26. In or around August 1970 H. R. Haldeman transferred White House responsibility for matters of domestic intelligence for internal security purposes from Tom Charles Huston to John Dean. On September 17, 1970 Dean and Attorney General Mitchell discussed procedures for commencing a domestic intelligence operation. On September 18, 1970 Dean wrote a memorandum to the Attorney General regarding the establishment of an interagency domestic intelligence unit and the use of an existing group called the Inter-Divisional Information Unit (IDIU) as a cover for the operation of the new unit. Dean recommended that restraints should be removed as necessary to obtain needed intelligence rather than on a blanket basis. Dean informed Mitchell that Haldeman had suggested he would be happy to join Mitchell in a meeting with Hoover.

26.1 Tom Charles Huston testimony, Senate Armed Services Committee Executive Session, May 21, 1973, 144.

26.2 John Dean testimony, 3 SSC 916.

26.3 John Dean testimony, 4 SSC 1446, 1456.

26.4 John Mitchell log, September 17, 1970 (received from SSC).

26.5 Memorandum from John Dean to Attorney General Mitchell, September 18, 1970 (received from Department of Justice).

The United States Senate

Report of Proceedings

Hearing held before
Committee on Armed Services

WASHINGTON, D.C.

Monday, May 21, 1973

WASHINGTON, D.C.

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DR [7656]
though we had asked that it be recalled.

At that time that, I think, must have been either the
last week of July or the first week of August. It was
about this time that John Dean came over from the Justice
Department and, as I recall, his appointment as counsel to
the President had been announced while Mr. Nixon was in
San Clemente in July. And when John came to the White House
as counsel to the President I was told by Mr. Haldeman that
John would henceforth take over the duties that I had had
with respect to the internal security matters and in essence
leading me to believe Mr. Hoover blamed me personally for
the whole mess that he regarded as a mess.

Senator Symington. John? Who is John?

Mr. Huston. John Dean. That John Dean would take
over, that Mr. Hoover associate him with this thing and, there-
fore, John would handle the matter.

From that point on I really know no more. I have no
more first-hand knowledge about what happened. To the best
of my knowledge, the report, the memoranda were withdrawn.
I have no knowledge at any point any further that any action
was taken to reinstitute it. I had heard from, I don't
remember who, but a friend in the FBI told me in the early
fall that there were discussions going on with John Dean
and Bob Mardian and others with respect to this, and in
September or so when Bob Mardian, after he had been over there
ligence-gathering capability of the Government regarding demonstrations prevailed through my tenure at the Justice Department and the White House, and I was hearing complaints from the President personally as late as March 12 of this year.

It was when I joined the White House staff in July of 1970 that I became fully aware of the extent of concern at the White House regarding demonstrations and intelligence information relating to demonstrators. It was approximately 1 month after I arrived at the White House that I was informed about the project that had been going on before I arrived to restructure the Government’s intelligence-gathering capacities vis-a-vis demonstrators and domestic radicals. The revised domestic intelligence plan was submitted in a document forwarded for the President’s approval.

The committee has in its possession a copy of that document and certain related memorandums pursuant to the order of Judge Sirica. After I was told of the Presidentially approved plan, that called for bugging, burglarizing, mailcovers, and the like, I was instructed by Haldeman to see what I could do to get the plan implemented. I thought the plan was totally uncalled for and unjustified. I talked with Mitchell about the plan, and he said he knew there was a great desire at the White House to see the plan implemented, but he agreed fully with FBI Director Hoover, who opposed the plan, with one exception: Mitchell thought that an interagency evaluation committee might be useful, because it was not good to have the FBI standing alone without the information of other intelligence agencies and the sharing of information is always good and avoids duplication. After my conversation with Mitchell, I write a memorandum requesting that the evaluation committee be established, and the restraints could be removed later. I told Mr. Haldeman that the only way to proceed was one step at a time, and this could be an important first step. He agreed.

The Interagency Evaluation Committee (IEC) as it was referred to, was created, as I recall, in early 1971. I requested that Jack Caulfield, who had been assigned to my office, to serve as the White House liaison to the IEC, and when Mr. Caulfield left the White House, Mr. David Wilson of my staff served as liaison. I am unaware of the IEC ever having engaged in any illegal activities or assignments, and certainly no such assignment was ever requested by my office. The reports from the IEC, or summaries of the reports were forwarded to Mr. Haldeman and sometimes Ehrlichman.

In addition to the intelligence reports from the IEC, my office also received regular intelligence reports regarding demonstrators and radical groups from the FBI and on some occasions, from the CIA. A member of my staff would review the material to determine if it should be forwarded to Mr. Haldeman—that is, for bringing to the President’s attention—or sent to another member of the staff who might have an interest in the contents of the report.

The committee has in its—Mr. Chairman, from time to time, I am going to skip parts of the statement in an effort to make sure that I can move as quickly as possible and get the statement completed in as short a time as possible.

Senator Ervin, I believe it is important to read the whole statement since you thought it was important enough to write it.

Mr. Dean, I will honor the chairman’s wish.
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
Select Committee on Presidential Campaign Activities
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $.50
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information, I want to deal as one man looking in another man's eye and know that man for the reaction I get from him just dealing across the table; I do not want to know what he has been doing all his life or the like. I said, that is for others to judge rather than me. I just merely want to tell you the results of my negotiations.

So I was not involved in intelligence from the outset. Now, as I testified, I did become aware from time to time of requests from the White House because of my proximity to the decisionmaking processes for various intelligence that would relate to political figures in their associations with the demonstrations and also, I was hearing complaints that the White House staff was unhappy about the quality of this intelligence. But my role was merely a conduit from the demonstration leaders back to a major committee that would make decisions and talk about what I would report. In fact, I would often put myself, in that I could be most effective in this capacity, in the role of advocating the position of the demonstrators. Because many times, I thought they had a good point.

For example, one I thought that the Government was taking a terrible beating on was in the November moratorium on this big issue of Pennsylvania Avenue versus no Pennsylvania Avenue. I thought that the demonstrators got $1 million worth of publicity or $2 million worth of publicity out of the Government's posture on refusing to give Pennsylvania Avenue. Instead, they insisted that they go down Constitution Avenue. I did not see that it made all that much difference in the long and short of it.

Senator INOUYE. Immediately after you were appointed counsel to the President, did you not take over the responsibilities of Mr. Tom Huston in connection with intelligence activities?

Mr. DEAN. I think that you would have to know Tom Huston and my relationship with Tom Huston to know that there was no way I would take over anything regarding Mr. Tom Huston. He is a very brilliant, independent man. He would not, I did not even know what he was doing half the time. In fact, it was some months after he had joined my staff that I learned he had some sort of scrambler phone locked in a safe beside him and he made a lot of calls.

Mr. Huston did an awful lot of things that I have no idea what he was doing in the intelligence field. The only thing I know is that at that point, he was the liaison for receipt of FBI information regarding radical groups and he would be the distributor throughout the White House and he put me on a distribution list. Most of this material was not even to me, worth reading because I was not particularly interested, unless it was a very current demonstration.

So I inherited Mr. Huston. Mr. Huston and I worked with a friendly relationship. As I say, he is a very independent man and he and I think a little differently and handle memorandums a little differently.

I recall one rather interesting occasion when he prepared a rather strong and blunt memorandum for my signature to the Attorney General, on a very minor request for something. The memorandum was in my mail stack. I read it quickly and didn't think much about it when I was signing the mail. Two days later, I had a call from Mr. Kleindienst and he said, in short, who in the hell do you think you are writing a memorandum like that to the Attorney General of the United States? Now that you are up at the White House, you think you are high and mighty.
I might add here it is from Mr. Haldeman to Mr. Huston—

The recommendations you have proposed as a result of the review have been approved by the President. He does not, however, want to follow the procedures you have outlined on page 4 of your memorandum regarding implementation. He would prefer that the thing simply be put into motion on the basis of this approval. The formal official memorandum should, of course, be prepared and should be the device by which to carry it out.

I realize this is contrary to your feeling as to the best way to get this done. I feel very strongly that this procedure won’t work and you had better let me know and we will take another stab at it. Otherwise let’s go ahead.

Senator Ervin. Now, that letter can only be construed as a statement on the part of Mr. H. R. Haldeman to Mr. Tom Charles Huston, the aide in charge of domestic intelligence, to the effect that the President of the United States had approved his recommendations about removing the limitations on electronic surveillance and penetration, surreptitious entry or burglary, the use of mail coverage, and of sources of information on the campuses and the military undercover agents for the purposes of gathering information upon the objectives of that.

Mr. Dean. That is correct, Mr. Chairman.

Senator Ervin. Now, when did Mr. Huston leave the White House?

Mr. Dean. I do not recall specifically the date. It seems to me he was on my staff 6 or 8 months at the most, as I recall. He had been talking about leaving for some time and returning to private practice. This had been one of his pet projects. He had apparently gotten into a serious dispute with Mr. Hoover over it and he felt that his effectiveness at getting this accomplished had been diminished as a result of the fact that his plan was not being implemented and was floundering. I can recall him coming to me and asking me if I could do anything. I told him I could not.

Senator Ervin. Now, do you not know that this plan was approved for use by the President without the prior knowledge of Mr. Mitchell?

Mr. Dean. I do not know that for a fact, no, sir. When I talked to Mr. Mitchell about it, it had reached the stage that they wanted to do something. Mr. Mitchell and I talked about it and we decided that the best thing to do was to create the IEC and that would possibly satisfy everybody’s request to do something.

Senator Ervin. Now, the IEC, in effect, was a proposal to set up a group representing or representatives from the FBI, CIA, NSA, DIA, and the counterintelligence units of the Army, Navy, and Air Force to furnish information about the activities of all of these agencies to the White House?

Mr. Dean. I believe that is correct, but I believe that at that time also, the military—I am not sure they were involved because they had already made a decision that they were not going to do any domestic intelligence work.

Senator Ervin. Now, as a lawyer, you are aware of the fact that the section 403(d)(3) of title 50 of the United States Code provides that the CIA “shall have no police, subpoena, law enforcement powers, or internal security functions”?

Mr. Dean. Domestically.

Senator Ervin. Yes; internal security functions.

Mr. Dean. Yes; I was entirely aware of that. I was not specifically aware of the statute.
Thursday, Sept. 17, 1970

8:45 Saw Will Wilson with Mr. Nichols

8:50 Saw J. Hushen

9:10 Met with midwestern mayors on terrorism with Mr. Wilson and Nichols of Criminal Div.; Mr. Gunther of Conf. of U.S. Mayors, Senator Hruska and Cong. McGregor.

10:45 Above held press conference in DAG's office

11:00 Saw Will Wilson


11:36 Called Norm Carlson & t.

11:40 Saw Senator Bellmon and staff aide

12:01 Called Henry Kissinger & t.


12:10 Left for CIA in Va. to have lunch with Director Helm

2:38 Pete Flanigan called & t.

2:50 Saw Ken Rosen

3:05 Kevin Phillips called & t.

3:22 Saw John Dean

4:00 Pete Flanigan called & t.

4:05 DAG called & t.

4:10 Saw Alexander Hehmeyer of Chicago

4:33 Called Wally Johnson & t.

5:00 Attended Staff Meeting (Dr. Kissinger, speaker)
Pursuant to our conversation yesterday, September 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

1. Interagency Domestic Intelligence Unit. A key to the entire operation will be the creation of a interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of personnel to this unit will be of vital importance to the success of the mission. As we discussed, the selection of the personnel for this unit is an appropriate first step for several reasons. First, effective coordination of the different agencies must be developed at an early stage through the establishment of the unit. Second, Hoover has indicated a strong opposition to the creation of such a unit and, to bring the FBI fully on board, this seems an appropriate first step to guarantee their proper and full participation in the program. Third, the unit can serve to make appropriate recommendations for the type of intelligence that should be immediately pursued by the various agencies. In regard to this third point, I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the recommendations of this unit, and then to proceed to remove the restraints as necessary to obtain such intelligence.

To proceed to create the interagency intelligence unit, particularly the evaluation group or committee, I recommend that we request the names of four nominees from each of the intelligence agencies involved. While the precise composition of the unit may vary as we gain experience, I think that two nominees should be appointed initially from each agency in addition to your personal representative who should also be involved in the proceedings. Because of the interagency aspects of this request, it would probably be best if the request came from the White House. If you agree, I will draft such a request of the agency.
heads; however, I feel that it is essential that you work this out with Hoover before I have any dealings with him directly.

2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel, other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgement, of course, on any recommendation regarding Jim Devine's continued presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Hamilton Wood to ask him to submit the names of five Assistant U.S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive
assignment in the Department of Justice. I did not discuss the matter in any further detail with Hoover other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

(1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.

(2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.

(3) I request that other involved intelligence agencies submit nominees for the interagency unit.

(4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible.

N.B. Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.
which was essentially what I regarded as a rebuttal memorandum to the objections that Mr. Hoover was likely to raise.

I never heard if there was any such meeting or not. I wrote that memorandum. I think I wrote another memorandum again urging if there was going to be a meeting — I think Mr. Hoover left to go to Florida or something around this time — so that for a period of I would say probably running through most of August I was really uncertain as to what the status of it was, but I was, frankly, no less convinced then than I had been on July 23rd that the President made the right decision. But it was some time I think in August that Mr. Haldeman — maybe it was in September — I don't remember exactly — but I heard nothing from anybody, frankly. I was writing memoranda and nobody was responding.

Mr. East. You were writing letters to yourself?

Mr. Huston. That is right. I wish I hadn't written so many of them.

So I think it must have been in late August or early September, finally Mr. Haldeman called me over and he told me essentially that John Dean was going to have responsibility as counsel to the President for all matters relating to internal security, domestic intelligence. I don't recall, I hate to paraphrase a conversation like this, I can only really give you impressions rather than quotes.

Mr. Mordi. To understand.
Mr. Hunter, in essence what I thought he was saying to me was, Tom, you really alienated Mr. Hoover. You might as well face up to the fact there is no way in the world you are going to be able to deal with this guy. John was with the Justice Department, and he is going to work on it. I would like you to switch from the procedure writing staff to John's staff. We will give you a new title -- no more money, but a new title, and you will work for John. He was very nice about it, and I thought, frankly, exceptionally nice for him in terms of trying to soothe over my feelings on the matter.

So then shortly thereafter John called me down -- John Dean called me down and said Haldeman had called him and told him what he said to me and John said he would be glad to have me on his staff, that he understood that I might resent the fact that he was coming in and taking over this project and other areas that I had operational responsibility for, but that he hoped that we could work together. I told him that I had been around long enough to know that you had to be a team player, and if that is what the President and Haldeman wanted, that was fine with me, and I would work for him and do whatever he told me to do.

So, really, we discussed at some length at that time the report, and he didn't really express much comment one way or the other about what he was going to do about it. In fact, it wasn't until I saw him testify the other day I heard about or
27. In or before December 1970 the Intelligence Evaluation Committee was created to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence.


27.2 John Dean testimony, 3 SSC 916, 1064-67.

27.3 John Mitchell testimony, 4 SSC 1637.
President Nixon statement

Weekly Compilation of
PRESIDENTIAL DOCUMENTS

Monday, May 28, 1973

Volume 9 · Number 21
Pages 685–714
Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1959 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1951 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

Note: For the President's statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ehrlichman's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.
Moreover, a majority of the documents published with the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.-Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary action.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman, and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam war, on which the Government's records were inadequate (previous...
ligence-gathering capability of the Government regarding demonstrations prevailed through my tenure at the Justice Department and the White House, and I was hearing complaints from the President personally as late as March 12 of this year.

It was when I joined the White House staff in July of 1970 that I became fully aware of the extent of concern at the White House regarding demonstrations and intelligence information relating to demonstrators. It was approximately 1 month after I arrived at the White House that I was informed about the project that had been going on before I arrived to restructure the Government's intelligence-gathering capacities vis-a-vis demonstrators and domestic radicals. The revised domestic intelligence plan was submitted in a document forwarded for the President's approval.

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Senator Erwin, I believe it is important to read the whole statement since you thought it was important enough to write it.

Mr. Dean, I will honor the chairman's wish.
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3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harlington Wood to ask him to submit the names of five Assistant U.S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

1. You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.
2. You request that Hoover assign an agent to the task of locating appropriate housing for the operations.
3. I request that other involved intelligence agencies submit nominees for the interagency unit.
4. I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible.

It was signed, and had a note at the bottom.

Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.

Senator Weicker. Thank you, Mr. Dean.

Now, this, in other words, refers to that portion of your statement yesterday where you say: "I wrote a memorandum requesting that the Evaluation Committee be established and that the strings could be removed later. I told Haldeman that the only way to proceed would be one step at a time and this would be an important first step and he agreed."

Mr. Dean. That is correct.

I might footnote that with the remark that I was quite aware of a great interest in the matter, and after some discussions with Mr. Huston, who still had a hope that the entire plan would be adopted,
I had reached the conclusion that there was no way the whole plan was going to be adopted and that the only thing that was essential was the IEC and that this would satisfy everybody that we were at least doing something to solve the problem and this was a first step that seemed to solve or to resolve that pressure with everybody.

Senator Weicker. So, after this memorandum was written, you proceeded to set up the IEC insofar as the structure, the placing of it, in the Internal Security Division. is that correct?

Mr. Dean. I think what happened is, and I am not terribly familiar with the mechanics of how this actually did occur, I believe that Mr. Mitchell did have a conversation with Mr. Hoover and reached some agreement as to their participation. I don't know how the decision was made to place it in the Internal Security unit, but I did learn about it at some point because they told me they had space that they had set aside in the Internal Security unit's office, which was separate and apart from the Department of Justice, the main Department of Justice.

And I had learned that Mr. Doherty would be sort of the man that would be heading the operation initially.

Senator Weicker. May I ask you this question in relation to Mr. Doherty?

Was there any discussion at this time about this unit's first head being Mr. Earl Sharp?

Mr. Dean. Yes, there was.

Mr. Ehrlichman was aware of this as well and Judge Sharp, who was a friend of Mr. Ehrlichman's, apparently had been—as I recall, he was an elective judge and he either hadn't been reelected or something of that nature, an appointment had run out, and he was not currently sitting on the bench anywhere, and Mr. Ehrlichman thought this would be an excellent thing for him to do and invited him to come to Washington.

We had a number of meetings on it and the more he looked at it, the less he decided he wanted to get involved in it.

Senator Weicker. So that the first head was Mr. John Doherty?

Mr. Dean. I believe that is correct.

Senator Weicker. Did you hold any discussions in your office with Mr. Sharp or Mr. Doherty relative to the IEC?

Mr. Dean. I am sure probably with both individuals, yes.

Senator Weicker. And what other persons would have been present at those meetings?

Mr. Dean. Well, I can't recall anybody else being present when I talked to Judge Sharp. I know that—I do recall that when he decided that he wasn't interested, because, one, he felt he didn't know much about this field, that he would have a whole education to become acquainted with it—I think he spent a couple of weeks looking into the matter. I think he learned that it was going to be some sort of, going to be a secret operation that he would be running in the Department of Justice and he wanted to be able to explain just what he was doing with people back home and he didn't want to have to say, I can't tell you what I am doing in Washington.

We had a number of discussions about other assignments for him and he did some very valuable legal work for my office in connection with some trade matters that had come to my office for resolution.
Senator Weicker. Now, Mr. Dean, then Mr. Doherty was the first head and he was succeeded by whom?

Mr. Dean. I believe by Mr. Wells.

Senator Weicker. By Mr. Bernard Wells?

Mr. Dean. Yes.

Senator Weicker. All right.

So from the time of your memorandum at the time of your talk with Haldeman as to the setting up of the mechanics of the operation, administering of details of the operation, does it come as any surprise to you, that listed under the Office of Analysis and Planning in the Internal Security Division of the Justice Department as of April 15, 1972, is a listing of Bernard Wells, Executive Director, IDIU, with Mr. James McGrath and Joyce Webb listed under that?

Is this basically then, the plan that is suggested in your memorandum to John Mitchell?

The ink marks and the scribblings are mine and my staff's.

Mr. Dean. I can't glean an awful lot from this chart.

Senator Weicker. There is no mention of IEC there, is there?

Mr. Dean. No, there is not, and the documents that all came to me were clearly marked "IEC" on them when they came over.

Senator Weicker. And they came over from Mr. Wells?

Mr. Dean. They came over from Mr. Wells.

Senator Weicker. Would you read to the committee what Mr. Wells is listed as in that document?

Mr. Dean. Executive Director, IDIU.

Senator Weicker. You have also stated that to the best of your knowledge, no illegal activities were conducted by the IEC? I would like to get into the matter of your contacts. Let me ask you one question before you go on to your contacts with the Internal Security Division.

Statements have been made that there was a rescission by the President of the 1970 plan. Why all this business?

Mr. Dean. Well, as I said, at one point—I do not know about the rescission. That is something that I do not know. I knew that there was a squabble going on between principally Mr. Huston, representing the White House, and the FBI. Mr. Huston talked to me on a number of occasions about the matter. I knew that Mr. Mitchell, when I talked with him about it, both telephonically and when I met with him, was opposed to the grand plan that is in that manual, and I think what Mitchell and I decided was the best course was to do the minimum amount possible that might satisfy people that something was being done. And that was to create the IEC.

Senator Weicker. Now, it is possible, then, that one of two things might have happened. Either there could have been a rescission by the President, the word of which rescission you never received. That is a possibility, is it not?

Mr. Dean. Well, I note that their memorandum in here that follow the date of the memorandum I sent and memorandum I had not seen, and I recall that Mr. Huston was still trying to do something about this, even after I sent that memorandum.

Senator Weicker. Yes, but let me——

Mr. Dean. So to answer your question, it is very possible that I would not have been aware of. In fact, I was not aware at all of a rescission.
Senator Weicker. It is also possible there was no rescission.
Mr. Dean. And I was not aware in full of an approval. I had a
general awareness that, you know, I was told to see what you can do to
get this plan implemented.
Senator Weicker. But insofar as your firsthand knowledge, and that
is all I am interested in——
Mr. Dean. Yes, sir.
Senator Weicker. You did implement the first step of the plan?
Mr. Dean. That is correct.
Senator Weicker. Now, could you tell this committee in your own
words of any other contacts that you had with the Internal Security
Division insofar as information that could have a political value? Did
you have any contacts with the Internal Security Division yourself?
Mr. Dean. As I mentioned in my statement, there was a continual
request for information regarding demonstrations and particularly
information that would embarrass individuals in connection with their
relationship with demonstrators or demonstration leaders. The principal
liaison——
Senator Weicker. Outside of the area of demonstrations, did any
information come to you from the Internal Security Division which
could have a political value?
Mr. Dean. I am sure it could have, but without looking at my files,
it is impossible for me to remember what might be.
Senator Weicker. Did you have any direct contact with Division 5
of the FBI?
Mr. Dean. Division 5 of the FBI?
Senator Weicker. That is Mr. Sullivan's division.
Mr. Dean. I knew Mr. Sullivan, but I do not recall having any con-
tact with him when he was at the Internal Security Division.
Senator Weicker. All right; with the CIA?
Mr. Dean. No.
Senator Weicker. With the Metropolitan Police?
Mr. Dean. I talked to them—in connection with demonstrations, I
had a number of conversations with the Metropolitan Police. In fact,
I had on my telephone, I had a number of private lines that would go
directly to command posts that were concerned with demonstrations.
There was one that went to the Defense Department, there was one
that went to the Justice Department, to what I should call the old
FBI Unit, which did become operational at demonstration time. I
had contact, a telephone line to the Mayor's command post, and one to
the Secret Service command post. So during demonstrations, I did
receive information from all these places.
Senator Weicker. To get over this particular area of inquiry, and I
do not want to prolong it, insofar as Division 5, the CIA, the Metro-
politan Police, military intelligence——
Mr. Dean. I am not aware of where the intelligence——
Senator Weicker. Did you receive any information from these ent-
tities which was of a political nature—and I do not consider information
on demonstrations to be of a political nature: it is something that
could be applied to all sides—but that could be useful politically?
Mr. Dean. Senator, I would like to be able to tell you that I can
recall, but I cannot recall and what the answer might be to resolve the
question is that the committee might want to go through my files and
see what is in there and that would answer the question. Because I have

[7687]
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
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3.00
Stock Number 5270-0164

[7689]
Mr. Mitchell. I would not say so, Mr. Thompson, because of the time frame intervening and also the consideration of the Interagency Evaluation Commission—Committee—in the meantime. I think that was somewhat of a self-starter later on caused by events and if I would have to guess, without knowing, it was probably generated about the time of the Pentagon Papers. Now, these are opinions I am giving to you. I have no knowledge on it.

Mr. Thompson. You mentioned a field for need of coordination between the intelligence-gathering agencies, is that correct?

Mr. Mitchell. Yes, sir, I do.

Mr. Thompson. Was this just in the White House or was this also in the intelligence community?

Mr. Mitchell. Well, it was in parts of the intelligence community and it certainly was in the Justice Department. We, as I think I mentioned this morning, found that we were receiving intelligence from quarters where we might not have expected it in connection with anticipation of violent acts in connection with demonstration and at other times just pure violent acts. I mentioned the Alcoholic Tax and Firearms Bureau which had, I thought, quite a very competent intelligence capacity certainly, in connection with some of the problems that we had in the Justice Department. I know that Mr. Hoover and Mr. Helms had broken off their liaison that they had established in connection with the CIA and the FBI. There was great interest in finding a vehicle to reestablish that in a meaningful way, and so that basically the implementation of the Interagency Evaluation Commission was to take personnel from the different intelligence-gathering areas, put them into one room where they could sort out and exchange ideas and, of course, evaluate what intelligence they had. One of the problems that I found in Government was that there was very frequently a great deal of collection of intelligence but the evaluation and dissemination lacked a great deal.

Mr. Thompson. Then, was this need for better coordination because of problems that the agencies themselves were having internally or was it because of external considerations, or both?

Mr. Mitchell. Well, I think I can best answer that to point out that there were many events that happened in this country, including the bombing of the Capitol and other such events that, if we had had appropriate intelligence in advance, we might have been able to prohibit it. I know that in connection with many of the large demonstrations that we had in Washington, while 99 percent of those people who came, came for peaceful protest and to petition their Government, that there was always that lunatic fringe that was bound to and determined to trash the place and cause damage. And if we had had better intelligence in some of these areas, and I am not excluding them to those but in other areas, but perhaps a great deal of that could have been prevented. That was the basis upon which the Interagency Evaluation Committee was considered in concept and put into place.

Mr. Thompson. Let me leave that for a moment and invite your attention to the November 24, 1971, meeting which I believe you had with Mr. Liddy and Mr. Dean when Mr. Dean brought Mr. Liddy to your office.

Mr. Mitchell. Yes, sir.
In order to find the source of the leaks that have become of concern to the administration in the spring of 1969, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. The information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

Mr. Ruckelshaus, as he said earlier, in a press conference on May 14, 1973, elaborated further on this background. In all, 17 individuals were tapped as part of this special program. In each case a request for authorization was submitted to Attorney General Mitchell by the Director of the FBI, J. Edgar Hoover. All the requests for authorization were signed by J. Edgar Hoover and approved by John N. Mitchell.

The individuals tapped fell into three categories.
1. Governmental employees who had access to sensitive information;
2. Newsmen who had printed leaked information;
3. Governmental employees who were discovered from the taps themselves as possibly involved in the leaks.

Thirteen of the taps were governmental employees and four were newsmen. The first taps were installed in May 1969 and the last were taken off in February 1971. They ranged in length from 1 to 21 months.

The FBI report to Mr. Ruckelshaus reflects the concern over the leaks of sensitive information transmitted to the Attorney General and the Director of the FBI in early May 1969 by the President and Dr. Kissinger. The FBI records on which this report was based do not, however, reflect all the deliberations that led to any given wiretap or the relevance to the leaked information of all the taps placed. Some names to be tapped were generated by consultation between the NSC staff and William Sullivan, the FBI Assistant Director for Domestic Intelligence. When the NSC supplied a name the request for authorization to the Attorney General recited that fact with little elaboration by the FBI. This reflected the FBI's traditional role as the sole agency in the Federal Government that conducted national security wiretaps.

DR. KISSINGER'S ROLE

As best can be determined from the FBI records, Dr. Kissinger's role included expressing concern over leaks of sensitive material and when this concern was coupled with that of the President and transmitted to the Director of the FBI, it led to efforts to stem the leaks, which efforts included some wiretaps of Government employees and newsmen. His role further involved the supplying to the FBI of names of individuals in the Government who had access to sensitive information and occasional review of information generated by the program to determine its usefulness. Any further elaboration of his role would have to come from Dr. Kissinger himself.

This is all that can be found in the report. The rest of the report deals with the summary of information obtained about these individuals from the taps themselves.

I should elaborate a little, I think, because Mr. Ruckelshaus and I have talked to Dr. Kissinger in order to supplement our own under-
In the latter part of 1970 the Secret Service installed a wiretap on the telephone of Donald Nixon, the President's brother, in Newport Beach, California, and also instituted physical surveillance. Caulfield was assigned by Ehrlichman to monitor and report to him on the wiretap. Caulfield has testified that the purpose of the surveillance was the concern that Donald Nixon might be involved with persons seeking to use him for improper political influence and thereby embarrass the President. The President has stated that his brother was aware of the surveillance while it was occurring because he asked about it, was told about it, and he approved of it.


The United States Senate

Report of Proceedings

Hearing held before

Select Committee on Presidential Campaign Activities

SENATE RESOLUTION 60 -- GENERAL INVESTIGATION

CONFIDENTIAL

Saturday, March 16, 1974

Washington, D.C.

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[7695]
Mr. Caulfield. No.

Mr. Lackritz. Now, I take it when we talked to you on September 11, 1973, we were making an effort to determine the purposes of some checks that Mr. Ragan had written to you.

Mr. Caulfield. Yes.

Mr. Lackritz. It is our understanding, Mr. Caulfield, that you are still attempting to refresh your recollection as to the purpose of those checks.

Mr. Caulfield. That's correct.

Mr. Lackritz. Okay. I take it, then, at the time when you are able to determine the purpose of those checks, we will get into that matter.

Mr. Caulfield. Yes, that is correct.

Mr. Lackritz. Okay, just for the record, I would like to note that there are, I believe, approximately eight checks totaling roughly $800; does that give you any help in trying to refresh your recollection?

Mr. Caulfield. If I can recall specifically what areas they dealt with, I will come back and be happy to notify the Committee.

Mr. Lackritz. Fine.

Now, did you in the White House, in your responsibility, have any responsibilities for overseeing, keeping tabs on the activities of the President's brother, Mr. F. Donald Nixon?
involvement with respect to Donald Nixon. Sometime in 1969, I believe it was October of 1969, it came to my attention that Mr. Donald Nixon had visited the Dominican Republic with three other gentlemen; they were the guests of the President of the Dominican Republic, Balaguer. There were newspaper accounts of that visit in a Dominican newspaper, which I forwarded to Mr. Ehrlichman for his information.

Approximately a year later, and I have difficulty remembering the date, Mr. Ehrlichman contacted me and indicated to me that he wanted me to monitor a project which involved the United States Secret Service, the idea being that a wiretap was being placed on the telephone of Mr. Donald Nixon by the Secret Service with the view of ascertaining whether or not persons of unsavory character might be attempting to embarrass the President through his brother Donald.

My direction from Mr. Ehrlichman was to monitor the results of the Secret Service wiretap and report back to him any information of substantive nature which might indicate that the President's brother was being embarrassed, or attempts were being made to use Mr. Nixon to embarrass the President of the United States.

I did in fact confer with the Secret Service on this matter, and they reported to me verbally the results of the wiretap that was installed out in Newport Beach, and I reported back the general substance of the
After approximately three weeks the Secret Service people indicated there was nothing of any substance coming across the wiretap, and made a suggestion to me which I concurred with, that the wiretap should be terminated. I so advised Mr. Ehrlichman, and he agreed it should be terminated. As I recall, the time frame was approximately a three-week period. That would make it sometime in 1970, and I for the life of me can't remember the dates.

Mr. Lackritz. All right. Now, going back to the first information from which you learned of Mr. Nixon's trip to the Dominican Republic, how did you come across this information initially?

Mr. Caulfield. From Mr. Juliano, James Juliano, who was a sugar lobbyist for the Dominican Republic, brought it to my attention. There had been an article in the Dominican newspapers mentioning that Donald Nixon had visited the Dominican Republic. I asked him if he could get me copies of the newspapers carrying that story, he did; and I transmitted them to Mr. Ehrlichman.

Mr. Lackritz. Did you know that Mr. Ehrlichman at that time had responsibilities for overseeing Mr. Donald Nixon's activities?

Mr. Caulfield. Well, I knew that was the way to get it possibly to the attention of the President, and I gave it to Mr. Ehrlichman with that in mind.

Mr. Lackritz. Well, prior to that, did Mr. Ehrlichman ask
Mr. Caulfield. Prior to that I had no involvement with the
President's brother, or keeping track of the President's brother,
anything of that nature. This was just a piece of intelligence
information that I felt belonged with Mr. Ehrlichman.

Mr. Lackritz. I see. Do you have any recollection of any
of the individuals who accompanied Mr. Nixon on the trip to the
Dominican Republic?

Mr. Caulfield. As I recall, there were three people,
I think one of them was Mr. Meyers --

Mr. Lackritz. Is this John Meyers?

Mr. Caulfield. I believe John Meyers and another gentleman
from the Democratic National Committee -- formerly of the
Democratic National Committee.

Mr. Lackritz. Mr. Napolitan?

Mr. Caulfield. Yes, Joseph Napolitan; and there was
another gentleman and I can't remember.--

Mr. Lenzner. Tony Hatsis, does that ring a bell?

Mr. Caulfield. It rings a bell, I can't say for sure.
I remember Mr. Meyers and Mr. Napolitan.

Mr. Lenzner. Did you become aware at some time that Mr.
Ehrlichman had responsibilities to supervise P. Donald Nixon's
financial activities?

Mr. Caulfield. No, I had no knowledge of Mr. Ehrlichman's
Mr. Ehrlichman would have been the one to transmit it to; but I had no specific information about Mr. Ehrlichman being charged with supervision of his financial situation.

Mr. Lenzner. Did you get any reaction to the initial memo from Mr. Ehrlichman?

Mr. Caulfield. Other than interest, no. I mean, I am trying to recall; I remember transmitting it as a memo, and I don't recall if I had a conversation. I probably called him up and indicated that I had this, and I would send it over.

Mr. Lenzner. Did he indicate that he had already received this information with regard to this trip, and discuss that information with you?

Mr. Caulfield. No.

Mr. Lenzner. Do you know what stimulated Mr. Ehrlichman's desire to have this project begun on Mr. Nixon's phone?

Mr. Caulfield. No, that has always been a mystery to me, exactly why at the particular time. I can't recall the date, the best I can do is put it a year after the transmittal of the newspaper accounts. But what precipitated it, I don't know.

Mr. Lenzner. Was the tap placed on his home phone in Newport Beach?

Mr. Caulfield. That's what I was led to believe.

Mr. Lenzner. Did you ever see the log of the surveillance?

Mr. Caulfield. I don't believe I have ever seen the logs.
of Mr. Donald Nixon at an airport.

Mr. Lenzner. Orange County Airport?

Mr. Caulfield. That rings a bell. Getting on a plane, or meeting some people at a plane. I do recall it was out in California, I didn't recall it was Orange County. And there was a question as to who these people were in the photograph. There was Mr. Nixon and some other people, and I just don't recall who they were, very frankly.

Mr. Sears. But you did not see the logs of the wiretaps.

Mr. Caulfield. No, I didn't see the logs of the wiretaps. The assignment indicated that I would report to Ehrlichman anything of substance that was to come over the wiretaps. I had conversations with members of the Secret Service, and they would indicate to me what the substance of those conversations was. As I previously indicated, there was nothing of any substance that would have justified a continuation of the wiretap.

Mr. Lenzner. Was physical surveillance conducted of Mr. Donald Nixon?

Mr. Caulfield. I recall that there was some physical surveillance by the Secret Service. What it entailed, and how it was done I do not know. But, I do recall some physical surveillance in the vicinity of the residence.

Mr. Sears. I think it is fair to say that Mr. Caulfield assumed there was because of the fact he saw pictures and you
pictures. I don't know that he knows of his own knowledge just what kind of surveillance was going on; is that correct?

Mr. Caulfield. I would say that is substantially correct.

Mr. Lenzner. Well, did you receive information with regard to meetings Mr. Donald Nixon was having that didn't come off the wire?

Mr. Caulfield. If I did, I don't remember at this time. I recall one picture at the airport in California, I believe, of Donald Nixon with two, or three individuals in the vicinity of a plane; that is all I remember about it.

Mr. Lenzner. And was that picture taken by a Secret Service agent, do you know?

Mr. Caulfield. I assume it was.

Mr. Lenzner. And it appeared in nature to be a surveillance photograph?

Mr. Caulfield. Again, I would have to assume.

Mr. Lenzner. You were not advised, or were you advised, or don't you recall whether it was a surreptitious photograph?

Mr. Caulfield. Just how the hell -- I don't recall just exactly how it was presented. I remember being shown the photograph that was in a file having to do with Donald Nixon; and I assume it would have been a surreptitious photograph.

Mr. Lenzner. And was any effort made to identify the other individuals?

Mr. Caulfield. Yes, the Secret Service was attempting
to identify them; and if they knew who they were and told me,
I don't recall who the persons were at this time.

Mr. Lenzner. Well, were you asked to make any effort to help identify them?

Mr. Caulfield. I may have expressed an interest in who they were, yes.

Mr. Sears. The question was, were you asked.

Mr. Caulfield. Was I asked to identify them by whom?

Mr. Lenzner. The Secret Service.

Mr. Caulfield. No, I was not asked to identify them by the Secret Service.

Mr. Lenzner. Did you make any effort to show that photograph to anybody else?

Mr. Caulfield. No.

Mr. Lenzner. To Mr. Ehrlichman, it was not transmitted to Mr. Ehrlichman?

Mr. Caulfield. If it was, it wasn't by me.

Mr. Lenzner. Did you later learn that Mr. Johnny Meyers and Tony Matsis were among the individuals at the airport?

Mr. Caulfield. See, I got a problem in this context I associate Johnny Meyers with the newspaper articles. Tony Hatsis name rings a bell, but I don't tie it in to the photograph. My recollection would be that they would have been tied in with the visit to the Dominican Republic. Now, whether they were the individuals in the photograph I cannot say here today.
Mr. Lenzner. Do you have any recollection of Mr. Ehrlichman having an FBI check run on Mr. Hatsis?

Mr. Caulfield. No, I do not.

Mr. Lenzner. Was Mr. F. Donald Nixon aware of the physical, or electronic surveillance, to your knowledge?

Mr. Caulfield. I have no way of knowing that. Mr. Ehrlichman didn't go into the specifics of what he considered to be the overriding interest in Donald Nixon, and I didn't inquire because I did not feel that was my area.

My function was to keep Mr. Ehrlichman apprised of anything that appeared to be of substantive nature with regard to unsavory people connected, that might be connected with Donald Nixon.

Mr. Lenzner. How could you have identified them as unsavory characters?

Mr. Caulfield. I would have hoped the Secret Service might provide me with that information.

Mr. Lenzner. Did they ever give you names of individuals they checked out and found to be unsavory?

Mr. Caulfield. They gave me the name of an individual, and I testified I tried to recall the name?

Mr. Lenzner. Do you remember whether the files were maintained by the Secret Service, or the White House?

Mr. Caulfield. They were Secret Service files.

Mr. Lenzner. Did you report verbally, or in writing to
Mr. Ehrlichman?

Mr. Caulfield. Verbally.

Mr. Lenzner. And do you know whether a file was maintained in the White House on Donald Nixon?

Mr. Caulfield. I have no way of knowing that, I didn't maintain a file.

Mr. Lenzner. Do you know whether Rosemary Woods maintained a file, or had any responsibility for F. Donald Nixon?

Mr. Caulfield. No knowledge at all.

Mr. Lenzner. Did you, yourself, have a file on F. Donald Nixon in your office?

Mr. Caulfield. Not a file as such, I might have had a memo or two that I could have sent to Mr. Ehrlichman. But as to a file, I wouldn't classify it as a file. Probably the memos you have there.

Mr. Lackritz. Who were the individuals in the Secret Service that you were dealing with on this question of the surveillance of Mr. Nixon?

Mr. Caulfield. Off the record a moment.

(Discussion off the record.)

Mr. Caulfield. Again I have the same problems, not as great as we discussed earlier with the Joseph Kraft matter. Could we do this, could we handle the names of these individuals in the same manner?

Mr. Lenzner. I have no objection to that, we will pursue
of Joseph Kraft, surveillance of that nature.

Mr. Caulfield. I never discussed the surveillance of Joseph Kraft with anyone other than Mr. Ehrlichman at the White House.

Mr. Boggs and I had quite a bit of contact on the demonstrations and the anti-war groups in the vicinity of the White House; but as far as political figures, the answer would be no.

Mr. Lenzner. Well, in regard to the demonstrations, did you have discussions about physical or electronic surveillance with regard to people involved in demonstrations?

Mr. Caulfield. No, by that I mean I was the liaison at one time for the White House. At one time most of my time in the White House was in connection with anti-war activities. When you mention Secret Service, that would have to do with the security at the White House complex. I would be designated White House staff member to be present at the command post at the White House.

Mr. Lenzner. I understand that. My question was, did you ever discuss with Boggs physical or electronic surveillance of, say, leaders of demonstrations?

Mr. Caulfield. No.

Mr. Lackritz. I have a few questions about the purpose of this project that the Secret Service was implementing. As I understand, Mr. Caulfield, the Secret Service had placed this
electronic surveillance on Mr. Nixon's home phone to determine if there were any individuals who might be in contact with Mr. Nixon, who might subsequently be an embarrassment to the President; is that correct?

Mr. Caulfield. That is the sum and substance, as I understood it, yes.

Mr. Lackritz. And that was the primary substance of the surveillance, as you understood it.

Mr. Caulfield. Yes. Now, I want to qualify that this way. As I indicated earlier, I was not privy to any decision-making which would have precipitated this ongoing interest in Donald Nixon.

I took particular note of the fact that there might have well been a number of things happening with respect to Donald Nixon that properly did not belong in my area, or that I should have knowledge of. I accepted that and performed my role as I was directed by Mr. Ehrlichman.

Now, it may well be that there were all kinds of things going on, and I have no knowledge of them.

Mr. Lackritz. Sure, but I am limiting my question now to your assignment. Your assignment was to insure there were no unsavory characters who attempted to use Mr. Nixon.

Mr. Caulfield. My function was to forward to Mr. Ehrlichman the results of this wiretap that was being conducted on there in California, see, if there was any information that would
be indicating that persons of unsavory nature were involved with Donald Nixon; that was the substance of the assignment.

Mr. Lackritz. All right. Now, were you aware of any other wiretaps that were placed, of similar nature, during your tenure at the White House?

Mr. Caulfield. In the context with political figures?

Mr. Lackritz. Or relative to the President.

Mr. Caulfield. No, I was not.

Mr. Lackritz. Were you aware of any other physical surveillance that was implemented on relatives of the President or other individuals that were close to the President's family?

Mr. Caulfield. No.

Mr. Lackritz. Were you aware of physical surveillance implemented by the Secret Service of an individual named Michael Gill?

Mr. Caulfield. I know the name Michael Gill, and I know he is a relative of Mrs. Eisenhower. I know of no surveillance or any activity in connection with him.

Mr. Lackritz. Did Ehrlichman ever ask you to participate or oversee, or keep tabs on a project concerning Mr. Gill?

Mr. Caulfield. The only thing about Mr. Gill that I can recall, early after arriving at the White House there was information that he might have been associated with some people from Zambia. I recall either sending a memo to Mr. Ehrlichman or speaking with him about the associations with Mr. Michael G
Weekly Compilation of
PRESIDENTIAL DOCUMENTS

Monday, November 26, 1973

Volume 9 • Number 47
Pages 1345–1361
Upper Great Lakes Regional Commission

Announcement of Intention To Nominate Raymond C. Anderson To Be Federal Cochairman. November 16, 1973

The President today announced his intention to nominate Raymond C. Anderson, of Maple City, Mich., to be Federal Cochairman of the Upper Great Lakes Regional Commission. He will succeed Thomas F. Schweigert, who became Alternate Federal Member of the Delaware River Basin Commission on September 6, 1973.

From 1969 to 1971, Mr. Anderson served as executive assistant to Michigan Gov. William G. Milliken. He has been retired since 1971 and was also retired from 1964 to 1969. From 1959 to 1964, he served as administrative assistant to then-Congressman Robert P. Griffin, from 1952 to 1959, he was administrative assistant to Senator Charles E. Potter of Michigan, and he was administrative assistant to Congressman Roy O. Woodruff of Michigan from 1937 to 1944 and from 1946 to 1952.

He was born on March 5, 1912, in Grand Rapids, Mich. Mr. Anderson was graduated from Grand Rapids Junior College in 1932. From 1944 to 1946, he served as an officer in the U.S. Navy.

NOTE: The announcement was released at Key Biscayne, Fla.

When Jack Horner,1 who has been a correspondent in Washington and other places around the world, retired after 40 years, he once told me that if I thought that the White House Press Corps answered (asked) tough questions, he (I) should hear the kind of questions the managing editors asked him. Consequently, I welcome this opportunity tonight to meet with the managing editors of the Nation's newspapers.

I will not have an opening statement because I know, with 400 of you, it will be hard to get through all of the questions you have, and I understand the President has a prerogative of asking the first question.

Mr. Quinn (John C. Quinn, Gannett Newspapers, and president, Associated Press Managing Editors Association)

Watergate and the Future

Q. Mr. President, this morning, Governor Askew of Florida addressed this group and recalled the words of Benjamin Franklin. When leaving the Constitutional Convention he was asked, “What have you given us, sir, a monarch or a republic?” Franklin answered, “A republic, sir, if you can keep it.”

Mr. President, in the prevailing pessimism of the lingering matter we call Watergate, can we keep that republic, sir, and how?

THE PRESIDENT. Well, Mr. Quinn, I would certainly not be standing here answering these questions unless I had a firm belief that we could keep the republic, that we must keep it, not only for ourselves, but for the whole world. I recognize that because of mistakes that were made, and I must take responsibility for those mistakes, whether in the campaign or during the course of an administration, that there are those who wonder whether this republic can survive. But I also know that the hopes of the whole world for peace, not only now, but in the years to come, rest in the United States of America. And I can assure you that as long as I am physically able to handle the position to which I was elected, and then reelected last November.

1. Garnett D. (Jack) Horner was a reporter with the Washington Star from 1937 until his retirement in November 1973. Since 1954 he was White House correspondent for that newspaper.
The newspapers did much better than television in that respect, I should point out.

And second, they said, "How is it that as far as this money is concerned, how is it possible for you to have this kind of investment when all you earned was $300,000 as President?"

Well, I should point out I wasn't a pauper when I became President. I wasn't very rich as Presidents go. But you see, in the 8 years that I was out of office—first, just to put it all out and I will give you a paper on this, we will send it around to you, and these figures I would like you to have, not today, but when I leave office after 4 years—when I left office after 4 years as a Congressman, 2 years as a Senator, and 8 years at $45,000 a year as Vice President, and after stories had been written, particularly in the Washington Post to the effect that the [Vice] President had purchased a mansion in Wesley Heights and people wondered where the money came from, you know what my net worth was? Forty-seven thousand dollars total, after 14 years of Government service, and a 1958 Oldsmobile that needed an overhaul.

Now, I have no complaints. In the next 8 years, I made a lot of money. I made $250,000 from a book and the serial rights which many of you were good enough to purchase, also. In the practice of law—and I am not claiming I was worth it, but apparently former Vice Presidents or Presidents are worth a great deal to law firms—and I did work pretty hard.

But also in that period, I earned between $100,000 and $250,000 every year. So that when I, in 1968, decided to become a candidate for President, I decided to clean the decks and to put everything in real estate. I sold all my stock for $300,000—that is all I owned. I sold my apartment in New York for $300,000—I am using rough figures here. And I had $100,000 coming to me from the law firm.

And so, that is where the money came from. Let me just say this, and I want to say this to the television audience: I made my mistakes, but in all of my years of public life, I have never profited, never profited from public service—I have earned every cent. And in all of my years of public life, I have never obstructed justice. And I think, too, that I could say that in my years of public life, that I welcome this kind of examination, because people have got to know whether or not their President is a crook. Well, I am not a crook. I have earned everything I have got.

**Surveillance of the President's Brother**

Q. Mr. President. Harry Rosenfeld of the Washington Post: Sir, there have been reports that the Secret Service was asked, at your direction or authorization, to tap the telephone of your brother, Donald Nixon. Is this true, sir, and if so, why?

Q. Sir, Edward Miller [Call-Chronicle Newspapers], Allentown, Pennsylvania. Was your brother aware before, or after, the fact of the surveillance?

The President. Before or after the fact?

Q. Yes.

Q. Excuse me. Does it make any sense to conduct surveillance when somebody knows about it?

The President. Does it make any sense? Certainly. The surveillance involved not what he was doing; the surveillance involved what others who were trying to get him, perhaps, to use improper influence, and so forth, might be doing, and particularly anybody who might be in a foreign country.

**Communication of the Facts**

Q. Is some of this a full story that you say you can't say now today because of national security? Have you told that to Congressmen or anyone else? Will this story come out in the next few weeks, as you present more of the facts?

The President. Yes, as a matter of fact, I should tell all of the editors—and I don't want to leave any implication that you have not tried to publish as much as you could—you have just got so much room in your newspapers, but I do want you to know that—well, since you haven't raised some of these subjects, I will raise them myself—ITT; how did we raise the price of milk—I wish somebody would ask me that one; and who else wanted it raised? What about the situation with regard to the $1 million secret stock portfolio that you have; a few of those things. I think all of those things need to be answered, and answered effectively, and I think the best way to answer them—twofold:

One, obviously through the medium of a televised conference like this; but two, through sending to the editors of the Nation's newspapers, all 10,000 of them, the facts. I trust that you will use them. And if you don't believe them, I don't mean—what I mean, I am not suggesting that you wouldn't believe them—but if you feel you need more information, write to me and I will give it to you. I want the facts out, because the facts will prove that the President is telling the truth.
29. On February 10, 1971 in the month before Director Hoover was to appear before a House Subcommittee on Appropriations, the FBI terminated the nine wiretaps from the 1969-71 electronic surveillance program which were still in operation.

29.1 Report by Senators John Sparkman and Clifford Case to the Senate Foreign Relations Committee, 19-20 (received from Senate Foreign Relations Committee).


29.3 Memorandum from W.C. Sullivan to Tolson, February 10, 1971 (received from Department of Justice).
REPORT OF SENATORS JOHN SPARKMAN, AND CLIFFORD P. CASE
TO THE COMMITTEE ON FOREIGN RELATIONS ON THE SUBJECT
OF AN FBI SUMMARY OF 17 WIRE TAPS PLACED ON INDIVIDUALS
RELATED TO LEAKS IN THE FIELD OF NATIONAL SECURITY

A Resolution adopted by the Senate Foreign Re-
lations Committee 14 to 0 on September 10, 1973

read as follows:

"Two members of the Senate Foreign Re-
lations Committee, one from each side, meet with the Attorney General and the
Deputy Attorney General to obtain infor-
mation on Dr. Kissinger's role respecting
his initiative or concurrence in wiretap
surveillance and then report back to the
Committee. The two members are authorized
by the Committee to examine the summary of
the wiretap surveillance report."

Chairman Fulbright named Senators Sparkman and
Case as members of a subcommittee to act within the
framework of that resolution.

Pursuant thereto, Mr. J. T. Smith, a personal
aide to Attorney General Richardson, delivered three
copies of the FBI summary to the Capitol office of
4. It was noted by the Subcommittee that the summaries of information referred frequently to meetings with individuals opposed to United States policy in Vietnam, such as Clifford, Harriman, Mankiewicz, and others, thus suggesting that the motive for surveillance may have been political rather than concern for national security.

Dr. Kissinger noted that these summaries might reveal attitudes of the FBI, but that they were not evidence that the requests for surveillance (as distinguished from the product) were based on anything but national security.

5. The Subcommittee noted that many of the taps continued to the date of February 10, 1971. Mr. Ruckelshaus stated that this date was significant only because
it had been the practice of Mr. Hoover to discontinue wire taps just prior to his Congressional appearances so that he could report minimum taps in effect if he were questioned. The first appearance of Mr. Hoover after February 10, 1971 was on March 17, 1971 before a House Subcommittee on Appropriations for the FBI.

Dr. Kissinger indicated that he did not receive information on taps after May, 1970 when domestic surveillance had been separated from the NSC. Thus, he did not know why Mr. L's surveillance had continued after Mr. L had left the NSC.

6. Mr. Ruckelshaus was asked whether he had told the Chairman in a meeting in July 1973 that no Members
HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
NOMINATION OF HENRY A. KISSINGER TO BE
SECRETARY OF STATE

PART 2
[Executive Hearings Held on September 10 and 17, 1973;
Made Public October 4, 1973]

Printed for the use of the Committee on Foreign Relations

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price 80 cents
Stock Number 5270-02026
NOTE: 29.3

The last line on the following page is a handwritten note.
TO: MR. TOLSON                      DATE: 2/10/71
FROM: W. C. SULLIVAN
SUBJECT: SPECIAL COVERAGE AT THE
REQUEST OF THE WHITE HOUSE

Pursuant to your request, the names of the men in question
and the date that the coverage was put on is set forth below:

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<tr>
<th>SUBJECTS</th>
<th>DATE COVERAGE INSTALLED</th>
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<tr>
<td>P</td>
<td>May 29, 1969</td>
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<tr>
<td>L, works for Senator Edmund Muskie</td>
<td>May 13, 1970</td>
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<td>G, works at Pentagon</td>
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<td>K, works at National Security Council</td>
<td>May 13, 1970</td>
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<td>B, works at National Security Council</td>
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<td>N, works at</td>
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<td>H, at State Department</td>
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<td>A, at State Department</td>
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The Attorney General's approval in writing has been secured
for each one.

Colonel Alexander M. Haig of Dr. Kissinger's office has in the
past indicated that they intend to take some of these off. No definite word
as yet has been received related thereto.

WCS:chs
(ORIGINAL ONLY)

Recommend contact Haig to inquire if any may be taken off. JHE
TO: MR. TOLSON  
FROM: W. C. SULLIVAN  
DATE: 2/10/71  
DO NOT FILE  
JUNE  

SUBJECT: SPECIAL COVERAGE AT THE REQUEST OF THE WHITE HOUSE  

Pursuant to your request, the names of the men in question and the date that the coverage was put on is set forth below:

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Colonel Alexander M. Haig of Dr. Kissinger's office has in the past indicated that they intend to take some of these off. No definite word.
MEMORANDUM TO MR. TOLSON
RE: SPECIAL COVERAGE AT THE
REQUEST OF THE WHITE HOUSE

RECOMMENDATION:

For your information.

[Signature]

[7725]
30. In June 1971 Dwight Chapin, the President's Appointments Secretary, and Gordon Strachan, an aide to H. R. Haldeman, recruited Donald Segretti to disrupt the campaigns of candidates for the Democratic presidential nomination. Shortly thereafter, Haldeman met with Herbert Kalmbach and authorized Kalmbach to pay out of political funds Segretti's salary and expenses, which totaled $45,000 during the next year.

30.1 Donald Segretti testimony, 10 SSC 3980.
30.2 Gordon Strachan testimony, 6 SSC 2502.
30.3 H. R. Haldeman testimony, 7 SSC 2877.
30.4 Herbert Kalmbach testimony, United States v. Chapin, April 2, 1974, 386-88.
30.7 Checks issued to Donald Segretti by Herbert Kalmbach, SSC Exhibit 223, 10 SSC 4311-13.
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 II: Campaign Practices
WASHINGTON, D.C., SEPTEMBER 26 AND OCTOBER 3, 1973
Book 10

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
Mr. Segretti, I do. I do have an opening statement.

Mr. Dask. Would you proceed to read it?

Mr. Segretti. In 1963 I graduated from the University of Southern California. I majored in business administration. I then attended the University of California at Berkeley and graduated from its law school in 1966. My first job was as an employee of the Office of the Comptroller of the Currency in Washington, D.C.

After a few months, I was inducted into the U.S. Army. That was in May 1967. Once in the Army, I applied for a commission in the Judge Advocate General Corps and was accepted. I was released from Army active duty in September of 1971, after serving 4 years and 4 months, a year of which was in Vietnam.

After my graduation from USC, I maintained infrequent social contact with two college friends, Dwight Chapin and Gordon Strachan; so, it did not seem unusual when I was contacted in early 1971 by these two friends about the possibility of doing some work for them after my release from active duty. I indicated interest although I had no concept of what they had in mind.

In the summer of 1971 I flew to Washington, D.C., and met with Mr. Chapin and Mr. Strachan. It was explained to me that I would be employed to perform certain political functions for the reelection of President Nixon. At that time I was aware that both men were employed at the White House. I considered the political functions we discussed to be similar to college pranks which had occurred at USC. The impression was given to me that these so-called pranks were performed by both parties in Presidential campaigns and that there was nothing improper or illegal in such traditional activities.

Subsequently, I was told to contact Mr. Herbert Kalmbach in Newport Beach, Calif., for the purpose of finalizing my employment. I met with Mr. Kalmbach in August 1971, and was offered a salary of $16,000 per annum plus expenses for my activities. Mr. Kalmbach and I did not discuss the specifics of my employment, and I myself had no concrete ideas as to what work I was to perform. It was not even clear to me whether or not I would be working for Mr. Kalmbach, Mr. Chapin, or others. However, I was happy to accept employment from people who held prominent positions in and out of the Government.

After meeting with Mr. Kalmbach, I met with Mr. Chapin, not far from the Western White House in San Clemente, Calif. During this meeting, Mr. Chapin gave me a list of cities in which I was to acquire acquaintances to assist me in my future endeavors. Mr. Chapin stressed the secrecy of my duties and stated that he would be my contact at the White House. He further explained that my duties would consist of various activities tending to foster a split between the various Democratic hopefuls and to prevent the Democratic Party from uniting behind one candidate. I was told that this was a common campaign strategy. Even though I had at one time been a registered Democrat and was apolitical during my Army tenure, I was in agreement with President Nixon's announced policies of ending the Vietnam war and the draft. Thus, it was on principle that I favored his reelection. It was this combination of factors, my lack of any concrete career plans, my friendship and respect for the individuals involved, my belief in
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

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Mr. Strachan. Well, Dwight Chapin and I began in June or July of 1971 discussing the probable need in the campaign for a Dick Tuck type capability. At some point, one or the other of us mentioned the possibility of Don Segretti as a person we had known together in college.

Senator Talmadge. What do you mean, a Dick Tuck type of capability?

Mr. Strachan. A prankster, a political jokester.

Senator Talmadge. All right, proceed, please.

Mr. Strachan. The subject was discussed and in late August of 1971, in a meeting between Mr. Haldeman, Mr. Kalmbach, and myself, Mr. Haldeman authorized Mr. Kalmbach to pay the salary and expenses of Mr. Segretti.

Senator Talmadge. For what purpose?

Mr. Strachan. To engage in Dick Tuck type activities.

Senator Talmadge. What, for instance? Name some of them.

Mr. Strachan. Excuse me, Senator?

Senator Talmadge. What, for instance? Name some of them, the instances you are referring to.

Mr. Strachan. Well, to go to, for example, a Muskie rally and have a sign that would say, "This is Humphrey territory."

Senator Talmadge. Nothing any worse than that? [Laughter.]

Mr. Strachan. Well, we discussed a series of activities, none of them illegal. Mr. Tuck had quite a reputation for being an ingenious individual and we thought that Mr. Segretti would likewise be ingenious.

Senator Talmadge. Well, to attend a rally of that type and claim it was somebody else's territory with one sign would be a waste of money, would it not?

Mr. Strachan. That is why expenses were authorized to Mr. Segretti, so that there would be more than one person with a sign.

Senator Talmadge. Now, you were interviewed by the FBI in August 1972?

Mr. Strachan. Yes, sir; I was.

Senator Talmadge. What was the scope of that inquiry?

Mr. Strachan. Entirely the Segretti matter.

Senator Talmadge. They didn't ask you anything about Watergate at all?

Mr. Strachan. No, sir.

Senator Talmadge. Didn't ask you anything about Mr. Haldeman's involvement or lack of involvement?

Mr. Strachan. No, sir.

Senator Talmadge. Were you surprised that those matters were not brought up in the interrogation?

Mr. Strachan. I was surprised that the FBI did not ask me more probing questions, even about Segretti.

Senator Talmadge. Now, you testified that you presumed Mr. Dean would be handling the Watergate matter. Were you aware of any investigation that had been carried on by Mr. Dean into the Watergate affair in the summer or fall of last year?

Mr. Strachan. Well, I knew that I had talked with Mr. Dean and explained to him what I knew about the Segretti matter. I knew that Mr. Chapin had similarly talked with Mr. Dean. I did not know whether his investigation went further than that or not. I had discussed those matters with him in the summer of 1972.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 26, 27, AND 30, 1973
Book 7

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $1
There is no question that the 1972 campaign was not a classic in decorum—for either side. In any event, having agreed to the suggestion of a “Dick Tuck for our side,” I was told by Dwight Chapin and Gordon Strachan that they had a former college friend they felt would be a good man for this project. They may have told me that his name was Don Segretti, but it would have meant nothing to me. I have never met or had any personal communication with Mr. Segretti.

I agreed that if this man wanted to take on this activity, Herbert Kalmbach should arrange for his compensation and expenses from the 1968 campaign fund surplus.

It was my clear understanding that Segretti would act independently and on his own initiative within the broad guidelines outlined above. It was also my clear understanding that he was to engage in no illegal acts. Mr. Strachan has told me that he was so advised and that he understood that. I had no specific knowledge of Segretti’s activities or the details of how or with whom he worked. I do not believe that there was anything wrong with the Segretti activity as it was conceived. I have only limited knowledge, and that acquired only lately, as to how it was actually carried out.

If, as alleged, he or those under his direction were responsible for the letter which falsely defamed Senators Muskie and Humphrey, then, on behalf of everyone associated with the Nixon campaign, I would like to and do apologize to both of those men. That act was clearly outside the bounds within which he was to work.

THE CAMPAIGN

The President and all of us at the White House were determined that the campaign organization and operation should be set up outside of and independent of the White House and this was the reason for the development of the Committee To Re-Elect the President. The committee operated autonomously under the direction of John Mitchell and later Clark MacGregor but, of course, with close liaison and communication with the White House at many levels.

The President looked to me as his basic contact with the campaign organization, and I maintained communication with John Mitchell in this regard until July 1972, and then with Clark MacGregor.

I did not function as the White House liaison with the Committee To Re-Elect the President. This function was handled by various people at various levels with regard to specific areas of projects. For example, John Dean on legal matters, John Ehrlichman and his staff on substantive domestic policy, Chuck Colson on group support, et cetera. I had no official relationship with or position on the Committee To Re-Elect the President or the finance committee.

Gordon Strachan on my staff handled the day-to-day liaison with the committee for me and virtually all my contact with the committee, except for that with Mitchell or MacGregor, was through Strachan. He received copies of committee materials and memorandums, sat in on many of their meetings and stayed in touch with key people. I met with Strachan only about once every week or two during the campaign.

Strachan periodically sent me general information on campaign planning, organization and activities. He sent me from time to time, the overall budget and various campaign materials. This was primarily
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DWIGHT L. CHAPIN,

Defendant

Washington, D. C.
April 2, 1974

The above-entitled cause came on for further trial before
the HONORABLE GERHARD A. GESELL, United States District Judge,
and a Jury, at 9:30 a.m.

APPEARANCES: (As heretofore noted.)

IDA Z. WATSON
Official Reporter
U. S. Court House
Washington, D. C.

COPY FOR:
MR. HUGHES
Q Did you have a meeting with Mr. Segretti?
A I did.

Q Would you tell us where that meeting occurred?
A It occurred in my office in Newport Beach, California.

Q Who was present?
A Just Captain Segretti and myself.

Q Did you have a discussion with Mr. Segretti at that time?
A Yes, sir.

Q After your meeting with Mr. Segretti, did you have a conversation with Mr. Chapin?
A Yes, sir, I did.

Q Would you relate that conversation for us?
A I think either that same day that I met with Captain Segretti or a day or two later, I called Mr. Chapin and told him of my meeting with Captain Segretti; told him that we had talked; and I told him that the young attorneys coming out of law school and going to medium-to-large-sized firms in Southern California at that time were being paid $15,000 a year. At that rate, that I felt that in view of the fact that he had been in the Service, was in fact doing work in the Judge Advocate General's office, that perhaps taking that into consideration, perhaps $16,000 a year annual rate would be fair. And I told him that Captain Segretti agreed that it would in
fact be fair, without any question about it.

Also, as I remember it, he requested an advance for expenses of $5,000.

Q Who had requested an advance?

A My recollection is that Captain Segretti requested the advance.

Q Did you report that to Mr. Chapin?

A Yes, sir, I did.

Q Now, did there come a time when you began to pay Mr. Segretti in accordance with that agreement which you have just described?

A Yes, sir.

Q I will show you what is already in evidence as Exhibit 4, which purports to be a letter to Donald Segretti. Is that your signature on Exhibit 4?

A It is.

Q Does that represent your first payments to Mr. Segretti?

A It does.

Q Mr. Kalmbach, what was the source of these funds that you provided to Mr. Segretti?

A They were political funds that were surplus funds from the 1968 Presidential Campaign, which I was holding as trustee.

Q All right. Now, over what period of time did you pay Mr. Segretti?

A From late in September of 1971 until on or about
February 1 of 1972.

Q How much money, all told, did you pay Mr. Segretti?
A I think approximately $45,000.

Q Now, Mr. Kalmbach, directing your attention to February of this year, 1974, did you plead guilty to two criminal offenses?
A I did.

Q Was that here in the District of Columbia Federal Court?
A Yes, sir, it was.

Q Were these charges related to or concerning your handling, your solicitation of political campaign contributions?
A Yes.

THE COURT: As to that, ladies and gentlemen, I give you the same instruction as I gave with respect to the earlier witness.

BY MR. RUANE:

Q Mr. Kalmbach, after your initial meeting with Mr. Segretti at your office in California, on how many subsequent occasions, approximately, did you meet with him, as you recall?
A I think I met with him once or twice, in addition to that first meeting.

Q Were those occasions on which you had made payments to him?
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

DEMOCRATIC NATIONAL COMMITTEE, et al.,
Plaintiffs,

vs.

JAMES W. MCCORD, et al.,
Defendants.

FRANCIS L. DALE, et al.,
Plaintiffs,

vs.

LAWRENCE F. O'BRIEN,
Defendants.

MAURICE H. STANS,
Plaintiff,

vs.

LAWRENCE F. O'BRIEN,
Defendant.

Washington, D. C.,
Tuesday, July 31, 1973.
A As to his specific assignments?

Q Yes.

A No. Again, I was advised that he was going to be doing investigative work but there was no elaboration on that as to what his assignments would be or what the nature of the assignments would be at all.

Q Did there ever come a time that you did learn what his assignments were?

A Never at any time.

Q Is that the only discussion you had with Mr. Ehrlichman regarding Mr. Ulasewicz' activities?

A I think that I had subsequent discussions of a very perfunctory nature wherein I indicated to Mr. Ehrlichman that I had met with Mr. Ulasewicz and that I set up a checking account and was paying him at the rate that he had directed me to pay. Other than that, I don't recall any specific conversation.

Q Was he on the payroll of your law firm?

A He was not at any time.

Q What conversation did you have regarding the hiring of Mr. Segretti?

A That occurred in either late August or early September of 1971. As I can best recreate that, those events, my recollection is that Dwight Chapin called me from Washington to my office
in Newport Beach, California, and indicated to me that he would appreciate it if when I was next in Washington I would stop by his office in the White House and see him because he had something that he wanted to talk to me about. Within a week or so following that conversation, I was back in Washington and I did meet with Mr. Chapin in his office in the White House and at that time he told me that a friend of his, a Captain Donald Segretti, who was at that time still in the Army but in the process of going into inactive status, and that it was the desire of others in the White House -- and I don't recall who it was that he indicated was desiring -- that Mr. Segretti be brought under compensation to be received from my trust fund, but in any event Mr. Segretti was to be compensated for political work to be done from and after the time that I would meet him for several months. He did not elaborate at all on the nature of the work that Mr. Segretti would be doing. He indicated that he had known him while he was in college at the University of Southern California. I think he also indicated that Gordon Strachan had known Mr. Segretti during that period.

Following that conversation and at that time, I told Mr. Chapin, whom I had known and who I knew was the deputy to Bob Haldeman and who I was certain was speaking for Bob Haldeman, that I was returning to California and that I would be glad to
receive a call from Captain Segretti and at that time I would meet with him and attempt to work out a compensation arrangement that I thought was fair and that he would think would be fair so it was mutually satisfactory. This was in line with what Mr. Chapin had requested of me.

I got back to California and within a matter of weeks or so Captain Segretti called me. I am not sure, but I think he called me from Northern California, but I am not certain. I told him that I would be glad to see him and within a day or so he was in my office. He came into my office in Newport Beach. We had a 10, 15 or 20-minute conversation. The gist of that conversation was that I told him that some young attorneys were being brought into the firm in Southern California at that time at about a $15,000 a year level, that I understood he was a member of the bar and that he had been in the Army for a couple of years and that he served in Vietnam and I think that he was at that time in the Judge Advocate General's office, that I felt taking that all into account maybe $16,000 a year would be a fair compensation arrangement for whatever duties he was going to undertake. He agreed with that and I told him, "I am authorized by Mr. Chapin to say that we reached agreement and I will begin paying you for whatever activities you will be doing for the White House on or about October 1." I said, "You are not" -- my
recollection is that he asked me, "Should I report to you on my activities and/or report to you on my expenses?" I said no on both counts for the reason that I was traveling a lot, I didn't want to be involved in any administration, I didn't know the type of work he would be doing and as far as I was concerned I was to be a disbursal officer in disbursing funds from this trust account and that he was to report to whomever on whatever activities he would be involved in and account to whomever for his expenses, and that was clearly understood between the two of us.

Mr. Segretti left the office and my recollection is that I called Mr. Chapin and advised him of this conversation, the gist of which I have just recounted, and then on or about September 28th we began paying Mr. Segretti by check. The mechanics of that were that following my conversation with Mr. Segretti, I directed my secretary, Mrs. Harvey, to set up a special checking account in the bank branch in the building where we have our Newport Beach office and that we begin paying him as of the end of the month. The records indicate that we sent him an advance on expenses of $5,000 and we began paying him at the compensation rate of $16,000 on or about September 28th.

Q Did you take withholding tax out of that money?
A No, we did not. I did not regard him as an employee.
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS OF

18 USC 2511
18 USC 2512

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

April 11, 1973

The testimony of DWIGHT L. CHAPIN was taken in the presence of a full quorum of the Grand Jury.

BEFORE:

EARL J. SILBERT, ESQ.
Principal Assistant United States Attorney

SEYMOUR GLANZER, ESQ.
Assistant United States Attorney

DONALD CAMPBELL, ESQ.
Assistant United States Attorney
Ehrlichman?

A No.

Q You never mentioned it to the President?

A Never.

Q Mr. Haldeman -- did you ever mention it to him?

A No.

Q To your knowledge did Mr. Strachan mention it to anyone?

A I do not know specifically that he mentioned it to anyone.

Q Well, when you say specifically, did you know, say indirectly or any other way, or did he tell you that he had mentioned it to someone?

A He had told me that it had been discussed.

Q With whom?

A With Mr. Haldeman.

Q Is that before or after you had your conversation with Mr. Kalmbach?

A That would be before I had my conversation with Mr. Kalmbach.

Q Did Mr. Strachan indicate to you whether Mr. Haldeman approved or disapproved of the project?

A State that again.

Q Well, did Mr. Strachan indicate to you whether, prior to your conversation with Mr. Kalmbach -- did he indi-
cate to you whether or not he approved or disapproved of this project.

A  Yes.

Q  Which way did he go?

A  He said that the project had been approved.

Q  Now after you had your conversation with Mr. Kalmbach relative to the financing of this operation, what contact did you maintain or have with Mr. Segretti?

A  I had contact with Mr. Segretti in a rather fragmented way. I say that in order to make a point to you once again about the fact that we were doing a lot of traveling. We were involved with some weighty projects and very time-consuming projects.

   Don and I would talk on the phone periodically. In terms of total number of calls, I don't know. We met, I would say, anywhere from three to four different times.

Q  Where did these meetings occur?

A  Once that I have mentioned to you, we mentioned on the outskirts of San Clemente.

   The other times we met two or three times here in Washington, and we met once in Portland, Oregon.

Q  How did you happen to meet in Portland, Oregon?

A  I asked that he go to Portland because Mr. Nixon was going to be there, and we were under some very -- the Secret Service reports coming in indicated that there were going to be a great number of demonstrators, and that these
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 II: Campaign Practices
WASHINGTON, D.C., SEPTEMBER 26 AND OCTOBER 3, 1973
Book 10

Printed for the use of the
Select Committee on Presidential Campaign Activities
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
VI

| No. 210—(4026) Handwritten poster: “Free—All You Can Eat” invitation to begin Humphrey rally | Page |
| No. 211—(4026) Bank forms and receipt for $50 to Don Simmons | 4285 |
| No. 212—(4026) Pennsylvania Voice article by Blair Stobaugh, dated April 19, entitled: “A.B.M. (anything but Muskie)” | 4286 |
| No. 213—(4026) Handwritten cards to “Don” with suggestions for posters | 4289 |
| No. 214—(4026) More handwritten cards with poster suggestions | 4290 |
| No. 215—(4026) J & J Addressing and Mailing Service receipt for Dick Barton | 4292 |
| No. 216—(4026) Poster entitled: “Humphrey—He Started the War, Don’t Give Him Another Chance” | 4293 |
| No. 217—(4026) Two letters: “Dear McCarthy Delegate” and “Dear Chisholm Supporter,” both signed by Barbara Barron | 4296 |
| No. 218—(4026) Circular entitled: “George McGovern’s Real Record on the War” | 4298 |
| No. 219—(4026) Anti-Humphrey pamphlet entitled: “A Fishy Smell for the White House?” | 4299 |
| No. 220—(4026) Publication excerpt with three letters superimposed Yotty and McCarthy letterheads, with printed comment; receipt from J. L. Stewart Co. to Tom Wallace | 4301 |
| No. 221—(4026) Letter to Select Committee from Towne Motel enclosing six copies of records, registers, etc., dated September 19, 1973 | 4303 |
| No. 222—(4026) Western Union money order receipt of $207.90 to Doug Kelly | 4310 |
| No. 223—(4026) Bank deposit slip, telephone statement, cashier’s check payable to Donald Segretti; with attachments | 4311 |
| No. 224—(4026) Telephone log—Morris (Segretti) to Chapin | 4314 |
| No. 225—(4026) Various Segretti expense account forms | 4315 |
| No. 226—(4026) Notes on “Personal Directory” handbook | 4350 |

**ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD**

Letter and affidavit of Mitchell Rogovin 4369

Note.—Figures in parentheses indicate page that exhibit was officially made part of the record.
**EXHIBIT No. 223**

**SECURITY PACIFIC NATIONAL BANK**

January 14, 1972

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Service Charge</td>
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<td>Oct 16 - Oct 25</td>
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<tr>
<td>Local Tax</td>
<td>1.50</td>
<td>Oct 16 - Oct 25</td>
</tr>
<tr>
<td>US Tax</td>
<td>25.00</td>
<td>Oct 16 - Oct 25</td>
</tr>
</tbody>
</table>

Total: 41.50

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30.7 Segretti records
SSC Exhibit No. 223

4311
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<tr>
<th>Date</th>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>1/27/71</td>
<td>For services rendered as an independent contractor October 15 - 31/71.</td>
<td>$667.00</td>
</tr>
<tr>
<td>1/3/72</td>
<td>Advance for expenses</td>
<td>$5,000.00</td>
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<tr>
<td>11/29/71</td>
<td>For services rendered as an independent contractor November 16 - 30, 1971</td>
<td>$667.00</td>
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<tr>
<td>12/13/71</td>
<td>For services rendered as an independent contractor December 1 - 15, 1971</td>
<td>$667.00</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Amount</td>
</tr>
<tr>
<td>--------</td>
<td>-----------------------------------------------------------------------------</td>
<td>--------</td>
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<td>11/11/71</td>
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<td>$667.30</td>
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<td>1/17/72</td>
<td>For services rendered as an independent contractor January 1 - 15, 1972.</td>
<td>$664.50</td>
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</table>
31. On June 13, 1971 The New York Times published the first installment of excerpts from the History of U.S. Decision-Making Process on Viet Nam Policy, popularly known as the "Pentagon Papers." The Pentagon Papers, prepared in 1967 and 1968 at the direction of the Secretary of Defense, were based largely upon CIA and State and Defense Department documents classified "top secret." On June 15, 1971, at the direction of the President, the government instituted legal actions in an unsuccessful attempt to prohibit further publication of Pentagon Papers material by The New York Times and by The Washington Post which also had gained access to it. On that day, at the request of Attorney General Mitchell, the FBI began an investigation to determine how the newspapers had obtained copies of the Pentagon Papers.


31.5 Letter from J. Edgar Hoover to H.R. Haldeman, July 6, 1971 (received from White House).
Weekly Compilation of
PRESIDENTIAL DOCUMENTS

Monday, May 28, 1973

Volume 9 · Number 27
Pages 685–714
The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony which witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.
memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified 5 days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

Moreover, a majority of the documents published with the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.—Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the "plumbers." This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a very few persons at the White House. These included Messrs. Haldeman, Ehrlichman, and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg's associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention. Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam war, on which the Government's records were inadequate (many previous
NEW YORK TIMES CO. v. UNITED STATES

SYLLABUS

NEW YORK TIMES CO. v. UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

No. 1873. Argued June 26, 1971—Decided June 30, 1971*

The United States, which brought these actions to enjoin publication in the New York Times and in the Washington Post of certain classified material, has not met the “heavy burden of showing justification for the enforcement of such a [prior] restraint.”

No. 1873, 444 F. 2d 544, reversed and remanded; No. 1885, — U. S. App. D. C. —, 446 F. 2d 1327, affirmed.

Alexander M. Bickel argued the cause for petitioner in No. 1873. With him on the brief were William E. Hegarty and Lawrence J. McKay.

Solicitor General Griswold argued the cause for the United States in both cases. With him on the brief were Assistant Attorney General Mardian and Daniel M. Friedman.

William R. Glendon argued the cause for respondents in No. 1885. With him on the brief were Roger A. Clark, Anthony F. Essaye, Leo P. Larkin, Jr., and Stanley Godofsky.

Briefs of amici curiae were filed by Bob Eckhardt and Thomas I. Emerson for Twenty-Seven Members of Congress; by Norman Dorsen, Melvin L. Wulf, Burt Neuborne, Bruce J. Ennis, Osmond K. Fraenkel, and Marvin M. Karpatkin for the American Civil Liberties Union; and by Victor Rabinowitz for the National Emergency Civil Liberties Committee.

* Together with No. 1885, United States v. Washington Post Co. et al., on certiorari to the United States Court of Appeals for the District of Columbia Circuit.
PER CURIAM.

We granted certiorari in these cases in which the United States seeks to enjoin the New York Times and the Washington Post from publishing the contents of a classified study entitled "History of U. S. Decision-Making Process on Viet Nam Policy." Post, pp. 942, 943.


The judgment of the Court of Appeals for the District of Columbia Circuit is therefore affirmed. The order of the Court of Appeals for the Second Circuit is reversed and the case is remanded with directions to enter a judgment affirming the judgment of the District Court for the Southern District of New York. The stays entered June 25, 1971, by the Court are vacated. The judgments shall issue forthwith.

So ordered.

MR. JUSTICE BLACK, with whom MR. JUSTICE DOUGLAS joins, concurring.

I adhere to the view that the Government's case against the Washington Post should have been dismissed and that the injunction against the New York Times should have been vacated without oral argument when the cases were first presented to this Court. I believe
Proceeding on application for a temporary restraining order and a preliminary injunction against a newspaper to restrain it from publication of a Pentagon study relating to Vietnam and a defense department study relating to the Tonkin Gulf incident. The District Court, Gurfein, J., granted a restraining order, and on the motion for preliminary injunction held that evidence was insufficient to establish that publication of documents in question would seriously breach national security.

Order in accordance with opinion.

The Court of Appeals remanded for further proceedings, order, 2 Cir., 444 F.2d 544; the Supreme Court, 403 U.S. 713, 91 S.Ct. 2140, 29 L.Ed.2d 822.

Reversed the Court of Appeals and remanded to affirm the District Court.

1. Injunction \(\Rightarrow 90\)

Even in absence of statute, government may obtain injunctive relief against a newspaper based on its inherent right to protect itself from breaches of security.

2. War and National Defense \(\Rightarrow 514\)

Statute proscribing publication of certain classified information did not have application to or proscribe publication of historical documents pertaining to the war in Vietnam and the Tonkin Gulf incident. 18 U.S.C.A. §§ 794, 798.

3. Injunction \(\Rightarrow 90\)

The government has the right to injunctive relief against a newspaper that is about to publish information or documents absolutely vital to current national security.

4. Injunction \(\Rightarrow 147\)

Evidence, in proceeding on motion for a preliminary injunction restraining a newspaper from publishing a Pentagon study relating to Vietnam and a defense department study relating to the Tonkin Gulf incident was insufficient to establish that publication of such historical documents would seriously breach the national security.

5. Injunction \(\Rightarrow 147\)

To sustain a preliminary injunction against publication of certain documents government would have to establish not only irreparable injury, but also probability of success in the litigation itself.

6. Injunction \(\Rightarrow 137(4)\)

A newspaper would not be preliminarily enjoined from publishing certain government documents relating to Vietnam and the Tonkin Gulf incident on basis of application of statute proscribing disclosure of classified information where there was no reasonable likelihood of government successfully proving willful belief that information to be published could be used to injury of the United States or advantage of any foreign nation. 18 U.S.C.A. § 798.

7. Constitutional Law \(\Rightarrow 90\)

A contakerous press, an obstinate press, an ubiquitous press must be suffered by those in authority in order to preserve values of freedom of expression and right of the people to know.

8. Constitutional Law \(\Rightarrow 90\)

It is not merely the opinion of an editorial writer or of a columnist which is protected by the First Amendment, but it is the free flow of information so that the public will be informed about the government and its actions. U.S.C. A.Const. Amend. 1.
The United States seeks a temporary restraining order and a preliminary injunction against The New York Times, its publisher and other officers and employees to restrain them from further dissemination or disclosure of certain alleged top secret or secret documents of the United States referred to in a verified complaint filed therewith.

I have granted the order to show cause as to why a preliminary injunction should not be entered and have made it returnable Friday morning, June 18. Preliminarily thereto the Government has requested a temporary restraining order and also a direction from this Court to require the defendants to deliver to the Court certain documents and other tangible evidence to be held by the Court pending final determination of the cause. At this stage of the proceeding I do not direct The New York Times or the other defendants to produce the documents pending the outcome of the litigation. I do not believe that The New York Times will willfully disregard the spirit of our restraining order. I am restraining The New York Times and the other defendants, however, from publishing or further disseminating or disclosing the documents consisting of 47 volumes entitled "HISTORY OF UNITED STATES DECISION MAKING PROCESS ON VIETNAM POLICY" covering the period 1945-67, prepared in 1967-68 at the direction of the then Secretary of Defense Robert McNamara, the internal documents from which the aforesaid documents were prepared, and a one volume "COMMAND AND CONTROL STUDY OF THE TONKIN GULF INCIDENT" prepared in 1965 for the Joint Chiefs of Staff by the Weapons System Evaluation Group of the United States Department of Defense, pending the hearing of the Government's application for a preliminary injunction.

The questions raised by this action are serious and fundamental. They involve not only matters of procedure, but matters of substance and presumptively of constitutional implication as well. I have, in effect, been asked by the parties to pass upon the merits of the litigation upon the arguments made on the order to show cause. I believe that the matter is so important and so involved with the history of the relationship between the security of the Government and a free press that a more thorough briefing than the parties have had an opportunity to do is required. I have granted the restraining order because in my opinion any temporary harm that may result from not publishing during the pendency of the application for a preliminary injunction is far outweighed by the irreparable harm that could be done to the interests of the United States Government if it should ultimately prevail. I have intentionally expressed no opinion on the merits, but I believe this matter is brought in good faith by the United States and that on the balancing of interests mentioned, both parties deserve a full consideration of the issues raised.

Accordingly, the restraining order will be in effect until Saturday afternoon at one o'clock unless the Court directs otherwise.

The parties are requested to brief as thoroughly as possible the points adverted to in the oral argument by 5 p.m. Thursday, June 17, 1971.
On Motion for
Preliminary Injunction

On June 12, June 13 and June 14, 1971, The New York Times published summaries and portions of the text of two documents—certain volumes from a 1968 Pentagon study relating to Vietnam and a summary of a 1965 Defense Department study relating to the Tonkin Gulf incident. The United States sues to enjoin the Times from "further dissemination, disclosure or divulgence" of materials contained in the 1968 study of the decision making process with respect to Vietnam and the summary of the 1965 Tonkin Gulf study. In its application for a temporary restraining order the United States also asked the Court to order the Times to furnish to the Court all the documents involved so that they could be impounded pending a determination. On June 15 upon the argument of the order to show cause the Court entered a temporary restraining order against The New York Times in substance preventing the further publication until a determination by the Court upon the merits of the Government's application for a preliminary injunction. The Court at that time, in the absence of any evidence, refused to require the documents to be impounded.

The Government contends that the documents still unpublished and the information in the possession of the Times involve a serious breach of the security of the United States and that the further publication will cause "irreparable injury to the national defense."

The articles involved material that has been classified as Top Secret and Secret, although the Government concedes that these classifications are related to volumes rather than individual documents and that included within the volumes may be documents which should not be classified in such high categories. The documents involved are a 47 volume study entitled "HISTORY OF UNITED STATES DECISION MAKING PROCESS ON VIETNAM POLICY" and a document entitled "THE COMMAND AND CONTROL STUDY OF THE TONKIN GULF INCIDENT DONE BY THE UNITED STATES DEPARTMENT'S WEAPONS SYSTEM EVALUATION GROUP IN 1965." There is no question that the documents are in the possession of the Times.

The issue of fact with respect to national security was resolved in the following manner. In view of the claim of the Government that testimony in support of its claim that publication of the documents would involve a serious security danger would in itself be dangerous the Court determined that under the "Secrets of State" doctrine an in camera proceeding should be held at which only the attorneys for each side, witnesses for the Government and two designated representatives of The New York Times would be present. It was believed that this would enable the Government to present its case forcefully and without restraint so that the accommodation of the national security interest with the rights of a free press could be determined with no holds barred. It was with reluctance that the Court granted a hearing from which the public was excluded, but it seemed that there was no other way to serve the needs of justice. My finding with respect to the testimony on security will be adverted to below.

1. This case is one of first impression. In the researches of both counsel and of the Court nobody has been able to find a case remotely resembling this one—where a claim is made that national security permits a prior restraint on the publication of a newspaper. The Times in affidavits has indicated a number of situations in which classified information has been "leaked" to the press without adverse governmental or judicial action. It cites news stories and the memoirs of public officials who have used (shortly after the events) classified material in explaining their versions of the decision making process. They point out that no action has ever been taken against any such publication of "leaks." The Government on the other hand points out that there has never been an attempt to publish such a massive compilation of documents which is probably unique in
the history of "leaks." The Vietnam study had been authorized by Secretary of Defense McNamara, continued under Secretary Clifford and finally delivered to Secretary of Defense Laird. The White House was not given a copy. The work was done by a group of historians, including certain persons on contract with the Government. It is actually called a "history." The documents in the Vietnam study relate to the period from 1945 to early 1965. There is no reference to any material subsequent to that date. The Tonkin Gulf incident analysis was prepared in 1965, six years ago. The Times contends that the material is historical and that the circumstance that it involves the decision making procedures of the Government is no different from the descriptions that have emerged in the writings of diarists and memoirists. The Government on the other hand contends that by reference to the totality of the studies an enemy might learn something about United States methods which he does not know, that references to past relationships with foreign governments might affect the conduct of our relations in the future and that the duty of public officials to advise their superiors frankly and freely in the decision making process would be impeded if it was believed that newspapers could with impunity publish such private information. These are indeed troublesome questions.

This case, in the judgment of the Court, was brought by the Government in absolute good faith to protect its security and not as a means of suppressing dissident or contrary political opinion. The issue is narrower—as to whether and to what degree the alleged security of the United States may "chill" the right of newspapers to publish. That the attempt by the Government to restrain the Times is not an act of attempted censorship as such is also made clear by the historic nature of the documents themselves. It has been publicly stated that the present Administration had adopted a new policy with respect to Vietnam. Prior policy must, therefore, be considered as history rather than as an assertion of present policy the implementation of which could be seriously damaged by the publication of these documents.

2. The Times contends that the Government has no inherent power to seek injunction against publication and that the power of the Court to grant such an injunction can be derived only from a statute. The Government has asserted a statutory authority for the injunction, namely, the Act of June 25, 1948, c. 645, 62 Stat. 736; Sept. 23, 1950, c. 1024, Tit. I, Sec. 18, 64 Stat. 1003 (18 U.S.C. 793). The Government contends moreover, that it has an inherent right to protect itself in its vital functions and that hence an injunction will lie even in the absence of a specific statute.

There seems little doubt that the Government may ask a Federal District Court for injunctive relief even in the absence of a specific statute authorizing such relief.

The Supreme Court has held that "(o)ur decisions have established * * * the general rule that the United States may sue to protect its interests * * * This rule is not necessarily inapplicable when the particular governmental interest sought to be protected is expressed in a statute carrying criminal penalties for its violation." Wyandotte Transp. Co. v. United States, 389 U.S. 191, 201-202, 88 S.Ct. 379, 386, 19 L.Ed.2d 407 (1967).

[1] In recent times the United States has obtained an injunction against the State of Alabama from enforcing the miscegenation laws of that State. United States v. Brittain, D.C., 319 F.Supp. 1058, 1061. The United States has been held entitled to restrain a collection of a tax because "the interest of the national government in the proper implementation of its policies and programs involving the national defense is such as to vest in it the non-statutory right to maintain this action" United States v. Arlington County, 326 F.2d 929, 932-933 (4th Cir. 1964). Recently United States v.
Brand Jewelers, Inc., D.C., 318 F.Supp. 1293, 1299, a decision by Judge Frankel of this Court collects the authorities illustrating the various situations in which the classic case of In re Debs, 158 U.S. 564, 15 S.Ct. 900, 39 L.Ed. 1092 (1895) has been cited. Accordingly, even in the absence of statute the Government’s inherent right to protect itself from breaches of security is clear.

That, however, is only the threshold question. Assuming the right of the United States and, indeed, its duty in this case to attempt to restrain the further publication of these documents, the Government claims and the Times denies that there is any statute which prescribes such publication. The argument requires an analysis of the various sections (792-799) contained in Chapter 37 of Title 18 of the U. S. Criminal Code entitled “ESPIONAGE AND CENSORSHIP.” The statute seems to be divided into two parts. The first which for lack of a better term may be considered simple espionage, and the second, the publication of information. The Government relies upon Section 793. There are two subsections concerning which the question of interpretation has arisen. Subsection (d) deals with persons with lawful possession—"whoever, lawfully having possession of * * * any document, writing, code book. [etc.] * * * relating to the national defense or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation * * *"

It seems clear that neither the Times nor the Government now claim that subsection (d) applies since it is fairly obvious that “lawful” possession means the possession of Government officials or others who have authorized possession of the documents. The Government, however, relies on subsection (e) which reads as follows:

“(e) Whoever having unauthorized possession of, access to, or control over any document, writing, code book, signal book, sketch, photograph, photo-

graphic negative, blueprint, plan, map, model, instrument, appliance, or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation, willfully communicates, delivers, transmits or causes to be communicated, delivered, or transmitted, or attempts to communicate, deliver, transmit or cause to be communicated, delivered, or transmitted the same to any person not entitled to receive it, or willfully retains the same and fails to deliver it to the officer or employee of the United States entitled to receive it; or”

It will be noted that the word “publication” does not appear in this section. The Government contends that the word “communicates” covers the publication by a newspaper of the material interdicted by the subsection. A careful reading of the section would indicate that this is truly an espionage section where what is prohibited is the secret or clandestine communication to a person not entitled to receive it where the possessor has reason to believe that it may be used to the injury of the United States or the advantage of any foreign nation. This conclusion is fortified by the circumstance that in other sections of Chapter 37 there is specific reference to publication. The distinction is sharply made in Section 794 entitled “Gathering or delivering defense information to aid foreign government.” Subsection (a) deals with peace-time communication of documents, writings, code books, etc. relating to national defense. It does not use the word “publication.” Subsection (b) on the other hand which deals with “in time of war” does punish anyone who “publishes” specific information “with respect to the movement, numbers, description, condition, or disposition of any of the Armed Forces, ships, aircraft, or war materials of the United States, or with respect to the plans or conduct, or supposed plans or conduct of any naval or military operations. or
with respect to any works or measures undertaken for or connected with, or intended for the fortification or defense of any place, or any other information relating to the public defense, which might be useful to the enemy.

Similarly, in Section 797 one who publishes, photographs, sketches, etc. of vital military and naval installations or equipment is subject to punishment. And finally, in Section 793 which deals with "Disclosure of Classified Information" there is a specific prohibition against one who "publishes" any classified information. This classified information is limited to the nature, preparation, or use of any code, cipher, or cryptographic system of the United States or any foreign government; or the design, construction, use, maintenance, or repair of any device, apparatus, or appliance used or prepared or planned for use by the United States or any foreign government for cryptographic or communication intelligence purposes; or the communication intelligence activities of the United States or any foreign government; or obtained by the processes of communication intelligence from the communications of any foreign government, knowing the same to have been obtained by such processes.

[2] The Government does not contend, nor do the facts indicate, that the publication of the documents in question would disclose the types of classified information specifically prohibited by the Congress. Aside from the internal evidence of the language of the various sections as indicating that newspapers were not intended by Congress to come within the purview of Section 793, there is Congressional history to support the conclusion. Section 793 derives from the original espionage act of 1917 (Act of June 15, 1917, Chap. 30, Title I, Sections 1, 2, 4, 6, 40 Stat. 217, 218, 219). At that time there was proposed in H.R. 291 a provision that "(d)uring any national emergency resulting from a war to which the United States is a party or from threat of such a war, the President may, by proclamation, prohibit the publishing or communicating of, or the attempting to publish or communicate any information relating to the national defense, which in his judgment is of such character that it is or might be useful to the enemy." This provision for prior restraint on publication for security reasons limited to war time or threat of war was voted down by the Congress. In the debate Senator Ashhurst in a scholarly speech stated the problem as follows:

"Freedom of the press means simply, solely, and only the right to be free from a precensorship, the right to be free from the restraints of a censor. In other words, under the Constitution as amended by amendment No. 1, 'freedom of the press' means nothing except that the citizen is guaranteed that he may publish whatever he sees fit and not be subjected to pains and penalties because he did not consult the censor before doing so."

It would appear, therefore, that Congress recognizing the Constitutional problems of the First Amendment with respect to free press, refused to include a form of precensorship even in war time.

In 1957 the report of the United States Commission on Government Security in urging further safeguards against publication of matters affecting national security recognized that "any statute designed to correct this difficulty must necessarily minimize constitutional objections by maintaining the proper balance between the guarantee of the first amendment, on one hand, and required measures to establish a needed safeguard against any real danger to our national security." Report of the United States Commission on Government Security 619-20 (1957).
Senator Cotton, a sponsor of the bill, recognized in debate that "it should be made crystal clear that at the present time penalties for disclosure of secret information can only be applied against those employed by the Government. The recommendation extended such control over those outside the Government." The bill proposed was never passed. The significance lies, however, in the awareness by the Congress of the problems of prior restraint and its determination to reject them except in the limited cases involved in Section 794 and Section 798 involving codes, communication intelligence, and the like.

[3-6] The injunction sought by the Government must, therefore, rest upon the premise that in the absence of statutory authority there is inherent power in the Executive to protect the national security. It was conceded at the argument that there is Constitutional power to restrain serious security breaches vitally affecting the interests of the Nation. This Court does not doubt the right of the Government to injunctive relief against a newspaper that is about to publish information or documents absolutely vital to current national security. But it does not find that to be the case here. Nor does this Court have to pass on the delicate question of the power of the President in the absence of legislation to protect the functioning of his prerogatives—the conduct of foreign relations, the right to impartial advice and military security, for the responsibility of which the Executive is charged against private citizens who are not Government officials. For I am constrained to find as a fact that the in camera proceedings at which representatives of the Department of State, Department of Defense and the Joint Chiefs of Staff testified, did not convince this Court that the publication of those historical documents would seriously breach the national security. It is true, of course, that any breach of security will cause the jitters in the security agencies themselves and indeed in foreign governments who deal with us. But to sustain a pre-liminary injunction the Government would have to establish not only irreparable injury, but also the probability of success in the litigation itself. It is true that the Court has not been able to read through the many volumes of documents in the history of Vietnam, but it did give the Government an opportunity to pinpoint what it believed to be vital breaches to our national security of sufficient impact to controvert the right of a free press. Without revealing the content of the testimony, suffice it to say that no cogent reasons were advanced as to why these documents except in the general framework of embarrassment previously mentioned, would vitally affect the security of the Nation. In the light of such a finding the inquiry must end. If the statute (18 U.S.C. 793) were applicable (which I must assume as an alternative so that this decision may be reviewed by an appellate court), it is doubtful that it could be applied to the activities of the New York Times. For it would be necessary to find as an element of the violation a willful belief that the information to be published "could be used to the injury of the United States or to the advantage of any foreign nation." That this is an essential element of the offense is clear. Gori v. United States, 312 U.S. 19, 61 S.Ct. 429, 85 L.Ed. 488 (1941).

I find that there is no reasonable likelihood of the Government successfully proving that the actions of the Times were not in good faith, nor is there irreparable injury to the Government. This has been an effort on the part of the Times to vindicate the right of the public to know. It is not a case involving an intent to communicate vital secrets for the benefit of a foreign government or to the detriment of the United States.

[7-8] 3. As a general matter we start with the proposition that prior restraint on publication is unconstitutional. Near v. Minnesota ex rel. Olson, 283 U.S. 697, 51 S.Ct. 625, 75 L.Ed. 1357 (1931). As the Supreme Court observed in Gorse
The predominant purpose of the * * * (First Amendment) was to preserve an untrammeled press as a vital source of public information. The newspapers, magazines, and other journals of the country, it is safe to say, have shed and continue to shed, more light on the public and business affairs of the nation than any other instrumentality of publicity; and since informed public opinion is the most potent of all restraints upon misgovernment, the suppression or abridgment of the publicity afforded by a free press cannot be regarded otherwise than with grave concern.” (297 U.S. at 250, 56 S.Ct. at 449)

Yet the free press provision of the First Amendment is not absolute. Near v. Minnesota ex rel. Olson, supra. In the Near case the Court said that “no one would question but that a government might prevent actual obstruction to its recruiting service or the publication of the sailing dates of transports or the number and location of troops.” The illustrations accent how limited is the field of security protection in the context of the compelling force of First Amendment right. The First Amendment concept of a “free press” must be read in the light of the struggle of free men against prior restraint of publication. From the time of Blackstone it was a tenet of the founding fathers that precensorship was the primary evil to be dealt with in the First Amendment. Fortunately upon the facts adduced in this case there is no sharp clash such as might have appeared between the vital security interest of the Nation and the compelling Constitutional doctrine against prior restraint. If there be some embarrassment to the Government in security aspects as remote as the general embarrassment that flows from any security breach, we must learn to live with it. The security of the Nation is not at the ramparts alone. Security also lies in the value of our free institutions. A cantankerous press, an obstinate press, an ubiquitous press must be suffered by those in authority in order to preserve the even greater values of freedom of expression and the right of the people to know. In this case there has been no attempt by the Government at political suppression. There has been no attempt to stifle criticism. Yet in the last analysis it is not merely the opinion of the editorial writer or of the columnist which is protected by the First Amendment. It is the free flow of information so that the public will be informed about the Government and its actions.

These are troubled times. There is no greater safety valve for discontent and cynicism about the affairs of Government than freedom of expression in any form. This has been the genius of our institutions throughout our history. It is one of the marked traits of our national life that distinguish us from other nations under different forms of government.

For the reasons given the Court will not continue the restraining order which expires today and will deny the application of the Government for a preliminary injunction. The temporary restraining order will continue, however, until such time during the day as the Government may seek a stay from a Judge of the Court of Appeals for the Second Circuit.

The foregoing shall constitute the Court's findings of fact and conclusions of law under Rule 52(a) of the Federal Rules of Civil Procedure.

So ordered.
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

CR. CASE NO. 74-116 (Judge Gesell)

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JOHN EHRLICHMAN, et al.,
Defendants

AFFIDAVIT OF JOHN D. EHRLICHMAN

DISTRICT OF COLUMBIA

JOHN D. EHRLICHMAN, being duly sworn, on oath deposes and says:

The following narrative account of the formation and authorization of the investigation of the theft of the Pentagon Papers and subsequent events, going to the question of the President's instructions, authorization and approval, is made in response to the Court's request of April 19, 1974.

The Pentagon Papers Theft:

In mid-June, 1971, it was learned at the White House that part of the 47-volume secret study of the Viet Nam War had been copied and delivered to the New York Times and other papers.
In the week or ten days thereafter, I participated in several meetings with the President and Henry Kissinger. The latter told us about Daniel Ellsberg (known to have been the thief).

We were told he was a fanatic, known to be a drug abuser and in knowledge of very critical defense secrets of current validity, such as nuclear deterrent targeting.

Having never heard of Ellsberg before the theft of the Papers, my impression from Kissinger's description was that the Nation was presented with a very serious potential security problem beyond the theft of the largely historical Pentagon Papers. I later learned that the Papers themselves were believed by defense experts to contain vital secrets.

Dr. Kissinger told the President that the theft made very difficult our foreign relations with Allies with whom we shared classified information.

In these meetings both the President and Dr. Kissinger were obviously deeply concerned. The latter was quite agitated at times.

The President made very clear his instructions that the Department of Justice should seek restraint of publication of the Papers and should vigorously investigate to determine those guilty of their theft and compromise. I transmitted his instructions to the Attorney General and I believe he did so directly on several occasions.
July 6, 1971

BY Liaison

Honorable H. R. Haldeman
Assistant to the President
The White House
Washington, D. C.

Dear Mr. Haldeman:

On June 15, 1971, the Attorney General requested that this Bureau conduct all necessary investigation into the matter relating to the publication by "The New York Times" of the so-called "McNamara Study," which deals with United States - Vietnam relations during the period 1945 to 1967.

Daniel Ellsberg, Senior Research Associate, Center for International Studies, Massachusetts Institute of Technology, Cambridge, Massachusetts, admitted during a press conference on June 28, 1971, that in the Fall of 1969 he went to the head of the Senate Foreign Relations Committee to try to pass information to him but that he got nowhere. Ellsberg said this information was known only to him and a few others and was not public. He further stated that he made the decision completely on his own to give the information to "The New York Times," admitting that he was solely responsible for his actions and that he knew he was violating Defense Department regulations in doing this. He further indicated that during the preceding two-week period, when he noted that "The New York Times" had been stopped temporarily from publishing the material, "it was being made available to other newspapers."

Our investigation to date has developed substantiating information regarding Ellsberg's admissions. In addition, it has indicated that the following news media personnel have been involved in this matter.

Honorable H. R. Haldeman

His wife, Susan M. Sheehan, who has also utilized the name Susan Dowling, has claimed to be a reporter for "The New York Times," although this has not been substantiated by investigation. Neil and Susan Sheehan arranged for and participated in the copying of what appeared to be Xerox copies of some of the classified material appearing in the "McNamara Study" at two separate duplicating firms in Massachusetts, one located in Bedford and the other in Boston. This duplicating was done during the period March 21 - 23, 1971.

William Kovach, a staff reporter for "The New York Times," is possibly identical with an individual who on March 21, 1971, arranged by telephone for Susan Sheehan to have a large duplicating job done at the firm in Bedford. The caller identified himself as Bill Kowich (phonetic) of Carlisle, Massachusetts, and conveyed the impression that he had used the services of this firm as a representative of the military at the Hanscom Air Force Base in Bedford.

Between the time that Neil Sheehan duplicated the documents mentioned above and the time of the publication of the first material based on the "McNamara Study" in "The New York Times" on June 13, 1971, arrangements were made for three staff writers of "The New York Times" to work with Sheehan in the preparation of material for publication. They were reported to have worked secretly in a suite in the Hilton Hotel in New York City. These staff writers have been identified as E. W. Kenworthy, Fox Butterfield and Hedrick Smith.

Aside from "The New York Times" personnel, our investigation has indicated that Lloyd Shearer, West Coast Chief of "Parade Magazine," a Sunday newspaper supplement, published the earliest comment regarding the existence of the "McNamara Study." Recent developments have indicated that he was a close associate of Daniel Ellsberg in California. Within the last two weeks, he has attempted to cultivate the friendship of Daniel Ellsberg's divorced wife, Carol Ellsberg.

Anthony J. Russo, Jr., a long-time associate of Daniel Ellsberg who worked with him at Rand Corporation, Santa Monica, California, is reported to have assisted Ellsberg in making copies of material from the "McNamara Study" during the Fall of 1969. Russo was served with a subpoena on June 22, 1971, to appear before a Federal grand jury in
Honorable H. R. Haldeman

Los Angeles, California. Our investigation has shown that he immediately consulted with Lloyd Shearer and sought his advice. Shearer recommended that he select as his attorney Mr. Joseph Ball, a prominent California lawyer who was Senior Trial Counsel of the President's Commission to Investigate the Assassination of John F. Kennedy. On the advice of Mr. Ball, Russo appeared before the grand jury on June 24, 1971, and refused to testify on the grounds that he might incriminate himself. Arrangements were then made to grant him immunity from prosecution but he again declined to testify and contempt charges were placed against him. Mr. Ball claimed the immunization was invalid, but at a hearing on July 2, 1971, the contempt charges were upheld, with execution of sentencing postponed until July 7, 1971, to permit Russo to file an appeal.

In view of the injunction proceedings instituted against "The New York Times" and other newspapers by the United States Government, which matter was resolved by the Supreme Court last week, our investigation into the facets of this matter relating to news media personnel has necessarily been on a most discreet basis. We are now proceeding with intensive investigation into all phases of this case and you will be kept advised of our progress.

Sincerely yours,

[Signature]

[7782]
Following the June 13, 1971 publication of the "Pentagon Papers," Daniel Ellsberg publicly acknowledged copying and releasing the documents. On June 28, 1971 Ellsberg was indicted in California on charges of unauthorized possession of defense information and conversion of government property, the Pentagon Papers.

32.2 Washington Post, June 29, 1971, 1, 12.
UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

March 1971 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

DANIEL ELLSBERG,

Defendant.

The Grand Jury charges:

Count One

[18 U.S.C. § 793(e)]

That on various dates within the period from in or about September, 1969, to in or about October, 1969, the exact dates being to the Grand Jury unknown, within the Central District of California, DANIEL ELLSBERG having unauthorized possession of, access to, and control over copies of certain documents and writings relating to the national defense, which documents and writings were originally contained in separately bound volumes of sets consisting of forty-seven (47) and eighteen (18) volumes respectively, of xerox copies of a study entitled "United States - Vietnam Relations, 1945-1967", consisting of descriptive text, cablesgrams, memoranda, decisions, papers and other internal Executive Branch documents, all but one of which documents were classified Top Secret,
the remaining document being classified Confidential; did
willfully, knowingly and unlawfully retain the same and fail
to deliver them to the officer or employee of the United States
entitled to receive them.

Count Two

[18 U.S.C. § 641]

That on various dates within the period from in or
about September, 1969, to in or about October, 1969, the exact
dates being to the Grand Jury unknown, within the Central Dis-
trict of California, DANIEL ELLSBERG did willfully, knowingly
and unlawfully convert to his own use copies of certain documents
and writings, which documents and writings were originally
contained in separately bound volumes of sets consisting of
forty-seven (47) and eighteen (18) volumes respectively, of
xerox copies of a study entitled "United States - Vietnam
Relations, 1945-1967", consisting of descriptive text, cablegrams,
memoranda, decision papers and other internal Executive Branch
documents, the aforesaid documents and writings being things of
value of the United States having a value in excess of one
hundred dollars ($100.00).

A TRUE BILL

[Signature]
Foreman

[Signature]
Attorney for the Government
ELLISBERG, From A1

Ten years is the maximum sentence under the espionage statute which the federal government has charged Ellsberg with violating. He was taken before a U.S. magistrate who, over the objection of the government, released Ellsberg on $30,000 bond, on the defendant's own signature.

Outside the courtroom, Ellsberg freely conceded much of what would likely be the factual case against him—namely, that he is the source of the newspaper stories about the still-classified Pentagon study on the origins of the Vietnam War, a study that Ellsberg helped write four years ago when he was a defense analyst with the Rand Corporation.

Ellsberg hopes that his "innovative civil disobedience" will inspire a national catharsis of "truth telling" about the long war in Indochina.

"If I certainly hope this will help end the war," he said in an interview afterward. "I hope it goes beyond the personal. I hope it will help other Vietnamese from happening."

While Ellsberg conceded that he did it, he said, "this does not by any means settle the criminal case against him. The espionage law requires the government to show, not only that a defendant possessed a secret government document, but also that he 'knew' he possessed the secrets could be used to the injury of the United States or to its advantage of any foreign nation."

Ellsberg was working as a Pentagon statistician when the U.S. involvement in Vietnam was escalating in 1965. He amended the Rand study document which had been approved in June 1966: "I didn't think there was a single fact in the documents that would make it easier to the national interest. I didn't have release it."

Several of the 11 volumes dealt with negotiations by the Johnson administration with Hanoi, Moscow and other foreign capitals, but Ellsberg said, "None of those studies were given to any newspaper that was a deliberation decision on my part. They were given to the Senate Foreign Relations Committee which could decide for itself whether to make it public.

So, if he is brought to trial, Ellsberg's defense would deal both with his own motives and with the nature of the classified documents, whether they were secret kept from the enemy or from the American public, the same issue which is before the Supreme Court in the government's attempt to stop Ellsberg from printing any more articles about the policy papers.

Justice Department lawyers have already conceded that, if the government loses in the Supreme Court, it would make a criminal prosecution against Ellsberg more difficult.

The professor's public appeal today adds another eipode dimension to the wide episode of the Vietnam papers. They have already raised deep and complicated questions about freedom of the press, about the govern- ment decision making which leads to war, about the adequacy of the government's security classification.

To all of these, Ellsberg now adds the conflict of personal conscience versus the government's laws with the many legal and moral questions which are attached.

He did not look much like a fugitive this morning when he and his wife Patricia ar- rived in a taxi at the Old Post Office Building in downtown Boston, promptly at 10 a.m. as programmed.

He purchased the past two copies, neither of which the FBI nor the press had been able to find him. A warrant for his arrest was issued early Saturday morn- ing.

Ellsberg was in Boston area all the time. Ellsberg explained, moving occasionally from one person's home to another, sometimes staying with "friends we didn't know," an underground shuttle reminiscent of the late Daniel Berrigan, the Catholic radical priest who eluded the FBI for months that way.

Created by his lawyers, Harvard law professors Leonard Boudin and Charles Nesson, Ellsberg was finally nearly weekly with enthusiasm.

One post- declared: "A gold star mother thanks you."

Another commented on the criminal charges against him: "Star-spangled 1964."

The appealing crowd of several hundred included three intellectual standouts of the antiwar movement, radical historian Howard Zinn, Nobel biologist George Wald and linguist Noam Chomsky. Also there to greet their old friend were Sam Brown, a leader in the Moratorium peace demonstration, and the Rev John Boyle, a college chaplain from Haverford, Pa., who married the Ellsbergs last August.

FBI agents according to the U.S. Attorney here, had conducted an intensive search for Ellsberg over the weekend without success. This morning, they were clearing the way for him through the crowd.

Ellsberg seemed pleased, though a little startled by the intensity of the moment. His face is thin and serious with dark hair that is growing in a distinguished way. He was dressed in a dark blue and pinette suit, the uniform of the foreign policy.
The simple fact is that I never felt tormented by guilt," he said calmly. "The kind of things that I do frame myself for is not informing myself earlier than I did about the origins of the conflict and the complex political nature of the conflict. I operated on the same stereotypes as everyone else."

After his two years in the war zone, Ellsberg came home in 1967 with doubts about "the stereotypes" but he said that nothing had more impact on changing his views than reading the massive Pentagon study which, in his view, shows that the highest government officials repeatedly lied to the public as they deepened U.S. involvement.

"What's driven me since then is that this knowledge gave me a responsibility," Ellsberg said. "Now that I know this, what does this call on me to do?"

In the last year or so, he has made repeated public statements charging that high officials had endangered in the crime of committing aggression war in Vietnam and discussing his own complicity. However, he said "Lacking the kind of evidence that has now been made public, I couldn't say that X, Y and Z are criminals."

A neighbor in the apartment house off Harvard Street interrupted the interview to take out her garbage. Ellsberg's two friends, Brown and Boyles, went out for sandwich lunch.

"I've wanted for a couple of years to raise the issue of personal responsibility," Ellsberg explained, "not with the intention to punish any individual, but to make the present officials aware of their responsibilities, to raise the awareness of the public and the standard of what they demand of their officials."

In the fall of 1966, he said, he provided a set of the documents to the Senate Foreign Relations Committee, however that they would become public. Last year, the committee asked the Pentagon to provide it with a set of the papers and was turned down. Sometime earlier this year Ellsberg made the decision to go to the papers, fully aware that it might mean a prison term for him.

Because of his Pentagon experience, he explained, he was fully aware of the strict security rules the Defense Department maintains for its own employees and he assumed incorrectly that all of these administrative regulations were "interpreted" in the law covering all citizens. "I look it for granted," he said, "that I would be subject to successful criminal prosecution. I always intended to take responsibility for this."

Ellsberg said he would have come forward sooner, but he feared that identifying himself as the source might interfere with the newspapers' case against the federal government. In any event, he complained, the Justice Department's charge forced him into the open. Ellsberg hopes now that Americans will read the documents and make their own judgments about them. "There's a time for before, there's a time for reading and learning," he said.

That is how Daniel Ellsberg defines his motives.

"You know what Gandhi's teachings mean," he said, "it's something that is otherwise called nonviolent civil disobedience. It's called it Satyagraha. That means something.

"The people always focus on the nonviolent aspect of this Gandhian approach but, in fact, the theme of honesty and openness was at least as strong as the nonviolence. The Gandhists and the Congress—all together have been cooperating in a massive effort at truth telling."

[7790]
33. In the two weeks following the publication of the Pentagon Papers the President met at various meetings with Haldeman, Ehrlichman, Kissinger and Colson. According to Ehrlichman and Colson the participants at these meetings discussed the adverse effect of the publication of the Pentagon Papers upon national security and foreign policy and considered the possibility that Daniel Ellsberg, identified as the probable source of the published papers, possessed additional sensitive information that he might disclose. During this period, White House staff members were told by Assistant Attorney General in charge of the Internal Security Division that some or all of the Pentagon Papers had been delivered to the Soviet Embassy on June 17, 1971.

33.1 John Ehrlichman affidavit, United States v. Ehrlichman, April 26, 1974, 1-4.

33.2 Charles Colson affidavit, United States v. Ehrlichman, April 29, 1974, 1-4.

33.3 Memorandum from Charles Colson to John Ehrlichman, July 13, 1971 (received from White House).

33.4 Memorandum of conversation, July 24, 1971 (received from White House).

33.5 Meetings and conversations between the President and Charles Colson, June 14 to July 20, 1971 (received from White House).

33.6 Meetings and conversations between the President and John Ehrlichman, June 14 to July 10, 1971 (received from White House).
The following narrative account of the formation and authorization of the investigation of the theft of the Pentagon Papers and subsequent events, going to the question of the President's instructions, authorization and approval, is made in response to the Court's request of April 19, 1974.

The Pentagon Papers Theft:

In mid-June, 1971, it was learned at the White House that part of the 47-volume secret study of the Viet Nam War had been copied and delivered to the New York Times and other papers.
In the week or ten days thereafter, I participated in several meetings with the President and Henry Kissinger. The latter told us about Daniel Ellsberg (known to have been the thief).

We were told he was a fanatic, known to be a drug abuser and in knowledge of very critical defense secrets of current validity, such as nuclear deterrent targeting.

Having never heard of Ellsberg before the theft of the Papers, my impression from Kissinger's description was that the Nation was presented with a very serious potential security problem beyond the theft of the largely historical Pentagon Papers. I later learned that the Papers themselves were believed by defense experts to contain vital secrets.

Dr. Kissinger told the President that the theft made very difficult our foreign relations with Allies with whom we shared classified information.

In these meetings both the President and Dr. Kissinger were obviously deeply concerned. The latter was quite agitated at times.

The President made very clear his instructions that the Department of Justice should seek restraint of publication of the Papers and should vigorously investigate to determine those guilty of their theft and compromise. I transmitted his instructions to the Attorney General and I believe he did so directly on several occasions.
The Apparent Conspiracy:

As the Justice Department investigation proceeded, I heard or was told several times that Ellsberg was a part of a conspiracy.

On July 6, 1971, the President and I met with the Attorney General. He told us that he believed Ellsberg had Communist ties and was part of a conspiracy. The President said, in substance, that we must learn who was involved and quickly bring them to justice.

At around the same time, the Assistant Attorney General for internal security called me to advise that an "intercept" established that some or all of the Papers had been delivered to the Soviet Embassy here. I told the President of this call.

F.B.I. reports (which I either saw or was told of) suggested that a group in Massachusetts had caused the Papers to be duplicated in Cambridge; one of them was believed to be an employee of the New York Times. Ellsberg worked in California at the time. I told the President of this F.B.I. advice.

The F.B.I.:

For some months prior to June, 1971, and virtually until his death, J. Edgar Hoover was the object of the President's criticism on a number of grounds: The F.B.I. Director refused to enlist the Bureau in the Administration's effort to suppress Narcotics Traffic; the President was known to feel that the F.B.I. effort against domestic sabotage and violence was inadequate; a file containing a complete catalogue of problems, marked "The
Company Director" exists in the possession of the Government.

In late June and early July, the F.B.I. effort in the Pentagon Papers case was the subject of Assistant Attorney General Mardian's strong criticism. On his assumption of responsibility in mid-July, Mr. Krogh joined in that criticism.

During this period the Attorney General advised me, and I told the President, that Mr. Hoover had disciplined one of the F.B.I.'s top officials for ordering an F.B.I. interview of Ellsberg's father-in-law. The disciplinary papers are known by me to be in the possession of the Government.

It is against this background that the Young-Krogh unit was established by the President and expressly given the job of investigating Ellsberg.

The Genesis of The Unit:

On July 2, 1971, the President instructed me:

(1) To recruit someone to take full responsibility to "handle the Ellsberg case," or words of that substance, and to take charge of the investigation of the conspiracy;

(2) To propose Richard Allen, formerly of the Kissinger staff, to do so, or seek alternate candidates; and

(3) To "stick with domestic matters" myself, finding someone with whom the President could work directly on the leak problem.
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

JOHN D. EHRLICHMAN, et al.
Defendants

Criminal No. 74-116

AFFIDAVIT

District of Columbia, ss.:

CHARLES W. COLSON, being duly sworn, deposes and says:

1. I submit this affidavit pursuant to the Court's Order of April 19, 1974, and in support of my Motion for Discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure.

2. I was in several meetings with the President in the period following the publication in the Press of the "Pentagon Papers" in the New York Times, the Washington Post and other papers. The Presidential logs show meetings and telephone calls between the President and me (sometimes with others present) on the following dates: June 15, 16, 17, 23, 25, 28, 29, 30, July 1 and July 2, 1971. During that period (I cannot establish which of the aforementioned meetings or calls are relevant although I believe many are) the President repeatedly emphasized the tremendous gravity of the leaks and his concern that Ellsberg and/or Ellsberg's associates might continue the pattern. I can remember the President saying on a number of occasions that if the leaks
were to continue, there could be no "credible U. S. foreign policy" and that the damage to the Government and to the national security at a very sensitive time would be severe. He referred to many of the sensitive matters that were then either being negotiated or considered by the Administration, e.g., SALT, Soviet detente, the Paris peace negotiations and his plans for ending the war in Vietnam. (He had earlier made me aware of his desire to visit the Peoples Republic of China.) During the two weeks following the publication of the Pentagon Papers, I also met with Dr. Kissinger, Mr. Ehrlichman and Mr. Haldeman. On several occasions, Dr. Kissinger would arrive at our meeting having just come from meeting with the President. Dr. Kissinger was even more alarmed over the leaks than the President. He believed that the leaks must be stopped at all costs, that Ellsberg must be stopped from making further disclosures of classified information, and that those acting in concert with him must be stopped. Dr. Kissinger also reported on Ellsberg's private habits and certain of his activities in Vietnam. I had the clear impression that Dr. Kissinger was reacting to conversations he had had at various times with the President; basically his concern was very similar to the President's: that Ellsberg's activities or the activities of those acting with him or pursuant to his example, could undermine the most critical and sensitive foreign policy negotiations. At various times thereafter both the President and Dr. Kissinger voiced their great concern over leaks of sensitive information that could undermine vital national security matters. The President from time to time expressed his dissatisfaction with the aggressiveness of the investigations being conducted of Dr. Ellsberg and others (early August 1971).
3. In late June 1971, perhaps June 28, 29, 30 or even July 1st (the Presidential logs are, I believe, incomplete), I had several discussions with the President regarding the possibility of still further security leaks. During at least one of these discussions Mr. Haldeman was also present. On that occasion, the President, speaking to Mr. Haldeman and to me, said in effect: I don't give a damn how it is done, do whatever has to be done to stop these leaks and prevent further unauthorized disclosures; I don't want to be told why it can't be done. This Government cannot survive, it cannot function if anyone can run out and leak whatever documents he wants to. We will be destroyed in the negotiations that we have underway with the Soviet Union; we will never be able to stand up against the Soviet Union; people's lives are at stake in Vietnam. I want to know who is behind this and I want the most complete investigation that can be conducted. At one point the President asked Mr. Haldeman whether the White House had the capacity to handle this. Haldeman said it was being established. The President went on: I want to know how and why the "counter-government" is at work. If we do not stop them, if we do not find out who is involved and why, we will endanger everything that this Government is trying to do in the most sensitive foreign policy and national security areas. I don't want excuses, I want results. I want it done, whatever the cost.

4. During this period, as in all other periods, the President had a habit of making memoranda at night for Mr. Haldeman and dictating dictabelts of what went on during the day. Accordingly, during the period of mid-June to the end of July 1971, there should be notes and memos, including instructions to Mr.
Haldeman, Mr. Ehrlichman, Dr. Kissinger and others dealing with this matter. These notes and memos would be part of the Staff Secretary's files or Mr. Haldeman's files or Rose Wood's files. If not, they would be found in the files of the secretary in Mr. Haldeman's office who used to transcribe these belts and who should have kept records of such notes and memos. Based on my knowledge of the President's habits, I believe that these notes, memos and written instructions should be somewhere in the Presidential files.

5. After the Special Investigations Unit was established as a result of meetings in California, it was reported to me by Messrs. Ehrlichman and Krogh that the President had ordered the creation of such a unit, that it was to be located in the basement of the EOB, that it was to be operated under super-secret conditions, that there would be sterile phones, that special passes were to be required for entry and that all of this was consistent with the instructions the President had issued to stop leaks of classified national security information. I was told the unit was granted a broad charter to coordinate and supervise the intelligence activities of all agencies, directed to preventing leaks of such information. I thereupon concluded that the President had impressed upon Messrs. Ehrlichman and Krogh the same instructions he had given to Mr. Haldeman and me in late June, and in fact, had given them the authority and charter to conduct a full-fledged White House investigation in concert with other agencies such as the FBI and the CIA.

6. I was not present but I was and am aware of at least three meetings at which the Special Investigations Unit was given its
July 13, 1971

MEMORANDUM FOR: JOHN EHRlichMAN
FROM: CHARLES COLSON

SUBJECT: Further on Pentagon Papers

Per our conversation last week I have briefed Howard K. Smith on the reasons as to why the Justice Department had to bring the case in the Pentagon Papers. I have also gotten this out to Jerry terHorst.

This was based on the documents you and I talked about. I, of course, did not get into certain key specifics, but I was able to get across the general framework of the paper involved. It had an enormous impression on both of them. Smith wants to try to tie it together as a commentary, if it can be tagged to some news event in the near future. I think we will see some playback from this that should be very helpful in getting across our point as to why the Justice Department moved as it did.

During the conversation with Smith he asked whether there was any truth to the fact that the Pentagon Papers were delivered to the Soviet Embassy. I told him that I had heard this, but that I could not establish it as fact. As you and I know there is truth to it. Laskey wrote a column about it which got the predictable reaction because of the author. Smith said that if it is true he would like to use it. My question to you is, do we want him to? It could be a helpful story as we develop the Ellsberg conspiracy.

I am making contact with the key Ichord staff member in the morning and will report the progress to you.

Hunt is with Lansdale. We will need the signal from you as soon as possible whether any of that information should be let out. We will also need to think about Conein's status, i.e., do we put him under wraps? There are some very strong arguments on both sides of that question.
I have the Hunt Cuban memoirs which are fascinating and will proceed with your suggestion. At some point we will have to clear with the CIA which has one copy.

I touched base today with Mardian on the Hoops question. That's it for the moment on this end.

cc: H.R. Haldeman
MEMORANDUM OF CONVERSATION -- Thursday, July 22, 1971
Meeting of the Sub-Committee of the President's Foreign Intelligence Advisory Board

Board Members present were: Franklin Lincoln, Gordon Gray, Dr. Baker
Members of the PFIAB staff present were: Byers, Achstelle, Burke.
In addition, Russ Ash of the FBI sat in.

Fred Buzhardt, Counsel to the Defense Department, and
Mr. Mitchell from NSA briefed in the morning between 10:00 and 11:00
and then George Carver from CIA briefed from about 11:00 to
12:30, along with Mr. Huston, Counsel at CIA, and Armand Guise,
Deputy Director of Security.

Much of the material covered by Buzhardt, Mitchell, Carver,
Guise and Huston was given to me the previous day in my talks with
them individually. Various questions which were brought up by
the Board Members, however, have been noted below in case they
might generate ideas or leads for us in our overall project. The
most persistent questioner and most concerned to me seemed to be
Gordon Gray. He said that he wanted everyone first to know that
he was a trustee with Brookings and that soon he would be going on
the Executive Committee. He found this whole episode very disturbing
and he wasn't too sure about his own position and whether there was
a conflict of interest with his learning about the participation of
Halperin and Gelve who are now at Brookings and their role in the
study itself.

Questions addressed were as follows:

Why were the Pentagon Papers given to Rand?
Who paid for the study itself?
Was Rand paid for its own study on the Pentagon Papers?
Were the Pentagon Papers themselves done wholly within the
Defense Department?
Buzhardt, in response to questions, said that the study was transmitted to Rand by former government officials after they had left. Gray said that he never ever, ever, can recall any such transmittal of security classified documents before. Buzhardt also said he did not know whether there were any copies at Brookings. He confirmed that all copies were delivered after the change of Administrations. They were not delivered to the State Department but as such, but to individuals in the State Department.

Who was the courier? Buzhardt said that we did know who he was.

Did Clifford know about it? Buzhardt said, "Yes, he did." 002478

McNamara's copy went to the Archives in the summer of '69 and to his office in October, '69.

Was there any paper or evidence exacting what the task force was to do? Buzhardt - "No, there was no paper. It was done by word of mouth, but there is no doubt that they had complete access." Buzhardt added that one of the projects he was undertaking was to find out all of the material that the Task Force had access to.

On the question of the 38, 43-47 volumes, Buzhardt noted that the last four volumes of the 47 volume set, except for the 47th which was an index, were in the 38 volume set.

Gray asked what did Buzhardt think McNamara's motives were. Buzhardt said that he had been told that McNamara never really intended any writing and there are indications that he never opened the boxes until the story broke in the Times.

Buzhardt also noted that in the Court case, it had listed six super sensitive items which would be damaging to the government in a very critical way. The Post complied with this list and did not publish any. However, the Times did publish some. NOTE: The New York Times filed in the Court case, a list of the articles which they have published which have classified documents just to show that it was a normal and routine procedure. NOTE: We better get a copy of this and look for a pattern.

Gordon Gray then told a story involving Kay Graham and Scottie Renisten in a conversation the Saturday night before the New York Times published its first Sunday article, in which it was clear that the Post was completely unaware of the study and of the upcoming articles.
Buzhardt also indicated that the Japanese had gotten a full set of the Papers before the New York Times article was published.

**Carver Briefing**

There was no written message from McNamara to CIA. only an oral message from McNamara to Hand, CIA liaison. And Hand wrote a note to Helms, or possibly it could have been General Persley who spoke with Hand. NOTE: Follow-up required. 002479

The first CIA set of documents was on June 21, 1971. The first day he got a copy was on July 1, 1971. Note also that FBI report on June 17, 1971, that on June 17, 1971, the Soviet Union Embassy here in Washington received 5,000 or 6,000 pages of the Pentagon Papers.

Carver's theory is that he thinks the whole thing was preplanned. The task force heads expanded their mandate, figured out how they would get out the classified papers, and still have access after they left government but without violating any technical regulations. Carver went through the damage assessments that CIA prepared which I had attached in my previous Memcon of my meeting at CIA.

One critical one is the Soviet car radio intercepts which is mentioned in one of the 47 volumes but has not yet been printed.

Huston, lawyer from the CIA, then went through the legislation which they were examining and their recommendation that Title 50, Section 733b be amended to change Officer of foreign Government to "any unauthorized person". This would expand a crime to cover someone who is not an officer of a foreign government, such as a newspaper man. CIA has also implemented a new de-briefing item/which they demand any documents to be returned and in this way if any later documents are found, that person is deemed to be in unlawful possession.

In closing, Gordon Gray emphasized that he hoped that someone would be sure to be exploring who had delivered the papers to the outsiders and was that delivery authorized.

In the afternoon, Bob Mardian briefed the group on where the case stood. Bud Krogh attended. Nothing new was really discussed.
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<tr>
<th>Date</th>
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<td>June 4, 1971</td>
<td>PM 2:34</td>
<td>President placed local call to Colson</td>
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<tr>
<td>June 8, 1971</td>
<td>PM 3:03</td>
<td>President met with NBC Executives. Colson attended.</td>
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<td></td>
<td>4:34</td>
<td>President met with Colson (Haldeman 4:35-5:12)</td>
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<td>5:00</td>
<td>President met with Colson</td>
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<td>5:12</td>
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<td>June 10, 1971</td>
<td>PM 2:44</td>
<td>President met with Colson (Butterfield 3:05-3:08)</td>
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<td>June 14, 1971</td>
<td>PM 4:34</td>
<td>President met with Colson and Railway Union leaders in Cabinet Room</td>
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<td>June 15, 1971</td>
<td>PM 2:19</td>
<td>President met with Colson (Haldeman 2:30-2:58)</td>
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<td>6:21</td>
<td>President placed local call to Colson</td>
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<td></td>
<td>7:49</td>
<td>President placed local call to Colson</td>
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June 16, 1971

PM 4:30 5:15 President met with Colson
(Butterfield 4:30-4:31)
(John M. O'Neill 4:30-5:15)
(Melville Stephens 4:30-5:15)
(Dr. Kissinger 4:58-5:15)

June 17, 1971

PM 2:22 2:37 President placed local call to Colson
2:46 3:04 President met with Colson
(Haldeman 2:42-3:04)
(Ziegler 2:42-3:01)
5:46 President placed local call to Colson
(Completion time of call not on record)
6:38 6:45 President placed local call to Colson
6:55 6:56 President placed local call to Colson
8:10 8:11 President received local call from Colson

June 23, 1971

AM 11:39 12:41PM President met with Colson
(Haldeman 11:04-12:45)

June 25, 1971

PM 3:11 3:52 President placed long distance call to Colson

June 28, 1971

PM 4:47 4:49 President met with Colson for photo with
T. Warren Parker - Research Aide
6:50 7:25 President met with Colson
Charles W. Colson

June 29, 1971

PM  2:28  2:32  President placed local call to Colson

June 30, 1971

PM  3:08  3:09  President placed local call to Colson

6:50  6:59  President received local call from Colson

10:17  10:35  President placed local call to Colson

July 1, 1971

AM  10:28  11:49  President met with Colson
    (Haldeman 10:27-11:49)
    (Ehrlichman 10:58-11:49)
    (Kissinger 11:22-11:24)

PM  6:30  6:37  President placed local call to Colson

July 2, 1971

AM  9:28  10:28  President met with Colson
    (Haldeman 9:15-10:39)
    (Peter Flanigan 10:02-10:39)
    10:41  11:26  President met with Colson
            (Peter J. Brennan 10:41-11:26)

PM  4:14  4:22  President placed local call to Colson

4:23  4:25  President placed local call to Colson

7:05  7:18  President placed local call to Colson

7:13  7:14  President placed local call to Colson

7:17  7:19  President placed local call to Colson

7:24  7:25  President placed local call to Colson

8:23  8:31  President placed local call to Colson

8:34  8:38  President placed local call to Colson
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<td>9:55</td>
<td>(Mr. Shultz 8:10-8:50)</td>
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<td>(Mr. Hodgson 8:10-8:50)</td>
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<td>PM</td>
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<td>President placed local call to Colson</td>
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<td>Kissinger briefing - Colson was present</td>
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| June 14, 1971 |     |      | **President met with Ehrlichman**  
**Meeting on Drug Control - Ehrlichman attended**  
**President received local call from Ehrlichman** |
| AM         | 10:06 | 10:07 |  
**President met with Ehrlichman**  
**Meeting on Drug Control - Ehrlichman attended**  
**President received local call from Ehrlichman** |
| PM         | 7:13  | 7:15 |  
**President met with Ehrlichman**  
**Meeting on Drug Control - Ehrlichman attended**  
**President received local call from Ehrlichman** |
| June 15, 1971 |     |      | **Republican Congressional Leadership**  
**Meeting - Ehrlichman attended**  
**President met with Ehrlichman, Romney, Cashen & others National Real Estate Bd**  
**President met with Ehrlichman**  
**Mitchell 3:45 - 4:30**  
**Ziegler 4:09 - 4:30** |
| AM         | 8:02  |      |  
**Republican Congressional Leadership**  
**Meeting - Ehrlichman attended**  
**President met with Ehrlichman, Romney, Cashen & others National Real Estate Bd**  
**President met with Ehrlichman**  
**Mitchell 3:45 - 4:30**  
**Ziegler 4:09 - 4:30** |
| PM         | 3:45  | 4:30 |  
**President met with Ehrlichman**  
**Mitchell 3:45 - 4:30**  
**Ziegler 4:09 - 4:30** |
| June 16, 1971 |     |      | **President met with Ehrlichman**  
**Butterfield 9:05 - 9:25**  
**Haldeman 9:10 - 10:00**  
**President met with Ehrlichman**  
**P. Peterson 3:51 - 4:28**  
**C. Bluhdorn 3:51 - 4:29**  
**President placed local call to Ehrlichman** |
| AM         | 9:56  | 10:38 |  
**President met with Ehrlichman**  
**Butterfield 9:05 - 9:25**  
**Haldeman 9:10 - 10:00**  
**President met with Ehrlichman**  
**P. Peterson 3:51 - 4:28**  
**C. Bluhdorn 3:51 - 4:29**  
**President placed local call to Ehrlichman** |
| PM         | 3:51  | 4:29 |  
**President met with Ehrlichman**  
**P. Peterson 3:51 - 4:28**  
**C. Bluhdorn 3:51 - 4:29**  
**President placed local call to Ehrlichman** |
| June 17, 1971 |     |      | **President met with BiPartisan Leadership**  
**Ehrlichman attended**  
**President met with Ehrlichman**  
**Kissinger 5:16 - 6:05**  
**Butterfield 6:07 - 6:11**  
**M. Acker 6:09 - 6:10** |
| AM         | 8:06  | 9:48 |  
**President met with BiPartisan Leadership**  
**Ehrlichman attended**  
**President met with Ehrlichman**  
**Kissinger 5:16 - 6:05**  
**Butterfield 6:07 - 6:11**  
**M. Acker 6:09 - 6:10** |
| PM         | 5:17  | 6:13 |  
**President met with Ehrlichman**  
**Kissinger 5:16 - 6:05**  
**Butterfield 6:07 - 6:11**  
**M. Acker 6:09 - 6:10** |
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event Description</th>
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<tr>
<td>June 18, 1971</td>
<td></td>
<td>President and Ehrlichman attended briefing in Windsor Room - not confirmed</td>
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<td>June 19, 1971</td>
<td>PM</td>
<td>President placed long distance call to Ehrlichman</td>
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<td>June 20, 1971</td>
<td>AM</td>
<td>President placed long distance call to Ehrlichman</td>
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<td>June 21, 1971</td>
<td>PM</td>
<td>President placed long distance call to Ehrlichman</td>
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<td></td>
<td>President placed long distance call to Ehrlichman</td>
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<tr>
<td>June 22, 1971</td>
<td>PM</td>
<td>President met with Ehrlichman</td>
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<tr>
<td></td>
<td></td>
<td>Butterfield 1:52 - 1:54</td>
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<tr>
<td></td>
<td></td>
<td>Kissinger 1:55 - 2:43</td>
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<tr>
<td></td>
<td></td>
<td>Butterfield 1:59 - 2:00 and 2:40 - 2:41</td>
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<tr>
<td></td>
<td>3:42</td>
<td>President met with Ehrlichman</td>
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<td></td>
<td>4:16</td>
<td>Ziegler 3:44 - 4:09</td>
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<td></td>
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<td>Gov. Holton 3:44 - 4:16</td>
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<td></td>
<td></td>
<td>Gov. Arch Moore 3:44 - 4:16</td>
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<td></td>
<td></td>
<td>Gov. Louis B. Nunn 3:44 - 4:16</td>
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<td></td>
<td></td>
<td>Edwin Harper 3:44 - 4:16</td>
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<td></td>
<td></td>
<td>Butterfield 4:09 - 4:14</td>
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<tr>
<td></td>
<td></td>
<td>Vice President Agnew 4:14 - 5:03</td>
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<tr>
<td></td>
<td>5:10</td>
<td>President met with Ehrlichman</td>
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<tr>
<td></td>
<td>6:16</td>
<td>Haldeman 5:09 - 6:36</td>
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<td></td>
<td></td>
<td>Mitchell 5:09 - 6:16</td>
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<tr>
<td></td>
<td></td>
<td>Ziegler 5:38 - 5:39</td>
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<tr>
<td></td>
<td>7:45</td>
<td>President hosted stag dinner</td>
</tr>
<tr>
<td></td>
<td>10:04</td>
<td>Ehrlichman attended</td>
</tr>
</tbody>
</table>
June 23, 1971

AM  7:52  7:54  President placed local call to Ehrlichman
     7:55  9:09  President had breakfast with Ehrlichman and
             Sen. Mansfield
     9:31  10:12 President met with Ehrlichman
           Haldeman 9:14 - 10:12
           Kissinger 9:25 - 10:00
     10:49 11:04 President met with Ehrlichman
           Secretary Laird 10:40 - 11:04
           Kissinger 10:48 - 10:55
           Ziegler 10:49 - 11:04

PM   6:40  9:10  President went boating aboard the Sequoia with
                 Ehrlichman, Connally, Shultz, Haldeman
                 and Flanigan

June 25, 1971

AM  9:05  9:14  President placed long distance call to Ehrlichman

June 26, 1971

AM  10:30  1:30PM President met with Ehrlichman
       Connally
       Shultz
       McCracken
       Weinberger
       Harper
       Haldeman

June 27, 1971

AM  10:40  1:50  President met with Ehrlichman
                 Connally
                 Shultz
                 Weinberger
                 Haldeman
                 Harper
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<tr>
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<th>AM</th>
<th>PM</th>
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<tr>
<td>June 23, 1971</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>AM</td>
<td>10:05</td>
<td>10:21</td>
<td>President met with Ehrlichman and Cabinet Committee on Economic Policy</td>
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<tr>
<td></td>
<td>10:54</td>
<td>11:38</td>
<td>President met with Ehrlichman and Vernon Jordan Robert Brown George Shultz Leonard Garment</td>
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<tr>
<td>PM</td>
<td>12:52</td>
<td>1:00</td>
<td>President met with Ehrlichman Haldean 11:39 - 1:40 Kissinger 11:51 - 12:20 Rose Woods 12:43 - 1:11</td>
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<tr>
<td></td>
<td>4:35</td>
<td>4:39</td>
<td>President met with Ehrlichman for photographs with Jane Dart Barbara Kilberg</td>
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<td></td>
<td>4:41</td>
<td>4:44</td>
<td>President met with Ehrlichman and Secy. Hodgson Jerome Rosow G. Shultz</td>
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<tr>
<td>June 29, 1971</td>
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<tr>
<td>AM</td>
<td>11:22</td>
<td>11:24</td>
<td>President met with Ehrlichman</td>
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<tr>
<td>PM</td>
<td>8:15</td>
<td>11:05</td>
<td>Dinner, in honor of Postmaster General Ehrlichman attended</td>
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<tr>
<td>July 1, 1971</td>
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<td>Date</td>
<td>Time</td>
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<td>Event Description</td>
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<tr>
<td>July 2, 1971</td>
<td>PM</td>
<td>4:13</td>
<td>President met with Ehrlichman</td>
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<td></td>
<td>PM</td>
<td>5:10</td>
<td>Kissing:er 3:55 - 4:25</td>
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<td>Butterfield 4:08 - 4:11</td>
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<td>Haldeman 4:13 - 5:10</td>
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<td>Ziegler 4:13 - 5:17</td>
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<td>Wm. Rehnquist 4:13 - 5:10</td>
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<td>Joseph Liebling 4:13 - 5:10</td>
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<td>Wm. Blair 4:13 - 5:10</td>
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<td>N. Harris Lyon 4:13 - 5:10</td>
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<td>Harry Brown 4:13 - 5:10</td>
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<td>Thomas Latimer 4:13 - 5:10</td>
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<td>John Dean 4:13 - 5:10</td>
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<td></td>
<td>PM</td>
<td>5:40</td>
<td>President met with Ehrlichman</td>
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<td></td>
<td>Haldeman 5:43 - 6:29</td>
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<td></td>
<td>Rose Woods 6:20 - 6:24</td>
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<tr>
<td>July 6, 1971</td>
<td>AM</td>
<td>11:50</td>
<td>President met with Ehrlichman</td>
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<td></td>
<td></td>
<td>12:15 PM</td>
<td>Mitchell 11:47 - 12:15</td>
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<tr>
<td>July 9, 1971</td>
<td>AM</td>
<td>10:32</td>
<td>President met with Ehrlichman</td>
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<td></td>
<td></td>
<td>12:25 PM</td>
<td>Haldeman 9:31 - 12:25</td>
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<tr>
<td>July 10, 1971</td>
<td>AM</td>
<td>11:00</td>
<td>President met with Ehrlichman</td>
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<td></td>
<td>11:37</td>
<td>Haldeman 11:03 11:37</td>
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<td></td>
<td>11:37</td>
<td>President motored to helipad at Camp David</td>
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<td></td>
<td></td>
<td>11:43</td>
<td>with Ehrlichman, Haldeman and C. C. Rebozo</td>
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<td></td>
<td></td>
<td></td>
<td>President motored from helipad to residence</td>
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<td></td>
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<td></td>
<td>accompanied by Ehrlichman, Haldeman and Rebozo</td>
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<td></td>
<td>PM</td>
<td>12:31</td>
<td>President placed local call to Ehrlichman</td>
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<td>12:34</td>
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34. The President has stated that in the week following the publication of the Pentagon Papers he authorized the creation of a Special Investigations Unit whose principal purpose would be to stop future disclosure of sensitive security matters, and that he looked to John Ehrlichman to supervise that unit. This unit became known as the "Plumbers."

34.1 President Nixon Statement, May 22, 1973, 9 Presidential Documents, 695.

34.2 Letter from President Nixon to Judge Gerhard Gesell, April 29, 1974, United States v. Ehrlichman.
Weekly Compilation of
PRESIDENTIAL DOCUMENTS


Volume 9 • Number 21

Pages 685–714
The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have given grossly misleading impressions of many of the facts, as they relate both to my own role and to certain unrelated activities involving national security.

Already, on the basis of second- and third-hand hearsay testimony by persons either convicted or themselves under investigation in the case, I have found myself accused of involvement in activities I never heard of until I read about them in news accounts.

These impressions could also lead to a serious misunderstanding of those national security activities which, though totally unrelated to Watergate, have become entangled in the case. They could lead to further compromise of sensitive national security information.

I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role.

With regard to the specific allegations that have been made, I can and do state categorically:

1. I had no prior knowledge of the Watergate operation.
2. I took no part in, nor was I aware of, any subsequent efforts that may have been made to cover up Watergate.
3. At no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer.
4. I did not know, until the time of my own investigation, of any effort to provide the Watergate defendants with funds.
5. At no time did I attempt, or did I authorize others to attempt, to implicate the CIA in the Watergate matter.
6. It was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg’s psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne.
7. I neither authorized nor encouraged subordinates to engage in illegal or improper campaign tactics.

In the accompanying statement, I have sought to provide the background that may place recent allegations in perspective. I have specifically stated that executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters under investigation. I want the public to learn the truth about Watergate and those guilty of any illegal actions brought to justice.

Allegations surrounding the Watergate affair have so escalated that I feel a further statement from the President is required at this time.

A climate of sensationalism has developed in which even second- or third-hand hearsay charges are headlined as fact and repeated as fact.

Important national security operations which themselves had no connection with Watergate have become entangled in the case.

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted which recent partial disclosures have given—of the nature and purpose of those operations.
memorandum of the options approved. After reconsideration, however, prompted by the opposition of Director Hoover, the agencies were notified 5 days later, on July 28, that the approval had been rescinded. The options initially approved had included resumption of certain intelligence operations which had been suspended in 1966. These in turn had included authorization for surreptitious entry—breaking and entering, in effect—on specified categories of targets in specified situations related to national security.

Because the approval was withdrawn before it had been implemented, the net result was that the plan for expanded intelligence activities never went into effect.

The documents spelling out this 1970 plan are extremely sensitive. They include—and are based upon—assessments of certain foreign intelligence capabilities and procedures, which of course must remain secret. It was this unused plan and related documents that John Dean removed from the White House and placed in a safe deposit box, giving the keys to Judge Sirica. The same plan, still unused, is being headlined today.

Coordination among our intelligence agencies continued to fall short of our national security needs. In July 1970, having earlier discontinued the FBI's liaison with the CIA, Director Hoover ended the FBI's normal liaison with all other agencies except the White House. To help remedy this, an Intelligence Evaluation Committee was created in December 1970. Its members included representatives of the White House, CIA, FBI, NSA, the Departments of Justice, Treasury, and Defense, and the Secret Service.

The Intelligence Evaluation Committee and its staff were instructed to improve coordination among the intelligence community and to prepare evaluations and estimates of domestic intelligence. I understand that its activities are now under investigation. I did not authorize nor do I have any knowledge of any illegal activity by this Committee. If it went beyond its charter and did engage in any illegal activities, it was totally without my knowledge or authority.

Moreover, a majority of the documents published with the first three installments in The Times had not been included in the 47-volume study—raising serious questions about what and how much else might have been taken.

There was every reason to believe this was a security leak of unprecedented proportions.

It created a situation in which the ability of the Government to carry on foreign relations even in the best of circumstances could have been severely compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts—with regard to Vietnam, China, the Middle East, nuclear arms limitations, U.S.—Soviet relations, and others—in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions.

Therefore during the week following the Pentagon Papers publication, I approved the creation of a Special Investigations Unit within the White House—which later came to be known as the “plumbers.” This was a small group at the White House whose principal purpose was to stop security leaks and to investigate other sensitive security matters. I looked to John Ehrlichman for the supervision of this group.

Egil Krogh, Mr. Ehrlichman's assistant, was put in charge. David Young was added to this unit, as were E. Howard Hunt and G. Gordon Liddy.

The unit operated under extremely tight security rules. Its existence and functions were known only to a few persons at the White House. These included Messrs. Haldeman, Ehrlichman, and Dean.

At about the time the unit was created, Daniel Ellsberg was identified as the person who had given the Pentagon Papers to The New York Times. I told Mr. Krogh that as a matter of first priority, the unit should find out all it could about Mr. Ellsberg’s associates and his motives. Because of the extreme gravity of the situation, and not then knowing what additional national secrets Mr. Ellsberg might disclose, I did impress upon Mr. Krogh the vital importance to the national security of his assignment. I did not authorize and had no knowledge of any illegal means to be used to achieve this goal.

However, because of the emphasis I put on the crucial importance of protecting the national security, I can understand how highly motivated individuals could have felt justified in engaging in specific activities that I would have disapproved had they been brought to my attention.

Consequently, as President, I must and do assume responsibility for such actions despite the fact that I at no time approved or had knowledge of them.

I also assigned the unit a number of other investigatory matters, dealing in part with compiling an accurate record of events related to the Vietnam war. Which the Government's records were inadequate (many previous
THE WHITE HOUSE  
WASHINGTON  
April 29, 1974

Dear Judge Gesell:

Re: United States of America  
vs  
John Ehrlichman et al  
CC74-116

I am advised by Special Counsel to the President that the Special Prosecutor has requested of him any information relating to the authority of the defendants in this matter respecting the conduct of investigations relating to national security matters.

My initial instructions authorizing the conduct of investigation in connection with unauthorized disclosures of national security information were given orally in California and there was no recording thereof.

I considered the problem of such disclosures most critical to the national security of the United States and it was my intent, which I believe I conveyed, that the fullest authority of the President under the Constitution and the law should be used if necessary to bring a halt to these disclosures. I considered the successful prosecution of anyone responsible for such unauthorized disclosures a necessary part of bringing to an end this dangerous practice of making such unauthorized disclosures.

I did not have prior knowledge of the break-in of Dr. Fielding's office, nor was I informed of it until March 17, 1973.
I do find that I had a conversation with Assistant Attorney General Henry Petersen on April 19, 1973, which related to the matter. This conversation was recorded and I enclose a transcript of the pertinent portion thereof for your in camera inspection. If you desire to hear the tape itself, arrangements therefor can be made with my counsel.

I am prepared to leave it to your judgment whether or not this material should be shown in camera to the Special Prosecutor and/or counsel for the defendants. Obviously this material should remain classified in the interest of national security and our foreign relations.

Sincerely,

[Signature]

Honorable Gerhard Gesell
U. S. District Court
Constitution Avenue at John Marshall Place
Washington, D. C.
35. On June 23, 1971, Haldeman sent several projects to Strachan for implementation. One of the projects envisaged 24-hour-a-day surveillance of Senator Edward Kennedy. Caulfield and Dean objected to this project because of the risks involved and the project was not implemented. Strachan has testified that Dean told him that physical surveillance of Kennedy was in fact conducted on a periodic basis and that Strachan received reports on Kennedy's activities.

35.1 John Caulfield testimony, SSC Executive Session, March 16, 1974, 84-85.

35.2 Gordon Strachan testimony, SSC Executive Session, July 12, 1973, 59-60.

35.3 John Dean testimony, 3 SSC 922-23.
conducted, or did you ask anyone to make any inquiries into Mr. Greenspun's activities out in Nevada?

Mr. Caulfield. No.

Mr. Lackritz. Okay. I would like to leave that for the time being.

Turning to surveillance of Senators. Did you ever receive any request to place Senator Ted Kennedy under 24-hour surveillance?

Mr. Caulfield. Yes.

Mr. Lackritz. Do you recall when you received that request, and who made it to you?

Mr. Caulfield. Mr. Dean, and I don't recall the exact time frame. I assume it was sometime in 1971.

Mr. Lackritz. And specifically, what was the request?

Mr. Caulfield. The request was to have the Senator, Ted Kennedy, placed under surveillance; and as I recall, he wrote a memorandum which effectively had the matter dropped.

Mr. Lackritz. And this was a request for 24-hour a day surveillance?

Mr. Caulfield. Yes.

Mr. Lackritz. Did Mr. Dean indicate to you where the request came from?

Mr. Caulfield. I don't know whether he indicated, or I assumed that it came from Mr. Haldeman's office.

Mr. Lackritz. I see. And your reaction to the idea, that
it was a silly idea was the reason that the --

Mr. Caulfield. It was made in strong terms to Mr. Dean verbally, and I think it's a matter of record.

Mr. Lackritz. All right. Prior to 1971, had you been asked to conduct any inquiries into any matters concerning Senator Kennedy?

Mr. Caulfield. Yes, in 1969 there was a request to have the facts surrounding Chappaquiddick determined by Mr. Ulasewicz directed by Mr. Ehrlichman through me, to have Mr. Ulasewicz conduct an inquiry surrounding the incident at Chappaquiddick.

Mr. Lackritz. I see. And was this on the occasion of the hiring of Mr. Ulasewicz?

Mr. Caulfield. Yes.

Mr. Lackritz. That was the first investigation Mr. Ulasewicz was asked to conduct?

Mr. Caulfield. That's correct.

Mr. Lackritz. Do you recall how Mr. Ulasewicz was reporting back to you on the progress of the investigation?

Mr. Caulfield. Verbally.

Mr. Lackritz. And were these verbal reports subsequently typed up in memoranda form?

Mr. Caulfield. Only if there was any matter of significance involved, and I don't think there were very many reports.

Mr. Lackritz. Do you recall Mr. Rebozo coming to Washington, D.C. during this investigation of the Chappaquiddick incident?
The United States Senate

Report of Proceedings

Hearing held before

Select Committee on Excessional Campaign Activities

SENATE RESOLUTION 30 -- CHAUNCEY INVESTIGATION

CONFIDENTIAL

Thursday, July 12, 1973

Washington, D.C.

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WARD & PAUL
110 FIFTH STREET, S. E.
WASHINGTON, D. C. 20003

[7838]
Dean was speaking for me and that was implicit.

Mr. Shure. Meaning that he knew that had been done, that he had in fact authorized it to be.

Mr. Strachan. I don't know when he knew, but I had not failed in my duty to him -- it was money that he controlled -- in taking it to LaRue. He didn't say, goddamn that Dean, he had no business here; I never talked to him about it.

Mr. Strachan. No.

Mr. Shure. It was obvious that Haldeman knew what was being done?

Mr. Strachan. I don't kow [sic] if you can conclude that Haldeman knew it was being done.

Mr. Dorsen. He ratified it.

Mr. Strachan. He ratified it and he said you wouldn't have done that unless you thought Dean was speaking for me. That is not me saying, well, gee, I thought Dean was speaking for you. Haldeman said you, Strachan, I know you wouldn't have done it unless you thought that Dean was speaking for me.

Mr. Dorsen. Let's go on to the other point you raised just now, concerning the surveillance of Senator Kennedy.

Please state what your knowledge of that is.

Mr. Strachan. The dates -- this one I am almost positive about -- on June 23, 1971, I received about six or seven project assignments from Mr. Haldeman which I kept in a file called "June 23 Requests." One of the requests was to contact
Dean and make arrangements for 24-hour surveillance of Senator Kennedy. I went to see Dean or called him and told him that was the directive. We had discussions back and forth on it. At one point he told me, well, we're not doing it 24 hours; we're doing it just periodically. And we would, in fact, receive reports prepared by the individual who was presumably reporting on Senator Kennedy's activities.

Mr. Dorsen. Well, then, we will move on to another item now.

Senator Weicker. Anybody else fall in that category? In other words, aside from Senator Kennedy, was there any other political figure that received what I would call intensive, in other words, treatment on this rather exceptional, rather large order? I am not talking the normal stuff; I'm talking about anybody else ---

Mr. Strachan. No. As you undoubtedly discovered or know, an incredible interest in Kennedy the whole time I was there, constant. I don't care what Kennedy said about what his candidacy was or not going to be, Kennedy was run in all of the polls as a potential candidate.

Senator Weicker. But there is no other candidate that you know of a request similar to that?

Mr. Strachan. No.

Mr. Bray. There was one suggestion to transfer intelligence capability from Senator Muskie.
Dean was speaking for me and that was implicit.

Mr. Shure. Meaning that he knew that had been done, that he had in fact authorized it to be.

Mr. Strachan. I don't know when he knew, but I had not failed in my duty to him -- it was money that he controlled -- in taking it to LaRue. He didn't say, goddamn that Dean, he had no business here; I never talked to him about it.

Mr. Strachan. No.

Mr. Shure. It was obvious that Haldeman knew what was being done?

Mr. Strachan. I don't know if you can conclude that Haldeman knew it was being done.

Mr. Dorsen. He ratified it.

Mr. Strachan. He ratified it and he said you wouldn't have done that unless you thought Dean was speaking for me. That is not me saying, well, gee, I thought Dean was speaking for you. Haldeman said you, Strachan, I know you wouldn't have done it unless you thought that Dean was speaking for me.

Mr. Dorsen. Let's go on to the other point you raised just now, concerning the surveillance of Senator Kennedy.

Please state what your knowledge of that is.

Mr. Strachan. The dates -- this one I am almost positive.

I recall a June 23, 1971. I received about six or seven tapes, including one that I had in a desk drawer since June 2, 1971. One of the sequences was in a m...
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SENATE RESOLUTION 60

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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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[7844]
Mr. Dean. Mr. Malek was to take charge and Mr. Haldeman was to be brought in as the “Lord High Executioner” when a leak was uncovered. The committee will note from the documents I have submitted, this project was to complement and not compete with the plumbers. To the best of my knowledge this project never uncovered the source of a single leak.

I shall turn now, pursuant to the committee’s request of me, from leaks to the matter of political intelligence, with the hope that my voice will hold up through this entire statement.

**Interest in Political Intelligence**

The pre-relection White House thrived on political gossip and political intelligence. I knew of the type of information they sought even before I joined the White House staff. During the summer of 1969, while I was working at the Justice Department, the then Deputy Attorney General, Richard Kleindienst, called me into his office and told me that the White House wanted some very important information. Mr. Kleindienst instructed me to call Mr. DeLoach, then Deputy Director of the FBI, and obtain from him information regarding the foreign travels of Mary Jo Kopechne. I was told that Mr. DeLoach would be expecting a call from me and once I had the information in hand, I was to give it to Jack Caulfield at the White House.

This incident stuck in my mind because of the rather sensitive nature of the information being obtained from the FBI and the fact that I was made the courier of the information.

To this day I can only speculate that I was asked to convey the information so that others could deny they had done so should the matter become known.

It was not until I joined the White House staff and Caulfield was placed on my staff that I learned that Caulfield was assigned to develop political intelligence on Senator Edward Kennedy.

Mr. Caulfield told me that within some 6 hours of the accident at Chappaquiddick on July 18, 1969, he had a friend named Tony on the scene, who remained on the scene conducting a private investigation of the matter and reporting pertinent information back to him. It was not until this spring that I knew or could remember Tony’s full name—Anthony Ulasewicz. Caulfield told me that Mr. Ulasewicz posed as a newspaper reporter, and always asked the most embarrassing questions at any press gathering related to the Chappaquiddick incident. Caulfield also informed me that his instructions were to continue surveillance of Senator Kennedy and that he was doing so on a selected basis. I was told by Caulfield that although he had been assigned to my staff that he would continue to perform various intelligence gathering functions assigned to him by Mr. Ehrlichman or Mr. Haldeman.

I recall only once becoming involved in Mr. Caulfield’s activities relating to Senator Kennedy. That occurred in the fall of 1971 when I received a call from Larry Higby, who later—and I can say later these talks were followed up with Mr. Strachan, who told me that

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*See p. 1111.
Haldeman wanted 24-hour surveillance of Senator Kennedy and regular reports on his activities. I passed this on to Caulfield and we discussed it. He told me that he thought that this was most unwise because it would require several men and also could uncover his activities in that Senator Kennedy was bound to realize he was under surveillance and given the fact that it could easily be misinterpreted as someone who was planning an attack on his life, and the police or the FBI might be called in to investigate. I agreed fully with Caulfield. After some initial resistance, I convinced Higby that it was a bad idea to have a day-in-and-day-out surveillance and it was called off. Instead, Caulfield was to keep a general overview of Senator Kennedy's activities and pursue specific investigations of activities that might be of interest.

Caulfield seldom informed me of his findings, but occasionally he would bring matters to my attention. For example, Caulfield was instructed to investigate Senator Kennedy's visit to Honolulu in August 1971. I have submitted to the committee a copy of his report, which he passed on for me to see, along with several followup memorandums relating to the visit.

[The document referred to was marked exhibit No. 34-4.]

Mr. Dean. Political intelligence often came from unexpected sources. For example, during this last spring of 1972, a top man at the Secret Service brought me information regarding Senator McGovern. I asked Mr. Colson if he were interested. He was very interested and had the information published.

The persons on the White House staff who were most interested in political intelligence were Ehrlichman, Haldeman, and Colson. As the reelection campaign drew closer, I would have to say that it was principally Colson and sometimes Haldeman who sought information from my office that had political implication to it. While I have been unable to make a complete review of my office files to document the many types of inquiries, I do have some documents that evidence a fair sampling of the type of requests that were frequently made of me and how they were handled by my office. The documents are extremely sensitive and could be injurious to innocent people whose names are mentioned in them. Accordingly, I have submitted them for the committee's use, and I am prepared to answer any questions the committee may have regarding these documents.

[The documents referred to were marked exhibit No. 34-5 for identification only and are not for publication.]

Mr. Dean. In addition to the rather wide ranging types of inquiries evidenced by the documents I have just referred to, and in addition to the extensive efforts to obtain politically embarrassing information on Senator Kennedy, there were also frequent efforts to obtain politically embarrassing information on Mr. Lawrence O'Brien, the Democratic National Committee chairman, Senator Muskie, and Senator McGovern. While the involvement of my office in seeking such information was peripheral. I have submitted to the committee records and documents which show the efforts of the White House to politically embarrass those individuals.

[The documents referred to were marked exhibits Nos. 34-6, 34-7, and 34-8 for identification only and are not for publication.]

*See p. 1117.