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

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

56.1 President Nixon statement, March 12, 1973, 9 Presidential Documents 253-54.
Small Business Week, 1973

Proclamation 4195. March 12, 1973

By the President of the United States of America

The doctrine of executive privilege is well established. It was first invoked by President Washington, and it has been recognized and utilized by our Presidents for almost 200 years since that time. The doctrine is rooted in the Constitution, which vests "the Executive Power" solely in the President, and it is designed to protect communications within the executive branch in a variety of circumstances in time of both war and peace. Without such protection, our military security, our relations with other countries, our law enforcement procedures, and many other aspects of the national interest could be significantly damaged and the decisionmaking process of the executive branch could be impaired.

The general policy of this Administration regarding the use of executive privilege during the next 4 years will be the same as the one we have followed during the past 4 years and which I outlined in my press conference: Executive privilege will not be used as a shield to prevent embarrassing information from being made available but will be exercised only in those particular instances in which disclosure would harm the public interest.

I first enunciated this policy in a memorandum of March 24, 1969, which I sent to Cabinet officers and heads of agencies. The memorandum read in part:

"The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval."

In recent weeks, questions have been raised about the availability of officials in the executive branch to present testimony before committees of the Congress. As my 1969 memorandum dealt primarily with guidelines for providing information to the Congress and did not focus specifically on appearances by officers of the executive branch and members of the President's personal staff, it would be useful to outline my policies concerning the latter question.

During the first 4 years of my Presidency, hundreds of Administration officials spent thousands of hours freely testifying before committees of the Congress. Secretary of Defense Laird, for instance, made 86 separate appearances before Congressional committees, engaging in over 327 hours of testimony. By contrast, there were only three occasions during the first term of my Administration when executive privilege was invoked anywhere in the executive branch in response to a Congressional request for information. These facts speak not of a closed Administration but of one that is pledged to openness and is proud to stand on its record.

During my press conference of January 31, 1973, I stated that I would issue a statement outlining my views on executive privilege.
Requests for Congressional appearances by members of the President’s personal staff present a different situation and raise different considerations. Such requests have been relatively infrequent through the years, and in past administrations they have been routinely declined. I have followed that same tradition in my Administration, and I intend to continue it during the remainder of my term.

Under the doctrine of separation of powers, the manner in which the President personally exercises his assigned executive powers is not subject to questioning by another branch of Government. If the President is not subject to such questioning, it is equally appropriate that members of his staff not be so questioned, for their roles are in effect an extension of the Presidency.

This tradition rests on more than Constitutional doctrine: It is also a practical necessity. To insure the effective discharge of the executive responsibility, a President must be able to place absolute confidence in the advice and assistance offered by the members of his staff. And in the performance of their duties for the President, those staff members must not be inhibited by the possibility that their advice and assistance will ever become a matter of public debate, either during their tenure in Government or at a later date. Otherwise, the candor with which advice is rendered and the quality of such assistance will inevitably be compromised and weakened. What is at stake, therefore, is not simply a question of confidentiality but the integrity of the decisionmaking process at the very highest levels of our Government.

The considerations I have just outlined have been and must be recognized in other fields, in and out of government. A law clerk, for instance, is not subject to interrogation about the factors or discussions that preceded a decision of the judge.

For these reasons, just as I shall not invoke executive privilege lightly, I shall also look to the Congress to continue this proper tradition in asking for executive branch testimony only from the officers properly constituted to provide the information sought, and only when the eliciting of such testimony will serve a genuine legislative purpose.

As I stated in my press conference on January 31, the question of whether circumstances warrant the exercise of executive privilege should be determined on a case-by-case basis. In making such decisions, I shall rely on the following guidelines:

1. In the case of a department or agency, every official shall comply with a reasonable request for an appearance before the Congress, provided that the performance of the duties of his office will not be seriously impaired thereby. If the official believes that a Congressional request for a particular document or for testimony on a particular point raises a substantial question as to the need for invoking executive privilege, he shall comply with the procedures set forth in my memorandum of March 24, 1969.

Thus, executive privilege will not be invoked until the compelling need for its exercise has been clearly demonstrated and the request has been approved first by the Attorney General and then by the President.

2. A Cabinet officer or any other Government official who also holds a position as a member of the President’s personal staff shall comply with any reasonable request to testify in his non-White House capacity, provided that the performance of his duties will not be seriously impaired thereby. If the official believes that the request raises a substantial question as to the need for invoking executive privilege, he shall comply with the procedures set forth in my memorandum of March 24, 1969.

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

NOTE: The text of the memorandum to which the statement refers was also made available by the White House Press Office, as follows:

Memorandum for the Heads of Executive Departments and Agencies

Subject: Establishing a Procedure to Govern Compliance With Congressional Demands for Information

The policy of this Administration is to comply to the fullest extent possible with Congressional requests for information. While the Executive branch has the responsibility of withholding certain information the disclosure of which would be incompatible with the public interest, this Administration will invoke this authority only in the most compelling circumstances and after a rigorous inquiry into the actual need for its exercise. For those reasons Executive privilege will not be used without specific Presidential approval. The following procedural steps will govern the invocation of Executive privilege:

1. If the head of an Executive department or agency (hereafter referred to as “department head”) believes that compliance with a request for information from a Congressional agency addressed to his department or agency raises a substantial question as to the need for invoking Executive privilege, he should consult the Attorney General through the Office of Legal Counsel of the Department of Justice.

2. If the department head and the Attorney General agree, in accordance with the policy set forth above, that Executive privilege shall not be invoked in the circumstances, the information shall be released to the inquiring Congressional agency.

3. If the department head and the Attorney General agree that the circumstances justify the invocation of Executive privilege, or if either of them believes that the issue should be submitted to the President, the matter shall be transmitted to the Counsel to the President, who will advise the department head of the President’s decision.

4. In the event of a Presidential decision to invoke Executive privilege, the department head should advise the Congressional agency that the claim of Executive privilege is being made with the specific approval of the President.

5. Pending a final determination of the matter, the department head should request the Congressional agency to hold its demand for the information in abeyance until such determination can be.
57. On March 13, 1973 the Senate Judiciary Committee voted in executive session to ask John Dean to testify in the Gray confirmation hearings concerning his contacts with the FBI during the investigation of the Watergate break-in.


57.2 John Dean testimony, 3 SSC 995.
Gray Hearing Calls Nixon Aide

By Carl Bernstein and Bob Woodward
Washington Post Staff Writers

The Senate Judiciary Committee voted unanimously yesterday to appoint President Nixon's White House counsel, John Wesley Dean III, to testify at confirmation hearings on the nomination of L. Patrick Gray III to be permanent director of the FBI.

The vote followed the collapse of Republican efforts to attack limits to the investigation and set the stage for a showdown between the committee and President Nixon, who had already said he would refuse to allow Dean to appear.

Late yesterday, the White House reiterated Mr. Nixon's stated position that no President could ever agree to allow the counsel to the President to go down and testify before a committee.

The two principal leaders of the movement to call Dean, Senate Majority Whip Robert C. Byrd (D-W.Va.) and Senator John V. Tunney (D-Calif.) said after the vote that they believe they can force the White House to withdraw Gray's nomination if Dean refuses to testify.

A central issue that has developed in Gray's confirmation hearings has been the FBI's handling of the Watergate investigation and, particularly, the propriety of Gray's use of the Watergate case and related allegations of political spying and sabotage.

"I would think so," replied Mansfield, "but that's a question for the Judiciary Committee to decide." The Majority Leader added that he believes Dean should appear before the committee.

Meanwhile, the powerful chairman of the committee, Sen. James O. Eastland (D-Miss.), reiterated his belief that Gray will be confirmed regardless of whether Dean testifies.

Democrats on the Judiciary Committee have questioned whether Gray has generally been too political during his tenure as acting FBI director and have suggested that he bowed to White House pressures in conducting the Watergate inquiry.

They repeatedly have questioned Gray about his frequent contact with Dean, who had recommended that one of the men subsequently convicted in the Watergate conspiracy, G. Gordon Liddy, be hired as counsel of the Committee for the Re-election of the President.

Dean conducted an investigation of the Watergate case for President Nixon that allowed current members of the administration from any involvement in the burgling of Democratic headquarters. The White House has said it was necessary that Dean receive FBI information in conducting his inquiry and has denied that Dean left any of the party lines during its deliberations.

Significantly, the sources reported that Sen. Charles McC. Mathias (R-Md.) did not join the other GOP members of the committee in urging that the Senate vote to allow Dean to appear before the committee, which was taken during an executive session in which Democrats were under a majority of the committee. The sources were reportedly in no mood to compromise.

According to sources present at the meeting, Republican members of the committee have been following strict party line in its deliberations. Significant Democratic sources said that Sen. Philip Hart (D-C.) successfully moved to invite three other witnesses whose names have been discussed in the Gray confirmation.

Following the vote to invite Dean to testify, Sen. Edward M. Kennedy (D-Mass.) also a member of the committee, said after the meeting: "In view of today's strong bipartisan speech for the FBI, I think it would be more appropriate for the President to allow Gray's nomination to be postponed until after a special Senate panel has completed its investigation of the Watergate case and related allegations of political spying and sabotage. I would think so," replied Mansfield, "but that's a question for the Judiciary Committee to decide." The Majority Leader added that he believes Dean should appear before the committee.

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President Thomas Lumbard, a Washington lawyer who says he worked with Dean and Liddy on a Nixon campaign project; and Thomas Bishop, former deputy director of the FBI.

The vote to call Bishop passed 14 to 1; Mrs. Hoback was unanimously requested to appear and Lumbard's invitation cleared on an 8-7 vote, with Mathias voting with the Democrats and Eastland with the Republicans. McClellan had by then left the meeting.

Of the three, only Lumbard accepted the invitation, and his testimony was scheduled for 2 p.m. today. Lumbard, a former assistant U.S. attorney here, has said that Dean and Watergate conspirator Liddy worked closely together on campaign finance matters.

Bishop recently retired from the FBI after reportedly disagreeing with Gray's management. Gray has said Bishop was involved in sending a teletype message—over Gray's name—to FBI field offices asking for information that would aid the White House in President Nixon's campaign.

Gray has maintained he did not know about the message until after it was sent and would not have approved it.

Mrs. Hoback, who declined her invitation yesterday afternoon, has signed an affidavit saying that within 48 hours of a supposedly confidential FBI interview, she was questioned about the interview by officials of President Nixon's re-election committee.

Senators have said they particularly want to question Dean about whether he told the Nixon campaign organization about Mrs. Hoback's interview. They also want to discuss another alleged breach of the confidentiality of FBI files, this one dealing with Donald H. Segretti.

Segretti, an alleged political saboteur working on behalf of the Nixon re-election effort, reportedly was shown copies of his own FBI reports by Nixon campaign aides during the Republican National Convention in Miami Beach.

The White House has denied suggestions that Dean showed them to Segretti.

In another matter relating to Dean, Common Cause obtained a subpoena yesterday for Dean and six presidential campaign aides in an attempt to get information about the collection of funds by the President's re-election committee.

The White House is expected to resist the subpoena of Dean. Common Cause, a citizens' lobbying organization, has sued to force disclosure of the names of Nixon campaign contributors who gave prior to April 7, 1972, when the new election finance law took effect.

Attorneys for Common Cause maintain that the old law also required full disclosure. As a result of the suit, the Nixon committee previously agreed to disclose the names of some donors who contributed about $3 million prior to April 7. There is at least another $3 million in undisclosed contributions.

The six other persons subpoenaed are Nixon campaign aides Job Stuart Magruder, Robert C. Olic Jr., DeVan L. Shumway, Murray M. Chotiner, High W. Sloan Jr. and Harry S. Fleming. The subpoena calls for "all letters, correspondence, documents, records, memoranda, and other writings" that relate to virtually every aspect of the President's campaign finance operation.
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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

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alternative was absurd. I also discussed with the President the fact that Ziegler was considering endorsing the ACLC letter to the Judiciary Committee regarding the turning over of FBI materials. The President thought that was a good idea. At the end of the meeting the President instructed me to tell the Attorney General to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee. He said this just had to cease.

**MEETING OF MARCH 8**

I had a very brief meeting with the President on this date during which he asked me if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee. I told him I thought that the matter had been taken care of by the Attorney General.

**PHONE CONVERSATION OF MARCH 10**

The phone conversation of March 10. The President called me to tell me that he felt we should get the executive privilege statement out immediately; that this should be done before I was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

**MEETING OF MARCH 13**

This was a rather lengthy meeting, the bulk of which was taken up by a discussion about the Gray hearings and the fact that the Senate Judiciary Committee had voted to invite me to appear in connection with Gray's nomination. It was at this time we discussed the potential of litigating the matter of executive privilege and thereby preventing anybody from going before any Senate committee until that matter was resolved. The President liked the idea very much, particularly when I mentioned to him that it might be possible that he could also claim attorney/client privilege on me so that the strongest potential case on executive privilege would probably rest on the counsel to the President. I told him that obviously, this area would have to be researched. He told me that he did not want Haldeman and Ehrlichman to go before the Ervin hearings and that if we were litigating the matter on Dean, that no one would have to appear. Toward the end of the conversation, we got into a discussion of Watergate matters specifically. I told the President about the fact that there were money demands being made by the seven convicted defendants, and that the sentencing of these individuals was not far off. It was during this conversation that Haldeman came into the office. After this brief interruption by Haldeman's coming in, but while he was still there. I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as $1 million or more. He told me that that was no problem, and he also looked over at Haldeman and repeated the same statement. He then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been promised Executive clemency. He said that he
On March 13, 1973 the President met with John Dean from 12:42 to 2:00 p.m. The following is an index to certain of the subjects discussed in the course of the March 13, 1973 meeting:

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58.1 Tape recording of meeting between the President and John Dean, March 13, 1973, 12:42 - 2:00 p.m., and House Judiciary Committee transcript thereof.
58.1 See "Transcript Prepared by the Impeachment Inquiry Staff for the House Judiciary Committee of a Recording of a Meeting among the President, John Dean, and H. R. Haldeman on March 13, 1973 from 12:42 to 2:00 p.m."
59. On March 14, 1973 Dean wrote to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, and, citing the doctrine of executive privilege, formally refused to testify in the Senate confirmation hearing on the nomination of Gray to be Director of the FBI. On the same day the President met with Dean and White House Special Counsel Richard Moore in his Executive Office Building Office from 9:43 to 10:50 a.m. and from 12:47 to 1:30 p.m. They discussed a press conference scheduled for the next day and making Dean a test case in the courts on executive privilege.

59.1 Meetings and conversations between the President and John Dean, March 13 and 14, 1973 (received from White House).

59.2 Memorandum of substance of Dean's calls and meetings with the President, March 13 and 14, 1973, SSC Exhibit No. 70A, 4 SSC 1797.

59.3 John Dean testimony, 3 SSC 995-96.


MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January, February, and March 1972

April 13, 1972
PM 4:31 4:34 President met with Frank DeMarco, Jr., and John Dean to sign 1971 income tax returns.

May 1, 1972
PM 3:02 3:07 President had photo opportunity in Rose Garden for National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and July 1972.

August 14, 1972
PM
12:45 1:11 The President met to sign personal legal documents with:
12:45 1:11 The First Lady
12:49 1:09 John J. Ratchford
12:49 1:11 Mr. Butterfield
12:49 1:11 Mr. Haldeman
12:49 1:12 Mr. Ehrlichman
12:49 1:12 John W. Dean, III
12:49 1:12 John H. Alexander
12:49 1:12 Richard S. Ritzel

No other contact during August 1972
September 15, 1972

PM  The President met with:
      3:15  6:17  Mr. Haldeman
      5:27  6:17  Mr. Dean

(The President talked with Mr. MacGregor by phone from 5:36 to 5:38)

No other contact during September 1972.

October 9, 1972

PM  3:10  3:34  The President met with Samuel Newhouse, President of Newhouse Newspapers and Newhouse Broadcasting and Herb Klein.
      3:23  3:34  John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the Roosevelt Room. Mr. John Dean was in attendance.

November 12, 1972

8:40  8:44  The President met aboard "Spirit of '76" with Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November and December 1972.
January 21, 1973
AM 11:05 12:04 President and First Lady hosted Worship Service. John Dean attended.

February 27, 1973
PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973
AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973
AM 9:18 9:46 President met with his Counsel, John W. Dean, III, in the Oval Office. 
(At 9:36 the President rec'd a call from AG Kleindienst. Dean
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.)
PM 1:06 1:14 President met with Mr. Dean in the Oval Office.

March 6, 1973
AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973
AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973
AM 9:51 9:54 President met with Mr. Dean in the Oval Office.
March 10, 1973

AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
  Mr. Kissinger (departed at 9:50)
  Ronald L. Ziegler
  Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean initiated the call.)

March 15, 1973

PM 5:36 6:24 President met with Mr. Dean and Mr. Moore in the Oval Office.
March 16, 1973
AM 10:34 11:06 President met with Mr. Dean in the Oval Office. Mr. Ziegler was present from 10:58-11:10.
PM 8:14 8:23 President talked with Mr. Dean. (The President initiated the call.)

March 17, 1973
PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973
PM 4:59 President requested that Mr. Moore and Mr. Dean join him in his EOB Office.
5:03 5:41 President met with Mr. Moore and Mr. Dean in his EOB Office.

March 20, 1973
AM 10:46 10:47 President talked with Mr. Dean. (The President initiated the call.)
PM 12:59 1:00 President talked with Mr. Dean. (The President initiated the call.)
1:42 2:31 President met with Mr. Dean and Mr. Moore.
7:29 7:43 President talked with Mr. Dean. (The President initiated the call.)
March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office. Mr. Haldeman was also present for at least part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's EOB office. Also present were:

- Mr. Ziegler (departed at 5:25)
- Mr. Haldeman
- Mr. Ehrlichman (5:25-6:01)
- Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's EOB Office. Also present were:

- Mr. Ehrlichman (2:00-3:40)
- Mr. Haldeman (2:01-3:40)
- Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean. (The President initiated the call from Florida to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean. (The President initiated the call from Florida to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's EOB Office.

March 22: Deleted -- (Mr. Dean was scheduled to attend the President's staff briefing in the EOB Briefing Room which the President attended from 8:44-9:03. Attendance was not confirmed on this briefing.)
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<td>April 16, 1973</td>
<td>AM 10:00-10:40</td>
<td>President met with Mr. Dean in Oval Office.</td>
</tr>
<tr>
<td></td>
<td>PM 4:07-4:35</td>
<td>President met with Mr. Dean in the President's EOB Office.</td>
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<tr>
<td></td>
<td>4:04-4:05</td>
<td>President talked with Mr. Dean. (The President initiated the call.)</td>
</tr>
<tr>
<td>April 17, 1973</td>
<td>AM 9:19-9:25</td>
<td>President talked with Mr. Dean. (The President initiated the call.)</td>
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<tr>
<td>April 22, 1973</td>
<td>AM 8:24-8:39</td>
<td>President phoned Mr. Dean from Key Biscayne.</td>
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NOTE

The following page is an excerpt from "Memorandum of Substance of Dean's Calls and Meetings with the President," a document prepared in June 1973 by Fred D. Thompson, Minority Counsel to the Senate Select Committee, following a conversation with J. Fred Buzhardt, Special Counsel to the President. The entire document, accompanied by Mr. Thompson's affidavit concerning his conversation with Mr. Buzhardt, is reprinted as Exhibit 70A, 4 SSC 1794-1800.
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 27, 28, 29, AND JULY 10, 1973
Book 4

Printed for the use of the
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WASHINGTON : 1973

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Stock Number 5270-01964
No. 96—(2848) IRS cover sheet dated April 1973 entitled “Statistics—
Requests for Inspection of Income Tax Returns or Data
From Returns by Federal Agencies for the 6-Month Period
July 1–December 31, 1972”, with attachment

No. 97—(2713) Memorandum for the record of Gen. Vernon A. Walters
(CIA) dated July 6, 1972, re: Meeting with Acting FBI
Director L. Patrick Gray at 1000 hours on July 6, concerning
Watergate matter

No. 98—(2730) Ehrlichman’s handwritten notes re: His investigation
into Watergate affair

No. 99—(2748) Ehrlichman/Kleindienst taped telephone conversation.

No. 100—(2773) Notes of meeting with Herb Kalmbach, April 6, 1973,
in San Clemente, Calif.

No. 101—(2766) Memorandum for the record of Gen. Vernon A. Walters
(CIA) dated June 28, 1972, re: Walters and Helman meetings with Ehrlichman and Haldeman on June 23, 1972, at 1000,
in Ehrlichman’s office at the White House

No. 102—(2766) Ehrlichman taped telephone conversation with Pat
Gray, March 7 or 8, 1973; also taped telephone conversation
with John Dean immediately following Gray conversation

No. 103—(2766) Ehrlichman taped telephone conversation with Pat
Gray. (No date shown.)

No. 104—(2798) Letter from Robert W. Barker to Senator Ervin con-
cerning “Million Dollar Secret Fund” allegation, with
attachments

No. 104A—(2796) Letter to Vice Chairman Howard H. Baker, Jr., from

No. 105—(2500) Congressional Record insert (pages S5911–S5924) re:
“Practice by Executive Branch of Examining Individual Tax
Returns”

No. 106—(2813) White House “ Eyes Only” memorandum dated October 2,
1972, from John Ehrlichman to John Dean re: Herbert
Kalmbach written retainer arrangement enclosing hand-
written draft letter

No. 107—(2848) Ehrlichman taped telephone conversation with Clark
MacGregor

No. 108—(2827) Ehrlichman taped telephone conversation with Ken
Clawson

No. 109—(2828) Ehrlichman taped telephone conversation with Charles
Colson on April 17, 1973

No. 109A—(2906) Sworn statement of Bernard Fensterwald, Jr.

Note.—Figures in parentheses indicate page that exhibit was officially made part
of the record.
MEMORANDUM OF SUBSTANCE OF DEAN'S CALLS
AND MEETINGS WITH THE PRESIDENT

September 15, 1972
Dean reported on IRS investigation of Larry O'Brien.
Dean reported on Watergate indictments.

February 27, 1973
Discussed executive privilege, minority counsel
for Watergate Committee. Dean suggested White
House aides submit answers to interrogatories.

February 28, 1973
President inquired of Watergate, Dean said no White
House involvement. Stans was victim of circumstance.
Colson was lightning rod because of his reputation.
Discussed wiretappings which had been brought up
in the Gray hearings. Sullivan, Deputy Director,
was friend of Dean and Dean suggested they make
sure that wiretaps of prior years (other Administra-
tions) be made known.

March 1, 1973
Preparation for press conference -- go over question
and answer book. Was decided the question would
come up as to why Dean was sitting in on FBI inter-
views and that the reason was he was conducting an
investigation for the President. President asked
Dean to write a report. Dean was also critical of
Gray.
(March 2 press conference)

March 6, 1973
Discussed executive privilege guidelines, decided
to cover former White House personnel as well as
present.

March 7, 1973
Again discussion executive privilege guidelines.
Dean again told the President the White House was
clear. The President inquired as to how Pat Gray
was doing. Dean informed him E. B. Williams had
dropped out of the civil case.
March 8, 1973

President inquired as to whether Chapin had helped Segretti. Dean said no.

March 10, 1973

(March 12: Issued statement on executive privilege, applies to present and former staffs but will provide information.)

Preparation for press conference. Went over questions and answers. President inquired as to Ken Rietz. Dean said no illegality involved. President asked if Colson or Haldeman knew Segretti. President asked if Mitchell and Colson knew of Watergate. Dean said there was nothing specific on Colson; that he didn't know about Mitchell but that Strachan could be involved. President states again that Dean should compile a written report about the matter. Dean said Sirica was a hanging judge, the President said he liked hanging judges. They discussed fund raising before April 7. Dean said that everything that had been done was legal.

March 13, 1973

Press conference was discussed -- questions and answers. Discussed executive privilege. Decided they needed a Supreme Court test. Decided that the President should discuss his 1797 position. That afternoon the President suggested Dean should possibly appear before the press and discussed whether Chapin should make a statement about Segretti. The Gray hearings and the use of FBI files were also discussed.

March 14, 1973

President held press conference. That afternoon discussed that day's press conference and decided on use of "separation of powers" instead of executive privilege terminology.

March 15, 1973

The President reiterated his position on use of raw FBI files. Suggested Dean's written report be accompanied by affidavits. Dean suggested untimely release of written report might prejudice rights of innocent people. Discussed possibility of getting
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

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

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alternative was absurd. I also discussed with the President the fact that Ziegler was considering endorsing the ACLC letter to the Judiciary Committee regarding the turning over of FBI materials. The President thought that that was a good idea. At the end of the meeting the President instructed me to tell the Attorney General to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee. He said this just had to cease.

**MEETING OF MARCH 8**

I had a very brief meeting with the President on this date during which he asked me if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee. I told him I thought that the matter had been taken care of by the Attorney General.

**PHONE CONVERSATION OF MARCH 10**

The phone conversation of March 10. The President called me to tell me that he felt we should get the executive privilege statement out immediately; that this should be done before I was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was, in response to the action by the Senate committee.

**MEETING OF MARCH 13**

This was a rather lengthy meeting, the bulk of which was taken up by a discussion about the Gray hearings and the fact that the Senate Judiciary Committee had voted to invite me to appear in connection with Gray’s nomination. It was at this time we discussed the potential of litigating the matter of executive privilege and thereby preventing anybody from going before any Senate committee until that matter was resolved. The President liked the idea very much, particularly when I mentioned to him that it might be possible that he could also claim attorney/client privilege on me so that the strongest potential case on executive privilege would probably rest on the counsel to the President. I told him that obviously, this area would have to be researched. He told me that he did not want Haldeman and Ehrlichman to go before the Ervin hearings and that if we were litigating the matter on Dean, that no one would have to appear. Toward the end of the conversation, we got into a discussion of Watergate matters specifically. I told the President about the fact that there were money demands being made by the seven convicted defendants, and that the sentencing of these individuals was not far off. It was during this conversation that Haldeman came into the office. After this brief interruption by Haldeman’s coming in, but while he was still there, I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as $1 million or more. He told me that that was no problem, and he also looked over at Haldeman and repeated the same statement. He then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been promised Executive clemency. He said that he
had discussed this matter with Ehrlichman and contrary to instructions that Ehrlichman had given Colson not to talk to the President about it, that Colson had also discussed it with him later. He expressed some annoyance at the fact that Colson had also discussed this matter with him.

The conversation then turned back to a question from the President regarding the money that was being paid to the defendants. He asked me how this was done. I told him I didn't know much about it other than the fact that the money was laundered so it could not be traced and then there were secret deliveries. I told him I was learning about things I had never known before, but the next time I would certainly be more knowledgeable. This comment got a laugh out of Haldeman. The meeting ended on this note and there was no further discussion of the matter and it was left hanging just as I have described it.

Meetings of March 14

The meetings which occurred on this day principally involved preparing the President for a forthcoming press conference. I recall talking about executive privilege and making Dean a test case in the courts on executive privilege. The President said that he would like very much to do this and if the opportunity came up in the press conference, he would probably so respond. I also recall that during the meetings which occurred on this day, that the President was going to try to find an answer that would get Ziegler off the hook of the frequent questions asked him regarding the Watergate. He said that he was going to say that he would take no further questions on the Watergate until the completion of the Ervin hearings and that Ziegler in turn could repeat the same statement and avoid future interrogation by the press on the subject.

Meeting of March 15

It was late in the afternoon after the President's press conference that he asked Dick Moore and I to come over to visit with him. He was in a very relaxed mood and entered into a general discussion about the press conference. The President was amazed and distressed that the press had paid so little attention to the fact that he had made an historic announcement about Ambassador Bruce opening up the liaison office in Peking. He said he was amazed when the first question following that announcement was regarding whether or not Dean would appear before the Senate Judiciary Committee in connection with the Gray hearings. The conversation then rambled into a discussion of the Hiss case, and Mr. Moore discussed his memory of the President's handling of the case.

Meeting of March 16

This meeting was a discussion with Ziegler on how to follow up on a number of matters that had arisen in the press conference of the preceding day.

Meeting of March 17

This was St. Patrick's Day and the President was in a very good mood and very relaxed and we engaged in a rambling conversation with only some brief reference to the Gray hearings and the problems that were then confronting the White House regarding the President's
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., JULY 11, 12, 13, 16, AND 17, 1973
Book 5

Printed for the use of the
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WASHINGTON: 1973

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Mr. Thomson. Let me ask you about the meetings that you and Mr. Dean had with the President, and I will start with March 14.

Mr. Moore. Yes.

Mr. Thomson. Would you tell us what you discussed at that meeting, the purpose of the meeting; what was discussed and what was resolved, if anything?

Mr. Moore. Yes.

Mr. Thomson. As of this year?

Mr. Moore. The purpose of the meeting was to go over with the President the possible questions that might be asked in the next day's, the next morning's press conference on the general subject of executive privilege and these hearings, the Gray hearings were still also going on, and in that sense the Watergate. Now, Dean and I—the way that worked was Mr. Buchanan, who usually coordinates the President's briefing book, had sent us a list of at least 20 questions that could be asked, more were handed, and for 2 or 3 days before that we divided them up, we suggested answers or gave background answers so that the President could consider them, and they were then edited by Mr. Buchanan and put in the briefing book.

The President now wished to discuss those answers with us.

Mr. Moore. Earlier that day, the President made a statement on executive privilege by that time?

Mr. Moore. Yes; he had made that on March 12 and this meeting took place on March 14 and it was a very hot issue at that moment obviously.

Mr. Thomson. What about March 15?

Mr. Moore. March 15 was a very pleasant and relaxed meeting at the end of the day in the Oval Office where the President kind of wanted to chat about the press conference.

Mr. Moore. The press conference had been earlier that day?

Mr. Moore. Earlier that day and he wanted to know how he thought it went, and Mr. Dean correctly testified that the President said, "You know, the very first thing that I said, I made an announcement that I thought was quite historic, first representative to the People's Republic of China, and I was nominating a most important man as our first representative, David E. K. Bruce. I made the announcement and what do you think the first question was? Dean's testimony at the hearings and it shows where their minds are." And then we talked a little bit about the press conference and then he got into this discussion where he had been thinking more and more where we had been using the wrong, the more narrow phrase that what was involved here was the separation of powers and the President's responsibilities to preserve that separation. And I think I told you how he went through, how we invite each other, that Congressmen will come here by invitation, that we go there but neither of us can command the other, and that is the way it has to be and we went into that.

And then he got talking about how he wanted us to be outgoing and he recalled the days when he was a Congressman, when he could not get a report, an FBI report, not raw files but an FBI report, in the Hiss matter, and he said, "But we are going to tell this committee, give them anything that they want in terms of information. Now we may do it," he said. "That is where you fellows come in," he said, "It
Hearing
Shunned
By Dean
Aide to Nixon
Instead Offers
Written Reply

By Carl Bernstein
and Bob Woodward
WASHINGTON POST STAFF WRITERS

Citing the doctrine of executive privilege, presidential counsel John W. Dean III yesterday formally refused an invitation to testify in the Senate confirmation hearing on the nomination of L. Patrick Gray III to be director of the FBI.

Dean’s refusal put the White House on a collision course with Democratic members of the Senate Judiciary Committee who have vowed to block Gray’s nomination unless Dean testifies about matters pertaining to the Watergate case.

Both Republican and Democratic sources on the committee said privately yesterday that Dean’s refusal had placed Gray’s nomination in serious jeopardy and predicted an extremely close vote on reporting the nomination to the Senate floor. Leaders of the move to call Dean as a witness said they believe they can block the nomination in committee.

Dean’s refusal to testify had the immediate effect of intensifying Democratic opposition on the committee and shifting the focus of the Gray confirmation hearings away from the nominee and closer to the issues of executive privilege and the White House role in the FBI’s Watergate investigation.

Executive privilege — the doctrine that Presidents have a right to confidential advice which need not be disclosed to Congress — is not written into law and therefore is subject to many interpretations.

Democrats on the Judiciary Committee contend that the concept is being applied too broadly in Dean’s case because they want to ask him about his communications with Gray — not the President.

A central issue that has developed in Gray’s confirmation hearings has been the propriety of his agreement to turn over investigative reports in the Watergate case to Dean. Members of the Judiciary Committee want to determine if Dean misled the information he received from the FBI.

Senate Majority Whip Robert C. Byrd (D-W.Va.), one of the leaders of the move to call Dean, took the Senate floor to denounce the White House for claiming executive privilege “in such a questionable area.”

“Mr. Dean’s testimony before the Judiciary Committee is vital in any considered, collective committee judgment on the proper conduct of the FBI investigation of the Watergate case.”

GRAY, From A1

Watergate break-in and Mr. Gray’s fitness to be director of the bureau,” Byrd said. He added:

“Without the testimony of Mr. Dean relating to these and many other unresolved questions, the Judiciary Committee has before it a record that is incomplete... The Senate ought to refuse to give its consent to the nomination.”

Sen. Birch Bayh (D-Ind.), who during the confirmation hearings has praised Gray’s personal integrity while questioning whether he allowed the White House to interfere with the FBI’s Watergate probe, said he now thinks the committee should reject the nomination. Bayh observed: “I think the President has done a great disservice to Mr. Gray by refusing to allow Mr. Dean to appear.”

The question of Dean’s appearance before the committee has become central to the Gray nomination because of what Sen. John V. Tunney (D-Calif.) has called Dean’s “ominous presence” in the FBI’s investigation of the Watergate case. Gray testified that his frequent contacts with Dean were based on “a presumption of regularity” in the White House.

As White House counsel, Dean received regular reports of FBI interviews in the investigation, said an interview by White House staff members and, after a one-week delay, turned over to the FBI the personal effects of one of the Watergate conspirators, former White House consultant E. Howard Hunt Jr.

Before conducting a White House investigation of the bugging for President Nixon, Dean had recommended that another of the Watergate conspirators — former White House aide C. Gordon Liddy — be hired as counsel for the Senate committee to investigate the Watergate case.

Dean’s refusal to testify was contained in a two-paragraph letter to Judiciary Committee Chairman James O. Eastland (D-Miss.), a supporter of the Gray nomination. Dean did offer to retry in writing to the committee’s questions, which Eastland described as “better than getting nothing.”

However, other members of the 90-7 Democratic majority on the committee were understood to be unanimous in rejecting Dean’s offer, and Republican Charles M. Mathias (R-Md.) was also expected to reject it.

Sen. John L. McClellan (D-Ark.), who with Mathias holds the crucial swing votes on the committee, said Dean’s offer to submit written answers “is just not sufficient for the committee’s need to interrogate witnesses.”

McClellan said that he has not made up his mind whether to vote for or against the nomination of Gray, who has been acting director of the FBI since May 5, 1972.
A spokesman for Mathias said the Maryland senator too has not decided how he will finally vote on the nomination.

A spokesman for Hugh Scott (R-Pa), the Senate Minority Leader, said that, "If the majority wants to pursue the matter in good faith—rather than making waves—they should accept this offer.

"Under the restrictions of executive privilege, Mr. Dean's offer is a pretty good deal for the committee," he added. "Mr. Gray's nomination is a presidential appointee is before the Judiciary Committee, not the Watergate case. The Select Committee, unanimously appointed by the Senate to investigate political espionage, is the place to examine the Watergate case—not the Judiciary Committee.

That special investigating nominee again on the witness committee, headed by Sen. stand.

Sam J. Ervin (D-N.C.) is not. It was also announced that scheduled to make its final recall Dean as a witness in port until next February. Gray's confirmation hearings Leaders of the movement have argued that unless Dean testifies Gray's qualifications. Thomas Lumbard, a former as cannot be evaluated until the stistant U.S. attorney here who Ervin committee has made its was scheduled to appear before final report.

If those Democrats cannot, the committee yesterday, had the eight votes necessary—declined to testify. to block the Gray nomination. Lumbard, who provided outright, they are expected to volunteer legal advice last attempt to hold it in abeyance year to the White House on until after the Ervin committee has completed its work. campaign finances, has said: Success in this, members of that Dean and Watergate bug both parties have said, would panning conspirator G. Gordon probably force the President Liddy worked closely together to withdraw the nomination. Among the months before the announcement the hearings on Gray's nomination will resume at the National headquarters on national headquarters in June 17, 1972.

[2318]
On March 15, 1973 the President held a press conference. He stated he would adhere to his decision not to allow Dean to testify before the Congress even if it meant defeat of Gray's nomination as Director of the FBI, because there was "a double privilege, the lawyer-client relationship, as well as the Presidential privilege." He also stated that he would not be willing to have Dean sit down informally and let Senators question him, but Dean would provide all pertinent information.

60.1 President Nixon news conference, March 15, 1973,
9 Presidential Documents 271-73.
in behalf of foster children, so that they may enjoy the sound development that comes from a full and happy family life.

In Witness Whereof, I have hereunto set my hand this 14th day of March, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.

RICHARD NIXON

[Filed with the Office of the Federal Register, 3:04 p.m., March 14, 1973]

THE PRESIDENT'S NEWS CONFERENCE OF MARCH 15, 1973

UNITED STATES LIAISON OFFICE IN PEKING

The President. Ladies and gentlemen, I have an announcement with regard to our Liaison Office in Peking.

The office will open approximately on May 1, and Ambassador David Bruce will be the Chief of the Liaison Office. In the office will be approximately a total complement of 20 (30), of whom 10 will be at what we call the expert level; the others, of course, for the support level.

The two top assistants, top deputies to Ambassador Bruce—however, we should note, I call him Ambassador, but his title will be Chief of the Liaison Office—will be Mr. Jenkins from the State Department, who, as you know, is one of our top experts on Chinese-American relations in State; and Mr. Holdridge from the NSC [National Security Council], who is the top man in the NSC advising in this area there.

We selected these two men because Mr. Jenkins and Mr. Holdridge not only are experts in Chinese—they are bilingual, incidentally, in both Chinese and American; they speak well; in fact I remember both assisted in translations when I have been there—but in addition to that, they are men who have from the beginning been participating in the new initiative between the People's Republic and the United States. They have accompanied me on my trip, and they have accompanied Dr. Kissinger on his trips.

A word about why Ambassador Bruce was selected. We called him out of retirement because I thought it was very important to appoint a man of great stature to this position. The Chinese accepted that view themselves, and we expect soon to hear from them as to the appointment of the man they will have as his opposite number here in Washington. Another reason that I selected Ambassador Bruce was because of his great experience. All of you know that he has been Ambassador to Britain and Ambassador to Germany, Ambassador to France, and also headed our delegation in Paris in the Vietnam talks in 1971 and '72, in the early part of '72.

A third reason, perhaps, has even greater significance. Many of you in this room were on the trip to China, and sometimes I suppose the feeling must have developed, "Well, this is a one-shot deal." I never considered it that, and all of you who reported on it did not consider it that. It was the beginning, we trust, of a longer journey, a journey in which we will have our differences, but one in which the most populous nation in the world and the United States of America can work together where their interests coincide for the cause of peace and better relations in the Pacific and in the world.
It is necessary that this be, therefore, a bipartisan enterprise in the highest sense of the word.

Mr. Bruce, as you know, while he has not been engaged in partisan politics, as such, is a Democrat. He has served four Presidents with equal distinction, Democratic Presidents as well as Republicans. And we believe that appointing him as head of the delegation indicates our intention that this initiative will continue in the future, whether the Presidency is occupied by a Democrat or a Republican. Of course, I am not making any predictions as to what will happen when I leave.

But that is the end of my announcement. We will now go to your questions. Mr. Risler.

**QUESTIONS**

**TESTIMONY OF WHITE HOUSE COUNSEL BEFORE CONGRESSIONAL COMMITTEE**

Q. Mr. President, do you plan to stick by your decision not to allow Mr. Dean to testify before the Congress, even if it means the defeat of Mr. Gray’s nomination?

The President. I have noted some speculation to the effect that the Senate might hold Mr. Gray as hostage to a decision on Mr. Dean. I cannot believe that such responsible Members of the United States Senate would do that, because as far as I am concerned, my decision has been made.

I answered that question rather abruptly, you recall, the last time it was asked by one of the ladies of the press here. I did not mean to be abrupt; I simply meant to be firm.

Mr. Dean is Counsel to the White House. He is also one who was counsel to a number of people on the White House Staff. He has, in effect, what I would call a double privilege, the lawyer-client relationship, as well as the Presidential privilege.

And in terms of privilege, I think we could put it another way. I consider it my constitutional responsibility to defend the principle of separation of powers. I recognize that many Members of the Congress disagree with my interpretation of that responsibility.

But while we are talking on that subject—and I will go on at some length here because it may anticipate some of your other questions—I am very proud of the fact that in this Administration we have been more forthcoming in terms of the relationship between the executive, the White House, and the Congress, than any administration in my memory. We have not drawn a curtain down and said that there could be no information furnished by members of the White House Staff because of their special relationship to the President.

All we have said is that it must be under certain circumstances, certain guidelines, that do not infringe upon or impair the separation of powers that are so essential to the survival of our system.

In that connection, I might say that I had mentioned previously that I was once on the other side of the fence, but what I am doing here in this case is cooperating with the Congress in a way that I asked the then President, Mr. Truman, to cooperate with a committee of the Congress 25 years ago and in which he refused.

I don’t say that critically of him now—he had his reasons, I have mine. But what we asked for in the hearings on the Hiss case—and all of you who covered it, like Bill Theis and others, will remember—what we asked for was not that the head of the FBI or anybody from the White House Staff testify. There was very widespread information that there was a report of an investigation that had been made in the Administration about the Hiss case. We asked for that report. We asked for the FBI information with regard to that report.

And Mr. Truman, the day we started our investigation, issued an executive order in which he ordered everybody in the executive department to refuse to cooperate with the committee under any circumstances. The FBI refused all information. We got no report from the Department of Justice. And we had to go forward and break the case ourselves.

We did. And, to the credit of the Administration, after we broke the case, they proceeded to conduct the prosecution and the FBI went into it.

I would like to say, incidentally, that I talked to Mr. Hoover at that time. It was with reluctance that he did not turn over that information—reluctance, because he...

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1 See page 255 of this issue.

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*See Public Papers of the Presidents, Harry S. Truman, 1948 volume, Item 176, p.4.
felt that the information, the investigation they had conducted, was very pertinent to what the committee was doing.

Now, I thought that decision was wrong. And so when this Administration has come in, I have always insisted that we should cooperate with Members of the Congress and with the committees of the Congress. And that is why we have furnished information. But, however, I am not going to have the Counsel to the President of the United States testify in a formal session for the Congress. However, Mr. Dean will furnish information when any of it is requested, provided it is pertinent to the investigation.

Q. Mr. President, would you then be willing to have Mr. Dean sit down informally and let some of the Senators question him, as they have with Dr. Kissinger?

The President. No, that is quite a different thing. In fact, Dr. Kissinger, Mr. Ehrlichman, as you know, not only informally meet with Members of Congress on matters of substance, the same is true with members of the press. As you know, Dr. Kissinger meets with you ladies and gentlemen of the press and answers questions on matters of substance.

In this case, where we have the relationship that we have with Mr. Dean and the President of the United States—his Counsel—that would not be a proper way to handle it. He will, however—the important thing is, he will furnish all pertinent information. He will be completely forthcoming—something that other Administrations have totally refused to do until we got here. And I am very proud of the fact that we are forthcoming, and I would respectfully suggest that Members of the Congress might look at that record as they decide to test it.

CEASE-FIRE VIOLATIONS IN VIETNAM

Q. Mr. President, can you say, sir, how concerned you are about the reports of cease-fire violations in Vietnam?

The President. Well, I am concerned about the cease-fire violations. As you ladies and gentlemen will recall, I have consistently pointed out in meeting with you, that we would expect violations because of the nature of the war, the guerrilla nature, and that even in Korea, in which we do not have a guerrilla war, we still have violations. They recede every year, but we still have them long—15, 20 years—after the war is over.

In the case of these violations, we are concerned about them on two scores. One, because they occur, but two, we are concerned because of another violation that could lead to, we think, rather serious consequences—we do not believe it will, we hope that it will not—and that is the reports that you ladies and gentlemen have been receiving from your colleagues in Vietnam with regard to infiltration.

You will note that there have been reports of infiltration by the North Vietnamese into South Vietnam of equipment exceeding the amounts that were agreed upon in the settlement.

Now, some equipment can come in—in other words, replacement equipment, but no new equipment, nothing which steps up the capacity of the North Vietnamese or the Vietcong to wage war in the South. No new equipment is allowed under the agreement.

Now, as far as that concern is concerned, particularly on the infiltration—that is the more important point, rather than the cease-fire violations which we think, over a period of time, will be reduced—but in terms of the infiltration, I am not going to say publicly what we have said.

I will only suggest this: that we have informed the North Vietnamese of our concern about this infiltration and of what we believe it to be, a violation of the cease-fire, the cease-fire and the peace agreement. Our concern has also been expressed to other interested parties. And I would only suggest that based on my actions over the past 4 years, that the North Vietnamese should not lightly disregard such expressions of concern, when they are made, with regard to a violation. That is all I will say about it.

Q. Mr. President, in connection with this matter, there is a report also that not just equipment, but a new infusion of North Vietnamese combat personnel have been introduced into South Vietnam, which is apart from just equipment. Can you confirm this? Is this partly what you are talking about?

The President. Mr. Theirs, the reports that we get with regard to infiltration, as you know, are always either too little or too late or too much. And I am not going to confirm that one, except to say that we have noted the report having been made. We, however, are primarily concerned about the equipment, because as far as the personnel are concerned, they could be simply replacement personnel.

Q. Mr. President.

The President. Go ahead, you are up in front.

Q. Sir, why have we not gone through the ICCS [International Commission of Control and Supervision] to complain about this infiltration?

The President. The ICCS is being used. As you know, there are some problems there. The Canadians have expressed considerable concern about the fact that they don't want to be on a commission which is not being effectively used, and we will continue through the ICCS and any other body that we can effectively appeal to, to attempt to get action there. I can only answer in that way at this point.
61. On or about March 16, 1973 E. Howard Hunt met with Paul O'Brien, an attorney for CRP. Hunt informed O'Brien that commitments had not been met, that he had done "seamy things" for the White House, and that unless he received $130,000 he might review his options. On March 16, 1973 Hunt also met with Colson's lawyer, David Shapiro. According to Colson, Hunt requested of Shapiro that Colson act as Hunt's liaison with the White House, but was told that that was impossible.


61.2 E. Howard Hunt testimony, Watergate Grand Jury, July 17, 1973, 87-95 (received from Watergate Grand Jury).

61.3 E. Howard Hunt testimony, Watergate Grand Jury, January 29, 1974, 63-71 (received from Watergate Grand Jury).

61.4 Charles Colson draft statement prepared for delivery to SSC, September 1973, 37-38 (received from SSC).
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS

18 USC 2511 and
18 USC 2512

United States District Courthouse
3rd & Constitution Avenue, N. W.
Washington, D. C.

January 24, 1974

The testimony of PAUL L. O'BRIEN was taken in the presence of a full quorum of the Grand Jury.

BEFORE:

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

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
United States Department of Justice
Q. In substance did he say that he wasn't going to assume responsibility for it or did not regard himself as having responsibility?

A. Yes, he did.

Q. What did he say about having talked with Mr. Moore that gave you the impression that Mr. Moore had brought up the subject with Mr. Mitchell?

A. I was under the impression that Mr. Moore could have even possibly been in Mr. Mitchell's office when I called him, although I'm not certain, but he indicated specifically that Mr. Moore had been there and that he had talked with him and that this subject had been brought up and he had made his position clear to Mr. Moore.

Q. Now on or about March 16th, 1973, did you have a meeting with Mr. Hunt?

A. I did.

Q. Can you tell the Grand Jury how that came about?

A. I received a telephone call from Mr. Bittman who indicated that his client was extremely upset, that he had received word that he was going to be sentenced on the 23rd of March, if that's a Friday, and that he was attempting to put his affairs in order and to take care of such matters as have to be taken care of regarding his children and his so-called commitments had not been met and that it was imperative that I come to his office and discuss the matter with Mr. Hunt.
Q Did you go over to Mr. Bittman's office?
A Reluctantly, yes.
Q Did you thereafter meet alone with Mr. Hunt?
A I did.
Q How did it happen that you met with Mr. Hunt alone?
A I went to Mr. Bittman's office and Mr. Bittman was on the telephone at the time. I suggested that Mr. Bittman accompany me. He was busy and said, "Go talk to him. He's going to tell you the same thing I've told you."

I do not recall whether it was at the end of the hall that Mr. Bittman was on, but it was either in Mr. Mittler's office -- he was out of the office that day -- or in a small conference room, but it was in another room that I met with Mr. Hunt.

BY MR. BEN-VENISTE:

Q What did Mr. Hunt tell you?
A Mr. Hunt went over essentially the same ground; that his commitments hadn't been met, that he was going to be sentenced. He seemed particularly disturbed and agitated.

I told him that I didn't have anything to do with his commitments, that I was sorry but I didn't think that I could help him.

He had no intention of letting me out on that basis. He went on and stated that he had $60,000 in legal fees out-
standing, and he made a demand for $130,000. It is my
recollection that it was sixty and seventy thousand total.

During the course of the conversation he indicated
that he had done -- the word he used was "seemly" things --
for the White House. He instructed me to pass this information
on to Mr. Dean and he indicated that these things didn't happen
-- if these things didn't happen he would have to review his
options.

In addition, during the course of the conversation
I indicated to him again, as I said, that I was powerless in
this situation, that I thought he had best contact his friend
Mr. Colson or someone else who could assist him.

Q What was his reaction to that?

A There was some indication that he had been in con-
tact with Mr. Colson and he really didn't give a damn about my
suggestion. He was just telling me what to do at that stage.

Q Was there any other inference from his statement
that he would have to review his options, made in conjunction
with his statement about having done seemly things, which led
you other than to the conclusion that he was threatening to
publicly make some sort of statement unless his demands were
met?

A I've got to be frank and tell you at the time that
the peripheral aspects of his conversations, such as the seemly
things and "review his option", didn't hit me with that
particular impact. I had never had anyone make a personal
demand on me for over a hundred thousand dollars. I mean it
wasn't just that somebody approached me a dime for a cup of
coffee.

Frankly it sort of sent me right up the wall. I
just wanted out of there.

Q Did Mr. Hunt indicate that you ought to convey this
message to Mr. Dean?
   A He did.

Q Now after you left the office what did you do?
   A I stopped back past Mr. Bittman's office and I
   reiterated the essence of the conversation.

Q What did Mr. Bittman say?
   A He said, "I indicated to you that Mr. Hunt was
   extremely agitated and upset and he was going to do this."
   That was about it. I then departed.

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

Q When was that?
   A As far as I recall, immediately following the meet-
ing.

BY MR. FRAMPTON:

Q Now Mr. O'Brien, you mentioned before a meeting
which you had on about November 28th or 29th with Mr. Bittman
United States District Court for the District of Columbia

IN RE: POSSIBLE VIOLATIONS

18 USC 2511 and
18 USC 2512

United States District Courthouse
3rd & Constitution Avenue, N. W.
Washington, D. C.

Tuesday, July 17th, 1973

The testimony of E. Howard Hunt was taken in the presence of a full quorum of the Grand Jury.

BEFORE:

JAMES F. NEAL, ESQ.
Assistant Special Prosecutor
United States Department of Justice

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

MRS. JILL VOLMER
Assistant Special Prosecutor
United States Department of Justice
The issue of whether or not I was sufficiently recovered from the shock of my wife's death to stand trial I think had been resolved by that time.

Q All right. Did you ever say to anyone, that might have been picked up by Mr. O'Brien, that you thought a good way to handle this or, in substance, the way to handle this -- you had a psychiatrist, by the way, who was willing to testify that you were unable to stand trial, isn't that a fact?

A No, sir.

Q You did not have such a psychiatrist?

A No, sir.

Q You didn't have a psychiatrist?

A No, sir, I did not.

Q Okay.

A I was examined by a Government psychiatrist.

Q Only a Government psychiatrist?

A Only a Government psychiatrist.

Q Okay. Now, then, you did have a conversation with Mr. O'Brien, Mr. Paul O'Brien, about the middle of March, 1973, did you not?

A Yes, sir.

Q Where did this conversation take place?

A It took place in the law offices of Hogan and Hartson.

Q That's the firm Mr. Bittman is a member of?

A Yes, sir.
Q Who was present at that conversation with you and Mr. O'Brien?

A Only the two of us.

Q During this conversation did you say, in essence, to Mr. O'Brien, first, you apologized for putting him in the middle, and then explained that you only had a certain number of days in which to get your affairs in order and that, again, commitments had been made but had not been kept? Did you say those words, in substance?

A In substance, yes, sir.

Q In substance, to Mr. O'Brien?

A Yes, sir.

Q And did you say you'd done a number of "seamy" things for the White House?

A I may very well have, yes, sir.

Q Well, to the best of your recollection, did you?

A Yes, sir. In the context that I wanted him and his principals to -- to remind him and his principals that Watergate was not the only activity that I had engaged in for them.

Q And you used the word to describe the nature of those activities, such as "seamy"?

A Yes, sir.

Q And you told him to deliver that message, that you had done a number of "seamy" things for the White House, and that if something didn't happen -- referring to your commitment, the
commitments -- you would have to review the alternatives. Did you make statements, in substance, to that effect, to Mr. O'Brien?

A    Can we break that down in two parts, sir?
Q    Yes, sir.
A    Would you go into the first half of that? I would like to respond directly to that in one context.
Q    Well, why don't you just go ahead and tell us how you put it. Tell us the conversation you had with Mr. O'Brien in the offices of Hogan and Hartson in the middle of March, 1973.
A    I did not tell Mr. O'Brien to deliver any messages. That is one part I want to answer specifically.
Q    Well, did you think Mr. O'Brien -- why were you telling him this, then?
A    Because I knew that he was a middleman of sorts.
Q    You knew he would deliver messages, didn't you?
A    Pardon me?
Q    You knew he would deliver the message?
A    I didn't know that he would deliver the message, no, sir.
Q    Were you saying this just to stop with Mr. O'Brien, Mr. Hunt?
A    I was hoping that, eventually, it would reach some ears.
Q Okay. So what you're saying is you didn't say, in so many words, I want you to deliver a message?

A Precisely. He deprecated his role to me very much. He said he only saw people occasionally; that he was just a middle man; he had no influence; he was glad to meet with me, on that basis, so long as I understood, this sort of thing.

Q All right. Now, I certainly don't want, at any time during the course of this interview -- and I've told you this before, haven't I, Mr. Hunt?

A Yes, sir.

Q Anything but the truth from you, right? Nothing but the truth, at all?

A Yes, sir.

Q And I don't want to put any words in your mouth at all. You understand that?

A And I don't want Mr. O'Brien to put words into my mouth.

Q And I don't want Mr. O'Brien to put words in your mouth. Now, would you prefer to go through what you told Mr. O'Brien in the middle of March, 1973?

A To the best of my recollection, yes, sir.

Q Yes, sir.

A Yes, sir. I had asked specifically for the meeting with Mr. O'Brien because I was within a few days of sentencing. I was in a very depressed physical and, certainly, mental
condition. My wife had been killed in December; I was coming up for sentencing very shortly; my financial position was extremely uncertain; I had no idea of what kind of sentence Judge Sirica might meet out.

Q    Now, what I'm interested in is what you said to Mr. O'Brien. I do understand that position.

A    I covered all these matters with him.

Q    Then what I read to you, the substance of that conversation with the exception, then, that you didn't say, "I want you to deliver a message."

A    So far, yes, sir.

Q    Now, with the word "seamy" things for the White House, did you mention any name there?

A    I never knew who he was dealing with.

Q    No. In respect to the "seamy" thing, did you mention any name?

A    I may have said Dean. I may have concluded that he was dealing with John Dean.

Q    You did the "seamy" things for Dean?

A    No, sir.

Q    All right. Did you mention anyone's name for whom you had done these "seamy" things in the White House?

A    I read press accounts that I said Ehrlichman. I did not say Ehrlichman.

Q    Forget the press accounts. What do you recollect
you said?

A I have no recollection that I put a name on it. I said, "I have done a number of seamy things for the White House." The context being that they should take these into consideration as added reason for their obligations to me to help me out of my present plight, which has frightened me to death.

Q You have no present recollection of having mentioned Mr. Ehrlichman's name in the course of that?

A No, sir, I do not.

Q Very well. Now, we understand that what you've been testifying to here today is not something from press reports, right?

A Correct.

Q What you testified here today is the truth, as well as you know. Not what you've heard from any press reports?

A Yes, sir.

Q And no one in here has tried to get you to say anything about press reports, you understand that?

A Perfectly.

Q Did he say to you -- did Mr. O'Brien respond to you about why you didn't contact some of your friends rather than going through him?

A He was rather specific about it.

Q What did he say?
A He said, again -- he assumed a self-deprecatory role and stated that he was a man of little or no influence. He was a message carrier. A middle man, if you will.

He said, "Chuck Colson is your friend. Why don't you write him a memorandum?"

Q What did you say with respect to that? You've already had one conversation with Mr. Colson. You told him about the "ready". What did you say? What did you say in response to that?

A I believe -- first of all, I believed that Mr. O'Brien was a man who was involved with Mr. Mitchell.

Q Now, what did you say to him?

A So, against that background --

Q Yes?

A -- I believed Mr. O'Brien to be a Mitchell man rather than a Colson man. I felt that what he wanted was something on the record that could involve Mr. Colson. And so I don't believe I gave him a direct response.

To the best of my recollection, I gave him something that I could -- I said, "On the other hand, Chuck hasn't been involved so far. I don't see any reason to involve him now."

Q All right. Now, did this conversation with Mr. O'Brien occur about the middle of March, about a week prior to your scheduled sentencing? Is that the best of your recollection?

A Approximately, yes, sir.
Q. And you said that your commitments had not been met and you mentioned that you'd done a number of "seamy" things for the White House; and if the commitments weren't met, you might have to review the alternatives. Correct?

A. I would put it a different way, sir, to the best of my recollection. That I said that the commitments had not been kept and, accordingly, if I were suddenly to become a very poor man, that I would no longer have options available to me which were currently available.

Q. And did you mention "seamy" things you had done for the White House?

A. I had done that previously.

Q. But in the same conversation?

A. Yes. I had done seamy things for the White House, yes, period.

Q. And that if the commitments weren't met, and you would become a poor man, you might have to review the alternatives?

A. And see what other steps could be taken on my behalf.

Q. Now, a few days thereafter, you received a package, didn't you?

A. Yes.

Q. How much was in that package?

A. $75,000.

Q. That was the last package you've received to date?
A Yes, sir. I also, at that time in the conversation with Mr. O'Brien, told him specifically what my legal fees had amounted to, at that time.

Q You said, as a matter of fact, you counted up to about $70,000 living expenses and $60,000 legal fees, something like that?

A Whatever it was.

Q Does that sound about right?

A I would guess 50 or 60.

Q And a few days after this conversation with Mr. O'Brien you received a package of cash amounting to $75,000?

A Yes, sir.

Q Okay. Now, Mr. Frampton is going to question you about some deliveries of money, okay?

A Yes, sir.

Q And then you'll be excused for the time being. I'm going to meet our good friend, Mr. Glanzer, so would you all excuse me, and then I'll see you all back at 2:00 this afternoon. Thank you very much for your patience, members of the Grand Jury; and, Mr. Hunt, I'll talk to you later. Okay?

A Yes, sir.

Q Excuse me. One thing before I go, if I may. I'll show you what has been marked for identification as Grand Jury Exhibit EMI-2, 7/17/73, and I'll ask you if you recognize that?

A I recognize it.
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS
OF 18 USC 2511 AND 2512

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

Tuesday, January 29, 1974

The testimony of E. HOWARD HUNT was presented to a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

JILL VOLNER
Assistant Special Prosecutor
U. S. Department of Justice

GERALD GOLDSMITH, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

LAWRENCE IASON, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice
BY MRS. VOLNER:

Q. Now, the reason that you requested the meeting with Mr. O'Brien was to relay to him, number one, a demand for a sum of money in excess of $100,000 and, secondly, to tell him that otherwise you were going to reveal the seamy things
that you had done for Mr. Ehrlichman, is that not correct?

A Well, I've gone over this a good many times. I know repetition is the name of the game. I thought that, with imprisonment approaching, it was highly essential that if any of these commitments were going to be kept, that they be kept then and there.

And I mentioned to Mr. O'Brien, en passant, that other things had been done at the White House in the past and my feeling was that if anybody was going to be the recipient of White House largesse, if you will, it should be those who put their necks on the line for those people before. But I don't think that any quid pro quo is explicitly in there. I don't know what Mr. O'Brien's perception of the meeting was.

Q You've already told Mr. Colson, in November, that you were protecting the people who were involved in the Watergate break-in, and now you're telling Mr. O'Brien that there are people involved in other seamy things besides the Watergate break-in, and you're asking for money and you're saying, "I'll have to review my alternatives if I don't get that money." And that can't mean anything except that you're going to reveal that unless they meet your demands for money.

A Well, it's a manner of speaking, too. I review my alternatives, I review my options. What were my options? They were very damned slim.

BY MR. BEN-VENISTE:
Q That's precisely the point, is it not, Mr. Hunt?

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

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

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

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

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

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

A I don't know how it was interpreted.

Q Well, does it have any other interpretation?

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

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

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

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

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

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

Q And, indeed, you were speaking to Mr. Shapiro in a manner that gravely indicates concern. You were in dead earnest.

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

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

A It's very hard for me to reconstruct my frame of mind then.
Q In fact, the only thing you could punish with them was to tell the story -- to tell about the seamy things.

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

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

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

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

A No.

Q You don't mean to seriously suggest that?

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

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

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

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

A Oh.

Q That was clearly foremost in your mind?

A Right.

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

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

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

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

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

A I beg your pardon, sir?

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

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

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

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

A To the best of my current recollection, yes.

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

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

Q Well, you knew where he wasn't.

A Did I?

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

A I didn't know that he wasn't living down at the Watergate.
Q Well, you knew he wasn't in the White House?
A That's correct.
Q Now, going back to the initial question, Mr. Hunt, is there any other interpretation one could place other than the plain meaning when you said you would review your options other than the fact that unless they met your demands you would tell about the seamy things?
A I would like to consult with counsel on that point.
THE FOREMAN: Go ahead.
THE WITNESS: With your permission.
(Whereupon, the witness left the Grand Jury Room.)
(Whereupon, the witness returned to the Grand Jury Room.)

BY MRS. EVOLNER:
Q Mr. Hunt, have you had time to talk to your attorney?
A I have.
Q Are you now prepared to answer the question?
A I am.
Q Would you answer the question, then?
A Could I trouble you to restate the question?
BY MR. BEN-VENISTE:
Q The question was one which has been restated several times, but, again, is there any other interpretation other than the clear meaning of the words that you would review your options for alternatives other than that you would tell
about these so-called seamy things unless they met your demands?

A No.

MR. BEN-VENISTE: Thank you.

BY MRS. VOLNER:

Q And what seamy things did you have in mind at the time, Mr. Hunt?

A I was thinking about the Fielding episode -- things like that -- that were not integral with the Watergate itself.

Q And what other things besides the Fielding break-in?

A Oh, I think most of the items that have come out subsequently.

Q Can you tell the Grand Jury, please?

A Well, we're casting back, now, to just about a year ago. At that time, the Ellsberg thing was uppermost in my mind and I think, if I had actually gone ahead and done anything, I would have made a list of those dirty tricks and things as these things have come up.

Q There were numerous items that would have been on your list?

A That's correct, yes.

Q And I'm asking you what those things were.

A Oh, my. The Segretti involvement, I suppose. The Vietnam cables. Principally, the whole Fielding-Ellsberg thing.
I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime
allegations attempting to link me to the Watergate. During that conversation Dean told me he wanted to see me immediately upon my return. On March 8, two days before I left the White House Staff to return to the practice of law, I met with Dean in his office. He was, at that point, working on the President's statement on executive privilege which we discussed at some length. During the meeting he asked me if I would see Bittman or Hunt at some point just to be sure, as he put it, Hunt knew I was still his friend and cared about him.

At this point I had become very cautious, particularly because of the concerns Mr. Shapiro had expressed to me. I made no response to Mr. Dean's request but discussed it immediately with Mr. Shapiro, who instructed me not to see Mr. Hunt under any circumstances. Rather, he, Shapiro, asked me to arrange through Mr. Bittman for him to see Hunt. I did so. Mr. Shapiro met with Mr. Hunt on Friday, March 16, and reported to me on Monday, March 19. He told me in substance that while Mr. Hunt had confirmed that I had no knowledge or involvement in Watergate, Hunt wanted me to act as liaison between himself and the White House. Mr. Shapiro said he told Mr. Hunt that that was impossible, that Mr. Hunt would have to find some other way of making his position known to the White House and that I would be
instructed to have no contact either with Hunt or with the White House concerning Hunt. Following his report, Mr. Shapiro told me in the strongest possible language to have no further discussions with anyone in the White House regarding Howard Hunt.

In the same conversation, Mr. Shapiro told me that, in his view, the situation was getting serious. He said, "For God's sake, the President has to get the facts. Who knows what's going on in that place. The fox may be guarding the chickens". I reminded Mr. Shapiro that I had discussed my suspicions about John Mitchell on February 14, but the President said that Mitchell had sworn he was innocent. I said it was impossible to know what advice the President was getting and from whom and I suspected the President would not know whom to believe. I further said that if I should now start warning the President about others without hard evidence, he might erroneously think that I was myself involved and was only trying to shift the blame to others.

Mr. Shapiro then said, "In that case, there is only one thing you can do for the President. You have to get him outside counsel, somebody impartial, whom he
6/4/73

Pirn listened to man conv. with Dean. 6 hr recording

Jaunski got c/e & got it voluntarily. At Chri agreed
to give us June 4 tape rec.
But ours totally inaudible.
Tape rec of a tape rec.
Grand Jury tape had one
and portions. We made one.
It improved - 110 pages and
conv.

Clear ref to business Pirn
listening to June 4 conv with
John Dean.

Buzard - 62.2 (1998)

April 30 recom to sub. Pirn's recom
was Fillingham (62.4). We see
conv about W.G. — Yet on June 4
Pretilla Zeigle said was there
conv with Dean on W.G.
On March 17, 1973 the President met with John Dean in the Oval Office from 1:25 to 2:10 p.m. (On April 11, 1974 the Committee on the Judiciary subpoenaed the President to produce the tape recording of the March 17 meeting. The President has refused to produce that tape but has furnished an edited partial transcript of the meeting. After having listened to the tape recording of the March 17, 1973 meeting, the President on June 4, 1973 discussed with Press Secretary Ron Ziegler his recollections of that March 17 meeting. A tape recording of the June 4 discussion has been furnished to the Committee. The evidence regarding the content of the March 17 meeting presently possessed by the Committee also includes a summary of the March 17 meeting furnished, in June 1973, to SSC Minority Counsel Fred Thompson by White House Special Counsel Buzhardt and the SSC testimony of John Dean.)

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

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

62.1 Meetings and conversations between the President
and John Dean, March 17, 1973 (received from
White House).

62.2 Memorandum of substance of Dean's calls and
meetings with the President, March 17, 1973,
SSC Exhibit No. 70A, 4 SSC 1798.

62.3 John Dean testimony, 3 SSC 996-97.

62.4 White House edited transcript of meeting between
the President and John Dean, March 17, 1973.
No contact between the President and John W. Dean, III, during January, February, and March 1972

April 13, 1972

PM 4:31  4:34  President met with Frank DeMarco, Jr., and John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02  3:07  President had photo opportunity in Rose Garden for National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and July 1972.

August 14, 1972

PM  
12:45  1:11  The First Lady
12:49  1:09  John J. Ratchford
12:49  1:11  Mr. Butterfield
12:49  1:11  Mr. Haldeman
12:49  1:12  Mr. Ehrlichman
12:49  1:12  John W. Dean, III
12:49  1:12  John H. Alexander
12:49  1:12  Richard S. Ritzel

No other contact during August 1972
September 15, 1972

PM  The President met with:

3:15 6:17  Mr. Haldeman
5:27 6:17  Mr. Dean

(The President talked with Mr. MacGregor by phone from 5:36 to 5:38)

No other contact during September 1972.

October 9, 1972

PM 3:10 3:34  The President met with Samuel Newhouse, President of Newhouse Newspapers and Newhouse Broadcasting and Herb Klein.
      3:23 3:34  John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the Roosevelt Room. Mr. John Dean was in attendance.

November 12, 1972

8:40 8:44  The President met aboard "Spirit of '76" with Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November and December 1972.
January 21, 1973
AM 11:05 12:04  President and First Lady hosted Worship Service.  
John Dean attended.

February 27, 1973
PM 3:55 4:20  President met with John Dean alone in Oval Office.

February 28, 1973
AM 9:12 10:23  President met with John Dean in Oval Office.

March 1, 1973
AM 9:18 9:46  President met with his Counsel, John W., Dean, III,  
in the Oval Office.  
(At 9:36 the President rec'd a call from AG Kleindienst. Dean  
10:36 10:44  President met with Mr. Dean in the Oval Office.  too the call.)  
(Mr. Kissinger was present from 10:30 - 10:37.)  
PM 1:06 1:14  President met with Mr. Dean in the Oval Office

March 6, 1973
AM 11:49 12:00  President met with Mr. Dean in the Oval Office.

March 7, 1973
AM 8:53 9:16  President met with Mr. Dean in the Oval Office.

March 8, 1973
AM 9:51 9:54  President met with Mr. Dean in the Oval Office.
March 10, 1973

AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
Mr. Kissinger (departed at 9:50)
Ronald L. Ziegler
Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean initiated the call.)

March 15, 1973

PM 5:36 6:24 President met with Mr. Dean and Mr. Moore in the Oval Office.
March 16, 1973

AM 10:34 11:06 President met with Mr. Dean in the Oval Office. Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President initiated the call.)
March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office. Mr. Haldeman was also present for at least part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's EOB office. Also present were:
Mr. Ziegler (departed at 5:25)
Mr. Haldeman
Mr. Ehrlichman (5:25-6:01)
Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's EOB Office. Also present were:
Mr. Ehrlichman (2:00-3:40)
Mr. Haldeman (2:01-3:40)
Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's EOB Office.

March 22: Deleted -- (Mr. Dean was scheduled to attend the President's staff briefing in the EOB Briefing Room which the President attended from 8:44-9:03. Attendance was not confirmed on this briefing.)
April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's EOB Office.

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President initiated the call.)

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.
PHASE I: WATERGATE INVESTIGATION
WASHINGTON, D.C., JUNE 27, 28, 29, AND JULY 10, 1973

Stock Number 5270-01994
The following page is an excerpt from "Memorandum of Substance of Dean's Calls and Meetings with the President," a document prepared in June 1973 by Fred D. Thompson, Minority Counsel to the Senate Select Committee, following a conversation with J. Fred Buzhardt, Special Counsel to the President. The entire document, accompanied by Mr. Thompson's affidavit concerning his conversation with Mr. Buzhardt, is reprinted as Exhibit 70A, 4 SSC 1794-1800.
IV

No. 47—(1349) Memorandum for John Dean from Jack Caulfield. Subject: Opposition Activity.................................................. 1688
No. 48—(1350) Memorandum prepared by John Dean for members of the White House staff. Subject: Dealing with our Political Enemies.................................................. 1689
No. 49—(1350) Memorandum for John Dean from Charles Colson re: Names given top priority on enemies list.................................................. 1692
No. 50—(1350) Memorandum for Larry Higby from John Dean concerning names for enemies list.................................................. 1697
No. 51—(1350) Section of a news summary from Higby to Dean, indicating that DNC treasurer Robert Strauss should be on the list.................................................. 1699
No. 52—(1350) Additions to enemies list sent to John Dean from Gordon Strachan.................................................. 1700
No. 53—(1350) Memorandum for John Dean from Gordon Strachan. Subject: Political Enemies. (Re: Chet Huntley.).................................................. 1701
No. 54—(1350) Memorandum to John Dean from Gordon Strachan with attached news summary indicating that J. Irvin Miller might be considered for enemies list.................................................. 1703
No. 55—(1350) Memorandum from a member of Charles Colson’s staff re: People who attended a rally for a “dump Nixon” program.................................................. 1705
No. 56—(1350) Lists of McGovern campaign staff with asterisks beside names that were to be included in the “enemies” project.................................................. 1707
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No. 59—(1393) Bank statement on account of John Welsey [sic] Dean, III.................................................. 1713
No. 60—(1400) Additional document updating the enemies list, entitled “Politics Continued”.................................................. 1725
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No. 63—(1410) Document entitled “Corporate Executives Committee for Peace, Trip to Washington—June 25, 1970.” This document also is an update of the enemies list.................................................. 1733
No. 64—(1410) List of Democratic contributors of $25,000 or more in 1968 campaigns (from New York Times, June 20, 1971). .................................................. 1734
No. 65—(1410) Memorandum re: List of Muskie contributors to be added to opponents list.................................................. 1735
No. 66—(1410) Letter from J. Fred Buzhardt, special counsel to the President, to Senator Inouye re: Questions and a memorandum previously furnished the committee in questioning Mr. Dean.................................................. 1754
No. 67—(1412) Letter from McGovern campaign staff with asterisks beside names that were to be included in the “enemies” project.................................................. 1755
No. 68—(1525) Memorandum of Law, Admissibility of Hearings Statements of a Co-conspirator. Submitted by Samuel Dash, chief counsel and staff director, Senate Select Committee on Presidential Campaign Activities.................................................. 1763
No. 69—(1537) Letter from Congressman Gary Brown to Senator Ervin re: Certain statements made by Mr. Dean.................................................. 1791
No. 70—(1563) Letter from Senator Strom Thurmond to Senators Baker and Gurney and Mr. Fred Thompson re: Mr. Harry Dent declining to do research against Senator Ervin.................................................. 1793
No. 70A—(1569) Detailed notes of Fred D. Thompson, minority counsel, of telephone conversation with J. Fred Buzhardt, special counsel to the President re: Conversation between the President and Mr. Dean.................................................. 1794
No. 71—(1571) Letter to Mr. Gurney D. Incoe, Suburban Trust Co., from Shaffer, McKeever & Fitzpatrick with enclosures.................................................. 1801
No. 72—(1595) Request for transportation dated October 11, 1972.................................................. 1808
No. 73—(1595) Request for transportation dated October 19, 1972.................................................. 1809
No. 74—(1595) Memorandum for the Attorney General from Jeb S. Magruder, dated December 3, 1971.................................................. 1810
No. 75—(1598) Memorandum for the Attorney General from Jeb S. Magruder, dated January 14, 1972. Subject: Telephone Plan for the Florida Primary, with attachment.................................................. 1811

Note.—Figures in parentheses indicate page that exhibit was officially made part of the record.
March 17, 1973

President had made a note on a press survey containing an article alleging White House involvement for follow-up (Dean possibly has copy of this). Dean again suggested they bring out 1968 bugging and President said Kleindienst had advised against it. Several names were discussed as possibly subject to attack: Colson, Haldeman, Ehrlichman, Mitchell and Dean himself. The President asked Dean point-blank if he knew about the planned break-in in advance. Dean said no, there was no actual White House involvement regardless of appearances except possibly Strachan. Dean told President Magruder pushed Liddy hard but that Haldeman was not involved. The President wanted Haldeman, Ehrlichman and Dean to talk to the Committee and Dean resisted. Dean told the President of the Ellsberg break-in but that it had nothing to do with Watergate.

(March 19: Ervin had been on Face the Nation and accused Dean of hiding behind executive privilege.)

March 19, 1973

It was decided Dean would send a letter or sworn statement to the Judiciary Committee answering certain questions.

March 20, 1973

(Republican leadership had been in that day.) Dean discussed Mitchell’s problems with the grand jury, Vesco and the Gurney press conference. The President and Mooro agreed that the whole investigation should be made public and that a statement should be released immediately after the sentencing of the defendants. Dean suggested that each member of the Ervin Committee be challenged to invite an FBI investigation of his own Senate campaign. The President called Dean that night and Dean said that there was “not a scintilla of evidence” to indicate White House involvement and Dean suggested he give the President a more in-depth briefing on what had transpired.
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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
had discussed this matter with Ehrlichman and contrary to instructions that Ehrlichman had given Colson not to talk to the President about it, that Colson had also discussed it with him later. He expressed some annoyance at the fact that Colson had also discussed this matter with him.

The conversation then turned back to a question from the President regarding the money that was being paid to the defendants. He asked me how this was done. I told him I didn't know much about it other than the fact that the money was laundered so it could not be traced and then there were secret deliveries. I told him I was learning about things I had never known before, but the next time I would certainly be more knowledgeable. This comment got a laugh out of Haldeman. The meeting ended on this note and there was no further discussion of the matter and it was left hanging just as I have described it.

MEETINGS OF MARCH 14

The meetings which occurred on this day principally involved preparing the President for a forthcoming press conference. I recall talking about executive privilege and making Dean a test case in the courts on executive privilege. The President said that he would like very much to do this and if the opportunity came up in the press conference, he would probably respond. I also recall that during the meetings which occurred on this day, that the President was going to try to find an answer that would get Ziegler off the hook of the frequent questions asked him regarding the Watergate. He said that he was going to say that he would take no further questions on the Watergate until the completion of the Ervin hearings and that Ziegler in turn could repeat the same statement and avoid future interrogation by the press on the subject.

MEETING OF MARCH 15

It was late in the afternoon after the President's press conference that he asked Dick Moore and I to come over to visit with him. He was in a very relaxed mood and entered into a general discussion about the press conference. The President was amazed and distressed that the press had paid so little attention to the fact that he had made a historic announcement about Ambassador Bruce opening up the liaison office in Peking. He said he was amazed when the first question following that announcement was regarding whether or not Dean would appear before the Senate Judiciary Committee in connection with the Gray hearings. The conversation then rambled into a discussion of the Hiss case, and Mr. Moore discussed his memory of the President's handling of the case.

MEETING OF MARCH 16

This meeting was a discussion with Ziegler on how to follow up on a number of matters that had arisen in the press conference of the preceding day.

MEETING OF MARCH 17

This was St. Patrick's Day and the President was in a very good mood and very relaxed and we engaged in a rambling conversation with only some brief reference to the Gray hearings and the problems that were then confronting the White House regarding the President's
statements on executive privilege and his willingness to go to court on

the matter. He opined that he did not think that the Senate would be
dumb enough to go for the bait he had given them but he was hopeful
that they might.

MEETING OF MARCH 19

As I best recall this meeting, it was a rather rambling discussion
regarding media problems in connection with the Gray hearings. As
the discussion proceeded, I suggested that Mr. Moore might like to
engage in this conversation with us. There was some discussion of
Senator Ervin's appearance the preceding Sunday on "Face the Na-
tion," and whether or not it would be appropriate for me to respond to
some of the points that were being made regarding my requested
appearance before the Senate Judiciary Committee, I told the President
that I would work with Dick Moore in preparing a draft response.

MEETINGS OF MARCH 20

The President had called me earlier that morning to tell me that I
should work up a draft letter of response as a result of the discussions
that we had had the preceding evening with Moore. I told him I was
drafting a letter and he told me as soon as I had the letter prepared
that I should arrange to meet with him. Shortly after lunch, I took over
a draft copy of the letter which I had developed with Mr. Moore and
I have submitted a copy of that draft letter to the committee.

[The document referred to was marked exhibit No. 34-39.]

Mr. Dean, The President read the draft and we discussed it. There
was no resolution of the problem. He told me to talk with Ziegler. I
told him that if I did this as a sworn statement, that I was going to
obviously redraft it very carefully before I signed any affidavit on the
letter.

It was during the afternoon of March 20 that I talked again with
Dick Moore about the entire coverup. I told Moore that there were
new and more threatening demands for support money. I told him
that Hunt had sent a message to me—through Paul O'Brien—that he
wanted $72,000 for living expenses and $50,000 for attorney's fees and
if he did not receive it that week, he would reconsider his options and
have a lot to say about the seamy things he had done for Ehrlichman
while at the White House. I told Moore that I had about reached the
end of the line, and was now in a position to deal with the President
to end the coverup. I did not discuss with Moore the fact that I had
discussed money and clemency with the President earlier, but I told
him that I really didn't think the President understood all of the facts
involved in the Watergate and particularly the implications of those
facts. I told him that the matter was continually compounding itself
and I felt that I had to lay the facts out for the President as well as
the implication of those facts. Moore encouraged me to do so.

PHONE CONVERSATION OF MARCH 20

When the President called and we had a rather rambling discussion,
I told him at the conclusion of the conversation that evening that I
wanted to talk with him as soon as possible about the Watergate matter

*See p. 1252.
OVAL OFFICE -- MARCH 17, 1973 -- PRESIDENT/DEAN

1:25 to 2:10 P.M.

(Material relating to breakin at Dr. Fielding's office in California)

P Now on the Segretti thing, I think you've just got to --
Chapin, all of them have just got to take the heat.
Look, you've got to admit the facts, John, and --

D That's right.

P And that's our -- and that's that. And Kalmbach
paid him. And (unintelligible) a lot of people. I
just think on Segretti, no matter how bad it is. It
isn't nearly as bad as people think it was. Espionage,
sabotage?

D The intent, when Segretti was hired, was nothing evil
nothing vicious, nothing bad, nothing. Not espionage,
not sabotage. It was pranksterism that got out of
hand and we know that. And I think we can lay
our story out there. I have no problem with the
Segretti thing. It's just not that serious. The other
potential problem is Ehrlichman's and this is --

P In connection with Hunt?

D In connection with Hunt and Liddy both.

P They worked for him?

D They -- these fellows had to be some idiots as we've
learned after the fact. They went out and went into
Dr. Ellsberg's doctor's office and they had, they were geared up with all this CIA equipment -- cameras and the like. Well they turned the stuff back in to the CIA some point in time and left film in the camera. CIA has not put this together, and they don't know what it all means right now. But it wouldn't take a very sharp investigator very long because you've got pictures in the CIA files that they had to turn over to (unintelligible).

What in the world -- what in the name of God was Ehrlichman having something (unintelligible) in the Ellsberg (unintelligible)?

They were trying to -- this was a part of an operation that -- in connection with the Pentagon papers. They were -- the whole thing -- they wanted to get Ellsberg's psychiatric records for some reason. I don't know.

This is the first I ever heard of this. I, I (unintelligible) care about Ellsberg was not our problem.

That's right.

(Expletive deleted)

Well, anyway, (unintelligible) it was under an Ehrlichman structure, maybe John didn't ever know. I've never asked him if he knew. I didn't want to know.
I can't see that getting into, into this hearing.

Well, look. No. Here's the way it can come up.

Yeah.

In the CIA's files which they -- which the Committee is asking for -- the material they turned over to the Department of Justice.

Yeah.

There are all the materials relating to Hunt. In there are these pictures which the CIA developed and they've got Gordon Liddy standing proud as punch outside this doctor's office with his name on it. And (unintelligible) this material it's not going to take very long for an investigator to go back and say, well, why would this somebody be at the doctor's office and they'd find out that there was a breakin at the doctor's office and then you'd find Liddy on the staff and then you'd start working it back. I don't think they'll ever reach that point.

(Unintelligible?)

This was way, this was --

It's irrelevant.

It's irrelevant. Right.

That's the point. That's where -- that's where -- where Ervin's rules of relevancy (unintelligible).
P  Now what the hell has this got to do with it?
D  It has nothing as a lot of these things that they should
    stumble along into is irrelevant.
63. On March 19, 1973 Paul O'Brien met with John Dean in the EOED and conveyed a message from E. Howard Hunt that if money for living and for attorneys' fees were not forthcoming, Hunt might have to reconsider his options and might have some very seamy things to say about Ehrlichman.

63.1 Paul O'Brien testimony, Watergate Grand Jury, January 24, 1974, 30 (received from Watergate Grand Jury).

63.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 13-14 (received from Watergate Grand Jury).

63.3 U. S. Secret Service White House Appointment Record for Paul O'Brien, March 19, 1973, 5:20 p.m. (received from Watergate Grand Jury).
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS

18 USC 2511 and
18 USC 2512

United States District Courthouse
3rd & Constitution Avenue, N.W.
Washington, D.C.

January 24, 1974

The testimony of PAUL L. O'BRIEN was taken in the presence of a full quorum of the Grand Jury.

BEFORE:

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

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
United States Department of Justice
particular impact. I had never had anyone make a personal
demand on me for over a hundred thousand dollars. I mean it
wasn't just that somebody approached me a dime for a cup of
coffee.

Frankly it sort of sent me right up the wall. I just wanted out of there.

Q Did Mr. Hunt indicate that you ought to convey this
message to Mr. Dean?

A He did.

Q Now after you left the office what did you do?

A I stopped back past Mr. Bittman's office and I
reiterated the essence of the conversation.

Q What did Mr. Bittman say?

A He said, "I indicated to you that Mr. Hunt was
extremely agitated and upset and he was going to do this."

That was about it. I then departed.

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

A I did.

Q When was that?

A As far as I recall, immediately following the meet-
ing.

BY MR. FRAMPTON:

Q Now Mr. O'Brien, you mentioned before a meeting
which you had on about November 28th or 29th with Mr. Bittman
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS
OF 18 USC 2511 and 2512

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

Thursday, February 14, 1974

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

BEFORE:

RICHARD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

JILL VOLNER
Assistant Special Prosecutor
U. S. Department of Justice

GERALD GOLDMAN, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
U. S. Department of Justice
listening to tapes, to differentiate between the meetings but that statements that you attribute to one meeting very well may have occurred in another meeting, or have been repeated in substance at the various meetings. Is that, as a general matter, correct?

A That is correct. I was -- when I prepared my Senate testimony, I was aware of things that occurred that I couldn't put in any particular meeting and, sometimes, I omitted them for that reason thinking they would come up in cross examination at the Senate hearings, which they didn't.

Q Mr. Dean, did there come a time around the latter part of March when you learned that Howard Hunt was threatening to reveal certain matters if his demands for payment of substantial amounts of money were not met?

A Yes, I did learn such a fact.

Q From whom did you learn this information?

A From Mr. Paul O'Brien.

Q In substance, what did Mr. Paul O'Brien tell you?

A Mr. O'Brien reported that he had had a meeting with Mr. Hunt and Mr. Hunt had told him, at the meeting, a number of things. One particularly of which was that he should take a message to John Dean.

I said, "Why Dean?" And he said, "I raised the same question with Mr. Hunt and his response was, 'Well, you just take this to Dean,'" which O'Brien was doing. He told
me that Hunt said that sentencing was eminent and he had to
make his arrangements and he had just a few days to do it in;
that he wanted to have some, you know, hard evidence that he
was being supported in terms of money for his living fees
and money for his attorney fees, and if this money did not
come he would have to reconsider his option and might have
some very seamy things to say about Mr. Ehrlichman.

Q Now, prior to the 21st of March, did you have a
conversation with Mr. Ehrlichman about what you had learned
from Mr. O'Brien?

A Yes. After Mr. O'Brien brought this to my atten-
tion, I brought it to Mr. Ehrlichman's attention.

Q Well, what was the conversation, in substance, which
you had with Mr. Ehrlichman?

A Mr. Ehrlichman appeared to want to give the impres-
sion that he wasn't particularly concerned about the --

Q I take it you related the substance of what Mr.
O'Brien told you to Mr. Ehrlichman?

A Yes, I did. And he wanted to give the impression
he wasn't particularly concerned about it, but he asked me if
I'd talked to John Mitchell about it. I said, no, I had not.
He said, "Well, I think you better talk to Mr. Mitchell about
this." And that was the conversation.

Q Therefore, did you have a conversation with Mr.
Mitchell?
<table>
<thead>
<tr>
<th>NAME:</th>
<th>LAST</th>
<th>FIRST</th>
<th>MIDDLE</th>
</tr>
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<tbody>
<tr>
<td>O'BRIEN, PAUL</td>
<td></td>
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**Requested By:** ZIER

**Room No.:** 106

**Date:** 3-19-73

**Time Expected:** 1720

**Appointment With:** DEAN

**Agency:** WH

**Time Arrived:** 1720

**Identification/Remarks:** Md. Permit

**Officer Making I.D.:** H.B. Minnis

**Post:** D-8
On March 20, 1973 John Ehrlichman met with John Dean at the White House. They discussed Howard Hunt's request for money, the possibility that Hunt would reveal activities of the Plumbers' operations if the money were not forthcoming, and plans for Dean to discuss the matter with John Mitchell. According to Dean, Dean discussed the matter with Mitchell by telephone later that evening, but Mitchell did not indicate whether Hunt would be paid. On the afternoon of March 20, 1973 Ehrlichman had a telephone conversation with Egil Krogh and told him Hunt was asking for a large amount of money. They discussed the possibility that Hunt might publicly reveal the Plumbers' operations. Krogh has testified that Ehrlichman stated that Hunt might blow the lid off and that Mitchell was responsible for the care and feeding of Howard Hunt.

64.1 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 2-6 (received from Watergate Grand Jury).

64.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 14-16 (received from Watergate Grand Jury).

64.3 Egil Krogh testimony, Watergate Grand Jury, January 29, 1974, 5-7 (received from Watergate Grand Jury).

64.4 John Ehrlichman log, March 20, 1973 (received from SSC).
The testimony of JOHN EHRLICHMAN was presented to a full quorum of the Grand Jury.

BEFORE:

JAMES F. NEAL, ESQ.
Assistant Special Prosecutor
United States Department of Justice

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

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

JILL W. VOLNER
Assistant Special Prosecutor
United States Department of Justice
Whereupon,

JOHN EHRlichMAN

was called as a witness and, having been first duly sworn by
the Foreman of the Grand Jury, was examined and testified as
follows:

BY MR. NEAL:

Q Mr. Ehrlichman, I'm going to skip over some areas
I want to come back to in time, and ask you some things that
occurred near the end of your employment.

I want to ask you if, on or around March the 20th,
1973, you had a conversation with Mr. Dean in which he related
to you a certain message that he had allegedly received, either
directly or indirectly, from Mr. Hunt?

A Yes.

Q Would you tell us what he related to you?

A As I recall, he said that he had either a call or
a conversation with an attorney in behalf of Hunt. He said
that, in effect, unless Hunt were paid a substantial amount
of money, that he would disclose activities in which he had
been engaged in during the time he was at the White House.

Q I'm sorry, I missed the last part of your answer.

A I say he said he would disclose the activities in
which he had been engaged during the time he was at the White
House, and the message which Dean got apparently related those
to Mr. Krogh, but Dean also related them as affecting me.

Q  Did he say that the message he passed on to you from
Hunt would have a lot of things to say about what he'd done
-- a lot of things to say about the seamy things that he had
done while he was at the White House?

A  Yes. Or words to that effect.

Q  Words to that effect. Who was present during this
conversation with Dean? You were present, Dean present. Was
anyone else present?

A  I don't believe so.

Q  What did you say in response to this, if anything?

A  Well, for one thing, I said it looked to me like
blackmail. I asked him -- I also said it looked to me like
he was talking about the Plumbers' operation, but I asked him
if he understood, from whoever he talked to -- and I believe
it was Bittman that he told me he had talked to -- whether
this fellow had indicated that this was to be a particular
event that he was threatening about or if this was the whole
Special Unit operation that he was talking about, or just
what Dean understood it to relate to.

Q  What did Dean say in response to that?

A  Well, he said he didn't know.

Q  Did you give Dean any instructions with respect to
this?

A  I asked him --
Q Shall we strike that for just a moment from the record. And before I get to that, ask you if you remember any specific sum of money being mentioned?

A I remember -- yes, I remember that a specific sum of money was named -- mentioned. Actually, two sums of money were mentioned and I can't tell you precisely what they were, but it was something over $100,000, in total.

Q Right. Do you remember what the purpose of this money -- what Hunt said this money would be used for? The purpose of giving him the money?

A I don't think that that was -- well, it may have been told me. I don't recall it, though.

Q Now, go on with what, if anything, you asked Dean or instructed Dean to do, after this conversation?

A Well, first, there was more conversation.

Q Tell us all the conversation.

A And I asked Dean for his estimate of the reality of this, whether or not this was a real problem for us or not, because I was thinking in terms of Hunt making a disclosure to the prosecutors of the Special Unit operations.

And we discussed whether that was the intent of this or -- because he said that Hunt was coming up for sentencing. I think that was at the time that Hunt was coming up for sentencing. So I was curious as to whether this was in sort of a judicial process framework or whether he was talking...
about going public with this.

Dean said that he felt that it was not a threat to go to the press or to the public with this as much as it was to go to the prosecutors.

And the other question that I asked, which led to my requesting, was whether he thought this was really Hunt or whether he thought this was the attorney trying to get money for attorney's fees; and he said that he didn't know, he didn't have a feel for that.

And this had apparently not occurred to him and so I said, "I think you ought to talk to Colson."

Q Talk to Colson?

A And see if he can give you any feel or his estimate of whether that is the case or not but, at the same time, we discussed the possibility of problems in the exposure of the Special Unit operations to the prosecutors and he said he felt that since Petersen had information about the Special Unit for a long time, that did not pose any particular problem in terms of any notoriety or any newspaper stories or things of that kind.

So it was kind of a back and forth and, frankly, I was shaken by this because Dean put it in terms that this was a threat aimed at me on a personal basis.

So I also asked him whether, in his opinion, I had any legal liability in the eyes of a prosecutor on account of
the Plumbers' operation and, particularly, the Ellsberg break-in business.

So that was the nature of that conversation.

Q Other than what you have related, did you give Mr. Dean any instructions?

A I can't recall any.

Q Specifically, did you tell him -- did you ask him if he'd discussed this matter with Mitchell, the matter being the subject of this conversation?

A No. I think he said he was going to discuss it with Mitchell. I didn't ask him to discuss it with Mitchell.

Q That was my next question. Did you ask, request or instruct Dean to take this matter to Mitchell or to discuss the matter with Mitchell?

A No. I think that was a given. I think he indicated that that was what he had done or was going to do.

Q Okay. But you made no request along that line?

A I believe not.

Q Now, Mr. Ehrlichman, turning to March 21, 1973, were you present in any conversations that Mr. Dean had with the President?

A I don't believe so. Now, let's see. Was that the day -- I beg your pardon.

Q Two meetings and you were present at one of them.

A Yes, I believe I was there at the afternoon meeting.
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS
OF 18 USC 2511 and 2512

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

Thursday, February 14, 1974

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

BEFORE:

RICHARD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

JILL VOLNER
Assistant Special Prosecutor
U. S. Department of Justice

GERALD GOLDMAN, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
U. S. Department of Justice
me that Hunt said that sentencing was eminent and he had to make his arrangements and he had just a few days to do it in; that he wanted to have some, you know, hard evidence that he was being supported in terms of money for his living fees and money for his attorney fees, and if this money did not come he would have to reconsider his option and might have some very seamy things to say about Mr. Ehrlichman.

Q Now, prior to the 21st of March, did you have a conversation with Mr. Ehrlichman about what you had learned from Mr. O'Brien?

A Yes. After Mr. O'Brien brought this to my attention, I brought it to Mr. Ehrlichman's attention.

Q Well, what was the conversation, in substance, which you had with Mr. Ehrlichman?

A Mr. Ehrlichman appeared to want to give the impression that he wasn't particularly concerned about the --

Q I take it you related the substance of what Mr. O'Brien told you to Mr. Ehrlichman?

A Yes, I did. And he wanted to give the impression he wasn't particularly concerned about it, but he asked me if I'd talked to John Mitchell about it. I said, no, I had not. He said, "Well, I think you better talk to Mr. Mitchell about this." And that was the conversation.

Q Thereafter, did you have a conversation with Mr. Mitchell?
Q And, in substance, what was that conversation? I take it Mr. Mitchell was not in Washington at the time?

A No, he was not. I had to call him in New York and, as I recall it, it was late in the evening and he had left his office. I reached him at home and had a guarded conversation with him because I had been told by Mr. LaRue -- as a matter of fact, I think he was the one who first told me to be very careful in calling Mr. Mitchell's hotel or apartment because Mrs. Mitchell might well want to listen in on the telephone.

Q And what do you recall the substance of that conversation being?

A I recall that it was a guarded conversation and that I related to Mr. Mitchell what Mr. Ehrlichman had asked me to relate to him.

Q And what was Mr. Mitchell's response, if any?

A Well, I don't recall -- I recall one thing we talked about was whether Mr. Pappas -- but I didn't use the name Pappas, as I recall -- was coming into town, as a potential source of money.

I referred to Mr. Pappas as "a Greek bearing gifts," and most of the conversation was in a guarded manner like this. And Mr. Mitchell indicated to me he believed Mr. Pappas was going to be in town shortly -- something to that effect.
Q Now, did Mr. Mitchell, at that time, indicate to you, one way or another, whether Mr. Hunt would be paid?
A No, he did not.
Q Thereafter, did you have a conversation with Mr. LaRue?
A Yes, I did.
Q And what was the substance of that conversation?
A Mr. LaRue wanted to know what I was going to do about the problem that had raised, and I told him, nothing; that I was out of that business.

He then asked me what I thought he should do and I told him I thought he ought to talk to Mitchell about it.

Q Now, after the meeting on the 21st with the President and, for a portion, Mr. Haldeman, did you learn from anyone whether Mr. Mitchell had been contacted with respect to coming down to Washington and meeting with you and Mr. Haldeman and the President and Mr. Ehrlichman?
A Yes, I did.
Q And when did you learn that?
A Sometime on the 21st, I learned it from Mr. Haldeman. Originally, it had been hoped that Mr. Mitchell could come down immediately but, for some reason, he couldn't come down until the next morning. So a meeting was scheduled for the next morning.

Q Now, later on in the day, on the 21st, you had a
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS
OF 18 USC 2511 and 2512

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

Tuesday, January 29, 1974

The testimony of EGIL KROGH, JR., was presented to
a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

JILL VOLNER
Assistant Special Prosecutor
U. S. Department of Justice

GERALD GOLDMAN, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

LAWRENCE IASON, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice
That means that the President's advisors as well as Mr. Dean?

A That's right. That was the second part of your question, I assumed that.

Q And, further, he indicated to you that he did not believe that Mr. Hunt's threats could be met at that time?

A That's correct. I should also say that Mr. Dean, in that meeting, was extremely unhappy -- seemed to be very, very agitated. He told me that he had been under excruciating pressure for months; that his wife was very concerned about him because he couldn't sleep at night; and that he felt terrible. And I should also add that Mr. Dean and I had been very close friends when he was the Associate Deputy Attorney General for Legislation in the Department of Justice.

And, also, I had been partly responsible -- I would say probably primarily responsible -- for recruiting him to the White House staff. We had talked on a number of occasions.

Q Now, when Mr. Dean said, in substance, that the President did not know what was going on, did you interpret did that statement lend itself to an interpretation that the President did not understand what the significance was of what was going on?

A Yes. It would lend itself to that interpretation.

Q Now, following your meeting with Mr. Dean, did you have a telephone conversation with Mr. Ehrlichman on the
Q  That means that the President's advisors as well as Mr. Dean?

A  That's right. That was the second part of your question, I assumed that.

Q  And, further, he indicated to you that he did not believe that Mr. Hunt's threats could be met at that time?

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A  Yes. It would lend itself to that interpretation.

Q  Now, following your meeting with Mr. Dean, did you have a telephone conversation with Mr. Ehrlichman on the
20th of March as well?

A Yes, I did. I returned to the Department of Transportation. I'm not sure of the precise time. It must have been about 4:30, 5:00 o'clock that afternoon, and Mr. Ehrlichman had been trying to call me, I understood, at the time that I had been with Mr. Dean in the Old Executive Office Building.

He told me, when we made contact on the telephone, that Mr. Hunt had been asking for a great deal of money. I don't remember if he precisely stated a figure on the telephone.

Q Did you indicate to Mr. Ehrlichman that Mr. Dean had filled you in on the details?

A I don't believe I did tell him that.

Q And what else did Mr. Ehrlichman say?

A I told him -- I asked him what condition Mr. Hunt was in and he said he did not know; that John Mitchell was responsible for the care and feeding of Howard Hunt.

Q I'm not sure that the reporter got that -- the punctuation there. Did he say, in substance, that Mr. Ehrlichman told you that Mr. Ehrlichman did not know personally about Mr. Hunt's situation but that Mr. Ehrlichman knew that Mr. Mitchell was responsible for the care and feeding of Mr. Hunt?

A That's correct. That is the gist of it, yes, sir.

Q I'm sorry. I was distracted for a moment when you began your narration of this conversation.
Did you say that Mr. Ehrlichman told you that Mr. Hunt was asking for a great deal of money and that he might, in effect, blow the lid off?

A

That's right. That is correct, yes.

Q

And did he indicate that -- did you say that, if the money was not paid, according to Mr. Ehrlichman, that Mr. Hunt would, in essence, tell all he knew?

A

In essence, that's correct.

Q

And what occurred after this part of the conversation?

A

I asked for a meeting with Mr. Ehrlichman to discuss this situation. He agreed, and it met with him the next afternoon in his office, March 21st, in the West Wing of the White House, second floor.

Q

Now, were you waiting for him for some time in his outer office?

A

I waited there, I think, probably for an hour and a half. I'm not sure exactly what time the meeting had been set for -- 2:00, 3:00, 4:00, somewhere in there. But, in any event, I had to wait quite a while before I was able to get in, or he came in and we were able to go in his office together.

Q

And did you know where Mr. Ehrlichman had been prior to his meeting with you?

A

I didn't know for certain. I assumed that he had
FRIDAY, MARCH 16, 1973

8:15 HRH office
9:00 Congressman Rhodes, DiBona
10:00 Everett Erlick (ABC), Gene Cowan
11:00 Jack Sutherland (US News and World Report)
11:30 Ron McCready
12:00 Buehl Berentson (Senatorial campaign committee)
12:30 WHCA tape for Jack Scott
1:00 Lunch with Jim Lehrer - Sans Souci
2:30 Secretary Weinberger
3:00-4:15 President
5:15-6:45 President, Herman Kahn
To Camp David (with Joby and Bob)

MONDAY, MARCH 19, 1973

8:15 HRH office
11:30 Frank Gannon
12:00 Bob Timm (Chairman, CAB)
2:00 Jules Witcover (WH staff story)
3:00 Nat Owings, David Childs, Len Garment (Bicentennial Gardens)
5:30 President

TUESDAY, MARCH 20, 1973

7:30 KRC meeting
8:30 Republican Leadership - Cabinet Room
11:30 President
1:00 Lunch in Mess with Bill Simon, Bradford Cook
3:30 John Dean
4:00 President, Bush
7:00 Birthday dinner at Trader Vic's - Jody and Bob, Hulins