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07. Book III, Vol. 1: Events following the Watergate break-in, June 20, 1972 - March 22, 1973 (allegations concerning payments of "hush" money to Watergate defendants to insure their silence, offers of leniency and executive clemency, and the making or causing to be, of false statements to persons connected with an official investigation of Watergate; chronology of events between February 9 and March 22, 1973)

Don Edwards

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

1.1 Fred LaRue testimony, 6 SSC 2286-89, 2309.

1.2 Robert Mardian testimony, 6 SSC 2357-59.

2. Later that day (or, according to Mitchell, the day following) Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including the details of the DNC break-in, the involvement of Magruder and Liddy in the DNC break-in, Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist, and Hunt's earlier activities involving Dita Beard. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

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- 2.1 Fred LaRue testimony, 6 SSC 2288.
 - 2.2 Robert Mardian testimony, 6 SSC 2363.
 - 2.3 John Mitchell testimony, 4 SSC 1621-22, 1628, 1643-44, 1660.

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

3.1 Jeb Magruder testimony, 2 SSC 800-01.

3.2 Hugh Sloan testimony, 2 SSC 543.

4. On the afternoon of June 23, 1972 Hugh Sloan met with John Ehrlichman at Sloan's request to discuss Sloan's cash disbursements to Liddy. Ehrlichman told Sloan that he did not wish to discuss the subject with him and suggested that Sloan get an attorney. Sloan has testified that Ehrlichman said that he would take executive privilege with respect to whatever Sloan told him until after the election. Earlier that day Sloan had spoken to Dwight Chapin, the President's appointments secretary about his "concern that there was something very wrong at the campaign committee." Chapin said that the important thing was that the President be protected.

4.1 Hugh Sloan testimony, 2 SSC 544-46.

4.2 John Ehrlichman testimony, 7 SSC 2699.

4.3 John Ehrlichman log, June 23, 1972 (received from SSC).

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

- 5.1 John Dean testimony, 3 SSC 945-46.
- 5.2 Robert Mardian testimony, 6 SSC 2368.
- 5.3 John Mitchell testimony, 4 SSC 1646.
- 5.4 John Mitchell testimony, 5 SSC 1899-1900.

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

- 5.1 John Dean testimony, 3 SSC 945-46.
- 5.2 Robert Mardian testimony, 6 SSC 2368.
- 5.3 John Mitchell testimony, 4 SSC 1646.
- 5.4 John Mitchell testimony, 5 SSC 1899-1900.

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

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- 6.1 John Ehrlichman testimony, 6 SSC 2561-62.
 - 6.2 Vernon Walters testimony, 9 SSC 3408-12.
 - 6.3 John Dean testimony, 3 SSC 946-48.
 - 6.4 Memorandum for record from Vernon Walters, June 28, 1972, SSC Exhibit No. 130, 9 SSC 3816-17.
 - 6.5 Memorandum for record from Vernon Walters, June 29, 1972, SSC Exhibit No. 131, 9 SSC 3818.

7. On June 28, 1972 John Ehrlichman met with John Dean at the White House. Ehrlichman approved Dean's contacting Herbert Kalmbach, the President's personal attorney and a Presidential campaign fundraiser, to ask Kalmbach to raise funds for the Watergate defendants. Kalmbach flew to Washington during the night of June 28, 1972, and the following morning Dean met Kalmbach and asked Kalmbach to raise and distribute such funds. Dean indicated that Kalmbach should raise from \$50,000 to \$100,000, and Kalmbach accepted this assignment. Kalmbach has testified that he acted in the belief that these payments were necessary to discharge a moral obligation that had arisen in some manner unknown to him by reason of earlier events.

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- 7.1 John Ehrlichman log, June 28, 1972 (received from SSC).
 - 7.2 John Ehrlichman testimony, 6 SSC 2566-69.
 - 7.3 John Dean testimony, Watergate Grand Jury, November 19, 1973, 93, 102-03 (received from Watergate Grand Jury).
 - 7.4 John Dean testimony, 3 SSC 950.
 - 7.5 Herbert Kalmbach testimony, 5 SSC 2097-98.

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

8.1 Jeb Magruder testimony, 2 SSC 801-02.

8.2 Herbert Porter testimony, 2 SSC 635-36, 645, 649, 678.

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

- 9.1 Herbert Kalmbach testimony, 5 SSC 2099-2102.
- 9.2 Maurice Stans testimony, 2 SSC 702-03.
- 9.3 Anthony Ulasewicz testimony, 6 SSC 2220-21.

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

10.1 Fred LaRue testimony, 6 SSC 2289-90.

10.2 Herbert Kalmbach testimony, 5 SSC 2097-99.

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

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- 11.1 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 88-92, 127-28 (received from Watergate Grand Jury).
 - 11.2 John Ehrlichman testimony, 6 SSC 2608.
 - 11.3 John Ehrlichman testimony, 7 SSC 2848-49.
 - 11.4 President Nixon statement, August 15, 1973, 9 Presidential Documents 993.
 - 11.5 President Nixon news conference, November 17, 1973, 9 Presidential Documents 1347.
 - 11.6 President Nixon statement, May 22, 1973, 9 Presidential Documents 693, 696.

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

12.1 H. R. Haldeman testimony, 8 SSC 3046-47.

12.2 John Dean testimony, 3 SSC 969.

12.1 John Mitchell testimony, 3 SSC 3046.

12.2 John Mitchell testimony, 3 SSC 3047.

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

13.1 John Mitchell testimony, 5 SSC 1926.

13.2 John Mitchell testimony, 4 SSC 1625-26.

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

14.1 Herbert Kalmbach testimony, 5 SSC 2103-04.

14.2 Anthony Ulasewicz testimony, 6 SSC 2222-27, 2256-57.

14.3 Howard Hunt testimony, SSC Executive Session, June 11, 1973, 51-52.

15. In mid-July 1972, upon instructions from Kalmbach, Ulasewicz delivered \$40,000 to Howard Hunt's wife for the benefit of the Watergate defendants and \$8,000 to Gordon Liddy by sealing these monies in unmarked envelopes and placing them in lockers at Washington National Airport. These payments were made from the funds Kalmbach previously had obtained from Stans and delivered to Ulasewicz. In the usual situation in making such deliveries to Mrs. Hunt, Ulasewicz informed Kalmbach of the amount requested, and Kalmbach in turn discussed the amount with Dean or LaRue, and then instructed Ulasewicz to make the delivery in a specified amount.

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- 15.1 Anthony Ulasewicz testimony, 6 SSC 2227, 2231-36.
 - 15.2 Herbert Kalmbach testimony, 5 SSC 2102, 2140-42.
 - 15.3 Memorandum from Dorothy Hunt to William O. Bittman, October 2, 1972 (received from SSC).

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

16.1 Herbert Porter, SSC report of FBI 302 interview, April 18, 1973.

16.2 United States v. Porter, Information, January 14, 1974.

16.3 United States v. Porter, Docket, January 28, 1974.

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

17.1 Jeb Magruder testimony, 2 SSC 802-03.

17.2 Jeb Magruder, SSC report of FBI 302 interview, July 20, 1972 (received from SSC).

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

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- 18.1 Maurice Stans testimony, 2 SSC 701-02.
 - 18.2 Hugh Sloan testimony, 2 SSC 548.
 - 18.3 Fred LaRue testimony, 6 SSC 2290-91.
 - 18.4 Herbert Kalmbach testimony, 5 SSC 2104-05, 2108.
 - 18.5 John Dean testimony, 3 SSC 950-51.

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

1.1 Fred LaRue testimony, 6 SSC 2286-89, 2309.

1.2 Robert Mardian testimony, 6 SSC 2357-59.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C. JULY 18, 19, 20, 23, 24, AND 25, 1973
Book 6



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Mr. LARUE. It would be the following Monday. It would be, I think, the 19th of June.

Mr. DASH. All right. On that Monday in the evening, did you attend a meeting in Mr. Mitchell's Washington apartment at the Watergate?

Mr. LARUE. Mr. Mitchell's apartment?

Mr. DASH. Yes.

Mr. LARUE. Yes, sir.

Mr. DASH. Who was at this meeting?

Mr. LARUE. Mr. Mitchell was at the meeting, I was at the meeting, Mr. Mardian came to the meeting, Mr. Dean, and Mr. Magruder.

Mr. DASH. Now, could you tell us generally what the meeting was about and what discussion took place?

Mr. LARUE. Mr. Dash, I have no specific recollection of any of the discussions other than I would assume, and I am sure from the participants, that the discussion centered on the Watergate incident. The only specific incident that I recall was a discussion by Magruder of some sensitive files which he had, about my understanding relating to this incident, and that he was seeking advice about what to do about those files.

Mr. DASH. Now, did the term or the name "Gemstone" used at that time? Did he refer to it?

Mr. LARUE. If it was used, I do not recall it, no sir. It would not have meant anything to me, anyway.

Mr. DASH. Had you ever heard of that term "Gemstone"?

Mr. LARUE. Not at that time, no sir.

Mr. DASH. Is there a possibility it was used at that time?

Mr. LARUE. There is a possibility, but as I say, it would not have meant anything to me.

Mr. DASH. You say Mr. Magruder asked what he should do about these sensitive files?

Mr. LARUE. Yes, sir.

Mr. DASH. Did he get a response to that?

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

Mr. DASH. Who said that?

Mr. LARUE. As near as I can recall, Mr. Mitchell said that.

Mr. DASH. That it might be a good idea if he had a good fire in his house?

Mr. LARUE. Yes.

Mr. DASH. Do you recall in any discussion of the politically sensitive files that the information they involved was electronic surveillance?

Mr. LARUE. As I recall, there was a reference to files pertaining to electronic surveillance, yes, sir.

Mr. DASH. Is it true that at this meeting on June 19, 1972, where a discussion was had about these files and the recommendations that it would be good if Mr. Magruder had a good fire in his house, was one of the overt acts which is included in the information, the conspiracy of information to which you pleaded guilty, the June 19 meeting?

Mr. LARUE. Yes, sir; that is true.

Mr. DASH. Now, was there a meeting in your apartment on June 20, 1972?

Mr. LARUE. Yes, sir.

Mr. DASH. Could you tell us who was there?

Mr. LARUE. Mr. Mardian, Mr. Liddy and myself.

Mr. DASH. And what was discussed at that time? This is Mr. Gordon Liddy?

Mr. LARUE. Yes, that is correct.

This discussion centered around Mr. Liddy's knowledge and involvement in the break-in.

Mr. DASH. You say centered around his involvement. Could you be a little more specific? What did Mr. Liddy say? Was he there to tell you what had occurred?

Mr. LARUE. I don't know that he was there for that purpose, but this is what evolved.

Mr. DASH. Who set up the meeting?

Mr. LARUE. Mr. Mardian set up the meeting.

Mr. DASH. What did you understand, since it was in your apartment, that the meeting was to be about?

Mr. LARUE. My presence in the meeting occurred in this manner: Mr. Mardian came to me on that day and wanted to know if he could borrow my, use my apartment, that he had a meeting set up with Gordon Liddy. I told him that would be fine. I gave him the keys to my apartment, and I think at that time, he said, you might as well join me.

Mr. DASH. Where, by the way, is your apartment located?

Mr. LARUE. At that time, I was in Watergate West.

Mr. DASH. Now, you knew that, especially from what Mr. Magruder had told you on his telephone call with Mr. Liddy, that Mr. Liddy had been one of those who was involved in the break-in?

Mr. LARUE. No, Mr. Dash, I do not think that was discussed at that time.

Mr. DASH. Well, you said that Mr. Magruder went back and said there was trouble, there was a break-in, that that was the day they were going to go into Democratic national headquarters when Mr. Liddy was on the phone. When Mr. Magruder came back, didn't you say that Mr. Liddy had told Mr. Magruder about the break-in?

Mr. LARUE. Yes; but I don't think that at that time, Mr. Liddy had indicated any involvement of himself at that operation.

Mr. DASH. Did he mention Mr. McCord?

Mr. LARUE. He did mention Mr. McCord, yes, sir.

Mr. DASH. At that time, did he mention himself at your apartment on June 20?

Mr. LARUE. Yes, sir.

Mr. DASH. Could you tell us what he did say about his involvement?

Mr. LARUE. Mr. Liddy told us that he had recruited the five people that had been caught in the Democratic National Committee, that he had, he and Mr. Hunt had set up this operation. that he and Mr. Hunt were at a hotel room at the Watergate Hotel during the actual break-in. He described the listening post that they had across the street at the Howard Johnson's.

Mr. DASH. By the way, did he tell you about any other activity he had been engaged in for intelligence purposes or covert activities besides the break-in at the Watergate?

Mr. LARUE. Yes, he did.

Mr. DASH. Could you tell us what they did?

Mr. LARUE. Mr. Liddy mentioned that he had on other occasions been involved in incidents or operations for the White House, and he specifically mentioned the attempted burglary of the office of the psychiatrist of Mr. Ellsberg. He specifically mentioned another incident in which Mr. Hunt used a disguise, I think—this was in Denver, Colo., when Mrs. Dita Beard was in the hospital. Mr. Hunt used a disguise to surreptitiously enter the room and have a conversation with Mrs. Beard.

Mr. DASH. Do you recall any other incidents that he talked about?

Mr. LARUE. I don't recall any, no, sir.

Mr. DASH. Do you recall Mr. Liddy telling you or Mr. Mardian about his shooting out the lights around the McGovern headquarters?

Mr. LARUE. Yes, I do recall that.

Mr. DASH. That was during an unsuccessful attempt to break into McGovern headquarters?

Mr. LARUE. An unsuccessful attempt. He had shot out some lights, I think in an alley or someplace around McGovern headquarters.

Mr. DASH. Do you recall Mr. Liddy discussing at that time whether or not there was any possibility he might get caught or might get found out?

Mr. LARUE. Mr. Liddy assured us that he had conducted this operation in such a manner that it could not be traced to him, that we should not have any fears that any subsequent investigation would lead to him.

Mr. DASH. Nevertheless, did Mr. Liddy offer any type of punishment that he would be willing to accept for his failure in this case?

Mr. LARUE. Yes; Mr. Liddy assured us that in any event, he would never reveal any information about this in the course of any investigation, even if it led to him, but if we were not satisfied with that assurance, that though he was, I think, personally or morally opposed to suicide, that if we would instruct him to be on any street corner at any time, he would be there and we could have him assassinated.

Mr. DASH. In other words, he was willing to be rubbed out?

Mr. LARUE. Yes, sir.

Mr. DASH. I take it nobody took him up on his offer?

Mr. LARUE. Not that I know of, no, sir.

Mr. DASH. Now, the meeting was between you, Mardian, and Mr. Liddy in your apartment?

Mr. LARUE. Yes, sir.

Mr. DASH. Now, it was this meeting that you had with Mr. Liddy in which these revelations came from Mr. Liddy. Was this information reported to Mr. Mitchell?

Mr. LARUE. Yes, it was.

Mr. DASH. Do you recall when it was, by whom?

Mr. LARUE. The best of my recollection would be the same day, the afternoon or late evening of June 20.

Mr. DASH. What was Mr. Mitchell's reaction when he heard what you had to say?

Mr. LARUE. Well, he was—Mr. Mitchell is not a person that demonstrates a great deal of emotion about anything. Mr. Dash, I don't recall any specific reaction.

Mr. DASH. Now, did Mr. Liddy tell you who had approved the operation when he was telling you about the break-in at the Democratic National Committee headquarters, or any of the other activities?

Mr. LARUE. No; not to my recollection, no, sir.

Mr. DASH. Did he not tell you that he was acting on the approval of the White House or Mr. Mitchell?

Mr. LARUE. Mr. Dash, I don't recall a discussion of that nature, no, sir.

Mr. DASH. Now, when was the subject of fundraising for the Watergate defendants first brought up in your presence or mentioned to you?

Mr. LARUE. Mr. Dash, I am sorry, but I don't have any specific recollection or dates regarding the initial discussions on fundraising.

Mr. DASH. I am not trying to pin you down to any particular date. Was it around this time? Was it around the time that you had the meeting with Mr. Liddy?

Mr. LARUE. Yes; I would say that it was in this time period. To the best of my recollection, at the Liddy meeting, he indicated that certain commitments had been made to him and subsequently passed by him to the other people involved, that certain commitments had been made regarding the maintenance or expenses for the maintenance of their families, legal expenses.

Mr. DASH. Did he tell you who had made these commitments?

Mr. LARUE. No sir, he did not.

Mr. DASH. But that he expected that there would be payments made for the boys in jail, is that right?

Mr. LARUE. Yes, sir.

Mr. DASH. Now, what was your role to be in this respect at this time?

Mr. LARUE. My role in what, I am sorry?

Mr. DASH. What was your role in providing funds or the payment for the defendants?

Mr. LARUE. At this time?

Mr. DASH. At this time.

Mr. LARUE. I didn't have any role, Mr. Dash.

Mr. DASH. Did there come a time when you had a role with Mr. Kalmbach?

Mr. LARUE. Yes, sir.

Mr. DASH. Will you tell us about that. When did you first learn that Mr. Kalmbach was going to be involved and what role you were going to have with regard to his activities?

Mr. LARUE. My best recollection of that, Mr. Dash, was that I received a phone call from Mr. Kalmbach to meet him at the Statler-Hilton Hotel, that date was the latter part of June, June 28, June 29.

Mr. DASH. And you did meet with him?

Mr. LARUE. Yes, sir.

Mr. DASH. Could you tell us what happened at that meeting?

Mr. LARUE. I met with Mr. Kalmbach, the nature of that discussion, as I recall, Mr. Kalmbach stated that he had undertaken an assignment to raise money to meet the commitments that had been made to the Watergate defendants. Our discussion centered on a method or a way that contact could be made with the defendants and in which the amount of money could be discussed or be determined.

Mr. Kalmbach indicated that he had a person who was very discreet, very reliable that could be used for this purpose. We discussed—

Mr. LARUE. Senator, I stand on the fact that I do not know who made these commitments, no, sir.

Senator TALMADGE. But you thought they ought to be carried out regardless of who made them and under what conditions?

Mr. LARUE. I thought that what?

Senator TALMADGE. You thought they ought to be carried out regardless of who made them and totally unknown to you?

Mr. LARUE. I thought they ought to be carried out because of the consequences if they were not.

Senator TALMADGE. Did you know anything about the break-in prior thereto?

Mr. LARUE. Pardon me, I am sorry.

Senator TALMADGE. Did you know the break-in was planned prior to that time? Did you know that Liddy and his associates were going to break into the Watergate and commit burglary?

Mr. LARUE. No, sir.

Senator TALMADGE. You did not?

Mr. LARUE. No, sir, I did not.

Senator TALMADGE. Did Mr. Mitchell know?

Mr. LARUE. Not to my knowledge, no, sir.

Senator TALMADGE. I believe you met with Mr. Liddy on June 20.

Mr. LARUE. Yes, sir.

Senator TALMADGE. And you discussed various things. Did Mr. Liddy tell you at that time that he had shredded a number of documents?

Mr. LARUE. Yes, sir.

Senator TALMADGE. Did he tell you the nature of those documents?

Mr. LARUE. He indicated that they were documents relating to the break-in, yes, sir.

Senator TALMADGE. And they were in the files of the Committee To Re-Elect the President?

Mr. LARUE. They were in—my understanding is they were in his files, yes, sir.

Senator TALMADGE. Now, I believe Mr. Mardian was present at that same conversation, was he not?

Mr. LARUE. Yes, sir.

Senator TALMADGE. What was his reaction to this Liddy story that—

Mr. LARUE. What was Mr. Mardian's reaction?

Senator TALMADGE. Yes.

Mr. LARUE. I think Mr. Mardian was—shared the same opinion I did. He was rather shocked by the revelations of what had been known, became known as the White House horrors, and I do not think he shared any enthusiasm that the investigation would eventually lead to Mr. Liddy.

Senator TALMADGE. Did Mr. Liddy tell you at that time about the Ellsberg psychiatrist break-in?

Mr. LARUE. Yes, sir.

Senator TALMADGE. Now, had not Mr. Mardian been in charge of the Internal Security Division of the Justice Department that was in charge of prosecuting the *Ellsberg* case?

Mr. LARUE. I do not know who was in charge of prosecuting it. Senator Mr. Mardian, prior to his coming to the committee, was assistant attorney general in charge of Internal Security, yes, sir.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973
Book 6



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Mr. MARDIAN. I think I would have recalled such a discussion had it taken place in my presence.

Mr. HAMILTON. Well, are you aware of any testimony by Mr. LaRue and Mr. Magruder that you left the meeting before destruction of the Gemstone file?

Mr. MARDIAN. I don't think anybody asked that question and I don't think anybody asked Mr. LaRue when I arrived. Maybe they did. I don't know.

Mr. HAMILTON. But you know of no statement by Magruder or LaRue here or otherwise that you were not present at this meeting when the destruction of the Gemstone file took place?

Mr. MARDIAN. Well, I haven't talked to them.

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

Mr. MARDIAN. Yes.

Mr. HAMILTON. And who else was present in this interview?

Mr. MARDIAN. Mr. Fred LaRue.

Mr. HAMILTON. Mr. LaRue testified at page 4595 that this meeting was on June 20. Do you concur in that testimony?

Mr. MARDIAN. No. And I might state that there is doubt in my mind as to the date of that meeting. I originally, in response to questions put to me by the U.S. attorneys fixed the date of that meeting as the 21st or 22d. They told me that the meeting took place on the 20th. We finally settled on the 20th or 21st, and I believe I told your committee that it was the 20th or 21st. In checking my records I would have to say that the meeting took place on the morning of—and again I could be mistaken, the morning of June 21.

Mr. HAMILTON. What is there in your records, Mr. Mardian, that indicates to you that the meeting took place on this day?

Mr. MARDIAN. On the worksheet that has been turned over to your committee, I note that I got a call from Gordon Liddy and it coincides with my earliest recollection that I did not meet with Mr. Liddy at least on the first day of my return. I am not saying that that is absolute, I am just—my earliest recollection was the 21st or 22d, and I think I have testified that it could be the 20th or 21st but I would have to say that it was the 21st.

Mr. HAMILTON. Is it your recollection that this meeting with Mr. Liddy took place on the morning of the 21st?

Mr. MARDIAN. This is purely a surmise based upon that call. It looks to be the first call that I noted, and my recollection is he said he was leaving that day for Los Angeles.

Mr. HAMILTON. I notice in your diary that there are numerous meetings scheduled on June 21st, one at 8; one at 8:30; one at 9:30; one at 10; one at 11; and one at 12, that appears to have been canceled. Would this heavy load on the morning of the 21st suggest to you that perhaps the meeting took place on the 20th?

Mr. MARDIAN. That crossmark does not indicate a cancellation. I think you will find that crossmark on every Monday, Wednesday, and Friday, which was the time I was supposed to exercise, which I did not.

I note that the meeting—there is one, for instance, with a gentleman at 8:30 and then another one at 10 o'clock. I do not think I met with that gentleman twice on that day. One appears to be a reschedul-

ing, and the fact that I have it noted in my book does not mean that I kept the appointment.

I am trying to give you the best, my best recollection.

Mr. HAMILTON. How did this meeting come about, Mr. Mardian?

Mr. MARDIAN. Well, my recollection differs with that of Mr. LaRue. Again, Mr. LaRue could be right. My recollection was that Mr. LaRue told me Mr. Liddy wanted to talk to me. I do not recall whether it was Mr. LaRue that told me this or Mr. Liddy to come to my office. Mr. Liddy was reluctant to come to my office. He wanted to meet some place else, and we met in Mr. LaRue's apartment. I believe that, more than anything else, was the basis for my belief that it was Mr. LaRue that arranged for the meeting and indicated we could meet in his apartment.

Mr. HAMILTON. Mr. Mardian, I wondered in your own words if you would, in some detail, tell us what occurred at this meeting and tell us what information Mr. Liddy imparted to you?

Mr. MARDIAN. My recollection is pretty vivid. I may forget some of the items that he disclosed to me, but I will try not to.

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

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

And again, I am going to have to say that I do not recall the sequence of events in which he related these things to me. But I do recall that he said that he wanted to hire me as his lawyer, as his personal attorney. I told him that I was acting as attorney for the committee and that I could not relieve myself of that responsibility to represent him. He then said it was imperative that he be able to talk to me in confidence and that under no circumstances could I disclose what he told me.

I told him that since he was an employee of the committee and I was acting as attorney for the committee, he could talk to me as a client to a lawyer and that I would maintain his confidence, but that I would have to be at liberty to disclose what he told me to Mr. Mitchell. At first, I believe he demurred, and I told him that was the only basis on which I could talk to him.

One of the things that he told me was that he had a message from Mr. Hunt, that Mr. Hunt felt that it was the committee's obligation to provide bail money to get his men out of jail. At that time, these people were incarcerated in the District of Columbia Jail.

I was interested in finding out what had occurred and I interrogated him as to the events of the evening of January 16—June 16, the morning of the 17th. And he related to me what had occurred about the break-in, told me that they had planned, as I recall, to break into the McGovern headquarters that same night.

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

I told him that, based upon what he had related to me, the events of that evening, one of which included, as I recall, his sitting on the shoulders of one of the men at a distance—I don't recall, some 300 feet or 300 yards—shooting out a light behind the Democratic Committee headquarters. I pointed out to him that a person that he was that intimate with would certainly be able to identify him, pointed out that he had spent, that he had told us he had spent some time in the room with these people in their hotel room, they had eaten, that his fingerprints would be all over the place. He kept insisting that there was no chance that he would be identified.

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

He discounted this possibility. He did, after some discussion, indicate that it was possible that he could be arrested, but I inquired of him as to the—because of the news accounts of the arrest and the apparent bungled effort, the possibility that someone in the group had had it in mind that they would be arrested, to embarrass the Committee To Re-Elect the President. He discounted this completely by saying that this group had been operating together for some considerable period of time, that they were all real pros, that they had engaged in numerous jobs. And when I asked him what kind of jobs, he said, we pulled two right under your nose.

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

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

I asked him because of the Ellsberg break-in what, if anything, they had obtained? He told me that they had obtained nothing, that they had searched all the files and couldn't find his record.

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

I made some notes of—oh, I asked him what information they had obtained. He told me that the purpose of making this entry, that this entry was not of his doing, that neither he nor Mr. Hunt thought it was a good idea, that they had obtained nothing from the bug that they had previously implanted in the place. He told me that the only thing they had ascertained from that bug was the fact that somebody at the Democratic National Committee was talking to somebody at the—was talking to the people or a person at the Committee To Re-

2. Later that day (or, according to Mitchell, the day following) Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including the details of the DNC break-in, the involvement of Magruder and Liddy in the DNC break-in, Liddy's and Hunt's prior surreptitious entry into the office of Daniel Ellsberg's psychiatrist, and Hunt's earlier activities involving Dita Beard. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

2.1 Fred LaRue testimony, 6 SSC 2288.

2.2 Robert Mardian testimony, 6 SSC 2363.

2.3 John Mitchell testimony, 4 SSC 1621-22, 1628, 1643-44, 1660.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
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UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
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Mr. LARUE. Mr. Liddy mentioned that he had on other occasions been involved in incidents or operations for the White House, and he specifically mentioned the attempted burglary of the office of the psychiatrist of Mr. Ellsberg. He specifically mentioned another incident in which Mr. Hunt used a disguise. I think—this was in Denver, Colo., when Mrs. Dita Beard was in the hospital. Mr. Hunt used a disguise to surreptitiously enter the room and have a conversation with Mrs. Beard.

Mr. DASH. Do you recall any other incidents that he talked about?

Mr. LARUE. I don't recall any, no, sir.

Mr. DASH. Do you recall Mr. Liddy telling you or Mr. Mardian about his shooting out the lights around the McGovern headquarters?

Mr. LARUE. Yes, I do recall that.

Mr. DASH. That was during an unsuccessful attempt to break into McGovern headquarters?

Mr. LARUE. An unsuccessful attempt. He had shot out some lights, I think in an alley or someplace around McGovern headquarters.

Mr. DASH. Do you recall Mr. Liddy discussing at that time whether or not there was any possibility he might get caught or might get found out?

Mr. LARUE. Mr. Liddy assured us that he had conducted this operation in such a manner that it could not be traced to him, that we should not have any fears that any subsequent investigation would lead to him.

Mr. DASH. Nevertheless, did Mr. Liddy offer any type of punishment that he would be willing to accept for his failure in this case?

Mr. LARUE. Yes; Mr. Liddy assured us that in any event, he would never reveal any information about this in the course of any investigation, even if it led to him, but if we were not satisfied with that assurance, that though he was, I think, personally or morally opposed to suicide, that if we would instruct him to be on any street corner at any time, he would be there and we could have him assassinated.

Mr. DASH. In other words, he was willing to be rubbed out?

Mr. LARUE. Yes, sir.

Mr. DASH. I take it nobody took him up on his offer?

Mr. LARUE. Not that I know of, no, sir.

Mr. DASH. Now, the meeting was between you, Mardian, and Mr. Liddy in your apartment?

Mr. LARUE. Yes, sir.

Mr. DASH. Now, it was this meeting that you had with Mr. Liddy in which these revelations came from Mr. Liddy. Was this information reported to Mr. Mitchell?

Mr. LARUE. Yes, it was.

Mr. DASH. Do you recall when it was, by whom?

Mr. LARUE. The best of my recollection would be the same day, the afternoon or late evening of June 20.

Mr. DASH. What was Mr. Mitchell's reaction when he heard what you had to say?

Mr. LARUE. Well, he was—Mr. Mitchell is not a person that demonstrates a great deal of emotion about anything, Mr. Dash. I don't recall any specific reaction.

Mr. DASH. Now, did Mr. Liddy tell you who had approved the operation when he was telling you about the break-in at the Democratic National Committee headquarters, or any of the other activities?

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
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Mr. HAMILTON. When you spoke to Mr. Mitchell did you transmit this request for bail money to Mr. Mitchell?

Mr. MARDIAN. Included among all of the other matters that I related.

Mr. HAMILTON. More specifically, in regard to the bail money, what was Mr. Mitchell's reaction?

Mr. MARDIAN. Mr. Mitchell told me that under no circumstances would bail money be forthcoming, and for me to call Mr. Liddy and tell him. And I did so.

Mr. HAMILTON. Will you tell us the rest of your conversation with Mr. Mitchell? I don't want you to repeat everything that you told Mr. Liddy, but I would like to know what Mr. Mitchell said to you.

Mr. MARDIAN. I can't recall—oh, he asked me if Mr. Liddy—I might say that Mr. Mitchell appeared to be as sincerely shocked as I was when I got this information. He asked me if Mr. Liddy had disclosed any other of the activities of this group that had been arrested, Mr. Hunt and himself, and I told him that he had not, he had not disclosed any others to me.

Mr. HAMILTON. Did Mr. Mitchell confirm or deny that he had approved the budget for Mr. Liddy's operation?

Mr. MARDIAN. I don't think he did.

Mr. HAMILTON. He made no comment in any way as to whether or not he had approved the budget?

Mr. MARDIAN. Not at that time. That discussion took place later.

Mr. HAMILTON. A discussion on whether he had approved the budget took place later?

Mr. MARDIAN. Well, the discussion didn't start out in that vein. It took place when I confronted Mr. Magruder. I asked Mr. Magruder in the presence of Mr. Mitchell, I believe the next day, or as soon thereafter as I could, how much money he had given Mr. Liddy in addition, I forget the general nature of the entire conversation, I asked him whether he directed Mr. Liddy to go in there. He denied it. I asked him how much money he had given Mr. Liddy. He said he had authorized Mr. Sloan to give Mr. Liddy \$40,000. I asked him what he thought the \$40,000 was for. It seemed to me a sizable sum of money. Mr. Mitchell expressed the same concern and wanted to know, you know, how he could have spent \$40,000 already because the campaign had just started.

Mr. Magruder lied to Mr. Mitchell that he had authorized \$250,000, and this seemed but a very small part of that sum. That is how the \$250,000 budget matter came up.

Mr. HAMILTON. At some occasion during that week wasn't there a discussion between Mr. Magruder and Mr. Sloan as to the actual amount that had been approved?

Mr. MARDIAN. I was not—I don't recall being present at that discussion other than the—it has been testified that I confronted the two of them in Mr. Mitchell's presence, that may very well have occurred. I don't have a present recollection. But after talking with Mr. Magruder I then interrogated Mr. Sloan. Mr. Sloan told me that he had been authorized by Mr. Magruder to disburse in the neighborhood of \$200,000 which shocked me even further. I asked him if he was sure of the amount. He said he had not calculated the exact amount but that it was his opinion that it was in the neighborhood of \$200,000 that he had already disbursed.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
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Mr. DASH. All right, now, Mr. Mitchell, where and when did you first learn of the break-in of the Democratic National Committee headquarters that took place on June 17, 1972?

Mr. MITCHELL. Well, I was in California for the weekend on an extensive round of activities and, to the best of my recollection, Mr. Dash, it was on Saturday morning. I am not sure who the individual was who told me. We were, I was, moving with Governor Reagan from a hotel to a place where there was a series of political meetings, to the best of my recollection, when I arrived there I was advised of it. There was considerable concern about the matter because I was holding a press conference out there, and we did not know what the circumstances were. I believe that by that time that they had—Mr. McCord, his name had surfaced or Mrs. McCord had called somebody at the committee about it, and obviously, there was an involvement in the Committee To Re-Elect the President.

Mr. DASH. What, if anything, did you do, while still in California?

Mr. MITCHELL. While in California? I did a number of things. First of all, I continued to carry out the schedule that I had there which was quite extensive for 2 days. I asked the people, particularly Mr. Mardian who was there, to get as much information about it as he could. I put out a statement to the effect that, I do not know whether it went out there or after we came back, to the effect that we did not understand this, that Mr. McCord was one of our employees, he also had a separate consulting firm, that it was basically an attempt to carry on the extensive schedule that I had which, of course, is in the book that you are well aware about and, at the same time, trying to get information as to what had happened back in the District of Columbia.

Mr. DASH. At that time, out in California, did it ever cross your mind when you read about this that perhaps the Liddy plan had been put in operation?

Mr. MITCHELL. Well, that had crossed my mind but the players were different and, of course, there was a lot of discussion about CIA and because of the Cuban Americans who were involved in it. It wasn't until actually later on that it struck home to me that this could have been the same operation that had a genesis back in the earlier conversation.

Mr. DASH. Well then, after you returned from California, and I understand that was on June 19, 1972.

Mr. MITCHELL. Yes, sir, it was.

Mr. DASH. When and how were you briefed as to what actually happened in this matter?

Mr. MITCHELL. Well, how was I briefed as to what actually happened?

Mr. DASH. Yes.

Mr. MITCHELL. Well, that is such a broad statement that I could tell you for the next 6 months I was being briefed on it.

Mr. DASH. I mean, let's take the—

Mr. MITCHELL. Excuse me, Mr. Dash, you are asking the questions.

Mr. DASH. That is all right. I think you were about ready to give me a shorter answer than a longer answer.

Mr. MITCHELL. Well, I was giving you a shorter answer to the fact that the first so-called briefing on what had happened, and you used the word "actually" which I will have to omit from that for the time

being because I have never quite got to the bottom of it, was after Mr. Mardian and Mr. LaRue had met with Mr. Liddy and Mr. Liddy provided them with quite an extensive story on Mr. Liddy's activities.

Mr. DASH. Will you tell us briefly what that extensive story included?

Mr. MITCHELL. Well, it included the fact that he was involved with other individuals in the Watergate activity, that he had also made surveillance of McGovern headquarters, I believe it was, and that he had previously, as part of what has since become known as the Plumbers group, acted extensively in certain areas while he was at the White House in connection with the Ellsberg matter, in the Dita Beard matter and a few of the other little gems.

Mr. DASH. When you say the Ellsberg matter what specifically are you referring to?

Mr. MITCHELL. Well, I am referring to, well, it certainly wasn't the prosecution.

Mr. DASH. No.

Mr. MITCHELL. Obviously it had to do with the surreptitious entry of the doctor's office in California.

Mr. DASH. And when you refer to the Dita Beard matter what specifically did you learn through Mr. LaRue and Mr. Mardian?

Mr. MITCHELL. Well, if my recollection is correct he was assisting in spiriting her out of wherever they spirited her out of, either New York or Washington.

Mr. DASH. Was there a meeting in your apartment on the evening that you arrived in Washington on June 19, attended by Mr. LaRue, Mr. Mardian, Mr. Dean, Mr. Magruder—

Mr. MITCHELL. Magruder and myself, that is correct.

Mr. DASH. Do you recall the purpose of that meeting, the discussion that took place there?

Mr. MITCHELL. I recall that we had been traveling all day and, of course, we had very little information about what the current status was of the entry of the Democratic National Committee, and we met at the apartment to discuss it. They were, of course, clamoring for a response from the committee because of Mr. McCord's involvement, et cetera, and we had quite a general discussion of the subject matter.

Mr. DASH. Do you recall any discussion of the so-called either Gemstone files or wiretapping files that you had in your possession?

Mr. MITCHELL. No: I had not heard of the Gemstone files as of that meeting and, as of that date, I had not heard that anybody there at that particular meeting knew of the wiretapping aspects of that or had any connection with it.

Mr. DASH. Did either you or anybody in your presence at that meeting discuss Mr. Liddy having a good fire at his house?

Mr. MITCHELL. Not in my recollection was there any discussion of destruction of documents at that meeting.

Mr. DASH. You are aware of the testimony of Mr. Magruder that he did get the idea to destroy the documents and he did in fact burn the Gemstone documents?

Mr. MITCHELL. I am aware of his testimony and I think his testimony was one of these general things "It was decided that" or something to that effect but, to my recollection, there was no such discussion of it.

I know the individual, I know his reactions to things, and I have a very strong feeling that during the period of time in which I was in association with him and did talk to him on the telephone, that I just do not believe that he had that information or had that knowledge; otherwise, I think the type of conversations we had would have brought it out.

Mr. DASH. Generally, is it fair to say that much of your opinion that you express is based on your faith in the President and your knowledge of the man, rather than any specific statement the President made to you or that you made to the President?

Mr. MITCHELL. Well, I subscribe to the first two. I do have faith in the President and I do think I have knowledge of the man and I do think there were enough discussions in the area, in the general area, to the point where I think the general subject matter would have come out if the President had had knowledge.

Mr. DASH. Well, now, Mr. Mitchell, you did become aware, as you have indicated, somewhere around June 21 or 22, when you were briefed or debriefed by Mr. LaRue and Mr. Mardian about the so-called—as you described it, the White House horrors of the Liddy operation and the break-in. Did you, yourself, as the President's adviser and counselor, tell the President what you knew or what you learned?

Mr. MITCHELL. No, sir, I did not.

Mr. DASH. Why didn't you?

Mr. MITCHELL. Because I did not believe that it was appropriate for him to have that type of knowledge, because I knew the actions that he would take and it would be most detrimental to his political campaign.

Mr. DASH. Could it have been actually helpful or healthy, do you think?

Mr. MITCHELL. That was not my opinion at the particular time. He was not involved; it wasn't a question of deceiving the public as far as Richard Nixon was concerned, and it was the other people that were involved in connection with these activities, both in the White House horrors and the Watergate. I believed at that particular time, and maybe in retrospect, I was wrong, but it occurred to me that the best thing to do was just to keep the lid on through the election.

Mr. DASH. Then it is your testimony that you in fact did not say anything to the President at that time—

Mr. MITCHELL. No, sir, I did not.

Mr. DASH. So whether the President had any knowledge of it, it certainly couldn't have come from his lack of knowledge or knowledge, from any statement that you made to him?

Mr. MITCHELL. That is correct, Mr. Dash.

Mr. DASH. Now, were you aware of the fact that actually prior to Magruder's testimony, Mr. Dean rehearsed Mr. Magruder for his testimony before the grand jury?

Mr. MITCHELL. I do not recall that. Mr. Dash, if you are talking about the testimony that took place on the—

Mr. DASH. In August.

Mr. MITCHELL. In August, the second appearance.

Mr. DASH. The second appearance.

and as to what the circumstances might be vis-a-vis the incumbent who was seeking reelection.

Mr. THOMPSON. Mr. Mitchell, let me ask you about another point. Here is an excerpt from the civil deposition which you gave in the Democratic Party suit against the Committee To Re-Elect the President and I think I am quoting you verbatim in your testimony, when you were asked this question: "Was there ever any discussion at which you were present or about which you heard when you were campaign director concerning having any form of surveillance of the Democratic National Committee headquarters?"

Your answer was: "No, sir, I can't imagine a less productive activity than that."

Is that a correct—

Mr. MITCHELL. I think the total context, as I remember it, Mr. Thompson, had to do with the discussion of Mr. McCord and the security group. The answer was given in that context.

Mr. THOMPSON. But this particular question, "Was there ever any discussion at which you were present"—and of course, I assume just from reading this question that that would involve any discussion with anyone. Are you saying that it is not your understanding of it?

Mr. MITCHELL. My recollection of the testimony that I gave had to do with the so-called security group in the Committee To Re-Elect the President which discussed Mr. McCord and the security group. And the answer was in response to that, to my recollection.

Mr. THOMPSON. Of course, as it reads, as I have read it, of course, it is not an accurate response?

Mr. MITCHELL. No, I say as you read it, but I think if you will look at the total context of the questioning, it referred to the security group that involved Mr. McCord which was the subject of the conversation.

Mr. THOMPSON. Were you not asked any other broader questions about any knowledge you might have had of any surveillance activities?

Mr. MITCHELL. I was asked broader questions with respect to did I ever receive documents that I could identify as coming from electronic surveillance and broad questions like that.

Mr. THOMPSON. Do you recall any broader questions concerning conversations that you had?

Mr. MITCHELL. No, sir, I do not.

Mr. THOMPSON. Is it just a case of not having asked you the right question?

Mr. MITCHELL. I think that that is the case.

Mr. THOMPSON. Let me refer to June 19 or 20. I am not quite sure when it was, Mr. Mitchell. As I understand it, Mardian and LaRue debriefed Liddy and found out what he knew about the break-in, his involvement, and the involvement of others. And at that time, he related to them some of the White House horror stories. I believe you characterized them as, the plumbers activities and so forth. I will go back to that in a minute, but as I understand your testimony this morning, the knowledge you got from that debriefing was really the reason why you, in effect, stood by while Mr. Magruder was preparing a story which, according to what you knew from Liddy, was going to be a false story, to present to the grand jury.

Mr. MITCHELL. Along, Mr. Thompson, with some of the other stories that Mr. Dean brought forward to him, the Diem papers and the suspected extracurricular wiretapping, and a few of the others.

Mr. THOMPSON. OK. That caused you to take that position with regard to Magruder. And also, I assume that those factors were the reasons why you, in effect, acquiesced, anyway, in the payments to the families of support money and lawyers' fees and that sort of thing, which I am sure you realize could have been pretty embarrassing, to say the least, if not illegal, at that time. Would that be correct as far as your motivations are concerned?

Mr. MITCHELL. That is a correct summary of my motivation and rationale for the actions that I did take.

Mr. THOMPSON. Do you recall the date on which Mr. Mardian and Mr. LaRue related this conversation of Liddy's to you?

Mr. MITCHELL. Well, he certainly didn't debrief them on the 19th, I am sure of that, because they were in transit. Whether it was the 20th or 21st, I am not certain.

Mr. THOMPSON. Did they talk to you the same day they talked to him?

Mr. MITCHELL. My recollection is they talked to me the next day, but I am not certain about that, either. But in any event, it was in the time frame of the 21st or 22d, to the best of my recollection.

Mr. THOMPSON. Can you recall in a little more detail what they said that Liddy had related to them? You have already mentioned the fact that Liddy said that Magruder had pushed him in the break-in at the Ellsberg psychiatrist's office. I believe, and the Dita Beard situation.

What did Liddy supposedly say with regard to the Dita Beard situation? What did he supposedly know about White House involvement?

Mr. MITCHELL. To the best of my recollection, and, of course, I have heard these horror stories in different versions from different people over the period of the years, the fact that he was either the one or assisted in spiriting her out of town, I believe was the discussion at that particular time.

Mr. THOMPSON. Did he indicate, according to them, that the budget for the electronic surveillance operation which led to the break-in of the DNC had been approved by the White House?

Mr. MITCHELL. You are testing my memory pretty hard. I am inclined to think that he did say that, but this is a--not that he said it, but that Mardian or LaRue reported to me that he had said it. But you are testing my memory pretty hard on a substance of which I have heard dozens and dozens of repetitions of it.

Mr. THOMPSON. Did you ever verify any of these facts with the President?

Mr. MITCHELL. No, sir. I never discussed them with the President.

Mr. THOMPSON. Did you ever verify any of them with Mr. Halde-
man?

Mr. MITCHELL. I never discussed those specific factors with Mr. Haldeman until a later date. It was at that time that Mr. Dean was acting as a liaison between the White House and the committee with respect to these matters.

Mr. THOMPSON. Did you ever talk directly with Ehrlichman about these matters?

it was then that Mardian hit him on the back to buck him up and I don't want to take credit for this statement that was reported by me to be made that when the going gets tough the tough get going. It was Senator Muskie who had said it just a couple of days before it happened.

Senator TALMADGE. You did not make any such statement, is that correct?

Mr. MITCHELL. I made the statement and I made it in the context—

Senator TALMADGE. You did not quote Senator Muskie as being the author thereof?

Mr. MITCHELL. I did indeed in connection with respect to the nature of the tough campaign he had and the one that we were having.

Senator TALMADGE. Were you saying that for Mr. Sloan's benefit at that particular time?

Mr. MITCHELL. I was saying it for the total people there who were in a hell of a knock-down-drag-out donnybrook over what they could not agree on.

Now, the sequence is shown by my log that after that meeting Mr. Sloan apparently went back to Mr. Stans, who had received the information about the Liddy payments the day before, I believe, on June 23, Mr. Stans called me, and Mr. Stans came up and saw me alone. There was not any Jeb Magruder and there was not any Mardian in the meeting that according to Magruder I asked Mardian to step out so that I could discuss the matter. That would be the last thing in the world I would do because Mardian was investigating the circumstances at the time.

Senator TALMADGE. Was that the first—excuse me.

Mr. MITCHELL. I am going into this because Mr. Stans' credibility with respect to his knowledge of the Watergate was quite severely impugned apparently more severely in the executive committee meeting by Magruder than it was later in public testimony.

Senator TALMADGE. Was that the first time you had knowledge of the Watergate break-in, bugging that day, that conversation?

Mr. MITCHELL. On the 24th?

Senator TALMADGE. Yes.

Mr. MITCHELL. No, my—

Senator TALMADGE. That was the first time you were debriefed on it, was it not?

Mr. MITCHELL. No, I had been debriefed, Senator, as I mentioned a little earlier, either on the 21st or 22d.

Senator TALMADGE. Did you get full details of it at that time?

Mr. MITCHELL. It was coming from Liddy who was, as I went through with Mr. Thompson, was involving Magruder and said that he got his approval in the White House and a lot of things that—

Senator TALMADGE. Did he say who authorized the approval in the White House?

Mr. MITCHELL. No, he did not. No, he did not.

Senator TALMADGE. The White House was definitely interested in the campaign, of course, was it not?

Mr. MITCHELL. The campaign what, Senator?

Senator TALMADGE. The campaign for reelection.

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

3.1 Jeb Magruder testimony, 2 SSC 800-01.

3.2 Hugh Sloan testimony, 2 SSC 543.

*magd Sloan worked for H. before
going to CRP*

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
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WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JUNE 5, 6, 7, 12, 13, AND 14, 1973

Book 2



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Mar, 1972. 199,000 given to
Tiddy by Sloan, after approval
of Tiddy plan. So I got
the rest 2 1/2 m of approval

information. We did not, of course, know what type of investigation would then be held. And we talked about types of alternative solutions.

One solution was recommended in which I was to, of course, destroy the Gemstone file. So I called my office and—

Mr. DASH. That solution came up as a result of that meeting?

Mr. MAGRUDER. Well, I think yes, it was generally concluded that that file should be immediately destroyed.

Mr. DASH. Now, as to Mr. Dean's participation, by the way, in these meetings, was Mr. Dean operating on his own, or what was your understanding of Mr. Dean's role at these meetings?

Mr. MAGRUDER. Mr. Dean was the person who had worked with us on many of these legal matters. He had brought Mr. Liddy to the meeting. He was a close associate of ours through Mr. Mitchell, and, of course, all of us knew Mr. Dean very well. And he was one person from the White House who worked with us very closely. It was very natural for Mr. Dean in this situation to be part of our meetings at this point in time because of his association and of his background.

Mr. DASH. And would he, from your understanding, be representing any White House interest at these meetings?

Mr. MAGRUDER. I think you would really have to ask Mr. Dean that question.

Mr. DASH. Now, did you instruct Mr. Reisner to destroy any other files?

Mr. MAGRUDER. As I recall, I asked Mr. Reisner to cull through my files, pull out any sensitive material that could be embarrassing to us. There was the suit that was placed against us by the Democratic National Committee that asked for immediate disclosure. As I recall, we all indicated that we should remove any documents that could be damaging, whether they related at all to the Watergate or not.

Mr. DASH. Mr. Sloan has testified before the committee, Mr. Magruder, that shortly after your return and after the break-in, that you asked him to perjure himself concerning the amount of money that Mr. Sloan had given Mr. Liddy. Could you state your own recollection of that discussion with Mr. Sloan?

Mr. MAGRUDER. Well, the first discussion—we had two meetings on Monday. The first meeting was when I determined from him that the money was our money, and we discussed that in his office. And he came up to my office, and in attempting to allay his concerns or to help him in some sense, give some advice, I think, we talked about what would he do about the money.

My understanding of the new election law indicated that he would be personally liable for cash funds that were not reported. These were not reported funds. So I indicated at that meeting that I thought he had a problem and might have to do something about it.

He said, you mean commit perjury? I said, you might have to do something like that to solve your problem and very honestly, was doing that in good faith to Mr. Sloan to assist him at that time.

Now, later we met three times, twice that week and once after he returned from his vacation. That was on the subject of how much money had been allocated to Mr. Liddy. Now, I, in thinking of about 7 months from the time we authorized the funds to the time of the November election, I thought that Mr. Liddy should have received

somewhere between \$100,000 and \$125,000, approximately. That was my guesstimate.

Mr. Porter indicated that he had distributed about \$20,000 or \$30,000 to Mr. Liddy, so I assumed that Mr. Sloan probably distributed somewhere under \$100,000.

Now, I will fully admit that I had hoped that the figure was as low as possible and we all hoped that it was low. Mr. Sloan would not tell me what the figure was. He refused to tell me the figure. He said, I cannot tell you the figure.

I said, just tell me what it is so we can work on the solution of this problem. If we do not know how much you gave Mr. Liddy, how can we determine what the money went for?

On the third meeting, he and I went out and had a couple of drinks and he still would not discuss the facts of this situation with me. I did not at that time or in any of those meetings ask him to do anything relating to money other than tell me what the figure was and that I hoped it was a low figure. And I certainly did hope it was a low figure. But I had no problem accepting a higher figure, because I thought we could work something out relating to any figure within reasonable limits.

I think the real problem was that he knew it was \$199,000 and I was aghast at that figure, because there was no way Mr. Liddy should have received that much money in that short period of time. It was only 2½ months since its approval.

Mr. DASH. Now, Mr. Magruder, you said you needed some of this information to work out a solution. Is it not true that sometime after the time you returned to Washington from California and during the months of, say, June, July, or August, that there came a time when you agreed to make up a story about how the break-in and the bugging took place and who was involved?

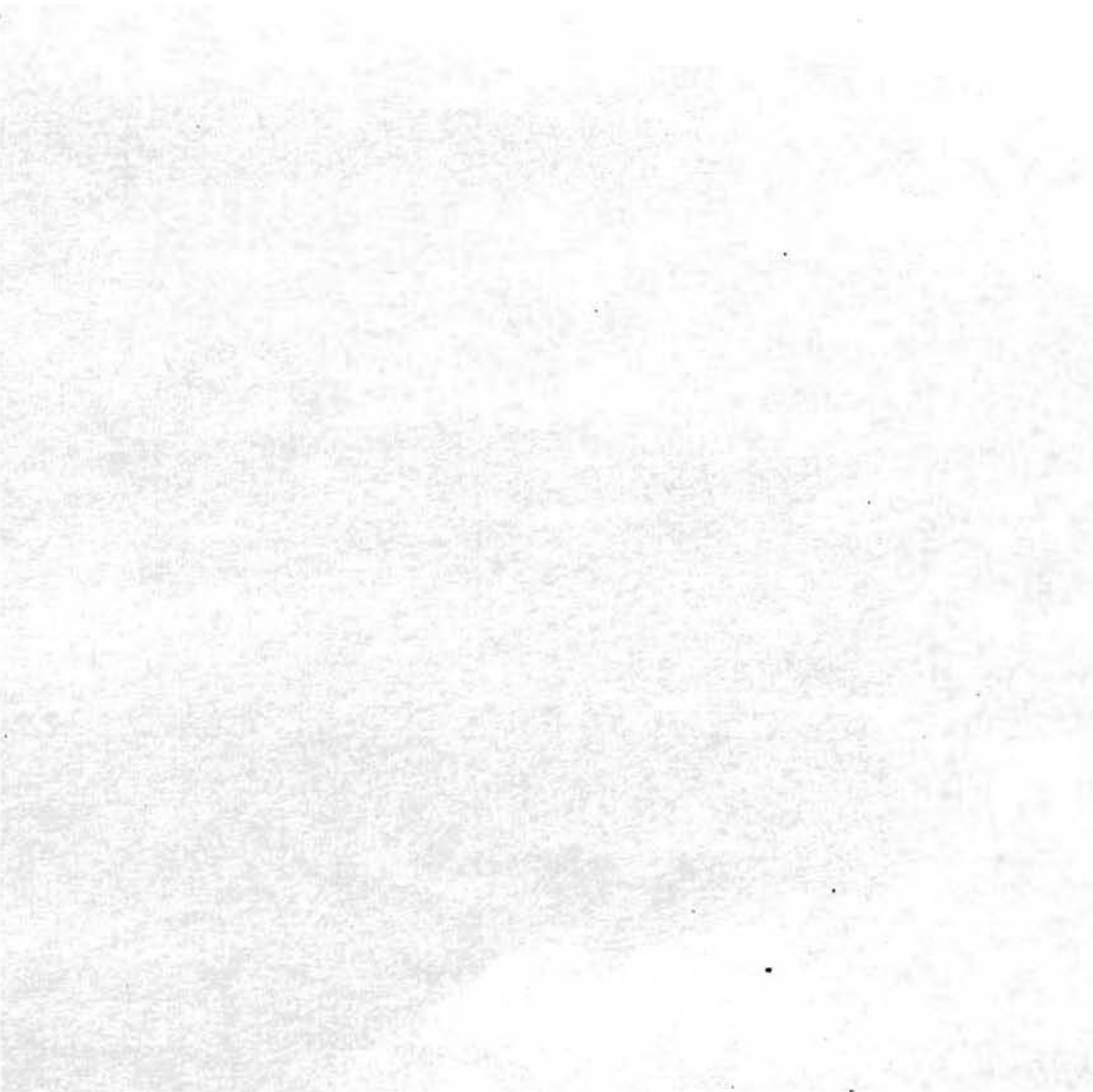
Mr. MAGRUDER. Yes, I want to state here, though, that there was never any feeling on my part, no one asked me to do anything. I personally felt that it was important to be sure that this story did not come out in its true form at that time, as I think did the other participants. So I want to make it clear that no one coerced me to do anything. I volunteered to work on the coverup story.

Mr. DASH. But on your volunteering to work on it, who participated with you without coercing you in the working up of the fabricated story?

Mr. MAGRUDER. Well, there were, from the time of the break-in to my second grand jury appearance and then actually into my third grand jury appearance in September, a series of meetings. These meetings do not appear on my calendar because they were ad hoc meetings, they were not planned meetings. They were mainly held in Mr. Mitchell's office. The main participants typically were Mr. Mitchell, Mr. LaRue, Mr. Mardian, and Mr. Dean, although many other people met in these meetings. Much of the meetings would be on subjects that were perfectly, I think, acceptable to discuss.

You know, it is very hard for me to pinpoint exactly when and how we came up with the coverup story, but it became apparent, when we found out the sums were in the \$200,000 range, that we had to come up with a very good story to justify why Mr. Liddy would have spent that amount of money on legal activities.

4.10



PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
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McCord was involved. It would have been at some point after that meeting with Mr. Liddy.

Mr. DASH. On or about June 21 or 22 did you have a conversation with Mr. Magruder?

Mr. SLOAN. Yes, sir.

Mr. DASH. Could you briefly tell the committee what that conversation was about?

Mr. SLOAN. I forget all of the circumstances surrounding it. I am not positive on the dates but to the best of my recollection, this would be the general time frame, the time period. I forget, I believe he called me to his office. He indicated to me that we are going to have to—or suggested to me a figure of what I had given to Mr. Liddy in the range of somewhere \$75,000 to \$80,000. I do not believe at that point in time I had prepared a summary of the figures so I did not know the precise amount of money that I had given to Mr. Liddy at that point. However, I did know that the sum was considerably larger than that because Mr. Magruder himself had authorized a payment for \$83,000 in one single installment.

I must have indicated to him, well, that just is not the right figure. I did not have the right figure, but that is too low. He indicated to me at that time that I said to him, he must have been insistent because I remember making to him on that occasion a statement I have no intention of perjuring myself.

Mr. DASH. What did he say to you when you said that?

Mr. SLOAN. He said you may have to.

Mr. DASH. Did you have shortly after, either on that day or any day following, a conversation with Mr. Fred LaRue?

Mr. SLOAN. Yes, sir.

Mr. DASH. Who was Fred LaRue at that time?

Mr. SLOAN. He was a special assistant to Mr. Mitchell, who was the campaign director at that time.

Mr. DASH. Could you just briefly give us the content of that conversation?

Mr. SLOAN. I believe by that point in that time there was a general awareness within the campaign that an internal investigation was going on and that Mr. LaRue was conducting it in behalf of Mr. Mitchell.

At that meeting we discussed, I believe, in general terms, and again my recollection, if the timing is right, I would not have the right figure, we were just generally discussing figures cash problems and he specifically mentioned, he asked me whether I received a \$50,000 contribution from Mr. Porter and I said I had, and he said, and this would be after April 7, he said what have you done with it? I said I have done nothing because I do not know who it is from. I am waiting for Mr. Porter to give me the information. He called in Mr. Porter and this was in the context of there is going to be an external investigation, are there any remaining problems, things that could be embarrassing? I was recounting to him there were certain funds we did not have information on, we had done nothing. He called Mr. Porter in and asked him about it and Mr. Porter said he did not know, it came through an attorney in Washington, they did not want to be known, it was an anonymous contribution.

Silbert testify before Senate. Show
mag didn't get along.

4. On the afternoon of June 23, 1972 Hugh Sloan met with John Ehrlichman at Sloan's request to discuss Sloan's cash disbursements to Liddy. Ehrlichman told Sloan that he did not wish to discuss the subject with him and suggested that Sloan get an attorney. Sloan has testified that Ehrlichman said that he would take executive privilege with respect to whatever Sloan told him until after the election. Earlier that day Sloan had spoken to Dwight Chapin, the President's appointments secretary about his "concern that there was something very wrong at the campaign committee." Chapin said that the important thing was that the President be protected.

4.1 Hugh Sloan testimony, 2 SSC 544-46.

4.2 John Ehrlichman testimony, 7 SSC 2699.

4.3 John Ehrlichman log, June 23, 1972 (received from SSC).

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I believe at that point, whether Mr. Porter was still there or not I am not sure, I had a call from my own office from Jane Dannenhauer, my secretary, which indicated there were two agents from the FBI in my office, who would appreciate the pleasure of seeing me at that point. Mr. LaRue indicated that I do not think he should go down there without seeing John Mitchell first. He said wait here, and he went down the hall to Mr. Mitchell's office. He came back and got me and I believe Mr. Mardian was in the room as well.

Mr. DASH. You said Mr. Mardian was in the room with whom?

Mr. SLOAN. With Mr. Mitchell, I entered with Mr. LaRue in Mr. Mitchell's office.

Mr. DASH. Did you have any discussion with Mr. Mitchell at that time?

Mr. SLOAN. Yes, sir.

Mr. DASH. What was that discussion?

Mr. SLOAN. I was essentially asking for guidance. The campaign literally at this point was falling apart before your eyes, nobody was coming up with any answers as to what was really going on. I had some very strong concerns about where all of this money had gone. I essentially asked for guidance, at which point he told me, "When the going gets tough, the tough get going." [Laughter.]

Mr. DASH. Did he say anything else to you?

Mr. SLOAN. Quite frankly, Mr. Dash, that is one thing that really sticks in my mind. I think I left at that point.

Mr. DASH. Did you understand what he meant by that?

Mr. SLOAN. I am not sure I did, but I understood that I was not getting any particular helpful guidance at that point. [Laughter.]

Mr. DASH. You did go downtown; and were you interviewed at that time by FBI agents?

Mr. SLOAN. Yes, sir.

Mr. DASH. And after you were interviewed by the FBI agents, did you again see Mr. LaRue that day?

Mr. SLOAN. With regard to that interview, the FBI concern at that point in time was merely the question of identity of Mr. Alfred Baldwin and none of the questions which were bothering me at that point in time came up in the questioning.

I believe Mr. LaRue came down to my office following that interview essentially to find out what I said and what matters came up.

At that point he indicated to me that, and I do not have the precise words, the sense of the meaning as it came across to me, there was very brief reference something to the effect that the Liddy money is the problem, it is very political sensitive, we can just not come out with a high figure, we are going to have to come out with a different figure. And I said, as I recall, I said if there is a problem, I cannot see that it makes any difference whether it is \$200 or \$200,000, at which point he dropped the conversation.

Mr. DASH. Well, now, Mr. Sloan, apparently, you were becoming concerned. I take it that you were concerned about your own involvement in this matter?

Mr. SLOAN. Yes, sir.

Mr. DASH. What did you do about it thereafter?

Mr. SLOAN. I believe some of these events I am describing today, or a moment ago, the Magruder-Mitchell-FBI meetings probably happened on that Thursday, the 22d, because there was a party that

evening on a boat on the Potomac, with Col. Verne Coffey, who had been the Army aide to the President—and I remember my wife picking me up that day. I assume it was probably the Magruder comment to me which by that point in the day had me, to put it mildly, rather agitated the more I thought about it.

I went to this cocktail party on this boat. I guess my mood would be essentially anger. I sought out at that party a number of people. I talked to Ken Cole, Mr. Ehrlichman's assistant on the Domestic Council, Mr. Chapin, the President's appointments secretary, and Mr. Pat Buchanan, who was a speech writer for the President. I really do not remember the depth with which I expressed my concern with the problem, but I believe I was generally expressing a concern that there was something very wrong at the campaign committee.

Mr. DASH. As a result of that concern, did you in fact have any meetings with Mr. Ehrlichman or Mr. Chapin?

Mr. SLOAN. Yes, sir; Mr. Cole indicated to me that night that I was expressing to him and to Mr. Chapin that I felt that John Ehrlichman and Bob Haldeman should be aware that there was a problem. I do not—in the case of Mr. Chapin—I do not know whether I specifically requested a meeting with Bob Haldeman. I indicated to him that Bob should have this knowledge. He asked me to come see him the next day at noon.

Ken Cole, the next day, called me at some point—I do not know whether he called me himself or somebody in his office, but that John Ehrlichman would like to see me at 2 o'clock that afternoon.

I went to the Chapin meeting. I again—there has been a year here. I do not precisely know what degree of knowledge or what conclusions I had come to at this point. But I believe probably the tone of the conversation was that there is a tremendous problem there, something has to be done.

Mr. Chapin evaluated my condition at that point as being somewhat overwrought and suggested a vacation, which in fact, I was planning to leave on the next week. It had been planned for a long time. He suggested that the important thing is that the President be protected.

In the Ehrlichman meeting—

Mr. DASH. When did that occur?

Mr. SLOAN. That happened around—I believe it was a 12 o'clock meeting on the 23d.

The Ehrlichman meeting—it would have been a Friday. In the Ehrlichman meeting at 2—I started into generally the same discussion of problems.

Mr. DASH. Mr. Sloan, when you say problems, did that include any statements by you about cash disbursements that had been made to Mr. Liddy?

Mr. SLOAN. I do not believe I at that point in time was pointing fingers. I do not believe I mentioned the Magruder remark, I do not believe I mentioned the money to Liddy or the Liddy remark. I just said I believe somebody external to the campaign has to look at this because it raised in my mind at that point possibility of the entire campaign being involved and it—

Mr. DASH. What was Mr. Ehrlichman's response?

*Warning to
E. by Sloan*

Mr. SLOAN. I believe I expressed my concern, my personal concern with regard to the money. I believe he interpreted my being there as personal fear and he indicated to me that I had a special relationship with the White House, if I needed help getting a lawyer, he would be glad to do that, but do not tell me any details; I do not want to know; my position would have to be until after the election that I would have to take executive privilege.

Mr. DASH. Now, Mr. Sloan, on that same day, on June 23, did you make a final report to Mr. Stans concerning your cash disbursements and at about that time, did you discuss with Mr. Stans what should be done about the balance of the cash remaining in the safe?

Mr. SLOAN. Yes, sir.

Mr. DASH. Would you please give the committee a brief report on that?

Mr. SLOAN. Since April 7, Secretary Stans had been pressuring very hard on myself for the preparation of records in the final form that he wanted them as the permanent record of the pre-April 7 period. This was a very mammoth task with regard to all the contributions and so forth that had been received at that point; the problem with producing a cash summary, a summary of all the cash funds that had been handled. When I submitted them to him in an earlier report close after April 7, he wanted to be sure that I went back to every individual on that list and verified with them personally that they acknowledged the amount of money on that list as having been received by themselves, so that there would never be an internal conflict or possibility of somebody saying somebody absconded with some funds. So this took a considerable period of time and the reason for the delay until this late date with regard to this process was that Mr. Herbert Kalmbach—he had been traveling in Europe during this period and this was the first occasion I had to sit down with him since his return and since he had been able to come to Washington to review the figures on that list, the receipts he had from me.

Mr. DASH. But you did on this day give this final report to Mr. Stans?

Mr. SLOAN. Yes sir, I did.

Mr. DASH. Did it show a cash balance still in the safe at the office?

Mr. SLOAN. I could not recollect the final form of this. The problem with the cash balance is that it included \$18,000, with presumably a balance left over out of the Liddy commitment. There was another \$63,000—the 50 I had mentioned before of funds that had come in from the people on the political side of the campaign, who had accepted the contribution on the basis that they would remain anonymous. We did not have the information. We could not accept them that way. We would have to know, for instance, from a \$10,000 contribution what four committees that was to go to. These were pending problems, whether to go back to the individuals, whether they wanted their money back or whether they were willing to be disclosed and give us the information we needed.

Mr. DASH. Do you know approximately how much money was left in the safe at that time?

Mr. SLOAN. Oh, yes, approximately \$81,000.

Mr. DASH. Did Mr. Stans make any statement to you concerning that \$81,000?

Mr. SLOAN. Yes, sir, he did.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
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Senator ERVIN. Well, they didn't give him a chance. They didn't indict Magruder, and the prosecuting attorneys are reported in the press to have said the evidence showed that nobody was involved except the seven men under prosecution.

Don't you know that?

Mr. EHRLICHMAN. I know, too, that they had Mr. Sloan's testimony before them. He was not believed and in point of fact, you remember in the press, that at the trial, the judge made comments which indicated that he did not believe Mr. Sloan.

Senator ERVIN. Well, it has turned out since he was telling the truth, I think rather strongly, so they certainly had his testimony that Magruder, the Deputy Director, had ordered him to pay this \$199,000 in cash out of Secretary Stan's secret fund and that Secretary Stans had told Sloan to comply with the order of Magruder in this respect after consultation with Mitchell.

Now, I can understand why they don't find out some things that are so outrageous that they don't believe a party. Didn't Mr. Sloan come up and want to tell you about this and you said to him, "I don't want to hear anything about it because if I hear anything about it I will have to take the executive privilege until after the election."

Mr. EHRLICHMAN. I don't know what it was that Mr. Sloan wanted to tell me because after we had talked for a few minutes and I had determined that he felt he had some exposure, but that he had not talked to an attorney. I told him that it would be grossly unfair of me to hear him out until he had had an opportunity to talk with an attorney and take counsel on his own situation.

Senator ERVIN. You were one of the men in the White House who stood in power next to the President, weren't you?

Mr. EHRLICHMAN. I worked for the President there.

Senator ERVIN. Yes, and when an agent, when this treasurer of the Finance Committee To Re-Elect the President came and told you he wanted to tell you about some things that troubled him you refused to listen.

Mr. EHRLICHMAN. Well, I thought I was doing that from his standpoint. Mr. Chairman.

Duke Sloan has been a young man that I have known well during the time he worked in the White House. I didn't want to see him tell me something before he had talked to counsel that later on was going to prove his undoing, and you see his wife, Debbie, also worked at the White House and was well known to my wife and me and I just didn't want to see him overreached.

Senator ERVIN. I have got to go and the time is almost up to go over there and vote.

[Recess.]

Senator ERVIN. Before I put another question, I would say that my idea is that it is up to the jury to determine whether a witness is telling the truth instead of the prosecuting attorney.

Did you not call Henry Peteresen, the Assistant Attorney General of the Criminal Division, who had general supervision of this prosecution and ask him not to require former Secretary Maurice Stans to go before the grand jury?

WEDNESDAY, JUNE 21, 1972

8:00 HRH office
 8:15 Roosevelt Room
 10:00 Secretary Richardson
 11:20 Richard Valeriani
 12:40 President, Gov. Rockefeller, Sen. Javits, Sen. Buckley,
 Sec. Volope
 1:00 Lunch with Mrs. E, Pete, Jan, Tom, Jodi, Robbie,
 Joan Kimball
 2:15 Bonnie Angelo
 3:00 Peter Lisagor
 3:45 Ken Cole
 4:30 John Dean
 5:20 Sallyanne Payton
 6:45 Car at west basement
 7:00 Godspell with family - Ford's Theatre

THURSDAY, JUNE 22, 1972

8:00 HRH office
 8:15 Roosevelt Room
 9:00 HRH office (MacGregor, Colson, Mitchell)
 11:30 JCW, Fairbanks (DDT)
 11:45 John Mitchell
 12:50 Eureka Forbes (Hawaii)
 1:30 Lunch in Mess with Bill Eberle
 2:30 Meeting with Republican members of Senate Finance Committee
 Senator Bennett's office - 1121 NSOB
 6:00 Blair House drop by (Broadcasting group)

FRIDAY, JUNE 23, 1972

8:00 HRH office
 8:15 Roosevelt Room
 10:00 Theatre - Surrogate briefing
 10:30 President, Shultz, Weinberger, CEA
 12:30 Press briefing (Higher Education)
 1:00 Director Helms, General Walters, HRH
 2:00 Hugh Sloan
 3:00 Filming of "Day in the Life of the President" - Oval Office
 4:00 JDE office - Colson, Ziegler, Rumsfeld, Whitaker
 6:00 To Camp David

Retyped from indistinct original

WEDNESDAY, JUNE 21, 1972

8:00 HRH office
 8:15 Roosevelt Room
 10:00 Secretary Richardson
 11:20 Richard Valeriani
 12:40 President, Gov. Rockefeller, Sen. Javits, Sen. Buckley,
 Sec. Volpe
 1:00 Lunch with Mrs. E, Pete, Jan, Tom, Jodi, Robbie,
 Joan Kimball
 2:15 Bonnie Angelo
 3:00 Peter Lisagor
 3:45 Ken Cole
 4:30 John Dean
 5:20 Sallyanne Payton
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THURSDAY, JUNE 22, 1972

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 8:15 Roosevelt Room
 9:00 HRH office (MacGregor, Colson, Mitchell)
 11:30 JCW, Fairbanks (DDT)
 11:45 John Mitchell
 12:50 Eureka Forbes (Hawaii)
 1:30 Lunch in Mess with Bill Eberle
 2:30 Meeting with Republican members of Senate Finance Committee
 Senator Bennett's office - 1121 NSOB
 6:00 Blair House drop by (Broadcasting group)

FRIDAY, JUNE 23, 1972

8:00 HRH office
 8:15 Roosevelt Room
 10:00 Theatre - Surrogate briefing
 10:30 President, Shultz, Weinberger, CEA
 12:30 Press briefing (Higher Education)
 1:00 Director Helms, General Walters, HRH
 2:00 ~~Harb Hogg~~
 3:00 Filming of "Day in the Life of the President" - Oval Office
 4:00 JDE office - Colson, Ziegler, Runsfeld, Whitaker
 6:00 To Camp David

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

- 5.1 John Dean testimony, 3 SSC 945-46.
- 5.2 Robert Mardian testimony, 6 SSC 2368.
- 5.3 John Mitchell testimony, 4 SSC 1646.
- 5.4 John Mitchell testimony, 5 SSC 1899-1900.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JUNE 25 AND 26, 1973
Book 3



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tion I was bringing to their attention, that this information was being given to the President.

I do not recall when actually I received the first written information from the FBI, but I believe it was after July 21 when I received a summary report that had been prepared on the investigation to that stage.

I would also like to now summarize to the bottom of the page, and indicate that when—

Mr. DASH. Bottom of page 72.

Mr. DEAN. Seventy-two, correct, and indicate that after I did get possession of the documents, the FBI files. I found them not very meaningful and later Mr. Mardian, Mr. Parkinson, Mr. O'Brien came over to my office and read the reports, and Mardian, they all reached the same conclusion and I recall Mardian's reaction was that the documents indicated that the investigation was too vigorous and he was quite critical of Gray and asked me to call Gray to slow down but I never made such a call.

It was after I showed a copy of the July 21 report to Mr. Mitchell that Mardian insisted that he be permitted to see the FBI reports. Mitchell agreed, and thought that Paul O'Brien and Ken Parkinson should also see them.

I recall that when Mardian, O'Brien and Parkinson finally came to my office to look at the reports, they realized that they were not very meaningful. It was Mr. Mardian, however, who became very excited because of the scope of the investigation that Gray was conducting and the tone of the cables he was sending out of headquarters. Mardian clearly thought that Gray was being too vigorous in his investigation of the case and was quite critical of Gray's handling of the entire matter. He demanded that I tell Gray to slow down, but I never did so.

Summarizing the first paragraph on page 73, I would also note that I never showed any of these reports to any persons who were interviewed by the FBI and they were only given to Mr. Dick Moore of the White House staff when he was working on the Segretti matter for Mr. Ehrlichman and Mr. Haldeman.

I do not recall ever finding anything in the FBI reports which I scanned, that was worth reporting to Ehrlichman and Haldeman and so I never read all of the reports that were sent to me. The FBI files containing the reports never left my office, nor were they shown to anyone in the White House other than Dick Moore when Mr. Moore had been instructed to prepare a report on the Segretti incident by Ehrlichman. I never showed the reports to any of the persons who were interviewed by the FBI after their interviews.

FIRST DEALINGS WITH THE CIA

I will turn now to the first dealings I had with the CIA. It was during the meeting in Mitchell's office on June 23 or 24 that Mardian first raised the proposition that the CIA could take care of this entire mat-

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

ter if they wished, in that they had funds and covert procedures for distributing funds. I was personally unaware of the workings of the CIA, but Mardian and Mitchell appeared very knowledgeable. As a result of this conversation, which was prompted by my reporting that Gray thought the CIA might be involved Mitchell suggested I explore with Ehrlichman and Haldeman having the White House contact the CIA for assistance. It was also argued that the individuals involved in the Watergate incident, as former CIA operatives, might compromise the CIA in some manner, and the CIA should be interested in assisting.

On Monday morning, June 26, I spoke with Ehrlichman regarding this suggestion. He thought it was a good idea and worth exploring. He told me to call the CIA and explore it with them. I told him that I had never dealt with anyone at the CIA and did not know Director Helms. He told me that I should not call Helms, rather General Walters. I told him I did not know General Walters either. He then told me that he and Haldeman had had a little chat—as he called it—with Helms and General Walters a few days earlier about their dealings with the FBI in relationship to the investigation. He was not specific. He then told me that I should deal with General Walters because he was a good friend of the White House and the White House had put him in the Deputy Director position so they could have some influence over the Agency. He told me that I should tell General Walters that I was calling because he (Ehrlichman) had requested that I follow up on the earlier meeting they had and if there were any problems General Walters should call him. After my meeting with Ehrlichman, I telephoned General Walters. I told him I was calling at Ehrlichman's request on a matter relating to his previous discussions with Ehrlichman and Haldeman, and would like to have him visit with me if possible. He seemed somewhat surprised and uncertain about my call, so I told him that he might like to check with Mr. Ehrlichman. He said he would get back to me and he later called me back to set up a meeting for about noon at that day.

When General Walters came to my office I told him again that I was meeting with him at Ehrlichman's request. I made some general comments about the Watergate case. It was from my discussion as a result of general comment with Walters that I became aware of the fact that Ehrlichman and Haldeman had discussed the Dahlberg and Mexican money. We then discussed the fact that some of the leads that the FBI were pursuing were, to my understanding, were unrelated to the Watergate but could result in persons, totally uninvolved, being embarrassed. I would just like to note to counsel for the record that some of this is different from the original pagination of my draft that may have been lost through the transcribing of it here. I also told him that I understood that the FBI had developed three possible theories of the case, which I explained and then asked if, in fact, any of the men arrested were persons that were working for the CIA. General Walters assured me that they were not. I then told him that I had been asked to explore every possible means of dealing with this rather embarrassing and troublesome situation, because some of the men involved were looking for assistance. I asked him if there was any possible way the CIA could be of assistance in providing support for the individuals involved. General Walters told me that while

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SENATE RESOLUTION 60

HEARINGS
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UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973

Book 6



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dian. And she said, apparently, as I recall, she had to terminate the conversation. She said she couldn't talk to them. He asked why, and she said, my husband says he is a straight arrow and not to have anything to do with him.

The third instance was an occasion in my office—and my office was used by the attorneys because it did have an office and an anteroom. That is generally where they were. I was getting increasingly involved back into the campaign. Mr. Bittman and an associate from his office came there while Mr. Parkinson and Mr. O'Brien were there, and after exchanging pleasantries with Mr. Bittman—I had not met him before—I had to leave. But before I left, Mr. Bittman said something about his client was very upset about his attorney fees or something to that effect.

Later, we were having a meeting in the conference room with all of the attorneys from the two offices, and I happened to arrive at the same time that Mr. Parkinson arrived.

I said, I asked him, what was all that about? And he said, oh, nothing—he was saying it facetiously—Bittman wants \$25,000 attorney fees. He thinks, his client thinks, that the committee ought to pay it.

I told him I thought it was blackmail. And Mr. Parkinson, I think, concurred.

We could not talk any further about it. I thought that was the end of the discussion, and we went into the meeting with the firm of attorneys.

Mr. HAMILTON. Mr. Mardian, are these the only three discussions that you recall regarding money?

Mr. MARDIAN. The only three and I never heard of any money or money demands other than those three occasions.

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

• It was Dean who suggested to General Walters on January 6th that CIA pay the Watergate defendants while in jail.

and Mr. Dean in commenting on this particular passage said this:

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

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

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

Mr. HAMILTON. Did you become aware in the summer of 1972 that Mr. Herb Kalmbach was going to be asked to raise money for the Watergate defendants?

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JUNE 27, 28, 29, AND JULY 10, 1973
Book 4



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Mr. MITCHELL. June 28. You see, Mr. Dean had testified that they had been playing games with the CIA up to the 28th. Then, Mr. Dean testified that there was a meeting in my office with Mardian, LaRue, and Mitchell and I do not know who all else including Mr. Dean in the afternoon of the 28th in which it was decided, naturally Mitchell was always deciding these things, according to Dean, that the White House, somebody in the White House, John Ehrlichman should call Kalmbach and ask him to fly back from California that night of the 28th, which led to their meetings on the 29th. The only problem with all of that was that I was in New York and could not have been at such a meeting, and I was not aware of it.

Mr. THOMPSON. I believe your logs reflect that, Mr. Mitchell. I think that—

Mr. MITCHELL. I would hope so because I have been so stating for quite some time.

Mr. THOMPSON. It reflects that, according to your logs, you were in New York on the 28th.

Mr. MITCHELL. Yes.

Mr. THOMPSON. And that you arrived in the District of Columbia at 5:30.

Mr. MITCHELL. Yes, sir.

Mr. THOMPSON. There is no indication of any meeting after 5:30.

Mr. MITCHELL. That is correct.

Mr. THOMPSON. And I assume there was none.

Mr. MITCHELL. The passenger that I had with me coming back from New York was not about to allow me to go to any more meetings on that particular day. [Laughter.]

Mr. THOMPSON. I am not going to pursue that any further.

Getting back to your knowledge of the money, perhaps my question should have been, "When was the first time that you heard of the need for the payment of money," and I ask it because of this: Dean testified that the first time he heard any discussions of the need for money to take care of those who were involved in the break-in was in a meeting which occurred on either June 23, Saturday, or June 24 attended by Dean, Mardian, LaRue, and yourself.

Mr. MITCHELL. That is quite possible because as I recall the conversation of Mr. Liddy that he had with Mr. Mardian and LaRue, he was hopeful that these people that he at that time, of course, was not in jail, not suspect, and was still working for the committee, I do not know whether he was suspect or not, in any event, he was still working for the committee until the 28th of June, he was—he talked to Mardian and Liddy about the hope that somebody could provide bail for these five people who had been arrested, and the thought was that the committee should do it and, of course, that was immediately turned off, the committee would not do it and, of course, obviously could not do it under the existing statutes. Now, what developed out of that with respect to Mr. Dean's concept of it or what he heard about it, whether he heard that story or what I do not know but that is the first point in time at which the subject matter was ever discussed.

Mr. THOMPSON. The points that concerned you were the fact that early on the discussions about the money were taking place, or the need for money, and also Mr. Magruder's testimony. I believe he testi-

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FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 11, 12, 13, 16, AND 17, 1973
Book 5



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Mr. MITCHELL. Oh, excuse me. I misunderstood your question.

Most assuredly, we discussed quite widely the impact a letter from the Justice Department in such a situation would have on the committee and its membership.

Mr. DASH. I am puzzled, about your distinction between your efforts you said you were going to make, some sort of coverup of the White House horrors that you have described and the Watergate break-in and the defense against the civil suits themselves. You seem to draw a distinction about the activities that took you away from some of this discussion of the White House horrors or other activities because of your being involved in the discussion of the civil suits. Now, actually, was not the strategy against the civil suits the same kind of coverup activity? Would it not be true that full disclosure in the Democratic National Committee suit could result in unraveling all the things that you wanted to be not unraveled?

Mr. MITCHELL. Well, if I understand your question, Mr. Dash, it was our strategy to limit the progress of the civil suits as much as possible, certainly before the election. We knew that they would come afterwards, and of course, the civil suits, of course, related to the criminal trial which was subsequently, I believe, determined by the judge handling it. And there was a strategy to keep the civil suits from proceeding, yes, sir.

Mr. DASH. And then one of the policies behind that strategy was the similar policy you had on the other matters of keeping the lid on from having these things come out.

Mr. MITCHELL. Well, this, of course, included the Common Cause suit and whatever other suit, the Nader suit I guess it had to do with.

Mr. DASH. Right, and these discussions concerning what the strategy should be concerning the civil suit deals with what kind of testimony should be given at the depositions.

Mr. MITCHELL. No; I think—not in the meetings that I had. They were handled by the lawyers with the individuals who were to testify.

Mr. DASH. Now, around that same time, and I am now speaking still around the late June period, and perhaps early July, did you at any time after June 17, suggest that the CIA might be—or suggest not to the CIA but to Mr. Dean or to anybody else in any of those meetings—that the CIA might be a good source of coverup moneys for lawyers' fees?

Mr. MITCHELL. No, sir, I did not and, of course, I think Mr. Dean testified, and I do not know whether his testimony is accurate or not, he started out placing that in my lips and wound up with it with Mr. Mardian. Now this may be a perfectly honest mistake on his part. There were discussions, of course, as I testified, I think on the first day here, about, the question was the CIA involved. The newspapers were filled with it, the individuals that were involved had worked for the CIA, there were a number of such matters but the concept of the CIA's supporting or providing funds in connection with this activity was not discussed in my presence, to my best recollection.

Mr. DASH. Now, your log—

Mr. MITCHELL. Excuse me, Mr. Dash, if I might add to that because I think we discussed it on Monday, the meeting in which Mr. Dean places this conversation having come from the CIA meeting that had never took place and, of course, I was not in the city, so I could not

Mr. DASH. But it is your testimony that on no other day when you were present in these meetings with Mr. LaRuc, Mr. Mardian, Mr. Dean, Mr. Magruder, or any other persons who were meeting with you regularly did a discussion take place on your part or on any other's part that the CIA might be a good source for funds?

Mr. MITCHELL. Not the CIA for the source of support, money for bail or defending or whatever it is. There were discussions or questions really, about what was the involvement of the CIA.

Mr. DASH. Now, your log shows from June 17 all the way to August 29 certainly and thereafter, but certainly to August 29, you had almost daily meetings with John Dean and sometimes twice or three times a day, and you knew, I think, from your testimony before this committee, what Mr. Dean was doing during this time, that he was serving as a liaison between you and Mr. Haldeman or Ehrlichman, White House people, and that he was not making any investigation of the Watergate case for the President. Yet, on August 29, the President did make an announcement that Mr. Dean had made an investigation to give him a report. What was your reaction to that announcement knowing, by having been meeting with Mr. Dean almost on a daily basis during that whole period of time that he was doing nothing?

Mr. MITCHELL. Well, Mr. Dash, I think your question provides an assumption that I am not willing to accept. It is perfectly conceivable in my mind so far as the involvement of personnel in the White House were concerned, that Mr. Dean was making such an investigation as to the involvement of people in the White House, and I think that was the context of the statement of August, whatever date it was.

Mr. DASH. Well, as a matter of fact, didn't Mr. Dean discuss with you what he was doing? You said he met with you regularly, he was at your meetings, and if he were making such an investigation, would you not know about it?

Mr. MITCHELL. I think Mr. Dean was making an investigation with respect to the involvement or potential involvement of individuals in the White House in the knowledge of the Watergate break-in or participation.

Mr. DASH. His testimony was that rather than make an investigation he was engaging in a coverup.

Mr. MITCHELL. Well, I don't doubt that for a moment, and I have so stated here, that there was that aspect of it. Now, the coverup is an entirely different thing, and the statement made by the President with respect to the involvement of individuals in the Watergate affair and prior to the June 17 or at the June 17 activities, and I think that was the thrust of the statement.

Mr. DASH. Well, you know from what Mr. Dean I think has testified or may have indicated to you is that on June 19 that Mr. Strachan had admitted to him that he had destroyed certain intelligence papers. Did Mr. Dean tell you about that?

Mr. MITCHELL. Yes, he did eventually.

Mr. DASH. Eventually. When did he tell you this?

Mr. MITCHELL. I am not quite certain.

Mr. DASH. Was it before August 29?

Mr. MITCHELL. I can't say that for sure, Mr. Dash, but he did somewhere along the way.

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

- 6.1 John Ehrlichman testimony, 6 SSC 2561-62.
- 6.2 Vernon Walters testimony, 9 SSC 3408-12.
- 6.3 John Dean testimony, 3 SSC 946-48.
- 6.4 Memorandum for record from Vernon Walters, June 28, 1972, SSC Exhibit No. 130, 9 SSC 3816-17.
- 6.5 Memorandum for record from Vernon Walters, June 29, 1972, SSC Exhibit No. 131, 9 SSC 3818.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
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FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
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any of these circumstances led to a disclosure of CIA operations, disassociated from the Watergate, that, too, would be awkward.

It was there that we did not get the same kind of flat assurance that we had gotten in the first instance, and so rather than for us to probe that for dates and places and names, it was simply agreed that General Walters would make an early appointment with Pat Gray and sit down and talk with him about what the problem might be, and that is what was done.

The outcome of those talks, and I guess there were two or three of them, was simply that Walters and Gray agreed that there was no problem, and Gray then talked with the President on the phone, when the President was in San Clemente, I believe, on the 6th, and then the President, very shortly after that, told me about the telephone call, what his instructions to Gray had been, and then he explained to me what his concerns were about this rather nearly in the terms that I have just explained them to you.

Mr. THOMPSON. Did he say his concerns were that there was CIA involvement with regard to the Watergate break-in or there was unrelated CIA involvement which might be exposed?

Mr. EHRLICHMAN. Well, he said in the inception, in the beginning, that had been, both had been, his concern, because of the fact that some of these people who had been arrested had had CIA connections in the past, and the information that had to come to him persuaded him there was at least a potential problem.

Mr. THOMPSON. Did Haldeman ever tell Walters or Helms to go to Gray and tell him to in effect "hold off, slow down with regard to the Mexican investigation because of CIA involvement?"

Mr. EHRLICHMAN. No. My recollection—no, the answer to that is naturally "no."

My recollection is that the Mexican investigation was one of the things that was discussed and as to which Mr. Helms and General Walters could not give us a categorical assurance that FBI investigation wouldn't create problems for them so that it was simply noticed as one of the kinds of problems that might arise in which General Walters and the Director of the FBI ought to compare notes on.

Mr. THOMPSON. So in other words, you were merely presenting it to him, according to your testimony, to find out whether or not there would be CIA embarrassment possibly, and it would be for them to work the matter out, report back, so the matter could be resolved.

Mr. EHRLICHMAN. Not even report back in that sense, reporting back to us. As a matter of fact, we said at that point, look, we are out of this; we just wanted to crystalize this, wanted to get you together with the FBI. The White House contact on this would be John Dean, who was the fellow following this entire matter. So in effect, we turned General Walters and Mr. Helms over to Dean for any future contacts that they might have on it.

Mr. THOMPSON. You would not know whether or not John Dean on June 7 went to Walters and told him that it would be good if the CIA could help raise bail money, could help raise some salary money, that the witnesses were wallowing and could be in trouble?

Mr. EHRLICHMAN. I read that in the newspaper and it really surprised me when I read it. So I wondered at the origin of this until I heard Mr. Dean's testimony, which was that he had been asked by Mr.

E tells CIA that Dean is contact

Mitchell to do this. I had in effect set this up without knowing it by telling Walters that Dean was his White House contact from that day forward. But I did not know about these conversations.

Mr. THOMPSON. Dean did not report back to you?

Mr. EHRLICHMAN. Not about that; no, sir.

Mr. THOMPSON. Did you have occasion to call Mr. Gray to call off a meeting which he and Walters scheduled on June 28, to tell him that the meeting would no longer be necessary, that matters had been worked out some way?

Mr. EHRLICHMAN. Well, I didn't realize that I had canceled it. My strong concern about that meeting was that it was going to include some staff members from the FBI and as I say, we were experiencing these leak problems and right at that particular time, one of the people who would have been included in that meeting was under very strong suspicion as being the source of that leak. We had had independent information which we were talking to Mr. Kleindienst about, about that specific individual and it appeared that this whole thing was going to include him. So that was the reason for my call.

Mr. THOMPSON. Did you ask precisely who would be in attendance at the meeting?

Mr. EHRLICHMAN. Yes. Well, I don't know as I asked him. I think I was told. As a matter of fact, I think Mr. Dean told me.

Mr. THOMPSON. Did you tell Mr. Gray of your suspicions or concerns about the individual?

Mr. EHRLICHMAN. Not at that time.

Mr. THOMPSON. Why?

Mr. EHRLICHMAN. Because at that time, we were talking with Mr. Kleindienst about how to go about smoking out this problem around Mr. Gray, frankly.

Mr. THOMPSON. Why?

Mr. EHRLICHMAN. Why?

Mr. THOMPSON. Why around Mr. Gray?

Mr. EHRLICHMAN. Because Mr. Gray at that time was not acknowledging the problem.

Mr. THOMPSON. You had spoken to him about it?

Mr. EHRLICHMAN. Oh, I had spoken to him about the leaks. I hadn't spoken to him about this specific man in this specific meeting until this call. Mr. Kleindienst and I discussed on several occasions how we might go about determining the source of the leak. He proposed the idea of planting a story or a set of circumstances and seeing if it turned up and this kind of thing. So we were dealing with the Attorney General on that.

Mr. THOMPSON. Did you talk to Walters about this meeting?

Mr. EHRLICHMAN. I don't believe so. I don't believe I talked to John Walters again—

Mr. THOMPSON. Could not Gray and Walters have had a meeting, the two of them, to solve the problem?

Mr. EHRLICHMAN. Yes, that was the whole idea.

Mr. THOMPSON. Was that suggested?

Mr. EHRLICHMAN. That was suggested in the inception.

Mr. THOMPSON. You didn't tell him that the meeting would not be necessary?

Mr. EHRLICHMAN. I don't recall what I told him, except that—

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
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UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



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[1313]

afternoon or whether it was completed Monday morning, but it was soon clear to me that nobody who was responsible for that area in the Agency felt that the ongoing FBI investigation could jeopardize any of the Agency sources or activities in Mexico.

Mr. DASH. Well, now, did you subsequently receive any communication from anybody at the White House after June 23?

General WALTERS. On Monday morning, June 26, I received a phone call from a man who identified himself as John Dean and he said he wished to speak to me about the matters that Mr. Haldeman and Mr. Ehrlichman had discussed with me on Friday. I did not know Mr. Dean. And I expressed so—something to the effect that I don't know who you are and he said, "Well, you can call Mr. Ehrlichman to see whether it is all right to talk to me or not."

Mr. DASH. Did you call Mr. Ehrlichman?

General WALTERS. I called Mr. Ehrlichman. I had some difficulty in reaching him but finally I reached him and I said: "A Mr. John Dean wants to talk to me about the matters discussed with you and Mr. Haldeman on the preceding Friday" and he said: "Yes, it is all right to talk with him. He is in charge of the whole matter."

Mr. DASH. Did you then meet with Mr. Dean on that day?

General WALTERS. I then—

Mr. DASH. The 26th.

General WALTERS. I then called Mr. Dean again and he asked me to come down and see him, I believe, at 11:30 or 11:45. I believe it is indicated on the memorandum I wrote.

Mr. DASH. Will you relate to the committee the conversation you had with Mr. Dean at that time, on June 26, 1972?

General WALTERS. Mr. Dean said that he was handling this whole matter of the Watergate, that it was causing a lot of trouble, that it was very embarrassing. The FBI was investigating it. The leads had led to some important people. It might lead to some more important people.

The FBI was proceeding on three hypotheses, namely, that this break-in had been organized by the Republican National Committee, by the Central Agency, or by someone else; whereupon I said I did not know who else organized it but I know that the Central Intelligence Agency did not organize it. I said, furthermore—I related to Mr. Dean my conversation with Mr. Haldeman and Mr. Ehrlichman on the previous Friday, and told him I had checked within the Agency and found there was nothing in any of the ongoing FBI investigations that could jeopardize CIA activities or sources or compromise them in any way in Mexico.

He then said, "Well, could this not have happened without your knowledge?" "Well," I said, "originally perhaps, but I have inquired. I have talked to Mr. Helms and I am sure that we had no part in this operation against the Democratic National Committee."

He kept pressing this. There must have been. These people all used to work for the CIA, and all this thing. I said maybe they used to, but they were not when they did it and he pressed and pressed on, on this and asked if there was not some way I could help him, and it seemed to me he was exploring perhaps the option of seeing whether he could put some of the blame on us. There was not any specific thing he said but the general tenor was in this way and I said to him—I did not have an opportunity to consult with anybody—I simply said,

*E tells CIA
Dean in
charge.*

Mr. Dean, any attempt to involve the Agency in the stifling of this affair would be a disaster. It would destroy the credibility of the Agency with the Congress, with the Nation. It would be a grave disservice to the President. I will not be a party to it and I am quite prepared to resign before I do anything that will implicate the Agency in this matter.

This seemed to shock him somewhat. I said that anything that would involve any of these Government agencies like the CIA and FBI in anything improper in this way would be a disaster for the Nation. Somewhat reluctantly he seemed to accept this line of argument and I left.

Mr. DASH. Now, General Walters, since you had made the check prior to seeing Mr. Dean concerning whether in fact any FBI investigation in Mexico would seriously or not seriously involve any covert activities of the CIA, and you reported that to Mr. Dean at this meeting, did you believe that you were responding at that meeting then to the concern that you had received at the earlier meeting from the statement from Mr. Haldeman?

General WALTERS. Yes, Mr. Dash, I did. At the risk of perhaps seeming naive in retrospect it did not occur to me at that time that Mr. Dean would not tell Mr. Gray. Mr. Gray was in touch with Mr. Dean. Mr. Dean told me he was in touch with Mr. Gray. In retrospect I should, of course, have called Mr. Gray directly. I regret that I did not.

Mr. DASH. And you had been informed by Mr. Ehrlichman when you checked as to whether you should talk to Mr. Dean, that Mr. Dean was a person you could talk to, that he was handling the matter?

General WALTERS. That is correct.

Mr. DASH. I think when you were testifying just a little while ago you said that you may have incorrectly put in your memorandum of the June 26 meeting something that should have been in another meeting. I want to show you your memorandum or a writing that appears to be a memorandum prepared by you on June 28 dealing with the conversation you had with Mr. Dean on June 26 and ask you if you want to make a correction as to that memorandum for the record. You will notice, General Walters, that there is an excised portion of that memorandum which has been cut out and on our receipt of that, it appeared to be matters which dealt with national security and, therefore, was excised.

General WALTERS. Fine. I am very appreciative of the committee for doing this.

Yes, it does. If I were to make a correction somewhat complicated it would really be that the fourth paragraph, the sixth and seventh paragraphs belong to the conversation of the 27th rather than the conversation of the 26th.

Mr. DASH. And that dealt with the question of money, bail money from the CIA.

General WALTERS. That is correct. This is a correct copy.

Mr. DASH. It is a correct copy of your memorandum?

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, could we have that memorandum marked as an exhibit and received in evidence?

Senator ERVIN. The memorandum will be appropriately numbered as an exhibit and received in evidence as such.

E. saye "Dir Charge"

[The following text is extremely faint and illegible due to low contrast and blurring. It appears to be a list or series of entries.]

[The document referred to was marked exhibit No. 130.*]

Mr. DASH. After that meeting with Mr. Dean on June 26, did you report back to former Director Helms?

General WALTERS. I did. I told Mr. Helms generally what had transpired and he approved of my firm stand with Dean and I related in some detail the various matters that I had discussed with Mr. Dean and the fact that I had told Mr. Dean that no Agency assets would be compromised by the pursuit of the FBI investigation in Mexico.

Mr. DASH. I think you mentioned earlier that you did again meet with Mr. Dean. When did you next meet with Mr. Dean?

General WALTERS. On the following morning, June 27, I received another telephone call from Mr. Dean summoning me down to his office. I went down to Mr. Dean's office. I believe the time is indicated in the memorandum, 11:30 a.m.

Mr. DASH. I think 11:45 a.m.

General WALTERS. 11:45 a.m., and Mr. Dean said that the investigation was continuing, that some of the suspects were wabbling and might talk and I said, "Well, that is just too bad but it has nothing to do with us because nothing that they can say can implicate the Agency." So he again said, "Have you not discovered something about Agency involvement in this matter?" And I said, "No, I have not discovered anything about Agency involvement in this matter." He said, "Is there not something the Agency can do to help?" I said, "I do not see how we can be helpful." Then he said, "Well, would there be any way in which you could go bail or pay the salaries of these defendants while they are in jail?" And I said, "No way. To do so would implicate the Agency in something in which it is not implicated. I will have no part in this."

Again I went through the reasoning of the appalling effect it would have. I made plain to him that if the Agency were to intervene in this, it would become known in the leaking atmosphere in Washington, that it would be a total disaster, and I would like to say, if I may at this point, that I have not spent the whole of my adult life in the Central Intelligence Agency. I joined it for the first time in May of 1972. But I am convinced that an effective CIA is essential if the United States is to survive as a free and democratic society in the rough world in which we live, and I was determined that I would not see it destroyed or implicated as might be desired in this business. I further told Mr. Dean that when we expended funds, covert funds within the United States, we were required to report this to our congressional oversight committees and this seemed to cool his enthusiasm considerably. We had a few more discussions and again he asked me whether there was any way we could be helpful and I said, "No, we could not be."

Mr. DASH. Did you, by the way, at the meeting on June 28—do you have a copy of your memorandum with you?

General WALTERS. Yes. I do.

This is the meeting of the 28th or the memorandum written on the 28th?

Mr. DASH. No. The meeting of the following day, the meeting you have just testified to.

General WALTERS. On the 28th: yes, I do.

*See p. 3316.

*Dean baldly asks
for CIA coverup.*

Mr. DASH. Yes. First let me show you your copy of a memorandum you prepared on June 29 of your meeting on June 27 and ask if this is a correct copy of that meeting.

General WALTERS. Yes, it is.

Mr. DASH. Mr. Chairman, if we can have that marked for identification and received.

Senator ERVIN. That will be marked and appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 131.*]

Mr. DASH. All right, now General Walters, the very next day, it appears that you had another meeting with Mr. Dean.

General WALTERS. That is right.

Mr. DASH. Did you report to former Director Helms on your 27th meeting?

General WALTERS. Mr. Helms was extremely interested in this whole business and I reported to him immediately returning to the Agency on each occasion.

Mr. DASH. On the 28th when you began to write these memorandums, could you tell the committee what caused you to begin to put this down in writing?

General WALTERS. Well, as soon as he broached the question of bail and paying the salaries of these defendants, I realized that for the first time there was a clear indication that something improper was being explored, and I discussed this with Mr. Helms and we agreed, again I don't know whether he or I suggested it, that we write the memorandum, that I wrote the memorandum on these meetings and kept a record of them and that is how the memorandums came to be recorded. It will be noted I wrote practically five of them on the same day to catch up with the past.

Mr. DASH. Yes.

The meeting on the 28th it appears was a fairly significant meeting because it was a followup again of a third meeting that you had with Mr. Dean. Do you have a copy of that memorandum?

General WALTERS. Of my meeting of the 28th?

Mr. DASH. Yes; which you prepared on June 29, 1972.

General WALTERS. Yes, I do have it.

Mr. DASH. Would you read that memorandum in full, General Walters?

General WALTERS [reading]:

On 28 June at 11:30 John Dean asked me to see him at his office in the Executive Office Building. I saw him alone.

He said that the Director's meeting—

That is Director Helms' meeting—

with Patrick Gray, FBI Director, was canceled and that John Ehrlichman had suggested that Gray deal with me instead.

The problem was how to stop the FBI investigation beyond the five suspects. Leads led to two other people—Ken Dahlberg and a Mexican named Guena. Dean said that the \$89,000 was unrelated to the bugging case and Dahlberg was refusing to answer questions. Dean then asked hopefully whether I could do anything or had any suggestions.

I repeated that as Deputy Director, I had no independent authority. I was not in the channel of command and had no authority other than that given me by the Director. The idea that I could act independently was a delusion and had no basis in fact.

*See p. 3818.

Dean then asked what might be done and I said that I realized he had a tough problem, but if there were Agency involvement, it could be only at Presidential directive and the political risks that were concomitant appeared to me to be unacceptable. At present there was a high explosive bomb but intervention such as he had suggested would transform it into a megaton hydrogen bomb. The present paper was awkward and unpleasant. Directed intervention by the Agency could be electorally mortal if it became known and the chances of keeping it secret until the election were almost nil. I noted that scandals had a short life in Washington and other newer spicier ones soon replaced them. I urged him not to become unduly agitated by this one.

He then asked if I had any ideas and I said that this affair already had a strong Cuban flavor and everyone knew the Cubans were conspiratorial and anxious to know what the policies of both parties would be toward Castro. They, therefore, had a plausible motive for attempting this amateurish job which any skilled technician would deplore. This might be costly but it would be plausible.

Dean said he agreed that this was the best tack to take but it might cost half a million dollars. He also agreed (for the second time) that the risks of Agency involvement were unacceptable. After a moment's thought he said that he felt that Gray's cancellation of his appointment with Director Helms might well be reversed in the next few hours.

Dean thanked me and I left.

Mr. DASH. First, General Walters, where was this meeting to be held on June 28 which was canceled?

General WALTERS. I did not know. Mr. Dash, I did not know what he was talking about. I presume some arrangement outside of me had been made for Director Helms to see Mr. Gray.

Mr. DASH. But in any event, as your memorandum shows, Mr. Ehrlichman had indicated he had preferred Gray meet with you on an ongoing basis.

General WALTERS. This is what Mr. Dean said.

Mr. DASH. Could you tell the committee at least what your impression was concerning that part of your memorandum—where you said this meeting is mostly concerning a Cuban conspiratorial plot and Dean's statement that he agreed that this was the best tack to take but it might cost a half million dollars.

General WALTERS. Yes, Mr. Dash.

Dean went back at this point in the conversation, as I remember it, to the three hypotheses and he was sort of saying, "Who could have done this. who could have done this." He did not indicate at any time that he knew where the origin of this was. Quite frankly at this point my principal purpose was to divert him from pursuing the option of involving the Agency in this. I had read, I believe, about that time an article in the newspaper which put out a hypothesis that the Cubans might have been at the origin of this in order to try to find out what the policies of the Democratic Party would be if it were elected in 1972. This is what I basically said to Dean, that the Cubans had a plausible motive for doing this.

Mr. Dean, obviously understood this as a suggestion of mine that he should try to blame the Cubans. In retrospect, as is so often said here from this table. I should have corrected him. Frankly, I was so relieved at seeing him apparently abandoning the idea of involving the Agency or at least retreating on the idea of involving the Agency that I did not correct his impression when he said he obviously thought I was suggesting that he could buy the Cubans.

Mr. DASH. Would that be the inference that Mr. Dean's statement that it might cost a half million dollars would actually require paying somebody off or take this position?

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JUNE 25 AND 26, 1973

Book 3



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ter if they wished, in that they had funds and covert procedures for distributing funds. I was personally unaware of the workings of the CIA, but Mardian and Mitchell appeared very knowledgeable. As a result of this conversation, which was prompted by my reporting that Gray thought the CIA might be involved Mitchell suggested I explore with Ehrlichman and Haldeman having the White House contact the CIA for assistance. It was also argued that the individuals involved in the Watergate incident, as former CIA operatives, might compromise the CIA in some manner, and the CIA should be interested in assisting.

On Monday morning, June 26, I spoke with Ehrlichman regarding this suggestion. He thought it was a good idea and worth exploring. He told me to call the CIA and explore it with them. I told him that I had never dealt with anyone at the CIA and did not know Director Helms. He told me that I should not call Helms, rather General Walters. I told him I did not know General Walters either. He then told me that he and Haldeman had had a little chat—as he called it—with Helms and General Walters a few days earlier about their dealings with the FBI in relationship to the investigation. He was not specific. He then told me that I should deal with General Walters because he was a good friend of the White House and the White House had put him in the Deputy Director position so they could have some influence over the Agency. He told me that I should tell General Walters that I was calling because he (Ehrlichman) had requested that I follow up on the earlier meeting they had and if there were any problems General Walters should call him. After my meeting with Ehrlichman, I telephoned General Walters. I told him I was calling at Ehrlichman's request on a matter relating to his previous discussions with Ehrlichman and Haldeman, and would like to have him visit with me if possible. He seemed somewhat surprised and uncertain about my call, so I told him that he might like to check with Mr. Ehrlichman. He said he would get back to me and he later called me back to set up a meeting for about noon at that day.

When General Walters came to my office I told him again that I was meeting with him at Ehrlichman's request. I made some general comments about the Watergate case. It was from my discussion as a result of general comment with Walters that I became aware of the fact that Ehrlichman and Haldeman had discussed the Dahlberg and Mexican money. We then discussed the fact that some of the leads that the FBI were pursuing were, to my understanding, were unrelated to the Watergate but could result in persons, totally uninvolved, being embarrassed. I would just like to note to counsel for the record that some of this is different from the original pagination of my draft that may have been lost through the transcribing of it here. I also told him that I understood that the FBI had developed three possible theories of the case, which I explained and then asked if, in fact, any of the men arrested were persons that were working for the CIA. General Walters assured me that they were not. I then told him that I had been asked to explore every possible means of dealing with this rather embarrassing and troublesome situation, because some of the men involved were looking for assistance. I asked him if there was any possible way the CIA could be of assistance in providing support for the individuals involved. General Walters told me that while

it could, of course, be done, he told me that he knew the Director's feelings about such a matter and the Director would only do it on a direct order from the President. He then went on to say that to do anything to compound the situation would be most unwise and that to involve the CIA would only compound the problem because it would require that the President become directly involved.

While I cannot recall in detail everything General Walters told me, I do recall that his argument was most sound and very persuasive. I told him I agreed with his position fully and I had merely been asked to explore the potential, which he very rightly stated was too great a risk. As the discussion ended I asked him that if he had any further ideas and told him I would appreciate the benefit of his thoughts. I thanked him for his coming over and his candid answers and he departed.

Subsequent to my meeting with General Walters, I reported back to Ehrlichman that Walters had informed me that any involvement by the CIA in this matter was impossible. I recall that when I reported this to Ehrlichman, he very cynically said "very interesting". He told me that I should talk with General Walters further and push him a little harder to see if the CIA couldn't help out, particularly with regard to the unnecessary pursuit of investigative leads. I also recall Ehrlichman saying something to the effect that General Walters seems to have forgotten how he got where he is today.

I would like to skip the paragraph on page 77 regarding the call from Gray, and turn to the last paragraph on 77.

I received a phone call from Gray on June 27 in which he expressed both concern and confusion about his determining if the CIA was or was not concerned about the FBI investigation. I was also confused by Gray's call and do not recall at this time what, if anything, I did after I received it. However, I do recall that Ehrlichman had mentioned to me that he wanted Gray to deal with General Walters rather than Director Helms. Apparently this was the cause of the confusion on Gray's behalf.

On the morning of June 28 I arranged again to meet with General Walters. I was first embarrassed about requesting the meeting because he had been most explicit and convincing to me at the first meeting. I told him that I requested the meeting at Ehrlichman's behest to further discuss the problems of the Dahlberg and Mexican checks. I told him what I knew about the matters and that, to the best of my knowledge, they were not related to the Watergate incident. I then asked him if he had any suggestions. He expressed sympathy over the situation, but said there was nothing his agency could do. He again explained reasons similar to his earlier comments regarding CIA involvement and I expressed my understanding. I then asked him if he had any ideas at all and he said that it might be possible to explain the matter as an anti-Castro activity. We had some general discussion of this, but nothing concrete emerged from the discussion. Before Walters departed I assured him that I agreed that it would be most unwise to involve the CIA, and I thanked him—almost apologetically—for coming by again. At no time did I push him as I had been instructed.

At the conclusion of this meeting I was totally convinced, as I had

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

*E. insists
CIA should
help.*

been earlier, that the CIA could not and would not be brought in to solve the problems confronting the White House and reelection committee as a result of the Watergate incident.

I subsequently informed Ehrlichman and Haldeman that unless the President directly ordered the CIA to provide support for those involved that the CIA was not going to get involved. I told them I agreed with Walters that this would be a terrible mistake and they both told me they agreed.

TRANSMITTING THE MATERIALS IN MR. HUNT'S SAFE TO THE FBI

I would now like to explain the transmitting of the materials in Hunt's safe to the FBI. As I noted earlier, shortly after the FBI interview on June 22 of Colson, and my later instructions from Ehrlichman to "Deep Six" the briefcase and shred documents. I had informed the FBI that I would forward the material found in Hunt's office. After weighing the implications of Ehrlichman's instructions to destroy the items I decided that I would not engage in any such activity myself or be pushed into it. Accordingly, I asked David Young to return the State Department cable to my office. I had already returned the briefcase from my car trunk to my office.

I received several calls from the FBI requesting the material, but I had not yet figured out how to tell Ehrlichman I was not going to destroy the material. I knew I had to develop a good argument to give Ehrlichman as to why the materials should not be destroyed. On June 25 or 26 I went to Ehrlichman to explain that I thought the men who drilled the safe had probably seen the briefcase, that the Secret Service agent who was present had probably seen some of the material; that Mr. Kehrl and Fielding had seen it—and what would happen when all those people were later asked by the FBI about the contents of the safe. Then, I said I felt we must turn over the material to the FBI. With regard to the sensitive documents, I suggested that they be given directly to Gray. I told Ehrlichman that, if ever asked under oath, I had to be able to testify that to the best of my knowledge, everything found in the safe had been turned over to the FBI.

The FBI agents came to my office, I believe on June 26 or 27. I gave them one box, which had been packed and told them that as soon as the other material was packed I would get it to them. When I got tied up in a meeting, I phoned Fielding and asked him to pack up the remainder of the materials, which I believe was the State Department cables and the briefcase. He did so and turned over the remainder of the materials, with the exception of the two envelopes which contained the politically sensitive materials I described earlier. I spoke with Ehrlichman on the 28th and informed him the material had been sent to the FBI with the exception of the politically sensitive documents. He told me he was meeting later that day with Gray and I should bring them over at that time.

I went to Ehrlichman's office just before Mr. Gray arrived. I placed the envelopes on the coffee table in his office. When Gray arrived, Ehrlichman told him that we had some material for him that had come from Hunt's safe. Ehrlichman described it as politically sensitive, but not related to the Watergate. I told Gray that Fielding and I had gone through Hunt's documents and had turned over all the materials to the agents except the documents in these two envelopes.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

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EXHIBITS SUBMITTED FOR THE RECORD

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NOTE.--Figures in parentheses indicate page that exhibit was officially made part of the record.

3816

EXHIBIT NO. 130

28 June 1972

MEMORANDUM FOR RECORD W

On 26 June at about 10:00 a.m. I received a phone call from Mr. John Dean at the White House. He said he wished to see me about the matter that John Ehrlichman and Bob Haldeman had discussed with me on the 23rd of June. I could check this out with them if I wished. I agreed to call on him in his office in Room 106 at the Executive Office Building at 1145 that morning. Immediately after hanging up, I called Ehrlichman to find out if this was alright and after some difficulty I reached him and he said I could talk freely to Dean.

At 1145 I called at Dean's office and saw him alone. He said that the investigation of the Watergate "bugging" case was extremely awkward, there were lots of leads to important people and that the FBI which was investigating the matter was working on three theories:

1. It was organized by the Republican National Committee.
2. It was organized by the CIA.
3. It was organized by some other party.

I said that I had discussed this with Director Helms and I was quite sure that the Agency was not in any way involved and I knew that the Director wished to distance himself and the Agency from the matter. Dean then asked whether I was sure that the Agency was not involved. [

] I said that I was sure that none of the suspects had been on the Agency payroll for the last two years.

Dean then said that some of the accused were getting scared and "wobbling". I said that even so they could not implicate the Agency. Dean then asked whether there was not some way that the Agency could pay bail for them (they had been unable to raise bail). He added that it was not just bail, that if these men went to prison, could we (CIA) find some way to pay their salaries while they were in jail out of covert action funds.

I said that I must be quite clear. I was the Deputy Director and as such had only authority specifically delegated to me by the Director and was not in the chain of command but that the great strength of the Agency and its value to the President of the nation lay in the fact that it was apolitical and had never gotten itself involved in political disputes. Despite the fact that I had only been with the Agency a short time, I knew that the Director felt strongly about this.

I then said that big as the troubles might be with the Watergate Affair, if the Agency were to provide bail and pay salaries, this would become known sooner or later in the current "leaking" atmosphere of Washington and at that point the scandal would be ten times greater as such action could only be done upon direction at the "highest level" and that those who were not touched by the matter now would certainly be so.

Dean seemed at first taken aback and then very much impressed by this argument and said that it was certainly a very great risk that would have to be weighed. I repeated that the present affair would be small potatoes compared to what would happen if we did what he wanted and it leaked. He nodded gravely.

I said that, in addition, the Agency would be completely discredited with the public and the Congress and would lose all value to the President and the Administration. Again he nodded gravely.

He then asked if I could think of any way we (CIA) could help. I said I could not think of any but I would discuss the matter with the Director and would be in touch with him. However, I felt that I was fully cognizant of the Director's feelings in this matter. He thanked me and I left.

Vernon A. Walters
Lieutenant General, USA

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

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No. 129—(3407) Memorandum by Lt. Gen. Vernon A. Walters, dated June 28, 1972, re: Walters meeting with Gray on June 23, 1972, at 1430 hours in Gray's office in the FBI Building-----	3815
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No. 135—(3417) Walters memorandum dated February 9, 1973, re: Phone call from John Dean at 6:10 p.m. on February 9, 1973-----	3825
No. 136—(3419) Walters memorandum dated May 11, 1973, re: Walters meeting with Dean at 1430 hours at Dean's White House office-----	3827
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EXHIBIT No. 131

29 June 1972

MEMORANDUM FOR RECORD

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

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

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

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

Vernon A. Walters
Lieutenant General, USA

[1333]

7. On June 28, 1972 John Ehrlichman met with John Dean at the White House. Ehrlichman approved Dean's contacting Herbert Kalmbach, the President's personal attorney and a Presidential campaign fundraiser, to ask Kalmbach to raise funds for the Watergate defendants. Kalmbach flew to Washington during the night of June 28, 1972, and the following morning Dean met Kalmbach and asked Kalmbach to raise and distribute such funds. Dean indicated that Kalmbach should raise from \$50,000 to \$100,000, and Kalmbach accepted this assignment. Kalmbach has testified that he acted in the belief that these payments were necessary to discharge a moral obligation that had arisen in some manner unknown to him by reason of earlier events.

- 7.1 John Ehrlichman log, June 28, 1972 (received from SSC).
- 7.2 John Ehrlichman testimony, 6 SSC 2566-69.
- 7.3 John Dean testimony, Watergate Grand Jury, November 19, 1973, 93, 102-03 (received from Watergate Grand Jury).
- 7.4 John Dean testimony, 3 SSC 950.
- 7.5 Herbert Kalmbach testimony, 5 SSC 2097-98.

MONDAY, JUNE 26, 1972

8:00 HRH office
 8:15 Roosevelt Room
 10:00 Colson, MacGregor
 11:00 President
 12:25 John Dean
 12:45 Randall Smith (publisher of National Journal)
 2:30 Roosevelt Room - p.r. group
 3:30 President, Shultz, Weinberger, Stein (budget)
 6:00 Tennis with Hullin, Mrs. E, Hruska

TUESDAY, JUNE 27, 1972

8:00 HRH office
 8:15 Roosevelt Room
 9:55 President
 10:00 President, Republican Members of Senate Finance Committee
 12:00 Bruce Agnew (Business Week)
 12:30 Fred Malek
 1:00 Lunch in Mess with Jan, Pete, Barb Preve
 2:00 Robert Toth (LA Times)
 4:15 Klein's group of local anchormen - EOB Conference Room

WEDNESDAY, JUNE 28, 1972

8:00 HRH office
 8:15 Roosevelt Room
 10:45 John Dean
 12:30 Joan Sullivan, Susan Engstrom (Santa Monica High School)
 2:10 John Dean
 2:30 President
 3:45 Weinberger's office - HRH
 4:55 Tennis with Vernon Jordan (Urban League), Hullin, Young
 6:30 L. Patrick Gray, III, John Dean

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DR

69

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
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FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973
Book 6



Printed for the use of the
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WASHINGTON : 1973

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Mr. EHRLICHMAN. Well, of course, the President has many, many channels of information in and he gives instructions to a number of people besides me on a whole range of subjects. So I wouldn't want you to have the impression that he depended on me as the sole source of his information or the sole conduit for his instructions, either one.

I became aware of a very active concern, and a very active practice on the part of Mr. Dean and his colleague, Mr. Fielding, to counsel people who had in some way been associated with the special unit in one way or another, that when they were interviewed by the FBI, this was a subject that was impressed by the President with a very high security classification. That would have been—the FBI really was conducting interviews in the White House in the month of June and on into July. I think they finished for all practical purposes their intensive investigation in the White House during the month of July.

Mr. THOMPSON. Would he not normally have expressed his concern to you, whether or not he was getting any information from you, since he looked to you for supervision of this group? Would he have not expressed his concern to you about in effect, your former employees?

Mr. EHRLICHMAN. Would he not?

Mr. THOMPSON. Did he not?

Mr. EHRLICHMAN. I can't recall that he ever did, Mr. Thompson.

Mr. THOMPSON. I believe you did state that early on, you felt like you had standing instructions that these matters of national security involving the plumbers were matters which were not to be exposed.

Mr. EHRLICHMAN. Yes, sir; I have a very clear recollection of a conversation with the President around the first of 1971, in which he made that very, very clear.

Mr. THOMPSON. But you had no personal concern until March of this year that—what? Either that those matters would be exposed or if they were exposed, that they would have any significant repercussions?

Mr. EHRLICHMAN. I think the former. I had rested secure in a passive sense—this wasn't something that was on my mind a great deal. But I had felt that this was a set of subjects of real delicacy in terms of national security and that really, if there were any subjects that would not be talked about freely or find their way into the public domain, that this is one of those sets of subjects that would not. And I didn't have any conscious concern that anybody involved in it, Hunt and Liddy included, would have told those—

Mr. THOMPSON. When did you first become aware of the fact that money was being raised to pay Hunt, among others?

Mr. EHRLICHMAN. I am not sure that I knew who money was being raised for in any specific sense. You have asked me about Hunt.

Mr. THOMPSON. The Watergate defendants?

Mr. EHRLICHMAN. Yes, I was aware that there was a need for a defense fund, attorneys' fees fund.

Mr. THOMPSON. When did that come to your attention?

Mr. EHRLICHMAN. It must have been late in June and it came to me through Mr. Dean, who said that the defendants were losing their attorneys, attorneys were quitting, they were not being paid. John Mitchell felt very strongly that it was important to have good legal representation for these defendants for a number of reasons—for political reasons, but also because we had these civil damage suits that

had been filed by the Democrats against the Committee for the Re-Election and the Republicans.

Mr. THOMPSON. What do you mean "for political reasons"?

Mr. EHRLICHMAN. Well, just that if there were to be a trial and it were to take place before the election, that obviously, that trial would have some political impact and good representation was simply essential.

Mr. THOMPSON. How would money help in that regard? Motions for continuances or—

Mr. EHRLICHMAN. Money would help to retain attorneys. At least, that was my understanding of the concept.

Mr. THOMPSON. It certainly would do that?

Mr. EHRLICHMAN. Evidently.

Mr. THOMPSON. What about later on? Did it come to your attention that there were increasing pressures by Hunt specifically for money, more money for himself and his attorneys?

Mr. EHRLICHMAN. I don't think I became aware of that until sometime after the 1st of the year. Then it came not in the, not so much in the money sense where Hunt was concerned, but it related to this episode of his trying to make contact with Mr. Colson to satisfy himself that Colson was still standing by him and that he was still his friend, and this kind of thing. It was not until we got into about the 20th of March that I became aware that Hunt was in fact making strong money demands.

Mr. THOMPSON. You didn't have any discussions with anyone, Dean or anyone else, during all this period of time, about Hunt in fact was threatening to blow the lid off unless his money demands were met?

Mr. EHRLICHMAN. No, I don't believe so.

Mr. THOMPSON. You drew no distinction in your mind between Hunt and Liddy and the Cuban-Americans? They were all just one package?

Mr. EHRLICHMAN. As two groups?

Mr. THOMPSON. Yes. You didn't feel like it was any more imperative that Hunt and Liddy had sufficient funds to hire good lawyers to make them happy than for the Cuban-Americans?

Mr. EHRLICHMAN. No. And it was not, obviously, to make them happy and it was for the purpose that I have stated.

Mr. THOMPSON. Humanitarian?

Mr. EHRLICHMAN. Well, no; I conceived of this as being like, you know, the Daniel Ellsberg defense fund and the Angela Davis defense fund and the Berrigan brothers defense fund. It is apparently a commonplace of American life these days that these kinds of funds are created and that people do donate to them.

Mr. THOMPSON. Is it your understanding that this particular defense fund was going to be secret?

Mr. EHRLICHMAN. No, as a matter of fact, Mr. Dean told me that there was a public defense fund being created in Florida right around this time.

Mr. THOMPSON. But this was not the one that Mr. Kalmbach was engaged in, was it?

Mr. EHRLICHMAN. This was, as I understood it, one that had been generated within the Cuban community down there.

*Late June &
funds out other
N. raising money
for Plumb*

Mr. THOMPSON. But is that not something completely separate and apart from what Mr. Kalmbach was doing? Didn't Mr. Kalmbach come to you and, in essence, tell you that he was raising money and ask if it was all right?

Mr. EHRLICHMAN. Well, not quite in those terms, but I had a conversation with Mr. Kalmbach about the fact that he was raising money for attorneys' fees.

Mr. THOMPSON. Give us the essence of that conversation, if you can. When did it occur and what was said?

Mr. EHRLICHMAN. It occurred on July 14 out in his office in Newport Beach. That was a Friday afternoon. I stopped at his office on my way from the western White House back to the place that I was staying, which was on farther north, and he showed me his offices. We talked about the California political situation, which he was then very concerned about, on which he had a number of ideas. And he mentioned to me in the course of that get-together that he was now raising money. He said it rather philosophically, because we had had a conversation back sometime in February or March in which—

Mr. THOMPSON. How do you talk about raising money, philosophically? [Laughter.]

Mr. EHRLICHMAN. Well, this way: He had hoped to get out of the money-raising business the first of April and we had hatched a rather elaborate plot to get him out of the money-raising business and it was that Bob Haldeman and I would be his defense when Maury Stans and John Mitchell asked him to get back into the fundraising again. He said he had had that activity and he had been at it a couple of times in Presidential campaigns and he really wanted to do other kinds of things to be helpful.

So we agreed that when he was approached by Mr. Stans or Mr. Mitchell, that he would say, and we would back him up, that he was going to do political chores for the White House on assignment.

He was philosophical about it in the sense that it was sort of, well, maybe you have heard—

Mr. THOMPSON. Could I ask you this?

Mr. EHRLICHMAN [continuing]. I am back raising money again.

Mr. THOMPSON. Pardon me for interrupting. Could I ask you this: He testified essentially that he looked into your eyes and said, "John, I know your family, you know my family, is this the thing to do, is it all right?"

You said, "yes, Herb, it is."

Now, did that happen?

Mr. EHRLICHMAN. I am sure that if he had looked into my eyes and I had looked into his eyes and we had invoked the names of our wives, I am sure I would remember that solemn occasion and I am sorry to say that I don't remember.

I would never in my life ask Herb Kalmbach to do anything that I thought was shady or improper, certainly not illegal. And if Herb Kalmbach had ever said to me, "Do you vouch for the propriety or the legality of what I am doing," I would have been very, very slow to make any assurance to Herb without a lot of research to satisfy myself. And that is why I am pretty sure that that kind of request was not made of me and I did not make a response, because I never did have occasion to research it or find out about it.

Mr. THOMPSON. Dean had already talked to you about it previously, though?

Mr. EHRLICHMAN. Well, he had talked to me about it. He said, "Look, I am going to see if we can get Herb Kalmbach wound up to raise some attorney's fees for John Mitchell, who says we have really got to do it for the reasons that I have stated." He said, "if he checks with you, back me up on this."

Now, it happened that he did not check with me. Herb did not call me and we did not talk about it until he was well into the project. As I say, it was, as I recall, the 14th of July when we first discussed it. And the balance of the conversation, after he said, as I say, rather resignedly, that he was back in this, that he was using Tony Ulasewicz to carry cash—and I got the impression that he was carrying cash from California to the East and I may be mistaken about that, but I related that to Dean's very brief conversation with me before about this. There was no solicitation of him to me, is this OK for me to do or anything of that sort at that time.

Now, he was in my office again back here, what, 12 days later, I guess it was, on the 26th, and my log shows that. I do not know—he made periodic visits and he would come in and he would have a whole list of things that he wanted to talk about, and we would go down his list. It may be that this business was on it, but I am just morally certain that there was no such request of him that I vouch for the activity nor was there any vouching on my part.

Mr. THOMPSON. Mr. Ehrlichman, I would like to conclude. Now the reason I am probing this area with regard to your frame of mind at the time is this: It appears to me that if, say, the break-in at the psychiatrist's office of Daniel Ellsberg was a legitimate matter, a matter concerning national security and was held under your interpretation, I presume, of the implied powers of the President under the Constitution; if you felt this way, and if, in fact, the President had instructed you for national security reasons to see that those matters were not uncovered or exposed in the investigation of the Watergate, then all of these other matters would seem to follow as a matter of course, the other matters you responded to, this business about telling Dean to deep-six the Hunt documents; the business about seeing that money was raised or helping to see that money was raised to keep the defendants quiet; this business about offering Hunt Executive clemency or the President offering Hunt Executive clemency and I know you want to respond to all of those, but I am interested in how you felt at the time. If, first, you did feel like the previous activities of the Plumbers were legitimate and legal, and, second, the President did give you the instruction which he says he gave you, then would not these matters follow as a matter of course, and would you have any reason to deny them?

Mr. EHRLICHMAN. Mr. Thompson, without getting into all of these specific misstatements of truth, let us look at what I did do when the President gave me the instruction back in the first of 1972, with regard to holding confidential the activities of that special unit. What I did do was to contact the people who were involved, that is, Krogh, and Young primarily, and say, "This is the President's decision, this is his determination, he does not want this talked about. It is confidential, it is secret, it is not to be discussed."

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

-----x
:
IN RE: POSSIBLE VIOLATIONS :
:
OF 18 USC 2511 and 2512 :
:
-----x

33.1

Grand Jury Room No. 3
United States District Courthouse
3rd & Constitution Avenue, N. W.
Washington, D. C.

Monday, November 19, 1973

The testimony of JOHN W. DEAN, III, was presented
to a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE
Assistant Special Prosecutor
United States Department of Justice

GEORGE T. FRAMPTON, JR.
Assistant Special Prosecutor
United States Department of Justice

JILL VOLNER
Assistant Special Prosecutor
United States Department of Justice

1 was going to be involved. I didn't really think that my
2 second meeting was going to change the results of that.

3 Q Did there come a time when Mr. Mitchell asked you
4 to seek your superiors' permission to go ahead and contact
5 Mr. Kalmbach about becoming involved in raising money for the
6 defendants?

7 A Yes. He specifically asked me to check with Mr.
8 Haldeman and Mr. Ehrlichman as to the use of Mr. Kalmbach.

9 Q Do you recall any comments that he made on that
10 occasion?

11 A Yes, I do. I recall -- well, where it happened.
12 It was in his office at the re-election committee -- I should
13 say his law office over in the same building.

14 I was standing by his desk, and he said to me that
15 I should go ahead and check with Haldeman and Ehrlichman about
16 using Kalmbach because he thought that they would be very
17 interested in seeing this problem dealt with.

18 Q Did you in fact seek the approval of both Mr.
19 Haldeman and Mr. Ehrlichman?

20 A Yes, I did. I sought it and received it.

21 Q Had you ever asked Mr. Kalmbach in the past to take
22 on any fund raising assignment?

23 A Never had.

24 Q Had you ever asked him to take on any assignment?

25 A No.

*m. tells D to
see H & E re
raising money
thru K for
Plumber*

1 Q Do you recall whether he had notes or some kind of
2 written material from which he made this accounting?

3 A Yes. He had a small slip of paper which he had been
4 carrying in his wallet. He took this small piece of paper out
5 of his wallet and had written in a very small print these
6 figures and he read them to LaRue.

7 I don't recall whether LaRue made any notes or not,
8 but after Kalmbach had done his reporting, there was sort of
9 a ceremonial burning of the piece of paper in an ashtray on my
10 desk.

11 Q Mr. Kalmbach burned the paper himself?

12 A Yes.

13 Q Now during July, August, and September of 1972, did
14 the demands that were being communicated from the defendants
15 continue?

16 A Yes, they did.

17 Q Mr. Dean, was it on account of these continuing
18 demands that Mr. Kalmbach had to raise additional money as time
19 went along?

20 A That's correct.

21 Q To your own personal knowledge, who knew about the
22 payments that were being made to the defendants?

23 A Mr. Haldeman, Mr. Ehrlichman, Mr. Mitchell, of course
24 Kalmbach.

25 Q I take it you personally had conversations with Mr.

1 LaRue and Mr. Mitchell about it?

2 A Yes.

3 Q And you initially had gotten approval for the opera-
4 tion from Mr. Ehrlichman?

5 A That's correct, and Haldeman.

6 Q Did you subsequently discuss how this was going with
7 Mr. Ehrlichman on occasion?

8 A It came up on a regular basis.

9 Q On a regular basis?

10 A Yes.

11 Q And at this time, prior to the indictment on
12 September 15th, did you ever have a discussion about a Cuban
13 defense or a Miami defense fund that had been set up?

14 A I don't recall when the discussion of the defense
15 fund really came out. It was certainly something that was
16 being kicked around long before it actually, I understand, was
17 created.

18 There was no such actually operating defense fund to
19 my knowledge, and it was always assumed that it would be one
20 of the best fundraisings in the world because it had a sure
21 sources of money.

22 Q But at this time this was being talked about, if at
23 all, as a future possibility?

24 A In September, you're saying?

25 Q July, August, September.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JUNE 25 AND 26, 1973

Book 3



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a discussion of the need for support money in exchange for the silence for the men in jail and if the CIA could not do it they would have to find money somewhere else. Mr. LaRue indicated that Mr. Stans had only a small amount of cash. I believe he said \$70,000 or \$80,000, but more would be needed. After some discussion which I cannot recall with any specificity at this time, Mitchell asked me to get the approval of Haldeman and Ehrlichman to use Mr. Herbert Kalmbach to raise the necessary money. Before I departed the meeting I remembered that Mr. Mitchell, in an aside for my ears only, told me that the White House, in particular Ehrlichman, should be very interested and anxious to accommodate the needs of these men. He was referring to activities that they had conducted in the past that related to the White House, such as the Ellsberg break-in.

I conveyed this request to Haldeman and Ehrlichman and they told me to proceed to contact Mr. Kalmbach. I called Mr. Kalmbach on June 28, and told him that Haldeman, Ehrlichman, and Mitchell had requested that he come back to Washington as quickly as possible. He told me he would take the next flight.

I met Mr. Kalmbach at the Mayflower Hotel on June 29. We first met in the coffee shop, but could not find sufficient privacy to talk, so we went to his room. I had always been very open in my dealings with Mr. Kalmbach, and I knew that he had stated, after he completed his fundraising activities prior to April 7, 1972, that he did not wish to engage in any further fundraising activities, so I told him everything I knew about the case at that time, including my concern that it might involve the President himself, but I did not know that for a fact. I also told him that Haldeman, Ehrlichman, and Mitchell felt it was very important that he raise the money. I told him that per Mitchell's instructions he should contact Fred LaRue as to the amounts needed and the timing. I knew that Kalmbach was not happy with this assignment, and he said he was undertaking it only because Mitchell, Haldeman, and Ehrlichman had so requested. I do not know if Mr. Kalmbach discussed this with any of these persons, but given the nature of the request, I did not expect him to take it on my word alone. I had never before given instructions to Kalmbach to raise any money or never passed on any similar instructions to him.

Subsequent to our meeting, Kalmbach informed me he was departing to raise the money, but he wanted Tony Ulasewicz to handle any deliveries because Mr. Ulasewicz was the only man he would trust. He said that he did not have his telephone number and requested that I call Jack Caulfield and request that Mr. Ulasewicz call him in California. I called Caulfield and made the request, but I did not tell Caulfield the reason Kalmbach wanted to have Mr. Ulasewicz call him.

Within a week or so, Kalmbach returned to Washington and requested that I meet him in Lafayette Park, which I did. He said that I could report to Haldeman and Ehrlichman that he had raised the money and, in fact, he said he had it in his briefcase with him, to the best of my recollection, he told me he was en route to meet Mr. Ulasewicz, but wanted me to know the job was done. Following that meeting and several days later, as I recall, he called me and said that he had asked Fred LaRue to come to my office to give him the details of who was to get how much. I recall that such a meeting did occur in my office, but I was on and off the telephone while LaRue and Kalmbach were going over the figures and I have absolutely no recollection of the

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
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PRESIDENTIAL CAMPAIGN ACTIVITIES
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UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 11, 12, 13, 16, AND 17, 1973

Book 5



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and in Arizona. In 1967, the present firm of Kalmbach, DeMarco, Knapp & Chillingworth was founded with offices in Los Angeles and Newport Beach. Also, for more than 20 years, I have been active in political work—particularly in recent years in the area of campaign finance.

Since early 1969, I have been engaged in activities on the President's behalf in three major areas.

First, it has been the source of great pride and personal satisfaction to me and to my partners to have had the responsibility for handling personal legal matters for President Nixon and members of his immediate family for the past 4 years. During this period, practically all of the contacts that I had relative to these matters were handled through either John Ehrlichman or John Dean.

Second, I acted as trustee during the period from January of 1969 to early February of 1972 for certain surplus funds which had accrued principally from the primary period of the 1968 campaign. While Maurice H. Stans was the individual with whom I dealt at the time I accepted such trusteeship, I disbursed from such funds only at the express direction of H. R. Haldeman or others clearly having the authority to direct such disbursements.

Third, I agreed to solicit early pledges of financial support for the President's 1972 campaign beginning in November of 1970. This assignment was completed in the spring of 1972. The original records of this activity were turned over to the finance committee after Mr. Stans had assumed the post of finance chairman on February 15, 1972. I thereupon directed my secretary to destroy my files which were wholly personal and supportive of the original files earlier transferred to the finance committee. This action on my part was intended to insure the continued confidentiality of the contacts that I had had with various contributors with whom I had dealt during this period. Copies of what remaining records I have and such bank records as I have been able to retrieve have been supplied to the committee's staff prior to my appearance here today.

Finally, I want to take this opportunity to deny any prior knowledge of the Watergate break-in, in or participation in, the formulation of any planned conspiracy to cover up that incident or act of campaign sabotage or unethical activity. My actions in the period immediately following the break-in which involved the raising of funds to provide for the legal defense of the Watergate defendants and for the support of their families were prompted in the belief that such was proper and necessary to discharge what I assumed to be a moral obligation that had arisen in some manner unknown to me by reason of earlier events. The fact that I had been directed to undertake these actions by the No. 2 and No. 3 men on the White House staff made it absolutely incomprehensible to me that my actions in this regard could have been regarded in any way as improper or unethical.

I am here before you today to tell the truth about my activities during the period in question. It is not my purpose to testify for or against any individual. I wish to cooperate fully with the committee, and in that spirit, I am now ready to answer your questions to the very best of my ability.

Thank you.

Mr. DASIT. Thank you, Mr. Kalmbach.

Mr. KALMBACH. Yes, sir, it was.

Mr. DASH. Did you find a lot of interest when you were there at the committee concerning that incident?

Mr. KALMBACH. Well, again, Mr. Dash, it was a topic of discussion, and I know that I did talk about it, but it was nothing more than that.

Mr. DASH. All right after that meeting, you returned to California?

Mr. KALMBACH. Yes, sir, I did.

Mr. DASH. Now, did you receive a telephone call from Mr. John Dean on June 28?

Mr. KALMBACH. Yes, I did.

Mr. DASH. And what did he tell you on the telephone?

Mr. KALMBACH. As I remember the telephone conversation, Mr. Dean called me. It was in the early afternoon, midafternoon, on the 28th. He told me that it was a matter of extreme importance that I return to or come back to Washington, preferably by the first available flight, to undertake a very important assignment.

Mr. DASH. And what did you do in response to that call?

Mr. KALMBACH. I took a 10 or 10:15 or 10:30 flight that night.

Mr. DASH. Arriving in Washington when?

Mr. KALMBACH. Arriving in Washington at 6, 6:15, 6:30, the following morning.

Mr. DASH. Now, what did you do next, Mr. Kalmbach?

Mr. KALMBACH. I then took a cab into town and checked into the Statler-Hilton Hotel.

Mr. DASH. Did you then meet Mr. Dean, either at that time or a later time that day?

Mr. KALMBACH. Yes, after I checked in and changed, I think probably I had some breakfast, I called Mr. Dean around, as I can best recall, around 9 in the morning in his office in the Executive Office Building.

Mr. DASH. And what transpired? What was the call about? What did Dean say, what did you say, and what followed?

Mr. KALMBACH. It seems that in recalling that conversation, I told him that I am here in Washington at the Statler, and I can come over to your office right now if that is what you wish.

He replied, "No, you are at the Statler, I am here at the Executive Office Building, why don't we both start walking and meet in front of the Hay-Adams Hotel?"

I said, "all right." This had never happened before, but it was a nice day and I said, "all right, I will do that; I will meet you in front of the Hay-Adams," and then left the hotel.

I was there about 9:30, I would guess, and I think I saw him coming up through the park and I suggested that we have coffee at the Hay-Adams. He said, "No, let's just walk in the park," which we did.

We walked for a time and I recall that he put his foot up on the bench and made some wide gestures, indicating to me that I should do likewise, which I am not certain that I understood what he meant by that, but I recall that very clearly.

Mr. DASH. He made wide gestures and asked you to do likewise?

Mr. KALMBACH. Wide gestures, well, indicating that perhaps we were being observed. I don't understand, but I do remember that he did, in fact, do that, and suggest to me that I do likewise.

Mr. DASH. You would certainly be a greater target of observation if you were making wide gestures, would you not?

Mr. KALMBACH. I would think so.

Mr. DASH. Well, what, actually, did you and Mr. Dean discuss? What did he say to you, other than making gestures?

Mr. KALMBACH. Well, he indicated that the reason for this call and for my coming back to Washington was that it was necessary to talk to me about a very important assignment, namely that, he said—he used the editorial, “We.”—“We would like to have you raise funds for the legal defense of these defendants and for the support of their families.”

Mr. DASH. When you say these defendants, now—

Mr. KALMBACH. The Watergate—

Mr. DASH. These were the seven defendants, Mr. Hunt, Mr. Liddy, Mr. McCord, Mr. Barker, Mr. Sturgis, Mr. Gonzales—

Mr. KALMBACH. That is correct.

Mr. DASH. Now, you knew that they were for all of these defendants?

Mr. KALMBACH. I just remember that he said the Watergate defendants at that time and I was not even certain at that point in time that I even knew their names.

Mr. DASH. All right. Did you ask him any questions about that?

Mr. KALMBACH. Yes, I did. I recall that in my conversation with him, I asked whether or not it would not be perhaps preferable to have a public committee formed to raise funds for these people and for these purposes. And also, I recall that I wondered aloud about whether or not maybe they could mortgage homes or raise funds in that way until a public committee could be established. His answer to that was that there was no time for this, that a public committee might be misinterpreted, and he just waved it aside and pressed on with his request.

Mr. DASH. Did he tell you how much money might be involved?

Mr. KALMBACH. My recollection is that he indicated \$50,000 to \$100,000 for this assignment.

Mr. DASH. Did he stress, since he had indicated to you that a public effort might be misinterpreted, did he stress that this had to be completely secret?

Mr. KALMBACH. Yes, he made a very strong point that there was absolute secrecy required, confidentiality, indicating that if this became known, it might jeopardize the campaign and would cause misinterpretation as to the reasons for raising these funds and for the help of these people.

Mr. DASH. Now, since you were to raise these funds, how would you know how much was to be given to which defendants? Was there a discussion about that?

Mr. KALMBACH. Yes, sir, there was.

Mr. DASH. Could you tell us about that?

Mr. KALMBACH. After he had made the request, I asked him if I, when I raised the funds, should I give them to him for distribution, and he said, no, not to me. And he indicated, I think, Mr. LaRue would be the person—

Mr. DASH. Is that Mr. Fred LaRue?

Mr. KALMBACH. Mr. Fred LaRue would be the person who would be giving me directions in this assignment as to specific amounts and

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

8.1 Jeb Magruder testimony, 2 SSC 801-02.

8.2 Herbert Porter testimony, 2 SSC 635-36, 645, 649, 678.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
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PRESIDENTIAL CAMPAIGN ACTIVITIES
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NINETY-THIRD CONGRESS
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WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JUNE 5, 6, 7, 12, 13, AND 14, 1973
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somewhere between \$100,000 and \$125,000, approximately. That was my guesstimate.

Mr. Porter indicated that he had distributed about \$20,000 or \$30,000 to Mr. Liddy, so I assumed that Mr. Sloan probably distributed somewhere under \$100,000.

Now, I will fully admit that I had hoped that the figure was as low as possible and we all hoped that it was low. Mr. Sloan would not tell me what the figure was. He refused to tell me the figure. He said, I cannot tell you the figure.

I said, just tell me what it is so we can work on the solution of this problem. If we do not know how much you gave Mr. Liddy, how can we determine what the money went for?

On the third meeting, he and I went out and had a couple of drinks and he still would not discuss the facts of this situation with me. I did not at that time or in any of those meetings ask him to do anything relating to money other than tell me what the figure was and that I hoped it was a low figure. And I certainly did hope it was a low figure. But I had no problem accepting a higher figure, because I thought we could work something out relating to any figure within reasonable limits.

I think the real problem was that he knew it was \$199,000 and I was aghast at that figure, because there was no way Mr. Liddy should have received that much money in that short period of time. It was only 2½ months since its approval.

Mr. DASH. Now, Mr. Magruder, you said you needed some of this information to work out a solution. Is it not true that sometime after the time you returned to Washington from California and during the months of, say, June, July, or August, that there came a time when you agreed to make up a story about how the break-in and the bugging took place and who was involved?

Mr. MAGRUDER. Yes. I want to state here, though, that there was never any feeling on my part, no one asked me to do anything. I personally felt that it was important to be sure that this story did not come out in its true form at that time, as I think did the other participants. So I want to make it clear that no one coerced me to do anything. I volunteered to work on the coverup story.

Mr. DASH. But on your volunteering to work on it, who participated with you without coercing you in the working up of the fabricated story?

Mr. MAGRUDER. Well, there were, from the time of the break-in to my second grand jury appearance and then actually into my third grand jury appearance in September, a series of meetings. These meetings do not appear on my calendar because they were ad hoc meetings, they were not planned meetings. They were mainly held in Mr. Mitchell's office. The main participants typically were Mr. Mitchell, Mr. LaRue, Mr. Mardian, and Mr. Dean, although many other people met in these meetings. Much of the meetings would be on subjects that were perfectly, I think, acceptable to discuss.

You know, it is very hard for me to pinpoint exactly when and how we came up with the coverup story, but it became apparent, when we found out the sums were in the \$200,000 range, that we had to come up with a very good story to justify why Mr. Liddy would have spent that amount of money on legal activities.

Mr. DASH. What was that story, Mr. Magruder, that you finally came up with?

Mr. MAGRUDER. What we did was we simply took factual activity that we had asked Mr. Liddy to do and we exaggerated to a great extent the amount of money spent on those activities to the tune of the \$230,000.

I asked Mr. Porter to, would he be willing to work with us on this coverup story and, as he has testified, he indicated that he did.

So he took care of, in effect, \$100,000 and I took care of, in effect, \$150,000 by indicating that Mr. Liddy had legal projects for us in the intelligence field, and we worked over this story with Mr. Mitchell, Mr. Dean, Mr. LaRue, and Mr. Mardian, although Mr. Mardian has participated to a much lesser extent with me than the others did. My primary contacts on the story were Mr. Dean and Mr. Mitchell.

Mr. DASH. All of these persons that you have named—you finally did arrive at the story and they knew in fact what actually had occurred?

Mr. MAGRUDER. Yes; they did.

Mr. DASH. Could you tell us why the story required that the break-in involvement be cut off at Mr. Liddy and not at you?

Mr. MAGRUDER. Well, there was some discussion about me and I volunteered at one point that maybe I was the guy who ought to take the heat, because it was going to get to me, and we knew that. And I think it was, there were some takers on that, but basically, the decision was that because I was in a position where they knew that I had no authority to either authorize funds or make policy in that committee, that if it got to me, it would go higher. Whereas Mr. Liddy, because of his past background, it was felt that that would be believable that Mr. Liddy was truly the one who did originate it. And, of course, it was true, I think, that Mr. Liddy did originate the plan, was basically the one who did come up with these ideas in specific terms.

• We felt that was more believable than somebody like myself who did not have any background in this area authorizing these kinds of sums of money and authorizing this type of program when it was known full well throughout the committee and White House that I had no such authority.

Mr. DASH. Now, did you tell this story that was developed to Mr. Parkinson and Mr. O'Brien, who were representing the committee?

Mr. MAGRUDER. After July 4, Mr. Mardian brought Mr. Parkinson into my office and said to me that he would like me to tell the true story. I said, "You mean the true story"—which—you know, at that time, we were dealing in a number of stories, and he said, "No; I want the true story."

I then for 2 hours, I think, told Mr. Parkinson the true story.

Mr. DASH. But later, you then told Mr. O'Brien and Mr. Parkinson the story that had been developed and agreed to by the other parties you mentioned?

Mr. MAGRUDER. Yes; that is correct.

Mr. DASH. When were you first called before the grand jury, Mr. Magruder?

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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Mr. PORTER. All of it.

Mr. DORSEN. How have you now arrived at the figure you have just given us?

Mr. PORTER. I have had ample opportunity to go back and recall as best I know how each of the transactions in which I went and got money from Mr. Sloan and gave it to others, and to the best of my ability I have come up with those figures.

Mr. DORSEN. And is it your best recollection and knowledge that you received from Mr. Sloan a total of approximately \$69,000?

Mr. PORTER. Yes, sir; to the best of my knowledge.

Mr. DORSEN. Mr. Porter, when did you first become aware of the break-in at the Watergate?

Mr. PORTER. Saturday, June 17, in Los Angeles, Calif.

Mr. DORSEN. And briefly how did you become aware?

Mr. PORTER. Well, sir, that was a weekend which we were having a large party at a private residence in California for a lot of the celebrities who were going to be supporting the President during the campaign, and it was on that trip that apparently the word, the news broke Saturday morning here and was relayed to some of the campaign officials with whom I was traveling at the time and I learned it from them.

Mr. DORSEN. Following the break-in at the Watergate, did you have a conversation with Mr. Jeb Magruder concerning any statements you might make to the Federal Bureau of Investigation?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. Where and when did this conversation occur?

Mr. PORTER. I would say that approximately 10 or 11 days, I am not sure of the exact date, whether it was June 28 or the 29th, but in that time frame, Mr. Magruder asked me to come in to his office, which I did. He shut the door and he told me that he had just come from a meeting with Mr. Mitchell, Mr. LaRue, himself, and a fourth party whose name I cannot remember, where my name had been brought up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect.

Mr. DORSEN. You are now recounting what Mr. Magruder told you.

Mr. PORTER. Yes, sir.

Mr. DORSEN. Please continue.

Mr. PORTER. He said that I believe at that time Mr. Liddy had been fired from the campaign. He said it was—"apparent" was the word he used—that Mr. Liddy and others had on their own, illegally participated in the break-in of the Democratic National Committee, and Mr. Magruder swore to me that neither he nor anybody higher than Mr. Liddy in the campaign organization or at the White House had any involvement whatsoever in Watergate, at the Watergate break-in, and reinforced that by saying, "Doesn't that sound like something stupid that Gordon would do?" and you have to know Mr. Liddy, I agreed with that. [Laughter.]

He said, "I want to assure you now that no one did." He said, however, "There is a problem with some of the money. Now, Gordon was authorized money for some dirty tricks, nothing illegal, but nonetheless, things that could be very embarrassing to the President of the United States and to Mr. Mitchell and Mr. Haldeman and others. Now, your name was brought up as someone who we can count on to help in this situation," and I asked what is it you are asking

me to do, and he said, "Would you corroborate a story that the money was authorized for something a little bit more legitimate sounding than dirty tricks, even though the dirty tricks were legal, it still would be very embarrassing. You are aware that the Democrats have filed a civil suit against this committee." I said, "Yes, I have read that in the paper." He said, "Do you know what immediate discovery is?" I said, "I do not. They may get immediate discovery, which means they can come in at any moment and swoop in on our committee and take all of the files and subpoena all of the records and you know what would happen if they did that." I conjured up in my mind that scene and became rather excitable and knew I didn't want to see that. So I said, "Well, be specific," and he said, "Well, you were in charge of the surrogate campaign, you were very concerned about radical elements disrupting rallies, and so forth," and I said yes, and he said, "Suppose that we had authorized Liddy instead of the dirty tricks, we had authorized him to infiltrate some of these radical groups. How could such a program have cost \$100,000?" And I thought very quickly of a conversation I had had with a young man in California in December, as a matter of fact, and I said, "Jeb, that is very easy. You could get 10 college-age students or 24- or 25-year-old students, people, over a period of 10 months." Mr. Magruder had prefaced his remark by saying from December on. And I said, "You can pay them \$1,000 a month which they would take their expenses out of that, and that is \$100,000. That is not very much for a \$45 million campaign." And he said, "Now that is right; would you be willing, if I made that statement to the FBI, would you be willing to corroborate that when I came to you in December and asked you how much it would cost, that that is what you said?" That was the net effect, the net of his question. I thought for a moment and I said, "Yes, I probably would do that." I don't remember saying yes, but I am sure I gave Mr. Magruder the impression I would probably do that and that was the end of the conversation.

Mr. DORSEN. Now, Mr. Porter, did the conversation you agreed to tell the FBI actually take place?

Mr. PORTER. Sir?

Mr. DORSEN. Did the conversation which you agreed with Mr. Magruder that you would tell to the FBI actually take place in December of 1971?

Mr. PORTER. No, sir; it did not take place in December.

Mr. DORSEN. Later, did you tell the FBI what Mr. Magruder asked you to tell them?

Mr. PORTER. Yes, sir; I did.

Mr. DORSEN. And subsequent to that, did you appear before a Federal grand jury?

Mr. PORTER. Yes, sir.

Mr. DORSEN. Were you asked about the surrogate candidate program?

Mr. PORTER. Yes, sir.

Mr. DORSEN. What did you tell the Federal grand jury?

Mr. PORTER. The same thing.

Mr. DORSEN. Were you a witness at the trial of the seven defendants who were indicted in the Watergate case?

Mr. PORTER. Yes, sir.

Mr. DORSEN. And did you give the same account?

him since his client was the one who in effect had asked me to do that it would be helpful if he—

Senator ERVIN. Now, did Mr. Sharp tell you that they could arrange for you to see the district attorney before Mr. Magruder?

Mr. PORTER. Yes, sir. He stated specifically if we decide that Jeb should go down and see Silbert, we would certainly give you the courtesy of going first. Those were his exact words.

Senator ERVIN. Then you met Mr. Magruder and found out from him that he had already been to see Silbert?

Mr. PORTER. Yes, sir.

Senator ERVIN. Now, did you consult a lawyer friend of yours after you were asked by Magruder to lie?

Mr. PORTER. Yes, sir, I did.

Senator ERVIN. You asked him what he would do under the circumstances, and he said he would probably lie for the President?

Mr. PORTER. Those words were not used, Mr. Chairman.

Senator ERVIN. What words were used?

Mr. PORTER. I stated to—I went, right after Mr. Magruder had had this discussion with me in late June, I went to a friend of mine who happens to be a lawyer, but I did not go to him because he was a lawyer; to share an experience, I think, and I stated what Mr. Magruder had said to me. We talked about it.

I think you have got to protect yourself back a little bit in a period of time. This was in the heat of the battle or the campaign. Here were two loyalists talking between the prospect of having the Democrats, our "enemy" come into our camp and bust our whole campaign wide open. I was not concerned about bad things, I was concerned about things like polling and State strategy and research and advertising and all these other things that could be made public.

So I told him what Mr. Magruder had asked me to do. He made a comment to me. He said, after thinking about it, he said—by the way, I think another important thing, if I may digress just momentarily, Mr. Chairman. I think it is very important that both of us, me particularly, since I am the one involved, believed Mr. Magruder, had no reason to mistrust him at all, that neither he nor anybody else was involved in the Watergate. And he specifically said that it was important that the investigation be confined to the Watergate, and I did not think that I was being asked to do anything in connection with the Watergate break-in at all.

My friend said to me—I think he was speaking rather rhetorically. He said, what difference does it make whether the money was authorized for this purpose or this purpose if what they are apparently saying is that Liddy diverted funds and went off and did something illegal? If one thing is going to embarrass the President and the other one is not, he said, I would not do it for Mitchell and I would not do it for Haldeman, but I would do it for the boss. And that is the feeling I had at the time.

Senator ERVIN. Was that before you testified before the grand jury?

Mr. PORTER. Yes, sir.

Senator ERVIN. Who was the lawyer who told you that?

Mr. PORTER. Mr. Chairman, I would respectfully prefer that I not have to give his name at this time. My lawyer knows who it is. He is not involved in this in any way. Unless you insist on it, I would prefer not to.

Senator BAKER. And the fear of not being a team-player was strong enough to suppress your judgment on what action you should take if you considered an action improper, if not illegal?

Mr. PORTER. Well, I never considered any action up to that point illegal, No. 1. However, I was—

Senator BAKER. Do you think an organization, a political organization, should be so anonymous, so military and obedient, so careful for the concerns of peer approval that it, each and every member of that organization, at least up until a certain point and level in the organizational chart, completely abdicates his conscience and judgment?

Mr. PORTER. No, sir; I certainly do not.

Senator BAKER. What caused you to abdicate your own conscience and disapproval, if you did disapprove, of the practices or dirty tricks operation?

Mr. PORTER. Well, Senator Baker, my loyalty to this man, Richard Nixon, goes back longer than any person that you will see sitting at this table throughout any of these hearings. I first met the President—

Senator BAKER. I really very much doubt that, Mr. Porter. I have known Richard Nixon probably longer than you have been alive, and I really expect that the greatest disservice that a man could do to a President of the United States would be to abdicate his conscience.

Mr. PORTER. I understand, Senator.

I first met Mr. Nixon when I was 8 years old in 1948, when he ran for Congress in my home district. I wore Nixon buttons when I was 8 and when I was 10 and when I was 12 and when I was 16. My family worked for him; my father worked for him in campaigns, my mother worked for him in campaigns. I felt as if I had known this man all my life—not personally, perhaps, but in spirit. I felt a deep sense of loyalty to him. I was appealed to on this basis.

Senator BAKER. Mr. Porter, I am sorry to interrupt you at this point. We have a warning bell on a rollcall. I know I will return. When we do, I know you will continue this.

[Recess.]

Senator BAKER [presiding]. I might say that the chairman will be here shortly. I understand from the chairman's representative that it was his wish that we reopen the hearings and continue.

Mr. Porter, I reiterate what I said earlier, I am in no way trying to be antagonistic to you, I have no animosity toward you, I am trying to probe for a state of mind and the institutional arrangements, the structuring, the situation that produced what would appear to me to be an abdication of one's personal judgment of what is right or wrong about a particular set of activities. That inquiry was frankly kicked off in my mind by the designation of "dirty tricks" within the campaign organization itself, by a situation that led you by your testimony, apparently, to commit perjury.

With that as the end result, I hope you can understand why I am trying to probe for the set of circumstances that led a young man to do those things.

I think I have spent most of my questions. I think that I am at best in an area of questionable definition, but if you have anything further you can give me that would shed light on why you agreed to swear falsely, why you closed your mind, apparently, to undesirable conduct, if not improper conduct, in a political campaign, the committee would be grateful for it.

Mr. DORSEN. Now, Mr. Porter, you have stated today that at no time did you request immunity from the U.S. attorney's office and, in fact, I know you have not requested immunity from this committee; is that correct?

Mr. PORTER. That is correct.

Mr. DORSEN. And I assume also that you have no desire to be indicted for perjury; is that correct?

Mr. PORTER. Yes, sir, that is correct.

Mr. DORSEN. Could you please tell the committee why then, at this time did you, or I assume your counsel, seek immunity?

Mr. PORTER. I guess, Mr. Dorsen, that would really have to go, to answer that question fully I would have to go back to Senator Baker's rather searching questions on Thursday. No matter how much a person prepares he thinks he is prepared to answer a question like that and it turns out when he is faced with it he fumbles a bit and I have done a lot of reflecting on those questions and why I did what I did and why I am here doing what I am doing now. That many of the reasons that the, the normal reasons that you read about in the newspaper and you hear about that people do things like that were not present in my case. I did not do it for money, I did not take a bribe, I did not do it for power, I did not do it for position, I did not do it to hide anything I had done because I did not think I had done anything. And yet, on the other hand, there were three or four factors that probably weighed and I cannot put any percentage on them of which weighed more and which toppled me over onto the other side. My vanity was appealed to when I was told my name had come up in high counsels, and I was an honest man and I made a good appearance and that sort of thing. My loyalty was appealed to, to the President. It was the heat of the campaign, a campaign as I am sure everyone of you Senators know was an abnormal situation, you react, you act and react, you spend most of your time reacting, and I was, I think all of those things coupled with what I have found out to be a weakness in my character quite frankly, to succumb to that pressure, all added up to my tipping over to that side.

Having discovered that weakness, and having determined that the context in which what I did has been put, the first thing I told my attorney, I said I want to go down and I want to tell the truth and I do not want to, you know, hide behind a darned thing and I have not tried to make any deals with anybody and, as I say, I have not come to this committee to do so. Senator Baker used the word atonement the other day, perhaps that is what I am doing, I do not know. I will let others judge that but that is the way I feel and that is what I am doing.

Mr. DORSEN. I have no further questions at this time.

Senator GURNEY. Mr. Chairman, could I have one question I would like to put to the witness?

Senator ERVIN. Yes.

Senator GURNEY. From time to time these people that you employed in the prank or sabotage department made reports to you, did they not?

Mr. PORTER. On a couple of occasions, I believe they wrote letters and explained what it was they had done; yes, sir.

Senator GURNEY. I am not interested in the substance of the reports. Did they make reports to you by phone conversations?