30. Book VII, Vol. 6: Domestic surveillance activities directed by the White House

Don Edwards
82. On December 30, 1971 Attorney General John Mitchell received a letter from Ehrlichman renewing Ehrlichman's suggestion that the Attorney General consider a voluntary non-suit of the Ellsberg prosecution.

82.1 Memorandum from John Ehrlichman to John Mitchell, December 29, 1971 (received from Department of Justice).
On February 11, 1972 at the direction of Haldeman and Attorney General John Mitchell, Gordon Liddy and Howard Hunt met with Donald Segretti in Miami to review Segretti's activities. This meeting was in response to a memorandum sent to Haldeman and Mitchell entitled "Matter of Potential Embarrassment" prepared by Jeb Magruder, which stated that Segretti should be under Liddy's control. This memorandum was destroyed by Gordon Strachan on June 20, 1972. Hunt has testified that he and Liddy recommended that Segretti's operation be terminated, but that their recommendation was overruled.

83.1 E. Howard Hunt testimony. 9 SSC 3769-71.
83.2 Donald Segretti testimony, 10 SSC 3983.
83.3 Gordon Strachan testimony, 6 SSC 2458-59.
83.4 Memorandum from Dwight Chapin, November 5, 1972, United States v. Chapin, transcript, April 3, 1974, 424-28.
83.5 Dwight Chapin testimony, United States v. Chapin, April 3, 1974, 495-97.
On May 27, and June 17, 1972 five men under the supervision of Liddy and Hunt, entered the offices of the DNC at the Watergate office building for the purpose of gathering political intelligence and effecting electronic surveillance. Two of these five, Bernard Barker and Eugenio Martinez, had participated with Liddy and Hunt in the break-in at the offices of Daniel Ellsberg's psychiatrist.

84.1 James McCord testimony, 1 SSC 128, 156-57.
84.2 E. Howard Hunt testimony, 9 SSC 3710-11.
84.3 Eugenio Martinez testimony, Grand Jury, People v. Ehrlichman, June 5, 1973, 382-83 (received from Los Angeles County Grand Jury).
85. On or about June 8, 1972, in the course of pretrial proceedings in the Ellsberg case, the Government, in response to an order of the Court, filed an affidavit stating that there had been no electronic surveillance of conversations of Daniel Ellsberg. This statement was repeated in affidavits filed on December 13, 1972 and February 23, 1973.

85.1 Daniel J. McAuliffe affidavit, United States v. Russo, June 8, 1972.


On June 20 or 21, 1972 Fred LaRue, Special Assistant to CRP Campaign Director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that certain persons involved in the Watergate break-ins previously had been involved in operations of the White House "Plumbers" unit, including the entry into the offices of Daniel Ellsberg's psychiatrist. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

86.1 Fred LaRue testimony, 6 SSC 2286-89, 2309.
86.2 Robert Mardian testimony, 6 SSC 2357-59.
87. On or about June 21, 1972 Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including Liddy's statements about the break-in into the office of Daniel Ellsberg's psychiatrist. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

87.1 Fred LaRue testimony, 6 SSC 2288.

87.2 Robert Mardian testimony, 6 SSC 2363.

87.3 John Mitchell testimony, 4 SSC 1621-22, 1628, 1643-44, 1660.
On June 23, 1972 H. R. Haldeman met with the President. The President directed Haldeman to meet with CIA Director Richard Helms, Deputy CIA Director Vernon Walters and John Ehrlichman. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert CIA operations and operations of the White House Special Investigations Unit (the "Plumbers"), not related to Watergate, that had been undertaken previously by some of the Watergate principals.


88.3 H. R. Haldeman testimony, 8 SSC 3040-41.

88.4 H. R. Haldeman testimony, 7 SSC 2884.
89. On or before June 25, 1972, immediately after the FBI had contacted Donald Segretti as part of the Watergate investigation, John Dean met with Segretti in the EOB to advise Segretti on how to deal with his impending FBI interview. In this meeting, arranged by Dwight Chapin and Gordon Strachan, Dean told Segretti not to reveal his relationship with Chapin, Strachan or Herbert Kalmbach to the FBI, if possible, and during the subsequent FBI interviews, Segretti withheld this information. A copy of the interview summary FBI 302 form was given to Dean by the FBI. In July 1972 Chapin instructed Segretti to destroy his records.

89.1 Donald Segretti testimony, 10 SSC 3984-85, 4022.
89.2 John Dean testimony, 3 SSC 962-63.
89.3 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, 224-25, 305-06.
89.4 FBI memorandum from Charles Bolz to Charles Bates, October 12, 1972 (received from SSC).
89.5 Dwight Chapin testimony, United States v. Chapin, April 3, 1974, 539-41.
90. On or about June 27, 1972 John Dean and Fred Fielding, his assistant, delivered to FBI agents a portion of the materials from Howard Hunt's safe. The materials given to the FBI agents included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the FBI agents included fabricated diplomatic cables purporting to show the involvement of the Kennedy administration in the fall of the Diem regime in Vietnam, memoranda concerning the Plumbers unit, a file relating to an investigation Hunt had conducted for Charles Colson at Chappaquiddick, and two notebooks and a pop-up address book.

90.1 John Dean testimony, 3 SSC 937-38, 948.


90.3 FBI inventory of contents of E. Howard Hunt's safe, SJC, Gray Nomination Hearings, 328-30.

On or about June 28, 1972 John Dean was informed that the FBI was attempting to interview Kathleen Chenow, who was the secretary of David Young and Egil Krogh when they were active as part of the White House Special Investigations Unit. Dean has testified that he informed John Ehrlichman of problems connected with Chenow's interview and Ehrlichman agreed that before her FBI interview Chenow should be briefed not to disclose the activities of Howard Hunt and Gordon Liddy while at the White House. On June 28, 1972 Dean telephoned Acting FBI Director Gray and requested that Chenow's interview be temporarily held up for reasons of national security. Gray agreed to the request.

91.1 John Dean testimony, 3 SSC 941.
91.3 L. Patrick Gray testimony, 9 SSC 3455-56.
91.4 Kathleen Chenow interview, SSC report of FBI 302, July 3, 1972 (received from SSC).
92. On June 28, 1972 L. Patrick Gray met with John Ehrlichman and John Dean. At this meeting Gray was given two folders containing documents which he was told had been retrieved from Howard Hunt's safe and had not been delivered to FBI agents when the remainder of the contents of the safe was delivered on June 27, 1972. Gray was told that these documents were politically sensitive, were unrelated to Watergate, and should never be made public. Gray destroyed these documents in December 1972. Dean did not deliver to Gray the two notebooks and pop-up address book that had been found in Hunt's safe; Dean has related that he discovered these items in a file folder in his office in late January 1973, at which time he shredded the notebooks and discarded the address book.

92.1 John Ehrlichman log, June 28, 1972 (received from SSC).
92.2 L. Patrick Gray testimony, 9 SSC 3467-68.
92.3 John Ehrlichman testimony, 7 SSC 2835-36.
92.4 John Ehrlichman testimony, 6 SSC 2614.
92.5 John Dean testimony, 4 SSC 1362-65.
93. In the summer of 1972 after Segretti had terminated his activities, Chapin met with Segretti in California. Segretti has testified Chapin told him to keep several thousand dollars of advanced expense money as a bonus. They also discussed the possibility of Chapin's finding Segretti a job.

93.1 Donald Segretti testimony, United States v. Chapin, April 2, 1974, 338-40.

93.2 Dwight Chapin testimony, United States v. Chapin, April 3, 1974, 539-40.
94. In August 1972 Chapin arranged for Dean to meet with Segretti prior to his appearance before the Watergate Grand Jury. Dean advised Segretti again to withhold the names of Chapin, Strachan, and Kalmbach before the Grand Jury, if possible, but told him not to lie. On the basis of a call from Dean, Assistant Attorney General Henry Petersen instructed Assistant U. S. Attorney Earl Silbert to confine his questioning of Segretti to Watergate and Segretti's contacts with Hunt, and not to ask him about his contacts with Kalmbach.

94.1 John Dean testimony, 3 SSC 963-64.
94.2 Donald Segretti testimony, 10 SSC 4047-49.
94.3 Henry Petersen testimony, 9 SSC 3620-21.
On August 28, 1972 Egil Krogh appeared and testified falsely before the Watergate Grand Jury that he had no knowledge that Howard Hunt had traveled any place other than Texas while he was working on the declassification of the "Pentagon Papers." He also testified falsely that he knew of no trips to California "for the White House" by Gordon Liddy.


95.3 United States v. Krogh, Docket.
96. After an October 10, 1972 newspaper story disclosed Segretti's activities, Segretti met with Dean at the EOB. On October 11, according to Dean, at Ehrlichman's suggestion he told Segretti to go underground until after the election. On October 13, 1972 Chapin, Ehrlichman, H. R. Haldeman, Ronald Ziegler and Richard Moore met at the White House. They discussed an impending Post story which stated that Chapin was Segretti's White House contact in a sabotage operation against the Democrats. Chapin issued a statement which indicated that he had known Segretti in college, but labeled the Post story as hearsay and inaccurate.

96.1 Washington Post, October 10, 1972, A1, A14.

96.2 Donald Segretti testimony, 10 SSC 4024-25, 4042-43.


96.4 John Dean testimony, 3 SSC 965.

96.5 John Ehrlichman testimony, 7 SSC 2846-47.

96.6 Dwight Chapin statement, October 13, 1972, SSC Exhibit No. 34-24, 3 SSC 1209.
On December 30, 1971 Attorney General John Mitchell received a letter from Ehrlichman renewing Ehrlichman's suggestion that the Attorney General consider a voluntary non-suit of the Ellsberg prosecution.

82.1 Memorandum from John Ehrlichman to John Mitchell, December 29, 1971 (received from Department of Justice).
THE WHITE HOUSE
WASHINGTON

December 29, 1971

MEMORANDUM FOR

Honorable John Mitchell
Attorney General

RE:

Ellsburg

Here is a memo from Al Haig underlining his concern about this case.

May I renew my suggestion that you very seriously consider the voluntary non-suit route?

I assume that if Haig is correct and pretrial is set for January 4 you have by now some very concrete plans.

Could you give me a brief report so that I can field questions of this kind.

John E. Ehrlichman

Attachment
MEMORANDUM

THE WHITE HOUSE
WASHINGTON

CONFIDENTIAL

December 27, 1971

MEMORANDUM FOR: JOHN EHRlichMAN
FROM: AL HAIG

I have received word from John Paul Vann, who is serving for AID in Vietnam, that Dan Ellsberg has informed him that he hopes to make his trial a political circus -- in short, an attack on the Administration's Vietnam policy. According to Vann, Ellsberg's pretrial hearing is set for January 4; his trial is scheduled for May. I wonder if it wouldn't be the better part of wisdom to seek to have the trial delayed until after November.
On February 11, 1972 at the direction of Haldeman and Attorney General John Mitchell, Gordon Liddy and Howard Hunt met with Donald Segretti in Miami to review Segretti's activities. This meeting was in response to a memorandum sent to Haldeman and Mitchell entitled "Matter of Potential Embarrassment" prepared by Jeb Magruder, which stated that Segretti should be under Liddy's control. This memorandum was destroyed by Gordon Strachan on June 20, 1972. Hunt has testified that he and Liddy recommended that Segretti's operation be terminated, but that their recommendation was overruled.

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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
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I had also in my possession at that time a rather brief aide memoir which had been provided to me by the office of Mr. Wallace Johnson. I used some of these questions in my elicitation with her.

At the same time, during telephonic conversation with Mr. Colson, I would receive other questions, of which I would make pencil notations and then take them back to her bedside.

Senator Inouye. Did you suggest to Mrs. Beard that she should announce to the press that the memo they had was a forgery?

Mr. Hunt. I recall no such suggestion, sir. I recall that the brief, under which I was sent to Denver to speak with her, could be categorized under two broad headings: (a) Why had she left the Washington area and, in effect, isolated herself in a particular hospital? and, (b) was the famous or the notorious ITT memorandum a forgery?

Senator Inouye. Did she tell you that it was a forgery?

Mr. Hunt. To the best of my recollection, she left it up in the air. She indicated to me—and again, my memorandum would be the best evidence on this. The impression I now have of Mrs. Beard's recollections—and I want to stress that she seemed to be under heavy sedation while we were conferring—was that she was quite sure that she had not written it.

Senator Inouye. Mr. Colson, under oath, indicated that the interview of Mrs. Beard was your idea. Was this your idea?

Mr. Hunt. I do not recall it as so being.

Senator Inouye. Are you suggesting that this was Mr. Colson's plan?

Mr. Hunt. I don't believe it was Mr. Colson's plan. I think that Mr. Colson was involved or engaged peripherally on the fringe of an action group within the White House that had been set up to deal with, if I could put it that way, the Dita Beard-ITT controversy and that I was brought into the affair as an agent of Mr. Colson's.

Senator Inouye. I gather from your interview with the staff that you had four meetings with Mr. Segretti, three in Miami. On your second meeting, Mr. Segretti wanted some information from you or some assistance to locate a reliable printer. What did Mr. Segretti mean by a reliable printer?

Mr. Hunt. A printer whom we could have confidence in, Senator.

Senator Inouye. One who would not speak out?

Mr. Hunt. Yes, sir.

Senator Inouye. Were you aware of the material that Mr. Segretti wanted to print or reproduce?

Mr. Hunt. Not specifically; no, sir.

Senator Inouye. Did he describe the material to you?

Mr. Hunt. No, sir. In fact, when he asked me. I do not think he had at that moment any particular material to give to the printer but it was certainly my understanding that with the Florida primaries hard upon us, that he would be needing the services of the printer in connection with the Florida primaries.

Senator Inouye. Was it your understanding that the printing material would be something quite improper, something that a legitimate printer would not print?
Mr. HUNT. Not necessarily, Senator. I believe that—well, it is hard for me to speculate on that particular point. I am troubled by the word "improper." What we were looking for, and what I understood Mr. Segretti to be looking for, was a printer who was sufficiently security conscious that he would not pass samples of his work around to people who might be hostile to Mr. Segretti's purposes.

Senator INOTYE. You also suggested on your third trip that Mr. Segretti should distribute false invitations to a Muskie picnic.

Mr. HUNT. Yes, sir.

Senator INOTYE. Did you make any similar suggestion to Mr. Segretti?

Mr. HUNT. With regard to picnics, Senator?

Senator INOTYE. Picnics, disrupting meetings, et cetera.

Mr. HUNT. On the occasion of that particular meeting which was in concert with Mr. Liddy, we drew Mr. Segretti's attention to a Newsweek article which was, in effect, a reprint of a former article, I believe, which had appeared in the Woman's Wear Daily which consisted of a factual interview with Mrs. Edmund Muskie, and it was my suggestion that he, Mr. Segretti, make sure that the Newsweek reprint received substantial distribution in the Miami area.

Senator INOTYE. Were these meetings carried out as part of your official duties in the White House as a consultant?

Mr. HUNT. No, sir.

Senator INOTYE. Who paid for your trip?

Mr. HUNT. The meetings were in concert with Mr. Liddy. May I explain the Liddy-Segretti relationship?

Senator INOTYE. Please do, sir.

Mr. HUNT. I do not think we touched on this before in public.

There came a time, I believe, in late January of 1972 when Mr. Liddy informed me that there seemed to be a problem; a problem of penetration by a suspected Democrat infiltrator in the headquarters of several Republican State headquarters. In each instance the would-be penetrator answered the same physical description, he was short, he wore rimless glasses, he introduced himself to Republicans as coming or emanating from the highest levels of Washington and he proposed to them to show them how they could win elections in their areas. I think when three such similar reports had been received either at the White House or at the Committee for the Re-Election of the President, Mr. Liddy was alerted and in turn alerted me. Some few days elapsed—oh, the gentleman in each instance had identified himself as being named Donald or Don Simmons. Within a few days, Mr. Liddy got back to me and said that this was one we would not have to worry about because Simmons was, in fact, already on board, that he was working for the Republicans, and in fact working for someone who was hired in the White House. However, he said, because Simmons had been detected or at least his activities had seemed suspicious to a number of legitimate Republican groups around the country, he, Liddy, and I were asked specifically to rendezvous with Simmons and Segretti in Miami and evaluate him. (a) As a person, and (b) in terms of what his professional credentials conceivably could be to the campaign.
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 Enyin. 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.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
WATERGATE AND RELATED ACTIVITIES
Phase II: Campaign Practices
WASHINGTON, D.C., SEPTEMBER 26 AND OCTOBER 3, 1973
Book 10

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[9038]
wish to apologize publicly for this stupid act. I can only hope that this apology will in some way rectify the harm done to these Senators and their families.

There were other activities performed by Mr. Benz and myself which I cannot fully recall at this time but which generally consisted of picketing candidates and distributing reprints from various daily newspapers and magazines.

Mr. Douglas Kelly assisted me in posting the aforementioned Muskie posters, and in placing an ad in a college newspaper stating:

"Wanted. Sincere gentleman seeks running mate. White preferred but natural sense of rhythm no obstacle. Contact E. Muskie."

He also helped me place an ad in the classified section of the Miami Sunday Sun-Reporter stating:

"Senator Muskie, would you accept a Jewish running mate?" and another ad in the same newspaper stating:

"Senator Muskie. You wouldn’t accept a black or an American Indian, would you accept a Jewish running mate?"

There was also an ad that was placed in a local Cuban newspaper and on a local radio station which stated:

"Muskie believes all people have a right to choose any type of government that they want. The Cuban people are no exception and the United States should not interfere. If elected, Muskie will attempt to ease the tensions between the United States and Cuba. He was born in Maine and is a good American. Vote for Ed Muskie."

We also distributed some fliers inviting the public to a nonexistent open house at Muskie’s headquarters in Miami. Mr. Kelly and I performed other activities of a minimal nature which I have disclosed to this committee by way of staff interviews, to the best of my recollection. I also understand that Mr. Kelly did other things about which I am not totally clear, since he also operated to a great extent, on his own.

At this time, it is my best recollection that I paid Mr. Kelly and Mr. Benz a total of approximately $5,500.

In February of 1972, a man called me, identifying himself as Ed Warren. From a prior conversation with Mr. Chapin, I had been informed that a person would call me who would give me assistance. In Miami, Fla., I met with Mr. Warren and another individual who was introduced to me as George Leonard. I now recognize Ed Warren as being Mr. E. Howard Hunt. I have been unable to identify Mr. George Leonard; however, it is my understanding that he was probably G. Gordon Liddy. Mr. Warren provided me with the name of a printer in Miami whom I subsequently used for various purposes. I recall meeting Mr. Warren a second time in June 1972 at the Sheraton Four Ambassadors Hotel in Miami, Fla. During this meeting Mr. Warren suggested that I put together a group of peaceful demonstrators to picket the Doral Hotel during the Democratic Convention, at which time another group of pickets was to join in the demonstration and act in an unruly manner. It was explained to me that the bad conduct of the crowd would be blamed on Senator McGovern. It was never my intention to create, nor did I ever participate in, any kind of physical violence, and Mr. Warren’s plan was something in which I did not want to get involved. As fate would have it, the Watergate burglary preceded these plans, and they were never carried out.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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OF THE
UNITED STATES SENATE
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FIRST SESSION

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

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Mr. Dash. Did you also pull out that memorandum or these little notes that you had taken concerning the communication that you had from Mr. Haldeman to contact Mr. Liddy about his capabilities being switched from Muskie to McGovern?

Mr. Strachan. Well, I pulled that document out but I did not take that up to Mr. Haldeman.

Mr. Dash. All right. Now, what did you believe at that time when you took the document out?

Did you believe that a break-in at the Democratic National Committee headquarters was in fact related to this plan?

Mr. Strachan. I didn't know for sure, but I had pretty strong suspicions.

Mr. Dash. Did you meet with Mr. Haldeman shortly after you pulled that file out?

Mr. Strachan. Yes, I did.

Mr. Dash. Could you tell us when?

Mr. Strachan. I believe it was the morning of June 20. He had returned from Florida, I had given a note to Mr. Higby that I thought I should see Mr. Haldeman. Mr. Haldeman summoned me to his office, and I walked in with the political matters memorandum.

Mr. Dash. I think you had indicated that you were somewhat concerned about Mr. Haldeman's reaction to you about not being informed. Were you still concerned when you met with Mr. Haldeman on June 20?

Mr. Strachan. Yes, I was scared to death. I thought I would be fired at that point for not having figured that out.

Mr. Dash. Were you fired or did he berate you?

Mr. Strachan. No, he did not berate me. He said almost jokingly, "Well, what do we know about the events over the weekend?" And I was quite nervous and retreated to sort of legal protective terms and I said, "Well, sir, this is what can be imputed to you through me, your agent," and opened the political matters memorandum to the paragraph on intelligence, showed it to him. He acknowledged his check that he had read that, and that he had not read the tab, which had been attached, turned, began reading it, said, maybe I should have been reading these, these are quite interesting, and read the tab.

Mr. Dash. What tab was that?

Mr. Strachan. That was Sedan Chair II.

Mr. Dash. Then what, if anything, did you tell him or did he tell you after he had gone through this memorandum again?

Mr. Strachan. He told me, "Well, make sure our files are clean."

Mr. Dash. What did that mean to you?

Mr. Strachan. Well, I went down and shredded that document and others related.

Mr. Dash. Now, did you do that on your own initiative as such, or did you feel that you were making sure that you were following Mr. Haldeman's instruction that you should make sure the files are clean?

Mr. Strachan. No, I believed I was following his orders.

Mr. Dash. And you shredded all of No. 18, the political matters memorandum No. 18?

Mr. Strachan. That is correct.

Mr. Dash. What about the memorandum that you had made on the communication with regard to Mr. Liddy?
Mr. STRACHAN. Yes, I shredded that also.
Mr. DASH. Were there any other documents that you shredded?
Mr. STRACHAN. Yes, I did go through and make sure our files were clean. I shredded the talking paper between Mr. Haldeman and Mr. Mitchell on April 4, I shredded a reference to Mr. Segretti, I shredded Mr. Segretti's telephone number.
Mr. DASH. What reference was that to Mr. Segretti?
Mr. STRACHAN. Well, there had been a dispute between whether or not Mr. Segretti should continue out in the field functioning somewhat independent. Mr. Magruder wrote a memorandum to Mr. Mitchell entitled "Matter of Potential Embarrassment" in which he described this individual in the field and how that individual should be under the direction of Mr. Liddy. Mr. Mitchell had a copy of that and Mr. Haldeman had a copy of that. And Mr. Haldeman had told me to call up Mr. Segretti and to tell him to expect a call and his directions from Mr. Liddy. I shredded that memorandum also.
Mr. DASH. Were there any other documents that you shredded?
Mr. STRACHAN. Well, we gave the committee a list.
Mr. DASH. You may have stated, but did that include the talking paper that you had prepared for Mr. Haldeman for his meeting with Mr. Mitchell on April 4?
Mr. STRACHAN. Yes, I think I said that that was one of the items.
Mr. DASH. Now, after you shredded these papers on the 20th of June 1972, did you inform anybody that you had done this?
Mr. STRACHAN. Yes, I went over to John Dean's office and gave him a list orally of the documents that I had shredded and told him that those had been Mr. Haldeman's instructions.
Mr. DASH. Why did you inform John Dean?
Mr. STRACHAN. Well, John Dean was, as you know, the counsel to the President and the man who would presumably be handling this problem.
Mr. DASH. Did you inform anybody else?
Mr. STRACHAN. No.
Mr. DASH. Now, have you since had an opportunity to go through the White House records to look at the various memorandums that you have prepared in the past?
Mr. STRACHAN. Yes, I have gone back into an Executive Office Building office, room 522, to go through the files.
Mr. DASH. And did these files still have the political matters memorandum that you had prepared for Mr. Haldeman?
Mr. STRACHAN. Well, they contained all political matters memorandums except No. 18.
Mr. DASH. 18 was missing?
Mr. STRACHAN. That is right.
Mr. DASH. So you reaffirmed the fact that you had destroyed 18?
Mr. STRACHAN. Well, I did not forget that.
Mr. DASH. No, it had not been replaced, anyway?
Mr. STRACHAN. No.
Mr. DASH. Now, later, did you ever inform Mr. Haldeman that you wanted to make sure that the files were clean or that you had destroyed, in fact, the particular files that you were worried about?
Mr. STRACHAN. Yes. On July 1, I was invited to go out with the Presidential party on Air Force One. There were going to be a series of discussions out there with Mr. MacGregor and Mr. Malek regarding
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DWIGHT L. CHAPIN,

Defendant

Washington, D. C.
April 3, 1974

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

APPEARANCES: (As heretofore noted.)

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

COPY FOR:
MR. HUGHES
THE WITNESS: Yes, it did. It meant that it would have very restricted distribution and really only to those people it was distributed to.

THE COURT: In other words, it was not to be sent on by the people who got it; is that what you are saying?

THE WITNESS: Well, not quite.

THE COURT: What did, "Eyes Only" mean?

THE WITNESS: I was never sure.

THE COURT: All right. That is a good answer.

BY MR. RUANE:

Q Mr. Dean, I show you what has been marked for identification purposes Government Exhibit 32. Would you identify that, if you can?

A Yes, I can identify it.

Q Tell us what this is, please?

A This is the original of the same document which I received in November, early November, that was given to me by Mr. Chapin at the time he was leaving the White House staff in the spring of 1973, when he brought over a whole packet of materials that related to this matter.

Q Now, is there handwriting on that document?

A Yes, there is.

Q Is that your handwriting?

A No, it is not.

MR. RUANE: I offer Exhibit 32 in evidence.
MR. STEIN: No objection.

THE COURT: It may be received.

(Whereupon, original of Chapin memorandum dated November 5, 1972 was marked Government's Exhibit No. 32, and received in evidence.)

BY MR. RUANE:

Q Mr. Dean, have you ever pleaded guilty to a crime?
A Yes, I have.

Q When was that, sir?

Q Where did you plead?
A Here in the District of Columbia.

Q District of Columbia Federal Court?
A That is correct.

Q What was that crime?
A The crime of obstruction of justice.

Q Is that a conspiracy to obstruct justice?
A Conspiracy to obstruct justice, that is correct.

THE COURT: I again remind you, ladies and gentlemen, of my instruction with respect to this aspect of any prior conviction. That bears on credibility and I will be instructing you fully on that later.

MR. RUANE: Your Honor, if I may, I would like to publish Exhibit 32.
THE COURT: You may.

MR. RUANE: This is a document and in the upper right-hand corner it says, "Eyes Only."

It is dated, November 5, 1972.

It is titled, "Chronology of Activity."

"1. September (?) 1971—Chapin phones Segretti in Monterey, California and asks him to fly to Washington. Meets with Chapin and Strachan. Don was still in the military. We discussed his becoming an agent for us during the coming political campaign. We were after information as to schedules of candidates, people who could infiltrate headquarters, could ask embarrassing questions and could organize counter demonstrations to those we expected our opposition to come forth with during the campaign.

"2. Don returned to Monterey. A few days later he phoned to say he was interested.

"3. Gordon Strachan brought the subject to the attention of blank and Kalmbach at a White House meeting. It was approved for Segretti to be hired. I did not know the amount or the conditions of the salary.

"4. Don got out of the Service. He then began moving around the country making contact with
people whom he felt he could trust.

"5. Approximately a half dozen times he came to Washington and we would meet at lunch or dinner. Generally he would review where he had people. Don never used names. I didn't want to know who the people were and told him so.

"I constantly urged him to be discreet, to use double and triple identification backstops, for mail, phone calls and in terms of contacts. On one occasion we met in Portland, Oregon. I had told Don to go there to watch a Presidential stop and to note how the demonstrators organized against us.

"6. The bulk of my contact was between September 1971 and January 1, 1972."

Then there is handwriting.

At this time, I would like to read a stipulation agreed to by all counsel:

That all the handwriting on Government Exhibit 32 is that of the Defendant Dwight L. Chapin, except the following: The word, "Gordon," on Page 1. The word, "Dean," on Page 6; and the letter, "S" on Page 6.

"October of 1971 was for the most part occupied by China. I may have had phone contact during October.

"7. In January or February, Liddy reported to
Strachan there was an agent in the field who they couldn't determine and "they" were going to go after him. Strachan checked two people (blank and blank) and then Don was advised to report to Liddy. That is how his phone number got in Liddy's book and how his existence was later discovered by the FBI.

"8. Don made one mistake when during the December he moved into New Hampshire in too public a way. He went to Allan Walker and tried to buffalo him. We (Gordon and Chapin) were alerted and I yanked him to Washington. He became much more careful after the episode. But it was the time I should have fired him.

"9. The bulk of Don's activity was in Florida. He had some girl agent in Muskie's State Headquarters. He also had plants in the headquarters of Jackson and Humphrey.

"Don was responsible for the anti-Muskie radio ads on a Cuban radio station placed by 'A Jackson person.'

"It is my feeling Don did the 'Sex News Release' on Jackson and Humphrey and tried to tie it to Muskie's people. I say 'feeling' since one day the release came through the mail..."
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

V.

DWIGHT L. CHAPIN,

Defendant

Washingto', D. C.
April 3, 1974

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

APPEARANCES: (As heretofore noted.)

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

COPY FOR:
MR. HUGHES
Q What are these names?
A Haldeman and Mitchell.
Q Why is it that you left them blank when this was an official document?
A I did not want to involve Mr. Haldeman.
Q How about Mr. Mitchell?
A I had no information -- no feeling.
Q You just left them blank - Mitchell along with Haldeman?
A That is - that is correct.
Q When you say that you didn't want to involve Mr. Haldeman, what was his involvement?
A His involvement was -- for lack of a better term -- approval, the sequence of events that took place prior to my telling Mr. Segretti to get in touch with Mr. Kalmbach.
Q Tell us what that sequence was?
A Well there again, since I wasn't there I can't recall it perfectly but to my understanding, when Mr. Strachan and Mr. Haldeman met, Mr. Haldeman approved the hiring of Don Segretti.
Q And I take it that you didn't want that to come out - is that correct?
A I did not want that to come out - that is correct. I did not.
Why not?

A Because I had worked for a number of years with - for Mr. Haldeman, and I felt a deep sense of loyalty to him - and I just did not want to have him involved in this particular matter.

Q Did you fill in these blanks at any time?
A No -- not that I am aware of.
Q I see --

THE COURT: Cr ally, did you -- to Mr. Dean?

THE WITNESS: Your Honor, I just don't know.

THE COURT: You can't remember that?

THE WITNESS: I think he perhaps knew - but I think I may have told him earlier - ahead of any discussions so I think he always knew, maybe, himself.

BY MR. STEIN:

Q Now Mr. Chapin, you left the White House in March of 1973, is that correct?
A March the first.
Q And you took a job with United Airlines?
A Yes, sir.
Q What work were you doing for United Airlines?
A I was Director of Market Planning.
Q Was this different from what you had been doing at the White House?
A Entirely -- yes.
On May 27, and June 17, 1972 five men under the supervision of Liddy and Hunt, entered the offices of the DNC at the Watergate office building for the purpose of gathering political intelligence and effecting electronic surveillance. Two of these five, Bernard Barker and Eugenio Martinez, had participated with Liddy and Hunt in the break-in at the offices of Daniel Ellsberg's psychiatrist.

84.1 James McCord testimony, 1 SSC 128, 156-57.
84.2 E. Howard Hunt testimony, 9 SSC 3710-11.
84.3 Eugenio Martinez testimony, Grand Jury, People v. Ehrlichman, June 5, 1973, 382-83 (received from Los Angeles County Grand Jury).
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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
equipment and the cost of photographic equipment and specific items of equipment that would be used against the Democratic Party, the Democratic hierarchy in Washington primarily, but also in Miami, Fla. The electronic devices which he referred to specifically, were of a variety of types.

Mr. DASH. I am not asking specifically what the types were, but how were they to be used, where were they to be placed from your understanding?

Mr. McCord. The initial interests specified by Mr. Liddy in this regard were, No. 1, against Mr. Larry O'Brien, then chairman of the Democratic National Committee in Washington, D.C., at his residence and subsequently at his office in the Watergate office building; perhaps other officers of the Democratic National Committee. The McGovern headquarters in Washington, D.C., were mentioned quite early in 1972. And there was some general reference to the Democratic National Convention facility or site wherever it might be located at this convention in the summer of 1972.

Mr. DASH. All right now, Mr. McCord; in connection with this assignment, in which you were having these discussions with Mr. Liddy, did you come to associate yourself with Mr. E. Howard Hunt, Bernard Barker, Eugenio Martinez, Frank Sturgis, and Virgilio Gonzales?

Mr. McCord. Yes; I did.

Mr. DASH. And as a result of that association and your agreement with Mr. Liddy, did you come to associate yourself with Mr. E. Howard Hunt, Bernard Barker, Eugenio Martinez, Frank Sturgis, and Virgilio Gonzales illegally enter the Democratic National Committee headquarters on two occasions one on or about May 30, 1972, and the other in the early morning hours of June 17, 1972?

Mr. McCord. I did.

Mr. DASH. On the first occasion on or about May 30, 1972, you installed two telephone interception devices or wire types on two office telephones; one on the telephone of Spencer Oliver and the other on the telephone of Lawrence O'Brien?

Mr. McCord. I did.

Mr. DASH. Leaving aside for the time being why you broke into the Democratic National Committee headquarters at the Watergate on the second time on June 17 and what circumstance led to your arrest, you were in fact arrested by plainclothesmen of the District of Columbia Metropolitan Police shortly after you entered; is that true?

Mr. McCord. That is correct.

Mr. DASH. Is that the arrest which led to your reconviction?

Mr. McCord. That is correct.

Mr. DASH. Will you tell the committee, Mr. McCord, why, after a lifetime of work as a law enforcement officer without, as you have testified any blemish on your career, did you agree with Mr. Liddy to engage in his program of burglaries and illegal wiretapping and specifically the two break-ins on May 30 and June 17 of the Democratic National Committee headquarters at the Watergate?

Mr. McCord. There were a number of reasons associated with the ultimate decision of mine to do so. One of the reasons, and a very important reason to me was the fact that the Attorney General himself, Mr. John Mitchell, at his office had considered and approved the operation, according to Mr. Liddy.
Senator Baker. I do not want to lead you into that but I guess what I am really reaching for was whether or not as a result of your previous experience at CIA or otherwise you were acquainted with and thoroughly familiar with electronic surveillance techniques and clandestine operations such as that which was conducted at the Watergate.

Mr. McCord. I am still—basically still—in the same position, sir, respectfully, sir, in face of the split legality of this problem, one of trying to cooperate with you fully and the other one trying to comply with what I previously stated.

Senator Ervin. It is a little difficult to hear you. I believe if you would move the microphone in front of you and just talk a little bit louder it would be better.

Mr. McCord. Yes, sir, I will try to.

Senator Baker. I am not going to spend much time on it but really all I am reaching for is whether or not you were familiar with electronic surveillance techniques, and with clandestine operations such as was conducted at the Watergate regardless of how you knew it.

Mr. McCord. I learned some electronics from the FBI, sir. I think I can answer that question without violating the general problem, the other thing.

Senator Baker. Fine. Did you enter the Watergate complex of the Democratic National Committee on one or more than one occasion?

Mr. McCord. The Democratic National Committee?

Senator Baker. Yes, sir.

Mr. McCord. I believe I have testified that twice and that is correct, sir.

Senator Baker. All right, sir. When was the first time?

Mr. McCord. Memorial Day weekend.

Senator Baker. Do you remember the date?

Mr. McCord. 1972.

Senator Baker. Do you remember the day?

Mr. McCord. I can check it. The evening of May 27, 1972.

Senator Baker. About what time?

Mr. McCord. 1:30 p.m., that evening, or it could have been the following day.

Senator Baker. Who was with you on this first break-in?

Mr. McCord. The other—the seven Cuban Americans that I have testified to previously, I believe, in this committee.

Senator Baker. What did you do?

Mr. McCord. The entire group went into the Democratic National Committee through an entry into, the door itself. I went in and joined them to perform the work of the electronic assignment that I had as a member of the team.

Senator Baker. What was the electronic assignment that you had?

Mr. McCord. Installation of the technical bugging devices in the Democratic National Committee that were previously authorized by the Attorney General.

Senator Baker. Did you have instructions as to where they should be placed?

Mr. McCord. Yes.

Senator Baker. Where?
Mr. McCord. In the offices themselves in connection with senior personnel officers of the Democratic National Committee, and specifically, Mr. O'Brien's telephone extension.

Senator Baker. How many bugs did you plant?

Mr. McCord. Two.

Senator Baker. And where were they?

Mr. McCord. Two were in offices that face Virginia Avenue. I think you have a sketch up on the board.

Senator Baker. One of them was on Mr. O'Brien's telephone?

Mr. McCord. That was an extension of a call director, that was identified as Mr. O'Brien's. The second was Mr. Oliver's—

Senator Baker. The second one was where?

Mr. McCord. In a telephone that belonged to Mr. Spencer Oliver, who is an executive director of the democratic State chairman of the organization.

Senator Baker. Were you specifically instructed by someone to plant those two bugs or just the O'Brien bug? Would you give us some detail on that?

Mr. McCord. Sure.

Mr. Liddy had passed along instructions from Mr. John Mitchell. He set the priorities. Mr. Mitchell had stated priorities of the installation were first of all, Mr. O'Brien's offices and such other installations as that might provide information of interest to Mr. Mitchell and to whoever else the monitoring was to go to beyond Mr. Mitchell.

Senator Baker. So the Oliver phone was bugged more or less by your choice, then, as distinguished from the O'Brien phone?

Mr. McCord. No, I think the basic choice was this; the wording from Mr. Liddy was that Mr. Mitchell wanted it placed in a senior official's office, if not Mr. O'Brien's office, some other; in other words, two such installations.

Senator Baker. Did you tape the doors on this first break?

Mr. McCord. No, I did not, Mr. Hunt did.

Mr. Baker. But they were taped?

Mr. McCord. That is correct.

Senator Baker. Now, you weren't apprehended on this first occasion, Memorial weekend. What was the purpose of the second entry into the Democratic national headquarters?

Mr. McCord. You want hearsay information again, of course.

Senator Baker. Yes, as long as it is identified as hearsay.

Mr. McCord. Mr. Liddy had told me that Mr. Mitchell, John Mitchell, liked the "takes" in quotes; that is, the documents that had been photographed on the first entry into the Democratic National Committee headquarters and that he wanted a second photographic operation to take place and that in addition, as long as that team was going in, that Mr. Mitchell wanted, had passed instructions to Mr. Liddy to check to see what the malfunctioning of the second device that was put in, second, besides Mr. Oliver's, and see what the problem was, because it was one of the two things—either a malfunction of the equipment or the fact that the installation of the device was in a room which was surrounded by four walls. In other words, it was shielded, and he wanted this corrected and another device installed.

He also said Mr. Mitchell wanted a room bug as opposed to a device on a telephone installed in Mr. O'Brien's office itself in order to trans-
Mr. Thompson. Do you believe you remember whether or not he
told you the particular agency or you just concluded that in your own
mind? Did he tell you that it was an agency or did you conclude that
in your own mind?

Mr. Hunt. I would go back to our mutual experience in the Plumbers
organization at which time we were receiving daily reports from most
of the investigative agencies of the Government with relation to the
Ellsberg case. Mr. Liddy had on the basis of prior associations with
the FBI a private channel, a person or persons who would telephone
or send him memorandums from time to time, providing him with in-
formation which was not distributed generally within the White
House, that is to say there were really two channels of reporting from
the FBI into the White House. There was the J. Edgar Hoover chan-
el to, let us say, Mr. Ehrlichman and Mr. Krogh, who would see copies
of those memorandums. There were also materials that were coming to
Mr. Liddy from Mr. Mardian in the Justice Department, and I believe
telephonic information that came to Mr. Liddy from close and old-
time associates of his at the FBI. So I had every reason to believe that
he was still well plugged into the Bureau.

Mr. Thompson. Did he tell you precisely the source of these foreign
moneys, the country?

Mr. Hunt. Yes, sir.

Mr. Thompson. And the individual, what did he tell you?

Mr. Hunt. Cuba.

Mr. Thompson. What would be the normal procedure with regard
to investigating a matter like that, if any organization in this country
was receiving money from a foreign country, especially a Communist
country?

Mr. Hunt. The practice normally would be to lay a requirement
on the CIA abroad and the FBI at home. However, the President had
established the Plumbers unit because certain traditional agencies of
the Government had been deemed inadequate in the performance of
their duties.

Mr. Thompson. Was the Plumbers unit in any way operative in
April of 1972?

Mr. Hunt. Yes, indeed.

Mr. Thompson. Do you know whether or not they were looking into
this matter?

Mr. Hunt. No, sir.

Mr. Thompson. You don't know whether or not they were?

Mr. Hunt. I am quite sure they were not.

Mr. Thompson. Nobody else was, as far as you know?

Mr. Hunt. No, sir.

Mr. Thompson. With regard to the actual scene, who was in charge
of the various operations on the night of the break-in, the early morn-
ing hours of June 17, 1972?

Mr. Hunt. The responsibilities were the same as they were during
the prior break-in on May 27, and that is to say I was in overall charge
of the entry operation. I planned it, and with Mr. McCord’s help
surveyed the groundwork, developed the operational plan. Mr. Mc-
Cord had certain electronic responsibilities, the precise nature of which
I was unaware. My team, that is to say, the four men from Miami,
were charged with photographing documents that would bear on the object of our search while Mr. McCord went about his electronic business.

Mr. Thompson. Did you tell any of the Cuban-Americans about the foreign money information that you had?

Mr. Hunt. I did.

Mr. Thompson. Who did you tell?

Mr. Hunt. I told Mr. Barker, and this was the basis on which I secured his cooperation initially.

Mr. Thompson. Do you know whether or not he related this to the people he enlisted to assist him in the operation?

Mr. Hunt. I believe he may have. If I can amplify a bit. Mr. Thompson, when I approached Mr. Barker with the requirement for an entry into Democratic national headquarters I told him that we wanted to verify a report to the effect that Castro money was reaching the Democratic National Committee coffers, and Mr. Barker's immediate response was "there are rumors all over Miami, I have heard all about it, you don't need to tell me anything more."

Mr. Thompson. Did you tell him anything more about it?

Mr. Hunt. I knew nothing more about it.

Mr. Thompson. He operated then on your information?

Mr. Hunt. He did.

Mr. Thompson. Was there any financial reward in any way for Mr. Barker or any of the other Cuban-Americans out of the Watergate break-in?

Mr. Hunt. There was compensation for them for time lost from their normal businesses, yes.

Mr. Thompson. Was there anything additional to that?

Mr. Hunt. Not that I know of; no, sir.

Mr. Thompson. What about the break-in of Dr. Fielding's office. was there any pecuniary benefit coming out of that for them other than just expenses, time, or money for time lost from work, that sort of thing?

Mr. Hunt. No, sir, that was all.

Mr. Thompson. What was told the Cubans with regard to that operation, with regard to the reason and necessity for the break-in in Dr. Fielding's office.

Mr. Hunt. I told Mr. Barker originally in Miami that a break-in would be necessary: an entry operation would be necessary on the west coast as we had information to the effect that a man whom I believe I described as a traitor to the United States was passing classified information to a foreign power.

Mr. Thompson. Were you the one who enlisted Mr. Barker's aid to come to Washington during Mr. Hoover's funeral?

Mr. Hunt. I was.

Mr. Thompson. Did he in turn enlist the aid of other Cuban-Americans to come with him?

Mr. Hunt. He did.

Mr. Thompson. What was the reason for your arrangements for them to come to Washington?

Mr. Hunt. This was in response to an urgent requirement by Mr. Liddy who indicated to me that he had information, and again I
People v. Ehrlichman, et al. (A 300 388)

LOS ANGELES COUNTY GRAND JURY TESTIMONY

Eugenio Martinez

June 5, 1973
Q. Are you some kind of a specialist in the use of cameras?

A. No, but I have experience in camera. I'm not -- I cannot call myself a professional. In my boat I used to use the radar and I have some experience in navigational equipment.

And for us to prove that we were in the place we were, we have to take picture, even at night, where we were to show --

Q. Did you bring any camera equipment to Los Angeles from Miami?

A. No, I did not.

Q. After you arrived here in Los Angeles, what did you do?

A. I believe that Barker took rooms. I don't know if he went to the front office. We stayed behind. And we were contemplating the place where we were, see, because we didn't know where we was going. We know we was coming to Los Angeles, but we didn't know anything.

So I believe that Barker went to the front door, and then to a room in the hotel.

Q. Okay. Later that same night did you go and see a building that looks like the one in Grand Jury Exhibit Number 9?

A. Yes, sir. We went around the building. And we went through all -- all around the building.
Q: Why?
A: Because we were supposed to -- we were supposed to -- surveilling the place. But to be familiarized -- familiarized with the location in which we was going to make an entrance.

Q: Did you later break into that same building?
A: Yes, I did.

Q: How did you get in the building?
A: Well, we were supposed -- I believe the original plan was supposed to be easier than it was. It was supposed that the delivery of a --

Q: A suitcase?
A: -- a suitcase, with all the equipment inside, to let it inside the office, through talking to the lady who was washing there.

Someone would work the latch off the door; and later on, we would come and go in.

It happened that this process was good. I believe that Mr. Barker and Mr. De Diego did that, the first phase of the operation.

Q: Where were you when they delivered the suitcase?
A: I was in the hotel.

Q: Okay. Go ahead.
A: I was in my room.

Q: What happened then?
A: Then they came back. The briefcase was there.

And we went back to the place, to make the entrance.

The woman was still there -- a woman was there,
On or about June 8, 1972, in the course of pretrial proceedings in the Ellsberg case, the Government, in response to an order of the Court, filed an affidavit stating that there had been no electronic surveillance of conversations of Daniel Ellsberg. This statement was repeated in affidavits filed on December 13, 1972 and February 23, 1973.

85.1 Daniel J. McAuliffe affidavit, United States v. Russo, June 8, 1972.


Dear - Ells overheard on Halpern tap. F.B.I.
    has cross index of calls made & parties
    attached to.
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

v.

ANTHONY J. RUSSO, JR.,

DANIEL ELLSBERG,

Defendants

NO. 9373-MWB-CD

AFFIDAVIT

DANIEL J. Mcauliffe, being duly sworn, deposes and says;

1. That he is a Deputy Assistant Attorney General in the
   Internal Security Division of the Department of Justice;

2. That an inquiry has been made of the following agencies
   of the Federal Government to determine if there has been any
   electronic surveillance of the conversations of defendants
   Anthony J. Russo, Jr. or Daniel Ellsberg or any electronic
   surveillance of conversations occurring on premises known to
   have been owned, leased, or licensed by either defendant,
   whether or not he was present or participated in those conver-
   sations:

   a. Federal Bureau of Investigation
   b. Bureau of Narcotics and Dangerous Drugs
   c. Bureau of Customs
   d. United States Secret Service
   e. Internal Revenue Service (including the
      Alcohol, Tobacco and Firearms Division)
   f. Department of State
   g. Department of Defense
   h. Central Intelligence Agency

EXHIBIT A
3. That based upon the results of such inquiry he hereby states there has been no electronic surveillance of any conversations of Anthony J. Russo, Jr. or Daniel Ellsberg and there has been no electronic surveillance of any conversations occurring on their premises.

Daniel J. McAllister
Deputy Assistant Attorney General
Internal Security Division

Subscribed and sworn to before me this 26th day of June, 1972.

[Signature]
NOTARY PUBLIC
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

ANTHONY JOSEPH RUSSO, JR., et al.,
Defendants.

Plaintiff, United States of America, submits herewith the affidavit of A. William Olson bearing upon the question of electronic surveillance.

Respectfully submitted,

WILLIAM D. KELLER
United States Attorney

DAVID R. NISSEN
WARREN P. REESE
RICHARD J. BARRY

Special Assistant U.S. Attorneys

Attorneys for Plaintiff
United States of America
AFFIDAVIT
CITY OF WASHINGTON )
DISTRICT OF COLUMBIA )

I, A. WILLIAM OLSON, being first duly sworn, state:

1. I am Assistant Attorney General, Internal Security
Division, and have supervision over prosecution of the case of
United States v. Anthony Joseph Russo, Jr., et al., No. 9373-WMB-CD,
now pending in the Central District of California. This affidavit
is given in response to the orders of the Court in that case
concerning the subject of electronic surveillance.

2. Pursuant to the Court's orders, I caused an inquiry

3. I have been informed that an investigation was

conducted pursuant to that inquiry which disclosed that:
1. With regard to the defendants, there has been no electronic surveillance of any of their conversations, nor has there been electronic surveillance of any conversations occurring on their premises as listed in Exhibit A.

2. With regard to the attorneys and consultants:
   (a) there has been no such electronic surveillance directed against any individual named on Exhibit A.
   (b) no such electronic surveillance has been conducted at any of the places described on Exhibit A, and
   (c) none of the oral or wire communications of any of the attorneys or consultants listed on Exhibit A have been overheard, except as heretofore has been, herewith is, or hereafter will be disclosed to the Court in camera pursuant to the Court's order of May 2, 1972.

A. WILLIAM OLSON
Assistant Attorney General
U. S. Department of Justice
Affiant.

SUBSCRIBED and SWORN to before me this 7\textsuperscript{th} day of December, 1972.

A Notary Public in and for the City of Washington, D.C.
My Commission Expires: May 31, 1977
EXHIBIT A

I. DEFENDANTS

A. DANIEL ELLSBERG

1. 10 Hilliard
   Cambridge, Massachusetts

2. 45 Sutton Place South
   New York, New York

3. 20752 Pacific Coast Highway
   Malibu, California

4. 30 Wadsworth Street
   Cambridge, Massachusetts

5. 1700 Main Street
   Santa Monica, California

B. ANTHONY JOSEPH RUSSO, JR.

1. 272 Entrada Drive
   Santa Monica, California

2. 1700 Main Street
   Santa Monica, California

3. 1722 Westwood Boulevard
   Los Angeles, California

4. 320 West Temple
   Los Angeles, California

5. 2153 La Mesa
   Santa Monica, California

II. ATTORNEYS

A. LEONARD B. BOUDIN, December 1, 1970 to the present

1. From December 1, 1970 to September, 1971
   26 Gray Street
   Cambridge, Massachusetts
   (617) 547-2639

2. From December 1, 1970 to September, 1971
   Faculty Office Building
   Harvard Law School
   Cambridge, Massachusetts
   (617) 495-4625
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff,
v. ANTHONY JOSEPH RUSSO, JR., et al., Defendants.

Plaintiff, United States of America, submits herewith the affidavit of A. William Olson bearing upon the question of electronic surveillance.

Respectfully submitted,

WILLIAM D. KELLER
United States Attorney

DAVID R. NISSEN
WARREN P. REESE
RICHARD J. BARRY

Special Assistant U.S. Attorneys

Attorneys for Plaintiff
United States of America
CITY OF WASHINGTON

) ss.

DISTRICT OF COLUMBIA

I, A. WILLIAM OLSON, being first duly sworn, state:

1. I am Assistant Attorney General, Internal Security Division, and have supervision over prosecution of the case of United States v. Anthony Joseph Russo, Jr., et al., No. 9373-WMB-CD, now in trial in the Central District of California. This affidavit is given in response to the orders of the Court in that case concerning the subject of electronic surveillance.

2. Pursuant to the Court's orders, I caused an inquiry to be made of the knowledgeable persons in the departments and agencies listed below to determine whether there has been any electronic surveillance of any wire or oral communications of the defendants, their attorneys, or consultants, including any surveillance by any state or local government agency or private party or corporation of which the federal Government has knowledge. This inquiry encompassed all the names, addresses, and telephone numbers listed in (a) the court's order dated January 16, 1973 for the periods specified therein; and (b) the court's orders dated July 7, 1972 (as modified November 22, 1972) and December 21, 1972 for the periods which continue to the "present" (except as previously advised by defendants' Compliance with Court's Order of December 21, 1972 Regarding Electronic Surveillance, filed January 5, 1973).

The said departments and agencies of which inquiry was made are the following:
The agencies listed above include all those which participated in the investigation of the case in question.

3. I have been informed that an investigation was conducted pursuant to that inquiry which disclosed that:

(a) With regard to the defendants, there has been no electronic surveillance of any of their conversations, nor has there been electronic surveillance of any conversations occurring on their premises as listed in the court's orders.

(b) With regard to the attorneys and consultants:

(1) there has been no such electronic surveillance directed against any individual named in said orders,

(2) no such electronic surveillance has been conducted at any of the places described in said orders, and
communications of any of the attorneys or consultants listed in said orders have been overheard, except as heretofore has been disclosed to the court in camera pursuant to the court's order of July 7, 1972.

(4) the government has informed the court of all electronic overhearings that come within the court's orders of July 7, 1972 (as modified November 22, 1972); December 21, 1972, paragraph 7; and January 16, 1973, paragraph 4.

A. WILLIAM OLSON
Assistant Attorney General
U. S. Department of Justice
Affiant.

SUBSCRIBED and SWORN to before me this 14th day of November, 1973

A Notary Public in and for the City of Washington, D. C.
On June 20 or 21, 1972 Fred LaRue, Special Assistant to CRP Campaign Director John Mitchell, and Robert Mardian, an official of CRP acting as its counsel, met in LaRue's apartment with Gordon Liddy. Liddy told LaRue and Mardian that certain persons involved in the Watergate break-ins previously had been involved in operations of the White House "Plumbers" unit, including the entry into the offices of Daniel Ellsberg's psychiatrist. Liddy told Mardian and LaRue that commitments for bail money, maintenance and legal services had been made to those arrested in connection with the DNC break-in and that Hunt felt it was CRP's obligation to provide bail money and to get his men out of jail.

86.1 Fred LaRue testimony, 6 SSC 2286-89, 2309.
86.2 Robert Mardian testimony, 6 SSC 2357-59.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

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WASHINGTON : 1973
Mr. LARUE. It would be the following Monday. It would be, I think, the 19th of June.

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

Mr. LARUE. Mr. Mitchell's apartment?

Mr. DASH. Yes.

Mr. LARUE. Yes, sir.

Mr. DASH. Who was at this meeting?

Mr. LARUE. Mr. Mitchell was at the meeting, I was at the meeting,

Mr. Mardian came to the meeting, Mr. Dean, and Mr. Magruder.

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

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

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

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

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

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

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

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

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

Mr. LARUE. Yes, sir.

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

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

Mr. DASH. Who said that?

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

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

Mr. LARUE. Yes.

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

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

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

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

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

Mr. LARUE. Yes, sir.

Mr. DASH. Could you tell us who was there?
Mr. Larue, Mr. Mardian, Mr. Liddy and myself.

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

Mr. Larue. Yes, that is correct.

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

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

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

Mr. Dash. Who set up the meeting?

Mr. Larue. Mr. Mardian set up the meeting.

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

Mr. Larue. My presence in the meeting occurred in this manner:

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

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

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

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

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

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

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

Mr. Dash. Did he mention Mr. McCord?

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

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

Mr. Larue. Yes, sir.

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

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

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

Mr. Larue. Yes, he did.

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

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

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

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

Mr. Larue. Yes, I do recall that.

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

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

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

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

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

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

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

Mr. Larue. Yes, sir.

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

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

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

Mr. Larue. Yes, sir.

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

Mr. Larue. Yes, it was.

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

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

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

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

Mr. Dash. Now, did Mr. Liddy tell you who had approved the operation when he was telling you about the break-in at the Democratic National Committee headquarters, or any of the other activities?
Mr. Larre. No: not to my recollection, no, sir.

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

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

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

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

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

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

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

Mr. Larre. No, sir, he did not.

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

Mr. Larre. Yes, sir.

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

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

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

Mr. Larre. At this time?

Mr. Dash. At this time.

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

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

Mr. Larre. Yes, sir.

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

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

Mr. Dash. And you did meet with him?

Mr. Larre. Yes, sir.

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

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

Mr. Kalmbach indicated that he had a person who was very discreet, very reliable that could be used for this purpose. We discussed—
Mr. LARUE. Senator, I stand on the fact that I do not know who made these commitments, no, sir.  
Senator TALMADGE. But you thought they ought to be carried out regardless of who made them and under what conditions?  
Mr. LARUE. I thought that what?  
Senator TALMADGE. You thought they ought to be carried out regardless of who made them and totally unknown to you?  
Mr. LARUE. I thought they ought to be carried out because of the consequences if they were not.  
Senator TALMADGE. Did you know anything about the break-in prior thereto?  
Mr. LARUE. Pardon me, I am sorry.  
Senator TALMADGE. Did you know the break-in was planned prior to that time? Did you know that Liddy and his associates were going to break into the Watergate and commit burglary?  
Mr. LARUE. No, sir.  
Senator TALMADGE. You did not?  
Mr. LARUE. No, sir, I did not.  
Senator TALMADGE. Did Mr. Mitchell know?  
Mr. LARUE. Not to my knowledge, no, sir.  
Senator TALMADGE. I believe you met with Mr. Liddy on June 20.  
Mr. LARUE. Yes, sir.  
Senator TALMADGE. And you discussed various things. Did Mr. Liddy tell you at that time that he had shredded a number of documents?  
Mr. LARUE. Yes, sir.  
Senator TALMADGE. Did he tell you the nature of those documents?  
Mr. LARUE. He indicated that they were documents relating to the break-in, yes, sir.  
Senator TALMADGE. And they were in the files of the Committee To Re-Elect the President?  
Mr. LARUE. They were in—my understanding is they were in his files, yes, sir.  
Senator TALMADGE. Now, I believe Mr. Mardian was present at that same conversation, was he not?  
Mr. LARUE. Yes, sir.  
Senator TALMADGE. What was his reaction to this Liddy story that—  
Mr. LARUE. What was Mr. Mardian's reaction?  
Senator TALMADGE. Yes.  
Mr. LARUE. I think Mr. Mardian was—shared the same opinion I did. He was rather shocked by the revelations of what had been known. became known as the White House horrors, and I do not think he shared any enthusiasm that the investigation would eventually lead to Mr. Liddy.  
Senator TALMADGE. Did Mr. Liddy tell you at that time about the Ellsberg psychiatrist break-in?  
Mr. LARUE. Yes, sir.  
Senator TALMADGE. Now, had not Mr. Mardian been in charge of the Internal Security Division of the Justice Department that was in charge of prosecuting the Ellsberg case?  
Mr. LARUE. I do not know who was in charge of prosecuting it. Senator, Mr. Mardian, prior to his coming to the committee, was assistant attorney general in charge of Internal Security, yes, sir.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

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

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

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

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

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

Mr. MARDIAN. Yes.

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

Mr. MARDIAN. Mr. Fred LaRue.

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

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

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

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

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

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

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

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

I note that the meeting—there is one, for instance, with a gentleman at 8:30 and then another one at 10 o'clock. I do not think I met with that gentleman twice on that day. One appears to be a reschedul-
ing, and the fact that I have it noted in my book does not mean that I kept the appointment.

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

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

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

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

We arrived, Mr. LaRue and I arrived at his apartment and soon thereafter, Mr. Liddy came into the room. The first thing he asked Mr. LaRue was whether or not he had a radio. Mr. LaRue indicated a radio which was in the corner of the living room. Mr. Liddy went over and turned the radio on and asked me to sit by the radio in a chair. He apologized to me by saying something to the effect that it is not that I do not trust you, but this conversation cannot be recorded. My inference from that was he thought I had some kind of a device on me, possibly something in the room, I do not know.

And again, I am going to have to say that I do not recall the sequence of events in which he related these things to me. But I do recall that he said that he wanted to hire me as his lawyer, as his personal attorney. I told him that I was acting as attorney for the committee and that I could not relieve myself of that responsibility to represent him. He then said it was imperative that he be able to talk to me in confidence and that under no circumstances could I disclose what he told me. I told him that since he was an employee of the committee and I was acting as attorney for the committee, he could talk to me as a client to a lawyer and that I would maintain his confidence, but that I would have to be at liberty to disclose what he told me to Mr. Mitchell. At first, I believe he demurred, and I told him that was the only basis on which I could talk to him.

One of the things that he told me was that he had a message from Mr. Hunt, that Mr. Hunt felt that it was the committee's obligation to provide bail money to get his men out of jail. At that time, these people were incarcerated in the District of Columbia Jail. I was interested in finding out what had occurred and I interrogated him as to the events of the evening of January 16—June 16, the morning of the 17th. And he related to me what had occurred about the break-in, told me that they had planned, as I recall, to break into the McGovern headquarters that same night.
About the arrest of the five people, Mr. McCord and the others, their flight, he indicated to me that there was nothing to fear, because the only person that could identify Mr. Liddy was Mr. McCord and Mr. McCord would not divulge his identity, that the Cuban-Americans were old soldiers who had worked in the CIA with Mr. Hunt since the Bay of Pigs, and that they would never under any circumstances disclose Mr. Hunt's identity, and that the committee had nothing to fear in that regard.

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

I tried to convince him he would be identified, that his best bet was to give himself up rather than try to wait for them to arrest him. He discounted this possibility. He did, after some discussion, indicate that it was possible that he could be arrested, but I inquired of him as to the—because of the news accounts of the arrest and the apparent bungled effort, the possibility that someone in the group had had it in mind that they would be arrested, to embarrass the Committee To Re-Elect the President. He discounted this completely by saying that this group had been operating together for some considerable period of time, that they were all real pros, that they had engaged in numerous jobs. And when I asked him what kind of jobs, he said, we pulled two right under your nose. I inquired as to what he meant by that, and he said that they had invaded the office of the psychiatrist of Dr. Ellsberg and that they were the ones who got Dita Beard out of town.

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

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

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

I made some notes of—oh, I asked him what information they had obtained. He told me that the purpose of making this entry, that this entry was not of his doing, that neither he nor Mr. Hunt thought it was a good idea, that they had obtained nothing from the bug that they had previously implanted in the place. He told me that the only thing they had ascertained from that bug was the fact that somebody at the Democratic National Committee was talking to somebody else—was talking to the people or a person at the Committee To Re-
On or about June 21, 1972 Mardian and LaRue met with John Mitchell and told him of their meeting with Liddy, including Liddy's statements about the break-in into the office of Daniel Ellsberg's psychiatrist. Mitchell was also advised of Liddy's request for bail money and of Liddy's statement that he got his approval in the White House. Mitchell instructed Mardian to tell Liddy that bail money would not be forthcoming. Mitchell has testified that he refrained from advising the President of what he had learned because he did not think it appropriate for the President to have that type of knowledge, and that he believed that knowledge would cause the President to take action detrimental to the campaign and that the best thing to do was just to keep the lid on through the election.

87.1 Fred LaRue testimony, 6 SSC 2288.
87.2 Robert Mardian testimony, 6 SSC 2363.
87.3 John Mitchell testimony, 4 SSC 1621-22, 1628, 1643-44, 1660.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

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

Mr. LARUE. Yes, I do recall that.

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

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

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

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

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

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

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

Mr. LARUE. Yes, sir.

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

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

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

Mr. LARUE. Yes, sir.

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

Mr. LARUE. Yes, it was.

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

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

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

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

Mr. DASH. Now, did Mr. Liddy tell you who had approved the operation when he was telling you about the break-in at the Democratic National Committee headquarters, or any of the other activities?
Mr. Hamilton. When you spoke to Mr. Mitchell did you transmit this request for bail money to Mr. Mitchell?

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Mardian. I was not—I don't recall being present at that discussion other than the—it has been testified that I confronted the two of them in Mr. Mitchell's presence, that may very well have occurred. I don't have a present recollection. But after talking with Mr. Magruder I then interrogated Mr. Sloan. Mr. Sloan told me that he had been authorized by Mr. Magruder to disburse in the neighborhood of $200,000 which shocked me even further. I asked him if he was sure of the amount. He said he had not calculated the exact amount but that it was his opinion that it was in the neighborhood of $200,000 that he had already disbursed.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

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

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

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

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

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

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

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

Mr. Mitchell. Yes, sir, it was.

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

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

Mr. Dash. Yes.

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

Mr. Dash. I mean, let's take the—

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

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

Mr. Mitchell. Well, I was giving you a shorter answer to the fact that the first so-called briefing on what had happened, and you used the word "actually" which I will have to omit from that for the time
being because I have never quite got to the bottom of it, was after Mr. Mardian and Mr. LaRue had met with Mr. Liddy and Mr. Liddy provided them with quite an extensive story on Mr. Liddy's activities.

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

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

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

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

Mr. DASH. No.

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

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

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

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

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

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

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

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

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

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

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

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

Mr. MITCHELL. I am aware of his testimony and I think his testimony was one of these general things "It was decided that" or something to that effect but, to my recollection, there was no such discussion of it.
I know the individual, I know his reactions to things, and I have a very strong feeling that during the period of time in which I was in association with him and did talk to him on the telephone, that I just do not believe that he had that information or had that knowledge; otherwise, I think the type of conversations we had would have brought it out.

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

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

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

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

Mr. Dash. Why didn't you?

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

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

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

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

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

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

Mr. Mitchell. That is correct, Mr. Dash.

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

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

Mr. Dash. In August.

Mr. Mitchell. In August, the second appearance.

Mr. Dash. The second appearance.
and as to what the circumstances might be vis-a-vis the incumbent who was seeking reelection.

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

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

Is that a correct—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. THOMPSON. Did you ever verify any of them with Mr. Haldeman?

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

Mr. THOMPSON. Did you ever talk directly with Ehrlichman about these matters?
It was then that Mardian hit him on the back to buck him up and I don't want to take credit for this statement that was reported by me to be made that when the going gets tough the tough get going. It was Senator Muskie who had said it just a couple of days before it happened.

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

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

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

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

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

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

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

Senator Talmadge. Was that the first—excuse me.

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

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

Mr. Mitchell. On the 24th?

Senator Talmadge. Yes.

Mr. Mitchell. No, my—

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

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

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

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

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

Mr. Mitchell. No, he did not. No, he did not.

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

Mr. Mitchell. The campaign what, Senator?

Senator Talmadge. The campaign for reelection.
On June 23, 1972 H. R. Haldeman met with the President. The President directed Haldeman to meet with CIA Director Richard Helms, Deputy CIA Director Vernon Walters and John Ehrlichman. The President directed Haldeman to discuss White House concern regarding possible disclosure of covert CIA operations and operations of the White House Special Investigations Unit (the "Plumbers"), not related to Watergate, that had been undertaken previously by some of the Watergate principals.

88.3 H. R. Haldeman testimony, 8 SSC 3040-41.
88.4 H. R. Haldeman testimony, 7 SSC 2884.
PURPORTED ATTEMPT TO INVOLVE THE CENTRAL INTELLIGENCE AGENCY IN THE WATERSGATE AND ELLSBERG INCIDENTS

Thursday, May 31, 1973

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

The subcommittee met at 10:00 a.m., pursuant to recess, in room 1223, Dirksen Senate Office Building, Hon. John L. McClellan (chairman of the subcommittee) presiding.

Present: Senators McClellan, Pastore, Young and Hruska.

Gentlemen, the committee will come to order.

Mr. Haldeman, we appreciate your appearance this morning. We are very glad you have responded to our request to come and testify.

As you know, the committee is investigating or inquiring into matters that have transpired relating to the CIA.

This committee is not making or undertaking to make a comprehensive inquiry into all aspects that may be involved in the so-called Watergate matter. We are undertaking to establish here a true record of the facts with respect to the CIA, its integrity, whether there has been any attempt...
to meet with this committee and to clear up anything that I can be helpful in clearing up in regard to the matter that you have under inquiry.

I believe that the only area in which I can be helpful to you in your investigation is with regard to the reported meeting of White House and CIA officials last June.

In that regard, on June 23, 1972, John Ehrlichman and I were requested by the President to meet with Director Richard Helms and Deputy Director Vernon Walters of the CIA.

To the best of my recollection, the purpose of this meeting was five-fold:

One, to ascertain whether there had been any CIA involvement in the Watergate affair;

Two, to ascertain whether the relation between some of the Watergate participants and the Bay of Pigs was a matter of concern to CIA;

Three, to inform the CIA of an FBI request for guidance regarding some aspects of the Watergate investigation because of the possibility of CIA involvement, directly or indirectly;

I could interject there that this request had been made known by John Dean, counsel to the President, and had been transmitted by me to the President immediately upon being told of it by John Dean.

The President, as a result of that, told me to meet with Director Helms and General Walters and John Ehrlichman

Retyped from indistinct original.
to get into this matter as I am laying it out here.

The fourth purpose was to discuss White House concern regarding possible disclosure of non-Watergate-related covert CIA operations or other national security activities, not related to Watergate, that had been undertaken previously by some of the Watergate principles.

Fifth, to request General Walters to meet with Acting Director Gray of the FBI to express these concerns and to coordinate with the FBI so that the FBI's area of investigation of the suspects, the Watergate suspects, not be expanded into unrelated matters which could lead to disclosure of their earlier national security and CIA activities.

The meeting was held in Mr. Ehrlichman's office on the afternoon of June 23 and, to the best of my recollection, all of the above points were covered.

As I recall, Director Helms assured us that there was no CIA involvement in the Watergate and also that he had no concern from the CIA's viewpoint regarding any possible connections of the Watergate personnel with the Bay of Pigs operation. Helms told us he had given this assurance to Gray directly.

Walters agreed to meet with Gray as requested. I do not recall having any further communication or meeting with Walters, Helms or Gray on this subject.

I do not specifically recall the question of 'Mexican
HAROLD H. HAMDANE

PROPOSED AMEND TO EXPAND THE CENTRAL INTELLIGENCE AGENCY IN WAR CRIME AND WARFARE EXPEDITIONS

THURSDAY, MAY 31, 1973

United States Senate,

Subcommittee of the Committee on Appropriations,

Washington, D. C.

The subcommittee met at 10:00 a.m., pursuant to recess, in room 1223, Dirksen Senate Office Building, Hon. John L. McClellan (chairman of the subcommittee) presiding.

Present: Senators McClellan, Pastore, Young and Muskie.

Gentlemen, the committee will come to order.

Mr. Haldeman, we appreciate your appearance this morning. We are very glad you have responded to our request to come and testify.

As you know, the committee is investigating an inquiry into matters that have transpired relating to the CIA.

This testimony is not taking on undertakings to interfere with the coordination inquiry into all aspects that may or may not exist in the so-called Watergate matters. We are not evaluating the White House's role in the events which we have heard and will continue to hear. I think I may well say that we have had many hearings.
In that regard, on June 23, 1972, John Ehrlichman and I were requested by the President to meet with Director Richard Helms and Deputy Director Vernon Walters of the CIA.

To the best of my recollection, the purpose of this meeting was five-fold:

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Two, to ascertain whether the relation between some of the Watergate participants and the Way of Pigs was a matter of concern to the CIA;

Three, to inform the CIA of an FBI request for guidance regarding some aspects of the Watergate investigation because of the possibility of CIA involvement, directly or indirectly;

I could interject here that this request had been made by John Dean, counsel to the President, and had been submitted to me twice; President immediately upon being told of it by John Dean.

"I took it as a matter of fact, told me to tell..."
The role of the CIA in the Watergate scandal

The purpose was to discuss possible disclosure of non-Watergate-related CIA operations or other national security activities, not related to Watergate, that had been undertaken previously by some of the Watergate principals.

Fifth, to request General Walters to meet with Acting Director Gray of the FBI to express these concerns and to coordinate with the FBI so that the FBI's area of investigation of the suspects, the Watergate suspects, not be expanded into unrelated matters which could lead to disclosure of their earlier national security and CIA activities.

The meeting was held in Mr.籼ditum's office on the afternoon of June 23 and, to the best of my recollection, all of the above points were covered.

As I recall, Director Walters assured us that there was no CIA involvement in the Watergate and also that he had no concern from the CIA's viewpoint regarding any possible connections of the Watergate personnel with the Bay of Pigs operation. Walters told us he had given this assurance to

They discussed:

whether to go with his proposal. He was not sure if he would do so, but I was confident of meeting with them, since we had met in this respect.

DR

[9123]
I will not abandon my responsibilities. I will continue to do the job I was elected to do.

In the accompanying statement, I have set forth the facts as I know them as they relate to my own role. With regard to the specific allegations that have been made, I can and do state categorically:

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

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

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

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

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

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony of witnesses which have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about these operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of the nature and purpose of those operations.
In this area, I felt it was important to avoid disclosure of the details of the national security matters with which the group was concerned. I knew that once the existence of the group became known, it would lead inexorably to a discussion of these matters, some of which remain, even today, highly sensitive.

I wanted justice done with regard to Watergate; but in the scale of national priorities with which I had to deal—and not at that time having any idea of the extent of political abuse which Watergate reflected—I also had to be deeply concerned with ensuring that neither the covert operations of the CIA nor the operations of the Special Investigations Unit should be compromised. Therefore, I instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the investigation of the break-in not expose either an unrelated covert operation of the CIA or the activities of the White House investigations unit—and to see that this was personally coordinated between General Walters, the Deputy Director of the CIA, and Mr. Gray of the FBI. It was certainly not my intent, nor my wish, that the investigation of the Watergate break-in or of related acts be impeded in any way.

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on his successful handling of the hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation Mr. Gray discussed with me the progress of the Watergate investigation, and I asked him whether he had talked with General Walters. Mr. Gray said that he had, and that General Walters had assured him that the CIA was not involved. In the discussion, Mr. Gray suggested that the matter of Watergate might lead higher. I told him to press ahead with his investigation.

It now seems that later, through whatever complex of individual motives and possible misunderstandings, there were apparently wide-ranging efforts to limit the investigation or to conceal the possible involvement of members of the Administration and the campaign committee.

I was not aware of any such efforts at the time. Neither, until after I began my own investigation, was I aware of any fundraising for defendants convicted of the break-in at Democratic headquarters, much less authorize any such fundraising. Nor did I authorize any offer of executive clemency for any of the defendants.

In the weeks and months that followed Watergate, I asked for, and received, repeated assurances that Mr. Dean’s own investigation (which included reviewing files and sitting in on FBI interviews with White House personnel) had cleared everyone then employed by the White House of involvement.

In summary, then:

1. I had no prior knowledge of the Watergate bugging operation, or of any illegal surveillance activities for political purposes.

2. Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal
Mr. Dash. At that meeting do you recall that there was a general discussion as to what happened, what information was current concerning the break-in and the relationship with the committee?

Mr. Halderman. I have no specific recollection of the contents of that meeting but I am sure, that given the time situation, that it must have been in regard to the Watergate break-in.

Mr. Dash. Now, it is true, if you look at your record that during that period right after you get back there are about two or three meetings on different days.

Mr. Halderman. Yes.

Mr. Dash. I think you met with him on the 20th, on the 23d, and on the 26th. Does your record show that?

Mr. Halderman. I show—there is an example now of my log of June 20 that does not show a meeting with those people that I have identified that I have got in my summary here as a result of information from other sources. What my log shows is a meeting in John Ehrlichman's office which is all my secretary would know. She didn't know who was in the meeting.

Mr. Dash. Right.

Mr. Halderman. I am sorry then you were going—

Mr. Dash. I was saying do you have a record of a meeting with Mr. Dean on the 23d and again on the 26th after the meeting with him on the 20th?

Mr. Halderman. Not in the log, no. The 23d?

Mr. Dash. Yes.

Mr. Halderman. It doesn't show me I don't believe.

Mr. Dash. Do you have it in the summary that you have received from other sources?

Mr. Halderman. No; that doesn't show a meeting with Dean, either. I think I talked with Dean on the phone that day, that morning. I don't believe I met with him but I am not sure.

Mr. Dash. You indicated in your earlier testimony that Mr. Dean did give you a report of what happened and told you at that time that he had told you earlier about telling you after one of the meetings. Could you place in any one of those meetings when he told you?

Mr. Halderman. No; I can't.

Mr. Dash. Would it be your recollection that it would be during that week when you got back?

Mr. Halderman. Not necessarily, no. As I say, the only meeting that I see with Dean during that week was the meeting in Mr. Ehrlichman's office on the 20th apparently.

Mr. Dash. Did the President either communicate with you or did you have a meeting with the President prior, shortly prior, to June 23, 1972?

Mr. Halderman. I am sure I did. Do you want me to check?

Mr. Dash. You met frequently with the President so you—

Mr. Halderman. Yes, sir.

Mr. Dash. So you are pretty sure you can find such a meeting?

Do you recall prior to that meeting on June 23, the President having a discussion with you concerning the investigation that would be ongoing with regard to the Watergate break-in and a concern he had that such an investigation by the FBI might include the work of the special investigating unit in the White House and also the CIA?
Mr. Haldeman. Not prior to the 23d. I do recall such on the 23d.
Mr. Dash. On the 23d?
Mr. Haldeman. Yes, sir.
Mr. Dash. Was that on the 23d itself?
Mr. Haldeman. Yes, sir.
Mr. Dash. Is that what prompted your having a meeting with Mr. Helms and Mr. Walters on the 23d?
Mr. Haldeman. Yes.
Mr. Dash. And Mr. Haldeman, could you tell us what was the purpose of that meeting with Mr. Helms and Mr. Walters; what you said and what they said?
Mr. Haldeman. OK.
Mr. Dash. To the best of your recollection.
Mr. Haldeman. I have covered that in my statement and I—I don’t know how much detail you want to get into on that. I have made a more detailed statement before another Senate committee that is looking into this matter in considerable detail and I would be glad to read that statement or put it into your record.
Mr. Dash. Let me just ask you this question because I think we do have your statement.
Mr. Haldeman. Yes, sir.
Mr. Dash. And I think we also have your more detailed statement that has been submitted to us.
Mr. Haldeman. OK.
Mr. Dash. Mr. Helms and Mr. Walters have recounted their recollection of the meeting and Mr. Walters has testified, and provided memorandums indicating that at that meeting he was, in effect, ordered by you to go to see Mr. Gray and tell Mr. Gray that an investigation of the Watergate matters might uncover CIA activities and, therefore, to restrict the investigation to such an extent as not to do that.
Do you recall that such a conversation took place?
Mr. Haldeman. Well, without—I am not sure of the accuracy and I don’t think you want to get into the specifics of Mr. Walters’ testimony. I think you are asking for my recollection of that conversation.
Mr. Dash. Yes.
Mr. Haldeman. So without commenting on either of the accuracy of Mr. Walters’ recollection or your recitation of it, because he has given a number of different statements and depositions in this thing that make it rather complex, but the meeting, one of the purposes of the meeting, as assigned to me by the President on the morning of the 23d when he told me to have, to have me and Ehrlichman to meet with Director Helms and Deputy Director Walters, in addition to ascertaining whether there was any CIA involvement, whether there was any CIA concern about earlier activities of people who had been arrested at the Watergate, was to tell the CIA Directors that the FBI had expressed concern that as to whether there was CIA involvement or any impingement.
Mr. Dash. Did you know at that time Mr. Helms had actually told Mr. Gray the day before, on the 22d, that there was no CIA involvement?
Mr. Haldeman. I did not know that prior to our meeting with Mr. Helms and Mr. Walters.
is that the President was not directly involved himself and he was not told by anyone until March, when he intensified his own investigation. Even then, he was given conflicting and unverified reports that made it impossible to determine the precise truth regarding Watergate or the coverup and, at the outset at least, he was relying primarily on one man, John Dean, who has admitted that he was a major participant in the illegal and improper coverup, a fact unknown to the President until March 1973.

Any attempt on my part at this time to try to identify those who participated in, directed, or knew of the illegal coverup would of necessity be based totally on hearsay.

CONTAINMENT

There was a concern at the White House that activities which had been in no way related to Watergate or to the 1972 political campaign, and which were in the area of national security, would be compromised in the process of the Watergate investigation and the attendant publicity and political furor. The recent public disclosure of the FBI wiretaps on press and NSC personnel, the details of the Plumbers operations, and so on, fully justifies that concern.

As a result of this concern and the FBI's request through Pat Gray to John Dean for guidance regarding some aspects of the Watergate investigation, because of the possibility of CIA involvement, the President directed John Ehrlichman and me to meet with the Director and Deputy Director of the CIA on June 23. We did so and ascertained from them that there had not been any CIA involvement in the Watergate affair and that there was no concern on the part of Director Helms as to the fact that some of the Watergate participants had been involved in the Bay of Pigs operations of the CIA. We discussed the White House concern regarding possible disclosure of non-Watergate-related covert CIA operations or other unrelated national security activities that had been undertaken previously by some of the Watergate participants, and we requested Deputy Director Walters to meet with Director Gray of the FBI to express these concerns and to coordinate with the FBI, so that the FBI's area of investigation of the Watergate participants not be expanded into unrelated matters which could lead to disclosures of earlier national security or CIA activities.

Walters agreed to meet with Gray as requested. I do not recall having any other communication, or meeting, with Walters, Helms, or Gray on this subject. I did not, at this meeting, or at any other time, ask the CIA to participate in any Watergate coverup, nor did I ever suggest that the CIA take any responsibility for the Watergate break-in. I believe that the action I took with the CIA was proper, according to the President's instructions, and clearly in the national interest.

There were a number of newspaper stories and allegations raised during the period following the Watergate break-in that posed new questions regarding the facts of Watergate or related matters. Whenever such questions arose, the President would again ask that the facts be ascertained and made known publicly as completely and quickly as possible, but there always seemed to be some reason why
89. On or before June 25, 1972, immediately after the FBI had contacted Donald Segretti as part of the Watergate investigation, John Dean met with Segretti in the EOB to advise Segretti on how to deal with his impending FBI interview. In this meeting, arranged by Dwight Chapin and Gordon Strachan, Dean told Segretti not to reveal his relationship with Chapin, Strachan or Herbert Kalmbach to the FBI, if possible, and during the subsequent FBI interviews, Segretti withheld this information. A copy of the interview summary FBI 302 form was given to Dean by the FBI. In July 1972 Chapin instructed Segretti to destroy his records.

89.1 Donald Segretti testimony, 10 SSC 3984-85, 4022.
89.2 John Dean testimony, 3 SSC 962-63.
89.3 L. Patrick Gray testimony, SJC, Gray Nomination Hearings, 224-25, 305-06.
89.4 FBI memorandum from Charles Bolz to Charles Bates, October 12, 1972 (received from SSC).
89.5 Dwight Chapin testimony, United States v. Chapin, April 3, 1974, 539-41.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase II: Campaign Practices
WASHINGTON, D.C., SEPTEMBER 26 AND OCTOBER 3, 1973
Book 10

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

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Washington, D.C. 20014 - Price $5.00
At this point I would like to state to the committee that at no time did I ever have any knowledge of, nor did I participate in, the Watergate burglary or any activity involving electronic surveillance.

It is possible that I may have met Mr. Warren on a third occasion, but I am unsure at this time.

On April 1, 1972 (April Fools' Day), in Milwaukee, Wis., Mr. Benz and I distributed a flier advertising a free all-you-can-eat lunch with drinks at Hubert Humphrey's headquarters. I have given the committee and the Special Prosecutor's Office a copy of the flier. There was, of course, no such party.

Also in April of 1972, in response to a telephone call from Mr. Warren, I flew to Washington, D.C. I had Mr. Kelly meet me there. Senator Muskie was to have a fundraising dinner at the Washington Hilton Hotel, and Mr. Kelly and I, ostensibly acting for Muskie organizers, ordered flowers, pizzas, and liquor for the campaign workers. In addition, we invited certain foreign guests and provided for their delivery to the dinner by chaffered limousine. A magician was also hired to attend the dinner and to entertain. We also made inquiries about renting an elephant, but were unable to make the necessary arrangements. The purpose of all this was to cause confusion at the Muskie dinner. Mr. Kelly and I also distributed a flier stating, "Come, Protest the Fat Cats With Signs." This was in reference to the Muskie dinner. Mr. Kelly and I constructed various protest signs, but no one showed up to protest.

During 1972, I performed activities of a similar, but less extensive and significant nature, in other States. I have given a full statement to this committee's staff regarding these events. I believe my activities in these other States produced little, if any, commotion, and do not need to be elaborated on in this statement. I also feel that many innocent persons would be hurt if I were to disclose the names of all persons I contacted in my travels. Most of these persons are completely innocent of any wrongdoing, and to publicly disclose their names would be a great disservice to them. I have given the committee's staff a complete list of all persons whose names I can recall. I understand that both the committee's staff and the prosecutor's office have investigated my activities in an intensive manner. I would, therefore, beg the indulgence of this committee that I not be forced to publicly disclose the names of innocent persons, which could only damage their reputations unduly without serving any legitimate legislative purpose.

In July of 1972, Mr. Kelly and I made arrangements for a small plane to fly over the Democratic Convention center with a trailer reading: "Peace, Pot, Promiscuity. Vote McGovern." This was my last political activity of the 1972 campaign.

After news stories began mentioning my name, I sought legal counsel from Mr. John W. Dean. I met Mr. Dean through Mr. Chapin and Mr. Strachan. Over a period of months, Mr. Dean acted as my lawyer, and I confided in him in this capacity. At Mr. Dean's request, I made a tape recording explaining my activities in 1971 and 1972, and gave it to him. I also prepared a written statement and gave it, along with many documents, to an attorney in Los Angeles, Calif., who was suggested as counsel by Mr. Dean. It is my understanding that this attorney sent to Mr. Dean copies of the material left with him, and that Mr. Dean subsequently turned over said material, which were obviously
intended to be confidential and part of the attorney-client privilege, to this committee. Although I feel that Mr. Dean betrayed my confidence, I do wish to state that at no time did he tell me to be anything but honest and truthful with the Federal Bureau of Investigation and the U.S. attorney's office.

This general statement was prepared with the advice and assistance of my present counsel, Victor Sherman of Los Angeles, Calif., and was not intended by us to be a complete statement of all my activities during the months in question. I am sure that this committee is now aware that my activities have been blown out of all proportion by the news media. I accept the fact that most of my present problems are the direct result of my own conduct. However, I cannot help but feel that I have been abused by rumor, character assassination, innuendo, and a complete disregard for the privacy of myself, my friends, and my family. I have literally had to avoid the onslaught of the media during the past year, and their attempts to get a story at all costs. I understand that under various guises, some of the news media illegally obtained my telephone, bank account, and credit card records, and generally conducted their investigations without any concern for my rights. Nevertheless, this in no way lessens my sincere belief that my activities were wrong and have no place in the American political system. To the extent my activities have harmed other persons and the political process, I have the deepest regrets. I am now ready to answer the questions of this committee.

Mr. Dash, Mr. Segretti, your statement has been quite full. You have already indicated how you first came to know Mr. Dwight Chapin and Mr. Gordon Strachan. As you have indicated in your statement, you knew them as college classmates at the University of Southern California.

Mr. Segretti. That is correct, Mr. Dash.

Mr. Dash. Now, at the time Mr. Strachan and Mr. Chapin were in touch with you while you were in the Army in 1971, and also during the period of July 1971 to June 1972, do you know what Mr. Chapin,

Mr. Dwight Chapin's position was?

Mr. Segretti. He was employed at the White House and I believe his position at that time was Presidential appointments secretary.

Mr. Dash. And do you know what Mr. Strachan's, Mr. Gordon Strachan's position was?

Mr. Segretti. All I knew at that time was that he was employed at the White House.

Mr. Dash. Did you come to know that he was an assistant to Mr. Haldeman?

Mr. Segretti. I did, but that was much later into 1972.

Mr. Dash. Now, after the series of contents you have included in your statement, you did in fact come to Washington on June 23, 1971, to meet with Mr. Strachan and Mr. Chapin?

Mr. Segretti. Mr. Dash, I am not quite certain of the exact date on that, but it is approximately that period of time.

Mr. Dash. Do you recall where you met Mr. Chapin?

Mr. Segretti. I had dinner with Mr. Chapin and Mr. Strachan at Mr. Strachan's residence.

Mr. Dash. And it was at that time that Mr. Chapin began to discuss with you the job opportunities that he had been talking to you about on the telephone?
Senator ERVIN. Senator Talmadge.

Senator Talmadge. Mr. Segretti, will you tell us what your activities were following the breaking and entering of the Watergate complex?

Mr. Segretti [conferring with counsel]. Very briefly, Senator, I was in California when that occurred. I heard it over the news. I really—I don't believe I did anything about it. Subsequent to that, I was contacted by the Federal Bureau of Investigation, and I contacted Mr. Chapin and subsequently was put in touch with Mr. John Dean—

Senator Talmadge. Will you pull the mike a little closer to you? I cannot hear your voice.

Mr. Segretti [continuing]. And subsequently met Mr. John Dean in Washington, D.C.

Senator Talmadge. Then what happened after that?

Mr. Segretti. I talked with—I met Mr. Dean—I talked with him very briefly the day I met him, and then I talked to him the next day at his office, and then I flew back to Los Angeles, Calif., and met agents from the Federal Bureau of Investigation.

Mr. Sherman. Senator, do you mean what were his activities over a long period of time or—

Senator Talmadge. I wanted to know whether or not your activities of subversion and sabotage continued following the breaking and entering of Watergate. Just exactly what you did after that.

Mr. Segretti. The only thing that I can recall after that was the plane that flew over the Democratic convention with the trailer relating to Senator McGovern.

Senator Talmadge. Was your advice subsequent to that to lay low, hide, go to a foreign country, or what?

Mr. Segretti. No, I was advised later on—

Mr. Sherman. Senator, this raises a problem that I had also discussed with Mr. Dash and Mr. Thompson. The question is broad enough that it might refer to conversations Mr. Segretti had with attorneys and an attorney-client relationship, and if the question is asked excluding conversations that may be within the attorney-client privilege, then, of course, he will answer it, but if it is intended to include conversations with an attorney employed in that capacity, then, of course, we would raise that as an objection.

Senator Talmadge. If you want to assert that privilege, I will not pursue it; but I read a synopsis of the staff report, and it indicates exactly the same coverup operation was pursued with Mr. Segretti as was pursued with the Watergate, and I wanted to bring that out if Mr. Segretti wanted to go into that area. If he wants to plead attorney-client privilege in that area, I shall not go into it. If he wants to invoke the fifth amendment rights. I shall not go into it; but if he wants to voluntarily discuss it, I am prepared to ask him questions about it.

Mr. Sherman. First, he has no fifth amendment rights. I assume, because he has been given immunity. Second, it was part of the synopsis because, at all times, Mr. Segretti has cooperated fully with the staff of this committee, and has disclosed every single conversation he ever had with anybody in the world about his activities, because he wanted to cooperate fully. But it was cooperation with the under-
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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mittee to vote against the hearings. I was informed that Congressman Brown had been working with several members on the Democratic side of the Patman committee to assist in voting against the hearings or as an alternative not to appear for the hearings. Timmons informed me that he was also in direct contact with one of the leaders of the southern delegation who was being quite helpful in persuading the southerners on the committee not to vote for the subpoenas or in the alternative not to appear at the meeting on October 3. Also Mitchell reported to me that he had been working with some people in New York to get the New Yorkers on the committee to vote against the hearings. He told me, and I cannot recall now which members of the New York delegation he referred to, that he had assurances that they would either not show up or would vote against the hearings. I in turn passed this information on to Timmons, but I did not tell him the source of my information. On October 3 the vote was held and the subpoenas were defeated by a vote of 20 to 15 and another sigh of relief was made at the White House that we had leaped one more hurdle in the continuing coverup.

On October 4, however, Chairman Patman requested a GAO investigation and I was asked by Stans what this would mean. I told him that this would be primarily between himself and the GAO but that since GAO had no subpoena power to compel testimony, the scope of their investigation would have limits. He said he felt that he could work with Elmer Staats, who was an old and good friend, and not let this matter get out of hand with the GAO. On October 10, Chairman Patman decided to proceed without subpoena power, and sent letters to MacGregor, Stans, Mitchell, and myself. Everybody who received such a letter declined to appear and Patman held his hearings with empty witness chairs and, as I recall the press accounts, “lectured” the missing witnesses.

THE SEGREGATI MATTER

I would now like to turn to the so-called Segretti matter. I have been informed by committee counsel that the subject of alleged political sabotage will be taken up in subsequent hearings. However, I have been asked to explain in full the pattern of coverup which evolved in connection with the Watergate and related matters and my explanation would be less than complete in presenting my knowledge of the subject if I were to omit the so-called Segretti matter. While the Segretti matter was not directly related to the Watergate, the coverup of the facts surrounding Mr. Segretti’s activities was consistent with other parts of the general White House coverup which followed the Watergate incident. I will not go into extensive detail at this time, rather I will give the highlights of the pattern that was followed regarding the dealings of the White House with Mr. Segretti.

I first heard of Mr. Segretti when Gordon Strachan called me in late June and told me that the FBI had called a friend of his by the name of Donald Segretti, and requested to interview him in connection with the break-in at the Democratic National Committee. Strachan asked if I would meet with Segretti. I told him that I would and Strachan arranged a meeting at the Mayflower Hotel where Segretti was staying. Strachan gave me a very general description of Mr. Se-
Segretti's activities and said that he was a "dirty tricks" type operator who was being paid by Mr. Kalmbach. He told me that he would rather have Segretti himself tell me what he had been doing because he, in fact, was not aware of all of Segretti's activities. He also informed me that Mr. Chapin had been involved in hiring Segretti. I met with Mr. Segretti in the lobby of the Mayflower Hotel at which time he gave me a very broad description of his activities and said that he had had contact with a man by the name of Ed Warren, who, by having seen subsequent pictures in the paper, he assumed was Howard Hunt. I told Segretti to come to my office the next day and we would discuss the matter further.

When Segretti came to my office the next morning, he told me of his relationship with Mr. Hunt and that he had only had incidental dealings with him and recalled meeting with him twice in Florida and several subsequent telephone calls. Segretti told me that Hunt had "scared him" and that he had really decided early-on to deal with him as little as possible. Segretti then described how he had been hired and, the fact that he had met with Kalmbach to arrange his compensation. He said he wanted to know whether he should mention the fact that Strachan and Chapin had recruited him and Kalmbach was paying him when he was interviewed by the FBI.

I told Segretti that he should answer any and all questions asked about Hunt and his relationship with Hunt but that he should withhold the names of Strachan, Chapin, and Kalmbach, unless the FBI felt it was absolutely necessary to have the names. Segretti departed and returned to California.

Several days after Segretti's FBI interview, he called me and told me that he thought his interview had gone very well. He said he told the FBI everything he knew about Mr. Hunt and the fact that he had no knowledge of the Watergate incident and that the agents had not pressed him in a manner that required him to reveal the names of Strachan, Chapin, and Kalmbach. I thanked him for informing me of the results of his interview and did not hear again from him until much later.

The next time I heard from Segretti was in August, during the Republican National Convention in Miami. I received a call from Mr. Chapin who indicated that Segretti was very concerned about the fact that he was being called before a Federal grand jury in Washington to investigate the Watergate.

Chapin told me that Segretti was looking for guidance as to his appearance before the grand jury and that he was concerned again that he might have to reveal the names of Strachan, Chapin, and Kalmbach. I informed Chapin that it would be impossible for me to go to Washington to see Segretti, but if he wished to come to Florida prior to his scheduled grand jury appearance, I would be happy to meet with him.

After my conversation with Chapin, I called Mr. Petersen at the Department of Justice and explained the problem that was confronting Segretti. I told Petersen that to the best of my knowledge Segretti had no involvement in the Watergate incident but he had had dealings with Hunt in connection with some campaign activities he had been performing for the White House.
HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
NOMINATION OF LOUIS PATRICK GRAY III, OF CONNECTICUT,
TO BE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

FEBRUARY 28, MARCH 1, 6, 7, 8, 9, 12, 20, 21, and 22, 1973

Printed for the use of the Committee on the Judiciary
Senator Kennedy. Well, I am not sure that that was particularly the newspaper allegation, was it?

Mr. Gray. I don't know the newspaper allegations.

Senator Kennedy. Why did you just ask them then—

Mr. Gray. Why did I do what?

Senator Kennedy. If you will wait for the question. What specific questions did you ask him besides which records had been destroyed before April? Did you ask him whether any records that came after April had been destroyed, or any other records that dealt with the alleged Watergate incident?

Mr. Gray. No, I think my notations were to the effect of what records were maintained, what records are our interviewees telling us were destroyed, and what is the present condition of records at the Committee to Re-Elect the President. That is my best recollection of the questions that I asked at the time, Senator.

Senator Kennedy. Who destroyed them, if they were destroyed?

Mr. Gray. Oh, yes, we would want to know that.

Senator Kennedy. One other area. Mr. Segretti. As I understand, Mr. Gray, Donald Segretti was interviewed during your investigation; is that correct? You have indicated that, given the dates?

Mr. Gray. Yes, I gave you the dates—the 26th of June, 1972, the 28th of June, 1972, and also we saw him on the 30th of June in an effort to get him to identify pictures, Senator.

Senator Kennedy. Could you tell us why he was investigated?

Mr. Gray. Why he was investigated?

Senator Kennedy. Yes.

Mr. Gray. He turned up, his telephone number turned up, as I recollect. He was one of those telephone numbers that we ran down. This was my recollection. I would like to check my records to make sure I am correct, though.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. Gray. After reviewing the records, Senator, I find that my recollection was correct and that we conducted investigation concerning Mr. Segretti because a review of the telephone toll records of Mr. Hunt's calls had showed numerous phone calls between Hunt and Segretti.

Senator Kennedy. My recollection—

Mr. Gray. It is.

Senator Kennedy. Yes.

Mr. Gray. Then we are in agreement.

Senator Kennedy. Do you remember what he—there was some interview with him then, on June 26, and on the 28th; is that correct?

Mr. Gray. Yes, sir.

Senator Kennedy. And do you know whether he indicated that Hunt had asked him—what Mr. Hunt had asked him to do?

Mr. Gray. No. There is a little note here that I made, that he refused to give us any names, dates, or places at all. He was not too cooperative and helpful.

Senator Kennedy. He was uncooperative?

Mr. Gray. That is right, in the sense of giving us names, dates, and places. He talked to us once we contacted him, but he did not give us names, dates, and places. But this later, we are advised, came out at the Federal Grand Jury. I would like not to get into that.
Mr. GRAY. I am not really sure I understand that question. We were not investigating him for anything other than his involvement, if any, in this IOC situation at the Democratic national headquarters.

Sen. KENEDY. Were his telephone toll cards obtained?

Mr. GRAY. I believe that they were; yes, sir.

Sen. KENEDY. Why were his toll cards obtained?

Mr. GRAY. I think we probably wanted to see to whom Segretti could talk. We obtained an awful lot of toll calls. As I recall, there were 2,200 of them, not from Segretti, though, but from all the people involved in this investigation as interviewees or as principals.

Sen. KENEDY. Who did they lead to?

Mr. GRAY. I don't recall with that specificity, Senator.

Sen. KENEDY. Would there be any names on there—would you remember them?

Mr. GRAY. No; I wouldn't. I would have to provide that for the record for you, Senator. I just don't remember that.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. GRAY. Our records show that during the period of time we felt was pertinent and checked, from about August, 1971 to June, 1972, there were about 700 calls charged to Mr. Segretti. The investigating Agents screened these calls to try to pinpoint those which would appear to involve the Watergate subjects (Hunt, Liddy, McCord, Barker, Martinez, Fiorini and Gonzalez). We also looked for calls to the Committee to Reelect the President, Committee to Reelect the President people, the White House, White House people, or calls which might show Segretti was in contact with Hunt or Liddy during their travels. The greater majority of these calls did not appear to relate to the people involved in the Watergate incident. We did learn that Mr. Segretti was in touch with the published telephone number of the White House on several occasions; with hotels in Miami, Washington, D.C., and Chicago; with Mr. Dwight Chapin's residence; and with Mr. Hunt, both at his office and at his residence.

Sen. KENEDY. Were his bank records obtained, too?

Mr. GRAY. I think we did but I am not sure on that. May I provide that for you, too. I know that as a result of—I can tell you what we did as a result of the Federal Grand Jury, but I am getting myself into difficulty here.

(Mr. Gray subsequently submitted the following document for the record:)

Mr. GRAY. The records show that we did examine Mr. Segretti's bank accounts and access to the accounts was gained through issuance of a Federal grand jury subpoenas.

Sen. KENEDY. Now, as I understand, both the telephone records and the bank records were obtained, is that correct?

Mr. GRAY. I believe we did. I believe we did, because I didn't put any restrictions on them. The investigators did what was normal and standard, and I am sure I am right but I want to be specific and precise on it.

Sen. KENEDY. Now, was Mr. Kalmbach interviewed?

Mr. GRAY. Yes, sir, he was.

Sen. KENEDY. Why was he interviewed?

Mr. GRAY. Well, that goes to the Federal Grand Jury.
WEDNESDAY, MARCH 7, 1973

U.S. Senate,

Committee on the Judiciary,

Washington, D.C.

The committee met, pursuant to recess, at 10:45 a.m. in room 2228, Dirksen Senate Office Building, Senator James O. Eastland (chairman) presiding.

Present: Senators Eastland, Ervin, Byrd of West Virginia, Tunney, Hruska, and Gurney.

Also present: John H. Holloman, chief counsel, and Francis C. Rosenberger, Thomas D. Hart, and Hite McLean, professional staff members.

Senator EASTLAND. The committee will come to order.

Senator ERVIN. Mr. Gray, there was a publication in the press of a statement that the California lawyer, Mr. Young, had given an affidavit to representatives of the Washington Post, stating in substance that Mr. Segretti communicated with Mr. Young and told him that he had been subpoenaed to testify in the Watergate criminal prosecution, that he had been interviewed by the FBI, and that 2 days before the convening of the Republican National Convention he was in Miami, and that a White House aide showed him statements which he said had been made to the FBI, and was told about giving some kind of suggestions from the White House aide as to how he should testify in case he were called as a witness in the criminal prosecution.

What steps, if any, did the FBI take to ascertain the correctness or accuracy or inaccuracy of any statements made to him by Mr. Segretti?

TESTIMONY OF LOUIS PATRICK GRAY III—Resumed

Mr. GRAY. As far as Mr. Segretti is concerned, Senator Ervin, we interviewed him the 26th, the 28th, and the 30th of June, and later he was subsequently contacted on the 15th of August 1972, when he was served with a summons ordering him to appear before the Federal Grand Jury in Washington on the 22nd of August 1972. He was not interviewed at this time.

Senator ERVIN. Was he ever interviewed with a view to finding out whether a White House aide did present to him statements he had made to the FBI, and the identity of that White House aide?

Mr. GRAY. No, he was not. The only thing that was ever done was the call that I made to Mr. Dean when I saw this article in the newspaper. Because, the only individual who had these from me was Mr.

(305)
Dean, and in point of fact, you know, Mr. Segretti would have been entitled to look at these had he asked to look at them. This is the law of the case.

Senator Ervin. Yes, but he would have the right to look at them while in the custody of an employee of the FBI.

Mr. Gray. That is correct.

No other investigation was made other than what I have just testified, Senator.

Senator Ervin. Looking back at the incident, with hindsight, which gives us superior advantages over foresight, don’t you think it would have been the part of wisdom to have interviewed Mr. Segretti specifically about this, and also Mr. Young specifically about it, with a view, irrespective of whether Mr. Segretti was violating any law, to determine whether or not there is some kind of leak of FBI information when a person is not entitled to it?

Mr. Gray. No, I didn’t, and I will tell you why. All through this period, there were items constantly appearing in the newspaper, and we were interviewing and reinterviewing, and we would never have been finished.

There had to be a point of finality. I made the check, the call. I put the question and, I believe, the demand. I let it rest right there. I was satisfied.

Senator Ervin. You believed Mr. Dean when he said he did not divulge or permit the divulging of FBI reports, but it certainly seems to me that there is an obligation resting upon the FBI to investigate any alleged breach of FBI information or the delivering or the custody of FBI reports by people who are not authorized to receive them.

Mr. Gray. Some of them we do and some we don’t. It is a matter of judgment. I previously testified to this point, that I don’t seek to run down every single one of those allegations that appear constantly in the newspapers. We just cannot do it, and I don’t do it.

Senator Ervin. Now, here you have a case of a criminal action that is pending—I believe the indictment was found a little later: that is, in September—and here is a statement broadcast to the American people by the Washington Post, indicating that a White House aide had gone to Miami and given suggestions to a prospective witness who was to testify in that case as to how he was to testify. It seems to me that is a very serious matter.

Mr. Gray. I looked at it that way. As I looked at the article, it said three affidavits were taken from this man, and Mr. Segretti was shown an interview that occurred 2 days before. That is obviously false. I know when he was interviewed. I don’t place too much credence in that, to start with.

Senator Ervin. When did the Republican National Convention meet? I don’t remember the exact date.

Mr. Gray. It was in August. It had to be in August sometime, I know. I am not sure. I don’t know whether it was July or August, but I think it was August.

Senator Eastland. August 20, wasn’t it?

Mr. Gray. I think it was August. I am not sure. I will have to check. But the statement right there was 2 days before, with regard to an interview that had been conducted of him, and I knew this was false on its face, patently and horrendously false.
TO: Mr. Bates
FROM: C. Bolz
SUBJECT: JAMES WALTER MCCORD, JR., ET AL.
BURGLARY OF DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, 6/17/72
INTERCEPTION OF COMMUNICATIONS

DATE: 10/12/72

1- Mr. Felt
1- Mr. Bates
1- Mr. Gallagher
1- Mr. Bolz
1- Mr. Nuzum
1- Mr. Bishop

The Washington Post news article of 10/10/72, and to some extent its article of 10/11/72 (both attached) report that the FBI's investigation has established that the Watergate bugging stemmed from a campaign of political spying and sabotage directed by officials of the White House and the Committee to Reelect the President.

The writers of these articles, Carl Bernstein, Bob Woodward and Karlyn Barker, do not in fact attribute these findings to FBI officials but rather state they come from information in FBI and Department of Justice files, law enforcement sources, Federal investigators and sources close to the Watergate investigation. It would appear the articles are the conclusions of the writers drawn from the interviews of attorneys who Donald Segretti attempted to recruit in 1971 as alleged undercover Agents working on behalf of the President's reelection; Alfred Baldwin's statement which he released to the press concerning his involvement in captioned matter; and the grand jury's indictment of the seven subjects.

There follows an analysis of particular items mentioned in the news articles of 10/10/72, and 10/11/72.

(1) The 10/10/72 article captioned "FBI Finds Nixon Aides Sabotage Democrats," reports that the FBI established that the Watergate bugging stemmed from a campaign of political spying and sabotage directed by officials of the White House and the Committee to Reelect the President against major Democratic Presidential contenders. The article identifies Donald Henry Segretti as an individual who participated in such activities and attempted to recruit attorney friends to assist him.

COMMENT: During our investigation of the Watergate incident, we did obtain some limited information on 6/25/72, from Donald Segretti, an attorney, as to his travels during primaries.

Attachments
CB/CAN/amn/aat (7)

REG-21
CONTINUED - OVER

23 OCT 27 1972
to harass Democratic political candidates. Segretti, in discussing his harassment activities, said he visited Miami and asked Senator Muskie about his vote against the "space shuttle" program. This apparently was to embarrass the Senator as the space program was very popular in Florida. He said he also distributed leaflets in California when Senator Muskie was speaking there regarding the Senator's position on abortion, realizing this position was unpopular with the students to whom the Senator was speaking.

Segretti declined to advise us as to whose orders he was acting on and who paid his expenses. However, in testimony before the Federal grand jury on 8/22/72, Segretti reported he was hired by Dwight Chapin, Deputy Assistant to the President at the White House, for the purpose of harassing Democratic candidates. For these activities, he received between $30,000 - $40,000 from Attorney Herbert W. Kalmbach, Associate Chairman for the Committee to Reelect the President. (According to John Dean of the White House staff, Kalmbach is a personal friend of President Nixon.)

During interview on 8/28/72, Dwight Chapin advised us that he had hired Segretti to harass Democratic candidates but Segretti acted on his own initiative and his activities in connection therewith were not directed by himself or any other member of the White House. Chapin, in discussion of the activities of Segretti, said that Segretti in the course of his harassment of Democratic candidates, secured the publication of false scheduling of campaign activities relative to Senator Muskie.

Kalmbach, who was interviewed on 9/4/72, admitted that he paid Segretti from funds of the Committee to Reelect the President on instructions of Dwight Chapin.

Our only interest in Segretti was his association with Everette Howard Hunt (which had been established by review of Hunt's toll call records) and Segretti's possible involvement in the Watergate incident. We did not concern ourselves with his political harassment activities nor did we attempt to identify and interview any individuals he may have endeavored to recruit for this purpose. Accordingly, we had no knowledge concerning Segretti's attempts to recruit various attorneys as reported in the 10/10/72 article to assist him in harassing Democratic candidates.
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DWIGHT L. CHAPIN,

Defendant

Criminal No. 990-73

Washington, D. C.
April 3, 1974

The above-entitled cause came on for further trial before

the HONORABLE GERHARD A. GESELL, United States District Judge,

and a Jury, at 9:30 a.m.

APPEARANCES: (As heretofore noted.)

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

COPY FOR:
MR. HUGHES
A. I am not really sure, Mr. Stein. Either he called me, or somehow we had contact, and I suggested that, you know, let's just forget everything.

He mentioned yesterday some meeting where I told him to take everything as a bonus, or something. I do not recall that at all.

Q. You say:

"I believe Herb settled with him for salary through the year. I am not sure on this point. (He may have been paid by April 7.)"

Is that true?

A. The April 7th information, that would be something that I would have gathered from somebody else. It was nothing that I had direct knowledge of.

Q. Paragraph 13:

"In July or August, Segretti called to say the FBI had called."

That is true, is it not?

A. Yes, that is correct.

Q. Could you recall, at the time you wrote this on November 5, 1972, whether it was July or August?

A. Well, evidently not.

Q. Did you make any notes of that call?

A. No.

Q. "He called me minutes after they called him (Maybe
they went to his home)."

Why did you put "Maybe they went to his home" there?
A. I don't know. I think maybe I heard that they went to his home.
Q. All right.
"I contacted Gordon who checked [with] Dean."
is that true?
A. That is my understanding as to what happened, yes, sir.
Q. Paragraph 14:
"Instructions to Segretti from that point on were handled by Dean."
A. That is correct. He was Don's contact.
Q. "Don came to Washington and met with Dean and Gordon Strachan."
A. Yes.
Q. "15. In July after Don had been interviewed by the FBI when I was in California to work on the Wolper films, I had lunch with Segretti."

Do you remember that lunch?
A. I do. That is the one he was referring to where I said-- where I mentioned that bonus thing.
Q. "We talked of his going away, keeping quiet."

Do you recall that?
A. Yes. We talked about the fact that he should --
we should break up the camp, and he should leave.

Q. "He mentioned he might get some legal advice from Young."

Who was Young?

A. That is a young man that he went to college with by the name of Larry Young, who is a lawyer.

Q. "I urged him to be careful."

Do you recall that?

A. I do.

Q. "In addition, I told him to destroy all records."

Do you remember that?

A. I probably did say that.

Q. "I believe Don still has a diary. A lawyer should look at it. He will know exact dates when he met with me and what specifically I told him to do or recommended."

Why did you put that in?

A. Well, because I felt that there was a need to get the truth out on this, and I knew that there might be a diary. If there was a diary, it was going to contain the information that could help us unscramble this.

Q. Well, then, why did you tell him to destroy all records?

A. I don't know why I told him to destroy all records.

Q. Did you tell him to destroy his diary?

A. No.
90. On or about June 27, 1972 John Dean and Fred Fielding, his assistant, delivered to FBI agents a portion of the materials from Howard Hunt's safe. The materials given to the FBI agents included top secret diplomatic dispatches relating to Vietnam. The portion withheld from the FBI agents included fabricated diplomatic cables purporting to show the involvement of the Kennedy administration in the fall of the Diem regime in Vietnam, memoranda concerning the Plumbers unit, a file relating to an investigation Hunt had conducted for Charles Colson at Chappaquidick, and two notebooks and a pop-up address book.

90.1 John Dean testimony, 3 SSC 937-38, 948.


90.3 FBI inventory of contents of E. Howard Hunt's safe, SJC, Gray Nomination Hearings, 328-30.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $4
Stock Number 550-01263
When Petersen arrived at Kleindienst's office, he gave a status report of the investigation. Kleindienst then related my concern to Petersen. Petersen was troubled by the case and the implications of it. Kleindienst had another meeting, so Petersen and I—I believe the other meeting was in his office, so Petersen and I went into Mr. Kleindienst's back office and talked further. To the best of my recollection, we did not discuss specifics, rather it was a general discussion.

I told him I had no idea where this thing might end, but I told him I did not think the White House could withstand a wide-open investigation. The sum and substance of our conversation was that I had no idea how far this matter might go, but I had reason—without being specific—to suspect the worst. The meeting ended on that note, that I hoped I was wrong.

I do not recall ever reporting this meeting to Ehrlichman, because I had a somewhat strained relationship with Kleindienst and I thought he would raise havoc that I did not have an assurance from Kleindienst that he would take care of everything. I did report, however, that I felt Petersen would handle this matter fairly and not pursue a wide-open inquiry into everything the White House had been doing for 4 years. I made this statement not because of anything Petersen specifically said, as much as the impression he gave me that he realized the problems of a wide-open investigation of the White House in an election year.

Returning now to the contents of Mr. Hunt's safe, it was mid-morning on Tuesday, June 20, when the GSA men brought several cartons to my office, which contained the contents of Hunt's safe. I had learned earlier that morning from Fielding that the boxes had been secured in Kehrli's office overnight. Fielding also reported that they had found a handgun in the safe, which Kehrli had disengaged, a large briefcase containing electronic equipment, and a number of documents, some of which were classified. I told Fielding I would like his assistance later that day in going through the materials.

During the afternoon of the 20th, Fielding and I began going through the cartons of Hunt's materials. I remember looking in the briefcase, which contained electronic equipment. I frankly do not know what it was it contained, but it contained loose wires, chapsticks for your lips with wires coming out of them and instruction sheets for walkie-talkies. As I recall, there were also some antennas in there.

We then began sorting the documents. The bulk of the papers were classified cables from the State Department relating to the early years of the war in Vietnam. These were separated out from the rest of the papers. The other papers I assumed related to Hunt's work at the White House. Also, there were personal papers. I will attempt, to the best of my recollection, to describe the papers and documents that were found in the safe. I must point out, however, that I personally did not look at all the documents, rather it was a combined effort by Fielding and myself to determine what was in Hunt's safe.

First, among his personal papers were copies of his submissions for his per diem pay as a consultant, a few travel vouchers, and an envelope containing materials of a personal nature relating to his wife. Among the papers that I assumed related to his work at the White House were numerous memorandums to Chuck Colson regarding Hunt's assessment of the plumbers unit operation and critical of Mr.
Krogh's handling of matters; a number of materials relating to Mr. Daniel Ellsberg, such as news clippings and a psychological study of Ellsberg which apparently had been prepared by someone who had never actually met or talked with Mr. Ellsberg; a bogus cable—that is, other cables spliced together into one cable regarding the involvement of persons in the Kennedy administration in the fall of the Diem regime in Vietnam; a memorandum regarding some discussion about the bogus cable with Colson and Mr. William Lambert; some materials relating to an investigation Hunt had conducted for Colson at Chappaquiddick, some materials relating to the Pentagon Papers and a paperback book containing the published Pentagon Papers.

Upon examining the contents of the safe, I recall that Fielding and I discussed our concern about the public impact some of these documents might have if they became public, particularly in an election year. I requested that Fielding remove the politically sensitive documents from the others, which he did. The classified State Department cables were too bulky for my own safe, so I called David Young and requested that he store them for me in his office, as I assumed at that time that they would probably be returned to the State Department. I told Young when he came to pick up the materials that they had come from Hunt's safe and he should store them—all together—until I told him what to do with them. Accordingly, Mr. Young took the State Department documents to his office. The large briefcase was stored in a locked closet in my office suite, and the politically sensitive documents and Hunt's personal papers were placed in a safe in my office. The remaining materials were left in the cartons on the floor in my office.

I subsequently met with Ehrlichman to inform him of the contents of Hunt's safe. I gave him a description of the electronic equipment and told him about the bogus cable, the materials relating to Ellsberg and the other politically sensitive documents. I remember well his instructions: He told me to shred the documents and "deep six" the briefcase. I asked him what he meant by "deep six." He leaned back in his chair and said: "You drive across the river on your way home at night—don't you?" I said, yes. He said, "Well, when you cross over the bridge on your way home, just toss the briefcase into the river."

I felt very much on the spot, so I told him in a joking manner that I would bring the materials over to him and he could take care of them because he also crossed the river on his way home at night. He said, no thank you, and I left his office and returned to my office.

After leaving Ehrlichman's office I thought about what he had told me to do and was very troubled. I raised it with Fielding and he shared my feelings that this would be an incredible action to destroy potential evidence. I think Mr. Fielding appreciated my quandary—when Ehrlichman said do something, he expected it to be done. I decided to think it over. I did take the briefcase out of my office because the closet that it was being stored in was used by the secretaries in the office and I did not have an available safe to hold the large briefcase. I was also giving serious consideration to Ehrlichman's instructions. Accordingly, I placed the briefcase in the trunk of my car, where it remained until I returned it to the office after I had reached a decision that I could not follow Ehrlichman's instructions. I will explain in a few minutes how I handled the material in Hunt's safe, but before doing so, I would like to continue with the sequence of events.
been earlier, that the CIA could not and would not be brought in to solve the problems confronting the White House and re-election committee as a result of the Watergate incident.

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

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

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

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

The FBI agents came to my office. I believe on June 26 or 27. I gave them one box, which had been packed and told them that as soon as the other material was packed I would get it to them. When I got tied up in a meeting, I phoned Fielding and asked him to pack up the remainder of the materials, which I believe was the State Department cables and the briefcase. He did so and turned over the remainder of the materials, with the exception of the two envelopes which contained the politically sensitive materials I described earlier. I spoke with Ehrlichman on the 25th and informed him the material had been sent to the FBI with the exception of the politically sensitive documents. He told me he was meeting later that day with Gray and I should bring them over at that time.

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

F I L E D

MAY 31, 1972

FRED F. CUNY, Clerk

CIVIL ACTION
No. 1233-72

CIVIL ACTION
No. 1847-72

CIVIL ACTION
No. 1854-72

WASHINGTON, D.C.

TUESDAY, MAY 31, 1972

FRANCIS L. DALE, et al.,
Plaintiffs,

vs.

JAMES W. MCCORD, et al.,
Defendants.

MAURICE H. STANS,
Plaintiff,

vs.

LAWRENCE F. O'BRIEN,
Defendant.

LAWRENCE F. O'BRIEN,
Defendant.
Deposition of

FRED F. FIELDING,

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, at the offices of Cohen and Uretz, 1730 N Street, N.W., Washington, D.C., beginning at 10:15 o'clock a.m., before Hilmar K. Klamann, Jr., a Notary Public in and for the District of Columbia:

In Civil Action No. 1233-72:

For the Plaintiffs Democratic National Committee and Strauss:

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

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

For the Plaintiff O'Brien:

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, LASKEY & PARKINSON
BY: KENNETH WELLS PARKINSON, ESQ.

For the Defendant Sloan:

STONER, TREBSE & RUFFNER
BY: JAMES R. STONER, ESQ.
correct? Would it be the morning of the 20th? Yes, the morning of the 20th. When you went through the boxes with Mr. Dean, what was contained in those boxes?

A. Aside from the briefcase, of course, the bulk of the material were cables, copies of cables.

Q. Did you read the cables?

A. Just briefly I looked at them.

Q. Do you recall the contents of those cables?

A. Only generally. The cables, as I recall, were classified.

Q. Do you know if they are still classified?

A. I would have no way of knowing if they have been declassified or not. They bore classification markings on them.

Q. What were the markings that indicated to you that they were classified?

A. Standard top secret.

Q. Stamp?

A. These were Thermofax. I don't really recall if they were stamped or just typed only.

Q. Are these the telegrams that we have been reading about in the paper which Mr. Hunt allegedly has doctored up?

A. No. There were a lot of cables that I would consider to be legitimate cables. In addition, there was a folder...
over, to the best of my knowledge it was all turned over, but I
wanted to qualify it to that extent, that it wasn't all turned
over to the same person, but it was all turned over to the same
organization, to the best of my knowledge.

Did Mr. Dean tell you who he had these discussions with?

A: Yes.

Q: Who were those people?

A: He told me it was discussed with Mr. Ehrlichman.

Q: Mr. Haldeman?

A: No. As I recall, the only name that I recall in that conversation was Mr. Ehrlichman. Conceivably, he could have talked to any number of people. I don't know. I wasn't privy to any conversation except between Mr. Dean and myself.

Q: You were not in on any conversations?

A: No.

Q: You were getting reports as to how this was going to be handled?

A: It wasn't even reports. It was just conversations that we had. During this period of time that that material was in the safe, I was doing other things.

Q: When did the material come out of the safe, to the best of your knowledge?
I believe on the 27th. I got a call from Mr. Dean and he asked me -- he told me that he had turned over some of the things that morning and asked me to get a box --

Q. Let me stop you. You say he "turned over some of the things." What type of things did he turn over?

A. He called me and said he had turned over some of the things that morning or that afternoon -- I don't remember precisely what the time frame was -- and would I get a box and turn over the rest of it, that the FBI agents would come and pick it up. I got a box. He told me the material to be turned over was sitting on the coffee table in his office. I got a box, went in, put the material in the box, put the briefcase in the box, sealed the box, marked it "Top Secret," presuming that that was the highest classification of anything there. When the agents came up to pick it up, they had already had some materials. As I recall, they gave me an inventory sheet at that point, although I don't recall whatever happened to the inventory sheet. We have looked for it subsequently. That is why it is fresh in my mind that I didn't know where it was. They wanted to return the gun, the pistol, and I told them they either took all or nothing, so they went back and checked, got on the telephone did something and then agreed that they would keep the pistol and then they took the box.
HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
NOMINATION OF LOUIS PATRICK GRAY III, OF CONNECTICUT, TO BE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION
FEBRUARY 28, MARCH 1, 6, 7, 8, 9, 12, 20, 21, and 22, 1973
Printed for the use of the Committee on the Judiciary

LOUIS PATRICK GRAY III
NOMINATION OF LOUIS PATRICK GRAY III

WEDNESDAY, MARCH 7, 1973

U.S. Senate,
Committee on the Judiciary,
Washington, D.C.

The committee met, pursuant to recess, at 10:45 a.m. in room 2228, Dirksen Senate Office Building, Senator James O. Eastland (chairman) presiding.

Present: Senators Eastland, Ervin, Byrd of West Virginia, Tunney, Hruska, and Gurney.

Also present: John H. Holloman, chief counsel, and Francis C. Rosenberger, Thomas D. Hart, and Hite McLean, professional staff members.

Senator EASTLAND. The committee will come to order.

Senator ERVIN. Mr. Gray, there was a publication in the press of a statement that the California lawyer, Mr. Young, had given an affidavit to representatives of the Washington Post, stating in substance that Mr. Segretti communicated with Mr. Young and told him that he had been subpoenaed to testify in the Watergate criminal prosecution, that he had been interviewed by the FBI, and that 2 days before the convening of the Republican National Convention he was in Miami, and that a White House aide showed him statements which he said had been made to the FBI, and was told about giving some kind of suggestions from the White House aide as to how he should testify in case he were called as a witness in the criminal prosecution.

What steps, if any, did the FBI take to ascertain the correctness or accuracy or inaccuracy of any statements made to him by Mr. Segretti?

TESTIMONY OF LOUIS PATRICK GRAY III—Resumed

Mr. GRAY. As far as Mr. Segretti is concerned, Senator Ervin, we interviewed him the 26th, the 28th, and the 30th of June, and later he was subsequently contacted on the 18th of August 1972, when he was served with a summons ordering him to appear before the Federal Grand Jury in Washington on the 22nd of August 1972. He was not interviewed at this time.

Senator ERVIN. Was he ever interviewed with a view to finding out whether a White House aide did present to him statements he had made to the FBI, and the identity of that White House aide?

Mr. GRAY. No, he was not. The only thing that was ever done was the call that I made to Mr. Dean when I saw this article in the newspaper. Because, the only individual who had these from me was Mr.
[Mr. Gray subsequently submitted the following document for the record:]

**FEDERAL BUREAU OF INVESTIGATION,**

*July 3, 1972.*

Mr. John Dean, Legal Counsel to Richard M. Nixon, President of the United States, Executive Office Building, 17th and Pennsylvania Avenue, N.W., Washington, D.C. (WDC), provided special Agents Daniel C. Mahan and Michael J. King of the FBI, WDC, one cardboard box, which he stated was the effects of Mr. Everette Howard Hunt taken from Room 333 of the Executive Office Building. The effects contained in this box provided by Mr. Dean are listed as follows:

- One small metal box;
- One .22 caliber automatic Colt revolver, bearing Serial Number 321503;
- One clip for this revolver, containing live ammunition;
- One holster;
- One Rolodex file;
- One copy of the book "Pentagon Papers";
- Numerous sheets of carbon copy papers;
- Two White House pads;
- Numerous sheets of White House stationery;
- One desk calendar;
- A quantity of office supplies, three stamp pads, scissors, pens and pencils, scotch tape, staples, staple gun, glue, and a clipboard;
- Two folders (instructions of office operation);
- One blanket;
- One plastic carrying case.

Interviewed on June 27, 1972, at Washington, D.C. File No. WFO 139-165; by SAs Daniel C. Mahan and Michael J. King. Date dictated June 29, 1972.

**FEDERAL BUREAU OF INVESTIGATION,**

*Date of transcription: July 3, 1972.*

Mr. Fred Fielding, Assistant to the Legal Counsel to Richard M. Nixon, President of the United States, Executive Office Building, 17th and Pennsylvania Avenue, N.W., Washington, D.C. (WDC), furnished Special Agents Daniel C. Mahan and Michael J. King of the FBI, WDC, one large cardboard box sealed with tape and marked with pen "Top Secret".

An inventory of the contents of that box is listed as follows:

1. One brown envelope marked "Howard Hunt, Eyes Only, Personal, Unclassified".
2. Six brown envelopes containing classified material relating to the "Pentagon Papers".
3. One tan folder marked "Ellsberg" containing numerous papers concerning one Daniel Ellsberg.
4. One tan folder marked "Pentagon Papers" containing newspaper articles.
5. One tan folder marked "Time and Pay Records" containing verification of hours worked at the White House.
6. One tan folder marked "Correspondence" containing copies of letters.
7. One tan folder marked "Press Contacts" containing press contacts and newspaper articles.
8. One tan folder marked "John Paul Vann" containing a newspaper article.
9. One empty gray folder.
10. One black attache case containing the following list of items:

   - Four Kel-Com Transceivers Technical Manual and Operating Instruction—Bell and Howell 148-174MCS: Two antennas—UG-447/U and numbered 74868S; RG-58A/U, Belden S259 Antenna Lead Wire; Four rechargeable model B1 nickel cadmium batteries—Bell and Howell; One tear gas canister/General Mfr VII, M/G. General Ordnance Equipment Corp., Pittsburgh, Pa; Two microphones—simulated chapstick containers; Three antenna leads; Two earphones, numbered SS13, 9912; Four antennas, bendable wire; Six jack wires;
One shoulder harness with white lead wire and phone jack;
Three shoulder harnesses;
Three belt harnesses;
Three operating instructions for Bell and Howell Portable Transmitter;
One Mobil Oil Co. map of Delaware, Maryland, Virginia and West Virginia, with pencil circle around Warrenton, Virginia area and with pencil circle around Union Station area;
Two lead wires with black end and pink end;
One Avco rental car map of the Baltimore, Md., and WDC area, with circles around junction of Route 695 and 195, circle in the area of junction with George Washington Memorial Parkway and 195, circled area of junction with George Washington Memorial Parkway and Route 100, circled area of junction of Capital Beltway and Interstate 195, circled area of George Washington Memorial Parkway and Interstate 495, circled area of Washington and Wisconsin, circled area of intersection of George Washington Memorial Parkway and I 495, circled area of junction with I 70 and I 495, circled area of Campbell Corner, Maryland, circled area of 14th and K Streets, N.W., with a pencil route traced from the House of Representatives Office Buildings to the 14th and K Street areas.

Interviewed on June 27, 1972, at Washington, D.C. File No. WFO 139-166; by Daniel C. Mahan and Michael J. King. Date dictated June 29, 1972.

Senator Byrd. Did the FBI believe Mr. Dean turned over everything that had been taken from Mr. Hunt's safe?

Mr. Gray. I know allegations have been made that this did not occur. This came up in October, as I recall, when I think there was a motion to suppress evidence filed by Mr. Hunt, and his attorney. At that time we again went into this allegation, with the assistant U.S. attorney and with the Assistant Attorney General in the Criminal Division, regarding a pocket notebook and a Hermes notebook.

I think I am correct in saying that the agents went to stores here in Washington trying to identify a Hermes notebook or a Hermes notebook, whatever that is. But the allegations were made in that motion to suppress that this pocket notebook and this Hermes notebook were not turned over.

That was not found in any of the effects of Howard Hunt. This was looked into in the presence of the special agent, the assistant U.S. attorney—this was at the time we were preparing to respond to that motion—and the Assistant Attorney General in charge of the Criminal Division.

And there is no evidence at all that that pocket notebook and that Hermes notebook were there.

Senator Byrd. Was Mr. Dean subsequently questioned?

Mr. Gray. He was questioned at that time; yes; he was. Yes, that is correct.

Senator Byrd. On what date was he questioned?

Mr. Gray. I will have to get the date for you for the record.

(Mr. Gray subsequently submitted the following document for the record.)

Mr. Gray. Upon checking the records, Senator Byrd, I have learned that on January 4, 1973, in pretrial preparation, Mr. Dean, Mr. Kehrl and Mr. Fielding were all questioned by Assistant U.S. Attorney Silbert, in the presence of Assistant Attorney General Petersen of the Criminal Division and a Special Agent of our Washington Field Office in Mr. Petersen's office at the Justice Building.

Senator Byrd. Was he questioned subsequent to the first interrogation? Were there followups?

Mr. Gray. No; I will have to look at the date of the list of interviews. I am talking now about when he was questioned regarding the motion to suppress and the fact that there were items missing from the material turned over to us.

Senator Byrd. Are you convinced that there was no effort to conceal anything?
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA

V.

E. HOWARD HUNT

JAMES W. MCCORD

BERNARD L. BARKER

EUGENIO R. MARTINEZ

FRANK A. STURGIS

VIRGILIO H. GONZALEZ,

Defendants.


Before THE HONORABLE CHIEF JUDGE JOHN J. Sirica for Hear;
As To Legal Sufficiency of Motions of Defendants to Withdraw
Pleas of Guilty and As To Defendant McCord's Motion in The
Nature of a Writ of Error Coram Nobis.

APPEARANCES

On behalf of the United States:

PHILIP Lacovara, ESQ.
RICHARD BEN-VENISTE, ESQ.
PETER KREINDLER, ESQ.

On behalf of the defendants:

SIDNEY SACHS, ESQ.
BERNARD L. FENSTERWALD, ESQ.
DANIEL E. SCHULTZ, ESQ.
STATEMENT BY RICHARD BEN-VENISTE
November 5, 1973
US v Liddy

Your Honor, this is in connection with the motion made by defendant Hunt and it relates to evidence which has recently come into our possession from John W. Dean III. As you know, Your Honor, Mr. Dean pleaded guilty on October 19th before this Court and following that time we had occasion to interview him from time to time but the developments inhibited us to some extent from doing that as thoroughly as we would like. However, last Friday, while we were in Court, members of our staff interviewed Mr. Dean and questioned him with respect to the contents of Mr. Hunt's safe. This was the first occasion on which members of the Special Prosecution Force had the opportunity to question him about this matter. Mr. Dean related that at some time in late January, 1973, he discovered a file folder in his office containing the President's estate plan, two cloth-bound notebooks with cardboard covers and lined pages containing some handwriting. Dean at that time recalled that these had come from Howard Hunt's safe. Dean did not look at the contents and cannot recall what might have been in them. He assumed it related to the Ellsberg break-in. He shredded both notebooks in his shredder.

At the same time he also discovered a pop-up address book containing some names with each page x-ed out in ink. Dean threw this pop-up notebook into the waste basket at the time. These are facts, of course, which defense counsel should know about. We are apprising the Court of them at this time for that purpose. It is our belief that this does not alter our legal argument which we will present to the Court in due course.
THE DEPUTY CLERK: Criminal Action No. 1827-72,
United States of America versus E. Howard Hunt, James W. McCord,
Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and
Virgilio R. Gonzalez.

Mr. Philip Lacovara and Mr. Richard Ben-Veniste,
counsel for the government.

Mr. Sidney Sachs, counsel for Mr. Hunt.

Mr. Bernard L. Fansterwald, counsel for Mr. McCord.

Mr. Daniel E. Shultz, counsel for Messrs. Barker,
Martinez, Sturgis and Gonzalez.

THE COURT: Mr. Shultz --

MR. SHULTZ: Yes, Your Honor.

THE COURT: As to the defendants whom you represent,
do you waive their right to be present here today?

MR. SHULTZ: Yes, I do, Your Honor.

THE COURT: Mr. Shultz, I will hear you with reference
to the motion filed by your clients to withdraw their pleas of
guilty. I will allow you one half-hour and then I will allow
the Government one half-hour to answer.

MR. BEN-VENISTE: May I make a brief statement of
facts?

THE COURT: Yes.

MR. BEN-VENISTE: Your Honor, this is in connection
with the motion made by the defendant Hunt and it relates to
evidence which has recently come into our possession from John W. Dean III. As you know, Your Honor, Mr. Dean pleaded guilty on October 19th before this Court and following that time we had occasion to interview him from time to time but the developments over the last few weeks inhibited us to some extent from doing that as thoroughly as we would like. However, last Friday, while we were in Court, members of our staff interviewed Mr. Dean and questioned him with respect to the contents of Mr. Hunt's safe. This was the first occasion on which members of the Special Prosecution Force had the opportunity to question him about this matter. Mr. Dean related that at some time in late January, 1973, he discovered a file folder in his office containing the President's estate plan, two cloth-bound notebooks with cardboard covers and lined page containing some handwriting. Dean at that time recalled that these had come from Howard Hunt's safe. Dean did not look at the contents and cannot recall what might have been in them. He assumed it related to the Ellsberg break-in. He shredded both notebooks in his shredder.

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legal argument which we will present to the Court in due course.

Thank you, Your Honor.

THE COURT: Do you wish to say anything?

MR. SACHS: At this time, no, Your Honor.

THE COURT: Mr. Shultz, I will hear from you.

MR. SHULTZ: Your Honor, my understanding of the argument today with respect to the motions filed for leave to withdraw guilty pleas is to address ourselves to the question of whether or not what we have submitted is legally sufficient either to grant the motions on the basis of the papers that have been submitted or to require a hearing. I would like to say at the outset that for possibly the first time, at least in part, we agree with the Government. We feel that based upon what has been submitted that a hearing isn't necessary either, but we feel because the motions should be granted.

The affidavits which we have submitted pursuant to the Court's request and the Government's urging we feel set for the fact that these defendants, Mr. Martinez, Mr. Gonzalez, Mr. Sturgis and Mr. Barker, do have a defense to the charges themselves. In large part, the only reason and purpose for a hearing at this point would be for the Government to challenge the validity of their defense, and we think the authorities are clear in saying that in terms of ruling on a motion to withdraw and one made pre-sentence that the Court is not supposed to delve into the merits of the proffered defense. While on the