not let people testify, so forth and so on. Now, on the other hand, we realize that we have these weaknesses—that, uh, we, we've got this weakness in terms of—blackmail.

\* \* \*

PRESIDENT: Let me say, though that Hunt [unintelligible] hard line, and that a convicted felon is going to go out and squeal [unintelligible] as we about this [unintelligible] decision [unintelligible] turns on that.

DEAN: Well, we can always, you know, on the other side, we can always charge them with blackmailing us, and it's, you know, this is absurd stuff they're saying, and—

PRESIDENT: That's right. You see, even the way you put it out here, of course if it all came out, it may never, it may not—never, never get there.

After about an hour of discussion between the President and Dean, Haldeman entered the meeting. In Haldeman's presence, the issue of the immediate payment to Hunt was again discussed. The President stated that they had better well get it done fast.

PRESIDENT: Yeah, What do they gain out of it?

DEAN: Nothing.

PRESIDENT: To hell with them.

DEAN: They, they're going to stone-wall it, uh, as it now stands. Except for Hunt. That's why, that's the leverage in his threat.

HALDEMAN: This is Hunt's opportunity.

DEAN: This is Hunt's opportunity. PRESIDENT: That's why, that's

why,  
HALDEMAN: God, if he can lay this—

PRESIDENT: that's why your, for your immediate thing you've got no choice with Hunt but the hundred and twenty or whatever it is. Right?

DEAN: That's right.

PRESIDENT: Would you agree that that's a buy time thing, you better damn well get that done, but fast?

DEAN: I think he ought to be given some signal, anyway, to, to—

PRESIDENT: Yes

DEAN: Yeah—You know.

PRESIDENT: Well for Christ's sakes get it in a, in a way that, uh—Who's, who's going to talk to him? Colson? He's the one who's supposed to know him.

\* \* \*

PRESIDENT: That's right. Try to look around the track. We have no choice on Hunt but to try to keep him—

DEAN: Right now, we have no choice.

PRESIDENT: But, but my point is, do you ever have any choice on Hunt? That's the point.

DEAN: [Sighs].

PRESIDENT: No matter what we do here now, John,

DEAN: Well, if we—

PRESIDENT: Hunt eventually, if he isn't going to get commuted and so forth, he's going to blow the whistle.

The President also instructed Dean and Haldeman to lie about the arrangements for payments to the defendants.

PRESIDENT: As far as what happened up to this time, our cover there is just going to be the Cuban Committee did this for them up through the election.

DEAN: Well, yeah. We can put that together. That isn't, of course, quite the way it happened, but, uh—

PRESIDENT: I know, but it's the way it's going to have to happen.

On the afternoon of March 21, 1973, the President met with Dean, Haldeman and Ehrlichman. During this meeting, the President asked what was being done about Hunt's demand. Dean said Mitchell and LaRue knew of Hunt's feeling and would be able to do something. Late that evening, March 21, 1973, La Rue, after talking to Mitchell, delivered \$75,000 to Bittman. On the next day, March 22, Mitchell told Haldeman, Ehrlichman and Dean that Hunt was not a "problem any longer." Later that day Ehrlichman told Krogh that Hunt was stable and would not disclose all. A few days later, on March 27, 1973, Haldeman talked to the President about payments to Hunt—though it is unclear to which specific payment he referred. "Hunt is at the grand jury today," Haldeman said. "We don't know how far he's going to go. The danger area for him is on the money, that he was given money. He is reported by O'Brien, who has been talking to his lawyer, Bittman, not to be as desperate today as he was yesterday but to still be on the brink, or at least shaky. What's made him shaky is that he's seen McCord bouncing out there and probably walking out scot free."

On April 16, 1973, Dean had a conversation with the President during which they discussed settlement of the

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Hunt demand. Dean said to the President that Mitchell had told him, Haldeman and Ehrlichman on March 22, that the problem with Hunt had been solved. The President expressed his satisfaction that the Hunt problem had been solved "at the Mitchell level." The President also said he was "planning to assume some culpability on that. [Unintelligible]"

On April 8, 1973, Dean, and on April 13, 1973, Magruder, began talking to the prosecutors. The problem was, as Haldeman later pointed out to the Presi-

dent on the afternoon of April 17, 1973, people would say the President should have told Dean on March 21 that the blackmail was wrong, not that it was too costly.

In the middle of April, the President tried to diminish the significance of his March 21 conversation with Dean. He tried to ascribe to the payments a purpose that he believed would make them appear innocent and within the law. On April 14, the President instructed Haldeman and Ehrlichman to agree on the story that payments were made, not "to obstruct justice," but to pay the legal fees and family support of the defendants.

P: The bad part of it is that the Attorney General, and the obstruction of justice thing which it appears to be. And yet, they ought to go on fighting, in my view, a fighting position on that. I think they all ought to fight. That this was not an obstruction of justice, we were simply trying to help these defendants. Don't you agree with that or do you think that's my—is that—

E: I agree. I think it's all the defendants, obviously.

P: I know if they could get together on the strategy. It would be pretty good for them.

That night, the President told Haldeman:

"I just don't know how it is going to come out. That is the whole point, and I just don't know. And I was serious when I said to John at the end there, damn it all, these guys that participated in raising money, etc., have got to stick to their line that they did not raise this money to obstruct justice."

On the morning of April 15, 1973, the President and Ehrlichman discussed possible explanations that could be given regarding the motives in making payments to the defendants. Later that morning, the President and Kleindienst discussed the effect of motivation for payment on criminal liability. On the night of April 15, according to Dean's testimony, the President told Dean he had only been joking when he told Dean on March 21, 1973, that it would be easy to raise a million dollars to silence the defendants. (The President many months later stated that this conversation with Dean had not been recorded.) On April 16, 1973, the President initiated a conversation with Dean in which he tried to suggest that, on March 21, Dean told him not about Hunt's threat, but only about Hunt's need for money. Both of these suggestions regarding the March 21 meetings are refuted by the transcripts, which, under compulsory process, were obtained much later.

At a time when the tapes and the transcripts were not available to investigatory agencies, the President counted on Haldeman to handle his account of the March 21 conversation. On April 25 and 26, 1973, the President permitted Haldeman to listen to tapes of several conversations, including the March 21 conversation with Dean. On the afternoon of April 25, 1973, they talked for about an hour; on April 26, 1973, Haldeman and the President met for five hours. On June 4, 1973, the President told Ziegler that he did not have to listen to the March 21 tape and that that was the tough one but Haldeman could handle it. In August, 1973, Haldeman testified before the Senate Select Committee that on March 21 the President said that the payment of money would be wrong. Immediately thereafter, the President affirmed in public statements that he had a similar recollection. Later, in the spring of 1974, upon making public the White House edited transcripts, the President told the American people that what had really been important about the March 21 conversation was not what he ac-

tually said, but what he meant.

## Clemency

### I

On Oct. 11, 1972, Hunt filed a motion for the return of the documents recovered from his E.O.B. safe, which included two notebooks. On Dec. 22, 1972 Petersen questioned Dean about the notebooks which Hunt claimed had been taken from his safe but had not been inventoried by the F.B.I. The notebooks were among the documents contained in Hunt's safe which were not given to F.B.I. agents investigating the Watergate break-in but remained in Dean's office. Petersen told Dean that he would be called as a witness in opposition to Hunt's motion. Colson was also a potential witness.

On Dec. 31, 1972, Hunt wrote to Colson complaining about his "abandonment by friends on whom I had in good faith relief" and suggesting that he was close to breaking down. Hunt's trial was scheduled to begin on Jan. 8, 1973.

On Jan. 3, 1973, Colson, Dean and Ehrlichman discussed the need to reassure Hunt about the amount of time he would have to spend in jail. Later, on April 14, 1973, Ehrlichman reported to the President about his conversation with Colson: "[Colson] said, 'What can I tell [Hunt] about clemency.' And I said 'Under no circumstances should this ever be raised with the President.'"

Later that day, and again on the following day, Colson met with Bittman, Hunt's attorney. Bittman discussed Hunt's family problems since Dec. 8, 1972, when his wife died. Bittman told Colson that Hunt was "terrified with the prospect of receiving a substantial jail sentence "because of his children, but that he thought Hunt might be able to survive the prospect of a reasonable term, perhaps a year. According to Colson, Bittman also mentioned that he understood that Dean and Mitchell developed plans for electronic surveillance prior to Watergate. Colson assured Bitt-

man of his friendship for Hunt, of the need for Hunt to be out of jail, and of Colson's willingness to do whatever he could to assist Hunt. Colson has stated:

"In addition, I may well have told Bittman that I had made 'people' aware that, if it were necessary, I was going to come back to the White House to speak for Hunt. Indeed, since I wanted to do all I could to comfort Hunt, it is most probable that I did say this. I do not know how Bittman evaluated my position and influence at the White House, but despite my insistence that I could do no more than try to help Hunt as a friend, Bittman might have inferred that if Hunt received an unreasonably long sentence, my willingness to go to bat for Hunt would result in Hunt's sentence being reduced by executive action of some sort."

Colson reported on Jan. 5, 1973, to Ehrlichman and Dean about his conversation with Bittman and stated his desire to speak to the President regarding Hunt. Thereafter Colson spoke to the President regarding Hunt's plight.

On Jan. 9, 1973, Hunt's motion for return of documents was withdrawn. Hunt pleaded guilty to charges against him arising out of Watergate.

In the transcripts of the conversations of Feb. 28, March 21 and April 14, 1973, the President spoke of his understanding of the question of clemency for Hunt. On Feb. 28, 1973, the discussion was general. The President spoke to Dean about the Watergate defendants' expectations of clemency. The President asked, "What the hell do they expect, though? Do they expect that they will get clemency within a reasonable time?" Dean told him that he thought they did. The President asked whether clemency could be granted "within six

months." Dean repudiated that it could not be because, "This thing may become so political." There was no specific mention of Colson's assurances to Hunt, but the President did express familiarity with Hunt's personal situation, the death of his wife.

On March 21, 1973, following Hunt's increased demands for money, it was not Dean but the President who first mentioned Colson's assurance of clemency to Hunt: "You know Colson has gone around on this clemency thing with Hunt and the rest." Dean added the apparent expectation concerning time. "Hunt is now talking in terms of being out by Christmas." The President seemed surprised by the time commitment. The transcript reads:

HALDEMAN: By Christmas of this year?

Dean: Yeah.

HALDEMAN: See that, that really, that's very believable 'cause Colson,

PRESIDENT: Do you think that Colson could have told him—

HALDEMAN: Colson is an, is an—that's your fatal flaw, really, in Chuck, is he is an operator in expediency, and he will pay at the time and where he is—

PRESIDENT: Yeah.

HALDEMAN: whatever he has to, to accomplish what he's there to do.

DEAN: Right.

On March 21, 1973, the President acknowledged his role in the assurance to Hunt:

"Great sadness. The basis, as a matter of fact [clears throat] there was some discussion over there with somebody about, uh, Hunt's problems after his wife died and I said, of course, commutation could be considered on the basis of his wife, and that is the only discussion I ever had in that light."

In the April 14, 1973, transcript, the President further explained his role. The President acknowledged that, contrary to Ehrlichman's direction, Colson had in fact raised with him the question of clemency in a tangential way. The President said: "As I remember a conversation this day was about five thirty or six o'clock that Colson only dropped it in sort of parenthetically, said I had a little problem today, talking about Hunt, and said I sought to reassure him, you know, and so forth. And I said, Well. Told me about Hunt's wife. I said it was a terrible thing and I said obviously we will do just, we will take that into consideration. That was the total of the conversation."

While in these conversations the President suggests that his discussion of clemency for Hunt was limited, he acknowledges an assurance that Hunt would be considered for clemency based on his wife's death.

In the conversations of March 21 and April 14, 1973, the President acknowledged his predicament on the issue of clemency for Hunt: the President feared that any action that seemed to Hunt a repudiation of the assurance of clemency would lead Hunt to "blow the whistle." On the other hand, the President was aware that the public attention to Watergate had grown so much since January, when the assurance was made, that clemency to Hunt by Christmas, 1973, would be politically impossible because it would require direct and public action by the President.

In their conversation on the morning of March 21st, the President told Dean, "You have the problem of Hunt and . . . his clemency."

DEAN: That's right. And you're going to have the clemency problem for the others. They all would expect to be out and that may put you in a position that's just—

PRESIDENT: Right.

DEAN: Untenable at some point. You know, the Watergate hearings

just over, Hunt now demanding clemency or he is going to blow. And politically, it'd be impossible for, you know, you to do it. You know, after everybody—

PRESIDENT: That's right.

DEAN: I am not sure that you will ever be able to deliver on the clemency. It may be just too hot.

PRESIDENT: You can't do it till after the '74 elections, that's for sure. But even then

DEAN: [Clears throat]

PRESIDENT: Your point is that even then you couldn't do it.

DEAN: That's right. It may further involve you in a way you shouldn't be involved in this.

PRESIDENT: No it's wrong; that's for sure.

DEAN: Well, whatever—you know I—there've been some bad judgments

made. There've been some necessary judgments made. Uh—

PRESIDENT: Before the election.

DEAN: Before the election and, in a way, the necessary ones, you know, before the election. There—you know, we've, this was

PRESIDENT: Yeah.

DEAN: —to me there was no way

PRESIDENT: Yeah.

DEAN: that, uh—

PRESIDENT: Yeah.

DEAN: But to burden this second Administration.

PRESIDENT: We're all in on it.

On the afternoon of March 21, 1973, when the President met with Haldeman, Ehrlichman and Dean, he continued to assess the dangers Hunt posed to the cover-up. The President asked what should be done about Hunt. He agreed with Ehrlichman's answer that "Hunt's interests lie in getting a pardon if he can." The President said that "he's got to get that by Christmas time," and Ehrlichman suggested that Hunt's "direct contacts with John" about it "contemplate that, that, that's already understood."

In the President's March 27, 1973, meeting with Haldeman, Ehrlichman and Ziegler, the issue of clemency for all the Watergate defendants after the 1974 elections was once again raised. The President wanted to implement the strategy he had adopted in a meeting on March 22, 1973. He considered the possibility of appointing a "super panel" of distinguished citizens to study the Watergate case. Haldeman suggested that the idea had merit since it would drag out the investigation until after the 1974 elections, when the President could pardon everyone, and the "potential ultimate penalty anybody would get hit in this process could be two years."

The President concerned himself with clemency not only for the Watergate defendants who were in jail for the break-in itself, but also for three of his associates involved in the cover-up, Mitchell, Magruder, and Dean. The President's purpose was to induce them to hold the line and not implicate others.

By the middle of April, 1973, the cover-up had already begun to fall apart. The President knew that Magruder and Dean were talking to the prosecutors. In an early morning meeting on April 14, 1973 the President directed Haldeman and Ehrlichman to convey to Magruder, and also to Mitchell, who had been implicated by Magruder, assurances of leniency. The President carefully explained how he wanted Haldeman and Ehrlichman to handle these assurances.

The President instructed Ehrlichman to tell Mitchell and Magruder, first, that the President did not view it in his interests for them to remain silent; and second, that the President held great affection for them and their families. The President set the language for Ehrlichman to use to get the clemency

message across to Magruder.

"Lovely wife and all the rest, it just breaks your heart. And say this, this is a very painful message for me to bring—I've been asked to give you, but I must do it and it is that: Put it right out that way. Also, I would first put that in so that he knows I have personal affection. That's the way the so-called clemency's got to be handled. Do you see, John?"

Ehrlichman said he understood the formula. Haldeman told Ehrlichman to "[do] the same thing with Mitchell," although at that time the President said that Mitchell would put on "the damnest defense" and never go to prison. At this same meeting the President also asked Ehrlichman how to handle the "problem of clemency" for people like Hunt. Haldeman replied, "Well, you don't handle it at all. That's Colson's cause there's where it came from."

For the rest of the day, Ehrlichman carried out the President's instruction in this matter.

Ehrlichman first met with Mitchell at a 1:40 P.M. meeting. He reported to the President that he had spoken to Mitchell and that Mitchell "appreciated the message of the good feeling between you and him." The President responded "He got that, huh?" The President later added that there could be clemency in the case at the proper time but that they all knew that, for the moment, it was ridiculous to talk about it.

As Ehrlichman left the Oval Office for his meeting with Magruder, the President reminded him about Magruder:

P: Just trying to get the facts and that's all there is to it.

E: I'll get back to you when—

P: Be sure to convey my warm sentiments.

E: Right.

On the evening of April 14, 1973, the President telephoned Ehrlichman. They discussed how Ehrlichman might divert Dean from implicating Haldeman and Ehrlichman. Ehrlichman said he would see Dean the next day and the President asked what he was going to say to him:

E: I am going to try to get him around a bit. It is going to be delicate.

P: Get him around in what way?

E: Well to get off the passing the buck business.

P: John, that's—

E: It is a little touchy and I don't know how far I can go.

P: John, that is not going to help you. Look, he has to look down the road to one point that there is only one man who could restore him to the ability to practice law in case things go wrong. He's got to have that in the back of his mind . . . He's got to know that will happen. You don't tell him, but you know and I know that with him and Mitchell there isn't going to be any damn question, because they got a bad rap.

Later in the conversation the President directed Ehrlichman to tell Dean that the President thought Dean "has carried a tremendous load" and that the President's affection and loyalty remained undiminished.

#### IV

On April 16, 1973, Dean and the President discussed potential charges of obstruction of justice against members of the President's White House staff. The President tried to diminish his own responsibility as implied by

Colson's assurance. The President tried to make the Hunt clemency assurance the responsibility solely of Mitchell. Dean, however, corrected him.

DEAN: It's, uh, it's, uh, all the obstruction is technical stuff that mounts up.

PRESIDENT: Yeah. Well, you take, for example, the clemency stuff. That's solely Mitchell, apparently, and Colson's talk with, uh, Bittman where he says, "I'll do everything I can because as a, as a friend—"

DEAN: No, that was with Ehrlichman.

PRESIDENT: Huh?

DEAN: That was Ehrlichman.

PRESIDENT: Ehrlichman with who?

DEAN: Ehrlichman and Colson and I sat up there, and Colson presented his story to Ehrlichman

PRESIDENT: I know.

DEAN: regarding it and, and then John gave Chuck very clear instructions on going back and telling him that it, you know, "Give him the inference he's got clemency but don't give him any commitment."

PRESIDENT: No commitment?

DEAN: Right.

PRESIDENT: Now that's all right. But first, if an individual, if it's no commitment—I've got a right to sit here—Take a fellow like Hunt or, uh, or, or a Cuban whose wife is sick and something—that's what clemency's about.

DEAN: That's right.

PRESIDENT: Correct?

DEAN: That's right.

PRESIDENT: But, uh, but John specifically said, "No commitment," did he? He—

DEAN: Yeah.

PRESIDENT: No commitment. Then,

then Colson then went on to, apparently—

DEAN: I don't know how Colson delivered it, uh—

PRESIDENT: Apparently to Bittman—

DEAN: for—

PRESIDENT: Bittman. Is that your understanding?

DEAN: Yes, but I don't know what his, you know, specific—

PRESIDENT: Where did this business of the Christmas thing get out, John? What the hell was that?

DEAN: Well, that's, a, that's a—

PRESIDENT: That must have been Mitchell, huh?

DEAN: No, that was Chuck, again. I think that, uh—

PRESIDENT: That they all, that they'd all be out by Christmas?

DEAN: No, I think he said something to the effect that Christmas is the time that clemency generally occurs.

PRESIDENT: Oh, yeah.

DEAN: Uh—

PRESIDENT: Well, that doesn't—I, I, I don't think that is going to hurt him.

DEAN: No.

PRESIDENT: Do you?

DEAN: No.

PRESIDENT: "Clemency," he says One [unintelligible] he's a friend of Hunt's. I'm just trying to put the best face on it. If it's the wrong—if it is—I've got to know.

DEAN: Well, one, one of the things I think you have to be very careful, and this is why Petersen will be very good, is, if you take a set of facts and let the prosecutors who have no—they'll be making, making no PR judgments.

PRESIDENT: Yeah.

DEAN: But they'll give you the raw facts as they relate to the law, uh, and it's later you've got to decide, you know, what public face will be put on it. In other words, they'll— If their—

Dean suggested that Peterson might be able to advise whether the attempt to silence Hunt by offering clemency was lawful.

In a meeting with Petersen, just three hours after this meeting with Dean, the President asked whether the prosecutors had anything on Colson. Petersen said there were allegations, but nothing specific. The President neither posed a hypothetical question, as Dean had suggested, nor informed Petersen of Colson's conversation with Bittman.

Thereafter, the President made repeated untrue statements on the clemency issue to the public:

**May 22, 1973**

"At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer."

**Aug. 15, 1973**

"...under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout."

**Nov. 17, 1973**

"Two, that I never authorized the offer of clemency be considered and; as a matter of fact, turned it down whenever it was suggested. It was not recommended by any member of my staff but it was, on occasion, suggested as a result of news reports that clemency might become a factor."

These statements are contradicted by the President's own words.