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).

The evidence of ties into plumbers: all one organ.
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
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[9187]
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
PHASE I: WATERGATE INVESTIGATION

MONDAY, JUNE 25, 1973

U.S. Senate,
Select Committee on
Presidential Campaign Activities,
Washington, D.C.

The Select Committee met, pursuant to recess, at 10:10 a.m., in room
318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chair-
man), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker,
Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred
D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief
counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant;
David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant
chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton,
Ronald D. Rotunda, and Barry Schochet, assistant majority counsels;
Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy
minority counsel; Howard S. Liebengood, H. William Shure, and
Robert Silverstein, assistant minority counsels; Pauline O. Dement,
research assistant; Eiler Ravnholt, office of Senator Inouye; Robert
Baca, office of Senator Montoya; Ron McMahan, assistant to Senator
Baker; A. Searle Field, assistant to Senator Weicker; Michael Flani-
gan, assistant publications clerk.

Senator Ervin. The committee will come to order.

Counsel will call the first witness.

Mr. Dash. Mr. John W. Dean III.

Senator Ervin. Stand up and raise your right hand. Do you swear
that the evidence that you shall give to the Senate Select Committee
on Presidential Campaign Activities shall be the truth, the whole truth,
and nothing but the truth, so help you God.

Mr. Dean. I do, so help me God.

Senator Ervin. You are accompanied by counsel, and I would ask,
your name is John W. Dean III?

TESTIMONY OF JOHN W. DEAN III; ACCOMPANIED BY CHARLES N.
SHaffer AND ROBERT C. McCANDLESS, COUNSELS

Mr. Dean. That is correct.

Senator Ervin. I would ask counsels to identify themselves for the
record. You may be seated.

Mr. Shaffer. Mr. Chairman, my name is Charles N. Shaffer from
Rockville, Md., and I am one of Mr. Dean’s counsels.

(911)
formed the general pattern that was followed with other members of the White House staff, that is I would discuss with the person before the interview what I thought the agents would be interested in and then discuss that person’s area of knowledge. I had reviewed this procedure with Ehrlichman, who fully concurred in the procedure. On several occasions, Mr. Fielding of my office also participated in preparing witnesses for their interviews with the FBI. Contrary to some accounts that I sat in on some 14 to 18 interviews at the White House, the only interviews I recall sitting in on were Chapin’s, Miss Chenow’s, Colson’s, Ehrlichman’s, Miss Joan Hall’s, Strachan’s, Timmons’, and Young’s. Also I was present when Fielding, Kehrli, and I had a discussion with the FBI about the handling of the materials in Hunt’s safe.

The only FBI interview that differed from the normal pattern was the interview of Miss Chenow. It was in late June that Miss Chenow’s former roommate notified David Young and I believe also Bud Krogh that the FBI had been to see her and requested to know where Miss Chenow was. The former roommate had said that the agents had asked about a telephone listed in Miss Chenow’s name. The roommate had informed the FBI that Miss Chenow was in London on vacation. David Young came to see Fielding and I and said that this girl could not know anything about the Watergate, but could cause the White House problems by inadvertently answering questions about the plumbers’ operation, where she had been employed, and that the telephone had been listed in her name in connection with the plumbers’ operation. Mr. Young was very concerned about Miss Chenow being caught off guard by an FBI agent. Accordingly, I notified Gray that we would make arrangements to have Miss Chenow available to the agents in Washington within a few days.

I discussed the problem, that Chenow could cause the White House problems, with Ehrlichman and suggested that someone bring her back from London for the interview and explain to her that she should not get into Hunt’s and Liddy’s activities while at the White House. Ehrlichman fully agreed and I called Fielding from Ehrlichman’s office and told him he should be on the next plane to London to get the girl. The two first-class round-trip tickets were paid for by the White House. There were two sets because Miss Chenow was provided transportation back to London. I informed Kehrli, who would not authorize such a trip on my word alone, that I had cleared this with Ehrlichman. I do not know if Kehrli himself checked with Ehrlichman or Haldeman. I believe it was on July 2 that Fielding left for London and returned with Miss Chenow the next day. He did have some problem because the address that had been given him was incorrect. Fielding and Young briefed Miss Chenow when she came back before her interview, and Fielding and I were present when the FBI interviewed her.

I will now turn to my first meetings with Mr. Gray, beginning on page 66 regarding the investigation.

Note.—Indented matter represents portions of Mr. Dean’s prepared statement which were omitted or summarized in his presentation.
The United States Senate

Report of Proceedings

Hearing held before

Select Committee on Presidential Campaign Activities

SENATE RESOLUTION 60 -- GENERAL INVESTIGATION

CONFIDENTIAL

Monday, May 14, 1973

WASHINGTON, D.C.

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WASHINGTON, D.C. 20003

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COPY 1 OF 3

[9191]
Mr. Hunt. Which was the time, as I recall it, that Mr. Liddy formally left the White House and assumed a position with the Committee.

Mr. Dash. And then what did you do? Did you stay on at the White House?

Mr. Hunt. I stayed on at the White House, yes.

Mr. Dash. And you maintained that office at the White House?

Mr. Hunt. that is correct, sir.

Mr. Dash. And was your position still as a Consultant?

Mr. Hunt. Yes, sir.

Mr. Dash. Were you working then for Mr. Colson?

Mr. Hunt. Yes, sir, and I did occasional jobs in the narcotics field for Mr. Krogh or Mr. Young.

Mr. Dash. Now, when was the time that a special telephone was set up in the White House that was billed to Mr. Chenow's apartment?

Mr. Hunt. That would have to be -- oh, I would say in the month of July or early August of 1971.

Mr. Dash. And what was the purpose of setting that telephone up?

Mr. Hunt. So that persons associated with our Task Force, if you will, could be reached by means other then through the White House switchboard.

Mr. Dash. And what was Mrs. Chenow's relationship with...
this project?

Mr. Hunt. She was a secretary to the group, worked specifically for Mr. Young.

Mr. Dash. Did she answer that telephone?

Mr. Hunt. Yes.

Mr. Dash. When did the use of that telephone terminate?

Mr. Hunt. I do not know.

Mr. Dash. I mean, it was not on your orders that you terminated it?

Mr. Hunt. Oh, no, sir.

Mr. Dash. Well, there came a time when your work with the group terminated, did it not?


Mr. Dash. And how did that come about?

Mr. Hunt. Well, it was just that I was doing — I had a regular full-time job with the public relations firm in town. I was spending a great deal of time traveling with and for Mr. Liddy, and it was just a question of available time. There was no time for me to work with the group, any more.

Mr. Dash. Now, Mr. Liddy had gone over to the Committee for the Re-Election of the President?

Mr. Hunt. Yes, sir.

Mr. Dash. What was the name of that Company that you were working with?
Mr. Hunt. Which was the time, as I recall it, that Mr.

Hidley formally left the White House and assumed a position

with the Committee.

Mr. Bush. And then what did you do? Did you stay on

at the White House?

Mr. Hunt. I stayed on at the White House, yes.

Mr. Bush. And you maintained that office at the White

House?

Mr. Hunt. That is correct, sir.

Mr. Bush. And was your position still as a Consultant?

Mr. Hunt. Yes, sir.

Mr. Bush. Were you working then for Mr. Colson?

Mr. Hunt. Yes, sir, and I did occasional jobs in the

narcotics field for Mr. Krug or Mr. Young.

Mr. Bush. Now, when was the time that a special tele-

phone was set up in the White House that was billed to Mr.

Cheney's apartment?

Mr. Hunt. That would have to be -- oh, I would say in

the month of July or early August of 1971.

Mr. Bush. And what was the purpose of setting that tele-

phone up?

Mr. Hunt. So that persons associated with our Task Force,

if you will, could be reached by some other than through

the White House switchboard.

Mr. Bush. And what was Mr. Cheney's relationship with
this project?

Mr. Hunt. She was a secretary to the group, worked
specifically for Mr. Young.

Mr. Dash. Did she answer that telephone?

Mr. Hunt. Yes.

Mr. Dash. When did the use of that telephone terminate?

Mr. Hunt. I do not know.

Mr. Dash. I mean, it was not on your orders that you
terminated it?

Mr. Hunt. Oh, no, sir.

Mr. Dash. Well, there came a time when your work with
the group terminated, did it not?


Mr. Dash. And how did that come about?

Mr. Hunt. Well, it was just that I was doing -- I had
a regular full-time job with the public relations firm in --
now. I was spending a great deal of time traveling with and
for Mr. Biddy, and it was just a question of available time.
There was no hint for me to work with the group, 15 people,
they were.

Mr. Dash. Well, Mr. Biddy had gone over to the Committee
for the re-election of the President?

Mr. Hunt. Yes, sir.

Mr. Dash. What was the name of that Company D[312] run with
working with?
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

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the FBI, and leaks from the FBI concerning the tracing of the $114,-
000. Once again I believe there was some discussion about Ogarrio
and Dahlberg and it is my recollection that I was asked if I had
ordered the interviews of Ogarrio and Dahlberg. I replied that I had
either ordered or was going to order the interview of Ogarrio. In this
discussion, I may have told Mr. Dean that I had arranged to meet with
Director Helms and Deputy Director Walters at 2:30 p.m. that after-
noon to try to get this CIA situation resolved, but I cannot be positive
that I did.

At 10:35 a.m. on this same day Mr. Ehrlichman called me. I was
not available, but I returned his call at 11:17 a.m. His first words,
issued abruptly, were: "Cancel your meeting with Helms and Walters
today; it is not necessary." I asked him for his reasons and he simply
said that such a meeting is not necessary. I then asked him point blank
who was going to make the decisions as to who is to be interviewed. He
responded, "You do."

I then telephoned Director Helms to tell him that I was canceling
our meeting. I also advised Messrs. Felt and Bates of the cancellation,
but stated that the three of us would meet. In this same conversation
with me, Director Helms requested that we not interview active CIA
men Karl Wagner and John Caswell. I passed this information to Mr.
Felt and instructed that these men not be interviewed. Before orders
could get to the field, however, Mr. Caswell had already been inter-
viewed.

I met with Mr. Felt and Mr. Bates in my office at 2:30 p.m. on this
Wednesday afternoon, June 28, to review the CIA situation. In this
meeting I was brought up to date on all the latest developments in
the case. I can recall specifically discussing with them the alleged com-
partmentalization at CIA where the right hand is not supposed to
know what the left is doing in sensitive operations and asked if this
could occur. We agreed that it was possible, but unlikely in the absence
of some special White House interest in the highest classification of
national security interests where the need to know was rigidly con-
trolled.

Mr. Bates pointed out that under no circumstances should we back
off any investigation at the request of CIA without forcing them to
reveal completely their interest in this matter. We all agreed that the
FBI's reputation was at stake and I assured them that I would not
hold back the FBI in this investigation at anyone's request, including
the President of the United States, in the absence of overriding and
valid considerations. I told them that if I were ordered to do so with-
out valid reasons, I would resign.

It was in this meeting that I believe I gave Mr. Felt and Mr. Bates
instructions to go ahead with the interview of Mr. Ogarrio and to con-
tinue our efforts to locate and interview Mr. Dahlberg.

At 3:58 p.m., June 28, Mr. Dean called and I was not available.
I returned the call at 4:35 p.m. and I believe now that this call in-
volved a request by Mr. Dean to hold up on the interview of Miss
Kathleen Chenow for alleged reasons of national security until she
returned from her vacation in England. I'm sure I said we would
hold up for the time being but she would have to be interviewed soon.
I can recall saying that we will interview her in England unless she
returns from vacation at an early date. Mr. Dean gave me her address
in England in this conversation, I believe, and I passed it along in a call to Mr. Felt in which I instructed him to temporarily discontinue leads to interview and investigate Miss Kathleen Chenow in England.

In the evening of this same day, Wednesday, June 28, 1972, a cablegram was sent to our legation in Mexico City instructing him to interview Mr. Ogarrio concerning the four checks in the aggregate amount of $89,000. This order was issued in the afternoon meeting with Mr. Felt and Mr. Bates, I believe, because of the phone call I made to Director Helms on June 27 asking if the CIA had any interest in Mr. Ogarrio and his reply to the effect that CIA had no interest.

At 8:15 a.m. on Thursday, June 29, 1972, I issued orders to cancel the interview of Mr. Ogarrio and to instruct the Minneapolis Field Division to make no further attempts to interview Mr. Dahlberg but to continue to obtain records of his long distance calls. I am fairly certain that I did so as the result of a telephone call I received from Mr. Dean at home, prior to my departure to Dulles Airport for an inspection trip to San Diego and Phoenix. He again urged that these interviews be held up for national security reasons or because of CIA interest. I called Mr. Felt, or his office, and gave these cancellation orders. On my own initiative I also ordered that George Munro, CIA station chief at Mexico City, not be interviewed because I noted in one of the many reports that crossed my desk that he was CIA station chief in Mexico City.

In San Diego, on Friday, June 30, I received a call from Mr. Felt. He informed me that Assistant U.S. Attorney Silbert wanted the FBI to interview Mr. David Young, Mr. Ogarrio and Miss Chenow and that our Washington Field Office recommended interviews of Mr. Mitchell, Mr. Young and Miss Chenow. I instructed Mr. Felt to tell Mr. Dean that we were going to interview Mr. Mitchell, Mr. Young, Miss Chenow, and any others that we must interview, and I also told him to give to Mr. Dean the message from Assistant U.S. Attorney Silbert just as we had received it.

Mr. Dean had called me earlier that morning to complain bitterly about alleged leaks from the FBI. In this conversation it is my recollection that he again raised the question of not interviewing Mr. Ogarrio and Mr. Dahlberg and stated that they had absolutely nothing to do with Watergate, but I cannot be certain.

Mr. Dean called me again that afternoon. I do not recall whether or not Mr. Dean and I discussed Messrs. Ogarrio and Dahlberg in this conversation. I do know that Mr. Dean asked me to consider setting up a special group in the FBI to investigate the entire matter of leaks. I told him that it was not necessary and that I would not take such action.

Mr. Felt called me later that afternoon to report that Mr. Dean informed him that Mr. Young and Miss Chenow would be available for interview during the first part of the coming week. He also told me that Mr. Dean was still complaining about alleged leaks from the FBI.

On Monday, July 3, 1972, I scheduled a meeting with Messrs. Felt, Bates, and Kunkel, special agents in charge of the Washington field office, to review the investigation to date and to consider all ramifications of a possible CIA involvement. This meeting lasted from 2:30 p.m. until just about 4 p.m., and we discussed every possible theory.
This is Tuesday, April 24, 1973, I am in the FBI Headquarters, this is Samuel Dash, Chief Counsel of the Select Committee and I am reviewing 302's for the purpose of preparing interviews for committee witnesses.

The first interview is Miss Kathleen Chenow. She was interviewed on July 3, 1972 by special Robert E. Lill and Daniel C. Mahen and she was interviewed in the Executive Office Building, 17th & Pennsylvania Avenue in the presence of Mr. John Dean, counsel from President Nixon, and Mr. Fred Fielding, Mr. Dean's assistant. Miss Chenow stated that she was employed in a secretarial capacity to Mr. David Young, Rm. 16, Executive Office Bldg, from June 71 till sometime in March 72. Then she was approached by Mr. Young sometime in October 71 and requested to have a private telephone installed in the suite of offices located in Rm. 16 for the use of Mr. E. Howard Hunt, who would be in a position to receive calls on that phone line. The phone bills for this particular phone was to be sent to Miss Chenow's home address 501 Slaters Lane, Alexandria, Virginia. She agreed to this arrangement and the bills was sent to her home and she brought them to the office and presented them to Mr. John Campbell, staff secretary to President Nixon. According to Miss Chenow the phone was in the suite of office for approximately five months and was taken out sometime in the middle of March 1972. Mr. Young office was a suite of four rooms which included Mr. Young's office, a senate office, a conference room and a small reception area the phone which had been installed and billed to her residence was an extension of 2 telephones setting on desks in the senate office, an possible a third extension into the conference room.

Miss Chenow said that Hunt visited the Young office approximately twice a week that he did not have an office in that suite but that he was located on the third floor of the Executive Office Building. She last saw Mr. Hunt in March 1972. She believed that Hunt was assisting Mr. Young in the aftermath of the "Pentagon Papers" she also stated that she was acquainted with G. Gordon Liddy and that he was a third party that assisted Mr. Young and occupied an office in the same general location of Young. The last time she saw Mr. Liddy was in February 1972 when he came to the office to pick up mail and Mr. Liddy left the employ of the White House in December 1971 for employment to the Committee to Reelect the President.

Miss Chenow said that the phone installed in the Young suite was essentially a telephone for Mr. Hunt's use and served as a answering service. In addition to a local address in Alexandria, Virginia Miss Chenow has a Milwaukee address which is 4957 North 110th Street, Milwaukee, Wisconsin. This is her parents address. The Alexandria, Virginia address telephone number as of the time of this interview was 836-1040.
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.
92.6 United States v. Liddy, transcript of proceedings, November 5, 1973, 1, 3-4.
92.1 John Ehrlichman log

MONDAY, JUNE 26, 1972

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

TUESDAY, JUNE 27, 1972

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

WEDNESDAY, JUNE 28, 1972

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

[9205]
Prior to a meeting I had with Mr. Dean and Mr. Ehrlichman in Mr. Ehrlichman's office on the evening of June 25, 1972, I had no knowledge from any source whatever of the existence of these particular files or of the information and instructions I was to receive that evening.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The sequence of the next discussions I had about these files is somewhat hazy in my mind. My best recollection now is that over a span of several days during my confirmation hearings in early March of this year I had discussions on the subject with Assistant Attorney General Petersen, John Dean, and John Ehrlichman, in that order. I believe that Mr. Petersen called me and told me that Dean had stepped out of an interview being conducted by assistant U.S. attorneys in Mr. Peter-
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 25, 27, AND 30, 1973
Book 7

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92.3 John Ehrlichman testimony
at this meeting, and what it was General Walters was going to go and talk to Mr. Gray about.

Senator Ervin. I think this may be an appropriate time to recess for lunch.

Mr. Wilson. Mr. Chairman, may I inquire about the schedule. Mr. Haldeman is our next witness and I would like to ask would you suggest that he be here at 2 o'clock? He has a statement which would take no longer than 2 hours to read and I would suggest that he read it the same day.

Senator Ervin. I would suggest that he come in at 3 o'clock. I think we can finish with Mr. Ehrlichman at that time. I don't know whether we can or not.

[Whereupon at 12:30 p.m., the committee recessed to reconvene at 2 p.m. on the same day.]

Afternoon Session, Monday, July 30, 1973

Senator Ervin. The committee will come to order.
Counsel will resume the interrogation of the witness.

Mr. Dash. Mr. Ehrlichman, following the meeting that you had on June 23 with Mr. Walters, Mr. Helms, and Mr. Haldeman, did you instruct Mr. Dean to contact Mr. Walters and follow up on the June 23 meeting?

Mr. Ehrlichman. No, sir. I simply notified Mr. Dean that there had been a meeting, that General Walters was going to be talking with Mr. Gray, and that we had indicated to General Walters that Mr. Dean would be his contact from that point forward.

Mr. Dash. Did there come a time when General Walters did call you and tell you that he was going to have a meeting or that Dean had contacted him and was it all right for him to speak to Mr. Dean?

Mr. Ehrlichman. It either happened that way or I told him at the time of the meeting on the 23d that Dean would be his contact, one or the other, but I am quite sure that I indicated to General Walters that Dean was the White House man who was looking after this whole subject.

Mr. Dash. Were you aware that Mr. Dean did in fact meet with General Walters on June 26?

Mr. Ehrlichman. No, I was not aware of those meetings.

Mr. Dash. There were a series of meetings?

Mr. Ehrlichman. Yes, I understand there were, and I was not aware of that series of meetings until just recently.

Mr. Dash. And Mr. Dean did not report to you on them?

Mr. Ehrlichman. No, he did not.

Mr. Dash. Now, on June 28, 1972, you met with Mr. Dean and Mr. Gray, and we have had some testimony on that, and on that same day you had two earlier meetings with Mr. Dean. Do you recall what the two earlier meetings were about before the meeting with Mr. Dean and Mr. Gray?

Mr. Ehrlichman. Not specifically. I surmised that one of them was simply an informational meeting knowing that I was about to leave town for an extended period of time. As I recall, there was a conversation and whether it was by meeting or whether it was by telephone. I cannot recall, but on the same day that we met with Pat Gray I am
quite sure we had a conversation about turning over the contents of
Hunt's safe to Mr. Gray.

Mr. DASH. All right.

Then, you had your meeting with Mr. Gray and I think you have
already testified to the circumstances under which a particular packet
or envelope was turned over to Mr. Gray.

Mr. EHRlichMAN. Right.

Mr. DASH. I think we have had full testimony on that.

Now, by the way, did you know at the time the packet of materials
was turned over to Mr. Gray what was contained in the packet?

Mr. EHRlichMAN. No.

Mr. DASH. Had you been told by Mr. Dean they were sensitive ma-
terials, politically sensitive materials?

Mr. EHRlichMAN. Yes.

Mr. DASH. I think you testified in response to a question of Mr.
Gurney on page 5438 of the testimony, Senator Gurney asked you:
“Did you ever have any communication with Mr. Gray about these
documents after this meeting?” and referring to the June 28 meeting
and you answered, “Yes, sir.” And Senator Gurney said, “And recount
it to the committee,” and your answer was:

That was in April of this year that we had a conversation. The President asked
me to telephone Mr. Gray. It was a Sunday night and it was the 15th of April
about 10:15 p.m. I was in the President's EOB office, and he had a meeting that
day with Mr. Klandienst. The subject of these documents came up at this
meeting.

Then, you were asked to call Mr. Gray. You referred to that tele-
phone call. You said:

I told him at that time that the delivery of the documents to him
to Mr. Gray,

had been the subject of this conversation between the Attorney General and the
President that Mr. Dean apparently had told the prosecuting attorney about
the fact that he had made the delivery. Mr. Gray said, “Well, he cannot do that,”
and I said “well, he did say that,” and he said “if he says that I will deny it,”
and I said “well, Pat, it isn't a subject for denial. Obviously, it is not something
you can deny. I recall the episode very clearly,” and well, he says “You have got
to back me up on this,” and he went on to say “I destroyed the documents.”

I think at that point you said you were nonplussed about it and you
hung up. Then you decided, after talking to the President, that per-
haps you had not made it clear that you were not going to back him
up and you called him back and without my reading the testimony,
you made it very clear to him that if you had to go to testify you
would tell the truth about that.

Now, is it not true, Mr. Ehrlichman, this was not the next time that
you had a conversation with Mr. Gray about those documents? That
at the April 15 meeting, did not Mr. Gray——

Mr. EHRlichMAN [interrupting]. The next time——

Mr. DASH [interrupting]. The question put by Senator Gurney that
after the June 28 meeting, did you have again occasion to talk about
those documents with Mr. Gray, and your answer was——

Mr. EHRlichMAN [interrupting]. I see.

Mr. DASH [continuing]. The April 15 phone call.

Mr. EHRlichMAN. You are referring to the rather oblique reference
in Mr. Gray’s phone report to me about his confirmation hearings per-
haps, and that is correct.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1973
Book 6

Printed for the use of the
Select Committee on Presidential Campaign Activities
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
Senator Gurney. Well, let us get, then to—that is clear enough. Let us get to the Gray papers. As I understand your testimony now, Mr. Dean did raise these sensitive papers. If they were just filed away in the FBI regular files and somebody got to them, why, it would be very embarrassing to a lot of people.

Mr. Ehrlichman. That is what he said.

Senator Gurney. What happened to those papers? Tell your version of the story from his first telling you that these were sensitive papers to where he tells you something different about them?

Mr. Ehrlichman. He agonized for several days about what to do with this situation. I was not involved in a lot of conversations with him about it. He was gone a couple of days during this interval because the river was flooding on account of Agnes hurricane. His house was near the river and so he was just out of the play for a couple of days during that particular time. He was moving his furniture up and putting up sandbags and whatnot.

So he came back from that interlude and he thought he had an idea as to how to solve this problem and that would be to deliver these documents in two parcels—one parcel to the field office and the other parcel to Pat Gray. I certainly concurred in that suggestion. It seemed to me like a good way of making sure that the documents did not leak as long as Mr. Gray held on to them.

Senator Gurney. This was his suggestion to turn them over to Gray?

Mr. Ehrlichman. Yes, sir.

Senator Gurney. And then what happened?

Mr. Ehrlichman. Then, I said that either I would get Mr. Gray to come over, but I think what I said to him was Mr. Gray was coming over that day for another appointment and why didn’t he just bring them over when Pat Gray was there and deliver them to him, so two of us could say that the delivery had been made and we would put an end to this evidentiary chain, so to speak.

Senator Gurney. I understand that he did come over and he did bring the documents and Gray and he and you were there. Then, what happened?

Mr. Ehrlichman. We were there. He said, “Pat, I would like to give you these.” The sense of it was that these were contents of Hunt’s safe that were politically sensitive and that we just could not stand to have them leaked. I do not know whether he had talked to Gray before or not. Because Gray seemed to understand the setting and the premise, so to speak. And he turned the documents over to him and John Dean then left.

Senator Gurney. Did you say nothing during this whole meeting?

Mr. Ehrlichman. I probably chimed in on the subject of leaks, which was then kind of a—was a theme that I was hitting with Mr. Gray right along. And as I have testified before, I do not recall the specific language that was used. The sense of the conversation between the three of us, which was not a long conversation, was that the purpose of Pat Gray taking delivery of these was to avoid the leak problem which all of us recognized that the FBI was having.

Senator Gurney. Well, I seem to recall there was some testimony about, to Gray by someone, either Dean or you, that these documents should never see the light of day. Do you recall that?
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

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Mr. Dean. The only other occasion I recall anybody else looking at the files is when Mr. Dick Moore who was Special Counsel to the President was instructed by Mr. Ehrlichman to prepare himself to deal with the leaking stories on the Segretti related matters and at that time Mr. Moore was given those documents to look at, and worked with those documents as they related to Segretti, Kalmbach, and Chapin, and Mr. Strachan.

Senator Gurney. Didn't Mr. Chapin and Mr. Strachan look at them, too?

Mr. Dean. No, sir, they did not. I never showed them to any witness. In fact I was requested, and I told the people who had been interviewed that I didn't think it was something I could show them, and I would generally just talk in general about it. I do recall when they were reinterviewed by the FBI the FBI themselves showed them their original 302's.

Senator Gurney. Don't you think it was a serious breach of faith to show these 302 files to other people, a breach of faith to Mr. Gray?

Mr. Dean. Yes. I think it can be interpreted that way.

Senator Gurney. Let's go to the matter of the Hunt material that was turned over to Mr. Gray.

Now, as I understand it some material was turned over to the FBI but certain materials were held out; is that correct?

Mr. Dean. That is correct.

Senator Gurney. What were they?

Mr. Dean. Well, I tried in my statement to catalog what I can recall that I saw amongst those documents. This was a combined effort to extract this material by Mr. Fielding and myself. Sometimes when Mr. Fielding was going through it he would make reference to something and at one point in time I decided we ought to extract all of these documents and put them in one place, and Mr. Fielding did that for me and put them in envelopes and they were subsequently stored in my safe until the time they were turned over to Mr. Gray.

So, I cannot—

Senator Gurney. I thought you testified that you carried some of these around in the trunk of your car?

Mr. Dean. No, sir, that was not, those were not documents. That was the briefcase that was found in Mr. Hunt's safe. That was a rather large, oh, like so.

Senator Gurney. Wasn't that the material that was turned over to Gray?

Mr. Dean. No, sir, it was not.

Senator Gurney. What was turned over to Gray?

Mr. Dean. Two envelopes containing sensitive political documents.

Senator Gurney. And what—that was turned over at a meeting in Mr. Ehrlichman's office, is that right?

Mr. Dean. That is correct.

Senator Gurney. And you were present and Mr. Gray was present.

Mr. Dean. That is correct. You will recall I had been instructed to “deep-six” and shred documents. I had to come up in my own mind with a persuasive argument for Mr. Ehrlichman as to why not to “deep-six” and destroy documents. I decided the best way to persuade him was to tell him that there was a chance that the men who had drilled the safe had seen it, that the Secret Service agent who was present at the time
of the drilling had seen it that Mr. Fielding and Mr. Kehrli had been there and had seen it and, of course, Mr. Fielding had gone through all of the documents and for all those people to be quizzed by the FBI would result in an awful lot of lying.

Senator Gurney. Was it your suggestion to turn these papers over to Mr. Gray?

Mr. Dean. Yes, it was because I told Mr.——

Senator Gurney. Why did you suggest this?

Mr. Dean. I told Mr. Ehrlichman that if I were ever asked I wanted to be able to testify that I turned everything over to the FBI and subsequently when that came up and they were getting more specific with that I told——

Senator Gurney. What was the conversation in the office at the time the documents were turned over to Mr. Gray?

Mr. Dean. Well, it was a very brief conversation and, as I say, my encounter during that was very short. I had preceded Mr. Gray, as I recall the sequence, to Mr. Ehrlichman’s office. Mr. Ehrlichman informed me he was going to meet with him and said, “Bring the documents over.”

I brought the documents over and laid them on a coffee table in Mr. Ehrlichman’s office.

Senator Gurney. Didn’t you and Ehrlichman agree to set up the meeting?

Mr. Dean. I have the impression Mr. Ehrlichman was going to meet with Mr. Gray on something else. That it was not specifically on this subject.

Senator Gurney. I thought you said you suggested to Mr. Ehrlichman that you have a meeting with Gray to turn the documents over to him.

Mr. Dean. I suggested we turn them directly over to Mr. Gray, and Mr. Ehrlichman, and after I turned the rest of the material over and I was still holding this I thought we ought to get the remainder over, called—that happened on a Thursday or Friday, over the weekend. I said—there is a delay here—and called Ehrlichman on Monday and he said, “I am meeting with Mr. Gray this evening, why don’t you bring the documents over then,” something of that nature.

Senator Gurney. Now then, what transpired when they were turned over?

Mr. Dean. As I said, I took the documents and had a very brief discussion with Ehrlichman. I laid them on the coffee table in Ehrlichman’s office. Mr. Gray was called up from the reception area, came in and Mr. Ehrlichman made the initial—initially raised the matter, and said something to the effect that these are materials from Mr. Hunt’s safe, I believe Dean has turned over other material to the Bureau directly.

Senator Gurney. Did you have any discussion with Mr. Ehrlichman when you brought the documents in and laid them on the coffee table?

Mr. Dean. I am sure there was.

Senator Gurney. What was——

Mr. Dean. About this was the way I could very easily handle the situation if I was ever asked, if Mr. Gray had been useful and seen them.
Senator Gurney, Did you discuss with Mr. Ehrlichman what you might be going to tell Mr. Gray?

Mr. Dean. I was going to tell him that I did not think these related to the Watergate incident, which I did not.

Senator Gurney. No, I am talking about the papers. The purpose of the meeting was to turn some very sensitive documents over to Mr. Gray.

Mr. Dean. Yes.

Senator Gurney. So you could get rid of them and Mr. Ehrlichman could get rid of them.

Now, prior to his coming into the office, I understand that you went in and took the papers in and laid them down. My question is, did you have any discussion with Mr. Ehrlichman at that time to what you were going to tell Mr. Gray when you turned the papers over—or when he turned them over?

Mr. Dean. It was pretty well understood what the meeting was for, so it was not necessary to have any extended discussion other than the fact that the documents were very politically sensitive, that as I recall, I called them political dynamite when I raised them with Gray, that he should take custody of them, and that that would be the way to handle it as far as the White House was concerned. I do not recall any discussion of telling Mr. Gray to destroy the documents.

Senator Gurney. You and Mr. Ehrlichman must have had, certainly, some feeling that Mr. Gray was not going to take this back to the FBI and put it in the files somewhere.

Mr. Dean. Well, he was told that they should never be leaked or be made public, something to that effect, yes.

Senator Gurney. Well, did you discuss something to that effect before he came in the office?

Mr. Dean. Well, Senator, if we did, I have certainly no recollection of it at this time. As I recall the transaction, it was brief. I came over immediately preceding the meeting, Gray was called up, there was this brief conversation, Gray was virtually on the way. He came in. This was explained to him. He at that point in time, as I recall, placed the documents in a small sort of briefcase—not really a briefcase, but one of these thin legal briefcases that he placed the documents in, and seemed quite willing to take them. He did not have a lot of hesitancy and he seemed to understand that indeed, this was an appropriate procedure, although an unusual one.

Senator Gurney. And what was precisely the thing that was said to Mr. Gray about the documents?

Mr. Dean. Was said to him? Well, I can recall that Ehrlichman told him that they were from Mr. Hunt's safe and that they were very politically sensitive. I then explained to him that we had turned the rest of the material over to the agents. However, these were political dynamite and if they ever leaked, it would just be a very serious problem for the President during the reelection year.

Senator Gurney. Was there not something about the light of day in that conversation?

Mr. Dean. That is possible. I do not recall it now, what particular language I used. I think I conveyed to the committee the—if I used that particular term at that time, that does not necessarily strike me as one of my normal phrases.
Senator Griswold. Well, to the best of your recollection, what did you say to Mr. Gray?

Mr. Dean. As I say, to the best of my recollection, I cannot recall the precise words, but other than the fact that the material had come from Hunt's safe, to the best of my knowledge, it did not relate to the Watergate; if it leaked, that these documents were political dynamite, that if they leaked or became public, it would cause great embarrassment and great problems.

Senator Griswold. Did you ever call Mr. Gray about these documents after that meeting?

Mr. Dean. I cannot recall calling him. I recall, as I testified, I believe yesterday, I had discussed this with counsel, that I had a conversation at some time with Mr. Gray in his office, in which he told me that he had taken the documents to Connecticut. He said he was either going to read them or had read them. I just cannot recall which it was that he said, because it was a passing conversation.

Senator Griswold. You do not recall two conversations with Mr. Gray, either meeting with him in his office or he in your office or over the phone, asking him what he had done with the documents?

Mr. Dean. The first time—well, as I say, this one occasion, as I recall, was in his office when he indicated to me that he had taken them to Connecticut.

Senator Griswold. That was the result of your question asking him what he had done with them; is that right?

Mr. Dean. No; as I recall, he volunteered that, that he had taken them to Connecticut.

Senator Griswold. Well, what were you discussing at that meeting with him? What was the purpose of the meeting?

Mr. Dean. I do not recall. It could have been on the leak problems that we were having.

Senator Griswold. But you do recall in the meeting that he said, I have taken the documents to Connecticut?

Mr. Dean. If you gave me a specific date on what meeting you might be referring to—

Senator Griswold. I do not really know myself. I am trying to find out.

Mr. Dean. As I say, five dates, I can generally put them in the sequence of what I was doing at a given time or what a given concern was. I do recall a meeting in Gray's office that this came up, he told me that he had taken them to Connecticut, I am not clear whether he said he had read them or was going to read them or anything of this nature.

Senator Griswold. Did you ever ask him again on any occasion what he had done with the documents?

Mr. Dean. Yes, I did. After I had disclosed this matter to Mr. Peterson, I recall that I was at luncheon at the Justice Department. This was probably in early January. At that time, Mr. Gray came up to me and sort of took me by the arm and said, John, you have got to hang tight on not disclosing these documents. And I said nothing to him.

I said, I understand, and that was—but at the time, I had been questioned by the prosecutors. I felt I had to tell Mr. Peterson because if I was going to go forward, that very fact was going to come out.
THE UNITED STATES OF AMERICA

V.

F. 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 Hearing


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. FENSTERMARD, ESQ.
DANIEL E. SCHULTZ, ESQ.
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 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 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.

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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.
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

DWIGHT L. CHAPIN,

Defendant

Washington, D. C.
April 2, 1974

The above-entitled cause came on for further trial befoe
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.

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MR. HUGHES

PAGES: 156-402
**CONTENTS**

**PAGES**

OPENING STATEMENT ON BEHALF OF THE GOVERNMENT .......... 167-181

OPENING STATEMENT ON BEHALF OF THE DEFENDANT .......... 181-193

**WITNESSES**

**GOVERNMENT'S:**

<table>
<thead>
<tr>
<th>Witness</th>
<th>DIRECT</th>
<th>CROSS</th>
<th>REDIRECT</th>
<th>RECROSS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Donald H. Segretti</td>
<td>217</td>
<td></td>
<td>346</td>
<td>379</td>
</tr>
<tr>
<td>By Mr. Davis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By Mr. Stein</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herbert Warren Kalmbach</td>
<td>383</td>
<td></td>
<td>390</td>
<td></td>
</tr>
<tr>
<td>By Mr. Ruane</td>
<td></td>
<td></td>
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</tr>
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<td>By Mr. Stein</td>
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THE COURT: You haven't been asked about your conversation with Mr. Dean.

MR. DAVIS: We don't intend to, Your Honor.

THE COURT: Right. I just remind the witness.

THE WITNESS: All right. Thank you, Your Honor.

BY MR. DAVIS:

Q You didn't see Mr. Chapin in Miami, did you?
A I did not.

Q What was the next time you saw Mr. Chapin?
A The next time I recall seeing Mr. Chapin was later on that summer, and I don't recall the exact date now. I met him in California.

Q Do you recall where you met him?
A Yes, I met him in front of the Century Plaza Hotel in Los Angeles. From there, we drove across the street and had lunch in a restaurant.

Q Did you have a conversation with him?
A Yes, I did.

Q What was the conversation?
A Mr. Chapin told me to cease all activities.

I asked Mr. Chapin if I should make an accounting of funds, that I did have some money that was left over.

Mr. Chapin told me, no, to keep whatever money I had remaining as a bonus; and I had been through a lot of problems with the FBI and the grand jury appearance, and so
forth.

There was some brief discussion between Mr. Chapin and I regarding the possibility of him helping me obtain a job in some field in the future.

Q    As of that date, how much money had you received?
A    I received between forty-four and forty-five thousand dollars.

Q    Just so we are clear, you never received any of that money from Mr. Chapin, is that correct?
A    No, I did not.

Q    Who did you receive all that money from?
A    I received all the money from Mr. Herbert Kalmbach or his secretary. I received one sum from his secretary; and I also received that sum of $400 much earlier from Mr. Strachan.

Q    Did you ever tell Mr. Kalmbach about any of your activities?
A    No, I did not.

Q    Did you keep a record of your expenses?
A    I did.

Q    Showing you what has been marked as Exhibit No. 27, can you identify that?
A    I can.

Q    What is it?
A    This is a record of my expenditures and receipts.

Q    How far does that carry your expenditures to, to what
date?

A I believe it is up to June 1972.

MR. DAVIS: The Government would like to offer this, Your Honor, would offer it.

MR. STEIN: Objection.

THE COURT: What is its relevancy? There is no indication he showed it to anybody.

MR. DAVIS: We just want to establish the accounting of the amount he spent, so we will know how much was left as the bonus.

THE COURT: Did you indicate in any way to Mr. Chapin how much was left or did you just say you had some money left over?

THE WITNESS: No, I believe I did indicate that I had several thousand dollars remaining. Whether I gave him the exact amount, I don't believe I did, no, sir.

THE COURT: Very well.

The objection is sustained.

BY MR. DAVIS:

Q Now, Mr. Segretti, you testified to various telephone conversations you had with Mr. Chapin.

In what manner did you place those calls when you made them?

A There were a variety of manners. Sometimes it was direct dial from my home telephone number. Other times it was
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
### CONTENTS

<table>
<thead>
<tr>
<th>WITNESSES</th>
<th>DIRECT</th>
<th>CROSS</th>
<th>REDIRECT</th>
<th>RECROSS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GOVERNMENT'S:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John W. Dean, III</td>
<td>413</td>
<td></td>
<td>439</td>
<td>431</td>
</tr>
<tr>
<td>By Mr. Ruane</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By Mr. Stein</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Angelo Lano</td>
<td>441</td>
<td></td>
<td>454</td>
<td>447</td>
</tr>
<tr>
<td>By Mr. Davis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By Mr. Stein</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DEFENDANT'S:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nellie L. Yates</td>
<td>461</td>
<td></td>
<td>476</td>
<td></td>
</tr>
<tr>
<td>By Mr. Stein</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By Mr. Ruane</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>John C. Whitaker</td>
<td>479</td>
<td></td>
<td>481</td>
<td></td>
</tr>
<tr>
<td>By Mr. Stein</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By Mr. Davis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwight L. Chapin</td>
<td>482</td>
<td>555</td>
<td>619</td>
<td>623</td>
</tr>
<tr>
<td>By Mr. Stein</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>By Mr. Davis</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### EXHIBITS

<table>
<thead>
<tr>
<th>GOVERNMENT'S:</th>
<th>FOR IDENTIFICATION</th>
<th>IN EVIDENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 31 Chapin memorandum of November 5, 1972</td>
<td>423</td>
<td>423</td>
</tr>
<tr>
<td>No. 32 Original of Chapin memorandum of November 5, 1972</td>
<td>425</td>
<td>425</td>
</tr>
<tr>
<td>No. 33 FBI report of Chapin interview</td>
<td>446</td>
<td></td>
</tr>
<tr>
<td>Nos. 19-23</td>
<td></td>
<td>456</td>
</tr>
<tr>
<td>No. 16</td>
<td></td>
<td>456</td>
</tr>
<tr>
<td>No. 34</td>
<td>556</td>
<td></td>
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</tbody>
</table>
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 --
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.

Why calls from Hunt to Segretti?
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON: 1973

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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 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. Peterson at the Department of Justice and explained the problem that was confronting Segretti. I told Peterson 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.
I also informed Petersen that he was being paid by the President's personal attorney, Mr. Kalmbach, and that he had been recruited by Chapin and Strachan. I said that these facts, if revealed, would obviously be quite embarrassing and could cause political problems during the waning weeks of the election. Mr. Petersen said that he understood the problem and would determine what he could do. I subsequently talked to Petersen again and he told me that he did not believe it would be necessary for the prosecutors to get into these areas when Mr. Segretti appeared before the grand jury.

Segretti came to Florida a day or so before his appearance before the grand jury. To the best of my recollection it was on a Saturday during the week I was in Miami preparing for the convention. I had a very brief meeting with Segretti, not longer than 30 minutes, as I recall in which we reviewed his potential problem. I told him that I did not believe that the Government was particularly interested in pursuing the names of Strachan, Chapin, and Kalmbach in connection with his activities and I doubted if he would be asked any questions about these areas. I told him, however, if he were asked the questions, that he should answer any question and every question truthfully, and if we were asked the names of who had hired him and who had paid him that he should give the names. I told him if pressed, he should lay out the whole ball of wax.

I later learned from Segretti that the names had come out during the grand jury appearance and I had a discussion later with Petersen also on the subject in which he told me that Mr. Silbert had tried to avoid getting into this area and in fact did not ask him the question which resulted in his giving the names, rather that a grand juror had asked the question despite the fact that the prosecutors had tried to gloss over it.

As a result of Segretti's appearance before the grand jury, FBI interviews were scheduled for Chapin, Strachan, and Kalmbach. I had by this time learned the full story, that in fact Haldeman, in a meeting with Kalmbach, had approved Segretti's activities and authorized Kalmbach to make the payments to Segretti. In discussing this with Chapin and Strachan before their appearances or their FBI interviews, I should say, they both had great concern about revealing Haldeman's involvement. In fact, I recall that Strachan came into my office, when Dick Moore was present, and said that he would, if necessary, perjure himself to prevent involving Haldeman in this matter. I told Strachan that that was certainly not necessary in my estimation, but he was indeed, most loyal to Haldeman for taking that position. Dick Moore made a similar comment.

When the agents came to interview Chapin and Strachan, they contained themselves in their questioning and, to the best of my knowledge, all the answers that Chapin and Strachan provided were truthful, although I must say that, pursuant to discussions I had had with them before their interview, they did not volunteer any information that was not asked for.

When I was in California in late August, I was asked by Mr. Ehrlichman to meet with Kalmbach and prepare him for his FBI interview regarding the Segretti matter.

Mr. Kalmbach was very concerned that the interview could lead into other areas, and had discussed this problem with Ehrlichman.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

that for very little money, one person got quite a bit of return out of it. So you got quite a bit of pack for one person.

Mr. Segretti. That is the danger for the type of activities that I engaged in.

Mr. Dash. Well, I would like the record to show, so that we are not misled by numbers, that the fact that there were only 28, that that does not minimize the impact that 28 may have had on the election.

Mr. Segretti. That is correct.

Mr. Dash. Now, when you were informed that you were going to be called before the grand jury, you did have a meeting with Mr. Dean in Miami, did you not?

Mr. Segretti. Yes, I did.

Mr. Dash. Did the question come up concerning whether or not certain parties should be dealt with if it should come up to the grand jury?

Mr. Sherman. Senator, again we are going to raise—he went back specifically, I think, to discuss with Mr. Dean his legal rights. If the Senator makes the same ruling, we will answer the question. We think this conversation is particularly within the attorney-client privilege and I believe Mr. Segretti will testify that he was consulting with Mr. Dean in that capacity.

Senator Ervin. I think I would hold that the evidence totally fails to show any attorney-client relationship between Mr. Segretti and Mr. Dean.

Mr. Sherman. And that would include this latter meeting?

Senator Ervin. Yes, I would think that is evident.

Mr. Dash. Following that, did you testify before the Senate—did you talk to representatives of the Senate Committee on Administrative Practices in November of 1972?

Mr. Segretti. I never discussed any substance with them, no, sir.

Mr. Dash. No, but did you tell representatives of that committee that because you had not consulted an attorney, you did not have an attorney?

Mr. Segretti. I believe my statement was to the effect that I did not have an attorney in Los Angeles at that time and I wished to consult with one. At that time, I was in the process, I believe, of obtaining counsel in Los Angeles, which I did, based on Mr. Dean’s recommendation.

Mr. Dash. Well, relying on the chairman’s ruling, and I will again ask the question: In Miami when you went to see Mr. Dean prior to your being called before the grand jury, was there a discussion concerning certain names of persons you had dealt with during your operations coming up before the grand jury?

Mr. Segretti. That is correct.

Mr. Dash. What names were there concern about?

Mr. Segretti. Mr. Chapin, Mr. Strachan and Mr. Kalmbach.

Mr. Dash. Did Mr. Dean indicate that he might be able to do something about those names not being—coming up?

Mr. Segretti. Yes.

Mr. Dash. Could you elaborate a little more on that?

Mr. Segretti. He said something to the effect that he might be able to put parameters on the inquiry. He seemed to be particularly concerned about Mr. Kalmbach’s name coming up.
Mr. Dash. All right. Then when you actually went to testify before the grand jury, did you have a meeting with Mr. Silbert?

Mr. Segretti. Yes. I did just prior.

Mr. Dash. At that time he was acting as the principal Assistant U.S. Attorney and in charge of the Watergate investigation?

Mr. Segretti. I don’t know his exact role but I believe that is essentially correct.

Mr. Dash. During his questioning of you, or preparation with you, before your testimony before the grand jury, did a discussion come up concerning Mr. Kalmbach?

Mr. Segretti. Brief reference was made; yes, sir.

Mr. Dash. How was that reference—how did Mr. Silbert in any way refer to Mr. Kalmbach?

Mr. Segretti. He said something to the effect, “Were you receiving funds from Mr. K?”

Mr. Dash. He used the letter “K”?

Mr. Segretti. Yes, sir.

Mr. Dash. Did that seem strange to you at the time?

Mr. Segretti. Yes.

Mr. Dash. What impression did you get?

Mr. Segretti. The impression I had was that there was something going on behind the scenes.

Mr. Dash. Did you believe then that you were really not being asked full questions concerning your knowledge of these facts?

Mr. Segretti. Well, I have to look upon it, upon my perspective now. I believe the questions they asked relating to the Watergate burglary and wiretap were full and complete. I think they did an adequate job in that regard.

Mr. Dash. There was no effort to ask you any questions concerning Mr. Kalmbach or how you were paid?

Mr. Segretti. Well, there was that very brief prior discussion with Mr. Silbert which did not go into any detail and during my testimony before the grand jury nothing was asked by the U.S. attorneys regarding that.

Mr. Dash. The only references Mr. Silbert made were to a Mr. “K” and not to Mr. Kalmbach to you?

Mr. Segretti. That is right. That was not in front of the grand jury.

Mr. Dash. No, no, not in front of the grand jury, before you went before the grand jury?

Mr. Segretti. That is right.

Mr. Dash. Did Mr. Silbert ask you any question concerning Mr. Chapin?

Mr. Segretti. In the prior meeting?

Mr. Dash. In the meeting prior to——

Mr. Segretti. Yes, sir.

Mr. Dash. How full was his inquiry on that?

Mr. Segretti. I think I gave him the general outline that I was first contacted by Mr. Strachan and Mr. Chapin.

Mr. Dash. When you appeared before the grand jury, did he ask you any questions concerning Mr. Kalmbach and Mr. Chapin?

Mr. Segretti. To the best of my recollection he did not.

Mr. Dash. But did you in fact mention Mr. Kalmbach and Mr. Chapin and, if so, under what circumstances?
Mr. Segretti. A grand juror asked me questions relating to those individuals, and I believe I answered all of them.

Mr. Dash. Specifically to those individuals, did the grand juror know of those individuals?

Mr. Segretti. No, not to my knowledge.

Mr. Dash. How did it come up?

Mr. Segretti. It is very hard to remember, Mr. Dash. That was a long time ago.

Mr. Dash. Weren't you asked how you were paid and how you got involved?

Mr. Segretti. Let me give you my best recollection of that. I have not seen a grand jury transcript of that, of course, but there was a question by a grand juror regarding my financial arrangements, who they were with and when was the last money received, and I told them—I told them it was Mr. Kalmbach and the last sum I received, I gave them the date as best I could recall it, and I told them the sum.

Mr. Dash. And actually at that time you were really following what Mr. Dean had suggested to you in Miami, not to answer questions or volunteer anything that was not asked but to try to keep Mr. Kalmbach and Mr. Chapin's names out, but if the questions were put, to tell the whole ball of wax.

Mr. Segretti. Certainly.

Mr. Dash. All right.

Mr. Segretti. I had no intention to perjure myself before the grand jury.

Mr. Dash. But if that juror had not asked that question, Mr. Chapin's and Mr. Kalmbach's names would not have gone before the grand jury?

Mr. Segretti. I don't believe they would have.

Mr. Dash. I have no further questions.

Mr. Thompson. Mr. Segretti, when the question was asked as to who was paying you, was the question also asked what you were being paid for?

Mr. Segretti. I don't recall exactly, Mr. Thompson. There were some things said that I was engaged in getting pickets, rival pickets, in other words a Muskie picket in a Humphrey rally or what have you, that type of thing, but no details were ever gone into, just very general.

Mr. Thompson. Did you discuss that in the grand jury?

Mr. Segretti. I believe so.

Mr. Thompson. Did you discuss that with Mr. Silbert?

Mr. Segretti. Yes.

Mr. Thompson. Beforehand. You have testified about what might be described as two different categories of activities, things that might be what have been referred to as Dick Tuck type of activities, perhaps—amusing things—and things that were possibly violations of criminal law and not in any way amusing.

What are we to understand about Mr. Silbert? Are we getting the correct impression now? Did he understand the full scope of your activities or, to the best of your knowledge, did he only think you were engaged in the prank-type things which we have heard testified about here for several weeks?
in the past made that type of concession to avoid that type of publicity and I have tried to resolve these problems by conducting where necessary investigations of public officials in as discrete a fashion as possible until we can be precisely sure of our facts. And then you can open up—

Mr. Dash. You are aware that when you did this, as you did in the case of Mr. Stans, that you do prevent the grand jurors' opportunity of asking questions that might open up certain areas.

Mr. Petersen. Obviously, but you see, Mr. Dash, not all witnesses go before a grand jury. The grand jury doesn't get the opportunity to question everybody in every case.

Mr. Dash. Were you aware that Mr. Stans himself or his attorney received a transcript of his statement that he gave under these circumstances?

Mr. Petersen. I am not aware whether he did or not.

Mr. Dash. Would there be any policy about his getting it if he had asked for such a statement? Would a witness, for instance, appearing before the grand jury——

Mr. Petersen. He would not get it and I would say in the sense we were doing this under grand jury conditions, I would not suppose that he did get it but I don't know whether he did or not.

Mr. Dash. The scope of the investigation itself—who set the scope of the investigation in this case? Was it set by the prosecutors?

Mr. Petersen. Well, I am not sure I understand what that means.

Mr. Dash. What actually was considered within the scope of the grand jury investigation and not within it?

Mr. Petersen. Watergate was considered within the scope of the grand jury investigation. Federal corrupt practices violations I wanted handled separately and they were handled to the extent that we could do so and I think invariably we did accomplish it by the fraud section of the Criminal Division with whatever the U.S. Attorney's Office was involved. So to that extent we tried to separate the two.

Now, they couldn't remain inseparable. There were some witnesses who were common to corrupt practices violations that were before that grand jury and where they were, we tried to combine both efforts and have them all questioned by Silbert at one time.

Mr. Dash. Did you participate in a decision not to get into the so-called dirty tricks activity of Donald Segretti?

Mr. Petersen. I sure did. I sure did.

Mr. Dash. Can you recall, did Mr. Dean raise that question to you?

Mr. Petersen. No, sir. Well, I don't remember whether he did or not. I don't recall him raising it. That question was raised with me by two people—Earl Silbert, who said, you know, in effect, we are not experts on the Corrupt Practices Act. We don't see any violation. Do you? And I said, "No, not on the basis of what we have." This is around August or September. The FBI in October—Charley Bowles who was in charge of the accounting and fraud section called me and said, "Henry, you know we are not investigating these. Do you see a violation?" and I said, "No."

You know, dirty tricks per se are not a violation to my knowledge and the only violation we have been unable to uncover in connection with these things is the failure to accurately subscribe to a political
statement that is promulgated—failure to subscribe being a violation of U.S. 18,613, and that is what the investigations have gone off on, but mere dirty tricks, oral false schedules, for example, or passing an item of information on, was not a violation to my knowledge.

Mr. Dash. Now, Mr. Segretti was called for questioning before the grand jury. Do you recall telling Mr. Silbert to limit his investigation of Mr. Segretti to the so-called Watergate activities and not get into the dirty tricks?

Mr. Petersen. Yes, I did indeed.

What we were after was the relationship between Hunt. I misspoke myself, I don’t remember that, I was confusing with Kalmbach. To Segretti, we were relating, trying to relate his relationships to Hunt, whether or not they had any significance to the Watergate thing.

Now, I am unsure whether I knew at that time he had some relationship to Kalmbach. In any event, I told Silbert I didn’t want him getting into the relationships between the President and his lawyer or the fact that the President’s lawyer might be involved in somewhat, I thought, illegitimate campaign activities on behalf of the President.

Mr. Dash. Do you recall this conversation, that Mr. Dean testified to, on page 224 of the transcript? He said:

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.

I also informed Petersen that he was being paid by the President’s personal attorney, Mr. Kalmbach, and that he had been recruited by Chapin and Strickland. I said that these facts, if revealed, would obviously be quite embarrassing and could cause political problems during the waning weeks of the election. Mr. Petersen said that he understood the problem and would determine what he could do.

Do you recall that?

Mr. Petersen. I don’t remember in those terms. It could well have been I told Silbert I wanted him to confine his investigation to the Watergate. I don’t regard this crime as an excuse for us to run a general investigation of the White House and the entire Republican Party.

Mr. Dash. It did turn out, did it not, that a grand juror on the jury did ask Mr. Segretti certain questions that brought out the names of Mr. Chapin and others?

Are you aware of it?

Mr. Petersen. I have heard about that. I wondered if that was by chance or Earl Silbert’s way of disagreeing.

Mr. Dash. Do you recall having a conversation with Mr. Dean with reference to responding to Congressman Garry Brown’s letter concerning the Patman committee investigation?

Mr. Petersen. Yes, but that is a very confused situation, too. He mentioned that to me and seemed to think I had the letter and I did not. The letter was in the deputy’s office. Ultimately I was consulted with respect to the letter and I do remember Mr. Dean asking me what our policy was with respect to congressional committees and I told him our policy was to advise them if there was a pending prosecution, ordinarily our relationships were good enough so we could do that, work it out and our problems were generally with the investigative committees like the McClellan committee and what have you.
95. 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.

Weigemin - Krogh free statement shld be pt of record. Made at time of sentencing.
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

v.

EGIL KROGH, JR.

Defendant.

Criminal No.

Violation of 18 U.S.C. §1623
(False declarations)

INDICTMENT

COUNT ONE

The Grand Jury Charged:

1. On or about August 28, 1972, in the District of Columbia, EGIL KROGH, JR., the DEFENDANT, having duly taken an oath that he would testify truthfully, and while testifying in a proceeding before and ancillary to a Grand Jury of the United States, duly empanelled and sworn in the United States District Court for the District of Columbia, did make false material declarations as hereinafter set forth.

2. At the time and place alleged, the said Grand Jury was conducting an investigation in conjunction with the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation to determine whether violations of 18 U.S.C. 371, 2511, and 22 D.C. Code 1801(b) and other statutes of the United States and of the District of Columbia had been committed in the District of Columbia and elsewhere, and to identify the individual or individuals who had committed, caused the commission of, or conspired to commit such violations.
3. It was material to the said investigation that the Grand Jury ascertain the nature of the activities engaged in by E. Howard Hunt, Jr., a subject of the investigation, while he was employed at the White House during 1971 and 1972, and the identity of the individual or individuals who directed those activities.

4. At the time and place alleged, the DEFENDANT, appearing as a witness under oath at a proceeding before and ancillary to the said Grand Jury, did knowingly declare with respect to the material matter alleged in paragraph 3 as follows:

Q. I see. Do you have any knowledge of any travel that Mr. Hunt made in connection with the declassification of the "Pentagon Papers" or the narcotics program that he was working with you on?

A. I'm aware of the trip to Texas that he took, but other travel, no.

Q. During any other period while Mr. Hunt was working at the White House, which would have been through, I believe, the end of March, 1972, are you aware of any travel that he made for the White House?

A. No, I'm not.

Q. Are you aware of any travel that Mr. Hunt made, whether he made it for himself personally, or for any other person?

A. No, I'm not.

5. The underscored portions of the declarations quoted in paragraph 4, made by the DEFENDANT, as he then and there
well knew, were false.

All in violation of Title 18, United States Code, Section 1623.

COUNT TWO

The Grand Jury further charges:

1. The Grand Jury realleges all of the allegations of paragraphs 1 and 2 of Count One of this indictment.

2. It was material to the said investigation that the Grand Jury ascertain the nature of the activities engaged in by G. Gordon Liddy, a subject of the investigation, while he was employed at the White House during 1971, and the identity of the individual or individuals who directed those activities.

3. At the time and place alleged, the DEFENDANT, appearing as a witness under oath at a proceeding before and ancillary to the said Grand Jury, did knowingly declare with respect to the material matter alleged in paragraph 2 as follows:

Q. Now, what travel did Mr. Liddy do while he was at the White House that you're aware of?

A. He made a trip to California for me on some customs matters, customs issues on narcotics, which was more of an in-house watchdog-type of trip to determine the effectiveness of the program out there.

He had been involved in developing Operation Intercept in 1969, which pretty much was located out of the Los Angeles area, Terminal Island.

And this was an out date, so to speak, on how things were going in Los Angeles area.
Q. Now, he was supposed to contact custom officials in the Los Angeles --
A. That was my understanding, but he did not give me an itinerary of --
Q. Was there a report filed by him with you of the trip?
A. No, just an oral report.
Q. Oral?
A. Right.
Q. Now, do you know of any other travel that Mr. Liddy might have performed --
A. No.
Q. -- For the White House or for anyone else, or for himself?
A. No.

* * * *

Q. Other than this one trip to California, can you think of any reason why he would have had to travel to California for the White House?
A. No.

4. The underscored portions of the declarations quoted in paragraph 3 made by the DEFENDANT, as he then and there well knew, were false.

All in violation of Title 18, United States Code, Section 1623.

A True Bill

Foreman

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

1. From on or about July 1, 1971 to on or about May 25, 1973, EGIL KROGH, JR., the DEFENDANT, was an officer and employee of the United States Government, first as Deputy Assistant for Domestic Affairs to the President of the United States, and later as Under Secretary of Transportation.

2. At all times material herein DEFENDANT and various other co-conspirators unnamed herein, were officials and employees of the United States Government and were acting in that capacity.

3. From on or about July 1, 1971 to the present, in the District of Columbia and elsewhere, the DEFENDANT, unlawfully, willfully and knowingly did combine, conspire, confederate and agree with the co-conspirators to injure, oppress, threaten, and intimidate Dr. Lewis J. Fielding, a citizen of the United States, in the free exercise and enjoyment of a right and privilege secured to him by the Constitution and laws of the United States and to conceal such activities.
4. It was a part of the conspiracy that the DEFENDANT and the co-conspirators would, without legal process, probable cause, search warrant, or other lawful authority, enter the building and offices of Dr. Lewis J. Fielding located at 450 North Bedford Drive, Beverly Hills, Los Angeles County, California, with intent to search for, examine, and photograph documents and records containing confidential information concerning Daniel Ellsberg, and thereby injure, oppress, threaten and intimidate Dr. Lewis J. Fielding in the free exercise and enjoyment of the right and privilege secured to him by the Fourth Amendment to the Constitution of the United States to be secure in his person, house, papers and effects against unreasonable searches and seizures.

5. It was further a part of the conspiracy that with DEFENDANT'S knowledge, consent, approval and assistance, two of the co-conspirators would and did travel to California on or about August 25, 1971 for the purpose of preparing to carry out and implement the plan and scheme.

6. It was further a part of the conspiracy that with DEFENDANT'S knowledge, consent, approval and assistance, five of the co-conspirators would and did travel to California on or about September 1, 1971 for the purpose of implementing and carrying out the plan and scheme, and did without legal process, probable cause, search warrant or other lawful authority, covertly and unlawfully enter and cause to be entered the offices of Dr. Lewis J. Fielding located in Beverly Hills, California, and did unlawfully search and cause to be searched the premises therein.

7. In furtherance of, and in order to effectuate the objects of the conspiracy, the DEFENDANT and the co-conspira-
tors did perform and did cause to be performed the following overt acts, among others, in the District of Columbia:

**OVERT ACTS**

1. On or about August 11, 1971, the DEFENDANT sent a memorandum to an official of the United States Government.

2. On or after August 11, 1971, the DEFENDANT had a conversation with an official of the United States Government.

3. On or after August 27, 1971, the DEFENDANT met with E. Howard Hunt, Jr., and an official of the United States Government.

4. On or about August 30, 1971, the DEFENDANT had a telephone conversation with an official of the United States Government.

5. On or about September 1, 1971, an official of the United States Government caused the delivery of a sum of cash to the DEFENDANT.

6. On or about September 1, 1971, the DEFENDANT caused a sum of cash to be delivered to an official of the United States Government.

7. On or about September 7, 1971, the DEFENDANT had a conversation with an official of the United States Government.
8. On or about August 23, 1972, the DEFENDANT testified under oath.

(In violation of Title 18, United States Code, Section 241.)

LEON JAwERISKI
Special Prosecutor
Watergate Special Prosecution Force

38-187
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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.

96.2 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.
FBI Finds Nixon Aides Sabotaged Democrats

By Carl Bernstein and Bob Woodward

Washington Post Staff Writers

FBI agents have established that the Watergate bugging incident stemmed from a massive campaign of political spying and sabotage conducted on behalf of President Nixon's re-election and directed by officials of the White House and the Committee for the Re-election of the President.

The activities, according to information in FBI and Department of Justice files, were aimed at all the major Democratic presidential contenders and - since 1971 - represented a basic strategy of the Nixon re-election effort.

The Nixon forces, using funds from GOP campaign contributions, attempted to discredit individual Democratic presidential candidates and disrupt their campaigns, according to federal investigators. "Intelligence work" is normal during a campaign and is said to be carried out by both political parties. But the investigators said what they uncovered goes far beyond what is normal, and is unprecedented in its extent and intensity.

They said it included:

- Following members of Democratic candidates' families; forging letters and distributing them on the candidates' letterheads; leaking false and manufactured items to the press; throwing campaign schedules into disarray; seizing confidential campaign files, and investigating the lives of dozens of Democratic campaign workers.

Informed of the specific contents of this article, the White House referred all comment to the Committee for the Re-election of the President. A spokesman there said, "The Post story is not only fiction but a collection of absurdities." Asked to discuss the specific points raised in the story, the spokesman, DeVan L. Shamway, refused on grounds that "the entire matter is in the hands of the authorities."

Law enforcement sources said that probably the best example of the sabotage was the fabrication - by a White House aide - of a letter to the editor alleging that Sen. Edmund S. Muskie (Maine) condoned a racial slur on activists of French-Canadian descent as "Canucks."

The letter was published in the Manchester Union Leader Feb. 24, less than two weeks before the New Hampshire primary. It in part triggered Muskie's politically damaging "crushing speech" before the newspaper's office.

Washington Post staff writer Mari-
FBI Finds Nixon Aides Sabotaged Democratic Candidates

WATERGATE, From A1

All three lawyers, including one who is an assistant attorney general of Tennessee, said they turned down the offers, which purportedly included the promise of "big jobs" in Washington after President Nixon's re-election. They said the offers were made by Donald Herbert Segretti, a former Treasury Department lawyer who lives in Marina Del Ray, Calif.

One Federal investigative official said that Segretti played the role of "just a small fish in a big pond." According to FBI reports, at least 50 undercover Nixon operatives traveled throughout the country trying to disrupt and spy on Democratic campaigns.

Both at the White House and within the President's re-election committee, the intelligence-sabotage operation was commonly called the "offensive security" program of the Nixon forces, according to investigators.

Perhaps the most significant finding of the whole Watergate investigation, the investigators say, was that numerous specific acts of political sabotage and spying were all traced to this "offensive security," which was conceived and directed in the White House and by President Nixon's re-election committee.

The investigators said that a major purpose of the espionage activities was to create so much confusion, suspicion and dissenion that the Democrats would be incapable of uniting after choosing a presidential nominee.

The FBI's investigation of the Watergate definitely established that virtually all the acts against the Democrats were financed by a secret fluctuating $350,000-$700,000 campaign fund that was controlled by former Attorney General John N. Mitchell while he headed the Justice Department. Later, when he served as President Nixon's campaign manager, Mitchell shared control of the fund with others. The money was kept in a safe in the office of the President's chief fundraiser, former Secretary of Commerce Maurice Stans.

According to sources close to the Watergate investigation, much of the FBI's information is expected to be revealed at the trial of the seven men indicted on charges of conspiring to eavesdrop on Democratic headquarters at the Watergate.

"There is some very powerful information," said one federal official, "especially if it becomes known before November 7.

A glimpse of the Nixon campaign's spying and disruptions are to be found in the activities of Segretti. According to investigators, Segretti's work was financed, through middlemen, by the $350,000-$700,000 fund.

Asked by The Washington Post to discuss Segretti, three FBI and Justice Department officials involved in the Watergate probe refused. At the mention of Segretti's name, each said in the words of one official, "That's part of the Watergate investigation." One of the officials, however, became angry at the mention of Segretti's name and characterized his activities as "indescribable.

Segretti, visited in his West Coast apartment last week by Washington Post correspondent Robert Meyer, repeatedly answered questions by saying "I don't know," "I don't have to answer that," and "No comment." After 15 minutes, he said, "This is material for a good novel, it's ridiculous," and chased the reporter outside when he attempted to take a picture.

According to the three attorneys interviewed by The Post, Segretti attempted to hire them in 1971 undercover agents working on behalf of President Nixon's re-election.

All three said they first met Segretti in 1968, when they served together in Vietnam as captains in the Army Judge Advocate General Corps.

One of the lawyers, Alex B. Shipley, a Democrat who is now assistant attorney general of Tennessee, said Segretti told him, "Money would be no problem, but the people we would be working for wanted the results for the cash that would be spent."

Shipley, 30, added: "He [Segretti] also told me that the Nixon re-election work would be taken care of after Nixon's re-election, that I would get a good job in the government."

According to Shipley, Segretti said that the undercover work would require false identification papers under an assumed name; that Shipley would recruit five more persons, preferably lawyers, for the job; that they would attempt to disrupt the schedules of Democratic candidates and obtain information from their campaign organizations; that Shipley would never reveal to Segretti the names of the men he would hire and that Segretti could never reveal to Shipley specifically who was supplying the money for the operation.

Shipley recalled in a telephone interview: "I said, 'How hell are we going to get it done?' and Segretti said: 'Nixon knows that something is being done. It's a typical deal,' Segretti said; 'Don't tell me anything and I won't know.'"

Segretti's first approach, said Shipley, came on June 27, 1971. He called me before then and told me he would be in Washington and he came to a dinner party at my apartment (4600 S. Four Mile Run Drive, Arlington) the night before, said Shipley. I said about it then. The next morning I met him for breakfast and drove him to the airport-Dulles."

According to Shipley, he picked Segretti up that morning, a Sunday, at the George-town Inn, where—hotel records show—a Donald H. Segretti stayed in room 402 on June 25 and June 26, 1971 (total bill $547.75, including $2.25 in telephone calls). In addition, travel records obtained by The Post show that Segretti bought a Washington-San Francisco-Monterey (Calif.) airline ticket on June 27 (departure Dulles).

On the way to Dulles, Shiple said, Shipley, Segretti first mentioned the deal. He asked Shipley whether he would be interested because he was getting out of the Army. "We were both getting out shortly... and didn't have anything lined up, he mentioned the way to Dulles that we could do a little political espionage."

Shipley continued: "I said, 'What are you talking about?' He [Segretti] said: 'For instance, we'll go to a Kennedy rally and find an ardent Kennedy worker. Then, you say that you're a Kennedy man too but you're working behind the scenes; you get them to help you. You send them to work for Muskie, stuff envelopes or whatever, and you
get them to pass you the information. They'll think that they are helping Kennedy against Muskie. But actually you're using the information for something else.

"It was very strange," Shiplay recalled. "Three quarters of the way to the airport I said, 'Well, who will we be working for?' He said 'Nixon' and I was really taken aback; because all the actions he had talked about would have taken place in the Democratic primaries. He (Segretti) said the main purpose was that the Democrats have an ability to get back together after a knockdown, drag-out campaign. What we want to do is sneak enough havoc so they can't." Shiplay said he told Segretti, "Well, it sounds interesting; let me think about it!"

In addition to Shiplay, Roger Lee Nix of Dennison, Iowa, and Kenneth Griffiths of Atlanta, Ga., said they turned down similar offers from Segretti, with whom they served in Vietnam. Both declined to discuss the offers in detail, but they acknowledged that Segretti had told them they would be engaged in sub rosa activities—similar to those described by Shiplay—said President Nixon's re-election.

Still another lawyer who served with Segretti in Vietnam, Peter Dixon of San Francisco, also said Segretti made him an offer. However, Dixon said he told Segretti, "No thanks" before any details of the job were revealed. "I said, 'Gee, Don, I'm not interested in political matters, and I'm not a Republican anyway,' " said Dixon.

The most detailed account of Segretti's activities was given by Shiplay, who said he wrote a memorandum to himself about the episode "because it all seemed so strange."

At one point during the four-month period when Segretti was trying to recruit him, said Shiplay, he approached a friend who worked for Sen. Albert Gore of Tennessee, and was asked to try and "string him (Segretti) out to see what he's up to." Although "I don't like these types of schemings," Shiplay said, he never subsequently contacted anyone else about the matter and said he has not been questioned by the FBI about Segretti.

During a meeting on July 25, said Shiplay, Segretti "didn't go into much detail because it was mostly 'Are you with me or not?'" When he asked Segretti exactly what would be expected of him in participating in clandestine activities, Shiplay said he was told:

"Enlist people, be imaginative!" One thing he stressed was asking people who were fairly free to travel and (that) was he was asking lawyers because he didn't want to do anything illegal. It wasn't represented as a strictly strongarm operation. He stressed what fun we could have. As an example, he gave this situation:

"When a rally is scheduled at 7 p.m. at a local coliseum by a particular candidate, you call up and represent to the manager that you're the field manager for this candidate and you have some information that some radicals some hippies or what-have-you are going to cause trouble. So you ask him to move the rally up to 9 o'clock—thereby insuring that the place would be padlocked when the candidate showed up at 7.'"

Shiplay said he was asked by Segretti to fly to Atlanta to enlist their Army colleagues, Kenneth Griffiths, in the project, but that he never made the trip. However, when visiting Griffiths last Christmas, said Shiplay, Griffiths mentioned that Segretti had said the time was right and that Griffiths had expressed absolutely no interest at all.

The last time he heard from Segretti, said Shiplay, was on Oct. 23, 1971, when "he called from California and asked me to check into Muskie's operation in Tennessee. . . . I just never did anything about it."

"At one time during these conjectural discussions," Shiplay continued, "Segretti said it might be good to get a false ID to travel under; that it would be harder for anyone to catch up with us. He mentioned I might use the pseudonym Bill Moore for himself. . . ." "Segretti said he wanted to cover the country," Shiplay continued, "that he would be more or less the head coordinator for the country. But some of the things he proposed to do didn't seem that damaging, like getting a post office box in the name of the Massachusetts Safe Driving Committee and awarding a medal to Teddy Kennedy with announcements sent to be press."

"The one important thing that struck me was that he seemed to be well-financed," Shiplay said. He was always flying across the country. When he came to Washington in June he said he had had an appointment at the Treasury Department and that the Treasury Department picked up the tab on this—his plane and hotel bill. He said 'don't ask me any nemes.'"

(According to travel records, Segretti criss-crossed the country at least 10 times during the second half of 1971. Stops included Miami, Houston, Manchester, N.H., Knoxville, Los Angeles, New York, Washington, Salt Lake City, Chicago, Portland, Ore., Albuquerque, Tucson, San Francisco, Monterey and several other California cities.)

According to Shiplay, Segretti was an unlikely choice for any undercover political work. "I didn't think he could do it because he's not that do it because he's not that kind of guy," said Shiplay. "Segretti doesn't have the right personality. He's a small guy with a big smile on his face all the time, kind of naive almost. I always assumed he was fairly liberal, but I don't think we ever had a political discussion."

Segretti told him one other major element about his covert work, said Shiplay: "He intended to go into a law firm near Los Angeles by the name of Young and Segretti—he said it was a cover, that he would be doing only political work."

According to the California Bar Association, Segretti's law office at 14013 West Captain's Row, Marina Del Rey, Calif.

There, in an apartment surrounded by comfortable furniture, piles of photographs records, tomato plants, a stereo system, a top deck and a 10-speed bike, Segretti was found last week by Post special correspondent Myers.

Questioned whether he knew Alex Shiplay, Roger Lee Nixt, Kenneth Griffiths or Peter Dixon, Segretti asked, "They?" Informed that they had said Segretti attempted to recruit them for undercover political work, he replied: "I don't believe it." Then he declined to answer a series of questions except to say either..."
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

Printed for the use of the
Select Committee on Presidential Campaign Activities
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
Mr. Segretti. Other than an attorney?
Senator Talmadge. By anyone.
Mr. Sherman. Well, I thought we just had a discussion that the question implies any person other than Mr. Segretti was communicating with.

Senator Talmadge. I didn’t ask him if the lawyer advised that; I asked him if anyone advised him to maintain a low profile.

Mr. Segretti. Perhaps this will answer that question or a part of it. I did have lunch with Mr. Chapin in the summer of 1972, between my grand jury appearance, and, I believe, the period of time when news stories started coming out about me, which was in October, and at that time I was certainly told to cease all activities, although they had pretty much ceased prior to that.

Senator Talmadge. Did you check out of a hotel under the name Segretti and register in another hotel under an assumed name?

Mr. Segretti. When was this, Senator?

Senator Talmadge. Shortly after the Watergate break-in in Washington, D.C.

Mr. Segretti. When I came to Washington, D.C., and met with Mr. Dean, I was staying at the Mayflower Hotel; staying there under my own name. After I talked with Mr. Dean, I checked out and flew back to Los Angeles and met with the agents.

Senator Talmadge. Before you left Washington, though, didn’t you register in another hotel under an assumed name?

Mr. Segretti. I did not.

Senator Talmadge. You did not?

Mr. Segretti. I did not.

Senator Talmadge. Now, were you advised that the Grecian Islands were pretty that time of the year and you might want to take a trip there?

Mr. Segretti. Senator, I think I now know what area you are talking about. That period of time was after the news stories about me started to come out. At that time I was instructed to fly to Washington, D.C., I did check into a motel under my own name. I was then instructed to check out of that motel because I was there under my own name. I had a meeting with Mr. Dean and Mr. Fielding and I was instructed to check into another motel under another name.

Senator Talmadge. Were you advised that the Grecian Islands were beautiful at that time of the year and it might be nice to take a trip there?

Mr. Segretti. There was a discussion of that but I took it more on the social level. [Laughter.]

Senator Talmadge. Were you offered a job in Jamaica?

Mr. Segretti. I was—subsequent to, it was after the election—I was.

It certainly sounded nice. [Laughter.]

Senator Talmadge. Were you advised to get on a train and travel around the country? Did you subsequently do so?

Mr. Segretti. I was advised—[Conferring with counsel.] Yes, sir.

Senator Talmadge. And you did?

Mr. Segretti. I did.

Senator Talmadge. Where all did you travel?

Mr. Segretti. I took a train from Washington, D.C., up to, I believe, Philadelphia, I am not sure, and I was to take a train—I had never
taken a train before and I was going to head back home, out West, and from Washington, D.C., to go to the west coast, you must take the train, I believe up to Philadelphia, transfer to Chicago and then take another train from Chicago to the west coast and that is what I did.

Senator Talmadge. By way of Houston, Tex., also, did you not?

Mr. Segretti. I don't know that that train goes through Houston or not.

Senator Talmadge. Washington, D.C., to Philadelphia, and from Philadelphia to Chicago, and from Chicago to Houston.

Mr. Segretti. I don't believe I went to Houston.

Senator Talmadge. You did not go to Houston?

Mr. Segretti. I believe it was some other town.

Senator Talmadge. Did you have a code name at the White House?

Mr. Segretti. I don't know. My code name when I called Mr. Chapin, I would use the name Don Morris.

Senator Talmadge. Do you know how many contacts that you had with Mr. Chapin from the time of October 5, 1971, to September 1, 1972?

Mr. Segretti. I would have to guess on that, Senator. The records would reflect that better than my memory.

Senator Talmadge. Would 47 calls from you to Mr. Chapin, not including the Chapin calls to you, seem about accurate?

Mr. Segretti. That could very well be. Although many of those calls were to his office and he was not in, and I would leave a message, and sometimes I would get a return call, and sometimes I would not right away, and perhaps there would be two or three phone calls along that line.

Senator Talmadge. Do you have the folder in front of you that includes tab 28 [exhibit No. 224]?

Mr. Segretti. Yes, sir.

Senator Talmadge. I ask you to look at that and see if you think that is probably correct.

Mr. Segretti. Yes, sir.

Senator Talmadge. Then, Mr. Chairman. I ask unanimous consent that that be appropriately numbered and marked as an exhibit in the record at this point.

Senator Ervin. I believe that will be received in evidence as an exhibit appropriately marked. My understanding is that all of these exhibits were identified.

Mr. Dash. Can we do that now. Mr. Chairman, since I have used the exhibits? In addition to tab 28 that Senator Talmadge has identified I would like all of these exhibits entered into the record at this time.

Senator Ervin. Am I correct in assuming that Mr. Segretti has identified all those exhibits?

Mr. Segretti. Yes. I will do that on the record. Senator.

Senator Ervin. Let the record show that all of the exhibits identified in the testimony of this witness will be received in evidence as exhibits and will be appropriately numbered by the reporter as such.

Mr. Sherman. Mr. Chairman. I might say that Mr. Segretti has obviously not been asked about each of these exhibits, and I don't even know that we have looked at each and every one of these exhibits. I am sure if Mr. Dash says that at some point in our interviews, he has
Now, if Mr. Dean had been Mr. Segretti's attorney, he would not have said he was going to give it to him, he would have just kept a copy.

I am going to hold that there is not sufficient evidence to justify the conclusion that any attorney-client relationship existed between Mr. Segretti and Mr. Dean. I am going to instruct you to answer the question.

Mr. Sherman. Then just for the record, because we feel there are other reasons which I have explained to Mr. Dash why this point is extremely important, because we feel Mr. Dean, without authorization and in his relationship, obtained information from Mr. Segretti and Mr. Segretti's Los Angeles lawyer and turned it over to this committee, and we feel there were violations on his part. If you are forcing the witness to answer under penalty of contempt of Congress if he doesn't, I would like to make an objection. And, of course, if he doesn't want to answer, he has no choice.

Senator Ervin. I hold that there's no privilege for several reasons. He certainly didn't ask Mr. Fielding and Mr. Dean both to be his witnesses.

Mr. Sherman. He is testifying that when he met with Mr. Dean and Mr. Fielding, he asked at that time if there was an attorney-client relationship because he wouldn't speak with Mr. Fielding present unless it was told to him that there was such a relationship.

Certainly if there is a secretary present in my office, that is part of the privileged communications, because she is an agent of the attorney at that time which Mr. Fielding was.

Senator Baker. Mr. Chairman, do I understand it to be the Chair's ruling that the witness and counsel have not made out a case to support attorney-client privilege?

Senator Ervin. Yes, I direct the witness to answer the question.

Senator Baker. And that the witness is instructed to answer Senator Weicker's question.

Is that the state of affairs?

Senator Ervin. Yes.

Mr. Segretti. I would be very happy to answer your question, Senator Weicker. However, I have really forgotten what it was.

Senator Weicker. Why don't you just go ahead and describe to the committee discussions held in the office located in the Executive Office Building on the night of October 10, at which place, Mr. Dean and Mr. Fielding and yourself were present?

Mr. Segretti. To the best of my recollection, the meeting lasted perhaps a half hour, perhaps an hour. He had a copy of the Post article that had just come out relating to allegations by Mr. Young. Mr. Dean read through that to me, line by line and paragraph by paragraph, and we discussed the truth or falsity of that article. At the end of that period of time, there was a brief discussion about me making a statement or writing up a statement to be considered the next day for release.

At about that point, to the best of my recollection, the meeting ended and Mr. Dean drove himself, and I believe Mr. Fielding was in the car, over to a hotel or motel in Crystal City here in Washington, at which time, I went in and checked in under another name. They waited in the car while I did that. Then I went back, got my luggage, and went to sleep.
The next morning—well, that is—

Senator WEICHER. Just go ahead in narrative form as you are doing now.

Mr. SEGREGTT. The next morning, I prepared a brief statement—I believe the next morning. I was pretty tired that evening. Mr. Fielding came by—it is hard for me to guess the time—9 o'clock, 10 o'clock in the morning. He had another statement that had been prepared by someone else—I don't know whether it was Mr. Dean or Mr. Fielding or others—essentially, that was a denial of most of the allegations.

Something was said to the effect that he wanted me to go over it and he had to take it back to a meeting at the White House. I don't believe I was ever told what the meeting involved or who was involved in the meeting, that type of thing, and he said, read over the statement, there was time pressure. He read over my statement at the time and he thought that my statement I had prepared was better.

I read over the statement, I made some corrections on it. There was some pressure of time, that is certainly clear in my mind, and he left.

Later on, Mr. Dean, I believe, came by where I was staying and stated something to the effect that the media people decided that things will die of their own volition rather than making any statement whatsoever.

Then there was a brief discussion at some point—I don't know whether it was then or later by phone—it is hard to recall fully; it was just a few weeks prior to the election—discussion about what I should do in the meantime, and there was a social discussion regarding how nice the Greek islands were at that time of the year. But I took it at that point to be more of a social discussion than anything else.

Then there was a discussion at some period about going back out West. I told him I wanted to go back to the Los Angeles area and decided for me to travel by train, and I did.

Senator WEICHER. During the course of the meeting on October 10, did you give essentially the details of your activities to Mr. Dean as you have given them to this committee—in essence?

Mr. SEGREGTT. Not in as much detail, but certainly the general outlines, yes.

Senator WEICHER. The broad outlines.

Mr. SEGREGTT. Yes.

Senator WEICHER. Now, may I read to you testimony which was given before this committee by Mr. Richard Moore. He is now referring to a meeting that took place on October 15.

I can perhaps summarize very quickly. We had that meeting on Friday. The story appeared Sunday and of course it was a major story. Monday morning, Mr. Ziegler would be subject to press, a lot of queries at his press conference (a); (b) I rather think Mr. Ehrlichman was going on one of the Sunday interview shows and there was a meeting in the Roosevelt Room to discuss both those things, how do we respond to this and frankly, Senator Weicker, we did think. I did, and most of us, that the thrust of it as far as the White House was concerned, Chapin's role of hiring his old college chum is what he called it, was wrong, is wrong, but we thought the meaning of it is apparent since to get it closer and closer on the Presidency required that there was a political thing in the story right in the political season and required, of course, an honest answer as we could make but also one that takes into consideration the charge was rather political so we met and discussed how it could be properly handled.

Now, the response, as I understand it, the brief denial by Mr. Ziegler that came forth on your story was as follows:
Mr. Moore. Mr. Ehrlichman.

Mr. Lenzner. Do you recall when he asked you to do that?

Mr. Moore. Yes, I recall that I think on the weekend—it was the St. Patrick's Day weekend, I think—February 16, [he said February, he meant March]—late in the day, he called me and said he had just left the President, who still was insisting that everything that anybody knew should be gotten out and would I take a crack at an outline or a preliminary report on the White House connection with Mr. Segretti so that we could see what it looked like. I think that that was probably dated March 22, if I am not mistaken.

Mr. Lenzner. Of 1973. But did you not have discussions in October of 1972 concerning Segretti?

Mr. Moore. Yes.

Mr. Lenzner. Who were those discussions with?

Mr. Moore. Well, the first discussions were with Mr. Ehrlichman, Haldeman, Ziegler, and I think Chapin, and myself.

Mr. Lenzner. How about Mr. Dean?

Mr. Moore. No.

Mr. Lenzner. Now, on June 7, and I do not want to quarrel with your memory, Mr. Moore, but on June 7, you told Mr. Lackritz and myself that the meeting was attended by John Ehrlichman, Ziegler, Mr. Haldeman, Mr. Dean and yourself; you issued a brief statement and you did not recall specifically that Mr. Chapin attended the meeting. But later in the interview you said he probably was there since he had the most information.

Does that refresh your recollection?

Mr. Moore. Yes, it does. I think Chapin probably was there. I was wrong about Dean. It turns out he was getting married at that moment, but he was not there.

Mr. Lenzner. Mr. Dean was not there?

Mr. Moore. No. He was invited but he was being married.

Mr. Lenzner. I take it you have had your memory refreshed by Mr. Dean’s appearance before this committee? Is that how you know that now?

Mr. Moore. Yes, when he talked about his honeymoon, I suddenly remembered that was the weekend when this Washington Post story was about to break.

Mr. Lenzner. After that, did you receive information from Mr. Chapin and Mr. Strachan involving their relationships with Mr. Segretti?

Mr. Moore. Yes.

Mr. Lenzner. And did you incorporate some of that information into what is now exhibit 34-44 that has been submitted to this committee by Mr. Dean? Is that your memorandum?

Mr. Moore. This was a draft that I prepared as a starting point for a report that Mr. Dean might make, or it could be—it was in response to the request I just told you about from Mr. Ehrlichman.

Mr. Lenzner. Now, let me ask you this. Did you ever discuss the events of June 17 with the President prior to the time that you had learned of Mr. Dean’s knowledge concerning those in March of 1973?

Mr. Moore. The—no.

I had better have that question read back.
paper. He was also interested in our thoughts about ways to present our story
to the Senate in terms of depositions, affidavits, or possible conferences or meet-
ing which would give the Senate all the information it wished, but which would
not cut across the separation of powers doctrine.

You may be aware of my keen concern that we find a way to avoid
the rocks and shoals of a constitutional confrontation between the
Congress and the White House on separation of powers and still have
access to unique information allegedly held by the President on cer-
tain depositions, conferences, or meetings. I am tantalized by this. My
question to you is was that in terms of the deposition of the President
or an affidavit of the President, or a conference between the President
and this committee? What was spoken of? I don't believe your state-
ment makes that clear.

Mr. Moore. That was spoken of in terms of Presidential assistants
and advisers.

Senator Baker. Well, then, I am disappointed. I thank you very
much.

Mr. Moore. Surely. I must come up again.

Senator Talmadge. Mr. Moore, as I understand it, you were all of
last year and are now special counsel to the President of the United
States.

Mr. Moore. Yes, Senator Talmadge.

Senator Talmadge. Some of your duties, as I understand your tes-
timony, related to public relations, briefing, conferences, press state-
ments.

Mr. Moore. Yes, sir.

Senator Talmadge. Taking advantage of trying to get the proper
statements in the news media, to get the President's posture before
the public in the correct manner. Is that a fair statement?

Mr. Moore. Yes, sir.

Senator Talmadge. Now, was a meeting held in the White House fol-
lowing the Chapin-Segretti story to respond to that story?

Mr. Moore. Yes, there was, sir.

Senator Talmadge. When?

Mr. Moore. The late afternoon of October 13, 1972.

Senator Talmadge. Who was in attendance at the meeting?

Mr. Moore. Mr. Ehrlichman, Mr. Haldeman, Mr. Ziegler, Mr. Cha-
pin for all or part, and myself.

Senator Talmadge. What was discussed there?

Mr. Moore. The subject was a memorandum from the Deputy Press
Secretary, Mr. Warren, saying that he had just received a call late
that afternoon from one of the reporters at the Washington Post to
the effect that they had, they were going to go with a story that they
had a signed statement from a man in California who would, who said
that Mr. Chapin was, along with Mr. Howard Hunt, the prime con-
tact for Mr. Segretti in his espionage or sabotage activities—I can't
quote the memorandum by word. but it may or may not have said that
Chapin was responsible for his hiring. But it also said, if I remem-
ber right, the reporter said that Mr. Chapin, the source in California
had also said that Mr. Chapin had traveled to Miami, where he met
with Mr. Howard Hunt and Mr. Segretti and that he had coached,
helped coached Segretti on the grand jury testimony.
Now, that was a very serious story to be published. I will say very quickly, much of it was not true, and that is why we were there. They wanted us to, they gave us the opportunity to comment.

Senator Talmadge. Did Mr. Chapin want to issue a factual statement about the matter at that time?

Mr. Moore. Yes, he did.

Senator Talmadge. Was a statement issued then?

Mr. Moore. A statement was issued that afternoon. Later that afternoon, it was given to the Post and it was included in a story which had happened—we were told it was going to run the next day. Actually, it was held over to run Sunday, October 15.

Mr. Talmadge. As I see the press statement here, “As a Washington Post reporter has described it, the story is based entirely on hearsay and is fundamentally inaccurate.” Is that the statement you issued?

Mr. Moore. Well, that is part of it.

Senator Talmadge. And you stand on the statement that it was hearsay and fundamentally inaccurate?

Mr. Moore. Well, I think if the statement were read in full, that would give a better flavor of what the thrust of it is.

Senator Talmadge. You state that it was inaccurate?

Mr. Moore. Yes.

Senator Talmadge. Now, did you afterwards write a report to the President about the Segretti matter?

Mr. Moore. I did not write a report to the President. I wrote a first draft of a report which could be the basis for perhaps further editing and so forth, as a starter for a possible public statement, which was a very rough draft.

Senator Talmadge. When did you make that report?


Senator Talmadge. Why were you so late in writing the report, Mr. Moore?

Mr. Moore. I was requested to write it 5 days before that—4 days before that.

Senator Talmadge. As I understand it, the report is already in the record of these hearings as exhibit 31. That is paragraph 7. It is attributed as your report. You may correct me if I am in error.

Mr. Moore. It was a draft report that would have been submitted to a conference, possibly improved or expanded and enlarged. It had to do with a starting draft for a possible public statement.

Senator Talmadge. Let me read paragraph 7. This is attributable to you, sir.

Kalmbach states that he made several payments to Segretti, most of them in cash, and that these payments were made during the period September 1971 to March 1972, and the total amount represented, both salary and expenses, is between $30,000 and $40,000.

Would you say now that that statement was hearsay and fundamentally inaccurate?

Mr. Moore. No, sir, but when I, the statement we issued on October 15 did not reflect this knowledge which we developed and which we are prepared to state.

*See Book 3, p. 1399.
However, I really think in fairness to Mr. Chapin, Senator, and
to anybody in the television audience who may be watching, I would
like to point out that the statement you read leaves out a very signifi-
cant—not intentionally, sir, but there is a little bit more to this.

The reporter told us what I said he told us. This was a story which
apparently, obviously, had been in the possession of the Washington
Post, but they chose to do it in series, apparently, where they had a
few days earlier come out with a major story, with a front page
picture of a man named Segretti who was presiding over a massive
espionage operation. Most of the things that were reported in there
were statements attributed to—by someone else to someone else. Yet
the impression was of a massive White House or pro-Nixon espionage
and sabotage campaign. I really think that I should outline this, be-
cause it is a matter of pure fairness.

That story set the stage. Then on the following Sunday, when the
circulation is the largest thing out, there was a front page picture
of the high White House aide who had this contact, who had been
named by a Mr. Young who happened to be—well, a Mr. Young who
told the reporter that Segretti had told him that. They were second
and third degree hearsay—that Mr. Chapin, and it was linked to
Mr. Hunt, were contacts and so on.

The total effect of the two stories was that Mr. Chapin, who sat
in the office next to Mr. Haldeman, was indeed that active director
of a massive espionage ring, which again, was based pretty much on
hearsay.

If you will note that, it says the story described to us by the reporter.
Now, that story described by the reporter said that Mr. Chapin had
gone to Miami and conferred with Howard Hunt and had coached
Segretti on his grand jury testimony. The statement we issued ex-
plicitly, firmly denied that.

What happened was the Post then did not print that part, but
they printed the denial. So what you had here was Mr. Chapin deny-
ing something that never happened and was never even alleged, be-
cause they dropped the allegation and left in the denial.

Now, moreover, the splash technique here, yes, it was hearsay. And
also, there were a lot of other names in the article, just of people who
went to the same college. In fact, some of them were wrong, didn’t
go to that college, belonged to the same fraternity. So, we felt the
total thrust of that Washington Post story was indeed fundamentally
inaccurate.

Mr. Chapin went on and admitted he had known Mr. Segretti,
known him since college. That was why that, the fact that we had
before us at that time, that is why that was issued. This happened to
be in that season—this was now October 15, with 3 weeks to go in the
election. We thought that timing had something to do with it.

Senator TALMADGE. This statement is dated October 15, 1972,
Mr. Moore. You stated that at that time, you didn’t have all of the facts.
Is that the reason you said it was fundamentally inaccurate?

Mr. Moore. No, sir. What I said was that the fundamental inac-
curacy, first of all, was this most serious inaccuracy of meeting with
Howard Hunt, we had heard about that from the chairman, and
coaching him on the grand jury testimony, which never happened.
In fact, Mr. Chapin never met Howard Hunt, never saw him.
Mr. Moore. Well, sir, my first inkling that this was a matter, the
burglar, of wiretapping that had some connection with the Com-
mittee To Re-Elect the President or people in it, put it that way.

Senator Weicker. All right.

Now, what was your relationship with Mr. Ziegler. In other words,
did you work with him in a press capacity?

Mr. Moore. Not in any official sense. Occasionally he calls me when
he wants an opinion on any question that he is going to have to dis-
cuss in a briefing, and it used to be rare. In the month of March when
things were beginning about then, I saw him a good deal more fre-
quently, and go over and discuss how he should respond to some of
these matters that were coming out of the Gray hearings, for example.

Senator Weicker. Did you work with him on his denial of the
newspaper stories relative to Segretti and Chapin?

Mr. Moore. Yes, sir.

Senator Weicker. In what capacity did you work with him in those
denials?

Mr. Moore. Like utility infielder capacity. They wanted a collective
judgment on how to respond to this phone call from the Washington
Post, and——

Senator Weicker. In other words, that was on October 15, 1972,
you did get involved in the Segretti aspects?

Mr. Moore. Yes.

Senator Weicker. Of the situation that confronts us. You see, I
just want to make clear one thing; I lump Mr. Segretti and all that
business in with Watergate. Sometimes, I don't want to be so narrow
as just include the break-in in the Watergate, all of them is the same
matter, I just want you to understand it. You did work with Mr.
Ziegler in the Segretti-Chapin matter back in October of 1972?

Mr. Moore. Yes.

Senator Weicker. Then again the matter came up relative to the
response that Mr. Segretti had been paid by Herbert Kalmbach, the
President's attorney. That was another matter that you worked with
Mr. Ziegler on, is that correct?

Mr. Moore. Response by Mr. Kalmbach?

Senator Weicker. By Mr. Ziegler, no, no, by Mr. Ziegler.

Mr. Moore. Mr. Ziegler?

Senator Weicker. To the stories relative to Segretti and Kalmbach?

Mr. Moore. I don't think I recall that. Was this a separate story you
are referring to?

Senator Weicker. This was the next day. this was all involved in the
same matter of Segretti, newspaper reports of the Segretti matter.

Mr. Moore. I can perhaps summarize very quickly. We had that
meeting on Friday. The story appeared Sunday, and of course it was
a major story. Monday morning Mr. Ziegler would be subject to press,
a lot of queries at his press conference (a); (b) I rather think Mr.
Ehrlichman was going on one of the Sunday interview shows and there
was a meeting in the Roosevelt room to discuss both those things, how
do we respond to this and frankly, Senator Weicker, we did think, I
did, and most of us, that the thrust of it as far as the White House
was concerned, Chapin's role of hiring his old college chum is what
he called it was wrong, is wrong but we thought the meaning of it
apparent since to get it closer and closer on the Presidency required
that there was a political thing in the story right in the political season and required, of course, as honest an answer as we could make but also one that takes into consideration the charge was rather political so we met and discussed how it could be properly handled.

Senator Weicker. All right.

Mr. Moore. That was a meeting of Sunday and I took part in that. That is, I told no—

Senator Weicker. In other words, to prepare an honest response?

Mr. Moore. Sure.

Senator Weicker. Which you have indicated it was obviously necessary to go into some of the background of these matters, is that correct?

Mr. Moore. Right.

Senator Weicker. Did you have occasion to talk to either Mr. Chapin or Mr. Segretti?

Mr. Moore. I have never met or talked to Mr. Segretti.

Senator Weicker. I see, and Mr. Chapin?

Mr. Moore. Yes.

Senator Weicker. And specifically about these matters?

Mr. Moore. Oh, yes.

Senator Weicker. So it is fair to say that insofar as the Segretti aspect of what confronts this committee, your knowledgeable to some extent, to some extent in October of 1972, is that not correct?

Mr. Moore. Knowledgeable from the standpoint of White House connection, not Segretti's operations.

Senator Weicker. And you did go into—the denial was a rather brief denial by Mr. Ziegler, as I recall. The denial read:

_ I will not dignify with comment stories based on hearsay, character assassination, innuendo or guilt by association. That is the White House position._

Now it doesn't take very long to go ahead and dream up or to contrive that particular answer. So clearly the discussions—and again, I compliment you in the performance of your duties in trying to be of assistance here, there had to be some basis for whatever action, whatever response was going to be given. I gather the conversations related to what went on?

Mr. Moore. Yes.

Senator Weicker. All right. So that as of October insofar as the conversations relative to the response by the White House, you were aware of the Segretti matter, maybe not totally but you were aware of some of—

Mr. Moore. I learned of the Segretti matter that week, read about it in the Washington Post, and got into it in that followup story.

Senator Weicker. All right.

Now, in Mr. Dean's testimony he makes a statement, and I would like to have your comment on it, that he attended with you a meeting on December 13, 1972.

Do you recall such a meeting?

Mr. Moore. I think I may have already testified that that meeting I don't recall very well. I have read about it. My independent recollection is very slim and I can—

Senator Weicker. I think it is very important. I really do.

Mr. Moore. Go ahead, I am not sure there wasn't much to the meeting is what I am trying to say but go ahead.
Also, everything was hearsay. The source was a young lawyer who happened to be a young Democratic politician, who told the reporter that somebody told him and that is what was published. And on that Monday, plus all the names of the people who also went to U.S.C. If you went to U.S.C., you were guilty of something, according to that article.

So that was a pretty good, pretty fair statement. And what else was said in that press conference—

Senator Weicker. Was it a fair statement relative to the newspaper articles or was it a fair statement in relation to the knowledge which you had acquired the day before?

Mr. Moore. I am sorry. Perhaps I had better have the question before I answer it.

Senator Weicker. The day before—

Mr. Moore. No; what was the question in response to? I don't happen to have the transcript of the Ziegler testimony. What was the question?

Senator Weicker. Earlier, at the daily morning White House briefing, Ziegler said, "I will not dignify with comment stories based on hearsay, character assassination, innuendo or guilt by association" adding, "That is the White House position. That is my position."

This is a general article—if you would like to have the whole article, I will be glad to submit it to you. It is entitled "GOP Hits Post for Hearsay".

Mr. Moore. Senator Weicker, I don't think the Post denied the hearsay. I think we should have put out a franker statement. It was not such a bad story from the White House point of view, unless it turns out that Mr. Segretti did illegal things, which I don't know what he did. The fact that one young man in the White House or two young men got the bright idea of getting a college chum to act as a Dick Tuck, who, as I say, has been identified as having been on the payroll of Senator McGovern in his campaign—this was wrong but it was not a major issue in this campaign to be turned into a tremendous issue. I noted it was just as the campaign practices, just put out their warning, their alert the day before; this is a season when you can expect stories that will be blown out of proportion, because there isn't time to answer them. The act of these two young men act of misjudgment happened. It was wrong.

Senator Weicker. And you knew about that on October 15?

Mr. Moore. Yes; I knew that Mr. Chapin had approved the hiring of Segretti.

Senator Weicker. All right. You knew about it on October 15. Therefore, the statement on October 16—never mind as to what the sources of the Post were or the press or anything else. Your own knowledge, of your own knowledge, due to a meeting held on October 15, you knew that this statement issued by Mr. Ziegler was either wrong or, from the phraseology which you have used, was misleading or a weaseled denial—let's put it that way.

Mr. Moore. It could be—yes. I think we are in the area of weasel words. I would be a lot better, I could be more helpful if I knew what it was he was not dignifying. The question he was responding to might have been a question saying, I assume that Mr. Haldeman was running the espionage operation. You know, I don't know what the question was.
In other words, the reporter’s question to which that was a reply could have been something quite offensive and quite wrong. I don’t know. But in any event, we should have, of course—Mr. Chapin’s instinct was right, let me put out my story and say what I did. We should have done it. But by the same token, had we done that, it would have been a victory for some, what I would call at least political journalism, in that the admission could not have been separated from the wild charges, including the false and irresponsible charge that Dwight Chapin had conspired with Howard Hunt to coach a man on his testimony. We took the view that we would issue a statement and that statement, in retrospect, if you looked at it under all those circumstances, was pretty fair.

I don’t know that we should have continued, but I still don’t know what he was not dignifying.

Senator Weicker. I will be glad to go ahead and submit to your counsel up there so they may look at the various documents.

Mr. Moore. I regret—I know Mr. Ziegler regrets—I won’t speak for him, but I know—any situation that—Mr. Ziegler didn’t have the facts that are in this report. I didn’t have the facts that are in this report. I later developed them, I later wrote them, I later urged that they be made public.

Senator Weicker. I want to state that these statements were stuck by after the Gray hearings, or during the course of the Gray hearings, around the first of March, when it became clear even from the FBI reports—

Mr. Moore. They were out before that. Those reports had been reported in Time and Newsweek much earlier.

Senator Weicker. What I am saying to you is the denial was reiterated around the first of March, after Mr. Gray appeared at his confirmation hearings and divulged the raw 302 file relative to Mr. Kalmbach. And even with that, even as a matter of public knowledge, the denial was reiterated.

Mr. Moore. Well, that was wrong. That was wrong. I didn’t know it had happened, if it did.

Senator Weicker. Very briefly, Mr. Mitchell testified as follows:

Mr. Thompson. Let me ask you to recall as specifically as you can exactly what he said to you concerning money.

This is relative to your visit with Mitchell.

Mr. Mitchell. Well, I don’t know as I can remember the specific phrase but there is one thought that sticks in my mind which may or may not be the exact words but it was something to the effect, you would not be interested in helping raise money in connection with these activities, would you?

It was more of a question than it was a plea and my answer to that was negative.

Mr. Thompson. What activities?

Mr. Mitchell. The activities, the payment for the support and the legal fees of the people that were involved in Watergate.

Mr. Thompson. Did he specifically mention support for the people involved in the Watergate?

Mr. Mitchell. Well, this was the general tenor of the subject matter; yes.

Mr. Thompson. Did you have any talk about—

Mr. Mitchell. Or at least I understood when he talked about raising funds that this is what they were talking about.

Would you comment on Mr. Mitchell’s testimony in that regard?

Mr. Miller. Could we have a copy? We can’t get our hands on it.
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
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Accordingly, I helped Kalmbach prepare for his FBI interview, and he later informed me it had gone well, that they had not asked questions unrelated to the Segretti matter, and he volunteered nothing.

On October 10, 1972, an article based on leaked FBI information reported the Segretti story for the first time publicly. Following the October 10 story there commenced a series of stories involving Chapin, Strachan, Kalmbach, and, later, Haldeman. These stories created a new frenzy in the White House press office as to how to deal with the stories.

On Friday, the 13th, I had left Washington to go to Florida to spend several weeks on a honeymoon, but was abruptly called back to Washington on Sunday, October 15, because of the cascading leaked stories regarding Segretti. When I returned, I went to the White House where a meeting was in session in the Roosevelt room. In attendance at the meeting were Ehrlichman, Ziegler, Buchanan, Moore, and Chapin. The purpose of the meeting was to prepare Ziegler for his press briefings on the Segretti-related stories. For a reason that I cannot explain, a secretary to Mr. Chapin was present and taking notes during parts of the discussions and hypothetical questioning and answering of Mr. Ziegler. I believe this is one of the rare occasions where the preparation of Mr. Ziegler briefing was actually recorded and I have submitted to the committee a copy of the notes recording parts of that session.

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

Mr. DEAN. I might also add that this session was not unlike many other sessions that had preceded it and that were to follow it in preparing Ziegler to meet with the White House press corps. It would, however, take me another 200 pages to give that story. After Segretti became the subject of intense inquiry by the press, Ehrlichman suggested that I advise Segretti to go incognito and hide from the press and avoid further stories that might result from press interviews of him. I so advised Segretti and he came to Washington in late October, because he was very distressed about the fact that a number of people were issuing what he considered to be inaccurate and false stories regarding his activities.

When Segretti arrived in Washington, he was met by Mr. Fielding and myself to discuss whether he should issue a press statement himself at that time. This subject was also discussed in a meeting at Mr. Chapin's office attended by Ziegler, Ehrlichman, Chapin, and myself, and later by Fielding after he had received a draft copy of Segretti's proposed press statement. It was decided that it would be unwise for Segretti to issue the statement, so he commenced his travels around the United States once again to avoid the press. Mr. Segretti would periodically call me to tell me that he was in some small town and had not seen a newspaper or television for several days and was curious to know what they were saying about him. I would give him a summary report as to the press coverage.

Following the election, I was asked by Haldeman and Ehrlichman to meet with Segretti to determine the extent of the involvement that Chapin and Strachan had had with him. Segretti at this time was in Palm Springs, Calif., where he had been spending the last week before the election in the desert. I arranged to meet with him on November 10 in Palm Springs, and had planned to spend a week myself relaxing after the election in Palm Springs. On November 10 I met with

*See p. 1200.
Mr. EHRLICHMAN [continuing]. Mr. Magruder and the Attorney General met with Mr. Dean and me.

Mr. DASH. Yes.

Mr. EHRLICHMAN. I don't recall any such meeting.

Mr. DASH. You did say the Attorney General reported to you concerning Mr. Magruder, did you not?

Mr. EHRLICHMAN. Yes.

Mr. DASH. And what did he tell you?

Mr. EHRLICHMAN. Just what I just testified, that they considered it an important conflict in the evidence as between Sloan and Magruder, and the way it looked to the Attorney General at that point in time. Mr. Magruder might take the fifth amendment.

Mr. DASH. Now, you were aware that on September 15 the indictment came down on the so-called seven defendants?

Mr. EHRLICHMAN. Yes.

Mr. DASH. You had a meeting with Mr. Haldeman on September 15. Did you discuss the indictment at that time?

Mr. EHRLICHMAN. Well, I did not have any extraordinary meeting with Mr. Haldeman on the 15th. That would have been just the early morning staff meeting, I assume, which would have included all of the department heads in the White House.

Mr. DASH. What time was that meeting?

Mr. EHRLICHMAN. 8 or 8:15 in the morning.

Mr. DASH. I think the diary we have on you shows a meeting of 11 in the morning. Does your diary show that?

Mr. EHRLICHMAN. I think that's correct. I do not know the purpose of that meeting, Mr. Dash. I have no idea. The indictments, however, the market around the White House sort of discounted that September 15 action, so to speak, by reason of the Attorney General's announcement of September 12 to the President and the Cabinet, to some of us assembled, that the seven suspects were the only ones who would be indicted. So I do not think the announcement on the 15th was in fact any news to discuss.

Mr. DASH. When did you first learn of Mr. Segretti's activities and the possible role of Mr. Chapin in those activities?

Mr. EHRLICHMAN. I think that was at the time it first began to be talked about in the press. I had not heard of Segretti as an individual prior to that time.

Mr. DASH. Then, did you hold any meetings involving that incident?

Mr. EHRLICHMAN. Involving what incident?

Mr. DASH. Mr. Chapin's role in the Segretti matter.

Mr. EHRLICHMAN. There were a number of meetings to determine what the White House news position or press position should be on that, yes.

Mr. DASH. Did you, as a result of those meetings, learn about Mr. Chapin's role with Mr. Segretti?

Mr. EHRLICHMAN. I am not sure that I learned about them in those meetings as such, but I did begin to learn more at the end of October and the first couple weeks of November, yes.

Mr. DASH. Did you participate in the preparation of the public statements concerning Mr. Chapin's role?

Mr. EHRLICHMAN. Yes, I did.
Mr. Dash. Is it not true that those statements did not, in effect, acknowledge Mr. Chapin’s role in either employing Mr. Segretti or having Mr. Segretti work for the campaign?

Mr. Ehrlichman. You say did not in effect, acknowledge?

Mr. Dash. Did not acknowledge.

Mr. Ehrlichman. Did not acknowledge? Well, I was under the impression that the material that was being worked on—and you have an exhibit and I think has my handwriting on it——

Mr. Dash. Yes.

Mr. Ehrlichman [continuing]. Had a couple of depositions that were, or affidavits that were, proposed to be attached which did make rather full and complete acknowledgement. Unfortunately, those were not released, but that would have been the form of release that I would have preferred.

Mr. Dash. But you recommended there be a full release of Mr. Chapin’s involvement?

Mr. Ehrlichman. Yes, sir.

Mr. Dash. Do you recall in September 1971 traveling with the President, I think you indicated you traveled with the President to Japan at that time.

Mr. Ehrlichman. No, sir.

Mr. Dash. When did you go to the President in Japan?

Mr. Ehrlichman. The President went to Hawaii to meet the Japanese Prime Minister in September. Is that what you mean?

Mr. Dash. Yes.

Mr. Ehrlichman. Yes, I did.

Mr. Dash. Did you accompany him?

Mr. Ehrlichman. Yes, sir.

Mr. Dash. Did you stop on your way at the Benson Hotel in Portland?

Mr. Ehrlichman. Well, we did sometime, and I cannot remember whether it was on that particular trip or not. My recollection is we went—let us see—no, we went right straight out and right straight back to Hawaii, went out on the 30th direct to Hickam, and we came back from Hickam direct to El Toro on September 1.

Mr. Dash. When, Mr. Ehrlichman, did you first become aware that Mr. Hunt was seeking Executive clemency?

Mr. Ehrlichman. I am not sure that I was ever aware in the terms that you have just framed your question, that Hunt was seeking Executive clemency, in those flat terms.

Mr. Dash. When——

Mr. Ehrlichman. I became aware after Mr. Colson had had his conversation with Mr. Bittman—Mr. Bittman had attempted to open a conversation with Mr. Colson on that subject which Mr. Colson says he refused to engage in.

Now, that is as far as that ever went in behalf of Mr. Hunt, so far as I know.

Mr. Dash. And you do not know of any assurances that Mr. Bittman or Mr. Hunt received from Mr. Colson concerning an Executive clemency?

Mr. Ehrlichman. Well, Mr. Colson stated to me precisely the opposite, that he had been very careful in not making any assurances to him.
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
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Walter S. Hensley and Associates
No. 34-13—(929) Copy of agenda prepared by Gordon Liddy for meeting of November 24, 1971, with Attorney General Mitchell and John Dean.  
No. 34-14—(931) Memorandum for Larry Higby from John Dean with attachments.  
No. 34-15—(932) White House memorandum for John Dean from Charles Colson concerning Howard Hunt, with attachment.  
No. 34-16—(933) FBI interview of Charles Colson.  
No. 34-17—(943) Memorandum for H. R. Haldeman and John Ehrlichman from John Dean re: O'Brien letter concerning special prosecutor.  
No. 34-18—(934) Memorandum for John Dean from Charles Colson: Chronology of Howard Hunt's activities.  
No. 34-19—(937) Memorandums re: Counteractions (Watergate) by Kenneth Parkinson and John Dean.  
No. 34-20—(939) Letter from Congressman Brown to Attorney General concerning Howard Hunt, with attachment.  
No. 34-21—(941) Memorandum for John Dean from Kenneth Parkinson re: 1972 political filings.  
No. 34-22—(941) Banking and Currency Committee notice of meeting change and subpoena list, with attachments.  
No. 34-23—(941) Letter to Congressman Patman from Assistant Attorney General Henry Petersen re: Extensive public hearings into financial aspects of Watergate "Bugging" incident.  
No. 34-24—(943) Question and answer conversation between Ziegler, Ehrlichman, Chapin, and Moore. Statement by Dwight Chapin.  
No. 34-25—(944) Memorandum for H. R. Haldeman from John Dean re: Watergate and Segretti, with attachment.  
No. 34-26—(945) Information on campaign spending—HRH and Dean, dated May 18, 1971.  
No. 34-27—(948) Memorandum for Herb Kalmbach from John Dean re: Bill from Jack Gleason's lawyer on Common Cause law suit.  
No. 34-28—(951) White House note to John Dean from Charles Colson: "Now what the hell do I do?" with attachment.  
No. 34-29—(974) Handwritten note to Mr. John Caulfield re: CIA taking the blame.  
No. 34-30—(976) Document entitled "Relevancy of Intercepted Communications".  
No. 34-31—(977) Message given by Sandra Greene to Mr. Gordon Liddy.  
No. 34-32—(980) Memorandum for the President from John Dean re: Congressional hearings regarding Watergate.  
No. 34-33—(981) Memorandum from H. R. Haldeman for John Dean re: Appointment of minority counsel to "Ervin Committee" with additional memos.  
No. 34-34—(988) Agenda—Matters to be discussed and resolved.  
No. 34-35—(989) Potential matters for discussion with Senator Baker (meeting to be totally off the record).  
No. 34-36—(990) Memorandum for H. R. Haldeman from John Dean, with attachment entitled "Talking Points for Meeting with the Attorney General".  
No. 34-37—(990) Memorandum for Larry Higby and John Dean from Jerry Jones. Subject: Options for Bob Magruder.  
No. 34-38—(991) Memorandum for the files from John Dean. Subject: Call from Secretary Dent re Bob Magruder.  
No. 34-39—(997) Draft letter addressed "Dear Mr. Chairman" from John Dean with oath attached to bottom of letter.  
No. 34-40—(1004) Typed conversation between Dean and Magruder with attached Camp David envelope.  
No. 34-41—(1004) Statement of charges against White House and Committee To Re-Elect the President officials.  

Note: Figures in parentheses indicate page that exhibit was officially made part of the record.
STATEMENT BY DWIGHT CHAPIN

As the Washington Post reporter has described it, the story is based entirely on hearsay and is fundamentally inaccurate.

For example, I do not know, have never met, seen, or talked to E. Howard Hunt. I have known Donald Segretti since college days but I did not meet with him in Florida as the story suggests and I certainly have never discussed with him any phase of the grand jury proceedings in the Watergate case.

Beyond that I don't propose to have any further comment.