By memorandum dated August 11, 1971, Young contacted the State Department to enable Hunt to review and obtain copies of State Department cable files covering Vietnam during 1963. At an earlier date shortly after Hunt was employed at the White House, Hunt and Colson had talked to Colonel Lucien Conein, a retired CIA employee formerly stationed in Vietnam who was familiar with the events leading up to the overthrow and death of South Vietnamese President Diem in 1963. Hunt has testified that on the basis of material in the State Department files and apparent omissions from the files he concluded that there was reason to believe that the Kennedy Administration had been implicitly responsible for the assassination of Diem and his brother. Hunt fabricated cables designed to implicate the Kennedy Administration in the deaths. Hunt then took steps to have the cables publicized. Hunt has testified that he was acting under the instructions of Colson. Colson has denied this. The copies of the State Department cables and the forged cables were taken from Hunt's safe in June 1972 and delivered to L. Patrick Gray, who later destroyed them.

62.1 Memorandum from Egil Krogh and David Young to William Macomber, August 11, 1971 (received from White House).

62.2 Telephone transcript of Conein, Hunt and "F.C." (Colson), July 9, 1971, SSC Exhibit No. 149, 9 SSC 3881-85.

62.3 Memorandum from Howard Osborn to Inspector General, February 5, 1974 (received from CIA).
62.4 E. Howard Hunt testimony, 9 SSC 3667-70, 3672-73, 3732-33, 3771-72.


62.6 Memorandum from Charles Colson to Egil Krogh, July 30, 1971 and memorandum from E. Howard Hunt to Charles Colson, July 27, 1971 (received from White House).

62.7 Memorandum from E. Howard Hunt to Charles Colson, August 2, 1971 (received from White House).

62.8 Memorandum from Egil Krogh and David Young to John Ehrlichman, September 20, 1971 (received from White House).

62.9 Memorandum from Charles Colson to John Ehrlichman, September 24, 1971 (received from White House).

62.10 William Lambert interview, SSC, August 7, 1973, 1, 3-7 (received from SSC).

62.11 L. Patrick Gray testimony, 9 SSC 3467-70.
MEMORANDUM FOR: WILLIAM B. MACOMBER, JR.,
DEPUTY UNDER SECRETARY OF STATE
FOR ADMINISTRATION

FROM: EGIL KROGH, JR. AND DAVID YOUNG

SUBJECT: PENTAGON PAPERS PROJECT

August 11, 1971

In view of the interest here in the various developments, investigations, reviews, etc. in the aftermath of the publication of the Pentagon Papers, it is requested that copies of the following described items be provided to us. If the particular item is not immediately available, we will need a status report.

1. A list of all State personnel who participated in or who had knowledge of the McNamara Study.

2. Transcripts of the interviews with each of the individuals named in the list under Item (1). (These interviews we assume are being conducted under the guidance of and in coordination with the investigators working under Mr. Mardian at Justice and Mr. Buzhardt at Defense. We also assume they will cover all available information on Ellsberg’s interests and contacts within the State Department.)

3. A copy of the detailed State damage assessment as a result of the publication of the McNamara Study.

4. A report identifying all files in the Chau case and copies thereof. (These should include two or three memoranda on the Chau case prepared by Charles Cooke for Elliot Richardson. In addition, all papers made available to and reviewed by Ellsberg should so indicate.)

5. Copies of all cables between the State Department or the White House and the American Embassy in Saigon for the period April through November, 1963.
We have been informed that the State Department at present has no written guidelines or rules to be followed by employees in contacts with the press. If this is incorrect, would you please give us a copy of whatever materials are available.

It is our understanding that the Internal Security Division of the Justice Department is also interested in receiving copies of the above listed items.

bcc: John D. Ehrlichman
CONFIDENTIAL

August 11, 1971

MEMORANDUM FOR: WILLIAM B. MACOMBER, JR., DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION

FROM: EGIL KROGH, JR. AND DAVID YOUNG

SUBJECT: PENTAGON PAPERS PROJECT 002587

In view of the interest here in the various developments, investigations, reviews, etc. in the aftermath of the publication of the Pentagon Papers, it is requested that copies of the following described items be provided to us. If the particular item is not immediately available, we will need a status report.

(1) A list of all State personnel who participated in or who had knowledge of the McNamara Study.

(2) Transcripts of the interviews with each of the individuals named in the list under Item (1). (These interviews we assume are being conducted under the guidance of and in coordination with the investigators working under Mr. Mardian at Justice and Mr. Ruzhardt at Defense. We also assume they will cover all available information on Ellsberg's interests and contacts within the State Department.)

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It is our understanding that the Internal Security Division of the Justice Department is also interested in receiving copies of the above listed items.

bcc: John D. Ehrlichman
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

Book 9

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

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Note.—Figures in parentheses indicate page that exhibit was officially made part of the record.
Conversation with Lucien Conein, July 9, 1971

H. Hello there.
C. Hi, who's this?
H. The reason I'm not identifying myself is because although the phone at this end is secure, I don't know about yours. We had a little drinking yesterday.
C. Oh, fine.
H. I hope you got more dinner than I did.
C. Oh, I got a beautiful dinner. Why, didn't you get any?
H. Well, no, I got out here kind of late and by then...
C. Well, you didn't get out any later than 8:30?
H. It was between the cocktail hour and the general evening activities down in Georgetown, and I ended up with a ham sandwich and a scowl from my wife.
C. Oh, and she blamed it all on me, I suppose.
H. Well, hardly; she blamed it all on good times and the fact that we used to go jumping together. No, I was seriously concerned about the hour because I felt I kept you overtime and I know that you had guests waiting and all that. Well, listen, I've been going over some of my notes. Can I take about 5 minutes of your time?
C. Sure, go ahead.
H. And I have a colleague of mine here whose name is Fred Charles. He's on the other line, he's in security, and we're interested in a couple of things. And let me just... say hello, Fred.
FC. Hi, how are you? Sorry I wasn't with you yesterday.
C. Well, I'll tell you what, I didn't know that our dear President served Cutty Sark.
H. Well, these things happen, you know and it's all for the best. Well, look, during the period we were discussing yesterday, did you come back to Washington at all in that period.
C. I didn't take home leave. I came back for a conference around the 9th or 10th of January of 1964 at which time I met with different officials of the United States Government including Governor Harriman, Forrestal, Hillsman, Kattenberg, Krulak, some people over in the Department of Defense and...
H. Mac Bundy?
C. McGeorge Bundy, yes, and I had quite a session with McGeorge Bundy [sic] which lasted about 2 or 3 hours.
H. Oh, really, that must have been pretty interesting.
C. Yes, it was. I found him a very interesting guy to talk to. You know, we were talking about the thing and.
H. Oh, sure, he's a helluva bright guy. A lot brighter than Bill, I think we agreed.
C. Oh, there's no comparison between the two. And then I left around the 25th and arrived in Saigon the day after Nuyen Can [sic] had pulled his coup.
H. Uh, huh.
C. And I did not return to the U.S. until I was relieved by Ambassador Taylor on September the 12th of 1964.
H. You've got a helluva memory, man, you know that?
C. Yeah, because every time that I can remember things there was a coup on, an attempt, on the 13th of that month.
H. It has nothing to do with astrological signs and concatenations. Well, when you were back for that long session, you posed an interesting thought yesterday on something that sounded entirely logical to me. I'd never heard it before, and it had to do with your thoughts that the Catholicism of the then President was a factor.
C. Yes, well this was a thing that I just myself thought that was the factor which was why they were so pressured, should I say. There was so much interest voiced in keeping track of what was going on among the different coup groups. And it was obvious that if there wasn’t a change made, nobody ever told me this, this is my...

H. You never heard any echoes of this from anybody like Bundy or anybody...

C. No, I never heard any echoes of that from Governor Harriman or from...

and I also saw Sullivan and I saw Leonard Unger, I talked to a lot of people.

H. Well, you also mentioned this curious figure Vann, and I noticed from my notes I’ve got this involvement with this girl Germane. There are two restaurant owners, two Corsican restaurant owners involved. Right? One is named Nicolai and the other...

C. The owner. His manager is the lover of the Germane girl who was tied up with Ellsberg, and this is how John Paul Vann got into all this because Dan Ellsberg and John Paul Vann were great buddies, you know, in the beginning, and they were all during the time we were out there.

H. Well, how the hell could a man like Vann who’d quit the Army as a matter of principle, I mean could he be hired back on by USAID for a sensitive position.

C. Oh, this I don’t know. This, my friend...

H. Doesn’t that astonish you?

C. Oh, yeah, especially in a high position that he went into. I can understand a guy like Bill Colby who’s a professional man in his own right to be put into a high position. You see, at the time David Halberstam wrote a terrific article on John Paul Vann when he quit the Army, you know, he was telling everybody they didn’t know how to fight the war, that sort of thing. But, I mean it’s public knowledge of what he did, and then all of a sudden he appears as a very important civilian.

H. That wouldn’t have happened under this Administration, though.

C. No, sir.

H. That would have been in the Johnson era?

C. That’s right, sir.

H. I’ll be darned. Well, I’m getting very curious about that guy and what his connections with Ellsberg would have been. I mean other than that they, I gather, kind of did the town together and...

C. ... and so forth. But they have known each other, or had known each other before. Vann was becoming a controversial figure because Vann was an adviser to one of the military units over there and made a great big splash, you know, on criticizing the Vietnamese Army, and became quite a controversial figure in the military circles. And he quit the military.

H. He was a military career man, more or less?

C. Yeah, then he quit the military and then he was hired, sent out and he became, when CORDS, now this was under Rober Kommer, he came out as the original CORDS. At first they called it OKLE, that was in 1966. I believe, late ’65 or early ’66. That’s when it was, late ’65, October or November of 1966, that John Paul Vann was assigned to the Third Corps or the Third Region which is based in Bienhoen, and it was during, prior to this moment, before he was assigned, that he and Ellsberg became, you know, they knew each other and became very close friends. Then after this they still kept up their friendship, and of course it continued until the days of 1968 that Ellsberg left, and now, John Paul Vann transferred about a year ago, year and a half, he transferred from the Third Corps to the Fourth Corps and he has just recently transferred from head civilian coordinator from the Fourth Corps and he is now with the infamous General Xho Dzu, the one that was in the newspapers for participating in drug traffic...

H. You gave me his name yesterday, but I didn’t realize he was the one involved in drug traffic.

C. Yeah, he was denounced in Congress and in something that went on with Attorney General Mitchell yesterday.

H.’ Do you think that Ellsberg or Vann had any connections with the drug trafficking?

C. No, I wouldn’t swear to it, but I would be positive that, one of the things I will say about John Paul Vann, is that he is, you might call him like the rest of us on morals—we slip there once in awhile, we might have a few too
It's interesting to me because Ellsberg and Vann were involved with the Corsican, Nicolai, he used opium or smuggled it from Cambodia, so there are two connections . . .

C. He (Nicolai) was an opium addict, too, in addition to that.

H. How about Germaine, was she by any chance an opium addict?

C. This I don't know. I never knew Germaine that way.

H. I'm surprised you didn't.

C. Now, my friend, World War II is over with, I was 25 or 26 years old then!

H. I don't know about that. We're just mere boys as far as I'm concerned.

C. Oh, yeah, sometimes I think I'm a mere boy and then I wake up the next morning I realize that the ages are catching up on me.

H. Well, you don't want to be discouraged because I think there are big times ahead for everybody. I have another question, now. When you were back here—and also in your very intimate dealings with Lodge—did you have any occasion to see any of the cables that passed between them?

C. No, the only cables that I would ever see would be the ones that would be passing between Mr. Bundy, you know, and which pertained to my instructions. Sometimes—at one time, I remember one very important cable that came out, gave me an operation course by numbers, by cable, you know, how I should conduct myself, counter-surveillance, and you know, one of these things. But what the Ambassador wrote, or what was written back to him, except as it pertained to me, as it pertained to my instructions from the Ambassador, he would sometimes read it off to me and sometimes he would say, hey read this. But, he never handed me a cable to take anywhere, so despite what it says in the newspapers, just never happened.

C. These were coming from Harriman?

H. Through a State channel or through yours (CIA)?

C. Well, most of the traffic that was coming through State, came through State, was from . . .

H. Bundy traffic came through State.

C. But there was some traffic that would come to Lodge that would come through our channels. Now when it came through our channels it was actually on account of the sensitive thing of it. It was very limited distribution. I mean it was the ambassador, and the deputy . . .

H. Using the special (CIA) channels?

C. Yeah, using that special channel. That was very limited and I'm sure, well I know I've seen some of the cables, but I was never in a position, you know, where I had complete access to all. . . .

H. Well, you wouldn't have needed it actually for your function.

C. No, the only thing I was told was what pertained to me.

H. Well, that would relate to the time the coup took place, the Diem coup?

C. Right. Prior to it, this is what happened. There was a lot of traffic, most of the traffic that was going on since the 8th of May 1963, July of 1963, and also early August of 1963, now a lot of that traffic was put together through the CAS channels. And this was sent through CAS and I don't know how it was distributed, that never entered . . . The only function I ever had to do with traffic, would be that part that I would add, you know, because there would be weekly Sitrep and I would have a part to add into that. The other thing that I would participate in would be when we had to get an overall view of political, economic, and military situations in a wrap-up, and I would have parts of it to contribute into that. The other cable traffic . . .

H. Well, you know how it's handled.

C. Oh, sure, you don't see anything unless it's your business.

H. That's right, yeah.

C. Except that you had this unusual relationship with Lodge where he'd be showing you cables and chatting back and forth.

H. We started chatting quite a lot in the latter part of August after he arrived. I met him the day after he arrived and then it dropped off in September, and then toward the latter part of September 1963, things started getting hot again, and then right—and I can't remember the dates—but I'd say about the first ten days of October, was when we started receiving some very heavy
instructions to the Ambassador which was relayed to me to carry out in the
Ambassador's name.

II. This was conveyed to you verbally?
C. Sometimes it was and sometimes he'd show me a paragraph, sometimes he'd
hand me the cable, you know, it all depended. For example, when the cables
came in by the numbers on how I should conduct myself, he handed me the
whole thing because it was all about it. But if it was a paragraph, he'd fold
it and he'd show me just that paragraph.

FC. Do you know who the instructions came from?
C. I don't know who they came from.
H. Well, wouldn't they normally have originated up in Harriman's office?
C. They would usually originate from Harriman's office, I know that. Some
came in from Hilsman, that I do know.

H. How could you differentiate those?
C. Well, the way to differentiate was because at one time we had a big contro-
versy that happened on a weekend. There was one set of orders that came
out through Hilsman and another contrary set came out through DOD chan-
nels, and this clashed. You see. And if I remember properly the reason, then
I was taken to MACV at 7:00 one morning to see the cable that came in from
Maxwell Taylor who at this time was Military Advisor which gave contrary
instructions.

H. Which were presumably Bobby Kennedy's instructions.
C. And they were contrary to those. And that day I was supposed to meet
Big Minh.

H. And this was having to do with the coup itself?
C. Yes, sir. And this created quite a flap.

H. So that Max Taylor was saying one thing, and State was saying something
else? And you characterized Max Taylor as being Bobby's spokesman . . . ?
C. This is what I assumed, because of their relationship and also that it sort
of had more caution in it, you know.

H. Max was in an uncomfortable position then anyway. He was going against
his own military classmates, his Korea pals, like Harkins. (skipped or missed
part of the conversation.)

FC. Are the media still harassing you?
C. Oh, Yes.

FC. Are they bothering you a little still?
C. Well, yes.
H. Since you and I talked yesterday?
C. Oh, yeah. Well, I've had two calls, I've had a call from the New York Times
and also a call from Newsweek.

FC. They're damned. They're going to publish a story on Lansdale and me in Newsweek, and the
New York Times wants to do a magazine section on who is this guy Conein
anyhow . . . this kind of thing.
H. Well, where are they going to dredge up the material?
C. I don't know.

H. You're pretty famous, you know. Guys like to learn all about you. But David
Halberstam is still around the Eastern Seaboard, he could have an input
couldn't he? Well, you can bet it's not going to be a very flattering piece,
Lou.
C. I'm betting on a lot of things. Well, I don't know about what Newsweek is
printing. I think they're printing up the '54-'56 period.
H. You planted a thought with me yesterday that I've been turning over in my
mind. Let me ask you this: You and I are both retired, but you have a double
retirement, right? Supposing you were to go on, let's say a consultant status,
how would that effect your retirement benefits?
C. I don't know, I don't know, I really don't know. The thing is, the problem
that I stated yesterday is not a question of things, it's a question of having
the proper objectives.

H. Oh, sure, sure, sure, I understand that. But you know, you said you were
looking around for something to do in the next 6 months or so until things
cleared up. Well . . .
C. That's for the . . . like I said I'm seeing Larry Houston the first of next week,
and that's one of the things I'm going to bring up to him.
H. Well, that's a good idea. Larry is a very, very square and decent guy, you
know, I don't know how much you've dealt with him. I've dealt . . .
C. I have never dealt with him.
H. Well, even before I met you, he and I had offices across the corridor from each other in General Donovan's old office. So that goes back quite a long time.
C. It sure does.
H. Lou, I'm very much obliged to you, I don't have anything else to put in, and I thank you so much for the clarification.
C. O.K.
H. And if anything comes up, if you have any harassment, trouble, things trouble you, please give me a call.
C. O.K. Will do.
H. All right, fine. Thank you so much.
C. Bye.
Received April 10, 1974
Titled "2nd Volume 1, CIA"

Volume I
CIA Materials Furnished to the Special Counsel,
Committee on the Judiciary, House of
Representatives
MEMORANDUM FOR:  Inspector General
ATTENTION : Mr. I
SUBJECT : General Cushman's Call
Re Howard Hunt

1. This is in confirmation with our conversation this date regarding a telephone call I received from General Cushman regarding the appointment of Mr. Howard Hunt as a Security Consultant to the White House.

2. I recall the fact of this conversation very clearly and have mentioned this on numerous occasions over the past two years to a variety of people in connection with the "Watergate affair" and Mr. Hunt's involvement in it. I have never been able to recall the date of this conversation until talking to you and learning from a transcript of Miss 2 notes that it occurred on 7 July 1971.

3. I do recall that General Cushman called me on the telephone with this information and that my reaction to the news was one of wonderment that Mr. Hunt had been appointed a Security Consultant to the White House since, to my knowledge, he knew nothing of security. I believe but could not definitely state that General Cushman mentioned Mr. Ehrlichman's name in this conversation. On that same day or the next, I informed Mr. 3 , then the Deputy Director for Support, of this fact and my views concerning the appointment and he, in turn, informed me that he knew this--that it had been announced by General Cushman at a morning meeting.
4. A few days later, Mr. Hunt called me on the telephone and asked for the telephone number and address of Mr. Lucien Conein, a former Agency employee. I gave him the information he requested and he never contacted me at any time for any purpose after that.

4

Director of Security

020150
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973
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Washington, D.C. 20402 - Price $3
Mr. Dash. I didn't hear your answer.
Mr. Hunt. There were overt materials.
Mr. Dash. What do you mean by overt materials?
Mr. Hunt. Materials published in the press. To be more responsive,
Mr. Dash, I have a feeling I have left something hanging here which
I don't want to do.
The same unit, the special investigations unit that was receiving infor-
mation on a frequent basis from the Federal Bureau of Investiga-
tion, was also receiving reports from other Government agencies such
as the Department of Defense, the Department of State, National
Security Agency, the Immigration and Naturalization Service, and so
on. So that as part of my reply to your question, I would include those
Government agencies as sources of information on Dr. Ellsberg.
Mr. Dash. Now, do you recall Mr. Colson asking you to interview
Col. Lucien Conein?
Mr. Hunt. I do.
Mr. Dash. Who is Lucien Conein, or who was he at the time you
interviewed him?
Mr. Hunt. At the time I interviewed Colonel Conein, he had just
returned from the Army, I believe, and was in the process of retiring
from the CIA, or had retired therefrom. He and I had trained together
in the Office of Strategic Services for service in the Far East. In fact,
we had shipped out to China together and worked in China together
during World War II. I had seen him infrequently during the inter-
vening years, but we had maintained a friendly relationship.
Mr. Dash. Do you recall when the initial interview with Colonel
Conein took place?
Mr. Hunt. It was on or about July 8, 1971.
Mr. Sachs. Excuse me, Mr. Dash, could we confer for just a moment?
Mr. Dash. Yes.
Mr. Sachs. Mr. Chairman, is it possible that the photographers who
are right here, just a few feet from us and clicking their cameras, could
be asked to remove themselves to some more distant place so that
there would be less distraction to Mr. Hunt? There are, as you can see,
Your Honor, maybe a dozen people here who are doing their jobs,
undoubtedly, but it is a little distracting.
Senator Ervin. Mr. Hunt, do they distract you?
Mr. Hunt. They do, Mr. Chairman.
Senator Ervin. I will have to ask the photographers to sort of get
over to the side somewhere where they won't distract Mr. Hunt.
[Laughter.]
As far as this committee is concerned, we have to receive Mr. Hunt's
testimony.
Mr. Hunt. Thank you, Mr. Chairman, and I apologize to the pho-
tographers involved.
Mr. Dash. All right now, Mr. Hunt, are you ready to proceed?
Mr. Hunt. Yes, sir.
Mr. Dash. Will you just briefly describe what occurred. Did you
initially interview Colonel Conein?
Mr. Hunt. I did.
Mr. Dash. Did you follow that interview by a telephone conversa-
tion with Colonel Conein?
Mr. Hunt. On the following day.

Mr. Dash. What were the circumstances that led you to make a telephone call after the interview?

Mr. Hunt. During my initial interview with Colonel Conein on July 8, it developed that a portion of the tape recording of that conversation was inaudible. Accordingly Mr. Colson suggested that I telephone him and attempt to reconstruct the inaudible portion of the telephone of the recorded conversation of the prior day.

Mr. Colson, at the same time, was on another extension, introduced himself to Colonel Conein as “Fred Charles” and took a minor part in the conversation that ensued between Colonel Conein and myself.

Mr. Dash. Do you have any explanation as to why Mr.——

Mr. Hunt. Excuse me.

Mr. Sachs. Mr. Chairman, I am sorry.

Senator Ervin, I am going to have to ask the photographers to get somewhere where Mr. Hunt cannot see them.

I am going to have to ask them to desist, I hate to do that but I want the witness not to have his attention distracted.

Mr. Dash. Can you explain to the committee, Mr. Hunt, why Mr. Colson wanted to be a part of that conversation and why he chose the pseudonym “Fred Charles.”

Mr. Hunt. Well, you have asked me two questions, Mr. Dash.

Mr. Dash. I want you to answer the first one, why did he want to be a part of that conversation?

Mr. Hunt. He wanted to be a part of the conversation so that he could interpose himself to ask a specific question, whatever specific questions might occur to him as relevant to the subject of our conversation and our prior interview, and in effect to hear for himself at first-hand Colonel Conein’s reply.

Mr. Dash. Why did he use the name Fred Charles?

Mr. Hunt. To avoid being connected in Colonel Conein’s mind with the White House.

Mr. Dash. Do you know what the purpose of Mr. Colson’s asking you to interview Colonel Conein was?

Mr. Hunt. Yes.

Mr. Dash. Could you explain that?

Mr. Hunt. I would have to go back a number of years and make it a matter of record that Colonel Conein had worked for the CIA in Vietnam, I would say almost uninterruptedly since 1954. Colonel Conein had a high degree of intimacy with some senior officials of the several governments that had held power in South Vietnam. He was also a military officer, he spoke French, he spoke Vietnamese to some extent, he was intimately familiar, too, and I believe this gets to the crux of your question, with the events leading up to the coup that resulted ultimately in the deaths of Premier Diem and also brother-in-law.

Mr. Dash. Was the interview supposed to be directed toward that coup and the underlying causes of that coup?

Mr. Hunt. It was.

Mr. Dash. Which led to the assassination of Premier Diem.

Mr. Hunt. It was.
Mr. Dash. Do you have, Mr. Hunt, a copy, a transcript of that telephone conversation, I think which the committee has provided you during the executive session?
Mr. Hunt. Yes.
Mr. Dash. Now, would it be also fair to say that one of the purposes of the conversation was to get information from Colonel Conein which might be derogatory against Dr. Ellsberg?
Mr. Hunt. One of the purposes; yes, sir.
Mr. Dash. Would you turn to page 4. Do you see that in the third paragraph from the top of page 4 referring to H, which I take it to be yours, Mr. Hunt, you say, after a reference to a Mr. Vann, that I am getting very curious about that guy and what his connections with Ellsberg would have been, and then at the bottom of page 4 you have FC and I take it that is Fred Charles; is that correct?
Mr. Hunt. Yes, sir.
Mr. Dash. And that was Mr. Colson?
Mr. Hunt. Yes, sir.
Mr. Dash. And also question—
Mr. Hunt. For the record it was Mr. Colson who recorded the telephone call, not myself.
Mr. Dash. Yes, your statement for the record is that the call was recorded by Mr. Colson.
Mr. Hunt. Yes, sir.
Mr. Dash. And Fred Charles, being Mr. Colson, states: "Do you think that Ellsberg or Vann had any connections with the drug trafficking?" Would it be fair to say there was at least a query being made in an attempt to connect Mr. Ellsberg with drug trafficking?
Mr. Hunt. Yes, sir.
Mr. Dash. Will you turn to page 6, where the transcript indicates that you were asking questions of Colonel Conein concerning certain State Department cables. Could you instruct the committee as to what the purpose of your request of Colonel Conein was leading to?
Mr. Hunt. I would never attempt to instruct the committee, Mr. Dash, I would attempt to inform.
Mr. Dash. Would you assist the committee, inform them?
Mr. Hunt. Yes, sir. Mr. Colson and I were jointly interested in the circumstances that led up to the assassination of the President and, I believe, the premier of South Vietnam. We felt that somewhere there should be an instructive record of exchanges between Washington and Saigon. We knew also that there were several channels that could have been utilized.
In addition to the normal State Department communications with its Embassy, there was the normal CIA communication channel with its station in Saigon. There were also so-called back channel communications facilities for both organizations, there were communication cable facilities—
Mr. Dash. Mr. Hunt, what I really was directing your attention to, and perhaps this question might make it clearer: Was there an effort on the part of your questioning of Colonel Conein to attempt to get some indication from him as to whether or not the Kennedy administration was related in any way to the coup?
Senator Gurney. Mr. Chairman, may I inquire what this line of questioning has to do with the Presidential campaign of 1972? It is very interesting but I don't think it lies within the purview of the committee.

Mr. Dash. Senator Gurney, I think the following questions will indicate the line of questioning which——

Senator Gurney. Will counsel simply state to the committee what he has in mind?

Mr. Dash. Yes.

I think Mr. Hunt will answer a few questions that will follow the questions that I am now asking, which will show an effort by Mr. Colson to try to discredit the Kennedy administration and therefore the Democratic Party during the election and relating it to the assassination of Premier Diem and for that purpose attempting to bring the Catholic vote away from the Democratic Party, and to show that a Democratic President had a role in the assassination of a Catholic premier.

Senator Gurney. I thought this had to do with national security leaks that occurred way back in July 1971, this conversation. I can't see how that can possibly relate to the Presidential campaign of 1972.

Mr. Dash. Well, the effort, and I think Mr. Hunt has already responded to a question put by me to him that the purpose was to get derogatory information and leak it to the press during the Presidential campaign and I think if I am allowed to follow up with some questions I can show the connection.

Senator Baker. Mr. Chairman.

Senator Ervin. Yes.

Senator Baker. Mr. Chairman, much of the information being covered by Mr. Dash and the point made by Mr. Gurney are involved in I believe the legal concept of whether or not the questions themselves should state a conclusion or whether they should elicit facts from which the committee may draw conclusions. In order to get the thing in some sort of order, I would suggest if there is no objection, and I ask unanimous consent that the transcript of the telephone conversation in its entirety may be entered in the record at this time.

Mr. Dash. I intended to do that.

Senator Baker. Is there any objection?

Senator Ervin. Let the record show that the transcript of the entire telephone conversation is hereby made part of the record and marked appropriately as an exhibit.

[The document referred to was marked exhibit No. 149.*]

Senator Baker. Mr. Chairman, rather than pursue the matter any further might I simply suggest that the counsel to the committee attempt to establish the factual situation and, if need be, state and thereby inform the committee what those questions are intended to serve without trying to build a statement of conclusion on the basis of each question. That after all is the factfinding mission of the committee. I don't want to hornswoggle us by making strict rules of evidence but I do think we will get along faster if we could establish the facts and deal with the conclusions a little later.

*See p. 3831.
At this early time of your employment at the White House, Mr. Hunt, did you have access to State Department cables covering the period of the Diem assassination?

Mr. Hunt. I did.

Mr. Dash. Why did you have access to them?

Mr. Hunt. Because I had requested such access and it had been granted me.

Mr. Dash. Now, in the review of these cables, did you notice any irregularity of sequence?

Mr. Hunt. I did.

Mr. Dash. In what period did the gap in sequence occur?

Mr. Hunt. The period immediately leading up to the assassination of the Premier of South Vietnam.

Mr. Dash. Did you show the cables to Mr. Colson and offer an interpretation of them?

Mr. Hunt. I showed him copies of those chronological cables, yes.

Mr. Dash. And what interpretation, if any, did you give him concerning the cables?

Mr. Hunt. I told him that the construction I placed upon the absence of certain cables was that they had been abstracted from the files maintained by the Department of State in chronological fashion and that while there was every reason to believe, on the basis of an accumulated evidence of the cable documentation, that the Kennedy administration was implicitly, if not explicitly, responsible for the assassination of Diem and his brother-in-law, that there was no hard evidence such as a cable emanating from the White House or a reply coming from Saigon, the Saigon Embassy.

Mr. Dash. What was Mr. Colson’s reaction to your statement and the showing of the cable to him? Did he agree that the cables were sufficient evidence to show any relationship between the Kennedy administration and the assassination of Diem?

Mr. Hunt. He did.

Mr. Dash. Did he ask you to do anything?

Mr. Hunt. He suggested that I might be able to improve upon the record. To create, to fabricate cables that could substitute for the missing chronological cables.

Mr. Dash. Did you in fact fabricate cables for the purpose of indicating the relationship of the Kennedy administration and the assassination of Diem?

Mr. Hunt. I did.

Mr. Dash. Did you show these fabricated cables to Mr. Colson?

Mr. Hunt. I did.

Mr. Dash. What was his response to the fabricated cables?

Mr. Hunt. He indicated to me that he would be probably getting in touch with a member of the media, of the press, to whom he would show the cables.

Mr. Dash. And were you in fact put in touch with a member of the media?

Mr. Hunt. I was.

Mr. Dash. Who was that?

Mr. Hunt. Mr. William Lambert of Life magazine.
Mr. Dash. What was your instruction concerning the relationship you were to have with Mr. Lambert?

Mr. Hunt. To show Mr. Lambert the context of the other legitimate cables that I acquired from the Department of State, to permit Mr. Lambert to hand-copy the texts of the fabricated cables, but I having warned Mr. Colson previously that the cables were not technically capable of withstanding professional scrutiny, that Mr. Lambert was not to be allowed to remove the cables for photocopying purposes.

Mr. Dash. Did Mr. Lambert use the information?

Mr. Hunt. Not to my knowledge, no.

Mr. Dash. Now, are you aware from your conversation with Mr. Colson and the use of these cables of any strategy that Mr. Colson had with regard to Catholic voters?

Mr. Hunt. Yes, sir.

Mr. Dash. Could you describe that more fully?

Mr. Hunt. I believe it was desired by Mr. Colson, or at least some of his colleagues, to demonstrate that a Catholic U.S. administration had in fact conspired in the assassination of a Catholic chief of state of another country.

Mr. Dash. Did you show the fabricated cables to Colonel Conein?

Mr. Hunt. I did.

Mr. Dash. Under what circumstances?

Mr. Hunt. Prior to Colonel Conein's appearance on a— I believe NBC-TV network special concerning Vietnam.

Mr. Dash. And did Colonel Conein use any of this information from the fabricated cables in his program?

Mr. Hunt. I would have to answer in these terms, Mr. Dash, that I had shown him the fabricated cables in the broader context of the overall cables, that he was then interrogated by a camera and interview crew and that I believe he made, if not specific reference to the cables I showed him, at least they reinforced his own belief that there had been direct complicity by the Kennedy administration in the events leading up to the assassination of the South Vietnamese Premier.

Mr. Dash. Now, as part of Mr. Colson's plan to publicly discredit Mr. Ellsberg, did you prepare a derogatory article on Mr. Leonard Boudin, Ellsberg's lawyer?

Mr. Hunt. I did.

Mr. Dash. Did you show this to Mr. Colson?

Mr. Hunt. I did.

Mr. Dash. What was his suggestion when you showed it to him?

Mr. Hunt. He indicated that he would be passing the information to a member of the press, the article that I had prepared.

Mr. Dash. And, in fact, was the material that appeared in that article reflected in any news story that you were aware of?

Mr. Hunt. Yes.

Mr. Dash. Can you state to the committee what particular news story?

Mr. Hunt. It was an article authored by Mr. Jerry terHorst, who represented one of the Detroit newspapers in Washington. It formed the second half of a story that Mr. terHorst was publishing on Ellsberg and Ellsberg's defense.
Senator Talmadge. The statement the attorney has made is also my understanding in the situation. You also have been indicted. I believe, in the breaking and entering of the office of Dr. Fielding and have not yet been tried, is that correct, a correct statement?

Mr. Hunt. That is not correct, Senator.

Senator Talmadge. You have not been indicted?

Mr. Hunt. I have not been indicted. I testified both before the Federal grand jury and the Los Angeles grand jury under a grant of immunity.

Senator Talmadge. Does it not strike you as a strange commentary of justice that you who were relatively low on the totem pole here to be sentenced to 30 years in prison and those that planned, organized, and directed this clandestine organization could be walking the streets free today?

Mr. Hunt. Yes, sir.

Senator Talmadge. I may say it does me also.

Now, you related yesterday about the fabrication of cables from this country to Saigon, relating to the Diem government. Could you state who directed you to go to the State Department and look at those cables?

Mr. Hunt. It was my suggestion initially. I was authorized to do so by the State Department itself at the request of Mr. David Young.

Senator Talmadge. Mr. Young contacted the State Department and the State Department authorized you to go over and look at cables between the Government of the United States and various officials in Saigon, is that an accurate statement?

Mr. Hunt. Yes, sir.

Senator Talmadge. Were those cables labeled top secret?

Mr. Hunt. Some of them are.

Senator Talmadge. And some were not?

Mr. Hunt. Yes, sir.

Senator Talmadge. An ordinary American citizen did not have an opportunity to look at those cables, did he?

Mr. Hunt. No, sir.

Senator Talmadge. In fact, he would have to have a higher clearance for top secret matters in the Government in order to see them, would he not?

Mr. Hunt. Yes, he would.

Senator Talmadge. Do you think Mr. David Young of his own accord could obtain that top clearance from the State Department for you?

Mr. Hunt. Senator, it was my understanding that shortly prior to my joining the White House staff I was the subject of a full field inquiry and clearance by the FBI. At the same time I understood that because I had been out of CIA only a relatively short period of time that all of the top level clearances that I had held at CIA had been reinstated.

Senator Talmadge. Even under those conditions, assuming someone was cleared for top secrecy matters in the Pentagon they could not go to the State Department and look through top secret papers there, could they?
Mr. HUNT. Not without the permission of the Department of State. Senator TALMADGE. That would be my understanding.
Now you got there and you found that you thought some of those cables needed being up a little to implicate the Kennedy administration; is that what you recited?

Mr. HUNT. In effect, Senator, yes.
Senator TALMADGE. Now, what did you finally do? You got there and you fabricated some cables, what was the nature of the fabricated cables and what did they say?

Mr. HUNT. Of course, Senator, I do not have the cables available to me—

Senator TALMADGE. I do not expect you to relate it word for word but, the general tenor.

Mr. HUNT. As I recall it, one, the text of one cable which I fabricated was a query or an inquiry from the Saigon Embassy, which Ambassador Lodge then headed, postulating a course of action such as granting political asylum to Diem and to his brother-in-law in the event that they should seek asylum, and the second cable that I fabricated was an alleged response from the White House to that inquiry.

Senator TALMADGE. What was the reason?

Mr. HUNT. I, do not expect you to relate it word for word but, the general tenor.

Senator TALMADGE. In other words, it was alleged to be President Kennedy speaking for this Government that political asylum would not be granted; is that it?

Mr. HUNT. Yes, sir.
Senator TALMADGE. Now were there any other cables fabricated?
Mr. HUNT. No, sir.
Senator TALMADGE. How did that relate to the implication of President Kennedy and the assassination of President Diem?
Mr. HUNT. The mere withholding of asylum would have resulted in the deaths of the two men who sought it, should they have sought it.

Senator TALMADGE. In other words, this was the only way out of assassination, as you saw it?

Mr. HUNT. Yes, sir.
Senator TALMADGE. And the object of that fabrication was to alienate the Catholic vote in the Presidential election of 1972?

Mr. HUNT. That would have been a part of the thrust of the cable; yes, sir.

Senator TALMADGE. Who worked with you and directed your efforts in that fabrication?

Mr. HUNT. I was directed solely by Mr. Charles Colson. No one worked with me.

Senator TALMADGE. Mr. Colson authorized, directed it and condoned it, is that your testimony?

Mr. HUNT. Yes, sir.

Senator TALMADGE. And also sought to get wide dissemination in the press relating to those fabricated cables, is that correct?

Mr. HUNT. Through Mr. William Lambert of Life magazine.
Senator TALMADGE. Now you put these cables, I believe, the fabricated cables in your safe in the White House?

Mr. HUNT. Yes, sir.
We did that during the meeting at the Frolics Motel in Miami Beach. Each of us formed a similar impression of Mr. Segretti, that the activities that he acknowledged being involved in were sophomoric in nature and could be a little more than an irritant on the side of the Democrats and a possible embarrassment to the Republicans. In short, we returned to Washington with a joint recommendation that whoever was employing Mr. Segretti, as I now know his name to be, cease and desist.

Mr. Liddy, however, informed me subsequently that he had been overridden, and that we were being asked to monitor his activities, and to help him if possible and see that he stayed out of trouble. We had no monetary, financial responsibility for him nor did we have any operational direction of Mr. Segretti.

Senator Inouye. Who was Mr. Segretti’s director?
Mr. Hunt. I did not learn, and have not learned except through hearsay, sir.

Senator Inouye. Did you see the finished products of Mr. Segretti’s work, the printing?
Mr. Hunt. On one occasion I did, sir. I saw, he rather gleefully showed me, and I think this was on the occasion of my second or third meeting with him, when he was staying in a motel on South Burkhead Avenue in Miami, he showed me a day glow poster in two colors and indicated to me this had been tacked up by friends and associates of his, his gang as he put it, to telephone poles, fence posts and so forth in a particular area of Florida which I inferred to be northern Florida.

Senator Inouye. Mr. Barker has maintained that as per your instructions he mailed copies of these printed materials to you, care of the Mullen Associates, is that correct?
Mr. Hunt. Of that specific item?
Senator Inouye. The printed material, yes.
Mr. Hunt. He may very well have done so on one occasion, which was simply, in which case I was simply acting as a cutout.
Senator Inouye. Did you receive them?
Mr. Hunt. I recall receiving a package from Barker which he got from the printer. I received it and simply forwarded it on to the accommodation address that Segretti had on the west coast.

Senator Inouye. Thank you very much, sir.

Senator Ervin. Senator Weicker.

Senator Weicker. I would like to, if I could, just go over the subject with you, Mr. Hunt, of access to various Government agencies. I believe you discussed the CIA in rather some detail so I will not refer back to that. But let us move on to your access to the State Department. Could you give, or indicate to me the number of telegrams which you received or retrieved from the State Department during this period of time when you were putting the falsified cables together?

Mr. Hunt. To be--

Senator Weicker. Roughly.

Mr. Hunt. To be accurate, Senator, I had copies made at the Department of State, so it was copies.

Senator Weicker. Right.
Mr. HUNT. I received—I would have to estimate well over 200, somewhere in the nature of between 2 and 400 cables. However, these cables themselves were in the hands of the Government and if a head count is necessary I am sure one could be made.

Senator Wicker. Well, that is a considerable amount of work. Could you indicate to me who it was in the State Department who assisted you in this task. I mean, or did you just arrive at the State Department in an empty room and with a Xerox machine and cables. You must have had some contact at the State Department?

Mr. HUNT. Yes, sir. Once my bona fides were established at the State Department archive room where the chronological files were kept, I would go through the chronological file drawers, extract cables that I wanted reproduced, stack them on the desk at which I was working and an individual would come by and collect those, go off and reproduce them, return the originals to the chronological drawer and at the end of the day leave me with a stack of cables to take back to my White House safe.

Senator Wicker. But obviously this isn't something that anyone can do, and would require some sort of a contact at the State Department. Would you indicate to me who that individual was?

Mr. HUNT. Perhaps I misunderstand you Senator, do I know the individual who did the xeroxing for me?

Senator Wicker. These cables as I understand it are still considered as confidential material?

Mr. HUNT. Yes, sir.

Senator Wicker. And obviously there has to be someone at the State Department to give the authorization; to take you in hand to that area where the cables are going to be copied and I would like to know who it is.

Mr. HUNT. Senator, I believe it is a matter of record that Mr. David Young of the Plumbers unit directed a memorandum to Mr. Macomber who was, I think, Assistant Secretary of State or Deputy Assistant Secretary of State for Administration, requesting that I be granted access to the chronological files of the Department.

Senator Wicker. I see. In other words, it was Mr. Young in what; in his capacity as a member of the National Security Council?

Mr. HUNT. No, sir.

Senator Wicker. In what capacity?

Mr. HUNT. In his—well, by the time he joined the Plumbers he left Dr. Kissinger's unit.

Senator Wicker. I see. As a member of the White House staff?

Mr. HUNT. Yes, sir.

Senator Wicker. And he contacted Mr. William Macomber, is that right?

Mr. HUNT. Yes, sir.

Senator Wicker. And it was Mr. Macomber that setup the commission by which you could accomplish the copying of these cables?

Mr. HUNT. Yes, sir.

Senator Wicker. Thank you very much.

Now, to get on to the Department of Justice, did you at any time receive any information from Mr. Robert Mardian?
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEVELOPMENTAL NATIONAL COMMITTEE, et al.,

Plaintiffs,

vs.

JAMES W. McCORD, et al.,

Defendants.

FRANCIS L. DALE, et al.,

Plaintiffs,

vs.

LAWRENCE F. O'BRIEN,

Defendant.

MAURICE H. STANS,

Plaintiff,

vs.

LAWRENCE F. O'BRIEN,

Defendant.
Deposition of

CHARLES W. COLSON,

a witness, called for examination by counsel for the plaintiffs Democratic National Committee and Strauss, pursuant to notice, a copy of which is attached to the court copy of this deposition, and agreement of counsel as to change in date, at the offices of Cohen and Uretz, 1730 M Street, N. W., Washington, D. C., beginning at 10:10 o'clock a.m., before Hilmar K. Klamans, Jr., a Notary Public in and for the District of Columbia, when were present on behalf of the respective parties:

In Civil Action No. 1233-72:

For the Plaintiffs Democratic National Committee and Strauss:

BULMAN, GOLDSCHNEIN, FELD & DUNIE
BY: MAURICE R. DUNIE, ESQ.

COHEN AND URETZ
BY: ROBERT E. WEISS, ESQ.

For the Plaintiff C'BIEN:

WELCH & MORGAN
BY: CHARLES A. MCNEILIS, ESQ.

For the Defendants Committee for the Re-Election of the President, Finance Committee to Re-Elect the President and Francis L. Dale

JACKSON, LASKEL & PARKER
BY: W. W. CLEVELEY; W. MCCONNELL, ESQ.

For the Defense:

WILLIAM C. CRANE & HARPT
BY: R. MICHAEL STOKES
Minister of South Vietnam, Diem. Had you seen that file before or the contents of that file?

A. I never saw what was in Mr. Hunt's safe.

Q. Have you ever seen any telegrams regarding President's Kennedy's involvement in the assassination of Diem?

MR. BEST: At any time?

MR. WEISS: Yes.

MR. SHAPIRO: Let the record show that the witness is consulting with counsel.

MR. WEISS: Will you read the question.

(The question was read by the reporter.)

MR. WEISS: For the record, I would like to clarify that question. Alleged involvement.

THE WITNESS: I saw a lot of cables that were part of those published as part of the Pentagon Papers, other cables that had been researched through various Government agencies. Part of Mr. Hunt's work product to me early during the period that he was in the White House involved pulling together most of the relevant cables that dealt with the Diem coup and other cables that dealt with the period of time covered by the Pentagon Papers that had been published. I saw no cables that referred to President Kennedy. I assume you are getting into the question of the forged cable.
MR. WEISS: That's correct.

THE WITNESS: I am not sure that I ever saw the text of that cable. Mr. Hunt was working with a reporter who was interested in writing a story about the entire history of the Diem coup and its resulting effect involving the United States in the war in Vietnam and I learned at some point during the time that Mr. Hunt was working with the reporter that there was one purported cable which was not authentic, at which point I attempted to discourage both Mr. Hunt and the reporter involved from pursuing the story any further.

BY MR. WEISS:

Q  When was that?
A  It would be late 1971, I believe.

Q  Where did the discussion take place regarding your discouraging them from going on with the cable?

MR. BEST: Going on with what?

BY MR. WEISS:

Q  The cable, or whatever you were discouraging them from doing. What were you discouraging them from doing?
A  At the point that I learned that a cable that was not authentic had been shown to a reporter, I attempted to discourage that reporter as well as Mr. Hunt from proceeding any further with the story.
Q Was that Mr. Lambert who was the reporter?
A Yes.

Q When you say you --

MR. SHAPIRO: Can I ask a question? Did you, in fact, discourage that reporter from proceeding with his inquiry?

THE WITNESS: Yes.

BY MR. WEISS:

Q Did you see two cables, did you see one originally and then did you see one that you say was not authentic?

MR. BEST: I think the witness already said that he does not believe that he ever saw the cable.

BY MR. WEISS:

Q You never saw the authentic cable?

MR. McNELIS: The witness said, "I am not sure that I ever saw the text of that cable."

BY MR. WEISS:

Q Did you see the unforged cable?

A I saw probably hundreds of cables that were either published at the time of the Pentagon Papers publication or were subsequently researched.

Q There have been reports that Mr. Hunt showed you a specific cable and you made comments to the effect that "That isn't good enough" or "Can it be better?" Is that true?
A. No, that is not my recollection.

Q. What is your recollection?

A. My recollection is that Mr. Hunt assembled a whole series of cables and had a very complete analysis of cables and relevant documents to that period in time. It was my understanding that he was using that research as the basis for assisting Mr. Lambert in preparing an article which hopefully would be an accurate recitation of what, in fact, did happen during that period. I recall seeing cables that indicated that -- well --

(Discussion between the witness and counsel.)

MR. SHAPIRO: Go ahead. It is already out and has been published.

THE WITNESS: I recall seeing cables that indicated that the United States Government had approved of and even gave the suggestion of active assistance to the coup which overthrew President Diem. I forgot the question. What was the question?

(The reporter read from his notes as requested.)

THE WITNESS: My recollection is that Mr. Hunt showed me a series of cables and told me that he didn't believe -- that Mr. Lambert did not believe that these were adequate for his own purposes, that this didn't tell enough of the story. I recall telling Mr. Hunt to go back and keep digging or keep working on it and see what else he could find and see what else
he could come up with, to see if he could come up with something better. It was subsequent to that time that I discovered that one of the cables which was in question was not an accurate cable and at that point I endeavored to steer Mr. Lambert away from the story altogether.

BY MR. WEISS:

Q Did you have any discussion with Mr. Hunt regarding it?
A No, not really. Mr. Hunt came back a few times and said that he had been in touch with Lambert and Lambert was continuing to press him and I told Mr. Hunt, simply to discourage Mr. Lambert.

Q When you became aware of the "phony cable," did you have any discussions with Mr. Hunt regarding these activities?
A No.

Q Were these telegrams classified documents at that time?
A Yes, I think they were still classified, although most of the ones that I saw had in one way or another been in print.

Q But they were still classified; is that correct?
A That was the subject of rather extensive litigation in the summer of 1971.

Q Did you have anything to do with Mr. Hunt getting access to these telegrams?
A No.
MEMORANDUM

THE WHITE HOUSE
WASHINGTON

July 30, 1971

MEMORANDUM FOR: BUD KROGH
FROM: CHARLES COLSON

I think the attached are all very important points. Will you put them into your computer and if they are worth doing, follow through. I would like to discuss one of them with you which I think is extremely important.

cc: John Ehrlichman
THE WHITE HOUSE
WASHINGTON

EYES ONLY

July 27, 1971

MEMORANDUM FOR: CHARLES COLSON
FROM: HOWARD HUNT
SUBJECT: Anti-Diem Coup Post Mortem 092416

1. If not done already, Bill Bundy should be denied access to his office and files at State. The files should be frozen.

2. Obtain copies of Harriman, Hilsman, Bundy VN cables and memos prior to the coup, for the period April - November 1963.

3. Ask Dick Helms to expand on his allegation that Harriman engineered the coup.

4. Look into the advisability of removing John Paul Vann from government service. Allegedly he has large personal files with which he is now writing a book. At this point, we don't need another book on VN, and certainly not by a pal of Ellsberg's.
WASHINGTON

August 2, 1971

MEMORANDUM FOR: CHARLES COLSON
FROM: HOWARD HUNT
SUBJECT: Pentagon Papers, et seq.

1. Per your instructions I have examined the overtly printed documentation and comment, and the attached items are submitted as being the most useful in demonstrating the collective bad judgment of the Kennedy Administration and/or a number of its high-level appointees.

2. I have drawn also upon the "New York Review of Books" of July 22, 1971, selecting significant segments from the Ralph Stavins article, "Kennedy's Private War". The article, given its source, authorship and thrust, is almost unbelievable in the savagery of its attack upon the Kennedy circle of advisers, RFK, and JFK himself. The excerpts I've made stand by themselves as an extraordinary liberal indictment of the Round Table and its fallible King.

3. From our point of view what remains to be examined (per my earlier memorandum suggestion) are the actual documents themselves. Clearly, what has been surfaced is not the totality of the relevant communications from the April - November 1963 period. Cablegrams originating at State or in Saigon, as well a [sic] memoranda and dispatches bear explicit routings indicating who drafted, who originated, who authenticated, who coordinated and who ultimately released a particular document to its addressee. To build an even more detailed case, we should have access to this material.

4. I think our posture, concerning the attached excerpts, has to ignore [sic] what Nixon might have done under circumstances then prevailing. [sic] Salient points add up to an indictment of Kennedy and his advisers, and they played false with the nation and, for better or worse, wit! As Madame Nhu said at the time, the blood of Diem and Nhu is on Kennedy's hands (and Lodge's as well). But we are not speculating about what Nixon might have done; rather, the significance is what Kennedy actually did.
5. I would also make the sincerely humble suggestion that LBJ not be attacked directly (as we have done here with JFK). My reasoning is that the hippies and yuppies have been doing so for years, and Bob Dole or others adopting such a line would not only be a form of overkill, but possibly counter-productive. LBJ and his allies, after all, have much to gain from indicting the Kennedy Administration, and can be expected to augment whatever we are able to do. In short, we can hit at the advisers LBJ received from Kennedy without attacking LBJ directly on this issue.

6. Finally, it is well worth remembering that in 1954 President Eisenhower refused to intervene to save the French colonial regime in Vietnam, saying, "I cannot conceive of a greater tragedy for America than to get heavily involved now in an all-out war in any of those (Indochinese) regions."
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FROM:  
SUBJECT:  

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MEMORANDUM FOR:  JOHN D. EHRlichman
FROM:  KROGH/YOUNG
SUBJECT:  AGENDA FOR MEETING MONDAY, SEPTEMBER 20, 1971

I. 1963 Diem Coup

A. Materials

1. State/White House cable traffic to and from Saigon April 1 through November 30, 1963;

2. Defense cable traffic, April to November, 1963;

3. All Saigon back channel cables, April to November, 1963;
   White House - CIA -

4. Conein-Hunt memcon;
   Lansdale-Hunt memcon;
   Nolting in U.S. News & World Report;

5. Post Mortem wrap up;
   CIA

B. Exposure

1. Through briefing of selected newsmen;

2. Through Senate Foreign Relations Committee inquiry;

3. Through other Congressional inquiries;

ACTION

Macomber has had pulled out and Hunt is reviewing;

Young called Buzhardt;

Ehrlichman to see Helms;

Ehrlichman to see Helms;
C. **Other Considerations**

1. Incrimination of Lodge?
2. Talk with McCone?
3. Talk with Rusk?
4. Have Hunt talk with General Harkins?

**Cuba**

**A. Materials on Bay of Pigs**

1. "Green Committee" Report (Inter-agency group chaired by Maxwell Taylor; 
   CIA refused to give access to Rehnquist Committee in connection with declassification study; JDE to see Helms; 
   Same; 
   JDE to see Helms; 

2. Inspector General Lyman Kirkpatrick Report; 

3. Relevant cable traffic; 

**Materials on Missile Crisis**

1. In-house CIA post mortem (?); 

2. National Photo Interpretation Center chronology of read-outs; 

3. Public papers:
   a. Alsop article - Saturday Evening Post; 
   b. Acheson - "Present at the Creation"; 
   c. Charles Brent Marshall - New Republic;
4. Agreement (?) (Turkey--Missile drawdown);

**Krushchev Communication—October 22;**

**B. Exposure**

1. Through briefing of selected newsmen;
2. Through briefing of selected Congressmen;
3. Other;

**C. Other Considerations**

1. Talk with Adm. George Anderson (CNO - Missile Crisis);
2. Talk with Arleigh Burke (CNO - Bay of Pigs);
3. Talk with John McCone - Director CIA;
4. Talk with Scali;
5. Talk with Ken Keating (Who was leaking to him, June-August, 1962?);
6. Talk with Ray Cline (Deputy-CIA);
THE WHITE HOUSE
WASHINGTON

Date 9-29

For Y-K
From Ted Hollin

For your files

End,
What do you think of this?

Lind

Does "for our files" mean the issue is closed? I like the Lambert aspect if it is possible.
THE WHITE HOUSE
WASHINGTON

MEMORANDUM FOR: 
JOHN EHRLICHMAN

FROM: 
CHARLES COLSON

SUBJECT: 
Rekindling the Pentagon Papers Issue

September 24, 1971

The publication of the declassified version of the Pentagon Papers this week has reraised the issue publicly; in one sense this may help prod the Congress to hold hearings and in another sense the Committee may argue that since the papers are released there is no purpose in extensive hearings.

Congressman Morse will raise the question of House hearings in the Foreign Affairs Committee this coming week. Chairman Morgan had earlier stated that he would hold hearings but the House Committee, like the Senate Committee, has of late shown no interest. I doubt that Morse can do much other than create a little embarrassment within the Committee.

John Tower could raise the issue within the Senate Armed Services Committee and make a formal request for hearings before that Committee or before Foreign Relations and Armed Services jointly, which was the original Mansfield proposal. I recommend that MacGregor talk to Tower. If we think it's safe we could also talk to Hugh Scott who is on the Foreign Relations Committee and who could make a similar request of Fulbright.

Presumably these requests will be turned down but Tower and/or Scott could begin to speak about it on the floor each day hopefully creating some minor embarrassment for the Democrats.

Dave Broder is scheduled to have a column very shortly along the lines of "whatever happened to the Pentagon Papers" pointing out that the Democrats have deliberately suppressed the open hearings that they had earlier called for. We will try for additional columns, preferably "doves".

[8465]
We can program Lucien Conein to write a letter to Senator Mathias complaining that he has been muzzled by the CIA, was paid money to get out of town and instructed to talk to no one. Mathias is just the kind of guy who would rise to the bait and I dare say create a fair amount of hoopla over the muzzling issue. This would automatically make Conein newsworthy again. Conein could offer to Mathias a full disclosure if Mathias arranges Senate hearings.

We can also, if you agree, arrange to have General Harkins interviewed by U.S. News and World Report. He is a bitter man who was sharply at odds with the Kennedy Administration policies and was removed because of his disagreement. In all of the flap of the Pentagon Papers no one thought to interview him, but I am sure we can plant the idea.

My own feeling is that none of these things will stir enough controversy to force either the House or Senate Committees to hold the open hearings that we would like. The Democrats recognize full well the political risks for them. We will not get enough help from the media to force their hand.

There is one way that I am certain would create a major controversy. I have had a very off the record talk with Bill Lambert of Life. We could easily arrange for Life to have "access" to Conein, Nolting, Harkins, Lansdale and others. We could also make available to Lambert certain documents which have not been published. Lambert assures us that he would make it a major Life expose -- the true story behind the Diem coup. He would also put someone else's by-line on the story (the press would surely recall that Lambert was the author of the Tydings story; on the other hand there might be advantages in having Lambert sign it because although he is a Republican he was an intimate friend of Bobby Kennedy. We can decide this anytime.) Lambert also assured me that he could guarantee Life's cover. We could further develop the kind of pictorial treatment you suggested yesterday.

Life could be in print in four weeks from the date that we give it the go-ahead, which is perfect timing. Not only would we have a major story in a large circulation national magazine but it would almost certainly be written in such a way as to create a very significant national news story. I suspect that the Congress could then be embarrassed into holding hearings.
The Life operation could be run completely by Howard Hunt working out of his home or his private office. Lambert would further construct an elaborate cover and slant the story in such a way that it would appear to be the product of Conoin and/or State. That really would surprise no one in view of the number of leaks in State Department anyway.

I, therefore, recommend that we try the columns and Congress pressure route but do so with the recognition that it's doubtless not going to succeed fully. I, therefore, also recommend that we immediately equip Hunt with facts, information and material and give Lambert a go-ahead.

We should very soon release declassified documents relating to the Lebanon crisis, the Cuban missile crisis and perhaps one or two others. Releasing of declassified documents will keep press interest alive in the whole issue. We should start doing it soon to avoid the charge of election year politicking.

The Ellsberg operation can continue independently. It may or may not prove fruitful, but we do have certain pay dirt in the coup story.
INTERVIEW

William G. Lambert was formerly a journalist for Life magazine and is a personal friend of Charles Colson. Lambert's present address is 11 Marlene Court, Rye, New York 10580. His telephone number is (914) 967-4378. He knows Colson both as a former source and a personal friend.

Lambert began his association with Time, Inc., in 1962 in the Los Angeles Bureau as a correspondent with Time. When the Kennedy administration came into office, Lambert, an old friend of the Kennedy's, was asked to come into the government. His interests, however, were in investigative reporting, and he refused the offer. At that time Life was looking for an investigative reporter, and an approach was made to Lambert. As a result, he was interviewed by Life and went to work with them in the summer of 1963. He eventually became a Staff Writer as a full-time investigator, and headed a team of investigative reporters.

Late in December of 1971, Ralph Graves took over as Managing Editor of Life. Shortly thereafter, there were drastic cut-backs in staff, and Lambert's Investigative Research Department was wiped out completely. Lambert had previously been offered a position with the Time-Life News Service, and he went to Graves and told him that he was willing to take this position. He then went to work in this position, in which his principal vehicle was still Life. When Life folded, he was asked to be a minor correspondent in the Washington Bureau, since his contract ran until 1975; but he refused this position and decided to free-lance.

When asked about his associations with Colson, Lambert said that he first met Colson when he (Lambert) was working on an article about Joe Tydings in the early spring of 1970. Lambert said that Colson seems to remember that they had met some years earlier, but Lambert does not recall this.

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Interview with William G. Lambert on August 7, 1973

at G 334, New Senate Office Building, 1:30 p.m. - 8:00 p.m.

by Mark Lackritz, Scott Perr

Dictated August 7, 1973 Transcribed August 9, 1973
Lambert stated that although he might have discussed his findings in the Tydings case with Colson, it was never a situation of "reporting back" about what he had discovered. Lambert stated that he had never taped any conversations with Colson, although he did tape one conversation with Raymond Mason. Mason did not know he was being taped, and Lambert was astonished that Mason was so candid about damaging information concerning Tydings and himself. Lambert had also taped his conversation with Bridston.

After the story was printed, Tydings accused Lambert and the White House of being in collusion to destroy him. Lambert then tried to get Colson to issue a statement saying that their relationship was innocent. Ziegler was said to have prepared such a statement, but it was never issued. After Lambert found out that the statement was not to be read, he again tried to get Colson to issue a statement describing precisely what their relationship had been, but Colson did not do this.

After this time Lambert had a continuing relationship with Colson. Lambert stated that Colson tried several times to get Lambert to come into the government, but Lambert always refused. He dropped in to see Colson at his office frequently.

During the week of September 20 - 24, 1971, Lambert was in Washington and stopped to see Colson at his office. Their conversation at this time lasted for about half an hour. Colson told Lambert that he might have a story for him but that he wasn't sure whether he should discuss the matter with Lambert at all. He told Lambert that there was more in connection with the assassination of Diem than appeared in the Pentagon Papers; but that he wanted to think about it before he discussed it with Lambert. Lambert doesn't recall whether it was at this meeting or a subsequent meeting that Colson told him to refer to the President's September 16 press conference for further information.

The next time Lambert was in Washington was during the week of September 28 through October 1. Lambert thinks it was during this week that Colson told him that there were materials found in the investigation of the Pentagon Papers that showed an additional complicity on the part of the Kennedy administration in the murder of Diem and Nhu. At one point, as they walked to Colson's car, Colson mentioned that there had been a meeting in Harriman's office in connection with the Diem coup. Colson said that he did not know the details of the meeting, but he believed there was some form of a written record or transcript.

Colson told Lambert that he would have Hunt get in touch with him in relation to the story. When Lambert asked who Hunt was, Colson said that he was
a White House consultant who had been reviewing the Pentagon Papers in connection with a massive leak of information. Colson said that there had been a panic in connection with this leak and that Hunt had been called in as a result of this panic. It seems to Lambert that there were two or three meetings or calls with Colson before Lambert finally conferred with Hunt. Colson had said at first that Lou Conein would be the logical contact to furnish Lambert with the desired information, then at some later time he said he would have Hunt get in touch with Lambert.

Lambert does not recall whether Hunt first called him, or whether Colson gave him (Lambert) a phone number and he called Hunt. Lambert assumed that since Hunt was a White House consultant, that he would have an office in the White House or in the EOB offices. Therefore, Lambert suggested to Hunt over the phone that Hunt come to his (Lambert's) hotel room rather than Lambert's going to the White House. Lambert does not remember the exact date of this telephone conversation, but says that it must have been either in the week of September 28 to October 1, or in the week of October 5 to October 8.

Hunt came to Lambert's hotel room, and Lambert found him to be a very friendly, likeable man. Lambert asked Hunt if he had access to any of the documents Colson had referred to, that is, some type of transcript of the meeting. Hunt said that he did have documentation, but that the materials were locked in his files. Hunt asked Lambert to meet him at his office at the Mullen Company. Either the next day or the day after that, Hunt and Lambert met at the Mullen Company. During this meeting, Hunt produced a manilla envelope about one-fourth inch thick and pulled out a sheaf of 20 to 40 documents, in Lambert's estimation. All of the documents were State Department cables. Lambert leafed through the cables, but didn't see anything of particularly great significance. At this point, he cannot recall any of the language on any of the other documents. Lambert asked Hunt what was so significant about the cables, and Hunt shuffled through the documents and picked out one. (Hunt has testified that there were paper clips on the documents, but Lambert says this is not true. Hunt also said that he and Lambert met at the Mullen Company and then walked to the EOB, and Lambert says that this is not true.)

Some of the cables Lambert saw were labeled "Top Secret" but the particular document he handled was labeled "Secret." Hunt told Lambert that the documents came out of the CIA files. The particular document given to Lambert by Hunt was a Xeroxed copy of a State Department cable. There was a date-time stamp in the corner, but the date on the document was obscure. The document was one page, and Hunt allowed Lambert to make a verbatim, handwritten copy. He said that he could not allow Lambert to make a Xerox copy.
Lambert asked Hunt to go back to the original of the document and find out the date and the color of the document. Hunt said that the original was blue, and that the date on the original was October 29, 1963. Hunt gave Lambert this information later in a telephone conversation.

Lambert asked Hunt about the meeting in Harriman's office which Colson had mentioned. Hunt informed him that this meeting was not important—that the only important thing was this particular document. Lambert did not make notes on any of the other documents, because it was his understanding that they would be made available to him later. Hunt told Lambert that Lou Conein might have further information concerning the cables, and that Lambert should call Conein. He wrote Conein's phone number down for Lambert, indicating that the number was unlisted. Lambert pressed Hunt for the original of the document, and Hunt said he would have to check on that. Then Lambert left Hunt's office and told Graves, his boss, about their conversation shortly thereafter.

Lambert returned to Washington on October 12, but doesn't recall whether he saw Hunt or not. He called Hunt at some time either shortly before or shortly after October 12 and again asked about the original of the document. Lambert says he must have seen Hunt or talked to him on the phone at least twice between October 8 and October 12. Lambert insisted to Hunt that the document must exist in more than one place, but Hunt disagreed. Any and all meetings between Lambert and Hunt were held in the Mullen Company.

Lambert went back to work full time on December 13, when he began working for the Time-Life News Service. He talked to Hunt several times between December 14 and December 18. Lambert had been ill, and Colson has stated that he talked to Lambert on the phone during the period of this illness—Lambert doesn't recall any conversations with Colson during this period.

It was during this time that the Hughes book came out, and Lambert had a call from Colson at some time in late December asking if Nixon had appeared in the book. Lambert had not yet read the manuscript, and could not tell Colson. Lambert stated that the call only lasted for about a minute and a half and that this was the last time Lambert spoke to Colson until after the Watergate incident. All during the period between the call and the Watergate break-in, Lambert tried to get in touch with Colson and could not reach him.

Lambert was again in Washington from January 3 to January 8 and from January 12 to January 15. At some time during this period, Hunt told Lambert that he (Hunt) had given certain of the State Department cables to Lou Conein.

At this point Lambert mentioned that the FBI investigation had uncovered calls from Hunt to Lambert—one call to Lambert's private extension and others to the Time extension. Lambert does not remember these calls but telephone memos from his office indicating two of the calls. He did not [[8472]] nor these memos until recently, and he did not receive or answer the calls.
In February, after the Hughes matter had died down, Lambert really began leaning on Hunt to provide the document. Colson said that it wasn't until Lambert began leaning on Hunt that he (Colson) found out what document it was that Lambert wanted. At this point, Lambert had not begun to check out other sources concerning the document.

Other dates in early 1972 when Lambert was in Washington were: February 8 through February 12; February 14 through February 18; March 13 through March 18; March 20 through March 24; April 3 through April 8; April 17 through April 21; and May 23 through May 26. During this period of early spring, Lambert had a number of contacts with Hunt, but doesn't remember when or how many. Lambert had talked to Hunt before he went to Miami about the Hughes matter. This was in January, probably during the week before his (Lambert's) trip. There were also several occasions when Lambert went to the Mullen Company, but Hunt was not there.

Sometime during the period from May 23 through May 26, Lambert had lunch with Hunt at Hunt's club in Georgetown. Hunt had been out of town prior to this meeting--Lambert thinks it was probably to Miami. Lambert assumed that all during the time when he had not seen Hunt, that Hunt had retained his position as White House consultant. This luncheon in May was the last time Lambert saw Hunt in person. Lambert was still trying to persuade Hunt to obtain the document, and Lambert had no suspicions concerning its authenticity at this time. All during the spring of 1972, any meetings Lambert had with Hunt were with the major purpose of obtaining the document.

Colson had told Lambert at some time in late 1971 that Hunt had put together a chronology of the events outlined in the State Department cables he had collected. Lambert also tried to obtain some information concerning this chronology, but was again unsuccessful.

At this point Lambert also remembered that there was a separate telephone on the credenza behind Hunt's desk at the Mullen Company with an unlisted number. During one of his visits, Lambert asked Hunt for this number, and Hunt said no.

Lambert was again in Washington from June 13 through June 16. He is certain that he did not see Hunt during this period, although he may have tried to get in touch with him. Lambert was working on other stories at this time, and he doesn't remember exactly what he did during this week in Washington.

Other dates in the summer of 1972 when Lambert was in Washington were: July 10 through July 14; July 18 through July 21; and August I through August 4. August 15. Lambert had a coronary at his home and was in the hospital from until August 21. Lambert seems to recall talking to Colson in his office over the period of July 10 through July 14, but says that it may have been phone. He doesn't remember the substance of this conversation.
Shortly after Hunt's name surfaced in the Watergate case, Lambert called Bittman and told him he wanted to talk to Hunt about a matter unrelated to the case, but didn't tell Bittman about the document. In a few days, Hunt called Lambert at his hotel. This was very likely either the week of July 10 or the week of July 18. Lambert had promised Bittman that he didn't want to talk to Hunt about the Watergate, but Hunt promptly brought up the subject himself by telling Lambert that he was going to have to go to jail. Hunt then said, "That God damned son of a bitch John Dean drilled my safe." There had been personal documents in the safe, according to Hunt, and an explosive ITT memo. Hunt said the document Lambert wanted was also in the safe. When Lambert asked about the chronology of events Colson had mentioned, Hunt told him this was also in the safe.

After this conversation with Hunt, Lambert called Colson's office and told Colson's secretary, Joan Hall, that he had just talked to Hunt and wanted to talk to Colson. She returned shortly to say that they didn't want to talk to anyone about Hunt. Lambert doesn't remember talking to Colson at all during this period (the period of Lambert's heart attack).

On Tuesday, September 26, Lambert returned to work on a part-time basis. He then went back to Washington on Monday, October 2 and returned on October 6. During this week he had lunch with Colson at his (Colson's) office. Lambert told Colson the essence of the Hunt telephone conversation. They also discussed Watergate, and Colson told Lambert that he knew nothing of the scheme. Lambert mentioned Hunt's safe, and Colson said that he understood that everything went to the FBI. Lambert argued that surely top secret documents wouldn't be sent to the FBI. Colson told Lambert that he had asked Dean about the safe and that Dean had told him not to ask any questions.

In talking with Colson about the document, Lambert was told that he should try other sources. Colson suggested that Lambert try Cabot Lodge, and he gave Lambert the phone number. Colson also told Lambert that he would be better off to forget about the document—that it was now unavailable.

Lambert also asked Colson about the "explosive ITT memo" mentioned by Hunt, and Colson said that it was nothing more than an interview with Dita Beard and that there was nothing explosive about it. Colson said that Hunt had interviewed a number of people in connection with the ITT case.

Lambert was in Washington from October 16 through October 20 and from October 31 through November 3. He thinks he had a conversation with Colson during this period and that Colson again suggested Lambert see Cabot Lodge. Colson said he had had lunch with Cabot Lodge and that Cabot Lodge had alluded to some cables that had not appeared in the Pentagon Papers, saying it was curious that they had not.
HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973
Book 9

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House, Department of Justice, and CIA on the subject of retrieval by
the CIA of CIA information furnished to the Department of Justice.

THE HOWARD HUNT FILES

Prior to a meeting I had with Mr. Dean and Mr. Ehrlichman in
Mr. Ehrlichman’s office on the evening of June 28, 1972, I had no
knowledge from any source whatever of the existence of these partic-
ular files or of the information and instructions I was to receive that
evening.

I arrived at Mr. Ehrlichman’s office at about 6:30 p.m. that evening
for the purpose of discussing with him the many rumors and allega-
tions concerning leaks of information from the FBI regarding the
Watergate investigation. One of his secretaries told me to go right on
into his private office. Mr. Dean was in the office talking with Mr.
Ehrlichman. I remember being surprised at Mr. Dean’s presence be-
cause I had not known that he would be at the meeting.

After the usual greetings were exchanged, Mr. Ehrlichman said
something very close to, “John has something that he wants to turn
over to you.” I then noticed that Mr. Dean had in his hands two white
manila, legal-size file folders. It is my recollection that these folders
were not in envelopes at this time.

Mr. Dean then told me that these files contained copies of sensitive
and classified papers of a political nature that Howard Hunt had
been working on. He said that they have national security implica-
tions or overtones, have absolutely nothing to do with Watergate and
have no bearing on the Watergate investigation whatsoever. Either
Mr. Dean or Mr. Ehrlichman said that these files should not be al lowed
to confuse or muddy the issues in the Watergate case.

I asked whether these files should become a part of our FBI Water-
gate file. Mr. Dean said these should not become a part of our FBI
Watergate file, but that he wanted to be able to say, if called upon
later, that he had turned all of Howard Hunt’s files over to the FBI.

I distinctly recall Mr. Dean saying that these files were “political
dynamite,” and “clearly should not see the light of day.”

It is true that neither Mr. Ehrlichman nor Mr. Dean expressly
instructed me to destroy the files. But there was, and is, no doubt in
my mind that destruction was intended. Neither Mr. Dean nor Mr.
Ehrlichman said or implied that I was being given the documents
personally merely to safeguard against leaks. As I believe each of them
testified before this committee the White House regarded the FBI as
a source of leaks. The clear implication of the substance and tone of
their remarks was that these two files were to be destroyed and I
interpreted this to be an order from the counsel to the President of
the United States issued in the presence of one of the two top assist-
ants to the President of the United States.

It is my recollection that I asked for large brown envelopes in
which to place the files. I believe that Mr. Dean stepped briefly into
the outer office to obtain the envelopes and placed each file in a sepa-
rate brown envelope in Mr. Ehrlichman’s inner office and handed
them to me.

Although my memory is not perfectly clear on this, I believe Mr.
Dean then left Mr. Ehrlichman’s office and I stayed for 5 or 10 minutes
to discuss the rumors and allegations of leaks from the FBI. These were the same rumors that had been rampant in the first week of the investigation. I believe that I told Mr. Ehrlichman that I had spoken to all of the agents assigned to the case and was quite confident that these leaks had not come from the FBI.

I then left Mr. Ehrlichman's office with the two manila envelopes containing the files, went to my car, placed the files in my briefcase, and proceeded to my apartment. I placed the files on a closet shelf under my shirts. After 2 or 3 weeks I took them into the office and placed them in my personal safe.

To the best of my recollection I removed the files to my home in Stonington, Conn., in late September or early October 1972 and placed them in a chest of drawers in the area just outside my bedroom. I intended to burn them but I did not get around to doing so until after my illness, hospitalization, and convalescence in the latter half of November and December.

I distinctly recall that I burned them during Christmas week with the Christmas and household paper trash that had accumulated immediately following Christmas. To this point I had not read or examined the files. But immediately before putting them in the fire I opened one of the files. It contained what appeared to be copies of "top secret" State Department cablegrams. I read the first cable. I do not recall the exact language but the text of the cable implicated officials of the Kennedy administration in the assassination of President Diem of South Vietnam. I had no reason then to doubt the authenticity of the "cable" and was shaken at what I read. I thumbed through the other cables in this file. They appeared to be duplicates of the first cable. I merely thumbed through the second of the two files and noted that it contained onionskin copies of correspondence. I did not absorb the subject matter of the correspondence and do not today, of my own knowledge, know what it was.

Mr. Dean has described in testimony before this committee a conversation with me at a Department of Justice luncheon which he placed during or shortly after January of this year, at which I allegedly told him to "hang tight" on not disclosing my receipt of the documents and informed him that I had destroyed them. I recall no such meeting or conversation with Mr. Dean at a Department of Justice luncheon, and my records do not indicate any such luncheon meeting.

I shall now set forth for the committee my recollection of all conversations I have had with Messrs. Dean, Ehrlichman, and others about the June 28 meeting and its aftermath.

I believe that Mr. Dean called me at my home in Connecticut in late October or early November. As I recall it, he asked me on that occasion if I still had the two files he gave to me. I said I did and that they were in a safe place in my home at Stonington. I believe Mr. Dean asked if I had read them and I told him, truthfully, that I had not.

The sequence of the next discussions I had about these files is somewhat hazy in my mind. My best recollection now is that over a span of several days during my confirmation hearings in early March of this year I had discussions on the subject with Assistant Attorney General Petersen, John Dean, and John Ehrlichman, in that order. I believe that Mr. Petersen called me and told me that Dean had stepped out of an interview being conducted by assistant U.S. attorneys in Mr. Peter-
sen's presence to inform Mr. Petersen that he had turned two files from Hunt's safe, having nothing to do with Watergate, over to me. Mr. Petersen told me that he informed Dean to take it up with me and asked me if Dean had done so. I told Mr. Petersen, truthfully, that Dean had not. I certainly did not acknowledge to Mr. Petersen that Mr. Dean had turned over any such files to me but I do not recall Mr. Petersen asking me that question on this occasion.

I must acknowledge the possibility, however, that Mr. Petersen may have asked me if Dean had turned over such files to me. If he did ask, I am certain that I would have denied receipt of such files because of the instructions I received from Messrs. Ehrlichman and Dean on June 22, the information I had been given about their national security implications and the injunction that they "should never see the light of day."

I recall calling John Dean shortly thereafter and asking him whether he had told Henry Petersen about the two files. He told me that he had. I then asked him, in effect, if he told Mr. Petersen the whole story, namely, that the files were given to me in John Ehrlichman's presence with the assurance that they had nothing to do with Watergate, were sensitive and classified with national security overtones, should not be part of the FBI files, were political dynamite and clearly should not see the light of day. He said he had not told Mr. Petersen all of this. I told Mr. Dean that, if, as I had been assured, these files were of the character he described and had nothing to do with Watergate he ought not to be discussing them at all but that, if he did, he should at least tell Mr. Petersen the full story of their significance and the instructions to me.

Within a few days after this call, perhaps the next day, I called John Ehrlichman. This is the conversation which, unknown to me, John Ehrlichman tape-recorded. I believe this committee has a transcript of that tape. I believe this call to be a call reflected in my logs as made on March 6, 1973, at 6:34 p.m. I come to this conclusion in substantial part because at the outset of the conversation the transcript reports me as informing Ehrlichman that during my confirmation hearings "this morning," members of the Judiciary Committee received copies of a letter from the American Civil Liberties Union objecting to my offer that members of the Judiciary Committee could examine the entire FBI Watergate file. The transcript of my confirmation hearings reveals that such a letter was received by the committee on the morning of March 6.

The transcript of this conversation with Mr. Ehrlichman also reveals that I state to Mr. Ehrlichman that: "I am being pushed awfully hard in certain areas and I am not giving an inch and you know those areas." The assumption appears to have been made by Mr. Ehrlichman and by various members of this committee in their questioning of Mr. Ehrlichman that the "certain areas" in which I was being pushed was the receipt by the FBI of the contents of Hunt's safe. In fact the subject of the contents of Hunt's safe did not arise in my confirmation hearings until the next day, March 7.

I was being pushed, however, with respect to my turning over FBI reports to Mr. Dean and it was clear to me that my relationship with Mr. Dean was coming under increasing criticism by members of the Judiciary Committee. There is no doubt that I was concerned that the
committee would, as it subsequently did, inquire into the circumstances of the turnover to the FBI of the contents of Hunt's safe. Because of the instructions I had received from Messrs. Dean and Ehrlichman when the two files were given to me and my absolute conviction that these files, tinged with political and national security implications, had nothing whatsoever to do with Watergate, I had no intention of volunteering to the committee my receipt and destruction of these files and did not do so. I would not and did not make any false statements under oath but I acknowledge that I purposely did not volunteer this information to the committee.

I justified my reticence not only because I then believed in the rectitude of the administration whose nominee I was and in the integrity of the men who gave me the files and instructions, but because my brief look at the file of State Department cables had confirmed for me what I thought were overwhelming considerations of national security. I had no way of knowing then, of course, that the cables were fabricated nor, I might add, did I know then what I have since learned—that I was being left, in Mr. Ehrlichman's elegant phrase, to "hang there and twist slowly in the wind."

It was in this context, and knowing that Mr. Dean had already told Mr. Petersen about the files, that I had my conversation with Mr. Ehrlichman on March 6. There is no doubt that the message I intended to give to Mr. Ehrlichman was that he should tell Mr. Dean that he should not disclose the delivery to me of those two files.

At about 10:30 p.m. on the evening of April 15, 1973, I received a call from Mr. Ehrlichman. His remarks were very short, terse, and to the point. He simply told me that Dean had been talking to the prosecutors for some time and "we think you ought to know about it." It was obvious from his tone and the manner in which he spoke that no questions were invited and none were asked. I merely said thanks as he was hanging up the phone. I may have said, "Good evening, John" or "Hello, John" when I picked up the phone and it is my firm recollection that he started talking right away and made no response.

At shortly after 11 p.m. Ehrlichman called me again. This time his remarks were just as short, terse, and to the point. He said, "Dean has been talking about the files he gave you and you better check your hole card."

I said, "John, those papers were destroyed long ago."

Again it was plain and obvious from his tone and the manner in which he spoke that no questions were invited and none were asked. Both of these calls were of extremely short duration, less than 15 seconds each. His manner was fast talking and he seemed tense.

I know that Mr. Ehrlichman has testified that in these conversations I told him I would deny receiving the files and asked him to support me in that denial. I have absolutely no recollection of such an exchange and believe that both conversations were substantially as I have described them. I realize that the conversations may have been recorded without my knowledge.

On Monday, April 16, 1973, at 10:54 a.m., Assistant Attorney General Petersen came to see me. He said that Mr. Dean told the prosecutors he had turned over two of Hunt's files to me. I denied that I had received them. Mr. Petersen went on to say that Mr. Dean had said these two files had nothing to do with Watergate. He also said that
On August 12, 1971 Young, Hunt and Liddy met with the CIA staff psychiatrist who had directed the preparation of the Ellsberg psychological profile to discuss further development of the profile. Young told the psychiatrist of Ehrlichman's and Kissinger's personal interest in the profile and stated that the President had been informed of the study.

63.1 CIA staff psychiatrist affidavit, May 9, 1973 (received from CIA).

63.2 CIA staff psychiatrist testimony, Subcommittee of the Senate Appropriations Committee Executive Session, May 10, 1973, 111-12 (received from Senate Appropriations Committee).

63.3 E. Howard Hunt testimony, 9 SSC 3805-06.
STATE OF VIRGINIA

COUNTY OF FAIRFAX

AFFIDAVIT

I, _______________________, being first duly sworn, depose and say:

1. I was born on 2 September 1928, was graduated from ________ College, _____________ and _____________ School of Medicine, _____________ and have been employed by the Central Intelligence Agency since November 1958. I have been in the Psychiatric Staff of the Office of Medical Services of the Agency since that time.

2. In the Summer of 1971 the Medical Office was approached by the Director of Security concerning the preparation of a psychiatric study on Daniel Ellsberg, who had been accused of leaking the Pentagon papers. To the best of my recollection, it was my understanding from the Director of Medical Services that the DCI was knowledgeable and had approved the Director of Security's visit and the request that was being made of the Medical Office. There was general reservation and concern expressed about such an effort involving as it did potentially controversial and highly speculative efforts. It was felt that such activity, involving as this did an American citizen, might be outside of the Agency's purview. It was recognized that such efforts, while desirable in some quarters, could be misunderstood, misinterpreted, and mistakenly considered to have been derived from the doctor-patient therapeutic relationship which was in fact far from the case. An initial effort was prepared by Dr. ________________________ under the direction of myself based upon a review of magazine and newspaper articles containing biographical data about Ellsberg, as well as some FBI documents consisting of interview reports by informants about Ellsberg.
3. On 12 August 1971, on instructions from the Director of Medical Services, the writer met with Mr. David Young, Room 16, Executive Office Building, to discuss the matter of a psychiatric write-up on the case of Daniel Ellsberg. Mr. Young, at the time the appointment was made, had stated that there was more information which he wished to discuss. The meeting lasted for approximately an hour and Mr. Young was joined by a Mr. Linney (probably Liddy), who seemed to be an assistant. Mr. Young stated that the Ellsberg study had the highest priority and had been requested by Mr. Ehrlichman and Dr. Kissinger. Mr. Young also stated that the President had been informed of this study. He stated that it was a multi-faceted approach and the psychiatric report would be only one facet. He stated that he understood that the Agency was uneasy about undertaking such a study and assured me that there had been no delineation as to how information derived from the study would be utilized, and if there were any utilization that great care would be given to make it nonattributable to the Agency. Mr. Young was interested in knowing what kind of data would be needed in order to provide further study of the sort done "on Fidel Castro." Later on Mr. Howard Hunt joined the group. Mr. Hunt recognized me, being a former Agency employee, and we greeted cordially. Mr. Hunt amplified on Mr. Young's comments and stated it was his wish to "try Dr. Ellsberg in public." Other comments were made by Mr. Hunt or "Mr. Linney" to the effect that the aim would be to render Dr. Ellsberg ineffective or to make him the object of pity as a broken man. Mr. Hunt stated that he wished to see data of the sort that "psychiatrists found out about Barry Goldwater in 1964," and he expressed interest in being able to refer in a knowledgeable way to Dr. Ellsberg's oedipal conflicts or castration fears and other similar points.

4. It seemed from Mr. Young and "Mr. Linney" that there was considerable concern that Dr. Ellsberg had a great deal more sensitive information which it was feared he would from time to time periodically expose. "Mr. Linney" stated that Dr. Ellsberg thought of himself as "having the white hat and the President as having the black hat."
5. A discussion was held with the group concerning the dangers of preparing such a study in isolation and without the opportunity for the free give and take discussions among experts, as had been the case in our other studies. I was informed that more biographic material was available. I was requested to give examples of the kind of information needed. I pointed out that insofar as possible, "although possibly not available," data from early life from nurses or close relatives would be useful. I agreed with "Mr. Linney" that school progress, including testing, would be helpful. In the same way, year books, his years in college and in the military, comments from friends would be helpful. Mr. Hunt also stated that it would be useful for Dr. Ellsberg's first wife to be interviewed and he felt, "You can easily arrange that under an operational alias." It was pointed out that the first Mrs. Ellsberg would be cooperative.

6. Information was also offered by Mr. Hunt or "Mr. Linney" to the effect that Dr. Ellsberg had been in analysis although times or location were not known for certain. "Mr. Linney" pointed out that after Dr. Ellsberg gave the Pentagon papers away, he telephoned his analyst stating, "Now I am free."

7. "Mr. Linney" and Mr. Young, with Mr. Hunt's assent, pointed out that the Ellsberg study was of the highest priority, even over the SALT negotiations. It was agreed that the further biographic information regarding Dr. Ellsberg would be sent to us and Mr. Hunt agreed to manage this. Mr. Hunt would also make arrangements whereby periodic conferences would be held as necessary. Mr. Hunt did, however, offer that he did not wish to come out to the Agency if he could avoid it.

8. At this point Mr. Hunt made some comments in the presence of the group based on his previous acquaintanceship with me and he remained behind and made some further comments expressing a desire that his presence and participation in the meeting not be mentioned at the Agency. After arriving back at the Agency I informed Mr. Hunt by telephone that it was not feasible for me to avoid reporting Mr. Hunt's presence at the meeting. Mr. Hunt expressed great regret that this was necessary, stating that he had adequate contact with General Cushman and was on good
terms with the Director. He was reluctant agreeing to my statement that it was necessary to inform the Director of Medical Services.

Mr. Hunt wished to know if this could be treated as confidential medical information, but could not tell the writer in what way. I discussed the entire situation—the dangers and the reservations and the gravity of the situation with the Deputy Chief, Psychiatric Staff, the Director and Deputy Director of Medical Services.

9. On 13 August 1971, additional information was received from the White House. To the best of my knowledge this was from Howard Hunt and consisted of poorly Xeroxed classified FBI reports and Department of State documents. This material provided additional data and on 20 August 1971 the Director of Medical Services and the writer met with the Deputy Director for Support concerning the White House request in the Ellsberg case and the continuing pressure and desire for a psychiatric study. The problems associated with developing the study and our continuing reservations were discussed in detail. In view of Mr. Hunt’s enthusiasm, concerns existed about the checks and balances to actions based on a study if one were to be undertaken. To the best of my recall, the Deputy Director for Support was in agreement with us. While the additional information furnished further suggested that Ellsberg was under emotional pressure it was not possible to arrive at any firm conclusions or comprehensive understanding of the man’s personality.

The additional information indicated that:

a. He had revealed quasi-Secret information while still in the service when he was applying for a Ph.D. fellowship.

b. He had volunteered for Vietnamese service for the State Department in 1965 while under the stress of obtaining a divorce from his first wife.

c. He had sought psychoanalytic treatment between the fall of 1968 and 1970 with a psychoanalyst (who was determined to be professionally qualified and reputable) in California.
AFFIDAVIT

I, 6, being first duly sworn, depose and say:

1. I was born on 2 September 1923, was graduated from
College, and School of Medicine,
and have been employed by the Central Intelligence
Agency since November 1953. I have been in the Psychiatric Staff of
the Office of Medical Services of the Agency since that time.

2. In the summer of 1971 the Medical Office was approached by
the Director of Security concerning the preparation of a psychiatric
study on Daniel Ellsberg, who had been accused of leaking the Pentagon
papers. To the best of my recollection, it was my understanding from
the Director of Medical Services that the DCI was knowledgeable and had
approved the Director of Security's visit and the request that was being
made of the Medical Office. There was general reservation and concern
expressed about such an effort involving as it did potentially
controversial and highly speculative efforts. It was felt that such
activity, involving as this did an American citizen, might be outside of
the Agency's purview. It was recognized that such efforts, while
desirable in some quarters, could be misunderstood, misinterpreted, and
mistakenly considered to have been derived from the doctor-patient
therapeutic relationship which was in fact far from the case. An initial
effort was prepared by Dr. 7 under the direction of myself
based upon a review of magazine and newspaper articles containing
biographical data about Ellsberg, as well as some FBI documents consisting
of interview reports by informants about Ellsberg.
3. On 12 August 1972, on instructions from the Director of Medical Services, the writer met with Mr. David Young, Room 15, Executive Office Building, to discuss the matter of a psychiatric write-up on the case of Daniel Ellsberg. Mr. Young, at the time the appointment was made, had stated that there was more information which he wished to discuss. The meeting lasted for approximately an hour and Mr. Young was joined by a Mr. Linney (probably Liddy), who seemed to be an assistant. Mr. Young stated that the Ellsberg study had the highest priority and had been requested by Mr. Ehrlichman and Dr. Kissinger. Mr. Young also stated that the President had been informed of this study. He stated that it was a multi-faceted approach and the psychiatric report would be only one facet. He stated that he understood that the Agency was uneasy about undertaking such a study and assured me that there had been no delineation as to how information derived from the study would be utilized, and if there were any utilization that great care would be given to make it nonattributable to the Agency. Mr. Young was interested in knowing what kind of data would be needed in order to provide further study of the sort does not on Fidel Castro." Later on Mr. Howard Hunt joined the group. Mr. Hunt recognized me, being a former Agency employee, and we greeted cordially. Mr. Hunt amplified on Mr. Young's comments and stated it was his wish to "try Dr. Ellsberg in public." Other comments were made by Mr. Hunt or "Mr. Linney" to the effect that the aim would be to render Dr. Ellsberg ineffective or to make him the object of pity as a broken man. Mr. Hunt stated that he wished to see data of the sort that "psychiatrists found out about Barry Goldwater in 1954," and he expressed interest in being able to refer to a knowledgeable way to Dr. Ellsberg's oedipal conflicts or castration fears and other similar points.

4. It seemed from Mr. Young and "Mr. Linney" that there was considerable concern that Dr. Ellsberg had a great deal more sensitive information which it was feared he would from time to time periodically expose. "Mr. Linney" stated that Dr. Ellsberg thought of himself as "having the white hat and the President as having the black hat."
5. A discussion was held with the group concerning the dangers of
proposals such a study in isolation and without the opportunity for the
first give and take discussions among experts, as had been the case in our
other studies. I was informed that more biographic material was available.
I was requested to give samples of the kind of information needed. I
pointed out that it would be possible, "although possibly not available,"
data from early life from nurses or close relatives would be useful. I
agreed with "Mr. Linney" that school programs, including testing, would be
helpful. In the same way, year books, his years in college and in the
military, comments from friends would be helpful. Mr. Hunt also stated
that it would be useful for Dr. Ellsberg's first wife to be interviewed
and he felt, "You can easily arrange that under an operational alias."
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the effect that Dr. Ellsberg had been in analysis although times or
location were not known for certain. "Mr. Linney" pointed out that after
Dr. Ellsberg gave the Pentagon papers away, he telephoned his analyst
stating, "Now I am free."

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out that the Ellsberg study was of the highest priority, even over the
SALT negotiations. It was agreed that the further biographic information
regarding Dr. Ellsberg would be sent to us and Mr. Hunt agreed to manage
this. Mr. Hunt would also make arrangements whereby periodic conferences
would be held as necessary. Mr. Hunt did, however, offer that he did not
wish to come out to the Agency if he could avoid it.

8. At this point Mr. Hunt made some comments in the presence of
the group based on his previous acquaintance with us and he remained
behind and made some further comments expressing a desire that his
presence and participation in the meeting not be mentioned at the Agency.
After arriving back at the Agency I informed Mr. Hunt by telephone that
it was not possible for me to avoid reporting Mr. Hunt's presence at the
meeting. Mr. Hunt expressed some regret that this was necessary.
8. On July 13, 1971, additional information was received from the White House. To the best of my knowledge this was from Howard Hunt and consisted of poorly marked classified FBI reports and Department of State documents. This material provided additional data and on 20 August 1971 the Director of Medical Services and the writer met with the Deputy Director for Support concerning the White House request in the Ellsberg case and the continuing pressure and desire for a psychiatric study. The problems associated with developing the study and our continuing reservations were discussed in detail. In view of Mr. Hunt's enthusiasm, concern existed about the checks and balances to actions based on a study if one were to be undertaken. To the best of my recall the Deputy Director for Support was in agreement with us. While the additional information furnished further suggested that Ellsberg was under emotional pressure it was not possible to arrive at any firm conclusions or comprehensive understanding of the man's personality. The additional information indicated that:

a. He had revealed quasi-Secret information while still in the service then he was applying for a Ph.D. fellowship.

b. He had volunteered for Vietnam service for the State Department in 1969 while under the stress of obtaining a divorce from his first wife.

c. He had sought psychoanalytic treatment between the fall of 1969 and 1970 with a psychoanalyst (who was determined to be professionally qualified and reputable) in California.
EXECUTIVE SESSION

PURPORTED ROLE OF CENTRAL INTELLIGENCE AGENCY IN THE PENTAGON PAPERS' CASE

THURSDAY, MAY 10, 1973

United States Senate,
Subcommittee of the Committee on Appropriations,
Washington, D.C.

The subcommittee met at 10:15 a.m., pursuant to recess, in room S-126, the Capitol, Hon. John L. McClellan (chairman of the subcommittee) presiding.

Present: Senators McClellan, Young and Hruska.

CENTRAL INTELLIGENCE AGENCY

STATEMENTS OF Dr. , DIRECTOR OF MEDICAL SERVICES; Dr. , OFFICE OF MEDICAL SERVICES; AND Mr. , GENERAL COUNSEL. (resumed)

Chairman McClellan. The meeting will come to order.

Mr. Chairman, yesterday you requested several documents. At the end of yesterday's session you requested certain documentation about the position that the doctors and others took in connection with the preparation of the papers.
else and make the inquiry, what is this all about? why do you want this material? Was it part of your duty or part of Dr. 6 duty, and I will let each of you answer for yourself.

Did you regard it as your duty to do that or that it was within the purview of your responsibility to do it?

Dr. 5: In the first paper, I did not.

In regard to the second paper, I did raise a question but I raised it internally.

Chairman McClellan. You did not then regard it your duty or within the purview of your responsibility to contact Ehrlichman and ask them directly?

Dr. 5: That is correct.

Chairman McClellan. What do you say, Dr. 6?

Dr. 6: In my meeting with Mr. Hunt, Liddy and Young, I was concerned with their comments about the background, how the paper was being requested, and the general vagueness of purpose. I felt it was part of my duty to express my concern and perhaps even alarm to Dr. 5 and jointly with him to Mr. 8.

Chairman McClellan. You did that and you went to your superior, Dr. 5, and both of you went to 8. I understand that. This is becoming pretty serious.

All I want is to get whether you or Dr. 5 were careless or negligent in your duty, in what was your duty, in
what was your duty in the position [sic] you occupied, to thrash this out with Hunt or Ehrlichman as to why they wanted it for or why and how it was to be used or did you feel that that was completely the responsibility of your superiors?

Dr. 6: I would think more the latter. I felt it was very important to get as much information and detail as I could for the benefit of my supervisor.

Chairman McClellan. Did you ask them directly what it was for when you talked to Hunt and Liddy and Young?

Dr. 6: I can't remember that said specifically what it was for but certainly we held discussions and I was very interested and wanted to know what they were going to use it for.

Chairman McClellan. You did discuss it with them?

Dr. 6: Yes.

Chairman McClellan. What did they tell you they were going to use it for?

Dr. 6: They told me that they were not sure what they were going to use it for but that if they did use it they would take the greatest care to make sure it was not attributable to the agency.

Chairman McClellan. Was that something to influence you or to influence the agency that they would undertake to protect the agency as a source of the information?

Dr. 6: I think it was an effort to try to get us
SECRET

EXHIBIT "A"

COMPLAINT BANK OF AMERICA TRUST COMPANY IN THE FEDERAL DISTRICT COURT

THURSDAY, JULY 20, 1973

United States Senate,

Subcommittees of the Committee on Appropriations,

Washington, D.C.

The subcommittee met at 11:15 a.m., pursuant to notice,
in room S-126, the Capitol, Hon. John E. McMillan [Chairman
of the subcommittee] presiding.

Present: Senators McMillan, Brown, and Humphrey.

CENTRAL INTELLIGENCE AGENCY

STATEMENTS OF
DIRECTOR OF
MEDICAL SERVICES; 15
OFFICE OF
MEDICAL SERVICES, AND
GENERAL COUNSEL (resumed)

Chairman McMillan. The meeting will now be open.

w. 7 The following individuals appeared

GENERAL COUNSEL. At the end of Mr. McMillan's remarks

Chairman McMillan. The meeting will now be open.
else and make the inquiry—what is this all about? why do you want this material? Was it part of your duty or part of duty, and I will let each of you answer for yourself.

Did you regard it as your duty to do that or that it was within the purview of your responsibility to do it?

Dr. 5 In the first paper, I did not.

In regard to the second paper, I did raise a question but I raised it internally.

Chairman McClaran. You did not then regard it as your duty or within the purview of your responsibility to contact Dr. 5

Dr. 5 That is correct.

Chairman McClaran. What do you say, Dr. 6

Dr. 6 In my meeting with Dr. Hunt, Lilly and Young, it was their counts about the background, how the paper was being requested, and the general vagueness of purpose. I felt it was part of my duty to express my concern and perhaps even alarm to Mr. 5 and jointly with him to Mr. 8.

Chairman McClaran. You did that and you want to your superior, Dr. 5 and that's why you wrote to 8.

I understand you. Then it was an early warning.

All I want to do now after you write 5 and
what was your duty in connection with this? I thought this out with Hunt or Shillito or us to why they wanted it and why and how it was to be used or if you feel that this was completely the responsibility of your superiors?

Dr. 6 I would think more the latter. I felt it was very important to get as much information and detail as I could for the benefit of my superiors.

Chairman McClellan. Did you ask them directly what it was for when you talked to Hunt and Liddy and Young?

Dr. 6 I can't remember that I said specifically what is it for but certainly we held discussions and I was very interested and wanted to know that they were going to use it for.

Chairman McClellan. You did discuss it with them?

Dr. 6 Yes.

Chairman McClellan. What did they tell you they were going to use it for?

Dr. 6 They told me they were not sure what they were going to use it for but that if they did use it they would take the precaution of to make sure it was not admissible in the agency.

Chairman McClellan. Yes that something to influence you or to influence the agency with that was admissible and prevent the agency from using it as information.

Dr. 6 I do. This is an effort to try to...
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973
Book 9

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3
Mr. Dash. I take it you would consider that a significant finding about Dr. Ellsberg?

Mr. Hunt. Yes, sir.

Mr. Dash. And therefore, would you not have, if you so learned, put it in that chronology?

Mr. Hunt. Well, I don’t know that I didn’t, sir.

Mr. Dash. Fine. I will just state we have examined it and did not find it and would you please, not now, if you don’t have the time, but you take a look at it and if you find any item that refers to it would you please, through your counsel, let us know so that we can correct the record. We have thoroughly studied it and do not find any item that refers to such information.

Mr. Hunt. Yes, sir. I don’t recall having made such a notation, point 1. On the other hand, I would like to draw the committee’s attention to the fact that one page of my chronology ends on August 12, 1971, and picks up again on another page which may or may not be the next page on November 12, 1971. So it is a question of whether there is an accurate sequence here or not. And as you say, we recovered, or this material was recovered from my safe.

Mr. Dash. Do you know about when you would have received that information?


Mr. Dash. Now, in your efforts to obtain from the CIA a psychiatric profile, did you have occasion to deal, I think you so testified, with Dr. Malloy?

Mr. Hunt. Yes, sir.

Mr. Dash. I would like to show you an affidavit prepared by Dr. Malloy—do you have a copy, Mr. Sachs? We are giving you one right now anyhow. This affidavit is an effort by Dr. Malloy to give information concerning the preparation of your request, Mr. Young’s request, of a psychiatric profile, and I wish you to turn to page 2 of the affidavit, and if you will go to somewhere about the middle of the page where it says “Later on Mr. Howard Hunt joined the group,” do you see that?

Mr. Hunt. I see it.

Mr. Dash. May I read it to you.

Later on Mr. Howard Hunt joined the group. Mr. Hunt recognized me, being a former Agency employee, and we greeted cordially. Mr. Hunt amplified on Mr. Young’s comments and stated it was his wish to “try Dr. Ellsberg in public.” Other comments were made by Mr. Hunt or “Mr. Linney”:

By the way, who was Mr. Linney?

Mr. Hunt. I suppose in the context it would be Mr. Liddy.

Mr. Dash [continues reading]:

To the effect that the aim would be to render Dr. Ellsberg ineffective or to make him the object of pity as a broken man. Mr. Hunt stated that he wished to see data of the sort that “psychiatrists found out about Barry Goldwater in 1964,” and he expressed interest in being able to refer in a knowledgeable way to Dr. Ellsberg’s oedipal conflicts or castration fears and other similar points.

Is Dr. Malloy’s reference to your statements to him correct, to the best of your recollection?

Mr. Hunt. Again we have a question of salt mixed with pepper.

Mr. Dash. I certainly, at that juncture, would not have wanted to
render Dr. Ellsberg and make him into an object of pity that would
certainly be in contrast to my often expressed desire that he not be mar-
tyzed. I would interpret Mr. Malloy's or Dr. Malloy's statement here
"make him the object of pity as a broken man" as being in effect mak-
ing a martyr out of him. That was the last thing I wanted done.

Mr. Dash. Well, it could be interpreted as a person who could be
ridiculed, could it not, rather than as a martyr?

Mr. Hunt. Well, I think pity and ridicule are two different things.

Mr. Dash. In other words, we don't have Dr. Malloy here.

Mr. Hunt. No, sir.

Mr. Dash. And this is his affidavit. But I would like to get your
recollection, to the best of your ability, as to whether or not, in effect, what
you were telling Dr. Malloy was that you wanted Mr. Ellsberg
tried in public and you wanted this information for that purpose.

Mr. Hunt. Yes, sir.

However, I would go on, without being picayune about the matter, to
say that I never expressed interest in being able to refer in a knowl-
edgeable way to Dr. Ellsberg's oedipal conflicts or castration fears be-
cause I had no knowledge that he was so obsessed.

Mr. Dash. I guess all we can do now with the affidavit is let it stand
on your explanation of it.

Now, Mr. Hunt, we had already received in evidence an exhibit No.
91* which is a memorandum from David Young to John Ehrlichman
dated August 26, 1971, on the subject "Status of information which
can be fed into congressional investigation on Pentagon papers
affair."

And point 9 in that memorandum to Mr. Ehrlichman refers to
"How quickly do we want to try to bring about a change in Ells-
berg's image?"

And there is a footnote attached to that and I would like to read the
footnote to this memorandum.

In connection with issue 9, it is important to point out that with a recent ar-
ticle on Ellsberg's lawyer, Boudin, we have already started on a negative press
image for Ellsberg. If the present Hunt-Liddy project number 1 is successful, it
will be absolutely essential to have an overall game plan developed for its use in
conjunction with the congressional investigation. In this connection, I believe
that the point of Buchanan's memo attacking Ellsberg through the press should
be borne in mind, namely that the situation being attacked is too big to be under-
mined by planted leaks among the friendly press.

Were you aware of a Buchanan memorandum of this nature of at-
tacking Ellsberg through leaks in the press?

Mr. Hunt. No, sir.

Mr. Dash. Were you aware at any time that Mr. Pat Buchanan of
the White House staff had been solicited prior to your assignment on
Ellsberg by White House staff people to take on the investigation of
Mr. Ellsberg and had declined it?

Mr. Hunt. No, sir.

Mr. Sachs. Mr. Dash, could we have a copy of the document which
you just read?

Mr. Dash. Yes. We will make a copy and have it for you.

Mr. Sachs. Right.

*Previously printed in Book 6, p. 2648.
64. In discussions in mid-August 1971 concerning the plan to gain access to Dr. Fielding's files on Ellsberg, Krogh and Young told Hunt and Liddy not to be present when the operation was executed because of their association with the White House. During this period Hunt went to Miami, Florida where he recruited Bernard Barker for the operation. Barker had worked with Hunt in connection with the Bay of Pigs invasion. Barker then recruited Felipe DeDiego and Eugenio Martinez, who had participated in intelligence work with Barker on previous occasions.


64.2 E. Howard Hunt testimony, 9 SSC 3773.

64.3 E. Howard Hunt testimony, Grand Jury, People v. Ehrlichman, June 6, 1973, 281-85 (received from Los Angeles County Grand Jury).

64.4 Bernard Barker testimony, 1 SSC 357, 375-76.
This affidavit was prepared personally by the affiant and is presented to the Department of Justice for submission to the United States District Court, Southern District of California, the Honorable W. Matthew Byrne, Jr., presiding.

The form and execution of this affidavit is in conformity with statutory law and judicial precedent, and its submission is not a waiver or forfeiture of any state or federal constitutional, statutory, or common-law right of the affiant.

WASHINGTQN DISTRICT OF COLUMBIA

Affiant sworn:

WASHINGTON DISTRICT OF COLUMBIA

Egil Krogh, Jr., of full age, being first duly sworn according to law upon his oath, deposes and says:

1. that he resides at 6049 Greensville Street, N.W.,
   Washington, District of Columbia;

2. that he is a citizen of the United States of America;

3. that he is currently an officer of the executive branch of the federal government, serving as Under-Secretary of the Department of Transportation;

4. that on or about July 15, 1971, affiant was given oral instructions by Mr. John D. Ehrlichman, Assistant to the President of the United States for Domestic Affairs, to begin a special National Security project to co-ordinate a government effort to determine the causes, sources, and ramifications of the unauthorized disclosure of classified documents known as the Pentagon Papers;

5. that Mr. David Young of the National Security Council Staff was assigned to this special project with him.
activity to obtain a psychological history or ascertain associates of Dr. Ehrlichman was thereafter given to the special unit by John R. Ehrlichman.

27. that plans for acquiring the information from the office of Dr. Fielding were developed by Mr. Hunt and Mr. Liddy;

28. that to affiant's information and belief a first trip to California was undertaken by Mr. Hunt and Mr. Liddy to determine means for acquiring the information;

29. that films of the premises of Dr. Fielding's office were brought back by Mr. Hunt and Mr. Liddy following the first trip;

30. that to affiant's understanding and belief certain of these films were left in a camera belonging to the Central Intelligence Agency and transmitted to the Department of Justice by the Central Intelligence Agency;

31. that a second trip was undertaken to acquire the information in early September 1971;

32. that in affiant's supervisory capacity, affiant agreed to the mission with the understanding that Mr. Hunt and Mr. Liddy would obtain the service of certain Cubans to accomplish the mission;

33. that affiant attached a condition to the mission that Mr. Hunt and Mr. Liddy were not to be in the close proximity of Dr. Fielding's office;

34. that recent newspaper reports suggesting that an individual had accepted responsibility for the entry into two offices on the premises where Dr. Fielding has his office, was a completely unknown incident to affiant;

35. that to affiant's understanding and belief the funds for implementing the effort to acquire the information were provided to affiant through an unknown intermediary after a request by affiant to Mr. Charles Colson for the funds;

36. that to affiant's knowledge affiant did not inform Mr. Colson as to the reason for the request for funds;

37. that to affiant's understanding and belief the funds totalled $2,000.00 which were to be used for expenses;
Egil Krogh, Jr., being duly sworn according to law upon his oath, says that he is the affiant of the foregoing; that he has read same and knows contents thereof; that the matters stated therein are true to his knowledge, except such matters as are stated to be upon information and belief and as to those matters he believes them to be true.

Further, I declare under the penalty of perjury that the foregoing is true and correct.

Egil Krogh, Jr.

SUBSCRIBED AND SWORN TO

before me this ___ day of __________, 1973

Theodore R. Neuman, Jr.
Judge of the Superior Court of the District of Columbia.

Joseph M. Burton, Clerk of the Superior Court of the District of Columbia, the same being a court of record of said District, and having by law a seal, does hereby certify that the Honorable Theodore R. Neuman, Jr., whose name is attached to the foregoing affidavit, was at the time of the taking of said affidavit, a member of said Superior Court, which court then and there existed.

And I do further certify that I am well acquainted with his handwriting and verily believe that the signature to the foregoing affidavit is his genuine signature.

In witness whereof, I have hereunto set my hand and affixed the seal of said Superior Court of the District of Columbia this ___ day of _______________, 1973.

Joseph M. Burton
Clerk of the Court
This affidavit is sworn to the United States District Court for the
District of Columbia, the Honorable W. HUGO BERN, Jr., Judge.

The form and execution of this affidavit is in accord
with statutory law and judicial practice, and the undersigned
states a belief or knowledge of facts on which the affiant
relied, statutory, or common law right of the affiant.

FILM
3:13 (PM)

JAMES F. DAVEY, Clerk
Suite 301
210 Sixteenth Street, N.W.
Washington, D.C. 20006
Telephone: 202-639-1579

WASHINGTON
DISTRICT OF COLUMBIA

Egil Krogh, Jr., of full age, being first duly sworn
according to law upon his oath, deposes and says:

1. that he resides at 5849 Greenvale Street, N.W.,
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2. that he is a citizen of the United States of America;

3. that he is currently an officer of the executive
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27. that plans for acquiring the information from the office of Dr. Fielding were developed by Mr. Hunt and Mr. Liddy;

28. that to afford the means of obtaining a first trip to Washington and the offices by Mr. Hunt and Mr. Liddy to determine plans for acquiring the information;

29. that films of the premises of Dr. Fielding's office were brought back by Mr. Hunt and Mr. Liddy following the first trip;

30. that to afford the understanding and belief of certain of these films were left in a camera belonging to the Central Intelligence Agency and transmitted to the Department of Justice by the Central Intelligence Agency;

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35. that to affiant's understanding and belief the funds for implementing the effort to acquire the information were provided to affiant through an unknown intermediary after a request by affiant to Mr. Charles Colson for the funds;

36. that to affiant's knowledge affiant did not inform Mr. Colson as to the reason for the request for funds;

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Egil Krogh, Jr., being duly sworn according to law upon
its oath, says that he is in the affidavit of the foregoing, that
he has read same and knows content thereof, that the matters
stated therein are true to his knowledge, except such matters
are stated to be upon information and belief and as to
true matters he believes them to be true.

Further, I declare under the penalty of perjury that the
foregoing is true and correct.

[Signature]

Egil Krogh, Jr.

SUBSCRIBED AND SWORN TO

before me this 4th day of May, 1973

[Signature]

Theodore R. Naman, Jr.
Judge of the Superior Court of the District of Columbia.

Joseph M. Burton, Clerk of the Superior Court of the
District of Columbia, the same being a court of record of
said District, and having by law a seal, does hereby certify
that the Honorable Theodore R. Naman, Jr., whose name is
attached to the foregoing affidavit, was at the time of the
taking of said affidavit, a member of said Superior Court,
which court then existed.

And I do further certify that I am well acquainted with
his handwriting and verify believe that the signature to the
foregoing affidavit is his genuine signature.

In witness whereof, I have hereunto set my hand and
affixed the seal of said Superior Court of the District of
Columbia this 4th day of May, 1973.

[Signature]

Joseph M. Burton
Clerk of the Court
Mr. Hunt. I personally received no information from him. I saw information cross my desk that had been sent by Mr. Mardian to others within the Plumbers unit and outside.

Senator Weicker. And this was at the time that Mr. Mardian was at the head of the Internal Security Division?

Mr. Hunt. Yes, sir.

Senator Weicker. And the information from Mr. Mardian was addressed to whom, when you say others, who would others be?

Mr. Hunt. Messrs. Krogh and Ehrlichman, I would say.

Senator Weicker. And the information related to what?

Mr. Hunt. Principally to the Ellsberg affair.

Senator Weicker. When you say principally, what other matters were touched upon?

Mr. Hunt. Problems of leaks.

Senator Weicker. I see. Did this relationship continue between Mr. Mardian and yourself after Mr. Mardian left the Department of Justice and in fact was a member of the Committee To Re-Elect the President?

Mr. Hunt. I had no personal relationship with Mr. Mardian, Senator. I am sorry if I gave that impression.

Senator Weicker. Now, relative to what is commonly known as the Kissinger taps, 17 taps which have been referred to in the press and elsewhere; at any time did you have access to any of the information relative to those taps or any one of those taps?

Mr. Hunt. No, sir; not to my knowledge.

Senator Weicker. Did any member of your group; Mr. Liddy, did he have access to any of the information of those taps?

Mr. Hunt. I don't know, sir. I was not aware of their existence.

Senator Weicker. You were not aware of their existence?

Mr. Hunt. I was not aware of their existence.

Senator Weicker. All right.

Now, to return for a minute to the actual break-in and the origins of the break-in in Dr. Fielding's office; will you please tell this committee as to when it was, in relation to the actual break-in, that you contacted the four Cuban-Americans to request them to come to Los Angeles for purposes of this mission.

Mr. Hunt. It is very difficult for me to put a precise date on that.

Senator. I suspect that I must have sounded out Mr. Barker some days prior to August 20, which was the date when Mr. Liddy and I flew to the west coast to make our feasibility study and preliminary reconnaissance, and I say that because I think that I would have wanted to know beforehand whether or not an entry team could be formed from among my Cuban contacts in south Florida.

Certainly I did it after the initial feasibility study and prior to the break-in, I would place it then toward the end of August, say around August 20, something like that.

Senator Weicker. So this would be what: several days just prior to the break-in they were flown out to Los Angeles, just several days before the actual break-in?

Mr. Hunt. No, sir. Several days prior to the time Mr. Liddy and I went alone to Los Angeles—
People v. Ehrlichman, et al. (A 300 388)

LOS ANGELES COUNTY GRAND JURY TESTIMONY

E. Howard Hunt

June 6, 1973
Q. What kind of cooperation were you looking for?

A. I wanted him, and I wanted one or two -- possibly more -- of his experienced associates. And by "experienced," I mean Cuban-Americans like himself, who had been through the mill, and the Bay of Pigs, who had received specialized C.I.A. training. dependable men.

Q. Mr. Hunt, I have no intention of demeaning you, but the thought comes to mind as to why you and Mr. Liddy, perhaps, could not have pulled the Fielding job yourselves. Was that not a discussion between you and Liddy?

A. We could have.

Q. Was there a reason why that could not have come about?

A. Certainly. Because we were both associated with the White House.

Q. I see. What happened after your contact telephonically with Mr. Barker?

A. I believe that I went to Miami alone, saw Mr. Barker in a social situation, indicated that on a national security matter, there was a venture on which I would appreciate his cooperating.

I did not at that time indicate the nature of it. I said I would need a minimum of two reliable men with the qualifications that I have just a moment ago recited; and I wanted to know (a) whether he would be willing to assist me in this venture; and (b) whether he would be able to acquire these men, these dependable, experienced men.

Q. Prior to the time that you went to Miami to see...
Mr. Barker, had you secured anyone's approval to go ahead and make that contact, and then keep that meeting?

A. I had.
Q. With whom?
A. Mr. Krogh.
Q. What did you tell him in that regard?
A. I told him that because of the ban on Mr. Liddy and myself actually being present in any target area, that I would have to rely upon trusted subordinates to carry out the task.
Q. Where did that conversation take place?
A. In Room 16.
Q. Who was present when you told Mr. Krogh that?
A. At this remove, sir, I can't recall.
Q. What did Mr. Krogh say?
A. Mr. Krogh said words to the effect, "Well, if you have confidence in these men, proceed."

Q. Okay. Where did the funds come for your making the trip to Miami?
A. As I recall, it was a Government Travel Request.
Q. What happened after you made the contact with Barker, and you explained to him what your needs were?
A. He indicated to me that he would be willing to assist me in any venture, and that he had two business associates with prior Bay of Pigs and C.I.A. Intelligence work background.
Q. Did he identify them at that time?
A. Perhaps not by name. He may have said, "Did you know so-and-so?"
And I said, no, I did not.
Q. Were you then placed in contact with two other
individuals?

A. I was.

Q. And what was the circumstance -- what were the circumstances leading up to that meeting?

A. To the best of my recollection, Mr. and Mrs. Barker and I had dinner, to which these two gentlemen were invited.

I believe Mr. Martinez, Mr. Eugenio Rolando Martinez, with whom I shared a number of mutual friends, I believe he dined with us.

And then later on, a Mr. Felipe De Diego joined us very briefly. This gave me a look at the two individuals -- although nothing of what was contemplated was discussed with them at that time.

Q. Was that at your election?

A. Well, I had to clear these gentlemen eventually in Washington. I wasn't going to cut them in on an operation before they had been cleared.

Q. I see. After meeting these other gentlemen, what did you then do?

A. I returned to Washington.

Q. Now, would you tell us, please, what that clearance process consisted of, that you just made reference to?

A. I provided a memorandum with sufficient vital statistics to enable at least a five-way index check.

Q. What's a five-way index check?

A. It's a normal basic Civil Service Security
clearance for government work.

Q. To whom did that memorandum go?
A. To Mr. Young.

Q. To Mr. Young. Did you dictate it?
A. I typed it.

Q. You typed it. Prior to it being delivered to Mr. Young, did you orally converse with him about the results of your trip to Miami?
A. I have no specific recollection of such an incident, but I -- in an overall sense, yes, I did.

Q. Did it ever come to your attention that Mr. Young had received that memorandum?
A. To the best of my recollection, I handed it to him personally.

Q. And did he read it in your presence?
A. I don't recall, sir.

Q. Did he ever respond to the content of that memorandum?
A. I don't recall whether he or Mr. Krogh responded, sir.

Somebody responded and indicated that these men were perfectly okay.

Q. And what is your best judgment, as you sit here now, as to who it was that responded?
A. My best judgment would be that it would have been Mr. Young.

Q. Were you eventually told -- strike that. Was there any discussion after you arrived back
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., MAY 17, 18, 22, 23, AND 24, 1973
Book 1

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

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Senator Ervin. Mr. Barker, do you solemnly swear that the evidence you shall give to the Senate Select Committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Barker. I do.

Senator Ervin. Let the record show that the witness is testifying under an order of immunity entered by Judge Sirica pursuant to the resolution and request of the committee under sections 6002 and 6005 of title 18 of the United States Code.

You may take your seat, Mr. Barker.

Mr. Hamilton. Mr. Barker, would you state your full name, please?

TESTIMONY OF BERNARD L. BARKER

Mr. Barker. My name is Bernard L. Barker.

Mr. Hamilton. And where do you reside, Mr. Barker?

Mr. Barker. At present I am in Cell Block 4, District of Columbia Jail.

Mr. Hamilton. And where is your home residence?

Mr. Barker. 5229 Northwest Fourth Street, Miami, Fla.

Mr. Hamilton. Mr. Barker, would you please give us the date and the place of your birth?

Mr. Barker. March 17, 1917, Havana, Cuba.

Mr. Hamilton. And were your parents American nationals?

Mr. Barker. Both my parents were American nationals. My mother was an American national of Cuban descent.

Mr. Hamilton. Now, Mr. Barker, did you serve in World War II?

Mr. Barker. That is correct.

Mr. Hamilton. And were you a prisoner of war?

Mr. Barker. That is correct.

Mr. Hamilton. Mr. Barker, do you now stand convicted in regard to your role in the break-in of the Democratic National Committee headquarters at the Watergate on June 17, 1972?

Mr. Barker. I do.

Mr. Hamilton. Did you also participate in a break-in of those headquarters on the Memorial Day weekend of 1972?

Mr. Barker. I did.

Mr. Hamilton. Mr. Barker, who recruited you for these activities?

Mr. Barker. E. Howard Hunt.

Mr. Hamilton. And was Mr. Hunt your supervisor in the Watergate operations?

Mr. Barker. That is correct.

Mr. Hamilton. And had Mr. Hunt also been your commanding officer in the Bay of Pigs operation?

Mr. Barker. The words "commanding officer," I was Mr. Hunt's principal assistant in the Bay of Pigs operation.

Mr. Hamilton. Mr. Barker, was the first Watergate-type affair that you participated in the break-in of the office of Dr. Ellsberg's psychiatrist in September of 1971?

Mr. Barker. That is correct.

Mr. Hamilton. Now, for these activities, the Watergate operations and the Ellsberg affair, were you paid by Mr. Hunt for your participation in these matters?

Mr. Barker. No.
Senator Gurney. And what transpired—what conversations did you have.

Mr. Barker. Old times.

Senator Gurney. Well, I am talking now specifically about what he wanted you to do, of course.

Mr. Barker. At that time, nothing. It was just he was there to go back to the 10 years after the Bay of Pigs, he would be present incognito at the Bay of Pigs meeting, and asked would I go with him, and I said I would like to.

Senator Gurney. Why did he not want to be known?

Mr. Barker. I do not know the nature of the operation at that time. Mr. Hunt was only known to very few persons in Miami, and we did go to this meeting, we did speak in Spanish to two or three persons that were in the old Cuban Revolutionary Council.

Senator Gurney. Go on; excuse me.

Mr. Barker. Mr. Martinez joined us. I presented him as Edwardo, and he immediately recognized who Edwardo was, although I think Mr. Martinez had met him previously. Then Mr. Barker and myself, Mr. and Mrs. Hunt, and Mr. Martinez went to lunch in a Cuban restaurant. Nothing was spoken at that time itself.

Senator Gurney. This was still just a visit about old times.

Mr. Barker. Yes, sir.

Senator Gurney. Well, now, when did he contact you next?

Mr. Barker. We kept in contact after that without anything special being brought up. I quite frankly waited until Mr. Hunt would tell me if there was any other reason other than social reasons—in the hierarchy, remember that he was my boss—and I expected him in his good time to tell me if there was anything else—and eventually he did.

Senator Gurney. And when did that take place?

Mr. Barker. I would say it was approximately—to the best of my recollection—2 weeks before the Ellsberg surreptitious entry.

Senator Gurney. And what did he tell you?

Mr. Barker. As I have said before, I think, would I be willing to help him on a matter of national security?

Senator Gurney. Was this by a phone call?

Mr. Barker. No, no; personally. He went down to Miami personally, and then after, I would repeat what I said before.

Senator Gurney. I do not know that we need to go through that.

Mr. Barker. Then he said that I should recruit two persons for this operation. And then I said I would, and he left. Then I proceeded to sound out two persons, and both of them accepted. The two persons that I had sounded out were Mr. Martinez and Mr. DeDiego. I selected them for their qualifications, not that they were salesmen in my organization. Mr. Martinez had in his record over 300 infiltrations into Castro Communist Cuba, including the obtaining of hard evidence during the missile crisis. I thought it was perfectly justified for a mission of this nature. I consider him one of the greatest heroes of that effort at that time.

Mr. DeDiego had been a member of Operation 40, which had been specially trained to capture documents of the Castro government and the operation was successful. He had received further training as an intelligence officer in the Army of the United States. He also, in my
concept, was perfectly qualified for a mission of this nature. I submitted their names and records to Mr. Hunt over the phone—long-distance phone—and some time after that, I do not remember, he called me and said that the two men had been cleared for the mission.

Senator Gurney. Did he say who and how they were cleared?

Mr. Barker. No, he did not.

Senator Gurney. And then go on about the mission and be as brief as possible, because I want to get to the Watergate.

Mr. Barker. Mr. Hunt then called me one day and said to proceed with my men to Los Angeles and to stay at—I think it was—the Beverly Wilshire Hotel where he would contact me. I bought the tickets, alerted the men, and we took off and went to Los Angeles. I registered in the hotel and Mr. Hunt contacted me. He gave me a brief—he gave me the address of the place where we were to make the entry. I found the place and I went with my men to familiarize myself with the area. I had the exact address at that time. Then the general plan was given to us. We proceeded to the area, and eventually made the entry. I personally searched for those documents.

Senator Gurney. What documents?

Mr. Barker. A file of Daniel Ellsberg at his psychiatrist's office. This file was not there. I would search—file from file cabinet. I searched his desk and the file cabinet. The men also helped me in the search. The only thing that I found in connection with him was an address book which had his name. This we photographed, and we also photographed the file cabinet to prove that we had forced them open, and then we left.

Senator Gurney. Now then let us get to the Watergate: When and where did Mr. Hunt contact you about Watergate?

Mr. Barker. I do not remember whether—I believe it was in one of the trips down to Miami that he told me of an impending operation—double operation—which would take in length about a week.

Senator Gurney. Did you say double operation?

Mr. Barker. I beg your pardon?

Senator Gurney. Did you say double operation?

Mr. Barker. That is correct.

Senator Gurney. What does that mean?

Mr. Barker. At that time, I did not know but I knew at the time it would involve, after that it was quite evident it was an entry into the McGovern's headquarters as well as an entry into the Watergate headquarters.

Senator Gurney. Tell us now very carefully what his instructions were.

Mr. Barker. I would like to explain that Mr. Hunt was our immediate superior in this operation—that we were involved only in the documents that we were to obtain. We had no connection with the electronic part. It is—to the best of my recollection—that the electronic part was not even under the direction of Mr. Hunt, much less of myself. Mr. McCord appeared to be quite capable of that, he handled that. I had no knowledge of that bugging he was going to do. All that my mission—that our team mission was—was the documents to which I have referred, and this was explained to me by Mr. Hunt at that time.
65. On or about August 19, 1971, Daniel Schorr, a television commentator for CBS News, was invited to the White House to meet with Presidential aides in connection with an allegedly unfavorable news analysis by Schorr of a Presidential speech. Thereafter, while traveling with the President, Haldeman directed Lawrence Higby, one of his aides, to obtain an FBI background report on Schorr. The FBI, following Higby's request, conducted an extensive investigation of Schorr. The FBI immediately interviewed 25 persons in seven hours, including members of Schorr's family, friends, employers, and the like. Schorr never consented to such an investigation. Following public disclosure of the investigation, the White House stated that Schorr was investigated in connection with a potential appointment as an assistant to the Chairman of the Environmental Quality Council. He was never appointed. Haldeman has testified that Schorr was not being considered for any federal appointment and that he could not remember why the request was made.

65.1 Daniel Schorr testimony, Subcommittee on Constitutional Rights of Senate Judiciary Committee, February 1, 1972, 416-18, 421-25.

65.2 H.R. Haldeman testimony, 8 SSC 3156-57.

65.3 Lawrence Higby interview, SSC, June 22, 1973, 4.

65.4 John Dean testimony, 3 SSC 1071.
FREEDOM OF THE PRESS

HEARING
BEFORE THE
SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS
OF THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-SECOND CONGRESS
FIRST AND SECOND SESSIONS

SEPTEMBER 28, 29, 30, OCTOBER 12, 13, 14, 19 AND 20, 1971
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[8530]
this field has been due in large measure to the fact that you have strongly supported this activity.

Will counsel call the first witness?

Mr. Baskin. Mr. Chairman, our first witness this morning is Mr. Daniel Schorr, news correspondent for CBS television.

Senator Ervin. I want to thank you for your acceptance of the invitation extended to you by the subcommittee. I think your appearance here will either help clarify the state of confusion that exists, or make the state of confusion—in light of the newspaper article or evidence supplied by the White House—more dense, I do not know which.

STATEMENT OF DANIEL SCHORR, NEWS CORRESPONDENT, CBS

Mr. Schorr. Mr. Chairman, thank you. I doubt that what I say will totally clarify events, many of which still remain a mystery to me. But whatever help I can be, I am delighted, because I share your concern and the concern of this subcommittee about relations between the Government and the press and people of the press in this country.

I am Daniel Schorr, resident of Washington, D.C., a correspondent of CBS News for the past 19 years, for many of those years a foreign correspondent in the Soviet Union, Poland, Germany, and elsewhere; for the past 6 years in Washington, where I also had previous assignments.

Mr. Chairman, you have invited me to testify concerning the FBI investigation of me and related matters. I am happy to respond, sharing your concern for the state of freedom in the press and the relationship between the Government and the press. I have not until today given any public recital of this singular episode because of a conviction that a reporter of events should try to avoid, if he can, becoming part of the events. But, in the interests of this subcommittee's inquiry, I shall be as helpful as I can. In a sense, it is somewhat embarrassing for me to be making my debut as a witness, because in some part, I feel we should be on the other side of those lights and not have to stand in front, but I think the episode has made it necessary. I would not myself have reported it on the radio or on television, but since it has become a subject of inquiry, I am glad to be here.

CBS has not been consulted about my testimony, and I speak entirely for myself. The facts are as I experienced them. The administration has at no time, until today, undertaken to give me any official explanation of its investigation.

On Friday, August 20, 1971, at about 10 a.m., an agent of the FBI appeared, without prior appointment, at the Washington office of CBS News, saying that he wished to interview me and my bureau chief, William Small, and to consult personnel files on me as part of an investigation undertaken. He said, because I was being considered for a high Government position.

Mr. Small declined to cooperate unless advised of the nature of the position, which the agent said he did not know. Interviewed separately, I replied to initial questions, but then declined further
answers pending some indication of the position for which I was being investigated. The agent asked if I had any objection to pursuit of the investigation elsewhere, or of the FBI's pursuing the investigation elsewhere. I said, yes, I did object, because such an investigation could be a source of embarrassment and, at the very least, create the impression that I was considering a change of employment. The agent promised to report my observations to his superiors.

In fact, embarrassment for me had already begun. Early that morning the FBI Bureau in New York had telephoned the home of Richard N. Salant, president of CBS News, apologizing for the early call by speaking of a crash investigation that had to be completed by the following Monday. Other CBS executives were contacted during that day. I had some difficulty in allaying their concern that I was planning to leave CBS. They found it incredible—as did I—that a full field investigation should be in progress, connected with a possible appointment of which I had no inkling. My relations with CBS News are, happily, on the whole, rather stable. Otherwise, they could easily have been placed under a great strain.

From information volunteered to me by others who had been approached by the FBI, it appeared that agents interviewed or telephoned previous employers, various colleagues, including an NBC correspondent who served with me in Moscow; residential neighbors, one of whom reported what appeared to be surveillance of my home; and neighbors of my brother, Prof. Alvin L. Schorr, dean of the School of Social Work at New York University.

There was naturally intense speculation among all of us within CBS about the purpose of the investigation. Perhaps more trusting than most, I inclined to the belief that there is more bungling than conspiracy in Government, and that the investigation had perhaps preceded a job offer, which would eventually emerge. Others in CBS leaned more to a harassment theory because of the general climate of pressure on the broadcasting industry, the history of my relations with the administration, which I shall go into in a moment, and especially because of the timing of my investigation.

The administration and its supporters had, on several occasions, expressed displeasure over my reporting. Senator Dole had inserted a statement in the Congressional Record criticizing my reporting on nutrition matters. President Nixon had accused me, in speaking to a group of newspaper women, of "telling a little lie" because of a report indicating that the President had privately, at one point, expressed misgivings about the Safeguard ABM system. White House Press Secretary Ronald Ziegler had criticized me at briefings in printable language, and other White House officials had expressed themselves privately in less printable language. And on August 10, the day before the start of the FBI investigation, I was invited by the White House to a meeting with officials to hear objections to my report on the CBS Evening News the previous day raising doubts about the concrete effects of President Nixon's promise to assist the Catholic parochial schools in their financial plight.
To me it seemed highly doubtful that the administration would beef to me one day and set the FBI on me the next—if only because this would set some kind of bureaucratic speed record. But my belief that a job offer would surface in fact began to weaken with the passage of time. My informal inquiries of friends in Government produced no enlightenment. On October 8 on a social occasion, I asked Frederick V. Malek, White House specialist in recruiting, if he knew what kind of job the FBI had been investigating me for. Mr. Malek professed ignorance and surprise, promised to check and call me that next day. Mr. Malek never called.

By early November I was close to agreeing with the cynics in my organization that the investigation had not been benevolently intended. What else could an oft-criticized reporter believe about an ostensibly job-connected investigation that, 2 months later, had produced not the slightest whisper of a job offer, but only avowals of ignorance from the White House talent scout?

Then, amidst the mysterious silence about the investigation, the criticism was renewed. On November 4, Charles Colson, special counsel to the President, telephoned Dr. Frank Stanton, vice chairman of CBS, Inc., to object to a report I had made the previous day about conflict within the Pay Board. As I understand it, Dr. Stanton referred Mr. Colson to Mr. Salant, the President of CBS News. My own knowledge of the telephone call is sketchy because neither Dr. Stanton nor Mr. Salant has discussed it with me. I imagine they were seeking to insulate me from administration pressures. Gordon Manning, vice president of CBS News, did ask me for factual material to get in a position to reply to Mr. Colson’s objections.

Now, let me tell you what I was thinking at that time. In such a situation, a reporter has a problem, or several problems. First of all, whether to disclose the FBI story. With the concurrence of my CBS News superiors, I decided not to because to my mind this was a “no win” situation. That is to say, to become the purveyor of news about my problems with the Government could only cast me in the role of an interested party and tarnish my journalistic neutrality. I thought one had to stick to the position that, no matter how emotional the administration was about me, I had to try to avoid becoming emotional about the administration because if the administration could push me into the role of its open antagonist, that would serve its purpose as well, or perhaps better, than intimidating me into pulling my punches.

This leads to the larger problem of how you conduct yourself as a reporter from then on: trying to make sure that you are still covering the administration on its news merits, not leaning backward, not leaning forward; trying to put out of your mind that CBS, however valiantly it seeks to protect you from intimidation, is itself under strong pressure, and the thought that you might be contributing to the woes of your employer. I tell you about these inner thought processes because I think it important for you, the subcommittee, to know some of the more subtle ways in which Government actions can affect the exercise of press freedoms.

Let me give you a concrete example of the problems created for me. On November 11, the story of the FBI investigation was pub-
also requested the White House to permit the two gentlemen who were reputedly concerned with the affair to come down before the subcommittee to testify.

I received a letter from Mr. J. Edgar Hoover, dated January 27, 1972, in which he says:

My dear Mr. Chairman:

Reference is made to your letter dated January 24, 1972, regarding the investigation of Mr. Daniel Louis Schorr.

Investigation of Mr. Schorr was requested on August 19, 1971, by a member of the White House staff, authorized to request federal personnel background investigations.

I digress to note that the committee has been given no information as to who this member of the White House staff was.

I think this is a very significant statement in Mr. Hoover's letter:

The investigation was referred to our field offices, but no inquiries were conducted until the morning of August 20, 1971. Mr. Schorr was contacted at approximately 8:30 a.m. on August 20, 1971, to obtain appropriate background data. He was informed of the investigation and later that morning made background data available to us. At approximately 3:00 p.m. on the same day, we learned from officials of the Columbia Broadcasting System that Mr. Schorr desired the investigation to be discontinued. The investigation was discontinued at approximately that hour pursuant to instructions from the White House. Prior to the discontinuance of our investigation, 25 persons were interviewed concerning Mr. Schorr.

This Bureau was not specifically requested by the White House to obtain any particular type of information during the investigation. The investigation was requested as a routine background investigation for possible federal appointment in which we make inquiries regarding a person's character, loyalty, general standing, and ability.

The incomplete investigation of Mr. Schorr was entirely favorable concerning him and the results were furnished to the White House.

Sincerely yours,

J. Edgar Hoover.

This Bureau was not specifically requested by the White House to obtain any particular type of information during the investigation.

I say that is a very significant statement because of my own experience on many occasions when I have been questioned by FBI agents concerning some individual under consideration for a Federal appointment. In every case in which the FBI has sought information from me, I have been advised not only of the name of the individual that they were seeking information about, but the office that the Government contemplates appointing him to. For that reason, I find great difficulty—although, as you say about yourself, I am a rather trusting individual—in believing that anybody at the White House or any member of the White House staff would initiate the FBI investigation with a view to determining one's qualifications for a job without ever first asking that individual whether he would accept the job if it was offered to him. Undoubtedly, it is a source of great embarrassment for a man to have 25 of his associates questions about him by the FBI, it would certainly be a source of great embarrassment to me. Despite the fact that most of the statutes of limitations have expired on most of my misdeeds, I would be very embarrassed by that and I can understand why you would have personal embarrassment about that.

Now, this subcommittee specifically requested the White House to permit Mr. Frederick V. Malek and Mr. Charles W. Colson to appear before the subcommittee and give us what information they
could. The subcommittee has never heard from Mr. Malek and Mr. Colson directly, but it has received this letter from Mr. John W. Dean III, counsel to the President, written on White House stationery. It says:

"Dear Senator Ervin:

"This is in response to your letter of December 3, 1971, to the President, Mr. Frederick V. Malek and Mr. Charles W. Colson concerning the investigation of Mr. Daniel Schorr. You have indicated in your letter to the President that your inquiry was prompted by concerns and suspicions which have arisen in connection with this matter and the need to put them to rest.

"We fully agree that any concerns and suspicions which have arisen must be eliminated and we have moved to do just that by publicly stating the precise reason the investigation of Mr. Schorr was conducted.

"Also upon reviewing this matter, the President has made it the policy of this administration that such preliminary job clearance investigations will not be initiated without prior notification to the person being investigated."

It is rather peculiar that so much of this administration has gone by before it arrived at that conclusion that that is a good rule to follow. But I am glad that at long last, it has agreed that it is going to use that commonsense approach to these matters in the future.

"Despite some inaccurate conjecture to the contrary, the facts in this situation are quite simple. Mr. Schorr was being considered for a post—and they emphasize this—that is presently filled and a routine job investigation was commenced without notifying Mr. Schorr. Mr. Malek's office was performing in his general area of talent searching in this matter. Mr. Colson's office was not involved in the matter at all. Given these facts, there is nothing more we believe can be added to clarify the situation.

"With respect to your request for the appearance of Mr. Malek and Mr. Colson before your subcommittee, it has been a matter of long-established principle and precedent that members of the President's immediate staff do not appear before congressional committees to testify in regard to the performance of their duties as members of the President's staff. This practice is indeed fundamental to the operation of our system of government. Therefore, I wish to advise you that Mr. Malek and Mr. Colson respectfully decline the invitation to testify."

So we got a letter in response to our request for witnesses, but when you search for truth, you are somewhat handicapped when the only information you can get is in the form of a letter because you cannot cross-examine a letter.

Now, cross-examination is a great weapon in the search for truth. When all you have is a letter, it can conceal more than it reveals. We are not told to this day who initiated this investigation, and until this morning. I never heard of anything that indicated what kind of a position you were allegedly under consideration for.

I have seen and heard you many times on TV, reporting news which affected the Government, and I am frank to state that I have always been impressed by your objectivity.
Mr. Schorr. Thank you.

Senator Ehrlich. Sometimes the news you reported was very prejudicial to the governmental activities that the news referred to, and sometimes the news you reported did not reflect too much credit on the governmental activities involved. I think that is true in reporting any news. But evidently from your statement, you did not enameor yourself to Mr. Colson, or some other members of the White House staff. It appears here that on several occasions, they protested—quite naturally, because none of us likes to hear unfavorable news about ourselves. I plead guilty to being one of those individuals, myself, so it is understandable to me.

But I think you have to draw one of two conclusions here; either the Government really had you under consideration for a high Government position, or they were trying to intimidate you or harass you. I do not see any other conclusion. If there was any other possible conclusion, we could have learned a little more about it if some witness had come down to testify and been subject to being questioned. That is rather necessary.

I remember an old story we lawyers used to tell about a man who ran into a train at a crossing on a dark night. The question was asked whether he was given any warning of the presence of the train on the crossing. This old night watchman testified very positively that he stood out beside the train and waved his lantern back and forth; but despite that fact, the driver of the car just crashed into the train. And the jury evidently believe the night watchman, because they returned a verdict in favor of the railroad.

After the verdict was returned, the railroad lawyer was complimenting the night watchman on his testimony and he said, "You were so cool and calm on the stand." And the night watchman said, "I might have appeared that way, but I was scared to death—scared all the time that they were going to ask me whether my lantern was lit."

So they sent us a letter and by sending the letter, they have us in a position where we cannot ask them whether the lantern was lit.

Now, there are some things that are interesting to me in this matter. One is that Mr. John W. Dean III, in a letter which was handed to me just a few days ago, said this:

"Mr. Schorr was being considered for a post that is presently filled."

And I read to my consternation in the Washington Post this morning that some unknown person—maybe that John Doe the grand juries have been looking for so unsuccessfully all these years—had an interview with a reporter from the Washington Post and had this to say about the job that Mr. Dean said is presently filled:

"** but he said the job had not been filled."

If I had been White House counsel, I would have told the witnesses that they had better try to reconcile their testimony instead of making a contradictory statement of that kind.

Now, your statement is to the effect that after this matter arose and you got no enlightenment from any source about the job for which you were allegedly under consideration, on a social occasion, you asked Frederick V. Malek, White House specialist in recruiting, if he knew what kind of job the FBI had been investigating you
for. Then you state that Mr. Malek professed ignorance and surprise, promised to check and call you the next day, and never called.

Now, in this same article of this interview by this undesignated White House official, it says this which is the latest on the subject from the White House: "The official told the Washington Post that Schorr's name was considered for the position by Frederick V. Malek, Chief White House Recruiter." Your statement says that Mr. Malek told you that he was ignorant about it at the time, and was surprised to hear about it.

Mr. Schorr. I must, in justice to him, say that he has since that time given various newspaper interviews in which he has said that he wanted to let me down easy and he didn't want to tell me on that occasion that I had been considered and rejected.

Senator Ervin. He wanted to let you down easy. In other words, his subsequent explanation was that he had been so reluctant to tell you the truth at the social occasion that he decided to tell it to you later and let you down easy?

Mr. Schorr. Yes, but he did not tell me later, either.

Senator Ervin. One thing about it, if he had been willing to come down here and testify, we could have asked him and given him the opportunity to elucidate on the situation and at least dissipate some of the confusion about whether he knew or did not know about it. I do not think that the White House would have fallen into ruins if he had come and given this information, which I think the subcommittee is entitled to. The subcommittee has found that so many Americans have come to fear the Government, because the Government is always snooping around and trying to investigate them. In the absence of any testimony I think I will just have to put these two letters in the record, and also this article from the Washington Post of today.

(The items referred to follow:)

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,

Hon. Sam J. Ervin, Jr.,
Chairman, Subcommittee on Constitutional Rights,
Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

My Dear Mr. Chairman: Reference is made to your letter dated January 24, 1972, regarding the investigation of Mr. Daniel Louis Schorr.

Investigation of Mr. Schorr was requested on August 19, 1971, by a member of the White House staff, authorized to request federal personnel background investigations. The investigation was referred to our field offices, but no inquiries were conducted until the morning of August 20, 1971. Mr. Schorr was contacted at approximately 8:30 a.m. on August 20, 1971, to obtain appropriate background data. He was informed of the investigation and later that morning made background data available to us. At approximately 3:00 p.m. on the same day, we learned from officials of the Columbia Broadcasting System that Mr. Schorr desired the investigation to be discontinued. The investigation was discontinued at approximately that hour pursuant to instructions from the White House. Prior to the discontinuance of our investigation, twenty-five persons were interviewed concerning Mr. Schorr.

This Bureau was not specifically requested by the White House to obtain any particular type of information during the investigation. The investigation was requested as a routine background investigation for possible federal
appointment in which we make inquiries regarding a person's character, loyalty, general standing, and ability.

The incomplete investigation of Mr. Schorr was entirely favorable concerning him and the results were furnished to the White House.

Sincerely yours,

J. Edgar Hoover.

THE WHITE HOUSE
Washington, D.C.

Hon. Sam J. Ervin, Jr,
U.S. Senate
Washington, D.C.

DEAR SENATOR ERVIN: This is in response to your letters of December 3, 1971 to the President, Mr. Frederick V. Malek and Mr. Charles W. Colson concerning the investigation of Mr. Daniel Schorr.

You have indicated in your letter to the President that your inquiry is prompted by concerns and suspicions which have arisen in connection with this matter and the need to put them to rest. We fully agree that any concerns and suspicions which have arisen must be eliminated and we have moved to do just that by publicly stating the precise reason the investigation of Mr. Schorr was conducted. Also, upon reviewing this matter, the President has made it the policy of this Administration that such preliminary job clearance investigations will not be initiated without prior notification to the person being investigated.

Despite some inaccurate conjecture to the contrary, the facts in this situation are quite simple. Mr. Schorr was being considered for a post that is presently filled and a routine job investigation was commenced without notifying Mr. Schorr. Mr. Malek's office was performing in its general area of talent searching in this matter. Mr. Colson's office was not involved in the matter at all. Given these facts, there is nothing more we believe can be added to clarify the situation.

With respect to your request for the appearance of Mr. Malek and Mr. Colson before your Subcommittee, it has been a matter of long-established principle and precedent that members of the President's immediate staff do not appear before Congressional committees to testify in regard to the performance of their duties as members of the President's staff. This practice is, indeed, fundamental to the operation of our system of government.

Therefore, I wish to advise you that Mr. Malek and Mr. Colson respectfully decline the invitation to testify.

Sincerely,

John W. Dean III
Counsel to the President.

[From the Washington Post, Feb. 1, 1972]

WHITE HOUSE WEIGHED JOB FOR SCHORR

(By Carroll Kilpatrick)

A White House official said yesterday that CBS correspondent Daniel Schorr was under consideration last year to be assistant to the chairman of the Council on Environmental Quality.

The official told The Washington Post that Schorr's name was considered for the position by Frederic V. Malek, chief White House recruiter, and that his discussion of Schorr's name with aides triggered the FBI investigation of the correspondent.

Schorr is scheduled to testify today at the opening of hearings called by Sen. Sam J. Ervin (D-N.C.) on press freedoms. Ervin is chairman of a Senate constitutional rights subcommittee.

Ervin charged last night that the White House has refused to permit any of its officials to testify at the hearings.

He said he had requested Malek, Special Counsel Charles Colson and Communications Director Herbert G. Klein to testify to set the record straight, but all declined.

Ervin said the only response was a letter from John W. Dean III, counsel to the President, who wrote, "This matter has been fully and carefully reviewed.
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 31, AUGUST 1, AND 2, 1973
Book 8

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

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right to be extended the courtesy of the President's hospitality in order to express their opposition.

Senator Montoya. Well, are you in effect telling me that this enemies list was compiled so that it would serve as an exclusion list for the White House?

Mr. Haldeman. In effect, yes.

Senator Montoya. Why was so much time wasted in the White House with memos and communications between staff members in trying to compile this list, then?

Mr. Haldeman. First of all, I don't believe a great deal of time was wasted in doing so. The time that was expended in doing it was for the purpose that I have indicated, and was a part of carrying out the effort of the White House to extend our policies to carry out the policies of the administration rather than to provide a forum for the expression of opposition.

Senator Montoya. Well, if your objective was, as you have stated it, why was it an effort to involve IRS in auditing some of these people and why were there orders from the White House to the FBI to check on some of these people?

Mr. Haldeman. I would like to know what those orders were and perhaps I can respond to them.

Senator Montoya. All right.

Mr. Higby, who was your administrative assistant, has given information to this committee that while he was in the Grand Tetons with the President and you, he was asked by you to call Mr. Hoover and get a complete background on Daniel Schorr; and Mr. Higby did this, and he has submitted testimony to this committee in secret to that effect.

Now, would you deny that?

Mr. Haldeman. No, sir.

Senator Montoya. Did you do that?

Mr. Higby. I requested a background report on Mr. Schorr, or asked Mr. Higby to request one, not in connection with the enemies list and I am not sure in what connection it was, but I am sure there was something that arose at the time that this request was made and I don't know in what context, but there had been, as has been indicated here in earlier testimony, concern from time to time about statements that were made and the reasons for them in terms of national security questions and I don't know that this was in such a context because I simply don't recall what the reason was for it.

Senator Montoya. Why would you order a check in that context?

Was Mr. Schorr being considered for an appointment?

Mr. Haldeman. No, sir; he was not.

Senator Montoya. Why would you check on him, then?

Mr. Haldeman. The check was made—I don't know why, but the check was made.

Senator Montoya. You ordered it?

Mr. Haldeman. The request for the check was in connection with something apparently—I assume that arose at that time that generated a request for the background report on Mr. Schorr. The request I would like to emphasize, Senator, was not a request for an investigation of Mr. Schorr and at the time that the request was made it was for the
background file which the FBI has on individuals, that is, a summary report on their activities and background.

Senator Montoya. Wouldn't you call it an investigation when the FBI goes out to try to get the background on an individual?

Mr. Haldeman. When they go out to do it, I would; but the request was not that they go out to do it. The request was for the file—what happened——

Senator Montoya. What file? Do you have a file in the White House on Mr. Schorr?

Mr. Haldeman. No, sir. The FBI did, or may have.

Senator Montoya. How did you know they have?

Mr. Haldeman. They have a file on most people who are known publicly and the request was for whatever file they have.

Senator Montoya. You mean the FBI has a file on every American that is known publicly?

Mr. Haldeman. I think they probably do. I have not been through their files so I can't verify that.

Senator Montoya. Well, you just stated that——

Mr. Haldeman. I said, I think they did.

Senator Montoya. Now, assuming that Mr. Schorr is one case, now I will give you an instance where you ordered FBI checks on eight other individuals.

Did you do that?

Mr. Haldeman. I don't know. I would like to hear what they are.

Senator Montoya. Well, Mr. Butterfield has so testified that you did.

Mr. Haldeman. Could I hear them, please?

Senator Montoya. Yes. The testimony of Mr. Butterfield is as follows. It is on page 10 of his interview before the committee, and this is his testimony: "Haldeman and occasionally Ehrlichman had requested an FBI check on nonappointees." To Butterfield's recollection—this is a memorandum of his testimony—to Butterfield's recollection there may have been eight such requests. Among them were Frank Sinatra, Daniel Schorr, Helen Hayes.

Senator Montoya. Now, what do you have to say to that?

Mr. Haldeman. In the case——

Senator Montoya. Was Helen Hayes being considered for an appointment? [Laughter.]

Mr. Haldeman. Quite possibly so. Helen Hayes had helped Presidential appointments and commissions at a number of times and that is quite possible.

Senator Montoya. Was Frank Sinatra being considered for an appointment?

Mr. Haldeman. No, sir. Frank Sinatra was being considered as an entertainer at the White House and was an entertainer at the White House.

Senator Montoya. And was Daniel Schorr being considered for entertainment at the White House? [Laughter.]

Mr. Haldeman. No, sir. I have already covered the Daniel Schorr appointment.

Senator Montoya. That is all, Mr. Chairman.

Mr. Haldeman. Mr. Chairman, could I——

Senator Ervin. Your time is up.
INTERVIEW

Participants: Higby, Shure, Hamilton, Kane, Armstrong, Boyce, Doug Parker

Higby was student body president of UCLA when Haldeman was chairman of the Alumni Association, and this is how Haldeman came to know Higby, and asked Higby to join his advertising firm of J. Walter Thompson. Higby said he would on a part-time basis and went to work for Haldeman in June of 1967. Nixon asked Haldeman in the Spring of 1968 to join the campaign staff. Haldeman left Thompson around May 1968 and Higby joined him back in New York about June and traveled with Nixon through the entire campaign as Haldeman's aide. Higby then went to New York and stayed until January 1969, at which time Higby came to Washington.

Higby worked under Haldeman's indirect supervision and worked directly for Ken Cole. Haldeman and Higby were good friends and had a father-son relationship. Higby went to work as Haldeman's Administrative Assistant in June of 1969 and moved to Deputy Administrative Assistant through the next four years. Most of the work that Haldeman had came across Higby's desk. In December 1972 or January 1973 Higby was promoted to Deputy Assistant to the President and was also deputy Administrative Assistant to Haldeman. Terry O'Donnell was brought in to be Administrative Assistant to Haldeman. Higby is now working for CIB and is helping Haig in the transition.

When Higby was Haldeman's deputy, there would be days when he would not see Haldeman at all. But when he was Haldeman's Administrative Assistant, he would generally see Haldeman two or three times a day. He rode to work with him in the morning, had lunch with him almost every day, and rode home with him at night. When Haldeman traveled, Higby traveled with him. Higby was Haldeman's confident. Haldeman would not always discuss important matters with Higby; it depended on Higby's need to know, particularly with national security.

Interview with Larry Higby on June 22, 1973
at Room G-334, Dirksen Senate Office Building, Washington, DC
by
Dictated Transcribed 6/22/73 by P. Balan

S5C 2/12/74

Page 1 of 13 pages.
Higby didn't know of the Eellsberg burglary until he read about it in the newspaper.

Strachan and Magruder were involved in trying to figure out back in 1971 or early 1972 what would be appropriate intelligence during the campaign and security measures, and during that time "Sandwedge" came up. That's all Higby knew. Higby thinks there was a meeting in Haldeman's office about security. Higby thinks Strachan, Magruder, and Mitchell were in the meeting, but doesn't know. Higby thought "Sandwedge" had to do with security. Strachan said, after coming out of Haldeman's office, that they had discussed "Sandwedge."

Higby was aware that in 1970 or 1971 there were national security surveillance and FBI wiretaps with regard to national security leaks. Higby knew about Chapmin's friend and Muskie's chauffeur. He was told about Muskie's chauffeur by Strachan (the fact that he brought Muskie's mail to CRP.) Higby doesn't know if the Muskie mail was opened or not. Higby didn't know Senator Kennedy was under surveillance, and Higby didn't transmit any orders regarding the Kennedy surveillance.

Higby was in the Grand Tetons with the President and Haldeman when Higby was asked by Haldeman to call Hoover and get a complete background on Daniel Schorr. Higby did. A few days later, Higby discovered (he thinks from Dean, only because Dean was the contact with the FBI) that the FBI wasn't putting together a background, but was launching an investigation of "the poor guy"(Schorr). Higby still doesn't know why it was made. Higby thinks there was probably an FBI file on Schorr and that's what was being requested, and that the FBI simply misunderstood. Higby doesn't recall having a discussion with Haldeman about this but thinks there must have been one about how ridiculous it was that this thing was blown up in the press.

The normal procedure for getting a background check was Dean's office. Higby does not know why this one was different. Higby recalls that Schorr had leaked some bad information or done a bad report that afternoon. Higby doesn't know if they were considering Schorr for a job.

Higby said there was concern to minimize the number of demonstrators when the President went out for a public appearance. People were ticketed in order to get into an event. There were no discussions
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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that conversation was, I would much prefer to have it with Mr. Sullivan and I would hope when we are through with this particular witness we will give Mr. Sullivan the opportunity to explain his particular role in this matter.

In your talk with Mr. Sullivan, or in your contacts with him, was he ever requested to prepare a memorandum relative to FBI involvement with other Presidents insofar as the political aspects were concerned?

Mr. Dean. Yes, he was. As I mentioned that in my statement, when I had mentioned to the President the fact that I had met with Mr. Sullivan and he had alluded to other activities by the FBI over the preceding years the President was very interested and asked me to obtain the information from Mr. Sullivan, and on several times I asked Mr. Sullivan if he could put this into documentary form, and he said he could. He himself typed out a memorandum that contained his best recollection of some of the political uses that have been made of the FBI by preceding administrations. That was originally one of my submissions to the committee and it is a classified document by Mr. Sullivan himself. He told me it was going to have to be declassified before it could be turned over but by the reference to it in my statement I meant to call it to the attention of the committee and the committee is certainly welcome to have that document.

Senator Weicker. All right. Is there any other use that you made or the White House made of the FBI on matters that come to your recollection now?

Mr. Dean. I can recall again, after the fact, getting involved in a situation that involved an FBI investigation that was made of Mr. Daniel Schorr, and when I learned about that after the fact I was told that what had happened is that Mr. Higby, who was Mr. Haldeman's assistant, had received a request from Mr. Haldeman when he was traveling with the President, to direct the FBI to do an investigation of Mr. Schorr. Mr. Hoover proceeded with the investigation but, to the dismay of the White House, he did a sort of a full field wide-open investigation, and this became very apparent. So this put the White House in a rather scrambling position to explain what had happened. The long and short of the explanation was that Mr. Malik, who at the time knew nothing about this said that Mr. Schorr was being considered for a post and that this was a part of a preliminary investigation in consideration of Mr. Schorr for a Presidential appointment in, I believe, the environmental field.

Senator Weicker. All right. Any other instances that you recollect as to the use of the FBI by the White House along these lines?

Let me give you a broad range, mark these down so you do not have to remember them, this type of situation that either involved the FBI or the Internal Revenue Service, CIA, Military Intelligence, Alcohol, Tobacco, and Firearms, Secret Service.

Mr. Dean. Let me start from the bottom of the list back. I do recall, and I mentioned in my statement a rather broad reference to the fact that intelligence came from surprising sources sometimes. At one point one of the top officials at the Secret Service brought me a small intelligence printout regarding Senator McGovern and just left it with me and said "I thought that this might be of interest to you."
66. On August 19, 1971 Krogh and Young informed Ehrlichman that Colson had been instructed by the President to get something out on the Pentagon Papers. On August 24, 1971, Ehrlichman forwarded to Colson a memorandum on Leonard Boudin, Daniel Ellsberg's attorney, which was prepared by Howard Hunt. Colson released the Hunt memorandum to a newspaper reporter.

66.1 E. Howard Hunt testimony, 9 SSC 3673.

66.2 Memorandum from Egil Krogh and David Young to John Ehrlichman, August 19, 1971 (received from White House).

66.3 Memorandum from John Ehrlichman to Charles Colson, August 24, 1971, with attachment (received from White House).

66.4 Jerald F. ter Horst affidavit, Exhibit 159, 9 SSC 3895-96.


66.6 United States v. Colson, transcript of proceedings, June 3, 1974, 4-11.
Mr. Dash. What was your instruction concerning the relationship you were to have with Mr. Lambert?

Mr. Hunt. To show Mr. Lambert the context of the other legitimate cables that I acquired from the Department of State, to permit Mr. Lambert to hand-copy the texts of the fabricated cables, but I having warned Mr. Colson previously that the cables were not technically capable of withstanding professional scrutiny, that Mr. Lambert was not to be allowed to remove the cables for photocopying purposes.

Mr. Dash. Did Mr. Lambert use the information?

Mr. Hunt. Not to my knowledge, no.

Mr. Dash. Now, are you aware from your conversation with Mr. Colson and the use of these cables of any strategy that Mr. Colson had with regard to Catholic voters?

Mr. Hunt. Yes, sir.

Mr. Dash. Could you describe that more fully?

Mr. Hunt. I believe it was desired by Mr. Colson, or at least some of his colleagues, to demonstrate that a Catholic U.S. administration had in fact conspired in the assassination of a Catholic chief of state of another country.

Mr. Dash. Did you show the fabricated cables to Colonel Conein?

Mr. Hunt. I did.

Mr. Dash. Under what circumstances?

Mr. Hunt. Prior to Colonel Conein's appearance on a— I believe NBC-TV network special concerning Vietnam.

Mr. Dash. And did Colonel Conein use any of this information from the fabricated cables in his program?

Mr. Hunt. I would have to answer in these terms, Mr. Dash, that I had shown him the fabricated cables in the broader context of the overall cables, that he was then interrogated by a camera and interview crew and that I believe he made, if not specific reference to the cables I showed him, at least they reinforced his own belief that there had been direct complicity by the Kennedy administration in the events leading up to the assassination of the South Vietnamese Premier.

Mr. Dash. Now, as part of Mr. Colson's plan to publicly discredit Mr. Ellsberg, did you prepare a derogatory article on Mr. Leonard Boudin, Ellsberg's lawyer?

Mr. Hunt. I did.

Mr. Dash. Did you show this to Mr. Colson?

Mr. Hunt. I did.

Mr. Dash. What was his suggestion when you showed it to him?

Mr. Hunt. He indicated that he would be passing the information to a member of the press, the article that I had prepared.

Mr. Dash. And, in fact, was the material that appeared in that article reflected in any news story that you were aware of?

Mr. Hunt. Yes.

Mr. Dash. Can you state to the committee what particular news story?

Mr. Hunt. It was an article authored by Mr. Jerry terHorst, who represented one of the Detroit newspapers in Washington. It formed the second half of a story that Mr. terHorst was publishing on Ellsberg and Ellsberg's defense.
August 19, 1971

MEMORANDUM FOR JOHN EHRLICHMAN

FROM: BUD KROGH AND DAVID YOUNG

Enclosed are three memoranda. The first is a preliminary report on where we are on the Ellsberg matter; the second is a report on the investigations we have run on the Tad Szulc article and the third is a general memorandum on the press and the bureaucracy.

We were also told by Colson that the President was after him to get out something on the Pentagon Papers. Howard Hunt is in the process of trying to put something together on Boudin, Ellsberg's attorney; and we will keep you posted on any developments.
MEMORANDUM FOR:  CHARLES COLSON

FROM:  JOHN D. EHRlichMAN

The attached memorandum by Howard Hunt should be useful in connection with the recent request that we get something out on Ellsberg.

EYES ONLY

August 24, 1971

002442
Arrested after having killed President John Kennedy, and police officer Tippit, self-proclaimed Marxist Lee Oswald cried, "Get me Abt!" John Abt was and is a leading attorney for the Communist Party of the United States of America (CP/USA).

Eight years later, facing Federal indictment for the theft and revelation of classified government documents, Daniel Ellsberg called upon attorney Leonard B. Boudin, choosing Boudin from among a host of activist lawyers, many of whom volunteered to defend Ellsberg.

What was there about Leonard Boudin that caused the most controversial figure in recent years, Daniel Ellsberg, copier and publicizer of the "Pentagon Papers," to single Boudin out from among all other available counsel?

The answer may lie within the outlines of Boudin's long and specialized career -- and provide at least partial insight into Daniel Ellsberg's motivation for revealing so many of the nation's most sensitive secrets to America's citizens -- and enemies.

In March, 1970, Boudin's name received brief publicity in connection with the flight of his daughter, Kathy, after the Weatherman bomb factory explosion in New York's Greenwich Village. In the explosion, three Weathermen died and Kathy remains a fugitive on the FBI's Ten Most Wanted list.
But there were other episodes extending over more than three decades, some
known to the public -- others little noticed, or unrevealed -- all forming
Boudin's unique reputation as an articulate and aggressive advocate of
ultra-leftist causes.

Born in Brooklyn in 1912, of parents who emigrated from Russia and
Austria, Leonard Boudin received his law degree from St. John's University in 1935. His career seemed unremarkable until 1941 when Boudin signed
a public petition supporting and defending the CP/USA. During World War II,
he worked for the National War Labor Board. Subsequently, Secretary of
State John Foster Dulles was to charge that in the 1930's and 1940's Boudin
had been a concealed member of the Communist Party as well as a member
of the Young Communist League. In 1947, Boudin became a faculty member
at the Jefferson School of Social Science, an institution listed by the U. S.
Attorney General as Communist. Significantly, although Boudin once testi-
fied that he had not been a member of the Communist Party since 1954, he
would not elucidate on previous years.

He became attorney for Judith Coplon during her long trial for espionage,
was counsel for the Emergency Civil Liberties Committee (a CP front),
and acted as attorney for the Communist front group, Veterans of the
Abraham Lincoln Brigade (of the Spanish Civil War).

So highly regarded is Boudin's talent for advocacy that Leonard Boudin
is now visiting professor at Harvard's prestigious Law School, where his son,
Michael, gained distinction as editor of the Law Review.

Louis Boudin, Leonard Boudin's uncle, was long involved in radical and CP matters as attorney for Earl Browder, while Browder was leader of the CP/USA and became the CP's leading authority on labor law.

As for Boudin himself, even a partial roster of his left-wing and Communist associations is remarkably extensive:

America-Russia Institute
National Council American-Soviet Friendship
National Council of the Arts, Sciences and Professions
Harry Sacher
Paul Robeson
National Lawyer's Guild
American Committee for the Protection of Foreign Born
United Office and Professional Workers of America
Rockwell Kent
Rev. Philip Berrigan and the East Coast Conspiracy
Cedric Belfrage
Science and Society magazine
The Rosenberg Family
Citizens Committee for Constitutional Liberties
Emergency Civil Liberties Committee
The Cuban Revolutionary Government
The Black Panther Party
*Boudin was attorney for Paul Robeson when the one-time Stalin Prize winner applied for a passport to travel abroad.


*Boudin represented Alger Hiss in Hiss' attempt to secure a passport for foreign travel following his release from prison.

In more recent times, Boudin and his law firm, Rabinowitz, Boudin and Standard, were involved in the Columbia University radical disruptions and the defense of draft evaders and Black Muslims accused of attacks on FBI employees. Both Boudin and his law partner, Victor Rabinowitz, are long-time members of the National Lawyers Guild, a CP front organization and foremost legal bulwark of the CP/USA. Although Rabinowitz is believed not to have been an active CP member for several years, he continues to hold high offices in the National Lawyers Guild.

As long ago as 1957, the House Committee on Un-American Activities noted that the National Lawyers Guild never failed to rally to the legal defense of the Communist Party and its members, including known espionage agents.

Probably with some precision, The Village Voice described Boudin as "the daddy of all practicing Leftists."

-4-
the American Civil Liberties Union ceased representing Georgia Legislator-elect Julian Bond when Leonard Boudin joined the legal effort to seat Bond in the Georgia Legislature.

Agent for Castro

After service to Castro's revolutionary 26th of July Movement, prior to Batista's overthrow, Boudin's firm was selected in 1960 by Fidel Castro to represent the Cuban Revolutionary Government in litigation arising from confiscations, ship seizures and problems involving the Cuban Mission to the United Nations. (During their first 4 years representing Fidel Castro in the United States, fellow lawyers say the firm collected nearly $400,000 in fees and expenses from the Cuban Government.) Despite this open and lucrative relationship with his Cuban client, Boudin fought registration as an agent of the Castro Government until finally forced to register by Supreme Court decree. As Castro's lawyer, he travels frequently to Cuba where he enjoys the revolutionary amenities of the "Havana Libre" (formerly Hilton) Hotel, as an honored guest.

But if manual labor is not the traditional hallmark of the Boudin family, they turn to it when ideology is involved. Leonard Boudin once cut sugar cane to help Castro meet Cuba's export commitments to the Soviet Union, and in 1962 daughter Kathy worked on a kolkhoz in the Soviet Union, along with Rockwell Kent's daughter, Natasha.
The art of espionage, of course, is seldom conducted in the open for its very success depends upon those involved remaining hidden from public view. Nevertheless, it has been said with some certainty that over the years Leonard Boudin has been a contact of both the Czech and Soviet espionage organizations, the latter best known by its initials, KGB. Because of the secrecy normally surrounding meetings between foreign agents and American citizens, it is impossible to say whether Boudin was providing information to Communist governments or -- as seems more likely -- receiving instructions or advice concerning the defense of clients in whom the Czechs or Russians had a special interest.

And what of Boudin's client, Daniel Ellsberg?

Most of what Daniel Ellsberg has said in public since he acknowledged stealing the Pentagon Papers seems calculated to position him as having responded to an order of morality higher than his onetime solemn undertakings to his country. This rationale, let it be remembered, was earlier employed by atomic spies Klaus Fuchs, David Greenglass, Morton Sobell and Bruno Pontecorvo.

And although there is as yet no conclusive evidence that Daniel Ellsberg acted on specific instructions of the Soviet Union -- as did those earlier informants -- the distinct possibility remains that Ellsberg's "higher order" will one day be revealed as the Soviet Fatherland. For history is replete with
repetition, and notable similarities exist. The notorious Amerasia case, for example, involved the revelation to Soviet Intelligence of 1,700 classified documents by an interlocking directorate of wartime government employees and officials. (The total seems small compared to Ellsberg's 47 volumes, but the Xerox machine was yet to be invented.)

Turning again to history, one wonders whether, as the date of his trial approaches, Ellsberg will lose his nerve and flee to Communist asylum as did his fellow Cambridge alumni, Guy Burgess, Donald MacLean and Kim Philby.

Or will continuing confidence in the track record of Leonard Boudin persuade Ellsberg to remain and take his chances with the American legal system?

Of the future one can only speculate; but it seems certain that whatever decision Daniel Ellsberg makes will be shaped in large measure by the advice and personality of lawyer Leonard Boudin.

Cui Bono

The legal query cui bono (to whose benefit) is relevant to Ellsberg's acts of professional disloyalty, for the leaders of North Vietnam, Red China and the Soviet Union were the undoubted beneficiaries of Ellsberg's revelations. The question is equally applicable to the relationship between Boudin and Ellsberg as attorney and client. Here, quite clearly, the retention of Boudin was undertaken in the hope that Ellsberg would escape with impunity -- a reprise of what occurred in 1949 when Boudin's intervention in behalf of accused Soviet espionage agent Judith Coplon was ultimately successful. But in the case of Daniel Ellsberg
The benefits of such an outcome will accrue to the Soviet Union, the Viet-
Cong and Communist China. For if Boudin is again successful -- as he has
been so often in the past -- the agents of foreign powers will enjoy a liberty
of action never before accorded them in the history of our country. Moreover,
concealed enemies within our government will be vastly encouraged to go
even farther than Ellsberg did, secure in the knowledge that someone --
perhaps the celebrated Leonard Boudin himself -- will direct their legal
defense, if in fact it will then even be possible to indict Americans for com-
promising government documents.

Daniel Ellsberg stated, and continues to maintain, that Americans have
a right to know. If this is truly his profound belief, then Ellsberg should let
America know why he retained an attorney who is both famous and notorious
for his career-long defense of the Communist Party, Castro Cuba, assorted
spies, perjurers, fellow travelers, conspirators, agitators and violent re-
volutionaries. To the dismay of his admirers Ellsberg, by retaining Boudin
to defend him, tarnishes the 'idealistic image' he tries to project, and becomes
just one more client of a man and a law firm whose dedication over the years
to the interests of our foreign and domestic enemies has remained unwavering
and absolute.

As Daniel Ellsberg so earnestly put it, Americans do have a right to
know. But the answers can come only from him -- or Leonard Boudin.
HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973
Book 9

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

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[8567]
No. 145—(3573) Letter dated April 15, 1973, by former Attorney General Kleindienst in which he sets forth reasons why he had to recuse himself from any further contact or involvement in the Watergate case. 3860

No. 146—(3623) Memorandum dated December 5, 1972, re: TSD photographs (includes photographs of Dr. Fielding’s automobile, business establishment, “Postal Instant Press,” etc.) 3861

No. 147—(3634) Notes Henry Petersen gave President Nixon on April 16, 1973, re: John Ehrlichman, H. R. Haldeman, and Gordon Strachan, concerning Watergate investigation. 3875

No. 148—(3655) Memorandum from Charles Colson to H. R. Haldeman dated July 2, 1971. Also phone transcript of Colson and Hunt, July 1, 1971. 3877

No. 149—(3670) Phone transcript of Conein, Hunt, and “F.C.” (Colson) July 9, 1971. 3881

No. 150—(3675) Memorandum from Hunt to Colson dated July 28, 1971, subject: Neutralization of Ellsberg. 3886


No. 152—(3695) Phone transcript of conversation between E. Howard Hunt and Charles Colson, late November 1972. 3888

No. 153—(3698) Letter from E. Howard Hunt to Charles Colson, dated December 31, 1972. 3892

No. 154—(3730) Memorandum to Charles Colson from Krogh and Young dated August 3, 1971, subject: “Reference to the Memorandum to you from Howard Hunt dated July 28, 1971, on Neutralization of Ellsberg.” 3893

No. 155—(3759) Photograph of John Buckley. 3894


No. 157—(3807) Memorandum from Charles Colson to John Dean dated August 11, 1972. Also letter to Charles Colson from E. Howard Hunt dated August 9, 1972. 3897

Note.—Figures in parentheses indicate page that exhibit was officially made part of the record.
AFFIDAVIT

I, Jerald F. terHorst, hereby swear and depose that:

Under questioning yesterday, September 24, by Mr. Dash, committee counsel, Mr. E. Howard Hunt acknowledged that he had prepared "a derogatory article on Mr. Leonard Boudin, Ellsberg's lawyer," which Mr. Charles Colson, then White House special counsel, intended to pass to a member of the press.

Under further questioning, Mr. Hunt testified that this derogatory material was used in an article, "authored by Mr. Jerry terHorst who represents one of the Detroit newspapers in Washington. It formed the second half of a story that Mr. terHorst was publishing on Ellsberg and Ellsberg's defense."

That declaration by Mr. Hunt is untrue and is a slur upon my professional reputation and upon the Detroit News.

The information which Mr. Hunt says he wrote about Mr. Boudin was supplied to me in August 1971, as I recall. It was written in spy thriller style and was obviously intended to reflect adversely upon Mr. Boudin and thereby on Mr. Ellsberg for retaining him as his lawyer. I read it and filed it.

More than five months later, on Jan. 30, 1972, The Detroit News published a story by me about the formation of the Ellsberg Defense Fund, in the process of which I interviewed two of Mr. Ellsberg's defenders, former New York Senator Charles Goodell and Mr. Boudin, among others. The information in my article came from them and public documents. It was in no way a derogatory story but I hope—and believe—it was an explanatory one about a very controversial matter—Dan Ellsberg's upcoming trial on the Pentagon Papers.

I categorically deny that the information gathered by Mr. Hunt, to quote him, "formed the second half of a story" that I was publishing on Ellsberg—as he testified before your committee.
I am enclosing with this letter copies of my story and the Boudin material which Hunt says he wrote, so that you and the other members of the committee may compare them. I am confident such a comparison will prove my point beyond any doubt.

Further, I am prepared to so testify under oath in open session before the Select Committee.

My reputation as an objective and fair reporter is my most precious possession. I cannot permit aspersions over national television to go unanswered, lest my silence be interpreted as assent.

In the interests of fair play, I appeal to you to allow me to set the record straight, in whatever fashion you deem appropriate, including the reading of this affidavit in open session of the committee.

District of Columbia

Subscribed and sworn to before me this 25th day of September, 1973.

Notary Public

My Commission Expires Feb. 22, 1973
UNITED STATES OF AMERICA  

v.  

CHARLES W. COLSON, 

Defendant.  

Criminal No. 74-116  

Violation of 18 U.S.C. §1503 (Obstruction of Justice.)  

INFORMATION  

The United States of America, by its Attorney, the Special Prosecutor, Watergate Special Prosecution Force, charges:  

1. At all times material herein, up to on or about March 10, 1973, CHARLES W. COLSON, the DEFENDANT, was acting in the capacity of an officer and employee of the United States Government, as Special Counsel to the President of the United States, Richard M. Nixon.  

2. On or about June 28, 1971, and for a period of time thereafter, in the District of Columbia and elsewhere, CHARLES W. COLSON, the DEFENDANT, unlawfully, willfully and knowingly did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with the criminal trial of Daniel Ellsberg under indictment in the case of United States v. Russo, Criminal Case No. 9373, United States District Court, Central District of California, by devising and implementing a scheme to defame and destroy the public image and credibility of a witness and victim of said trial.
defense of Daniel Ellsberg, with the intent to influence, obstruct, and impede the conduct and outcome of the criminal prosecution then being conducted in the United States District Court for the Central District of California.

3. The aforesaid scheme by which CHARLES W. COLSON, the DEFENDANT, unlawfully, willfully and knowingly did corruptly endeavor to influence, obstruct and impede the due administration of justice in connection with the criminal prosecution of Daniel Ellsberg consisted of the following acts:

(1) In July and August 1971, the DEFENDANT, and others unnamed herein, endeavored to and did release defamatory and derogatory allegations concerning one of the attorneys engaged in the legal defense of Daniel Ellsberg for the purpose of publicly disseminating said allegations, the known and probable consequences of which would be to influence, obstruct, and impede the conduct and outcome of the criminal prosecution of Daniel Ellsberg.

(2) In July and August 1971, the DEFENDANT, and others unnamed herein, endeavored to obtain, receive and release confidential and derogatory information concerning Daniel Ellsberg, including information from the psychiatric files of Daniel Ellsberg, for the purpose of publicly disseminating said information, the known and probable consequences of which would be to influence, obstruct, and impede the conduct and outcome of the criminal prosecution
(In violation of Title 18, United States Code
Section 1503.)

Respectfully submitted,

LEON JAWORSKI
Special Prosecutor
Watergate Special Prosecution
Force
1425 K Street, N.W.
Washington, D. C. 20005

Attorney for the United States

DATED: June 3, 1974
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

CHARLES W. COLSON,

Defendant

Washington, D. C.
June 3, 1974

The above-entitled cause came on for Entry of Plea
before the HONORABLE GERHARD A. GESELL, United States
District Judge, at 9:30 a.m.

APPEARANCES:

WILLIAM H. MERRILL,
Associate Special Prosecutor,
CHARLES R. BREYER,
PHILIP J. BAKES,
DAVID KAYE,
ROBERT PALMER,
Assistant Special Prosecutors,
PHILIP HEYMANN,
Consultant to Special Prosecutor,
Counsel for Government

DAVID SHAPIRO, Esq.,
SIDNEY DICKSTEIN, Esq.,
KENNETH L. ADAMS, Esq.,
Counsel for Defendant Colson

IDA Z. WATSON
Official Reporter
U. S. Court House
Washington, D. C.
that not as a predicate for anything. So that paragraph, itself, may be misleading because it is no part of the basis for the plea.

THE COURT: You are talking about the third paragraph at the bottom of the page?

MR. SHAPIRO: Yes, sir.

THE COURT: That is my understanding. That is what Mr. Merrill has stated.

MR. MERRILL: Yes, sir.

THE COURT: I think the letter should be filed in the jacket, Madam Clerk.

MR. SHAPIRO: I have the original.

THE COURT: Very well, if you will hand the original to the Clerk.

Now, you are before me, Mr. Colson, on this information charging in a single count a violation of 18 U.S.C. 1503, obstruction of justice.

Have you read this information?

DEFENDANT COLSON: Yes, I have, Your Honor.

THE COURT: How do you wish to plead?

MR. COLSON: I plead guilty, Your Honor.

THE COURT: Now, I do want to be sure you understand the full implications of your plea, Mr. Colson; and before asking you certain questions that I wish to cover in some detail with you, I am going to ask the Special Prosecutor to state what the
Government's evidence would show with respect to this matter.

MR. MERRILL: Your Honor, this matter has been under investigation since the beginning of our inquiry into this whole matter.

We charge here Mr. Colson is responsible for devising a scheme to obtain derogatory information about Daniel Ellsberg, to defame and destroy Mr. Ellsberg's public image and credibility. The scheme began shortly after June 28, 1971, which was the date of the indictment against Daniel Ellsberg in a case which is referred to in the information.

Shortly after the indictment, our proof would show, if these charges were to go to trial, that Mr. Colson, in a conversation with another individual, indicated his desire to see that Mr. Ellsberg be convicted and stated that the charges against Mr. Ellsberg should be tried in the newspapers.

Sometime shortly thereafter questions were raised in Mr. Colson's presence regarding the ethics of such an attempt in view of the fact that the defendant, Mr. Ellsberg, was under indictment. Despite those questions, Mr. Colson proceeded with this scheme to gather such information, knowing full well that the natural and probable consequences of such activity could have an adverse effect upon the trial.

The idea of obtaining psychiatric records about Mr. Ellsberg was suggested as an additional source of derogatory information about him and, in fact, led directly to the break-in.
In the middle of August, as the information suggests, there was a memo prepared directly by someone else but after discussions with Mr. Colson about Mr. Ellsberg's attorney which can only be described as a scurrilous and libelous memorandum. It was prepared with the knowledge and intent to damage Daniel Ellsberg and with the recognition that such a memorandum could have an adverse effect on Mr. Ellsberg's trial.

The memorandum, after it was finally prepared, was transmitted by others in the White House to Mr. Colson, with the suggestion that it be gotten out to the newspapers; which, in fact, it was by Mr. Colson on the 26th of August of 1971.

As a result of the Government's evidence in this case, we feel that we would be able to prove that beginning about June 28, 1971, and thereafter, in the months of July and August, Mr. Colson was responsible for devising a scheme to gather derogatory information about Mr. Ellsberg, intending to do so in a manner that would influence, obstruct and impede the conduct and the outcome of the Ellsberg trial and that that conduct was a violation of Section 1503 of Title 18.

THE COURT: Mr. Colson, do you accept that statement for purposes of this plea?

DEFENDANT COLSON: Yes, I do, Your Honor.

THE COURT: You understand that you have a right to trial by jury with the aid of your attorney?

DEFENDANT COLSON: Yes, sir.
THE COURT: You would not have to testify. Those that accuse you of this offense would appear; you would confront them; they would have to satisfy a jury of your guilt beyond a reasonable doubt.

Do you understand that?

DEFENDANT COLSON: I do, Your Honor.

THE COURT: With your plea of guilty, you understand you waive those rights under the Constitution and that all that is left is for the Court to impose sentence?

DEFENDANT COLSON: Yes, sir.

THE COURT: Do you understand that this offense carries a maximum penalty of five years and $5,000?

DEFENDANT COLSON: Yes, sir.

THE COURT: Has anybody threatened you or coerced you in any way to get you to plead guilty?

DEFENDANT COLSON: No, they have not, Your Honor.

THE COURT: Are you entering your plea voluntarily of your own free will because you are guilty and for no other reason?

DEFENDANT COLSON: Yes, sir, I am.

THE COURT: Have you been over this thoroughly with your lawyers?

DEFENDANT COLSON: Yes, sir.

THE COURT: Are you completely satisfied with the services of your counsel?
DEFENDANT COLSON: Yes, sir.

THE COURT: Have any promises of any kind been made to you to induce this plea other than those set forth in the May 31 letter?

DEFENDANT COLSON: No, Your Honor, they have not.

THE COURT: I want to make clear that in taking this plea, which involves dismissal not only of the case pending before me but the case pending before Judge Sirica, in so far as it relates to Colson, that I am doing so because the subject matter of the plea is not part of the Mitchell case and you are before me in the Ehrlichman case.

DEFENDANT COLSON: Yes, sir.

THE COURT: And the trial in that case is more imminent than the trial in the Mitchell case.

Is there anything you wish to say before I consider accepting your plea?

DEFENDANT COLSON: Yes, there is, Your Honor.

I would like this Court to know that I am guilty of the crime charged. Your Honor's words from the bench during the pretrial hearings two weeks ago, that if this is to be a government of laws and not of men, then those men entrusted with enforcing the law, whatever their motives, must be held to have intended the natural and probable consequences of their acts, had a profound effect on me.
My motive and my purpose in seeking to disseminate derogatory and adverse information about Dr. Ellsberg and his lawyer was to neutralize Dr. Ellsberg as an anti-war spokesman in order to further the President’s aims for ending the war in Vietnam. It did not matter to me that Dr. Ellsberg was facing serious criminal charges. It did not matter to me that the statements and information I was seeking to communicate to the public through the press, through other channels such as congressional hearings, could impede, influence or obstruct Dr. Ellsberg’s trial.

I now realize that it could have and did have that effect. It was this attitude, Your Honor, of not caring, this callousness to the rights of a defendant under a criminal indictment that gave rise to the crime to which I am now pleading.

In the last two years I have become acutely aware of something I was very insensitive to before. I now know what it is like to be a defendant in a celebrated criminal case. Among other things, this experience has taught me to care very much-about the rights of criminal defendants and understand how those rights can be jeopardized.

I have come to believe in the very depths of my soul and my being that official threats to those rights such as those charged in this information must be stopped; and by this plea, Your Honor, I am prepared to take whatever consequences I must to help in stopping it.
THE COURT: Now having heard the Prosecutor, having accepted his statement, having gone over the questions with the Court, do you still wish to plead guilty?

DEFENDANT COLSON: Yes, I do, Your Honor.

THE COURT: I will accept your plea, Mr. Colson.

Now, with respect to the sentence, I would suggest a prompt sentence. Why don't we set it down for Friday, June 21 at 9:30, which I understand is a date agreeable to counsel on both sides.

MR. SHAPIRO: Yes.

MR. MERRILL: Yes.

THE COURT: I will want you to make an immediate appointment with the probation office to start the preparation of the presentence report. Of course, I will show that report to your counsel when it is received.

I see no reason, unless the Special Prosecutor has a different point of view, why you should not remain on our own recognizance and the present bond until sentence.

MR. MERRILL: That would be our recommendation, Your Honor.

THE COURT: Very well.

Then, Mr. Shapiro, if you would take him down to the probation office.

As in all of these cases, I will accept statements from the Special Prosecutor concerning this offense and related matters.
and also from counsel. These matters can be submitted in writing to me through the probation office.

Very well.

MR. SHAPIRO: Thank you, Your Honor.

MR. MERRILL: Thank you, Your Honor.

CERTIFICATE OF COURT REPORTER

I, Ida Z. Watson, certify that I reported the proceedings in the above-entitled cause and that the foregoing Pages 1 to 11, inclusive, constitute the official transcript.

Ida Z. Watson