06. Book II, Vol. 3: Events following the Watergate break-in, June 17, 1972 - February 9, 1973 (allegations involving Presidential interference with the official Department of Justice investigation)

Don Edwards
41. On June 28, 1972 Helms wrote a memorandum to Walters stating the substance of Helms' conversation with Gray. Helms stated the CIA still adhered to its request that the FBI confine its investigation to the persons already arrested or directly under suspicion and that the FBI not expand its investigation into other areas which might well eventually run afoul of CIA operations.

41.1 Memorandum from Richard Helms to Vernon Walters, June 28, 1972 (received from CIA).
41.1 Richard Helms memorandum

Basic Data—St. George's Allegations
16 November 1973, Senate Armed Services Committee Hearing
MEMORANDUM FOR: Deputy Director

SUBJECT: Watergate Affair

1. Acting Director Gray of the FBI 'phoned me this morning to cancel our meeting scheduled for 2:30 this afternoon. He indicated that he would not be able to get together until next week. I informed him that I would be away but that you would be available with the opportunity of this call to make two points to Acting Director Gray: 1) That I would appreciate his calling off interviews with Karl Wagner and John Caswell (this he agreed to do); and 2) that Kenneth Harry Dahlberg was no agent of the CIA and that we had no ties to him. I stated that our last verifiable contact with him was in May 1961. Acting Director Gray confirmed that this is the same Kenneth Dahlberg about whom he was inquiring as soon as I identified the gentleman as the President of Dahlberg Company in Minneapolis.

2. I informed this morning, in preparation for the scheduled meeting this afternoon, that the Agency is attempting to "distance itself" from this investigation and that I wanted them along as "reference files" to participate in the conversation when requested. I told them that I wanted no free-wheeling exposition of hypotheses or any effort made to conjecture about responsibility or likely objectives of the Watergate intrusion. "In short, at such a meeting, it is up to the FBI to lay some cards on the table. Otherwise, we are unable to be of help. In addition, we still adhere to the request that they confine themselves to the personalities already arrested or directly under suspicion and that they desist from expanding this investigation into other areas which may well, eventually, run afoul of our operations."

3. This brings you up-to-date as of 3:00, 28 June.

Richard Helms
Director
42. On June 28, 1972 Gray directed that the FBI interview Manuel Ogarrio and continue its efforts to locate and interview Kenneth Dahlberg. On that evening John Dean telephoned Gray at home and urged that, for national security reasons or because of CIA interest, Ogarrio and Dahlberg be held up. Gray thereafter cancelled the interviews.

42.1 L. Patrick Gray testimony, 9 SSC 3455-56.
Was not seen reason in good faith or to hinder FBI's discouraging activity in marriage of Baldy.
the FBI, and leaks from the FBI concerning the tracing of the $114,000. Once again I believe there was some discussion about Ogarrrio and Dahlberg and it is my recollection that I was asked if I had ordered the interviews of Ogarrrio and Dahlberg. I replied that I had either ordered or was going to order the interview of Ogarrrio. 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 afternoon to try to get this CIA situation resolved, but I cannot be positive that I did.

At 10:55 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 interviewed.

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 compartmentalization 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 controlled.

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 without 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. Ogarrrio and to continue 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 involved 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 legate 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 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 I 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.
43. On June 28, 1972 FBI agents met with Gordon Liddy, in the presence of FCRP attorney Kenneth Parkinson, to question Liddy regarding the break-in at the DNC headquarters. When Liddy declined to answer the agents' questions, he was discharged by FCRP Chairman Maurice Stans.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LAWRENCE F. O'BRIEN, et al., )
Plaintiffs )
v. ) Civil Action No. 1233-72
JAMES W. MCCORD, et al., )
Defendants )
Washington, D. C.

Thursday, August 24, 1972

Deposition of:

GEORGE GORDON LIDDY

called for examination by counsel for Plaintiffs, pursuant to
notice, at the office of Williams, Connolly & Califano, in
Hill Building, 839 - 17th Street, N.W., Washington, D. C.,
commencing at 12:10 p.m., before Gloria H. Horning, Notary
Public in and for the District of Columbia.

APPEARANCES:

For the Plaintiffs:

EDWARD BENNETT WILLIAMS, ESQ.,
HAROLD UNGAR, ESQ., and
J. ALAN GALBRAITH, ESQ.
(The witness and counsel conferred.)

THE WITNESS: No.

BY MR. WILLIAMS:

Q You said that you were dismissed from your position as Counsel for the Finance Committee to Re-elect the President on June 28, 1972.

Who dismissed you?

(The witness and counsel conferred.)

A To the best of my ability to ascertain it, it was Mr. Stans who dismissed me.

Q Would you explain that? To the best of your ability to ascertain it.

Don't you know who dismissed you?

(The witness and counsel conferred.)

A I am not sure who ordered it.

Q Who gave you the word?

(The witness and counsel conferred.)

A All right. This is the chronology of what occurred.

On or about the 28th of June at maybe 11 o'clock, I was informed by someone -- and I don't actually recall who it was -- that there were two Special Agents of the FBI who wished to interview me.

I was preparing to go out. They were in the waiting room or ante-chamber. I was preparing to go out and see them when...
I was told that I was wanted on a conference on some legal matters elsewhere. I went and attended that conference.

And I would say approximately an hour's time elapsed. So now we are at about noon.

I came back to the second floor there and checked back to see if there were any messages, what have you, and found that I was then free, went out and greeted the two Special Agents of the FBI, who were in the waiting room, brought them back to my office.

At that time -- retract that.

It was on the first occasion, I believe it may have been Mr. Kenneth Wells Parkinson who was present in the building, who told me that two agents wanted to interview me.

He then stated that as counsel for the committee a policy decision had been taken by the committee that he was to be present at all interviews of anyone having anything to do with the committee by Special Agents of the FBI or otherwise, and he would like to be present.

And I told him I had no objection to that. Thereafter someone told me that I had to go meet someone else in a conference on some legal matter. So I excused myself. I asked him -- him being Mr. Parkinson -- to please convey my apologies to the agents for the delay. And he said he would do so.

I came back. I got the two agents. We went back into my office on the second floor and Mr. Parkinson was present. There
was some pleasantries of the day expressed between myself and the two agents involving the fact that both of us had attended the same college and both had served in the same organization in the past.

And Mr. Parkinson was seated to the side taking notes. One of the agents said, in words of substance, that he desired to interview me with respect to the Watergate break-in matter, asked me if I knew certain individuals.

And at that time I said to him that it appeared to me that he had reason to believe a crime had been committed, that I gathered from what he was saying as he was saying it that I might be implicated in it, so on and so forth.

There arose in my mind immediately the question of fact that I was an attorney, that the attorney-client privilege might be involved, a number of other legal problems.

So I said to the agent that before he went any further, prior to any interview, I would like to obtain the services of an attorney, consult with him on what I believed were the possible legal problems involved and desired not to have any further conversation with him or with his companion agent until I had the benefit of counsel.

And there was a bit more colloquy and the agents left.

Thereafter Mr. Parkinson left my office, I continued on about my business, and then another individual came to see me, he may or may not have been accompanied by Mr. Parkinson.
I don't recall at this point.

And I believe it was Mr. Fred Larue, but I am not certain of his identity, and said, "Well, you know the policy of the committee is that any time any representative of any official investigative body wants to discuss any matter with any member of this committee that they cooperate completely."

I explained that I wanted to see my counsel and, in words of substance, I came to understand that this was not acceptable and that if I were to persist in this position that I had taken it might well lead to my dismissal.

I am just giving my best recollection now.

Thereafter I was told that Mr. Stans wanted to see me. This was the same afternoon we are talking, just in terms or an hour or two.

And Mr. Stans, I believe, was the man who told me, as would be normal and proper, inasmuch as he was my boss, that in view of the position I had taken, my services were no longer needed, or I would be dismissed, or I don't know the exact language.

Q You say you believe it was Mr. Stans.

Don't you remember who it was who fired you?

A I talked to Mr. Stans.

Q Wasn't he the one who fired you?

A I also talked to Mr. Larue and I also talked to Mr. Parkinson.

My best recollection is it was Mr. Stans.
Q Is there some doubt in your mind as to who it was who told you this?

A Well, the language of your question or as I recall your question was how did I come to know or something of that sort, you see, and that is why I went through this explanation for you.

It's my best recollection and understanding that the person who formally told me that I was no longer to be employed by the committee and so on and so forth was Mr. Stans.

Q Did Mr. Stans have a discussion with you with respect to your involvement, if any, in the Watergate break-in about which we are inquiring.

(The witness and counsel conferred.)

A I decline to answer that question on the ground that to do so might tend to incriminate me.

Q Did Mr. Stans know about your involvement in the Watergate incident prior to June 28?

MR. MAROULIS: I object to the form of that question. It assumes an answer. I won't permit my client to answer that.

BY MR. WILLIAMS:

Q Did you ever discuss with Mr. Stans, prior to June 28, the break-in of the Democratic National Committee at the Watergate?
On or about June 28, 1972 John Dean was informed that the FBI was attempting to interview Kathleen Chenow, the secretary of David Young and Egil Krogh in the White House Special Investigations Unit (the "Plumbers"). (The number of a telephone billed to Chenow at her home address but located in the EOB was contained in a personal book of telephone numbers of Eugenio Martinez and in an address book of Bernard Barker found in the Watergate hotel room that had been occupied by certain of the men arrested in the DNC headquarters.) 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 Cordon 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.

44.1 John Dean testimony, 3 SSC 941.

44.2 E. Howard Hunt testimony, SSC Executive Session, May 14, 1973, 311-12.

44.3 L. Patrick Gray testimony, 9 SSC 3455-56.

44.4 Pages from Bernard Barker address book and Eugenio Martinez telephone directory, Government Exhibits 38-A and 54-S-1, United States v. Liddy.

44.5 SSC report of Kathleen Chenow FBI 302 interview, July 3, 1972 (received from SSC).


44.7 Kathleen Chenow telephone records, 2/72 - 4/72 (received from SSC).
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, Kehlri, 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 Kehlri, who would not authorize such a trip on my word alone, that I had cleared this with Ehrlichman. I do not know if Kehlri 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.
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 than through the White House switchboard.

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

Mr. Hunt.

Mr. Dash.

Mr. Hunt.

Mr. Dash.

Mr. Dash.

Mr. Dash.

Mr. Dash.

Mr. Dash.

Mr. Hunt.

Mr. Dash.

Mr. Dash.

Mr. Dash.

Mr. Dash.

Mr. Dash.

This project?

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

Did she answer that telephone?

Yes.

When did the use of that telephone terminate?

I do not know.

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

Oh, no, sir.

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

Yes, approximately January of 1972.

And how did that come about?

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.

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

Yes, sir.

What was the name of that Company that you were working with?
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with the Committee.

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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

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WASHINGTON : 1973

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Washington, D.C. 20402 - Price $3
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BELOW ARE THE RESULTS OF THE EXAMINATIONS CONDUCTED BY THE IDENTIFICATION SECTION:

FROM THE TOP DRAWER OF DRESSER AT LEFT OF DOOR FROM ROOM 214

#262 A check in receipt for the Watergate Hotel for room 214 in name of F. Carter, IN 6/16, OUT 6/19, Firm Ameritas, 955 SW First, Miami, Fla. and signed by Frank Carter.

#263 A check in receipt for the Watergate Hotel for room 214 in name of J. Valdez, IN 6/16, OUT 6/19, Firm Ameritas, 955 SW First, Miami, Fla. and signed.

#264 A black or dark blue small book with "Addresses Telephones" in yellow lettering on front and on the first page "Bernard L. Barker, 5229 NW 4th Street, Miami, Fla. 33126; Office Barker Associated Inc. 2301 NW 7 St., Suites F & G, Miami, Fla. 33125", book contains various names, addresses and telephone numbers.

#265 A torn out piece of white lined paper headed "Addresses" with name "Carole Frohman, 865-0255".

#266 A black plastic folder containing (7) seven business cards in name of Bernard L. Barker, G.R.I., Realtor.

#267 A business card from E. Rolando Martinez, Associate of Barker Associates Inc., Realtors.

#268 A Sears Easy Payment Account Card #45 42313 76571 5 in name of Mr. Bernard L. Barker, 5229 NW 4th St., Miami, Fla. 33126.

#269 A social security card #213-07-0344 in name of Bernard Leon Barker.

#270 A Florida Operators License #B62509217097709A in the name of Bernard Leon Barker.

#271 A Sears Credit Card #45 91613 78290 4 in name of Mr. Bernard L. Barker.

#272 An American Express Credit Card, number 047 252 328 1 800AX in the name of Bernard L. Barker, Barker Associates Inc.

#273 A Standard Chevron National Travel Credit Card, number 110 319 250 4 in name of Bernard L. Barker.

#274 A Texaco Travel Credit Card, #19 414 3802 8 in the name of B L Barker.

#275 A Shell Credit Card, number 934 135 004 in name of B L Barker.
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![FBI Laboratory logo]
The below listed property recovered on Search Warrant by Detective Robert Denell, CID in room #214 of the Watergate Hotel on 6-17-72 and turned over to Technician Larry Muncy of the Mobile Crime Laboratory 6-20-72 at 0815 hrs.

ITEMS:

#167 One black with white metal trim "Samsonite" attache case.

(The attache case contained the following:)

#168 One brown and yellow metal "bate" list finder, model K, with "PFC Donnie Martinez, Co B, 2nd Tank Battalion, Force Troops, Camp Lejeune, North Carolina, 28542" written inside the top of the finder. (This item is known as a pop-up telephone directory.)

#169 One "1972 Realty Bluebook" with torn out page from desk calendar in same. Calendar page dated Monday, August 23rd and Tuesday August 24th, 1971. On the August 23rd side is written: "2511 N.W. 122 St."

#170 One green with yellow lettering "Expanded Payment Table for Monthly Mortgage Loans" with business card of "E. Rolando Martinez" attached to inside front cover.

#171 A black vinyl address book with "L&M Mortgage Co., 6500 W.4th Ave Suite 6, Hialeah, Florida, 822-7520" imprinted on same. In the "H" section of the book is a diagram of what appears to be a hotel lobby.

#172 Black leather business card holder containing business cards of "E. Rolando Martinez" and other subjects.

#173 U.S. Airmail Postage stamp holder with" six 11 cent Airmail stamps & six 2 cent stamps in same.

#174 A envelope from "Real Estate Directories" addressed to: "Judd Realty of Miami", containing real estate listings of the Miami area that are for sale.

#175 Envelope containing legal separation papers of Eugenio Rolando Martinez and Jean Marie Molecki DeGregorio Martinez. "Case 72-9254-J.W.Kehoe" (papers had not been signed but was to appear before Judge J.W. Kehoe of Dade County, Fla., June 27, 1972)
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. Deans 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. That 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 Slatters 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 parent address. The Alexandria, Virginia address telephone number as of the time of this interview was 836-1040.
Senator Byrd. Did you have contact with anyone employed by the Committee for the Reelection of the President?

Mr. Gray. Contact when or where or for what purpose?

Senator Byrd. At any time.

Mr. Gray. No; I had nothing to do with that committee.

Senator Byrd. You had no contact with any employee of that committee?

Mr. Gray. No. Except during the conduct of this investigation, the FBI did; we interviewed those people. But I had no personal contact. I had no telephone calls. I had no letters. I had no visits.

Senator Byrd. Irrespective of the Watergate investigation, did you have any contacts?

Mr. Gray. No.

Senator Byrd. Did you know anyone on the committee? Did you know anyone on the committee staff? Did you ever have any contact with them?

Mr. Gray. Sure; I knew those people—sure. I knew Bob Mardian and John Mitchell and Fred LaRue; I came to know those people after I came to Washington and after 1969. I did not know them before that.

Senator Byrd. When did you first learn of Mr. Liddy's involvement in the Watergate break-in?

Mr. Gray. I will have to give you the exact information because I did not provide myself with that kind of detailed information today and I will have to submit it. It probably came to me under an alias first and then probably came to me with his true name as we developed it. I know I have the names of the people who were arrested but those, as we know, were aliases as we later found out. But I will have to find the exact time that George Gordon Liddy's name was delivered to me, Senator.

Senator Byrd. And from whom?

Mr. Gray. And from whom; yes.

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

I find, Senator Byrd, upon checking the records, that on June 18, 1972, we first learned that one George Leonard, later identified as George Gordon Liddy, was registered at the Watergate Hotel with the group which was arrested at the Democratic Committee Headquarters. Extensive efforts, of course, were made to endeavor to identify Leonard. On June 25, 1972, Assistant Director Bates directed a memorandum to Acting Associate Director Felt which stated that at 12:50 P.M. that date, SAC Kunkel had called to advise that those people were located by tracing telephone calls of Martinez and Barker, one of the numbers called at the Committee to Reelect the President was that of Mr. Gordon Liddy. Our agents attempted to interview Liddy that day but he refused to be interviewed. Subsequently, on July 3, 1972, Liddy's photograph was positively identified as being the individual known as George Leonard.

Senator Byrd. Were you aware that Mr. Liddy was a former FBI agent and that he was finance counsel for the Committee to Re-Elect the President at the time of the Watergate break-in?

Mr. Gray. No; I was not. I did not even know Mr. Liddy.

Senator Byrd. You did not know him personally?

Mr. Gray. No, sir; I did not.

Senator Byrd. Even through the Committee to Re-Elect the President?

Mr. Gray. No, sir; I did not.
MEMORANDUM

Kathleen Chervow

United States Senate

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**SUB TOTAL**

**CUMULATIVE NET MONTHLY CHANGE** 1180CR
45. On June 28, 1972 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. 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.

45.1 John Ehrlichman log, June 28, 1972 (received from SSC).

45.2 L. Patrick Gray testimony, 9 SSC 3467.

45.3 John Ehrlichman testimony, 7 SSC 2835-36.

45.4 John Ehrlichman testimony, 6 SSC 2614.

45.5 John Dean testimony, 4 SSC 1362-65.

45.6 Extract from Court proceedings, November 5, 1973, United States v. Liddy, 1, 3-4.
MONDAY, JUNE 26, 1972

8:00  HRH office
3:15  Roosevelt Room
10:00 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
House, Department of Justice, and CIA on the subject of retrieval by
the CIA of CIA information furnished to the Department of Justice.

THE HOWARD HUNT FILES

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

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

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

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

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

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

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

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

Although my memory is not perfectly clear on this, I believe Mr.
Dean then left Mr. Ehrlichman's office and I stayed for 5 or 10 minutes

[944]
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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $1
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 23rd 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. 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. Kilduhrn. 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.
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 said 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?
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 they 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, 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. Kehlri 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 questioned 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 those 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 en route up. 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 were 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 Gurney. 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 Gurney. 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 Gurney. You do not recall two conversations with Mr. Gray, either meeting with him in his office or 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 Gurney. 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 Gurney. 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 Gurney. 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 Gurney. 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 Gurney. 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.  

E. HOWARD HUNT  

JAMES W. MCCORD  

BERNARD L. BARKER  

EUGENIO R. MARTINEZ  

FRANK A. STURGIS  

VIRGILIO H. GONZALEZ  

Defendants.]


Before THE HONORABLE CHIEF JUDGE JOHN J. SIRICA for 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. FENSTERWALD, ESQ.

DANIEL E. SCHULTZ, ESQ.

NOTEREAD BY  
Marian Farnham  

JACK MAHER  

COURT REPORTER  

PAGES 1 - 123  

PREPARED FOR:  
HOUSE JUDICIARY COMMITTEE
THE DEPUTY CLERK: Criminal Action No. 1827-72,
United States of America versus R. Howard Hunt, James W. McCord,
Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis and
Virgilio R. Gonzales.

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

Mr. Sidney Sachs, counsel for Mr. Hunt.

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

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

THE COURT: Mr. Shultz --

MR. SHULTZ: Yes, Your Honor.

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

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

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

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

THE COURT: Yes.

MR. BEN-VENISTE: Your Honor, this is in connection
with the motion made by the defendant Hunt and it relates to
evidence which has recently come into our possession from John W. Dean III. As you know, Your Honor, Mr. Dean pleaded guilty on October 19th before this Court and following that time we had occasion to interview him from time to time but the developments over the last few weeks inhibited us to some extent from doing that as thoroughly as we would like. However, last Friday, while we were in Court, members of our staff interviewed Mr. Dean and questioned him with respect to the contents of Mr. Hunt’s safe. This was the first occasion on which members of the Special Prosecution Force had the opportunity to question him about this matter. Mr. Dean related that at some time in late January, 1973, he discovered a file folder in his office containing the President’s estate plan, two cloth-bound notebooks with cardboard covers and lined 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-d 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

46.1 Tape recording of a portion of a meeting among the President, H. R. Haldeman and John Mitchell on June 30, 1972 and House Judiciary Committee transcript thereof.

From Judge Brinca, pt he felt was rel to W.G.

This is same day Mitchell left job.

First recording Pres discussing W.G.
46.1 See "Transcript Prepared by the
Impeachment Inquiry Staff for the
House Judiciary Committee of Ex-
cerpts from a Recording of a
Meeting among the President, H.R.
Haldeman and John Mitchell on
June 30, 1972."
47. On July 2, 1972 Fred Fielding, staff assistant to John Dean, flew to England where Kathleen Chenow was vacationing to bring Chenow back to Washington. On or about July 3, 1972 Chenow discussed her forthcoming FBI interview with Fielding and Plumbers Unit member David Young. Dean and Fielding were present when the FBI interviewed Chenow.

47.1 John Dean testimony, 3 SSC 941.
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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[968]
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 16 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, Kehlri, 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 Krogd 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 Kehlri, who would not authorize such a trip on my word alone, that I had cleared this with Ehrlichman. I do not know if Kehlri 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 portion of Mr. Dean’s prepared statement which were omitted or summarized in his presentation.
48. On July 5, 1972 at 5:54 p.m. Acting FBI Director Gray phoned Deputy CIA Director Walters and stated that, unless the CIA provided by the following morning a written rather than the verbal request to refrain from interviewing Manuel Ogarrio and Kenneth Dahlberg, the FBI would go forward with those interviews. At 10:05 a.m. on July 6, 1972 Walters met with Gray and furnished Gray a memorandum indicating that the CIA had no interest in Ogarrio or Dahlberg. Gray then ordered that Ogarrio and Dahlberg be interviewed. At 10:51 a.m. Gray called Clark MacGregor, Campaign Director of CRP, who was with the President at San Clemente, California. Gray has testified that he asked MacGregor to tell the President that Gray and Walters were uneasy and concerned about the confusion during the past two weeks in determining whether the CIA had any interest in people whom the FBI wished to interview in connection with the Watergate investigation. Gray also has testified that he asked MacGregor to tell the President that Gray felt that people on the White House staff were careless and indifferent in their use of the CIA and FBI, that this activity was injurious to the CIA and the FBI, and that these White House staff people were wounding the President. MacGregor has denied both receiving this call and the substance of it as related by Gray, but has testified to receiving a call from Gray on another subject the previous evening or possibly that morning. (By letter of July 25, 1973 to Archibald Cox, J. Fred Buzhardt stated that the President's logs do not show any conversations or meetings between the President and Clark MacGregor on July 6, 1972. The President's log for that date shows meetings between the President and MacGregor
from 10:40 a.m. to 12:12 p.m., Pacific time.) At 11:28 a.m. the President telephoned Gray. Gray told the President that he and Walters felt that people on the President's staff were trying to mortally wound the President by using the CIA and the FBI. The President responded by instructing Gray to continue to press ahead with the investigation.

48.1 L. Patrick Gray log, July 5, 1972 (received from SSC).

48.2 L. Patrick Gray testimony, 9 SSC 3457-58.

48.3 L. Patrick Gray log, July 6, 1972 (received from SSC).


48.5 Vernon Walters memorandum for record, July 6, 1972, Exhibit No. 97, 7 SSC 2913-14.

48.6 Memorandum from Vernon Walters to Acting Director of the FBI, July 6, 1972, Exhibit No. 142, 9 SSC 3850-52.

48.7 Clark MacGregor testimony, 12 SSC 4914-19.

48.8 Letter from Archibald Cox to J. Fred Buzhardt, July 10, 1973 and letter from J. Fred Buzhardt to Archibald Cox, July 25, 1973 (received from Watergate Special Prosecutor).

48.9 President Nixon daily diary, July 6, 1972 (received from White House)

48.10 John Ehrlichman testimony, 7 SSC 2783-84.


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**Director:**

**IN:**

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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
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WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
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the conflicts to date in CIA interest or not, and the compartmentalization
alleged to exist in CIA.

Mr. Dean called at 2:40 p.m. and I merely told him that I was in a
meeting and that I would return his call.

In this meeting I stated that I was not going to hold off any longer
on this phase of our investigation at the request of anyone unless I
received from CIA a written request not to interview Mr. Ogarrio
and Mr. Dahlberg.

I returned Mr. Dean's call at 3:50 p.m., and he called me again at
4:14 p.m. I believe it quite likely that in one of these phone calls I told
Mr. Dean that the FBI was going to interview Ogarrio and Dahlberg
unless we had a writing from the CIA requesting that we not do so.

On Wednesday, July 5, at 5:54 p.m., I telephoned General Walters.
My contemporaneous notes of this call read as follows:


TCT General Walters.
(Dick Walters)
1. I will need a request in writing rather than the verbal request to refrain
from interviewing Ogarrio and Dahlberg because of CIA interest.
2. Position of developing investigation indicates there is CIA involvement in
that some of these men have been used by CIA in part and there is indication
some are currently being used; there is the dollar chain either CIA or political;
I do not want to uncover surface a CIA national security operation in pursing
these leads, but I must for the record have in writing from CIA a request
to refrain on the basis of national security matters or I must proceed.
3. He stated that he would respond not later than 10 a.m. tomorrow.
4. I said that I would order the interviews if I did not have the writings
by 10 a.m.

At the bottom of this telephone memorandum I have written "gave
above info to JVD, WMF, CWB, from 6 p to 6:10 p.," and those men
are Messrs. Dean, Felt, and Bates.

At this point I would like to comment on General Walters' memo-
randum of this phone call which I believe is in evidence before this
committee.

With respect to General Walters' statement that I told him that
"the pressures" on me "to continue the investigation was great," I am
quite certain that I did not so express myself. It is entirely possible,
however, that on the limited question of the alleged impact of the
investigation on CIA/national security matters, the only topic Gen-
eral Walters and I were discussing, I may have expressed the thought
that the leads to Messers. Ogarrio and Dahlberg were clear and that
their interviews were a necessity which only the clearest expression of
national security interest should prevent and that the FBI, for the
sake of its own integrity, would refrain from conducting the inter-
views only if we received such a written request from the CIA.

With respect to General Walters' statement that "he [Gran] had
talked to John Dean," while I have no specific recollection of telling
General Walters that I had talked to John Dean, it is entirely likely
that I did tell General Walters that I had informed Mr. Dean that
the FBI was going to interview Messrs. Ogarrio and Dahlberg unless
we had a writing from the CIA requesting that we not do so.
On Thursday, July 6, 1972, I met with General Walters in my office. I remember that he delivered to me the writing that I requested and I remember that it indicated the CIA had no interest in Ogarrrio or Dahlberg. After reading the document, I concluded that there was no reason for us to not interview Messrs. Ogarrrio and Dahlberg. When General Walters departed my office at about 10:25 a.m. or 10:30 a.m., I ordered the interviews of Ogarrrio and Dahlberg immediately.

My recollection of the conversation with General Walters at this meeting differs with his in several respects.

My principal recollection is his preoccupation with the fact that he was unable to give me a writing stating that there was a CIA interest in Ogarrrio and Dahlberg and his telling me that he would resign if he were asked or directed to give me such a writing. He reported this thought to me several times during our conversation.

I recall that General Walters indicated a feeling of irritation and resentment at the extent to which White House aides had involved themselves in the question of CIA interest but I do not recall his giving me any details and I have absolutely no recollection of his disclosing to me that he had been instructed to bring a false report to me. I asked for no details.

I, too, was concerned and disturbed at the contradictory reports I had been receiving from Director Helms, Mr. Dean, and General Walters with respect to CIA interest and at the abrupt cancellation by Mr. Ehrlichman of the meeting I had scheduled with Director Helms and General Walters on June 28. I undoubtedly so expressed myself to General Walters.

My recollection is that he and I then engaged in a general discussion of the credibility and position of our respective institutions in our society and of the need to insure that this was maintained. Toward the end of the conversation, I recall most vividly that General Walters leaned back in the red overstuffed leather chair in which he was sitting, put his hands behind his head and said that he had come into an inheritance and was not concerned about his pension, and was not going to let “these kids” kick him around any more.

We stood up together as he prepared to leave. I cannot recall which one of us suggested that we ought to call the President to tell him of this confusion and uncertainty that had been encountered in determining CIA interest or no CIA interest. I believe it was General Walters who suggested it first, because I can firmly recall saying to him, “Dick, you should call the President, you know him better than I.” I believe he said, “No, I think you should because these are persons that FBI wishes to interview.” We did not settle on who, if anyone, would make such a call and General Walters left.

At this point I would like to comment on some aspects of General Walters’ memorandum of our meeting of July 6.

(a) With respect to General Walters’ assertion in paragraph 1 that “in all honesty I—Walters—could not tell him to cease future investigations on the grounds that it would compromise the security interests of the United States. Even less so could I write him a letter to this effect.”

We did not at any time discuss a curtailment of the entire investigation. In our telephone conversation on July 5 I had asked him specifically about Messrs. Ogarrrio and Dahlberg and had said to him that in
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<th>VIA</th>
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<td>9:16</td>
<td>SA CORBETT E. HARDY, JR.</td>
<td>Res. Saw Mr. Gray</td>
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<td></td>
<td>Mr. RATES</td>
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<td>9:44</td>
<td>Mr. KEITH CLEARWATER</td>
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<td>9:48</td>
<td>SA LAWRENCE T. GULLEY</td>
<td>Res. Saw Mr. Gray</td>
<td>RET</td>
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<td>KURTZ PHOTOGRAPH</td>
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<td>10:05</td>
<td>Miss Helen F. Heidenauer</td>
<td>Res. Saw Mr. Gray</td>
<td>RET</td>
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<td>Russian Photographers</td>
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<td>10:05</td>
<td>LT. GEN. VERNON A. WALTER</td>
<td>Res. Saw Mr. Gray</td>
<td>RET</td>
<td>LT. CLARK PROCEDE OUT</td>
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<td>10:47</td>
<td>Mr. J. GRAY</td>
<td></td>
<td>To 9236 To 9348</td>
<td>RET</td>
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<td>10:52</td>
<td>Mr. J GRAY</td>
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<tr>
<td>11:00</td>
<td>Maj. W. B. SULLIVAN</td>
<td>Res. Saw Mr. Gray</td>
<td>RET</td>
<td></td>
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<tr>
<td></td>
<td>Maj. HARRY FISHER</td>
<td>The Left Word</td>
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<td>11:25</td>
<td>President Nixon</td>
<td>The Spoke To Mr. Gray</td>
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<td>Mr. J GRAY</td>
<td></td>
<td>To 9236 To 9348</td>
<td>RET</td>
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<tr>
<td>11:54</td>
<td>S. D. GRAY</td>
<td></td>
<td>To 9236 To 9348</td>
<td>RET</td>
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<td></td>
<td>(SAN DIEGO COUNTY TRIBUNAL)</td>
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<td>11:47</td>
<td>Mr. FRANK S. STONE</td>
<td>The RED Mr. Bench</td>
<td>RET</td>
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<td>(BAYWOOD, N.Y.)</td>
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<td>12:14</td>
<td>Mr. WALTER KOSINOW</td>
<td>The Left Word To 9236</td>
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<td></td>
<td>(D.P.)</td>
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<td>1:14</td>
<td>Mr. RICHARD PAUL</td>
<td>The Left Word To P.O.</td>
<td>RET</td>
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<td>7:12</td>
<td>Mr. CHANCE, F.</td>
<td>The Left Word To C.</td>
<td>RET</td>
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(Continued on Next Page, E.)

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<td>Mr. Richard L. Wright</td>
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<td>Executive Conference</td>
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<td>MR. Gray declined</td>
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<td>5:13</td>
<td>Mr. Bob Smith</td>
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<td>Told spoke to Mr. Kinney</td>
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**DIRECTIONS:**

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**OUT:**
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

General Walters. I think so, but I would just like to state Agency involvement could not be hidden because the Cubans could not be sustained. I should have corrected Mr. Dean at this point and said this was not what I was meaning. I was advancing a theory, but I did not correct him.

Mr. Dash. You have read your memorandum and I have an exact copy of the memorandum here. I would like to show it to you—dated June 29 covering your meeting with Mr. Dean on June 28—and ask you to look at it and indicate if this is a copy.

General Walters. Yes, it is.

Mr. Dash. Mr. Chairman, may I have this memorandum marked as an exhibit and received in evidence?

Senator Ervin. It will be appropriately numbered as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 132.]

Mr. Dash. Did you receive, General Walters, a call from Mr. Gray on July 5?

General Walters. Yes.

Mr. Dash. 1972?

General Walters. Yes, Mr. Dash. I did. At 5:50 in the evening.

Mr. Dash. Could you tell us briefly what that call was about?

General Walters. I believe that Mr. Gray said to me at this point that the pressures were mounting to continue the investigation and that unless he received a written letter from Mr. Helms or from me to the effect that the further pursuit of this investigation in Mexico would uncover CIA assets or activities he would have to go ahead with the investigation. I did not wish to discuss this with Mr. Gray over the telephone. I told him I would come down and see him the first thing the next morning. This was at the end of the business day. It was at 5:50 in the evening.

Mr. Dash. Did you go down the next morning and see him?

General Walters. Yes, I did.

Mr. Dash. Would you briefly tell the committee what the nature of your conversation was with Mr. Gray at that time?

General Walters. I told Mr. Gray right at the outset that I could not tell him and even less could I give him a letter saying that the pursuit of the FBI's investigation would in any way jeopardize CIA activities in Mexico. I told him I had to be quite frank with him. I recounted the meeting with Mr. Haldeman, Mr. Ehrlichman. I told him that I had seen Mr. Dean on three occasions, that I had told Mr. Gray what Mr. Dean had told me. Mr. Gray seemed quite disturbed by this, and we both agreed that we could not allow our agencies to be used in a way that would be detrimental to their integrity.

Since I am discussing what someone else said I would like to refer here to my memorandum. Now this memorandum, unlike the others was written, I believe, on the same day that I saw Mr. Gray.

Mr. Dash. Yes, would you refer to your memorandum and read what you want from it?

General Walters. I think basically this was it. I said I could not give him a letter to this effect. I could not tell him this and I could not give him a letter to the effect that further investigation would compromise assets of the CIA. He said he understood this. He himself had told Ehrlichman and Haldeman that he could not possibly suppress the investigation in the matter; even within the FBI there were leaks.

*See p. 3819.
He had called in the components of his field office and chewed them out for these leaks. I said the only basis on which he and I could deal was absolute frankness and I wished to recount my involvement in the case. I told him of a meeting at the White House with Mr. Helms. I did not mention Haldeman or Ehrlichman’s name. I told him that I had been directed to tell him that the investigation of this case further in Mexico could compromise some CIA activities. Subsequently, I had seen Mr. Dean, the White House counsel, and told him that whatever the current unpleasant implications of the Watergate were that to implicate the Agency would not serve the President, would enormously increase the risk to the President. I had a long association with the President, and was desirous as anyone of protecting him. I did not believe that a letter from the Agency asking the FBI to lay off this investigation on the spurious grounds that it would uncover covert operations would serve the President.

Such a letter in the current atmosphere of Washington would become known and could be frankly electorally mortal. I said quite frankly, I would write such a letter only on direction from the President and only after explaining to him how dangerous I thought his action would be to him, and if I were really pushed on this matter I would be prepared to resign. Mr. Gray thanked me for my frankness. He said he could not suppress this investigation within the FBI. He had told Mr. Kleindienst this, he had told Mr. Ehrlichman and Mr. Haldeman that he would prefer to resign, but that his resignation would raise many questions. It would be detrimental to the President’s interest. He did not see why he or I should jeopardize the integrity of our organization to protect some middle-level White House figure who had acted imprudently. He was prepared to let this go to Ehrlichman, to Haldeman, or to Mitchell. He felt it was important that the President should be protected from his would-be protectors. He had explained to Dean as well as to Haldeman and Ehrlichman; he had explained this.

Finally, I said that if I were directed to write a letter to him saying the future investigation of this case would jeopardize the security of the United States in covert operations of the Agency I would ask to see the President and explain to him the disservice I thought this would do to his interest. The potential danger to the President of such a course far outweighed any protective aspects it might have for other figures in the White House and I was quite prepared to resign on this issue. Mr. Gray said this was a very awkward matter for this to come up at the outset of our tenure, he looked forward to good relations between our two agencies, thanked me for my frankness and that was it.

Mr. Dash, I would like to show you a copy we have of your memorandum of July 6, covering your meeting on July 6 and ask you if this appears to be a correct copy.

General Walters. Yes; it does.

Mr. Dash. Mr. Chairman, may we have this exhibit marked and received in evidence?

Senator Ervin. This memorandum was previously marked as exhibit No. 97 and is already part of the record.

*See Book T, p. 2013.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 26, 27, AND 28, 1973
Book 7

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

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3
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<tr>
<td>97</td>
<td>(2713) Memorandum for the record of Gen. Vernon A. Walters (CIA) dated July 6, 1972, re: Meeting with Acting FBI Director L. Patrick Gray at 1005 hours on July 6, concerning Watergate matter.</td>
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<tr>
<td>98</td>
<td>(2730) Ehrlichman's handwritten notes re: His investigation into Watergate affair.</td>
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<td>(2748) Ehrlichman/Kleindienst taped telephone conversation.</td>
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<td>100</td>
<td>(2773) Notes of meeting with Herb Kalmbach, April 6, 1973, in San Clemente, Calif.</td>
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<td>102</td>
<td>(2786) Ehrlichman taped telephone conversation with Pat Gray, March 7 or 8, 1973; also taped telephone conversation with John Dean immediately following Gray conversation.</td>
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<tr>
<td>103</td>
<td>(2786) Ehrlichman taped telephone conversation with Pat Gray. (No date shown.)</td>
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<td>104</td>
<td>(2796) Letter from Robert W. Barker to Senator Ervin concerning &quot;Million Dollar Secret Fund&quot; allegation, with attachments.</td>
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<td>105</td>
<td>(2500) Congressional Record insert (pages S5011-S5924) re: &quot;Practice by Executive Branch of Examining Individual Tax Returns&quot;.</td>
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<td>106</td>
<td>(2813) White House &quot;Eyes Only&quot; memorandum dated October 2, 1972, from John Ehrlichman to John Dean re: Herbert Kalmbach written retainer arrangement enclosing handwritten draft letter.</td>
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<tr>
<td>107</td>
<td>(2913) Ehrlichman taped telephone conversation with Clark MacGregor.</td>
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<td>108</td>
<td>(2927) Ehrlichman taped telephone conversation with Ken Clawson.</td>
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<td>109A</td>
<td>(2908) Sworn statement of Bernard Fensterwald, Jr.</td>
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MEMORANDUM FOR RECORD

At 1005 on 6 July I saw Acting FBI Director L. Patrick Gray at his office. We were alone during our conversation. I handed him the Memorandum which is attached and said that it covered the entire relationship between the Watergate suspects and the Agency. In all honesty I could not tell him to cease future investigations on the grounds that it would compromise the security interests of the U.S. Even less so could I write him a letter to this effect. He said that he fully understood this. He himself had told Ehrlichman and Haldeman that he could not possibly suppress the investigation of this matter. Even within the FBI there were leaks. He had called in the component of his Field Office in Washington and “chewed them out” on this case because information had leaked into the press concerning the Watergate Case which only they had.

I said that the only basis on which he and I could deal was absolute frankness and I wished to recount my involvement in this case. I said that I had been called to the White House with Director Helms and had seen two senior staff assistants. (I specifically did not name Haldeman and Ehrlichman.) I said that we had been told that if this case were investigated further, it would lead to some awkward places, and I had been directed (the implication being that the President had directed this although it was not specifically stated) to go to Acting Director Gray and tell him that if this investigation were pursued further, it could uncover some ongoing covert operations of the Agency. I had done this. Subsequently, I had seen Mr. Dean, the White House Counsel, and told him that whatever the current unpleasant implications of the Watergate Case were, that to implicate the Agency would not serve the President but would enormously increase the risk to the President. I had a long association with the President and was as desirous as anyone of protecting him. I did not believe that a letter from the Agency asking the FBI to lay off this investigation on the spurious grounds that it would uncover covert operations would serve the President. Such a letter in the current atmosphere of Washington would become known prior to election day and what was now a minor wound could become a mortal wound. I said quite frankly that I would write such a letter only on direction from the President and only after explaining to him how dangerous I thought such an action would be to him and that, if I were really pushed on this matter, I would be prepared to resign.
Gray thanked me for my frankness and said that this opened the way for fruitful cooperation between us. He would be frank with me too. He could not suppress this investigation within the FBI. He had told Kleindienst this. He had told Ehrlichman and Haldeman that he would prefer to resign, but his resignation would raise many questions that would be detrimental to the President's interests. He did not see why he or I should jeopardize the integrity of our organizations to protect some middle-level White House figure who had acted imprudently. He was prepared to let this go to Ehrlichman, to Haldeman, or to Mitchell for that matter. He felt it important that the President should be protected from his would-be protectors. He had explained this to Dean as well as to Haldeman and Ehrlichman. He said he was anxious not to talk to Mitchell because he was afraid that at his confirmation hearings he would be asked whether he had talked to Mitchell about the Watergate Case and he wished to be in a position to reply negatively. He said he would like to talk to the President about it but he feared that a request from him to see the President would be misinterpreted by the media. I said that if I were directed to write a letter to him saying that future investigation of this case would jeopardize the security of the U.S. and covert operations of the Agency, I would ask to see the President and explain to him the disservice I thought this would do to his interests. The potential danger to the President of such a course far outweighed any protective aspects it might have for other figures in the White House and I was quite prepared to resign myself on this issue. Gray said he understood this fully and hoped I would stick to my guns. I assured him I would.

Gray then said that though this was an awkward question, our mutual frankness had created a basis for a new and happy relationship between our two Agencies. I said the Memorandum I had given him described in detail the exact measure of Agency involvement or non-involvement in this case, including information on Dahlberg and Daguerra.

He thanked me again for my frankness and confidence and repeated that he did not believe that he could sit on this matter and that the facts would come out eventually. He walked me to the door.

Vernon A. Walters
Lieutenant General, USA
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. Sales Price 50
EXHIBITS SUBMITTED FOR THE RECORD

No. 130—(3410) Walters memorandum of June 28, 1972, regarding his meeting with John Dean on June 26, 1972, at 1145 hours in Dean's office, room 106 at the Executive Office Building... 3816
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No. 143—(3551) Memorandum from Vernon A. Walters for Acting Director of the FBI, dated July 7, 1972, subject: E. Howard Hunt............ 3853
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No. 144A—(3550) Article from American Nurses Association, Inc........ 3835

Note.—Figures in parentheses indicate page that exhibit was officially made part of the record.
MEMORANDUM FOR: The Acting Director
Federal Bureau of Investigation

SUBJECT: Information Provided the Federal Bureau of Investigation Regarding the Watergate Incident

6 July 1972

1. As a result of our conversation of 5 July, I would like to summarize the information which has been provided to you by the Agency in memorandum form (attention Mr. Arnold Parham) since the first series of memoranda on the subject beginning 20 June.

2. On 20 June separate memorandums were sent to you concerning Messrs. Frank Anthony Sturgis, Eugenio Rolando Martinez Careaga, Bernard L. Barker and Virgilio Gonzales. The papers detailed available information on the subjects. We said that Mr. Frank Anthony Sturgis had never been recruited by the Agency, that he was a soldier of fortune but that he had been associated with an Agency contact, Mr. Eugenio Rolando Martinez Careaga, since the early sixties. Their relationship was built on a mutual interest in Cuban exile activities. Mr. Martinez was recruited in January 1961 and has performed a variety of tasks for the Agency on Cuban matters up until June of this year. He has been on a $100.00 a month retainer since 1969. Mr. Martinez is a business associate of Mr. Bernard Barker in a real estate firm in Miami. Mr. Barker was a regular contact of the Federal Bureau of
Investigation in Cuba when turned over to the Agency in mid-1959. He was used as a source of information in Cuba until evacuated in early 1960. He was hired by the Agency in 1960 for work among exile groups and was terminated by the Agency on 31 July 1966. No Agency contact has been maintained with him since that date. A thorough investigation of our files at Headquarters and by our Station in Miami has failed to turn up any information regarding Mr. Gonzales' connection with any Agency personnel or Agency-sponsored activities.

3. In two memoranda on 21 June we informed you of our relationship with the Company and the Corporation. The utilization of Company dates back to June 1963. Mr. Everette Howard Hunt, who had just retired from the Agency, became a legitimate employee of Mr. Mullen. In July 1971 Mr. Hunt informed the Agency he had been assigned to the White House Staff but continued to devote part of his time to the Company. The Corporation is a client of the
Company is providing certain cover support to two Agency assets overseas. Over the years sixteen officials of have been cleared on certain aspects of our interests. They have not been informed of our use of the Company. Also on 21 June, in response to a verbal request of 20 June, we informed you that a check of our records disclosed no record of Agency involvement with the Association of National Advertisers or the words "  ".

4. In a separate memorandum on 21 June we advised you that a review of the duties and assignments of Mr. James McCord provided no indication that he was involved in Cuban matters and that he was not assigned to the Bay of Pigs operation. We stated, however, that he might have developed personal acquaintances which are not recorded in official personnel and security records. We have no information regarding Mr. McCord's activities with Cuban exiles since his retirement. We indicated in the same memorandum that as an Agency employee, Mr. Hunt was involved in operational activities relating to Latin American countries and was known to have had some ties to Mr. Barker. In a separate memorandum of 27 June regarding Mr. Hunt, we informed you about the issuance of the alias, Edward V. Hamilton, to Mr. Hunt on 30 September 1960. This alias was subsequently used by Mr. Hunt for several
drivers licenses. We provided additional information on this subject in a memorandum of 5 July and also reported that there is no information in our files to the effect that Mr. Hunt was issued a Social Security Card or Insurance Policy bearing the name Edward J. or Edward Joseph Hamilton.

5. Further, a memorandum was sent to you on 27 June regarding peripheral Agency contact with an ex-employee of Mr. James McCord, one Mr. Mr. was used by this Agency as a translator during the period June 1969 to June 1971. He has had no affiliation with the Agency since that time other than a personal relationship with a current Agency employee. One additional memorandum was provided you on 5 July regarding a Mr. who worked for the Agency as a Contract Employee from January 1965 until his retirement on 9 August 1971. Our Office of Personnel referred Mr. to McCord Associates for employment upon retirement. He submitted a formal application but decided to accept employment elsewhere.

6. In addition to the above cited memoranda and several lesser items of information provided telephonically to Mr. Arnold L. Parham of your Alexandria office, the Director of
Central Intelligence informed you orally on 27 June regarding information available to us on Mr. Manuel Ogarrio Daguerre, a Mexican national who has offices located in the same building as the Banco Internacional of Mexico City. In short, Mr. Manuel Ogarrio Daguerre has not had any operational contacts with this Agency. On 28 June the Director of Central Intelligence also informed you orally regarding our information concerning Mr. Kenneth Harry Dahlberg. The last recorded contact of the Agency with Mr. Dahlberg was in May 1961.

7. Our Office of Security is in frequent contact with members of your staff in connection with the investigations you are conducting. The above information is for your use only and should not be disseminated outside your Bureau.

Vernon A. Walters
Lieutenant General U.S.A.
Acting Director
MEMORANDUM FOR: The Acting Director
Federal Bureau of Investigation

SUBJECT: Information Provided the Federal Bureau of Investigation Regarding the Watergate Incident

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3851

2.

3. In two memoranda on 21 June we informed you of our relationship with the Corporation. The utilisation of the Corporation, as indicated in our previous communications, dates back to 1965. Mr. Hunt, who has been involved in the Cuban Broadcasting Committee - an activity terminated several years ago. As of 1 May 1970 Mr. Everett Howard Hunt, who had just retired from the Agency, became a legitimate employee of the Corporation. In July 1971 Mr. Hunt informed the Agency he had been assigned to the White House Staff but continued to devote part of his time to the Corporation. The Corporation is a client of the Company.

4. In a separate memorandum dated 21 June, we advised you that a review of the duties and assignments of Mr. James McCord provided no indication that he was involved in Cuban matters and that he was not assigned to the Bay of Pigs operation. We stated, however, that he might have developed personal acquaintances with Cuban exiles since his retirement. We indicated in the same memorandum that as an Agency employee, Mr. Hunt was involved in operational activities relating to Latin American countries and was known to have had some time to Mr. McCord. In a separate memorandum of 27 June, 1969, we informed you about the issuance of the alias, Edward V. Hamilton, to Mr. Hunt on 30 September 1969. This alias was subsequently used by Mr. Hunt for several drivers licenses. We provided additional information on this subject in a memorandum of 5 July and also reported that there is no information in our files to the effect that Mr. Hunt was issued a Social Security Card or Insurance Policy bearing the name Edward J. or Edward Joseph Hamilton.
5. Further, a memorandum was sent to you on 27 June regarding peripheral agency contract with an ex-employee of Mr. James McCord, under Mr. McCord. The agency used Mr. McCord as a translator during the period June 1967 to June 1971. He has had no affiliation with the agency since that time other than a personal relationship with a current agency employee. The additional memorandum was provided you on 5 July regarding Mr. McCord, who worked for the agency as a contract employee from January 1965 until his retirement on 9 August 1971. Our office of personnel referred Mr. McCord to Hesford Associates for employment upon retirement. He submitted a formal application but decided to accept employment elsewhere.

6. In addition to the above-cited memorandum and several lesser items of information provided telephonically to Mr. Arnold L. Parke of your Alexandria office, the Director of Central Intelligence informed you orally on 27 June regarding information available to us on Mr. Manuel Garritio Maguerra, a Mexican national who has offices located in the same building as the Banco Internacional of Mexico City. In short, Mr. Garritio Maguerra has not had any operational contacts with this Agency. On 28 June the Director of Central Intelligence also informed you orally regarding our information concerning Mr. Kenneth Harry Dahlberg. The last recorded contact of the Agency with Mr. Dahlberg was in May 1961.

7. Our office of security is in frequent contact with members of your staff in connection with the investigations you are conducting. The above information is for your use only and should not be disseminated outside your Bureau.

Vernon A. Walters
Lieutenant General U.S.A.
Acting Director
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., NOVEMBER 1 AND 6, 1973
Book 12

Printed for the use of the
Select Committee on Presidential Campaign Activities
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1974

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3.00
Mr. LIEBERGOOD. In retrospect, would it be your political opinion that a coverup was a prerequisite to the reelection of the President? In other words, do you feel now that the President's candidacy could have withstood an early disclosure by, perhaps, Mr. Magruder, Mr. Dean, or Mr. Mitchell?

Mr. MACGREGOR. Had there been, in the week following the apprehension of the burglars, a disclosure of the facts that have been brought out by this committee, it would, in my opinion, have been temporarily but severely damaging to the President's reelection campaign. Instead of a 17- to 25-point margin over Senator McGovern in mid-July, my guess is that that margin would have shrunk to perhaps five points. It is my opinion that by the time of the election, in light of other events that transpired, we would have been no worse off, vote-wise, than we were.

But the important thing is that the President's hopes and dreams that he outlined to me in his office late on the afternoon of June 30 that he hoped to accomplish in his second term, as the country looked forward to its 200th anniversary, would not have been so severely damaged as they have been now.

Mr. LIEBERGOOD. Thank you, Mr. MacGregor. I have no further questions.

Senator ERVIN. Senator Weicker.

Senator Weicker. Mr. MacGregor, let us get into the subject of the Pat Gray phone call of July 6. I wonder if you would give to this committee your version of that particular event.

Mr. MacGregor. To my best recollection, the call was made early in the morning of July 6 at Washington; was received by me at the Newport Inn at Newport Beach, Calif., shortly before 11 p.m., California time. July 5. I have been asked, could I be mistaken in my recollection that the call came in just before my wife and I retired and could it have been shortly after we woke up the next morning? I suppose it is possible that my recollection is incorrect. But it is my recollection, Senator, that the call did come to me in the motel room or suite that my wife and I were occupying at the Newport Inn just before we retired on the evening of July 5.

In any event, the call that Mr. Gray made to me was no different from the calls that I had been receiving at the rate of 50 or 60 or 70 a day during the preceding 5 days from people whom I knew, even those whom I knew slightly, who were kind enough to call and say, “Congratulations,” and offer opinions and make recommendations about the campaign.

My recollection is that Mr. Gray did, very graciously, compliment me on my being appointed director and that he indicated to me that he was concerned about the impact on the campaign of the Watergate matter.

I told him I shared his concern. It is my recollection that he said it is a serious matter, and I said, “As a lawyer, Pat. I recognize that it is a serious matter. Breaking and entering is a felony and felonies are indeed serious matters.”

He said, as I recall, that it will damage the President in the campaign.

I said, “Yes, it will.”

Then he said, “It will damage him more seriously than you realize.”
And it is my recollection that at that time, I indicated to him: “Yes, I know it will damage him. It damaged him in the first press conference I held earlier today in Washington,” before my wife and I flew to southern California at the President’s request. But I said to him: “Pat, I will be back in my home in Washington tomorrow evening, because my wife and I are coming back on the nonstaff afternoon flight from Los Angeles to Dulles; we will be at home tomorrow evening; I will be in my office on Friday morning.”

It is my recollection, Senator, that he spoke exclusively pertaining to Watergate, as to the campaign, and the extent to which it would hurt the campaign. It is not my recollection that he talked in any sense about “wound.” If he had used the word “wound” to me, it seems to me that that word would stick in my mind and I would ask him to explain it.

He did not, to my recollection, mention the CIA to me. He did not mention the FBI. He did not mention General Walters. Dick Helms, John Ehrlichman, John Dean, or Bob Haldeman. He did indicate great concern. There was agitation in his voice. He repeated himself. And that is the substance of my recollection. I frankly expected to hear more from him when we returned to Washington the next night. We did not do so.

Senator WEICKER. Did he ask you to convey his thoughts to the President?

Mr. MacGregor. No: not according to my recollection. In any event, I did not do so. There was nothing about the content of his call to me; there was nothing unusual at all, except for the hour. It was similar to a great many other calls that I was receiving from people in Government, from Governors, Senators, Congressmen, national committee men, committeewomen, and State chairmen. He may have had some complaints about White House aides. There would not have been anything unusual about that. In my position as counselor to the President for congressional relations, I got daily complaints about White House aides. And he may have made some complaints to me about White House aides of a general nature.

But he did not request me to call the President — did not request me to speak to the President. I did not call the President; I did not speak to the President about this. I guess my testimony is about that.

Senator WEICKER. That is what I would like to get into. Let us assume for the minute that your recollection is correct: that it was very late on the evening of the 5th when you received the call. Would you normally expect the Director of the FBI to call up the Republican campaign director in the wee hours of the morning — or the late evening?

Mr. MacGregor. No.

Senator WEICKER. Would that not raise a question in your mind as to why such a call came through then? Let us assume the time factor that you set forth.

Mr. MacGregor. It did. But I expected when I next heard from him, I would learn more about that.

Senator WEICKER. Did you have any other communication at all with Pat Gray during the course of the campaign in this sense of the word, aside from the normal occurrences of meeting!
Mr. MacGregor. No, Senator; I had no further conversations or contacts with Mr. Gray.

Senator Weicker. Now, I wonder if you would comment on the report issued by the House Armed Services Committee on October 23 of this year. I am referring to page 21. In the committee report, it states that Mr. Ehrlichman's testimony indicates that the President, called Mr. Gray at the "strong urging" of Mr. MacGregor because of Mr. Gray's concern over the FBI role in the Watergate investigation, and after the call the President had a "lingering doubt" that there was some CIA "exposure," despite assurances to the contrary. Yet, in his May 22, 1973, public Watergate statement, the President said, and I now quote the President's May 22 statement:

On July 6, 1972, I telephoned the Acting Director of the FBI, L. Patrick Gray, to congratulate him on the successful handling of a hijacking of a Pacific Southwest Airlines plane the previous day. During the conversation, Mr. Gray discussed with me the progress of the Watergate investigation.

The committee report then continues:

Mr. Ehrlichman's testimony in that regard is pertinent.

I am now quoting from that testimony:

Mr. Nobel. But the call was prompted by MacGregor's request?

Mr. Ehrlichman. By MacGregor's conveying a request from Gray to the President.

Mr. Nobel. Or a call?

Mr. Ehrlichman. Yes.

Mr. Nobel. Are you acquainted with the President's statement which he made on May 22?

Mr. Ehrlichman. I have read it, yes.

Mr. Nobel. Does his account square completely with your account of that conversation?

Mr. Ehrlichman. I do not believe it does.

Mr. Nobel. I did not think it did. I was just wondering whether you recognized that fact.

Mr. Ehrlichman. I do. I think the drafter of that statement did not have the advantage I had of my verbatim notes of the conversations—I say verbatim—I take substantially verbatim notes of my conversations with the President.

Now, in light of what is Mr. Gray's recollection in his testimony before this committee of having called you and having given substantially the same facts which—albeit there might be words left out, but certainly the import of his message—in light of his testimony before this committee and in light of Mr. Ehrlichman's testimony before the House Armed Services Committee, are you absolutely certain that you in no wise were in contact either with the President or possibly the President's staff relative to this particular matter?

Mr. MacGregor. Yes. And may I say, Senator, that as a lawyer listening to your reading of the transcript of hearings before a congressional committee, I am impressed once again with the wisdom and the importance of the ban on hearsay evidence, because one is, or would be in a court of law, at the mercy of someone who said, "Jack told me that Bill said this," or "Jack told me that Harry did this." Once again, we understand the wisdom of our system of justice in which we ban hearsay testimony as credible evidence.

 Might I say also, because I think it is important, Mr. Chairman and the members of this committee, I have been advised that the records of this committee show that there was no telephone call from Clark MacGregor to President Nixon on the morning of July 6, 1972.
I am further advised, and I believe you didn't go into this question with Mr. Butterfield, that those records of incoming calls to the President and outgoing calls from the President are rigidly accurate.

I think it would be of interest to this committee to know that 3 weeks ago today, the President of the United States said, "Clark, you did not mention the Pat Gray matter to me on July 6."

Senator Weicker. Well, what was the nature of that conversation? Why would this come across in a conversation between you and the President?

Mr. MacGregor. I was, along with others, attending a Presidential conference on export trade expansion at the White House on October 11. That program was put together primarily by Secretary of Commerce Fred Dean, with the assistance of Secretary of the Treasury George Schultz, and other officials of the Government. The President concluded that all-afternoon conference, which was dedicated to ways in which the Government and business could promote trade and thus produce more jobs. The President concluded the conference and then held a receiving line. He asked people to go through the receiving line.

I did, and while going through the receiving line, he told me that I have just testified to.

Senator Weicker. You mean in going through a receiving line—the President of the United States turns to you while you are going through a receiving line and says, "Clark, I didn't talk to you on July 6." Is that the nature of the conversation?

Mr. MacGregor. Apparently, someone had brought to his attention—not I—but someone had brought to his attention the Ehrlichman assertions or the Gray assertions. I don't know what led to this, Senator. But the President assured me that my recollection was correct and squared with his.

Senator Weicker. Well, how long was this conversation with the President?

Mr. MacGregor. What conversation with the President?

Senator Weicker. The conversation with the President in the receiving line. What was the date of that, again?

Mr. MacGregor. Between 1 or 2 minutes on October 11; 3 weeks ago today in the late afternoon—covered by the press. I don't think the press overheard the President talking to me, but if you are questioning my veracity, Senator—

Senator Weicker. No, I am not questioning it at all. I am trying to get the facts, Mr. MacGregor.

Mr. MacGregor. I am giving you the facts, Senator.

Senator Weicker. I appreciate that and want you to go ahead and continue to answer the question.

On October 11, some 2 or 3 months, I guess, after the testimony given before this committee by Mr. Gray, the President, on his initiative, merely made the statement to you that he did not call you on July 6.

Mr. MacGregor. I am not privy to what led the President to introduce that subject and I don't think it would be helpful for me to speculate as to why he did.

Senator Weicker. I understand that. All I am trying to do is get the gist of this 1- or 2-minute conversation, which I think both of us will agree is not hearsay evidence, as you have complained about to this
committee already—we will get back to that—what the gist of that conversation was and who raised the subject?

Mr. MacGregor. Do you wish me to repeat what I said?

Senator Weicker. I would.

Mr. MacGregor. I can't be any more explicit.

Senator Weicker. To say, "I did not talk to you on July 6"—that is neither a conversation nor is it of 2 minutes' duration. Was there anything further in that conversation?

Mr. MacGregor. Oh, yes; the President asked about my health and about my wife and children. I did the same to him. I told him I thought it had been an excellent conference; that his Cabinet officers and sub-Cabinet officers and Ambassador Eherle had done an excellent job, and there was give and take.

Senator Weicker. But that was the only mention made either by you or by him as to the conversation of July 6, just the simple statement by the President, "I did not talk to you on July 6."

Mr. MacGregor. I am sure I responded that I had been advised by the legal staff that the Presidential telephone records confirmed his recollection and mine. I think that was my response.

May I say, Senator. I have never called the President of the United States after 10:30 at night or before 6:30 in the morning. The nature of my work for the President is counselor to the President for congressional relations. The nature of my job from July 3 onward through the election was that there was no emergency that ever justified a call on the President at an unusual hour.

Senator Weicker. Well, of course, that is not exactly so. Mr. MacGregor. Can you remember when you talked to the President on June 29, just prior to accepting the job of heading up the Committee To Re-Elect the President?

Mr. MacGregor. He called me. My statement was I have never called the President after 10:30 at night.

Senator Weicker. What time did you talk to him on June 29?

Mr. MacGregor. It was within a matter of a half hour after the conclusion of his television remarks that night. I think it was in the neighborhood of 11 p.m. He telephoned me.

Senator Weicker. Well, that is another subject for later on.

Now, in Mr. Gray's testimony, just so we can very carefully define your definition of "hearsay," are you indicating to me, then, that the testimony before this committee by Pat Gray relative to his conversation with you is hearsay?

Mr. MacGregor. Not; quite obviously, Senator, I am referring to John Ehrlichman's testimony before the House committee, as I indicated.

Senator Weicker. If the testimony is as I have indicated to you and as appears in the record of the House hearings, would you say, then, that Mr. Ehrlichman perjured himself?

Mr. MacGregor. It is not for me to pass judgment on any criminal conduct. You and I both know that there is a presumption of innocence until proof of guilt and there is a panoply of procedures that must take place before someone—maybe the judge—

Senator Weicker. What you are saying, then, is that the testimony given by Mr. Ehrlichman at those House hearings does not square with your testimony.
Mr. MacGregor. No: it is my experience as a trial lawyer for about 8 years that judges customarily give to jurists an instruction that goes along the lines of the following: "Ladies and gentlemen of the jury, don't assume that every difference in testimony means that somebody is lying."

People have different recollections. People see and remember different things. The assumption that a discrepancy in testimony automatically means that somebody is lying is an assumption, thank goodness, which is not at all consistent with our administration of justice in America.

Senator Weicker. I understand that, but all I am saying is that the testimony that I have read to you states very simply that Mr. Ehrlichman says that you conveyed a request from Gray to the President and you say you did not.

Is that correct?

Mr. MacGregor. It appears to be correct. Again, I can't comment on Mr. Ehrlichman's testimony. I don't think it would be helpful to this committee if I did. I am answering the questions that you put to me and I am telling this committee under oath—and I take this very seriously, Senator—I did not speak to President Nixon by telephone or in person about the Pat Gray telephone call to me.

Senator Weicker. Did you meet with the President on the morning of July 6?

Mr. MacGregor. Yes.

Senator Weicker. What time did you meet with the President?

Mr. MacGregor. The first meeting—there was a change in schedule. In fact, there were considerable telephone calls late on the night of July 5 and so on into the morning of July 6 about the change of schedule. But the first meeting with the President took place sometime after 10 a.m. on July 6 in his office in San Clemente.

Senator Weicker. And what was the nature of that meeting?

Mr. MacGregor. It was a discussion involving primarily the President, John Ehrlichman, Mr. William Timmons, and myself. It was an assessment of the status of the President's legislative program at the end of the fiscal year, which was a few days before, and of the prospects for passage of the remainder of the enacted-upon legislation before the adjournment of the 92d Congress. The meeting was a legislative meeting and the President and Mr. Ehrlichman were concerned with the status of domestic legislative items and the attendance of Mr. Timmons and Mr. MacGregor was occasioned by our roles as assistants to the President in the congressional relations field. We went down, item by item, the major pieces of legislation.

Senator Weicker. Of course, are you aware from the testimony given to the committee that shortly after Pat Gray's conversation with you he received a call from the President?

Mr. MacGregor. Yes: I think there is substantial agreement from Mr. Gray and from the President to the effect that the President telephoned Mr. Gray at about 8:25 or thereabouts, Pacific time, on July 6, and that he congratulated the FBI on the job that it had done the day before in frustrating the attempted skyjacking of a commercial aircraft.

There also seems to be agreement between the President's statement and Mr. Gray's testimony before this committee that Mr. Gray then
Mr. John Doar  
Special Counsel  
Committee on the Judiciary  
House of Representatives  
Washington, D. C. 

Dear Mr. Doar:

At your request, and with the approval of Mr. Jaworski, I am enclosing the following materials with the understanding that you would feel obligated otherwise to seek a subpoena from the Committee:

1. All correspondence between Mr. Cox and White House Counsel from May 30, 1973 through October 19, 1973.

2. Memoranda by Mr. Cox and Mr. Vorenberg reflecting conversations with Mr. Buzhardt, Attorney General Richardson and the Secret Service.

These are memoranda dated May 30, June 7 and 14, July 3, 19, 19, 23, 25 and 26, and August 2 -- all of 1973.

Sincerely,

[Signature]

Henry S. Ruth, Jr.  
Deputy Special Prosecutor
July 10, 1973

J. Fred Buzhardt, Esq.
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Buzhardt:

I am writing to make the following requests, in addition to those we have previously made. All the items referred to are important to our investigation.

1. Copies of or excerpts from logs, diaries, or similar records of telephone conversations and meetings between the President and Clark MacGregor on July 5 and 6, 1972.

2. Copies of "political matters memoranda" numbers 1 through 26, inclusive, from Gordon Strachan to Lawrence Higby and/or H.R. Haldeman, probably now located in room 522, EOB. We believe these memoranda began in early spring 1972 and went through the election, November 1972.

3. A copy of materials in John Dean's "Miscellaneous Intelligence" file, taken down to the depository for protection on May 1, 1973. If this file is too voluminous to be conveniently copied, we could start by examining the file in your offices.

4. A copy of the logs or other records showing what specific items, from any of the files safeguarded pursuant to the procedures you outlined to us at our June 6 meeting, have been copied by the former White House staff members who were permitted limited access for the purpose of making such copies.

5. Copies or excerpts of any records of items inserted into any White House file by Mr. Ehrlichman or Mr. Young on or after April 30, 1973.

Sincerely,

ARCHIBALD COX
Special Prosecutor

Retyped from indistinct original
July 10, 1973

J. Fred Buzhardt, Esq.
Counsel to the President
The White House
Washington, D.C.

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Sincerely,

ARCHIBALD COX
Special Prosecutor
THE WHITE HOUSE
WASHINGTON
25 July 1973

Dear Mr. Cox:

This is in response to items 1, 4, and 5 in your letter of July 10th. I am responding in a separate letter to items 2 and 3 in that letter.

Item 1 of the July 10th letter encloses excerpts from logs of telephone conversations and meetings between the President and Clark MacGregor on July 5th and 6th, 1972. We have searched the logs and they do not show any conversation or meetings on those dates.

Item 4 requests a copy of records showing what specific items from the safeguarded files have been copied by former White House staff members who were permitted access to those files. As I advised you in my letter of June 1st, the procedures in effect since May 23rd do not permit the former staff members to copy material from these files. They were permitted to make copies prior to May 23rd. In that earlier period we had instructed that a record be kept of whether a person visiting the files used the Xerox machine but we had not instructed that any record be made of what items were copied. Although the guards on their own initiative did keep some record of this kind, and we are enclosing the two pages of that record, we are not in a position to warrant its completeness, and indeed doubt that it is complete.

Item 5 requests copies or excerpts of items inserted into any White House file by Mr. Ehrlichman or Mr. Young on or after April 30th. We have no records that would show what items, if any, were inserted. The procedures in effect since May 23rd ensure against any insertion into the files in question, although additional records, appropriately identified have been placed under the same access limitations and special security. Prior to that date, insertion into the files was neither prohibited nor permitted.
by the instructions then in effect and we cannot say whether any insertions were made in that period.

Sincerely,

J. FRED BUZHARDT
Special Counsel to the President

Honorable Archibald Cox
Special Prosecutor
Watergate Special Prosecution Force
1425-K Street, N.W.
Washington, D.C. 20005

Enclosure
Dear Mr. Cox:

This is in response to items 1, 4, and 5 in your letter of July 10th. I am responding in a separate letter to items 2 and 3 in that letter.

Item 1 of the July 10th letter encloses excerpts from logs of telephone conversations and meetings between the President and Clark MacGregor on July 5th and 6th, 1972. We have searched the logs and they do not show any conversation or meetings on those dates.

Item 4 requests a copy of records showing what specific items from the safeguarded files have been copied by former White House staff members who were permitted access to those files. As I advised you in my letter of June 1st, the procedures in effect since May 23rd do not permit the former staff members to copy material from these files. They were permitted to make copies prior to May 23rd. In that earlier period we had instructed that a record be kept of whether a person visiting the files used the Xerox machine but we had not instructed that any record be made of what items were copied. Although the guards on their own initiative did keep some record of this kind, and we are enclosing the two pages of that record, we are not in a position to warrant its completeness, and indeed doubt that it is complete.

Item 5 requests copies or excerpts of items inserted into any White House file by Mr. Ehrlichman or Mr. Young on or after April 30th. We have no records that would show what items, if any, were inserted. The procedures in effect since May 23rd ensure against any insertion into the files in question, although additional records, appropriately identified have been placed under the same access limitations and special security. Prior to that date, insertion into the files was neither prohibited nor permitted.
by the instructions then in effect and we cannot say whether any inspections were made in that period.

Sincerely,

J. FRED BUZhardt
Special Counsel to the President

Honorable Archibald Cox
Special Prosecutor
Watergate Special Prosecution Force
1425 - K Street, N.W.
Washington, D.C. 20005

Enclosure
The President had breakfast.

The President motored by golf cart from the San Clemente Compound residence to his office.

The President talked long distance with Acting Director of the FBI, Patrick Gray, III, in Washington, D.C.

The President talked with his Press Secretary, Ronald L. Ziegler.

The President met with:
- John D. Ehrlichman, Assistant
- Alexander P. Butterfield, Deputy Assistant

The President met with his Personal Secretary, Rose Mary Woods.

The President met with:
- Henry A. Kissinger, Assistant
- Sir Robert Thompson, author
- Maj. Gen. Alexander M. Haig, Jr., Deputy Assistant

The President met with Mr. Butterfield.

The President met with:
- Mr. Ehrlichman
- Mr. Kissinger
- H. R. Haldeman, Assistant
- Clark MacGregor, Campaign Director for the Committee for the Re-election of the President
- Frederic V. Malek, Assistant Campaign Director for the Committee for the Re-election of the President
- William E. Timmons, Assistant
- Mr. Ziegler

The President met with:
- Mr. MacGregor
- Mrs. Clark MacGregor
- Ollie P. Atkins, White House Photographer

The Presidential party went to the lawn behind the President's office.

The Presidential party held a photo opportunity.

The President returned to his office with Mr. and Mrs. MacGregor.

The President met with Mr. and Mrs. MacGregor.
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The President met with:
- Mr. Butterfield
- Miss Woods

The President met with:
- Miss Woods
- Mr. Butterfield
- Miss Woods
- Miss Woods

The President met with:
- Mr. Haldeman
- Mr. Ehrlichman
- Mr. Ziegler
- Miss Woods

The President talked with the First Lady.

The President motored by golf cart from his office to the San Clemente Compound residence.

The President motored from the San Clemente Compound residence to Red Beach with his valet, Manolo Sanchez.

The President talked with Mr. Ehrlichman.

The President motored from Red Beach to the San Clemente Compound residence with Mr. Sanchez.

The President and the First Lady went to the pool area.

The President returned to the San Clemente Compound residence.

The President telephoned Mr. Haldeman. The call was not completed.

The President talked with Miss Woods.

The President talked long distance with his Special Counsel, Charles W. Colson, in Washington, D.C.

The President and the First Lady went to the oceanside patio.

The President returned to the San Clemente Compound residence.

The President talked long distance with Secretary of Defense Melvin R. Laird in Washington, D.C.

The President telephoned Mr. Kissinger. The call was not completed.
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<td>10:23</td>
<td>The President talked with Mr. Haldeman.</td>
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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

[1023]
It looks like "I should"—I don't want to say anything incorrect there.

I should do this soon—

I will get a clean copy—

and I said I would try to do it today.

Upon leaving the White House I discussed the matter briefly with the Director. On returning to the office I called Gray, indicated that this was a matter of some urgency, and he agreed to see me at 1420 that day.

Now that was General Walters.

Mr. Helms stated to this committee during an interview as follows:

A few minutes later Haldeman and Ehrlichman walked in and Haldeman in no uncertain terms instructed Walters to see Pat Gray of the FBI and instruct him not to pursue his investigation in Mexico concerning Gerry M. Dallberg since it might involve the CIA. Helms had no idea what they were talking about with respect to Mexico and when he asked he was told, "Never mind what it's all about." But they wanted Walters to go to Pat Gray right then and there.

End of quote in the interview with Mr. Helms.

Now, isn't it a fact that the meeting with Director Helms and General Walters on June 23 was an effort to hinder the investigation?

Mr. Ehrlichman. Senator, that meeting was convened at the President's request. I learned later that the President was operating on the basis of an independent source of investigation and out of a concern that an all-out FBI investigation might compromise some CIA activity.

My recollection of that meeting is at considerable variance with General Walters in the general thrust and in the details. In point of fact, as I recall it we informed Mr. Helms and General Walters that the meeting was being held at the President's request for the reasons I stated.

Mr. Haldeman said that the Watergate was an obvious important political issue and that the President had no alternative but to order a full all-out FBI investigation until he was satisfied that there was some specific area from which the FBI should not probe for fear of leaks through the FBI of disassociated and disconnected CIA activities that had no bearing on Watergate. As I recall there were a couple of basic questions that were asked of these gentlemen. One was whether the CIA was directly involved in the break-in itself and they said it was not.

The other was whether or not there was any disassociated CIA activity, past or present, which might be disclosed through a vigorous FBI investigation. They did not make the same kind of a categorical response to that question as they had made to the other. As a matter of fact, my recollection is that a response to the effect that they don't keep track, that is the Director and the Deputy Director, of these regional activities, such as the one in Mexico, they would want to check with the regional man.

Now you have in your—

Senator Weicker. They had done that?

Mr. Ehrlichman. Sir?

Senator Weicker. They had done that?

Mr. Ehrlichman. I think their letter of July 6 to the Acting Director of the FBI shows that they had not done that and they did not do
that and they did not assure the FBI until June 27 as to the Mexican situation. Then they confirmed that oral assurance of June 27 in writing on July 6 and on July 6 is when Director Gray called the President and said "I now have a memo from the CIA assuring me that there is no problem," and the President said "Let's go all out." So that is the sequence of events.

Senator Weicker. Why did the Director call the President?

Mr. Ehrlichman. Because he received—I assume because he had this memorandum.

Senator Weicker. Oh no, oh no. Why did the Director call the President?

Mr. Ehrlichman. In point of fact I think the President called the Director.

Senator Weicker. That is correct. The Director had called Mr. MacGregor.

Mr. Ehrlichman. That is true.

Senator Weicker. And he had expressed to Mr. MacGregor doubts as to this situation. He felt this was the best way to go ahead and get in touch with the President, and the President called him back shortly thereafter.

Mr. Ehrlichman. I wasn't at the meeting between Mr. Gray and Mr. MacGregor so I don't know what they said but, I do know what the President told me.

Senator Weicker. But you do know—

Mr. Ehrlichman. That Mr. MacGregor told him when he came and called on the President on July 6 that he had been talking to Pat Gray and Pat Gray felt it was important that he talk to the President right away and the President picked up the phone immediately and called him.

Senator Weicker. And did Pat Gray tell the President that there were forces of those around him who were trying to wound him?

Mr. Ehrlichman. I had never heard that.

Senator Weicker. Is it not a fact that General Walters and Pat Gray both felt it was necessary to call the President on this matter, that both of them had the same apprehensions that the investigation was being interfered with?

Mr. Ehrlichman. I think it was important for Pat Gray to have talked with the President, too. I heartily concurred with that. I hope you understand that when Mr. Haldeman and I met with the CIA, it was for the purpose only of conveying to those gentlemen the President's concern and the meeting did not culminate in any instructions to anyone except a request to General Walters that he sit down and talk to Pat Gray about this matter, and reassure Pat Gray, if he could be factually reassured.

Now, that, in fact is what happened, and Mr. Haldeman and I disconnected from this after that one 20-minute meeting.

Senator Weicker. All right, let's drop back in time again here to the meeting on June 23. You are sitting here with the Director of the CIA and with General Walters. Would it not be logical to address any request of the CIA to the Director of the CIA?

Mr. Ehrlichman. Not if you were told by the President that he wanted to work through General Walters.
Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

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

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

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

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

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

The Watergate Investigation

Statements by the President. May 22, 1973

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In summary, then:

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

(2) Long prior to the 1972 campaign, I did set in motion certain internal security measures, including legal
IN RE: POSSIBLE VIOLATIONS
18 USC 2511 and
18 USC 2512

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

July 19, 1973

The testimony of L. PATRICK GRAY was taken in
the presence of a full quorum of the Grand Jury.

BEFORE:

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

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

GERALD GOLDMAN, ESQ.
Assistant Special Prosecutor
United States Department of Justice
A FBI, CIA, both, I'd put it, as to whether or not there was any CIA interest or non-interest in the witnesses that the FBI wanted to interview.

Q In connection with what?

A In connection with the Watergate investigation. And that both General Walters and myself felt that this was due to an indifference and a carelessness on the part of White House staff people and a failure to appreciate the position of these agencies in our society, and that we both felt that this could be injurious to our agencies and could be wounding to the President.

Now, these are certainly not my exact words, but they are certainly close to them and they are certainly close to the thought that I intended to convey. And I said to him, "Clark, would you please pass this to the President."

And he said either, "I'll handle it," or, "I'll take care of it." And that was the substance of that conversation.

Q All right, sir. Now, your logs reflect that that call took place at 10:51 a.m. Washington time, Thursday, July 6th, 1972.

Your logs reflect that at 10:28 a.m., Thursday -- I'm sorry, 11:28 a.m., Thursday, July 6th, 1972, you received a call from President Nixon. Is that correct?

A That is correct, sir.

Q Do you recollect speaking to President Nixon some
thirty to thirty-five minutes after you spoke to Mr. MacGregor?

A Yes. The President called me and I was actually quite surprised to receive the call.

He started off by congratulating me on the successful termination of the highjacking which had occurred in San Francisco the day before. The ladies and gentlemen of the Grand Jury may recall that an FBI Agent shot two highjackers who were trying to highjack an airplane, and the President asked if I would pass his congratulations to the FBI Agent.

And I told the President that I would and that I was very, very grateful to him for calling and the Agents would be pleased to know that and, indeed, I placed a call later on to the Special --

Q Before we get to that, just tell us all the conversation. You said you appreciated it and you'd pass it on?

A Right. And then I said, "Mr. President, there's something I want to speak to you about." And, really, I just blurted it out. That was my reaction at the time.

I said -- and I've written this down, and I've written it down because I think it's very important, and this is my best recollection. I know that precision is impossible to obtain, but this is my best recollection, after having given it
much thought and consideration -- to this call.

And I said, "Dick Walters and I feel that people on your staff are trying to mortally wound you by using the CIA and FBI and by confusing the question of CIA interest in or not in people the FBI wishes to interview."

Then I said, "I've just talked to Clark MacGregor and asked him to speak to you about this." There was a perceptible pause, a noticeable pause, and the President said to me, "Pat, you just continue to conduct your aggressive and thorough investigation." And that was the end of the telephone call.

MR. NEAL: Mr. Foreman, it's 5:30. We have a few other areas to cover with Mr. Gray. Mr. Gray, is this the end of your testimony of your activities with respect to the CIA-FBI involvement?

THE WITNESS: Yes, sir, with regard to any witness involvement, like with regard to Mr. Ogarrio and with regard to Mr. Dahlberg.

MR. NEAL: I understand there's later some other things, but with respect to this aspect of your activities from June 17th to July 6th, 1972?

THE WITNESS: Yes, sir, that is.

MR. NEAL: And the other areas, about which we discussed, or the other areas we've discussed with you, are now, in effect, of somewhat separate areas?
In July 1972 Dean obtained from Gray various interview and investigative reports of the FBI investigation of the break-in at the DNC headquarters. Dean has testified that he showed these reports to the attorneys for CRP and to CRP officials. Previously Dean had asked Attorney General Kleindienst for access to FBI interview reports and Attorney General Kleindienst had refused his request.

49.2 John Dean testimony, 3 SSC 945.
49.3 John Dean testimony, 4 SSC 1361.
49.4 Richard Kleindienst testimony, 9 SSC 3564.
LOUIS PATRICK GRAY III

HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
NOMINATION OF LOUIS PATRICK GRAY III, OF CONNECTICUT, TO BE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

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

Printed for the use of the Committee on the Judiciary
TESTIMONY OF LOUIS PATRICK GRAY III—Resumed

Mr. Gray. Good morning, Senator Kennedy.

Senator Kennedy. If I could, I would like to ask you what information you could give us about the progress that has taken place in the ITT investigation. I think some time ago I asked you about that investigation, which started in December of last year, and I am just wondering now if you are able to give us any information as to its progress?

Mr. Gray. Well, Senator, I would like to be able to give you some information on that and comment on it. It is an ongoing investigation. My latest information is that it is almost complete and I do not know this morning whether or not the four interviews that we had to do have been completed.

Senator Kennedy. The four interviews?

Mr. Gray. Yes, sir: I believe that the last time you and I discussed it, I stated that I had learned, coming up in the automobile, that we had four more interviews to do.

Senator Kennedy. Did you at any time consider disqualifying yourself from the ITT investigation?

Mr. Gray. No, Senator Kennedy, I would not. I thought about that. I thought about it just—I think it was last week in connection with another case that came up, and I think—

Senator Kennedy. What case was that?

Mr. Gray. Well, it is a completely different one, totally unrelated and doesn't involve anything that we have been discussing here,
memorandum over to the Attorney General and at the bottom of that you say, “In this particular case and all future cases.”

A week later you are providing secretly a considerable amount of material to Mr. Dean who is going out of your office and bringing it back to the White House. Now, what happened during this period of time, a week, that made you change your mind from what you wrote at the bottom of your memorandums right here?

Mr. Gray. Absolutely nothing happened during that week that made me change my mind. That memorandum was directed to papers and documents that we would prepare in writing in summary form or LHM form or that type of thing. It was not directed to this type of material.

Senator Kennedy. You mean, Mr. Gray, that if you write it up you send it through the AG, but if it is raw you give it directly? Is that my understanding?

Mr. Gray. That is my understanding.

Senator Kennedy. How can you possibly rationalize that? If you draft it, you are going to keep the Attorney General fully informed. But then you provide to the White House the raw material which you say is indispensable to the investigation and you do not even let the Attorney General know.

Mr. Gray. I can say there is nothing that happened, except that I made the decision in response to the call from the Counsel to the President.

Senator Kennedy. And did you let the Attorney General know?

Mr. Gray. No, sir, I did not tell the Attorney General.

Senator Kennedy. What were the files that were actually made available? Were they just your own files or files which were a part of the investigation?

Mr. Gray. No, they were not files. They were FD 302's, investigative reports, and then there were two volumes of teletypes made available later on.

Senator Kennedy. There were what?

Mr. Gray. Two volumes of teletypes about, I would estimate, 3 to 4 inches thick, the two volumes came to that.

Senator Kennedy. When were those?

Mr. Gray. Those were later on. I received those as I recollect, early August, and those were delivered in October.

Senator Kennedy. You had, as I remember, 52 out of 186?

Mr. Gray. Yes, sir, these are FD 302's now, investigative reports.

Senator Kennedy. Could you review why you let him have just some of these, why the 52 out of 186?

Mr. Gray. Yes, because I received a group of them on the 30th day of June. I received another group on the 17th day of July, and those two groups are the two packets that I delivered to Mr. Dean on the 28th day of July.

Senator Kennedy. Did these, the 52 documents that you provided, relate only to the White House staff?

Mr. Gray. No, sir. I didn’t make any selection on those at all.

Senator Kennedy. Why not?

Mr. Gray. Those were the ones that were available, the 302's that I had there in my safe and had been sent up to me in two packets on June 30 and July 17.
Senator Kennedy. If Mr. Dean was doing an investigation of the White House staff, why wouldn't you turn over just those records that related to that?

Mr. Gray. My reasoning on it was his trails were going to go in many areas. I didn't know what he was doing. I wanted him to know what we had.

Senator Kennedy. You did not know what he was doing?

Mr. Gray. No, I didn't know what he was looking for.

Senator Kennedy. What did he tell you?

Mr. Gray. He told me he was conducting an inquiry but he and I did not discuss the substance of his inquiry or the substance of the FBI inquiry. We were doing ours in our own way and he was doing his in his own way. I have testified earlier that I didn't want to have any information from his inquiry at all.

Senator Kennedy. I thought you indicated in earlier testimony that his inquiry was in relationship to the White House personnel.

Senator Kennedy. Why would you supply—

Mr. Gray. They could turn up in other investigative reports.

Senator Kennedy. Why wouldn't you make sure he got all of them?

Mr. Gray. I gave him all that I had at the time.

Senator Kennedy. Why didn't you get the rest of them?

Mr. Gray. Because there weren't any more available at that time, sir.

Senator Kennedy. Till when? Did you try to get the rest of them for him?

Mr. Gray. Those were all that were available. These were delivered to me—early on the 30th of June, I received a group, and on the 17th of July I received a group and I gave to him what I had available at that time.

Senator Kennedy. There were a lot of people interviewed after the 17th of July?

Mr. Gray. That is right.

Senator Kennedy. Did you send those to him, as you recall?

Mr. Gray. No, as I recollect there was another call, and I think that it came later on, much later on—yes, it was in the middle of October—where he called me and asked if he could look at some additional investigative reports and teletypes, and I sent to him at that time the last group of investigative reports that I had in my safe and the two volumes of the teletypes.

Senator Kennedy. And did you, or did you not, ever feel any kind of responsibility to call him later and let him know that you could get other reports?

Mr. Gray. No, I did not, as I was responding to his request.

Senator Kennedy. And you thought that you did respond when you made those files available?

Mr. Gray. If he wanted more, I would have expected he would have called again and made another request.

Senator Kennedy. In any of your conversations did you ever talk to him about Mr. Liddy?

Mr. Gray. I think not, because it is my best recollection and memory that we did not discuss individuals.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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tion I was bringing to their attention, that this information was being
given to the President.
I do not recall when actually I received the first written information
from the FBI, but I believe it was after July 21 when I received a
summary report that had been prepared on the investigation to that
stage.
I would also like to now summarize to the bottom of the page, and
indicate that when—
Mr. Dash. Bottom of page 72.
Mr. Dean. Seventy-two, correct, and indicate that after I did get
possession of the documents, the FBI files. I found them not very
meaningful and later Mr. Mardian, Mr. Parkinson, Mr. O'Brien came
over to my office and read the reports, and Mardian, they all reached
the same conclusion and I recall Mardian's reaction was that the docu-
ments indicated that the investigation was too vigorous and he was
quite critical of Gray and asked me to call Gray to slow down but I
never made such a call.
It was after I showed a copy of the July 21 report to Mr.
Mitchell that Mardian insisted that he be permitted to see the FBI
reports. Mitchell agreed, and thought that Paul O'Brien and Ken
Parkinson should also see them.
I recall that when Mardian, O'Brien and Parkinson finally
came to my office to look at the reports, they realized that they
were not very meaningful. It was Mr. Mardian, however, who be-
came very excited because of the scope of the investigation that
Gray was conducting and the tone of the cables he was sending out
of headquarters. Mardian clearly thought that Gray was being
too vigorous in his investigation of the case and was quite critical
of Gray's handling of the entire matter. He demanded that I tell
Gray to slow down, but I never did so.
Summarizing the first paragraph on page 73, I would also note that
I never showed any of these reports to any persons who were inter-
viewed by the FBI and they were only given to Mr. Dick Moore of the
White House staff when he was working on the Segretti matter for
Mr. Ehrlichman and Mr. Haldeman.
I do not recall ever finding anything in the FBI reports which
I scanned, that was worth reporting to Ehrlichman and Hald-
eman and so I never read all of the reports that were sent to me.
The FBI files containing the reports never left my office, nor were
they shown to anyone in the White House other than Dick Moore
when Mr. Moore had been instructed to prepare a report on the
Segretti incident by Ehrlichman. I never showed the reports to
any of the persons who were interviewed by the FBI after their
interviews.

**FIRST DEALINGS WITH THE CIA**

I will turn now to the first dealings I had with the CIA. It was dur-
ing the meeting in Mitchell's office on June 23 or 24 that Mardian first
raised the proposition that the CIA could take care of this entire mat-

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Note.—Indented matter represents portions of Mr. Dean's prepared statement which
were omitted or summarized in his presentation.
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. I didn't have the impression that he was upset by it. I don't know how often Mr. Gray and I talked but we talked frequently. We had worked together at the Department of Justice, and while it was reported that he called me with some outrage, Mr. Gray and I generally didn't have that type of conversation. He said something to the effect that "It that true, you know, I can't believe you would do that," and I said "No, it is not true and I never showed Segretti any FBI reports."

Senator Gurney. Of course you worked at the Department of Justice for sometime, and I suppose you have some familiarity with the procedures down there. Isn't it a most unusual thing for a 302 report to be let out of the FBI office to anyone?

Mr. Dean. Well, I know this: that the White House receives on a regular basis and my office was the recipient on a regular basis, of countless FBI information. Now this deals with everything from background investigation.

Senator Gurney. I am talking about the 302 forms that are filed with raw data.

Mr. Dean. Yes.

Senator Gurney. Not reports.

Mr. Dean. I don't recall ever receiving 302's at the White House other than on this incident. I really was never terribly aware of what the policy was. I didn't work with the criminal cases in the Department of Justice while I was there so I don't know if there were other occasions when 302's were sent anywhere or not. I can't answer the question.

Senator Gurney. But I understood you to say your understanding with Gray on these 302 files would be that you would guard them very closely.

Mr. Dean. That is correct.

Senator Gurney. Who did you show them to?

Mr. Dean. Well, as I testified, after the report on the 21st came to my office, Mr. Mardian was anxious to see them. Mr. Mitchell thought that was a good idea and also that Mr. O'Brien and Mr. Parkinson also came to see them. They came to my office. I recall them scanning them. They decided there really wasn't much in there that interested them. The thing that sticks in my mind most is that Mardian was, who was apparently very familiar with 302 and FBI investigations from being the head of the Internal Security Division said that, you know, "Gray is just going hog wild here," because of the tone and the tenor of the interoffice from one field office or from headquarters to field offices, that the tone of the cables that were being sent out of headquarters.

Senator Gurney. Mardian, O'Brien, Parkinson weren't even in the White House then?

Mr. Dean. That is correct.

Senator Gurney. Who were they working for?

Mr. Dean. The reelection committee.

Senator Gurney. Do you think Mr. Gray had any idea that people like that outside of the White House were looking at these files?

Mr. Dean. I am sure he had none because I didn't tell him.

Senator Gurney. Did anybody else look at the files?
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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Mr. Dorson. During the summer of 1972, were you aware that Patrick Gray was making available to John Dean FBI teletypes and 302's?

Mr. Kleindienst. No, sir. The first time I became aware of that was in the confirmation hearing of Mr. Gray to be the permanent Director of the FBI.

Mr. Dorson. Had Mr. Dean spoken to you about the possibility of the FBI supplying to the White House such documents?

Mr. Kleindienst. Mr. Dean raised a question with both myself and Mr. Petersen. Both of us were very quick to tell him that we did not—that we would not give him raw investigative data from FBI files. I told him based upon his representation to us and my belief throughout this matter that he was counsel to the President; he represented him continually. He was dealing strictly with the President, that the President had delegated him to more or less be responsible for an overview of the investigation insofar as it might relate to White House personnel. I told Mr. Dean that since I had been in the Department of Justice—I hadn't been Attorney General but a week when this fantastic situation occurred—that it had always been my policy and one that was shared by Attorney General Mitchell, that only under the most restricted circumstances should raw FBI investigative data be given to anybody. I believe I did indicate that we wouldn't mind summarizing pertinent information that was relevant to his inquiry orally for him so that he could make a report to the President. I believe I also indicated that if there was a particular file that the President of the United States personally wanted to see, that I would be willing to take that file personally up to the President, sit down with the President and let him look at it and then bring it back.

Mr. Dorson. During the summer of 1972, were you aware or made aware of a Saturday night phone call from Mr. John Ehrlichman to Henry Petersen?

Mr. Kleindienst. In the summer of 1972?

Mr. Dorson. Summer or fall.

Mr. Kleindienst. I do not know if it was an evening call. I became aware of a call that Mr. Ehrlichman made to Mr. Petersen I believe in the middle of the day, sometime between July 7 or 8 and August 8 or 9, at a time when I was at the Pocono Lake Preserve in Pennsylvania with my family on a vacation. I became aware of such a call at that time.

Mr. Dorson. How did you become aware of it?

Mr. Kleindienst. I became aware of the call because Mr. Ehrlichman called me. He started the conversation out, I think, by saying either "Dick" or "General," depending on the nature of the conversation how he would address me. He said: "I have just talked to Henry Petersen and I am very upset about my conversation with him because I gave him an instruction which he refused to follow," and I think my first reaction which was again rather abrupt and instantaneous was, "What were you doing talking to Henry Petersen in the first place and giving him instructions of any kind?" and he said, "Never mind that. I asked him to have the FBI and U.S. Attorney's Office not harass Secretary Stans with respect to interrogations, not to harass the Secretary."

And I said, John, you have got to be out of your mind. What did Mr. Petersen say to you? Well, I think he said in a polite way he told
50. On or about Friday July 28, 1972 a grand jury subpoena was served on Maurice Stans, Chairman of FCRP, to testify in connection with the investigation of the break-in at the DNC headquarters about his knowledge of the purpose for which campaign funds were spent. The President requested that John Ehrlichman determine if Stans could testify by deposition instead of being subjected to a personal appearance before the grand jury. John Dean called Henry Petersen, Assistant Attorney General in charge of the Criminal Division, and requested that Stans' testimony be taken at the offices of the Department of Justice rather than before the grand jury. Petersen had previously agreed to this arrangement in the case of testimony by members of the White House staff. Petersen told Dean that this procedure could not be used for Stans, and Dean reported that response to Ehrlichman. On Saturday, July 29, 1972 Ehrlichman called Petersen and requested that Stans not be compelled to appear before the grand jury. Ehrlichman accused the prosecutors of harassing Stans. On Sunday, July 30, 1972 Ehrlichman called Attorney General Kleindienst. Ehrlichman reported that Petersen had refused to follow his instructions. The next day Kleindienst, Petersen and Assistant United States Attorney Earl Silbert met in Petersen's office. They agreed that Stans would be questioned under oath at the Department of Justice and not before the grand jury. On August 2, 1972 Stans was questioned in Petersen's conference room. According to Stans, in August the President called Stans and told him that he appreciated the sacrifice that Stans was
making in not answering questions for the press and hoped that he could continue to take it.

50.1 Earl J. Silbert statement to the Senate Judiciary Committee, March 4, 1974, 27-28 (received from Senate Judiciary Committee).

50.2 John Dean testimony, 3 SSC 954.

50.3 John Ehrlichman testimony, 7 SSC 2699-2700.

50.4 Henry Petersen testimony, 9 SSC 3618-19.

50.5 Richard Kleindienst testimony, 9 SSC 3564-65.

50.6 Robert W. Barker (counsel for Maurice Stans) statement, 2 SSC 682.

50.7 Maurice Stans testimony, 2 SSC 726.
RESPONSE FOR THE SENATE JUDICIARY COMMITTEE TO
"A REPORT TO THE SPECIAL PROSECUTOR
ON CERTAIN ASPECTS OF THE WATERGATE AFFAIR,"
A REPORT PREPARED BY CHARLES MORGAN, JR

By: Earl J. Silbert
United States Attorney
for the
District of Columbia
between September 7 and September 15, 1972 the day on which the indictment was returned, nine witnesses testified before the grand jury, including John Mitchell, and, for the third time, Jeb Magruder.

Q. Response to Criticisms for Not Requiring Maurice Stans to Testify Personally Before the Grand Jury and Not Calling Mr. Stans or Mitchell as Witness at Trial, and Not Asking Adequate Questions at Trial

21. The Morgan Report criticizes the fact that Maurice Stans did not appear personally before the grand jury. (P. 38) The facts to my knowledge are as follows:

On Friday, July 29, 1972, I directed the FBI to serve a grand jury subpoena upon Maurice Stans to appear before the grand jury the following Tuesday, August 1, 1972. That evening, counsel for the Committee for the Re-Election of the President, at an emergency meeting he requested, strongly objected to the proposed grand jury appearance of Mr. Stans, stating it would harm his fund raising efforts. At his request, we changed the date of his appearance to Wednesday, August 2, 1972, but explained he would have to appear.

After the meeting, Mr. Campbell, Mr. Glanzer, and I discussed the matter among ourselves. One aspect we discussed was the appropriateness of serving a subpoena on a person such as Mr. Stans, a former cabinet officer, as opposed to inviting him to appear, the procedure ordinarily followed with Senators, Congressman, and other public and private officials who upon invitation would be expected to appear. More importantly, we discussed the potentially harmful affect on our investigation by what would inevitably be a highly publicized appearance at the grand jury by a person as well known as Mr. Stans. The mounting publicity in this case, we were concerned, might hinder the investigation and would very likely provide the
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defendants with a basis for delaying the trial, a highly undesirable result in view of the enormous pressures on us to bring the case to trial as quickly as possible. We reviewed as precedent the case of United States v. Sweig, 441 F.2d 114, 121, n.7 (2d Cir.), cert. denied, 403 U.S. 932 (1971) in which former Speaker John McCormack did not appear before the grand jury but was deposed in his own office during a criminal investigation which was focusing on members of his staff, once with his nephew present. We reached no final decision that evening.

During the week end, I was informed by Henry Petersen that he had received a very strong complaint from John Ehrlichman of the White House about the potentially unfair and prejudicial publicity generated by appearances of White House staff members and former cabinet officers before the grand jury at the United States Courthouse.

After a meeting on Monday, July 31, 1972, of then Attorney General Richard Kleindeinst, Mr. Petersen, and myself in which this and other aspects of the Watergate case were discussed, it was subsequently agreed that well known persons such as Mr. Stans and White House staff members whose testimony was sought by the grand jury would be examined by an Assistant United States Attorney in the offices of Mr. Petersen at the Department of Justice. It was agreed that this examination would be under conditions duplicating as nearly as possible examination before the grand jury: testimony under oath in question and answer form, in the presence only of an Assistant United States Attorney and a court reporter who would record the proceedings. The witness could be accompanied by counsel. As before a grand jury, however, counsel was not permitted to be present during the examination but instead would be available in a nearby room to confer with the witness if the latter so desired. After the examination, the transcript of the proceeding prepared by the court reporter would be submitted to the grand jury.
before the grand jury and he had worked out an arrangement whereby they could come to the Department of Justice, be interviewed by the prosecutors with counsel present, and then the prosecutor would take a sworn statement without counsel present as if it were a secret grand jury room and later the prosecutors would read the statement to the grand jury. This procedure was followed, as I recall, for Mr. Colson, Mr. Krogh, Mr. Young, Mr. Chapin, and Mr. Strachan.

When Secretary Stans learned that he was being called before the grand jury, he expressed a similar outrage and requested a procedure like that which had been given to the members of the White House staff. I discussed this again with Petersen, but he said he didn’t feel it would be possible to follow a similar procedure. Mr. Stans’ outrage continued and finally he raised it directly with Mr. Ehrlichman. Ehrlichman asked me why I couldn’t do anything with Petersen about this and I told him that Petersen had done the best he could but that there was nothing he could do about it because the grand jury wanted Stans to appear. Ehrlichman would not accept my explanation and called Petersen and was very harsh in telling Petersen that he should honor the White House request that Stans not be forced to appear at the court house to go before the grand jury. I was present when Ehrlichman called Petersen and felt that he was wrong in doing so. I felt that Petersen had been more than accommodating and that if he could have done it, he would, but obviously the grand jury wanted to see these people and Petersen was not happy with the procedures that had been followed with the others. It had merely been an accommodation. Accordingly, I called Mr. Petersen and apologized for the call that he had received from Ehrlichman.

The only significant matter that I can recall in connection with any of the grand jury appearances was in connection with Colson’s grand jury appearance also. After Colson returned from his grand jury interview he sent me a memorandum, a copy of which I have submitted to the committee—which he suggested I might wish to send on to the prosecutors. I had been present during Colson’s interview with the prosecutors before his sworn statement was taken and I did not find anything of significance in the memorandum that he had failed to cover during his interview.

[The document referred to was marked exhibit No. 34-15.*]

Mr. DEAN. I had also received information from Magruder that he had been pressured by Colson and members of Colson’s staff into authorizing the adoption of Liddy’s plans on several occasions and this information was not reflected in the memorandum that Colson had prepared. I felt that the memorandum was rather self-serving to Mr. Colson and I was not convinced that it was totally factual.

The memorandum also came to my attention almost a week after Colson had sent it to me because, immediately following his appearance before the grand jury at the end of August, I had gone to San Clemente. I advised Colson that I did not know if everything in his memorandum was consistent with Magruder’s testimony, and I thought we ought to leave well enough alone. He agreed. Accordingly, I filed the document rather than forward it to Mr. Silbert.

*See p. 1169.
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
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Senator Ervin. Well, they didn’t give him a chance. They didn’t indict Magruder, and the prosecuting attorneys are reported in the press to have said the evidence showed that nobody was involved except the seven men under prosecution.

Don’t you know that?

Mr. Ehrlichman. I know, too, that they had Mr. Sloan’s testimony before them. He was not believed and in point of fact, you remember in the press, the judge made comments which indicated that he did not believe Mr. Sloan.

Senator Ervin. Well, it has turned out since he was telling the truth, I think rather strongly, so they certainly had his testimony that.

Mr. Ehrlichman. I don’t know what it was that Mr. Sloan wanted to tell me because after we had talked for a few minutes and I had determined that he felt he had some exposure, but that he had not talked to an attorney, I told him that it would be grossly unfair of me to hear him out until he had had an opportunity to talk with an attorney and take counsel on his own situation.

Senator Ervin. You were one of the men in the White House who stood in power next to the President, weren’t you?

Mr. Ehrlichman. I worked for the President there.

Senator Ervin. Yes, and when an agent, when this treasurer of the Finance Committee To Re-Elect the President came and told you he wanted to tell you about some things that troubled him you refused to listen.

Mr. Ehrlichman. Well, I thought I was doing that from his standpoint.

Mr. Chairman.

Duke Sloan has been a young man that I have known well during the time he worked in the White House. I didn’t want to see him tell me something before he had talked to counsel that later on was going to prove his undoing, and you see his wife, Debbie, also worked at the White House and was well known to my wife and me and I just didn’t want to see him overreached.

Senator Ervin. I have got to go and the time is almost up to go over there and vote.

[Recess.]

Senator Ervin. Before I put another question, I would say that my idea is that it is up to the jury to determine whether a witness is telling the truth instead of the prosecuting attorney.

Did you not call Henry Petersen, the Assistant Attorney General of the Criminal Division, who had general supervision of this prosecution and ask him not to require former Secretary Maurice Stans to go before the grand jury?
Mr. EHRLICHMAN. Yes, Mr. Chairman. The circumstances were that the— it had come to the President's notice that Secretary Stans was going to be asked to appear before the grand jury. He asked me to determine if it would be possible for Secretary Stans to give his testimony as others had, through the device of a proceeding at the Justice Department, a deposition, so to speak, under oath, rather than to run the gauntlet at the Federal courthouse.

The President said that a man who was a former Cabinet officer and so on, should not be subjected to that kind of a situation. I talked with Mr. Dean about it and I talked with Mr. Petersen and he agreed not to do that.

Senator ERVIN. As a Democrat with a small "d," I am incapable of comprehending why a former Cabinet officer should not have to do as all other mortals and go before grand juries and so he did not go, did he?

Mr. EHRLICHMAN. He gave his testimony.

Senator ERVIN. He gave his testimony?

Mr. EHRLICHMAN. Excuse me, Mr. Chairman. He gave his testimony by deposition.

Senator ERVIN. Yes, he gave his testimony in the absence of the grand jury, did he not?

Mr. EHRLICHMAN. Apparently this was a procedure which had been established by the prosecution and a number of other people had done likewise.

Senator ERVIN. As I have observed during these hearings before, murder and stealing have occurred in all generations but they have not made murder meritorious or larceny legal.

Now, my question is. Mr. Former Secretary Stans did not go before the grand jury, did he? He gave his testimony in his office, did he not?

Mr. EHRLICHMAN. No, sir—well, I do not know where he gave it.

Senator ERVIN. Well, he gave his testimony in the absence of the grand jury?

Mr. EHRLICHMAN. Yes, I believe he gave it at the Department of Justice.

Senator ERVIN. Yes. And by that method, there was nobody there to ask him any questions except the prosecuting attorney who held office at the pleasure of the President. Is that not so?

Mr. EHRLICHMAN. Well, I do not know who was present, Mr. Chairman.

Senator ERVIN. Well, you know none of the grand jurors—there were 23 grand jurors. I believe under the Federal system, none of the grand jurors were there, were they?

Mr. EHRLICHMAN. I do not believe so.

Senator ERVIN. So this was a process—

Mr. EHRLICHMAN. Unless the foreman was there, and I do not know that.

Senator ERVIN. This was a process because Secretary Stans, I guess—Shakespeare said about Caesar what meat our Caesar cats had grown so great but he had eaten such meat that made him so great that he did not have to go before the grand jury like ordinary mortals, and that procedure made it certain that no inquisitive grand juror could ask this man who had had charge of the financing of the campaign, any embarrassing questions, did he not?
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973
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Mr. Petersen. After his appearance before the grand jury, I do not know whether—

Mr. Dash. Had he shown some interest prior to that? Of course, I think there were three appearances that he had.

Mr. Petersen. Yes, of course, first of all, the statements were at the White House, coming from the White House that John Dean was charged with preparing a report, and what have you. John Dean’s statements that were made to me were: I am responsible to keep the President informed and, you know, if I get in there and he asks me a question, he really chews me out if I do not know the answer and, Henry, you have got to keep me posted on these things. They wanted to know—if there was going to be a news worthy item, they would like to know about it at or about the time it happened. So to that extent I tried to keep him informed of the ultimate facts and when I did not, he would call.

Mr. Dash. Right, and, therefore, you did tell him that he had got through the grand jury.

Now, can you recall a time when Mr. Ehrlichman got in touch with you concerning the appearance of Mr. Stans before the grand jury?

Mr. Petersen. Yes, sir; I can.

Mr. Dash. Can you briefly tell the committee about that in your own words?

Mr. Petersen. I cannot give you the date, Mr. Dash. I think that—

Mr. Dash. Approximately what period?

Mr. Petersen. It is isolated. It was during the summer. It was before the indictment. It can be fixed because it was immediately before the return date of the subpoena that was served on Mr. Stans.

I received a call at 11:45 in my home. I was sitting at the kitchen table and it was Mr. Ehrlichman and he charged Earl Silbert with harassing former Secretary Stans and I told Mr. Ehrlichman that Mr. Silbert was not a responsibility, that I had approved of that, and that it was not harassment, that it was true he had been interviewed at least twice by the FBI but we simply—I am hesitating because I want to be fair to Mr. Stans—basically his testimony, his interviews were the same as he gave the committee. Let me put it that way.

As I recall his appearance up here, there was some question about whether the committee believed his statements that he did not know what happened to the money, that all he did was collect it. We had some difficulty, the same difficulty, and we felt that if that was his story, that we ought to have it under oath. So to that extent we called him basically the third time and it was right—

Mr. Dash. What did Mr. Ehrlichman want?

Mr. Petersen. What did he want? I asked him that question twice and he never spelled it out except to stop harassing Mr. Stans and I said we were not harassing him and he charged that Earl Silbert was acting like a local prosecutor. Well, Mr. Silbert is a local prosecutor [laughter].

Mr. Dash. Did you get the impression that Mr. Ehrlichman was perhaps asking that Mr. Stans be excused from going to the grand jury?

Mr. Petersen. Well, that is what he was driving at. I asked him twice what he wanted and he never answered other than to say stop harassing. I asked him, I said, well, if Stans has a problem with the
subpoena, why doesn't his lawyer call him, and he said it was not necessary, that Ehrlichman was calling me and we ended up telling him to tell his lawyer to call me.

Mr. Dash. Did Mr. Kleindienst later speak to you about the same matter?

Mr. Petersen. Mr. Kleindienst called me Sunday evening the day after and said, are you upset, and I said about what? He said about the Ehrlichman call. And I said no, I am not upset. I was a little mad but it was his mistake, not mine, that I thought it was highly indiscreet, and Kleindienst said, well, what is it all about, and I told him that we wanted Stans' testimony under oath and he said, well, why don't you come on down early in the morning. I have got to see Ehrlichman about this and you come on, you and Silbert come on down and give me a briefing and we met, I think it was in my office at 8 o'clock the next morning and briefed Mr. Kleindienst on the status of the investigation.

I told him there is no need for you to be concerned about me. No point going over to the White House and getting in a fight about me. He cannot do anything to me. We will get his testimony.

I did discuss with Mr. Silbert and Mr. Kleindienst whether or not we should make a concession. One of the concessions that we did make was that we would take his testimony and what I described as under grand jury conditions, that is, under oath, without his lawyer being present, in order to avoid publicity and——

Mr. Dash. Were you aware or did Mr. Kleindienst tell you about his telephone conversation with Mr. Ehrlichman?

Mr. Petersen. No, sir. I never heard of that. Indeed, I did not know from whom he had learned of the conversation until very recently.

Mr. Dash. You said you did agree on a concession. Could you tell us where was Mr. Stans interrogated?

Mr. Petersen. He was interrogated in my conference room by the prosecutors on the case with a reporter present and no one else.

Mr. Dash. And not before the grand jury?

Mr. Petersen. No, sir.

Mr. Dash. Who else, by the way, was given a similar concession during the investigation?

Mr. Petersen. Colson, Kehrli, and Young.

Mr. Dash. Colson, Kehrli, and——

Mr. Petersen. Young.

Mr. Dash. Was this requested by anybody in the White House?

Mr. Petersen. I think it was requested by John Dean in order to avoid publicity.

Mr. Dash. Is there any special reason? Is that the reason, to avoid publicity, that this concession was given to White House staff?

Mr. Petersen. No. I don't think—that is all. Frankly, Mr. Dash, one of the most difficult things I have had to do since I have been in the Justice Department are decisions with respect to public officials, because the concerns are tremendous. You err seriously if you don't conduct an investigation where it should be conducted and if you do conduct an investigation where it should not be, you do a terrible disservice to the public official involved. It is no help to say, well, Mr. Public Official, we want you to know you have been cleared and we are sorry about all the publicity. That is a very serious thing and I have
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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[1070]
Mr. Dorsen: During the summer of 1972, were you aware that Patrick Gray was making available to John Dean FBI teletypes and 302's?

Mr. Kleindienst: No, sir. The first time I became aware of that was in the confirmation hearing of Mr. Gray to be the permanent Director of the FBI.

Mr. Dorsen: Had Mr. Dean spoken to you about the possibility of the FBI supplying to the White House such documents?

Mr. Kleindienst: Mr. Dean raised a question with both myself and Mr. Petersen. Both of us were very quick to tell him that we did not—that we would not give him raw investigative data from FBI files. I told him based upon his representation to us and my belief throughout this matter that he was counsel to the President; he represented him continually. He was dealing strictly with the President, that the President had delegated him to more or less be responsible for an overview of the investigation insofar as it might relate to White House personnel. I told Mr. Dean that since I had been in the Department of Justice—I hadn't been Attorney General but a week when this fantastic situation occurred—that it had always been my policy and one that was shared by Attorney General Mitchell, that only under the most restricted circumstances should raw FBI investigative data be given to anybody. I believe I did indicate that we wouldn't mind summarizing pertinent information that was relevant to his inquiry orally for him so that he could make a report to the President. I believe I also indicated that if there was a particular file that the President of the United States personally wanted to see, that I would be willing to take that file personally up to the President, sit down with the President and let him look at it and then bring it back.

Mr. Dorsen: During the summer of 1972, were you aware or made aware of a Saturday night phone call from Mr. John Ehrlichman to Henry Petersen?

Mr. Kleindienst: In the summer of 1972?

Mr. Dorsen: Summer or fall.

Mr. Kleindienst: I do not know if it was an evening call. I became aware of a call that Mr. Ehrlichman made to Mr. Petersen. I believe in the middle of the day, sometime between July 7th or 8th and August 8th or 9th, at a time when I was at the Pocono Lake Preserve in Pennsylvania with my family. I became aware of such a call at that time.

Mr. Dorsen: How did you become aware of it?

Mr. Kleindienst: I became aware of the call because Mr. Ehrlichman called me. He started the conversation out, I think, by saying either “Dick” or “General,” depending on the nature of the conversation how he would address me. He said: “I have just talked to Henry Petersen and I am very upset about my conversation with him because I gave him an instruction which he refused to follow,” and I think my first reaction which was again rather abrupt and instantaneous was: “What were you doing talking to Henry Petersen in the first place and giving him instructions of any kind?” and he said: “Never mind that. I asked him to have the FBI and U.S. Attorney’s Office not harass Secretary Stans with respect to interrogations, not to harass the Secretary.”

And I said, John, you have got to be out of your mind. What did Mr. Petersen say to you? Well, I think he said in a polite way he told
Mr. Kleindienst was, I think by that time I may have been calling him Mr. Ehrlichman, I said you are awfully lucky Henry Petersen is the kind of man that he is that he does not blow his handle. I said if he resigned today and has a press conference and repeated your conversation with him you could probably be involved in an obstruction of justice complaint, and I said Henry did exactly what I would expect him to do. Then I remember saying to Mr. Ehrlichman I never want you again to call up anybody in my Department and give them specific instruction. I said if you have something to convey to Mr. Petersen or anybody over there you can call me. He said well, I cannot reach you all the time, and I said well, John, we have transacted most of our business on the telephone, I had a telephone installed up here to be available to you and the President or anybody else 24 hours a day. He said I will not agree to that, and I said all right, John, if you will not agree to that I will come down Monday, I would like to meet with you and the President, and if the President tells me that you have the authority and the power to give specific instructions to people in the Department of Justice then I will submit my resignation. At that point Mr. Ehrlichman then treated the matter lightly, do not get excited, I was only kidding, do not worry about it, it will never happen again, and I can say to you that it never did happen again.

Mr. Dorsey. Am I correct that Mr. Stans did not actually appear before the grand jury?

Mr. Kleindienst. That is my understanding.

Mr. Dorsey. And how did that come about, in view of your conversation with Mr. Ehrlichman?

Mr. Kleindienst. That came about as a result of conferences that I had with Mr. Petersen.

Mr. Petersen said that if you are dealing with persons of high position, persons of great notoriety or prestige, it is not uncommon, depending upon the circumstances, instead of having them appear before the grand jury directly, to have them interrogated by an Assistant U.S. Attorney or the U.S. Attorney with a court reporter and give them questions and get answers from them, otherwise the same ground rules would apply, they would not have a lawyer with them, their attorney could be in the next room, if they wanted to consult with their attorney they could step out and do that. He said that particularly he saw no objection to it in view of the fact as of that time there was no evidence of any kind in our possession that would indicate culpability or criminal conduct on behalf of Mr. Stans.

I have had very little experience with the grand jury procedure. I authorized that procedure with respect to Mr. Stans and I will take personal responsibility for it.

Mr. Dorsey. Now, before I ask you your relationship with John Ehrlichman in reference to the Justice Department during this period, I would like to read a few sentences from John Dean's testimony before this committee from page 2308.

Throughout the Watergate investigation Haldeman and particularly Ehrlichman had complained about Mr. Kleindienst's passive role in the investigation and prosecution. Haldeman and Ehrlichman were both aware of the strained relationship between Kleindienst and the White House. I know that Ehrlichman was riding hard on the Justice Department in an effort to undermine Mr. Kleindienst. I also knew from conferences with Kleindienst he had little affection for Mr. Ehrlichman.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
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UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JUNE 5, 6, 7, 12, 13, AND 14, 1973
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[1074]
Commencing early in July of 1972, on three occasions, he voluntarily submitted himself to inquiries and discussions with FBI agents concerning the Watergate break-in and the Presidential election campaign. On August 2, 1972, Mr. Stans voluntarily appeared and gave sworn testimony to the assistant U.S. attorney for use before the Watergate grand jury here in Washington, D.C.

Subsequently, Mr. Stans voluntarily appeared before the staff of the House Banking and Currency Committee and gave information with respect to campaign finances and cooperated with that committee. On six different occasions, in addition to submitting the official reports required of the committee, Mr. Stans gave affidavits and discussed matters with representatives of the General Accounting Office concerning campaign finances and activities. He did everything he could to clarify matters.

Again voluntarily, he went to New York and appeared before the U.S. attorney handling the grand jury investigations into the Vesco contribution to the campaign. He then also voluntarily appeared on two occasions before that grand jury and fully and candidly and completely testified as to the matters known to him to the best of his ability.

In addition, on three occasions, he has given depositions in the civil litigation arising out of the campaign. He has also testified for the litigation in Florida, a criminal case down there.

Subsequently, he appeared before the staff of this committee and on two occasions, gave them information concerning the campaign activities and finances, and he fully intended to appear voluntarily before this committee and to give it all the cooperation and assistance that he could.

However, on May 10, the United States of America, of which this committee is a part, a coordinate branch, changed the whole situation. It brought an indictment against Mr. Stans, charging him with very serious crimes arising out of the campaign and his duties as chairman of the finance committee.

As you know, Mr. Stans pleaded innocent.

Now, Mr. Stans is before this committee under subpoena, with a direction to testify about his function as chairman of the Committee To Re-Elect the President. Inevitably, directly or indirectly, this hearing will influence any jury which might be called to hear the case in New York. This places Mr. Stans in an impossible position and a completely unfair one. Under our constitutional system and the fundamental laws of this land, an accused is entitled to a fair trial by an impartial jury, unimpeached by a deluge of publicity. In other words, as the Supreme Court said in Estes v. Texas, the concept of due process of law entitled the defendant to "both judicial serenity and calm."

Now, Mr. Chairman, the inevitable Kleig light of publicity which will result from Mr. Stans' appearance here would preclude any judicial serenity and calm at the trial now set, as I say, for September 11 in New York. It would also tend to deny him the possibility of an impartial jury of the kind guaranteed by the sixth amendment. To paraphrase the language of the Supreme Court in Delaney v. U.S. (199 F. 2d, 107, 1st cir., 1952), Mr. Stans' appearance before this committee and the television and other news media related thereto would accomplish additional investigation and extensive publicity
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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Senator Gurney. Have you ever discussed this Watergate affair or any aspect of it with the President of the United States?

Mr. Stans. Only in the sense that the President and I met once during the campaign and I had one telephone call from him, both in August.

Senator Gurney. Both when?

Mr. Stans. In August of last year, in which he said that he was aware of the fact that I was receiving considerable punishment in the press for not answering their questions at the time. He said that he appreciated the sacrifice I was making in that respect but the matter would be over eventually, and he hoped that I could continue to take it. It was a pep talk, in other words, and that was the substance of the discussion over the telephone.

Now, in the subsequent meeting about 10 days later in his office in the Executive Office Building I talked about some of the problems on fundraising with him, the pending nationwide dinner which was going to take place in September at which he was going to participate, and matters of that type but there was no discussion of the Watergate, of coverup or any subject of that type with the President.

Senator Gurney. Do you know from any information from anybody else whether the President of the United States had any knowledge of Watergate or the coverup?

Mr. Stans. I have absolutely no such information.

Senator Gurney. Thank you, Mr. Stans.

That is all, Mr. Chairman.

Senator Ervin. Senator Inouye.

Senator Inouye. Thank you, Mr. Chairman.

Mr. Secretary, a few moments ago you testified that you had met with Mr. Mitchell on June 23 and yesterday you suggested that it was possible you met with Mr. Mitchell on June 24. The break-in was on the 17th of June. On the 18th I believe all of the major papers in the United States had banner headlines about the Watergate break-in and you learned about that for the first time. Then, on the 23d of June you testified you received a call from Mr. LaRue, I believe. Then, there were other banner headlines about money being traced through a bank and hundred dollar bills all over the place and the security chief of the Committee To Re-Elect the President being arrested as one of those found in the Watergate complex. Last week one of your associates, Mr. Sloan, testified that he was quite apprehensive about an $81,000 cash disbursement to Mr. Liddy and he testified that he conferred with you on this matter and wanted some indication from you that Mr. Magruder was authorized to make these cash payments. So you indicated that you would look into this, and on June 24 you had a meeting with Mr. Mitchell, the Attorney General.

Now, upon your return from the meeting this is what Mr. Sloan testified to, and I am quoting from the testimony:

By “he” he means you, sir, “He returned from that meeting with Mr. Mitchell and he confirmed that Mr. Magruder continued to have this authority that I should pay these funds and with regard to my question of concern about his purpose he said ‘I do not want to know and you do not want to know’.”

Do you recall this, sir?