1-1-1974

09. Book III, Vol. 3: Events following the Watergate break-in, June 20, 1972 - March 22, 1973 (allegations concerning payments of "hush" money to Watergate defendants to insure their silence, offers of leniency and executive clemency, and the making or causing to be, of false statements to persons connected with an official investigation of Watergate; chronology of events between February 9 and March 22, 1973)

Don Edwards

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37. On January 12, 14 and 25, 1973 offers of executive clemency were made to McCord by Caulfield at the direction of Dean.

37.1 John Caulfield testimony, 1 SSC 255-60.
37.2 James McCord testimony, 1 SSC 137-41.
37.3 John Dean testimony, 3 SSC 975-76.
38. In January 1973 LaRue discussed with Dean a payment to Gordon Liddy's attorney and shortly thereafter delivered $20,000 to Peter Maroulis, Liddy's attorney.

38.1 Fred LaRue testimony, 6 SSC 2296.
39. On January 23, 1973 Herbert Porter and Jeb Magruder testified falsely during the trial in United States v. Liddy that Porter had paid Liddy to conduct a program of infiltrating radical groups to obtain political intelligence. Magruder has testified that he had previously told Haldeman that Magruder would commit perjury and that Porter had been cooperative. Haldeman denies that he was so informed.


39.2 Herbert Porter testimony, 2 SSC 635-37.


39.5 Jeb Magruder testimony, 2 SSC 805, 831-32.

39.6 H. R. Haldeman testimony, 7 SSC 2887.
40. In about January or February 1973 LaRue made payments of $25,000 and $35,000 in cash to Howard Hunt's attorney, William Bittman. These funds came from the money that LaRue had received from the White House.

40.1 Fred LaRue testimony, 6 SSC 2296-97.
41. On February 7, 1973 the United States Senate, by a vote of 77 to 0, established the Senate Select Committee on Presidential Campaign Activities (SSC) "to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass ..." The authorizing resolution "directs the select committee to make a complete investigation and study" of activities "which have any tendency to reveal the full facts" in respect to sixteen specified topics including the break-in and the electronic surveillance at the DNC headquarters, the payment of money or the use of coercion, threats or other means to conceal evidence relating to the break-in, presidential campaign sabotage, presidential campaign fundraising and the concealment, suppression or destruction of evidence relating to matters within the Committee's jurisdiction.

-41.1 119 Congressional Record, S2317, S2335-37 (February 7, 1973).
42. On February 9, 1973 H. R. Haldeman sent John Dean an "Eyes only" memorandum. Mr. Haldeman wrote:

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

He directed Dean to have the Attorney General "order the FBI project on the 1968 bugging . . ." so as to gather the data on whether the President was subject to bugging during the 1968 campaign. He also stated that "Mitchell should probably have Kendall [President of Pepsi Cola Company] call DeLoach [former FBI Assistant Director now working for Mr. Kendall] in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him."

42.1 Memorandum from H.R. Haldeman to John Dean, February 9, 1973, SSC Exhibit No. 34-33, 3 SSC 1240.

42.2 H.R. Haldeman testimony, 8 SSC 3203-05.

42.3 John Dean testimony, 3 SSC 982-83.
43. On February 10 and 11, 1973 H.R. Haldeman, John Ehrlichman, John Dean, and Special Counsel to the President Richard Moore met at San Clemente and at Haldeman's cottage at Rancho LaCosta, California to discuss strategy for the hearings of the Senate Select Committee on Campaign Activities. The meeting was called because the President wanted to know what planning was being done for the hearings and what strategy should be adopted with respect to the White House position on executive privilege and other similar matters. The meetings involved between 8 and 14 hours of discussion. It was agreed that CRP rather than the White House would take primary responsibility for the defense on Watergate-related matters and that John Mitchell should be asked to coordinate these activities. According to Ehrlichman there was discussion of possible dilatory tactics with respect to the hearings of the Senate Select Committee on Campaign Activities. One tactic considered was monetary assistance to the attorneys for the Watergate defendants in possibly seeking judicial delay of the hearings. It was agreed that Moore would go to New York to speak to Mitchell about the group's discussions and Mitchell's role in preparing for the hearings.

43.1 John Dean testimony, 3 SSC 982-86; memorandum from H.R. Haldeman to John Dean, February 9, 1973, memorandum from Lawrence Higby to John Dean, February 10, 1973, and memorandum from H.R. Haldeman to John Dean, February 10, 1973, SSC Exhibit No. 34-33, 3 SSC 1240-42.

43.2 John Dean testimony, 4 SSC 1462.

43.3 John Ehrlichman testimony, 7 SSC 2849-51, 2739.

43.4 H.R. Haldeman testimony, 7 SSC 2889-90.

43.5 Richard Moore testimony, 5 SSC 1940-42.

43.6 John Mitchell testimony, 5 SSC 1934-36.
44. On or about February 14, 1973 Magruder met with Haldeman and discussed Magruder's possible future employment. Prior to this meeting Hugh Sloan had told John Dean that because of Jeb Magruder's suggestion to Sloan in June 1972 that Sloan perjure himself regarding the funds paid to Gordon Liddy by CRP, Sloan would testify against Magruder if Magruder should be nominated for a high government office. On or about February 19, 1973 Dean met with Haldeman, and he thereafter drew up an agenda of matters to be discussed and resolved at a meeting between Haldeman and the President. In that agenda it was stated that Magruder wanted to return to the White House; that Magruder "may be vulnerable (Sloan) until Senate hearings are completed;" and that Magruder "personally is prepared to withstand confirmation hearings." On February 23, 1973 Sloan met with Haldeman. According to Sloan, Haldeman told Sloan that no individual who had become a prominent figure in the Watergate matter would be placed in a high government position. On March 2, 1973 Magruder met with Haldeman and Dean. At this meeting Magruder was offered and subsequently accepted the position of Deputy Under-Secretary of Commerce for Policy Development, a Level IV government position carrying an annual salary of $36,000.

44.1 Hugh Sloan testimony, 2 SSC 543, 590-91, 608-09.
44.2 Jeb Magruder testimony, 2 SSC 830-31
44.3 H. R. Haldeman testimony, 7 SSC 2886-87, 2890-91.
44.4 John Dean testimony, 3 SSC 987-88, 990-91.
44.5 Agenda for meeting between the President and H.R. Haldeman, SSC Exhibit No. 34-34, 3 SSC 1243-44.
44.6 John Dean testimony, Watergate Grand Jury, February 14, 1974, 7 (received from Watergate Grand Jury).

44.7 Memorandum to Larry Higby and John Dean from Jerry Jones, February 28, 1973, SSC Exhibit No. 34-37, 3 SSC 1249-50.

45. On February 22, 1973 H. R. Haldeman asked John Dean to prepare a briefing paper for a meeting between the President and Attorney General Richard Kleindienst. Haldeman told Dean not to transmit the memorandum through normal channels, but to hand carry it to him. Dean prepared a briefing paper stating that Kleindienst would probably like to leave government to accept an offer he had received from a law firm but that "Kleindienst is extremely loyal to the President and will do anything asked of him by the President." (Emphasis in original.)

The memorandum set forth recommendations for retaining Kleindienst as Attorney General. On February 23, 1973 the President met with Kleindienst from 10:08 to 10:52 a.m. Kleindienst testified that the President asked him to stay as Attorney General until the Watergate situation was over and discussed Kleindienst's role as liaison to the minority members of the Senate Select Committee.


45.2 John Dean testimony, 3 SSC 989.

45.3 John Dean testimony, 4 SSC 1488, 1491-92.

45.4 H.R. Haldeman calendar, February 22, 1973 (received from SSC).

45.5 Meetings and telephone conversations between the President and Richard Kleindienst, February 23, 1973 (received from White House).

45.6 Richard Kleindienst testimony, 9 SSC 3567-69.

45.7 Richard Kleindienst testimony, August 9, 1973, Watergate Grand Jury, 69 (received from Watergate Grand Jury).
46. Dean has testified that prior to February 27, 1973 that he told Ehrlichman that he would not be able to assert executive privilege since he had so little personal contact with the President. On February 27, 1973 the President met with John Dean and directed him to assume responsibility for Watergate-related matters. Both Haldeman and Ehrlichman have testified that the President believed that they were spending too much of their time on Watergate matters. Dean has testified that at this meeting the President instructed Dean to report directly to him on all Watergate matters. There was discussion of preparation for the Senate Select Committee on Presidential Campaign Activities hearings, which included a discussion of the President's meetings with Senator Howard Baker, of executive privilege, of the minority counsel to the Select Committee, and whether the White House staff would be permitted to testify before the Select Committee. Dean testified that the President stated he would not permit White House staff members to appear before the Select Committee, but would only permit the answering of written interrogatories.

46.1 Meetings and telephone conversations between the President and John Dean, February 27, 1973 (received from White House).

46.2 Memorandum of substance of Dean's calls and meetings with the President, February 27, 1973 (received from White House).

46.3 John Dean testimony, 3 SSC 991-92.

46.4 John Dean testimony, Watergate Grand Jury, February 14, 1974, 7-8 (received from Watergate Grand Jury).

46.5 John Ehrlichman testimony, 7 SSC 2739-40.

46.6 H.R. Haldeman testimony, 7 SSC 2891.
47. On February 28, 1973 the President met with John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

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47.1 Tape recording of meeting between the President and John Dean, February 28, 1973 and House Judiciary Committee transcript thereof.


UNITED STATES DISTRICT COURT
For The District of Columbia

UNITED STATES OF AMERICA

vs.

GEORGE GORDON LIDDY, et al

Criminal No. 1827-72

TRANSCRIPT OF PROCEEDINGS

Thursday, January 11, 1973

COPY FOR:

PAGES:

104-155B
156-205 (209)
210-246
257-299 (Pgs. 133-155-B ordered sealed)

2.

NICHOLAS SOKAL
OFFICIAL REPORTER
4800-F U. S. COURTHOUSE
WASHINGTON, D. C. 20001

TELE: 426-7454

[1920]
Thursday, January 11, 1973

The above-entitled cause came on for further trial at 9:30 a.m., before THE HON. CHIEF JUDGE JOHN J. SIRICA, and a jury.

APPEARANCES:

On Behalf of the United States:

EARL SILBERT, Ass't. U.S. Attorney
SEYMOUR GLANZER, Ass't. U.S. Attorney
DONALD CAMPBELL, Ass't. U.S. Attorney

On Behalf of Defendant Liddy:

PETER L. MAROULIS, Esq.
THOMAS A. KENNELLY, Esq.

On Behalf of Defendant Hunt:

WILLIAM O. BITTMAN, Esq.
AUSTIN S. MITTLER, Esq.

On Behalf of Defendant McCord:

GERALD ALCH, Esq.
BERNARD GLANCKIAN, Esq.
JOHN TRUMAN, Esq.

On Behalf of Defendants Barker, Martinez, Sturgis, and Gonzalez:

HENRY B. ROTHBLATT, Esq.
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THE COURT: I will put that question to you as framed by counsel: Do you accept those as substantially the facts as you know them to be?

DEFENDANT HUNT: Substantially, yes, Your Honor.

THE COURT: You agree with the Government's opening statement insofar as your knowledge of this conspiracy?

DEFENDANT HUNT: Yes, Your Honor.

THE COURT: And your participation in it?

DEFENDANT HUNT: Yes, Your Honor.

THE COURT: Does that answer the question?

MR. SILBET: Yes, Your Honor, it does.

THE COURT: All right, take his plea.

THE DEPUTY CLERK: Mr. Hunt, in Criminal Case No. 1827-72, do you now wish to withdraw the plea of not guilty which was entered previously and now enter a plea of guilty to Counts One, Two, Three, Four, Five and Eight of the indictment?

DEFENDANT HUNT: I do.

THE COURT: This case will be referred to the Probation Officer for presentence investigation and report.

Do you want to make a statement before I say anything about the commitment?

MR. BITTMAN: Your Honor, of course I would respectfully request for all the reasons I outlined yesterday and other reasons I am prepared to bring to Your Honor's attention,
United States District Court
For the District of Columbia

UNITED STATES OF AMERICA
vs
GEORGE GORDON LIDDY, et al

Criminal No. 1827-72

TRANSCRIPT OF PROCEEDINGS

Monday, January 15, 1973

COPY FOR: House Judiciary Committee

355-388(390)
391-423(425)
426-458(463)
464-519

NICHOLAS SOKAL
OFFICIAL REPORTER
4800-F U. S. COURTHOUSE
WASHINGTON, D. C. 20001

TELE: 426-7454
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

vs

CRIMINAL NO. 1827-72

GEORGE GORDON LIDDY, et al

Monday, January 15, 1973

The above-entitled cause came on for further trial
at 11:00 o'clock a.m., before THE HONORABLE CHIEF JUDGE
JOHN J. SIRICA;

APPEARANCES:

On Behalf of the United States:

EARL SILBERT, Ass't. U.S. Attorney
SEYMOUR GLANZER, Ass't. U.S. Attorney
DONALD CAMPBELL, Ass't. U.S. Attorney

On Behalf of Defendant Liddy:

PETER MAROULIS, Esq.

On Behalf of Defendant McCord:

GERALD ALCH, Esq.

On Behalf of Defendants Barker, Martinez, Sturgis, and Gonzalez:

HENRY ROTHBLATT, Esq.
DONALD COPE, Esq.
ALVIN NEWMYER, Esq.

Also Present:

THEODORE HERRERA (Interpreter)
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BEFORE THE JURY

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[1927]
matter to the Court of Appeals.

Commit the Defendants.

MR. SILBERT: Is Your Honor going to formally take the plea?

THE COURT: Yes.

THE DEPUTY CLERK: Bernard L. Barker, Eugenio R. Martinez, Frank A. Sturgis, and Virgilio R. Gonzalez, is it your desire to withdraw your plea of not guilty which you entered previously and now enter a plea of guilty to Counts One through Seven of the indictment?

MR. BARKER: Yes.

MR. MARTINEZ: Yes, sir.

MR. STURGIS: Yes.

MR. GONZALEZ: Yes.

THE COURT: All right, the Defendants will be committed Court is adjourned.

MR. ROTHBLATT: Your Honor, so that we clarify the record, Your Honor propounded certain questions to the Defendants with respect to their conferences with me, Mr. Cope, and Mr. Newyer. Of course, I would like the record to be clear as I indicated to Your Honor at the bench, the plea that has been entered has not been made with my consent and concurrence.

THE COURT: I understand you did not consent, that is in the letter, the letter speaks for itself.

MR. ROTHBLATT: So it hasn't been changed since that.
37. On January 12, 14 and 25, 1973 offers of executive clemency were made to McCord by Caulfield at the direction of Dean.

37.1 John Caulfield testimony, 1 SSC 255-60.
37.2 James McCord testimony, 1 SSC 137-41.
37.3 John Dean testimony, 3 SSC 975-76.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., MAY 17, 18, 22, 23, AND 24, 1973
Book 1

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $2.00
Stock Number 5570-01813
satisfaction. I was glad to hear this since I had felt this probably meant that Mr. McCord had been in some stage of negotiation about his status and that this message had probably relieved his mind.

At this point in time, my impression was that obviously there had been some negotiations going on between Mr. Dean’s office and Mr. McCord in regard to Executive clemency, such negotiations probably being carried out through third parties and that Mr. McCord had wanted to hear the message which was transmitted to him through a reliable source, such as myself.

I called Mr. Dean and told him that the message had been delivered by Mr. Ulaszewicz and that Mr. McCord had seemed satisfied.

The next day I received another telephone call from Mr. Dean at my hotel in which he said that Mr. McCord wanted to see me as soon as I got back. I objected to seeing Mr. McCord, but finally Mr. Dean got my concurrence to do so. My impression was that Mr. McCord wanted to say something to me and I was not instructed to say anything more than what had been in the message to him.

I called Mr. Ulaszewicz and asked him to arrange a meeting with Mr. McCord the following evening when I was to arrive back in Washington. Mr. Ulaszewicz called me back and said Mr. McCord had agreed to meet with me at the second overlook on the George Washington Parkway but that, different from Mr. Ulaszewicz’s last conversation with Mr. McCord, Mr. McCord sounded quite irritated and annoyed.

Owing to a delay in my airplane flight from California I was unable to meet with Mr. McCord on the night of January 11 as I had intended. When I arrived in Washington on the evening of January 11, I did attempt to call Mr. McCord but was told by a member of his family that he had retired for the evening. Mr. Ulaszewicz had already conveyed instructions to Mr. McCord for holding our meeting on Friday night, January 12. At approximately 7 that evening I met with Mr. McCord at the second overlook on the George Washington Parkway. He joined me in my car and as I recall the conversation, I first apologized to him for my delay in getting to see him due to my presence in California and the late arrival of my airplane. I also said I was sorry if he had been irritated by receiving the anonymous calls from my friend.

He said something like, “OK, that’s OK, Jack.” I said, “I guess you received the message then?”

Mr. McCord then said words to the effect: Jack, I am different from all the others. Anybody who knew me at the CIA knows that I always follow my own independent course. I have always followed the rule that if one goes [I took this to mean going to jail] all who are involved must go. People who I am sure are involved are sitting outside with their families. I saw a picture in the newspaper of some guy who I am sure was involved sitting with his family. I can take care of my family. I don’t need any jobs, I want my freedom.

I stated that I was only delivering a message and had nothing to do with its formulation or had no control over what was being done. I sympathized with Mr. McCord’s situation and made remarks such as, I can’t understand how this all has happened, I’d give anything if I had not recommended you for your two jobs with the Republican Party.
I did try to impress upon Mr. McCord that I was simply a messenger and was not too pleased to even be doing that. I did say that the people who had asked me to convey the message had always been honorable toward me and that I thought it was a sincere offer.

He asked me who I was speaking with at the White House and I said I could not reveal any names but that they were from the “highest level of the White House.”

He continually said that all he was interested in was his freedom and that he was not pleased that others who he felt had been involved were not suffering the consequences that he was. In the context of demanding his immediate freedom, he said that he knew of a way in which his freedom could be obtained and asked me if I could convey his plan to the people at the White House with whom I was talking.

His plan, simply, was as follows: On two occasions, one in September 1972 and the other in October 1972, Mr. McCord told me that he had called telephone numbers at foreign embassies in Washington and he stated he was sure these embassies were subjects of national security wiretaps. On both occasions he had stated that he was a man involved in the Watergate scandal and, without giving his name, had inquired as to the possibility of acquiring visas and other traveling papers necessary to travel to these foreign countries.

It was Mr. McCord’s theory that if the Government searched its wiretap records, it would find records of these two calls. Meanwhile, Mr. McCord and his attorneys would make a motion in court, aimed at dismissing the case against Mr. McCord because of the use of wiretap evidence by the prosecution. Mr. McCord’s idea was that when the U.S. attorney was told that at least two of Mr. McCord’s conversations had been intercepted over a national security wiretap, he would be forced to dismiss the case rather than reveal that the two embassies in question were the subject of national security wiretaps.

Mr. McCord was quite adamant in saying that he was sure the Government could secure his immediate release if they wanted to help him and, other than the publicity incidental on the Government for being forced to dismiss the case against him, such an approach would save the administration any real embarrassment. He gave me a note with the dates of the two conversations that he referred to and told me that he knew this kind of thing had been done before, most recently in the Ellsberg case and that he saw no reason why the Government could not at least accomplish this for him. I told Mr. McCord that I would get back to him on the wiretap situation and would probably be calling him in a day or two to set this up. I agreed to carry this message concerning wiretaps back to the White House and the meeting ended.

At no time in our first meeting do I recall saying anything about the President but I specifically renewed the offer of Executive clemency, as indicated above and referred to it as coming from “the highest levels of the White House.” At some point in the conversation Mr. McCord said to me, “Jack, I didn’t ask to see you.” This puzzled me since my clear understanding from Mr. Dean was that McCord had specifically asked to see me.

In any event, I called Mr. Dean on Friday night, January 12, and reported that Mr. McCord did not seem interested in accepting the offer made in Mr. Dean’s original message to him, that Mr. McCord
wanted his immediate freedom and that he, Mr. McCord, felt that he had a way to obtain that freedom. I then mentioned over the telephone, McCord's idea for securing his freedom because of the use of national security wiretaps and said that I wished to discuss this matter directly with Dean.

The following day I saw Mr. Dean in his office in the White House and explained to him Mr. McCord's suggestion for obtaining his freedom, as Mr. McCord had described it to me. Mr. Dean said, "Well, I'll check on that." He then turned the conversation back to the offer of Executive clemency. To the best of my knowledge he said, "Jack, I want you to go back to him—McCord—and tell him that we are checking on these wiretaps but this time impress upon him as fully as you can that this offer of Executive clemency is a sincere offer which comes from the very highest levels of the White House."

I said, "I have not used anybody's name with him, do you want me to?"

He said, "No, I don't want you to do that but tell him that this message comes from the very highest levels."

I said, "Do you want me to tell him it comes from the President?"

He said words to the effect, "No, don't do that; say that it comes from way up at the top."

I told Mr. Dean I would get back to Mr. McCord and that indeed, I had told Mr. McCord that I would.

At the meeting with Mr. Dean he also impressed upon me that this was a very grave situation which might someday threaten the President that it had the potential of becoming a national scandal and that many people in the White House were quite concerned over it. Mr. Dean said that none of the other then-defendants in the Watergate burglary were any problem, and that Mr. McCord "was not cooperating with his attorney."

I have been asked at the U.S. attorney's office and by Senate investigators, and have tried as best I can to recall what impressions I had at this particular point in time. As best as these impressions can be stated, I believed that I was going back to see Mr. McCord to again extend an offer of Executive clemency and that by my doing so I was doing a great service for the President of the United States in a very sensitive matter. At no time, either before or after this meeting with Mr. Dean did I ever speak to any other White House officials about this offer of Executive clemency. I specifically never spoke to the President of the United States and have no knowledge of my own as to whether he personally had endorsed this offer or indeed whether anyone had ever discussed it with him. Since I had worked extensively for Mr. Dean and Mr. Ehrlichman and had formed an impression that Mr. Dean rarely made decisions on matters of consequence without speaking to Mr. Ehrlichman, my guess was that when Mr. Dean referred to "high White House officials" he at least meant Mr. Ehrlichman. I know that he was in conversation with someone about my contacts with Mr. McCord since, when I was in his office on January 13, he received a telephone call and I heard him say, "I'm receiving a report on that right now" to the party on the other end.

At any rate, I then called Mr. McCord and arranged a meeting with him, again at the second overlook of the George Washington Parkway early in the afternoon on Sunday, January 14. On this occasion we
both got out of our cars and walked down a path from the overlook toward the Potomac River.

This meeting lasted only 10 to 15 minutes. I did most of the talking. I told Mr. McCord that the White House was checking into the wiretapping situation, and that I had been asked to impress upon him once again that the offer of Executive clemency was a sincere and believable offer coming from the very highest levels of the White House. I explained to him that among the reasons why I believed that such a commitment would be kept were that the White House officials with whom I was in contact were extremely concerned about the Watergate burglary developing into a major scandal affecting the President, and therefore such a promise would not be given lightly. I told him that the White House officials with whom I was talking were complaining because they felt that Mr. McCord was the only one of the Watergate burglary defendants who was refusing to cooperate. At no time on this occasion or on any other occasion do I recall telling Mr. McCord to keep silent if called before the grand jury or any congressional committees.

Senator Ervin. Mr. Caulfield, we have another vote. I think maybe you had better pause until we get back.

[Recess.]

Senator Ervin. The committee will resume.

Mr. DASH. Mr. Caulfield, you were in the midst of your statement. I suggest you go back a sentence or two so we will have continuity.

Mr. CAULFIELD. Yes, sir.

Mr. DASH. Actually, perhaps you should go back a little further.

Mr. CAULFIELD. I will pick up a couple of sentences, Mr. Dash.

I told him that the White House officials with whom I was talking were complaining because they felt that Mr. McCord was the only one of the Watergate burglary defendants who was refusing to cooperate. At no time on this occasion or on any other occasion do I recall telling Mr. McCord to keep silent if called before the grand jury or any congressional committees.

His response to my conversation was that he still wanted his immediate freedom and he felt strongly that if the White House had any interest in helping him secure that freedom that they could do something about the two telephone calls which he was sure had been intercepted. I told him I would check on this matter again and get back to him.

I was not attempting to exert pressure on Mr. McCord by telling him of comments I was hearing from the White House; merely, I was attempting to let him know the kinds of things I was hearing from Mr. Dean concerning the White House’s attitude toward him if that would be of any assistance to him.

Later on Sunday I telephoned Mr. Dean to report on my meeting with Mr. McCord. I told him that in my opinion Mr. McCord has absolutely no interest in the offer of Executive clemency. I told Mr. Dean that Mr. McCord was still adamant in his belief that the White House had the power to have the charges against him dismissed if it would merely pursue the wiretaps which he had mentioned. Mr. Dean said that I should tell him that there wasn’t much likelihood that anything would be done about the wiretap situation and, in response to my comments about McCord’s refusal to consider Executive clem-
ency he said something like, "Well, what the hell does he know, anyway?"

Mr. Dean told me to go back to Mr. McCord again and "commiserate" with him but he did not ask me to renew the offer of Executive clemency. I guessed that the reason why he wanted me to see Mr. McCord again was simply to maintain a friendly relationship with him in case there was a need for any further conversation with him through me. I probably would have met again with Mr. McCord anyway, since I felt badly about his predicament and I considered him a good friend.

In any event, on Monday, January 15, I called McCord to report that nothing seemed to be happening in regard to the wiretap situation. He became quite angry over the telephone and reaffirmed his belief that if the White House really wanted to help him they could do so by using the method he had suggested and that he knew that Mr. Magruder (who was then going to be a Government witness) was going to perjure himself. I also mentioned getting together with him but he said he had no interest in seeing me unless I had something more to talk to him about. He was quite upset so I did not pursue the matter further.

On Tuesday, January 16, I again called him in an attempt to meet with him and he again was highly irritated about the White House's failure to do something about the wiretap situation and again mentioned Mr. Magruder. I said I would inquire further about the wiretaps and I might have something for him "in a week or so."

Subsequently I called him and arranged to meet with him again, the exact date of this meeting being unsure in my mind. We again met at the overlook on the George Washington Parkway, he got into my car and we drove out the parkway, pursuing a course in the general direction of Warrenton, Va. I have no specific recollection as to how long we drove but I would say that it was an hour or two.

I would characterize this conversation as a very friendly one in which a large portion of the time was spent discussing our respective families, how my job at the Treasury Department was going, and various other purely personal matters. I gave him my private telephone number at the Treasury Department and told him that if he or his wife ever wanted me to do anything for them, they should feel free to call me. I told McCord that if he or his wife should decide to call me, to simply use the name "Watson" and I would know who it was. Frankly, this was merely a device to save me from any possible embarrassment.

I do not have a specific recollection as to how it arose, but I believe he asked me if he was still the only one of the Watergate defendants that the White House was concerned about. I said that I thought he was, but that I had no knowledge of what relationship existed between the White House and the other Watergate defendants. He said that the Cuban defendants were quite nervous and in his opinion, might make a statement at any time and that I "could pass that along for whatever it was worth."

I told him there was absolutely no hope, in my opinion, of the White House ever doing anything about the wiretap situation and asked him when he thought he might make a statement. He said that he had not decided that yet, but that he had spoken to his wife and family and that he felt free to make a statement whenever he thought the time was right.
I again asked if there was anything I could do for him. He said one thing that I could do was to see whether bail money could be raised for him pending an appeal in his case. I said I would check into this.

Toward the end of our conversation, realizing that he definitely was going to make a statement on the Watergate burglary at a time of his choosing and that such a statement would in all probability involve allegations against people in the White House and other high administration officials, I gave him what I considered to be a small piece of friendly advice.

I said words to the effect that, "Jim, I have worked with these people and I know them to be as tough-minded as you and I. When you make your statement don't underestimate them. If I were in your shoes, I would probably do the same thing."

I later called Mr. Dean and advised him of Mr. McCord's request for bail funding and he said words to the effect that, "Maybe we can handle that through Alech." Some time later, Mr. Dean called me and asked me to tell McCord that the bail money presented too many problems and that maybe consideration could be given to paying premiums. I later called McCord and reported this. His reaction was, "I am negotiating with a new attorney and maybe he can get it handled." This is the last conversation I had to date with James McCord.

Although this is a lengthy statement, I wish to make two further points: At no time in any conversations with Mr. McCord did I advise, pressure, or threaten him in an attempt to make him accept the offer of Executive clemency. I viewed my role simply as one of a messenger and while I tried to give both Mr. Dean and Mr. McCord the full flavor of what was going on at both ends of this message-transacting process, I refrained from injecting myself into the process at either end. I realized at the time of my first conversation in January that I was involved in questionable activity but I felt that it was important to me to carry this message for the good of the President.

I have previously testified before the grand jury and have spoken on two other occasions with the U.S. attorney's office and have spoken on two occasions as well with Senate investigators. Although I have discussed the matter of whether any of my actions could be viewed as violations of the criminal law with my attorney and have been advised of the availability of privileges and possible attempts of securing immunity from prosecution, at no time have I refused to answer any questions in regard to my conduct and I have felt that it is more important that I be able to speak freely about my involvement in actions herein, than to have whatever protection might be rightfully mine under my constitutional and executive privileges. I hope that what I have to say here today will assist the committee in its investigations and if, upon a hearing of all the facts, it is thought that I am guilty of some wrongdoing I will still feel that the truth is my best defense.

Senator Baker, Mr. Caulfield, we thank you very much for your lengthy but very useful statement. It is now 4:10 in the afternoon. The chairman has been called to the floor of the Senate to participate in the debate on a matter now pending on which we will shortly vote. Before he left the committee he suggested that we conclude your prepared statement today on the condition that you and your attorney are
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
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Phase I: Watergate Investigation
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nothing that would indicate such, and I simply wanted to go on the record with Mr. Caulfield to that effect.

Senator Gurney. We do want to get back to the statement but, in sort, what you are saying is that Mr. Caulfield's friend Watson by name is the man whose voice you heard?

Mr. McCord. No, sir, that, most respectfully—that is not what I said, sir.

Senator Gurney. Go on.

Mr. McCord. I believe Mr. Caulfield used the name Watson. It was not his friend.

Senator Gurney. I see.

Mr. McCord. Yes, sir.

Senator Gurney. All right. Go on. How many times did you hear this unidentified voice?

Mr. McCord. To the best of my recollection I heard the voice prior to the January call two or three times. I cannot be absolutely sure but at least twice before January.

Senator Gurney. Were these in connection with contacts with Caulfield?

Mr. McCord. Always.

Senator Gurney. Yes. I just wanted to make sure.

Mr. McCord. Yes, sir.

Senator Gurney. Thank you.

Mr. Dash. Will you proceed with the statement from where you left off, Mr. McCord, and I guess the prior sentence so we can have continuity.

Mr. McCord. I believe my last sentence that I read was: The same message was once again repeated, obviously read.

I believe that appears in the statement you have on page 3.

The next sentence was that: I told the caller I would not discuss such matters over the phone. He said that Caulfield was out of town.

On Wednesday evening, January 10, the same party, to the best of my recollection, called and told me by phone that Jack would want to talk with me by phone on Thursday night, the following night, January 11, when he got back into town and requested that I go to the same phone booth on Route 355 near the Blue Fountain Inn. He also conveyed instructions regarding a personal meeting with Mr. Caulfield on Friday night, January 12.

On Thursday evening, January 11, the same party called me at home and told me that Caulfield's plane was late and that he—speaking of Caulfield—wanted to meet with me personally the same evening, that is Thursday evening, after arrival. I told him that I would not do so, but would meet with him Friday night, if he desired. Later that evening, Thursday evening, about 9:30 p.m., Caulfield called me on my home phone and insisted on talking with me, but my family refused to let him do so, since I was asleep.

On Friday night, January 12, from about 7 p.m. to 7:30 p.m. I met with Caulfield at the second overlook, that is looking over the Potomac at the parking area for looking at the Potomac area on George Washington Parkway in Virginia.

Mr. Dash. Mr. McCord, how did you know to go there? How was it arranged?
Mr. McCord. I believe it was stated in the Thursday evening call at which this unidentified party said Caulfield would want to meet with me personally and on Friday night said go to the second overlook on George Washington Parkway and he specified the time and that is what I followed through. I met with Caulfield at the second overlook on George Washington Parkway, that is the second one leaving Washington and going out to Virginia and talked with him in his car, in his automobile. Caulfield advised that he had been attending a law enforcement meeting in San Clemente, Calif., and had just returned. I advised him that I had no objection to meeting with him to tell him my frame of mind but that I had no intention of talking Executive clemency or pleading guilty; that I had come to the meeting at his request and not of my own, and was glad to tell him my views.

He said that the offer of Executive clemency which he was passing along and of support while in prison and rehabilitation and help toward a job later “was a sincere offer.” He explained that he had been asked to convey this message to me and he was only doing what he was told to do. He repeated this last statement several times during the course of the meeting we had then, and I might add during subsequent meetings which he and I had.

My response was that I would not even discuss Executive clemency or pleading guilty and remaining silent, but I was glad to talk with him, so that there was no misunderstanding on anyone’s part about it.

I might explain that the trial was going on during this period, this was the first week of the trial which began on January 8.

Caulfield stated that he was carrying the message of Executive clemency to me “from the very highest levels of the White House.” He said that the President of the United States was in Key Biscayne, Fla., that weekend, referring to the weekend following January 8, the following meeting that we were in then, and that the President had been told of the results of the meeting.

Senator Ervin. Now the same rule previously announced that this evidence is competent to show what, if anything, John Caulfield did to induce Mr. McCord to plead guilty and keep silent—it is not any evidence at the present state of the hearing that connects or that makes any indication whatever and has any relevancy as to the President.

Mr. McCord. Yes, sir.

Senator Ervin. Yes.

Mr. McCord. He further stated that “I may have a message to you at our next meeting from the President himself.”

I advised Caulfield that I had seen the list of witnesses for the trial and had seen Jeb Magruder’s name, appearing as a Government witness. I advised him that it was clear then that Magruder was going to perjure himself and that we were not going to get a fair trial. Further I told him that it was clear that some of those involved in the Watergate case were going to trial, and others were going to be covered for—I was referring to John Mitchell, John Dean, and Magruder—and I so named those individuals incidentally in the conversation, and I said that this was not my idea of American justice. I further—
Senator Ervin. The same ruling applies so far as John Mitchell, John Dean, and Magruder are concerned, that is that it does not connect them legally speaking.

Mr. McCollum. Yes, sir.

I further advised Caulfield that I believed that the Government had lied in denying electronic interception of my phone calls from my residence since June 17, 1972, and that I believed that the administration had also tapped the phones of the other defendants during that time. I mentioned two specific calls of mine which I had made during September and early October 1972, which I was certain had been intercepted by the Government, and yet the Government had blithely denied any such tapping. These were my words to Mr. Caulfield.

I compared this denial to the denial that the Government had made in the Ellsberg case, in which for months the Government had denied any such impermissible interception of the calls and yet in the summer of 1972 had finally been forced to admit them when the judge ordered, by court order, a search of about a dozen Government agencies, and calls intercepted were then disclosed.

I might state separate from the record at this point, that as I have previously stated, I had no knowledge whatever of any activity, monitorially or what have you, of Mr. Ellsberg's calls as have previously come out—as have earlier come out in the newspapers in the past few days. It is purely coincidence that I happen to mention the Ellsberg case at that time. I had been following the case in the papers and I knew the history of the case.

To go on with the statement: I stated that if we were going to get a fiction of a fair trial, through perjured testimony to begin with, and then for the Government to lie about illegal telephone interceptions, that the trial ought to be kicked out and we start all over again, this time with all of those involved as defendants. At least in this way, some would not be more equal than others before the bar of justice and we would get a fair trial.

The Executive clemency offer was made two or three times during this meeting, as I recall, and I repeated each time that I would not even discuss it, nor discuss pleading guilty, which I had been asked to do in the first telephone call received on the night of January 8, from Caulfield's friend, whose identity I do not know. I told him, referring to Mr. Caulfield, that I was going to renew the motion on disclosure of Government wiretapping of our telephones.

Caulfield ended the conversation by stating that he would call me the next day about a meeting that same afternoon, Saturday, January 13, and that if I did not hear from him, he would want to talk with me by telephone on the evening of Monday, January 15, 1973.

I did not hear from Caulfield on Saturday but on Sunday afternoon he called and asked to meet me that afternoon about an hour later at the same location on George Washington Parkway. He stated that there was no objection to renewing the motion on discovery of Government wiretapping, and that if that failed, that I would receive Executive clemency after 10 to 11 months. I told him I had not asked anyone's permission to file the motion.

He went on to say that, the President's ability to govern is at stake. Another Teapot Dome scandal is possible, and the Government
may fail. Everybody else is on track but you. You are not following the game plan. Get closer to your attorney. You seem to be pursuing your own course of action. Do not talk if called before the grand jury, keep silent, and do the same if called before a Congressional committee.

I might add that two congressional committees had, prior to January 8—prior to that date—been conducting investigations into this case. I believe it was the Patman committee and Senator Kennedy’s committee.

My response was that I felt a massive injustice was being done, that I was different from the others, that I was going to fight the fixed case, and had no intention of either pleading guilty, taking Executive clemency or agreeing to remain silent. He repeated the statement that the Government would have difficulty in continuing to be able to stand. I responded that they do have a problem, but that I had a problem with the massive injustice of the whole trial being a sham, and that I would fight it every way I know how.

I should make a correction in the sentence I just read in saying the whole trial being a sham, because I did not at that point in time make any reference at any time to Judge Sirica to the contrary of his being anything but an honest and dedicated judge, and I do not want the sentence to be misread.

He—talking about Caulfield—asked for a commitment that I would remain silent and I responded that I would make none. I gave him a memorandum on the dates of the two calls of mine in September 1972 and October 1972 that I was sure had been intercepted, and said that I believed the Government had lied about them. He said that he would check and see if in fact the Government had done so.

On Monday night, January 15, 1973, Caulfield called me again at the phone booth on Route 355 near my residence. I informed him that I had no desire to talk further, that if the White House had any intention of playing the game straight and giving us the semblance of a fair trial they would check into the perjury charge of mine against Magruder, and into the existence of the two intercepted calls previously referred to, and hung up.

On Tuesday morning, the next morning, about 7:30 a.m., Caulfield called my residence but I had already left for court.

On Tuesday evening, Caulfield called and asked me again to meet him and I responded not until they had something to talk about on the perjured testimony and the intercepted calls. He said words to the effect “Give us a week,” and a meeting was subsequently arranged on January 25, 1973, when he said he would have something to talk about.

About 10 a.m., on Thursday, January 25, 1973, in a meeting lasting until about 12:30 a.m., correction—12:30 p.m.—we drove in his car toward Warrenton, Va., and returned—that is, we drove there and returned—and a conversation ensued which repeated the offers of Executive clemency and financial support while in prison, and rehabilitation later. I refused to discuss it. He stated that I was “fooling up the game plan.” I made a few comments about the “game plan.” He said that “they” had found no record of the interception of the two calls I referred to, and said that perhaps it could wait until the appeals. He asked what my plans were regarding talking publicly, and I said that I planned to do so when I was ready; that I had
discussed it with my wife and she said that I should do what I felt I must and not to worry about the family. I advised Jack that my children were now grown and could understand what I had to do, when the disclosures came out. He responded by saying that: “You know that if the administration gets its back to the wall, it will have to take steps to defend itself.” I took that as a personal threat and I told him in response that I had had a good life, that my will was made out, and that I had thought through the risks and would take them when I was ready. He said that if I had to go off to jail that the administration would help with the bail premiums. I advised him that it was not a bail premium, but $100,000 straight cash and that that was a problem I would have to worry about, through family and friends. On the night before sentencing, Jack called me and said that the administration would provide the $100,000 in cash if I could tell him how to get it funded through an intermediary. I said that if we ever needed it I would let him know. I never contacted him thereafter; neither have I heard from him.

That completes the statement.

Mr. Dahu. That completes it. I have one more question, Mr. McCord.

Have you ever made that statement before this Select Committee other than when you appeared before minority counsel and myself a couple of days ago? Have you ever made that statement before this committee, before the grand jury, or before any investigating body until this time?

Mr. McCord. No, sir.

Mr. Dahu. Would you please state to the committee why, when you were making statements at earlier times before this committee, before the grand jury and other inquiring bodies, you failed to disclose that information?

Mr. McCord. I will be glad to.

I will take the grand jury and get that one out of the way. When I appeared before the grand jury, I told them that—I raised the question about political pressure, any pressure that had been put onto me by the Fiums. I told them also that there was a personal friend who was involved also in political pressure against me; that personally, at that point in time, it was a very painful thing to go into it, that I would be glad to do it at a later time, that I hoped they would defer that question until subsequent questioning and I would be glad to answer it. They said they would do so.

I believe when I appeared before the committee on March 28, your Senators asked me the same question and I said, yes, there had been political pressure applied to me, that one such pressure had been by a Government—one of your Senators asked me if it were by a Government employee—I think Senator Montoya. I responded, yes. He asked me if it were anyone at the White House. I said, no.

He asked if it were from the Department of Justice, and I said, no.

It was clear, I think, to the committee that I would like to be able to answer that question at a later time. The reason for the delay was that I wanted to be as accurate as I could about the information, get it all together, because it involved the President of the United States, in my opinion, and it was a very serious matter and I wanted to be very careful about it and accurate.

Mr. Dahu. I have no further questions, Mr. Chairman.
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It was on January 10 that I received calls from both O'Brien and Mitchell indicating that since Hunt had been given assurance of clemency and that those assurances were being passed by Hunt to the others, that Caulfield should give the same assurances to McCord, who was becoming an increasing problem and again I was told that McCord's lawyer was having problems with him. Both O'Brien and Mitchell felt that McCord might be responsive to an assurance from Caulfield, because Hunt, Bittman, and his lawyer, Alch, had lost rapport with him. I told Mitchell I would do so.

Based on the earlier conversation I had with Ehrlichman on January 5 that the clemency assurance that had been given to Hunt would also apply to the others, and Colson's description of how he had given Bittman a general assurance, without being specific as to the commitment, I called Caulfield later that day to request that he get in touch with McCord. Caulfield told me that it would be very difficult, because he was going to be in California for several more days. Caulfield indicated that it would be easier for Mr. Ulasevicz rather than himself to talk with McCord, because he was tied up with a lot of people at the drug conference. I said fine, and then gave him the clemency message similar to the message that Colson had transmitted to Hunt via Bittman. Caulfield wrote down the gist of the message, he repeated his notes back, and I said that was fine, and told him I thought that McCord would be expecting to hear from him as soon as possible. Caulfield said he would have the message delivered right away.

On January 11, I received a call from O'Brien, who asked me if the message had been delivered by Caulfield. I told him it had. O'Brien told me that McCord wanted to speak with Caulfield personally and asked me when Caulfield could meet with McCord. I told him I would try to arrange it. O'Brien told me he was going to be out of town, but I could reach him if there were any problems. He told me he was keeping Mitchell posted and requested I keep him posted. O'Brien said that we need a firsthand report, a firsthand reading on McCord from someone he will talk with, because he is not talking openly with his lawyer about what he plans to do. I told O'Brien I would call him (O'Brien) as soon as I learned anything.

I called Caulfield on January 11 and told him that McCord wanted to meet with him and asked him if he would do so and take McCord's pulse as to what he planned to do. He told me he would meet McCord as soon as he returned to Washington.

On Friday, June 12, Mitchell called me for a report, I told him I thought I would hear from Caulfield after he talked to McCord. Caulfield called me at home Friday night to inform me that he had met with McCord and suggested we meet at my office in the morning so he could give me a report, that was a Saturday morning. I said fine, and on Saturday morning we met and he gave me a report. The sum and substance of the report was McCord had not decided what he was going to do, but that he wanted his freedom. Caulfield reported that McCord was very annoyed at Magruder. He had seen a picture of Magruder in the paper which had pecked his annoyance. He also told Caulfield that he had a plan that would enable him to get his case dismissed, but his lawyer had not helped him with the matter and the Government had lied to him. He explained that he had made calls to certain foreign embassies, and that these calls had been recorded, but the Government would not admit it.
During this meeting with Caulfield, I received a call from either John Mitchell or Paul O'Brien requesting a report on the meeting. I told the caller that I was getting a report from Caulfield and would call back. Caulfield told me that McCard was very adamant about his plans to gain his freedom through the phone calls that he had made to the foreign embassies. I told Caulfield I really did not understand why McCard thought he could get his case dismissed by reason of the wiretaps, but I would give the matter some thought. Caulfield told me that it was his assessment that McCard would only respond to a direct request from the President.

I told Caulfield that he couldn't make such a statement because I had no such request from the President, but suggested he meet again with McCard and keep him happy by telling him we were checking out the matter of his conversations with the Embassies.

Later that afternoon, Caulfield reported again to me that McCard was only interested in his theory about the calls to the Embassies. I told Caulfield to keep in touch with McCard, but I couldn't promise anything about his calling the Embassies. I told Caulfield to have McCard give him a memo on why he thought that his calls to the Embassies would result in dismissal of his case. I called O'Brien and told him what had transpired. On Monday morning I reported to Mitchell what Caulfield had reported.

It was sometime during this period that a result of my reports of Caulfield meetings with McCard, that O'Brien, Mitchell and Mr. Alch discussed having F. Lee Bailey, Alch's partner, meet with McCard and inform him that he would personally handle his case on appeal. Mitchell was to talk with Mr. Bailey about this. I do not know what happened regarding this proposed plan.

On January 19 or 20, Mr. Caulfield brought me copies of McCard's memo regarding his intercepted conversations to the embassies. I have submitted these documents to the committee.

[The document referred to was marked exhibit No. 34-39.*]

Mr. Dean, I never did anything with these documents, other than inform Mitchell I had received them and I showed them to Mr. O'Brien in my office. I do not recall ever talking with anyone at the Department of Justice, regarding McCard's proposal. At this time I concluded that McCard was going to do what he thought best for himself.

**Handling Liddy's Call to Krogh**—January 1973

On January 4, Gordon Liddy called Mr. Krogh. Krogh's secretary received the call and Liddy said that he had received a letter from an investigator for the Senate Commerce Committee about his relationship with Krogh. The letter was part of an investigation being conducted by the committee staff in connection with Krogh's nomination hearings for the Under Secretary of Transportation post. Liddy wished to speak to Krogh, but the call was not put through to Krogh.

Krogh came to my office and asked what he should do. He said he wanted to be able to testify at his confirmation hearing that he had not spoken with Liddy since long before the Watergate incident. I told Krogh that his secretary should return the call. We then worked out a

*See p. 1256.
38. In January 1973 LaRue discussed with Dean a payment to Gordon Liddy's attorney and shortly thereafter delivered $20,000 to Peter Maroulis, Liddy's attorney.

38.1 Fred LaRue testimony, 6 SSC 2296.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 18, 19, 20, 23, 24, AND 25, 1972
Book 6

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[1953]
Mr. LARUE. Yes, sir.

Mr. DASH. Do you know how much that sum was?

Mr. LARUE. Approximately $50,000.

Mr. DASH. And did you know that this was part of the $850,000 at
the White House?

Mr. LARUE. That was my understanding.

Mr. DASH. Now, in January 1973, did you receive an additional sum
from Mr. Strachan in the amount of $250,000?

Mr. LARUE. Yes, sir.

Mr. DASH. What prompted, to your knowledge, such a large trans-
fer of money?

Mr. LARUE. I cannot state specifically, Mr. Dash. I had had a con-
versation with Mr. Dean regarding the need, at this time, I think,
for $20,000 for one of the attorneys, Mr. Maroulis. I had passed this
information on to Mr. Dean. Later, he called me back and told me
that they were going to deliver the remaining balance they had over at the
White House, which was approximately $250,000.

Mr. DASH. Would it be fair to say that as you were ongoing in this
relationship of paying these fees, that this was going to be a con-
tinuing operation, certainly through the trial, and that this fund of
money was necessary if you were going to be able to carry out these
responsibilities?

Mr. LARUE. That certainly would be my assumption; yes, sir.

Mr. DASH. And is it true that in January 1973, you did pay Mr.
Maroulis, counsel for Mr. Liddy, $20,000?

Mr. LARUE. That is correct.

Mr. DASH. Now, did you receive $14,000 from a Mr. Tim Babcock
in January 1973?

Mr. LARUE. Yes, sir.

Mr. DASH. What was that all about?

Mr. LARUE. I received this money from Mr. Babcock at—I think
in Mr. Stans' office. Mr. Stans was present. My understanding, Mr.
DASH, was that Mr. Babcock had pledged this money during the cam-
paign, and had not gotten around to delivering it, and that he was, you
know, fulfilling his pledge.

Mr. DASH. Did this have anything to do with the money or the cash
fund you were developing for the legal defense fund?

Mr. LARUE. No, sir.

Mr. DASH. Now, did you make two cash payments, one of $25,000
and one of $35,000, to Mr. Bittman, counsel to Mr. Hunt, in January
1973?

Mr. LARUE. Yes, sir.

Mr. DASH. And did that occur in the same way you have already
described?

Mr. LARUE. No, sir; those payments were delivered to Mr. Bittman
at his home.

Mr. DASH. At his home?

Mr. LARUE. Yes, sir.

Mr. DASH. Who delivered them?

Mr. LARUE. This was another messenger that delivered them.

Mr. DASH. Another messenger?

Mr. LARUE. Yes, sir.

Mr. DASH. Did you arrange that the same way, by phone call?

Mr. LARUE. Yes, sir.
39. On January 23, 1973 Herbert Porter and Jeb Magruder testified falsely during the trial in *United States v. Liddy* that Porter had paid Liddy to conduct a program of infiltrating radical groups to obtain political intelligence. Magruder has testified that he had previously told Haldeman that Magruder would commit perjury and that Porter had been cooperative. Haldeman denies that he was so informed.


39.2 Herbert Porter testimony, 2 SSC 635-37.


39.5 Jeb Magruder testimony, 2 SSC 805, 831-32.

39.6 H. R. Haldeman testimony, 7 SSC 2887.
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**JEB MAGRUDER**

**HERBERT PORTER**

### EXHIBITS

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Q How, do you know the Defendant Liddy here in the court-
room?

(Defendant Liddy stands.)

A I do.

MR. GLAUSER: Your Honor, may the record reflect the
witness has identified the Defendant Liddy?

THE COURT: The record will show that.

BY MR. GLAUSER:

Q And how did you come to know him?

A Mr. Liddy was hired as general counsel for the Committee
for the Re-election of the President, I believe, in December and
being a more or less officer of that Committee and being an
officer I knew him on a working basis.

Q And did you have occasion to attend a meeting with
Mr. Liddy and Mr. Magruder toward or around the end of December
'71?

A I did.

Q Can you tell us what transpired at the meeting that
you recall?

A As I recall it, Mr. Magruder indicated Mr. Liddy might
be able to help us out in finding out some of the information
about these groups that I just referred to.

Q Was there any discussion about money or financing for
this?

A There was a general discussion on what something it.
that might cost and I figured right off top of my head, figured it might cost as much as a hundred thousand dollars from that period of time until the actual election. I based that on perhaps the use of about ten college-age people who might be able to assimilate themselves into such organizations as the yippies and the SDS and other such radical groups and perhaps paying them $500 a month for ten months and another $500 expenses which would be about $10,000 a month and for ten months would be around a hundred thousand dollars, so that figure was discussed, yes.

Q Was some arrangement agreed upon or devised for disbursement of this money?

A Yes, there was. Mr. Magruder said that Mr. Liddy from time to time would be requesting funds from me and that I would in turn get the funds from Mr. Sloan who was Treasurer of the Committee -- of the Finance Committee to Re-elect the President, and I would give those funds to Mr. Liddy.

Q So in effect the money would be disbursed through you to Mr. Liddy?

A Yes, sir.

Q And were you the person who called Mr. Sloan to generate the disbursements of the funds?

A Yes, sir. Mr. Liddy would call me and tell me how much he needed, usually in the denominations of one, two, three thousand dollars. I would call Mr. Sloan and ask him for that amount and I would go down to his office and pick it up.
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
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WATERGATE AND RELATED ACTIVITIES
· Phase I: Watergate Investigation
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[1963]
Mr. Porter. All of it.

Mr. Dorsen. How have you now arrived at the figure you have just given us?

Mr. Porter. I have had ample opportunity to go back and recall as best I know how each of the transactions in which I went and got money from Mr. Sloan and gave it to others, and to the best of my ability I have come up with those figures.

Mr. Dorsen. And is it your best recollection and knowledge that you received from Mr. Sloan a total of approximately $69,000?

Mr. Porter. Yes, sir; to the best of my knowledge.

Mr. Dorsen. Mr. Porter, when did you first become aware of the break-in at the Watergate?

Mr. Porter. Saturday, June 17, in Los Angeles, Calif.

Mr. Dorsen. And briefly how did you become aware?

Mr. Porter. Well, sir, that was a weekend which we were having a large party at a private residence in California for a lot of the celebrities who were going to be supporting the President during the campaign, and it was on that trip that apparently the word, the news broke Saturday morning here and was relayed to some of the campaign officials with whom I was traveling at the time and I learned it from them.

Mr. Dorsen. Following the break-in at the Watergate, did you have a conversation with Mr. Jeb Magruder concerning any statements you might make to the Federal Bureau of Investigation?

Mr. Porter. Yes, sir; I did.

Mr. Dorsen. Where and when did this conversation occur?

Mr. Porter. I would say that approximately 10 or 11 days, I am not sure of the exact date, whether it was June 28 or the 29th, but in that time frame, Mr. Magruder asked me to come in to his office, which I did. He shut the door and he told me that he had just come from a meeting with Mr. Mitchell, Mr. LaRue, himself, and a fourth party whose name I cannot remember, where my name had been brought up as someone who could be, what was the term he used, counted on in a pinch or a team player or words to that effect.

Mr. Dorsen. You are now recounting what Mr. Magruder told you.

Mr. Porter. Yes, sir.

Mr. Dorsen. Please continue.

Mr. Porter. He said that I believe at that time Mr. Liddy had been fired from the campaign. He said it was—"apparent" was the word he used—that Mr. Liddy and others had on their own, illegally participated in the break-in of the Democratic National Committee, and Mr. Magruder swore to me that neither he nor anybody higher than Mr. Liddy in the campaign organization or at the White House had any involvement whatsoever in Watergate, at the Watergate break-in, and reinforced that by saying, "Doesn't that sound like something stupid that Gordon would do?" and you have to know Mr. Liddy, I agreed with that. [Laughter.]

He said, "I want to assure you now that no one did." He said, however, "There is a problem with some of the money. Now, Gordon was authorized money for some dirty tricks, nothing illegal, but nonetheless, things that could be very embarrassing to the President of the United States and to Mr. Mitchell and Mr. Haldeman and others. Now, your name was brought up as someone who we can count on to help in this situation," and I asked what is it you are asking
me to do, and he said, "Would you corroborate a story that the money was authorized for something a little bit more legitimate sounding than dirty tricks, even though the dirty tricks were legal, it still would be very embarrassing. You are aware that the Democrats have filed a civil suit against this committee." I said, "Yes, I have read that in the paper." He said, "Do you know what immediate discovery is?" I said, "I do not. They may get immediate discovery, which means they can come in at any moment and swoop in on our committee and take all of the files and subpoena all of the records and you know what would happen if they did that." I conjured up in my mind that scene and became rather excitable and knew I didn't want to see that. So I said, "Well, be specific," and he said, "Well, you were in charge of the surrogate campaign, you were very concerned about radical elements disrupting rallies and so forth," and I said yes, and he said, "Suppose that we had authorized Liddy instead of the dirty tricks, we had authorized him to infiltrate some of these radical groups. How could such a program have cost $100,000?" And I thought very quickly of a conversation I had had with a young man in California in December, as a matter of fact, and I said, "Jeb, that is very easy. You could get 10 college-age students or 24- or 25-year-old students, people, over a period of 10 months." Mr. Magruder had prefaced his remark by saying from December on. And I said, "You can pay them $1,000 a month which they would take their expenses out of that, and that is $100,000. That is not very much for a $15 million campaign." And he said, "No, that is right; would you be willing, if I made that statement to the FBI, would you be willing to corroborate that when I came to you in December and asked you how much it would cost, that that is what you said?" That was the net effect, the net of his question. I thought for a moment and I said, "Yes, I probably would do that." I don't remember saying yes, but I am sure I gave Mr. Magruder the impression I would probably do that and that was the end of the conversation.

Mr. Dorsen. Now, Mr. Porter, did the conversation you agreed to tell the FBI actually take place?
Mr. Porter. Sir?
Mr. Dorsen. Did the conversation which you agreed with Mr. Magruder that you would tell to the FBI actually take place in December of 1971?
Mr. Porter. No, sir; it did not take place in December.
Mr. Dorsen. Later, did you tell the FBI what Mr. Magruder asked you to tell them?
Mr. Porter. Yes, sir; I did.
Mr. Dorsen. And subsequent to that, did you appear before a Federal grand jury?
Mr. Porter. Yes, sir.
Mr. Dorsen. Were you asked about the surrogate candidate program?
Mr. Porter. Yes, sir.
Mr. Dorsen. What did you tell the Federal grand jury?
Mr. Porter. The same thing.
Mr. Dorsen. Were you a witness at the trial of the seven defendants who were indicted in the Watergate case?
Mr. Porter. Yes, sir.
Mr. Dorsen. And did you give the same account?
Mr. Porter. Yes, sir; I did.

Mr. Dorsey. Did Mr. Magruder ask you to make any other statements which you knew to be false?

Mr. Porter. Yes, sir; he did.

Mr. Dorsey. What did he ask you?

Mr. Porter. Shortly after that, he asked me to, if I would increase the amount of money that I was going to say that I gave to Mr. Liddy, and I said no, I would not do that. He said, why not?

I said because I just absolutely—I did not give him that amount of money and I will not say I gave him that amount of money.

I said the conversation that you are asking me to relate, I can conceive of it happening because I would have told you that in December if you had asked me. And that is a strange answer, but that is the answer I gave him. And I would not increase the amount of money. He wanted me to say that I gave Mr. Liddy $575,000, when in fact, I had given him some $30,000 to $35,000—$32,000.

Mr. Dorsey. Did Mr. Magruder tell you why he wanted the high figure?

Mr. Porter. No, sir; he did not.

Mr. Dorsey. When was the first time you told any investigatory body that you had not testified truthfully at the grand jury and at the trial?

Mr. Porter. April 18, I believe.

Mr. Dorsey. 1973?

Mr. Porter. 1973, yes, sir.

Mr. Dorsey. Mr. Chairman, I have no further questions at this time.

Senator Ervin. We have a vote on in the Senate, so it will be necessary for us to take a recess so the members of the committee can go and vote.

[Recess.]

Senator Ervin. The committee will come to order.

Mr. Thompson.

Mr. Thompson. Mr. Porter, as I understand it, your statement here this morning is to the effect that you agreed with Mr. Magruder that you would tell the grand jury a false story, is that correct?

Mr. Porter. What I agreed to specifically, Mr. Thompson, was that I would agree initially to corroborate a story that Mr. Magruder was going to tell to the FBI, which I felt was, in effect, replacing one lawful authorization for another lawful authorization.

Mr. Thompson. Well, was it or was it not a false story?

Mr. Porter. Yes, that is absolutely correct; it was a false statement.

Mr. Thompson. Well, you gave this false statement to the grand jury?

Mr. Porter. Yes, sir.

Mr. Thompson. And you gave it at the trial in January?

Mr. Porter. Yes, sir.

Mr. Thompson. When did you go to the proper authorities and tell them the truth about these matters?

Mr. Porter. The appointment was on April 18 at the U.S. attorney's office, although the contact had been made earlier than that, or the contact to set up an appointment. I mean.

Mr. Thompson. When was the contact made?
UNITED STATES OF AMERICA

v.

JEB STUART MAGRUDER

Criminal No. 715-73

Violation of 18 U.S.C. § 371
(Conspiracy to unlawfully intercept wire and oral communications, to obstruct justice, and to defraud the United States of America)

INFORMATION

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

1. At all times material herein, the Democratic National Committee, an unincorporated association, was the organization responsible for conducting the affairs of the Democratic Party of the United States. Its offices were at the Watergate Office Building, 2600 Virginia Avenue, N. W. in the District of Columbia.

2. At all times material herein, the Committee for the Re-Election of the President was conducting campaign activities on behalf of the re-election of Richard M. Nixon as President of the United States, with office and headquarters at 1701 Pennsylvania Avenue, N. W. in the District of Columbia.

3. At all times material herein, the United States Attorney's Office for the District of Columbia and the Federal Bureau of Investigation were parts of the Department of Justice, an agency of the United States.

4. On June 5, 1972, a Grand Jury of the United States District Court for the District of Columbia was duly [1968]

10. Around or before August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER attended meetings on the fourth floor of 1701 Pennsylvania Avenue, N. W. where the false, misleading and deceptive statement previously made by JEB STUART MAGRUDER to the Federal Bureau of Investigation, was further refined and developed in preparation for his appearance before the Grand Jury.

11. On or about August 16, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.

12. On or about September 12, 1972, in the District of Columbia, JEB STUART MAGRUDER attended a meeting on the fourth floor of 1701 Pennsylvania Avenue, N. W. to compose and develop Magruder's proposed testimony in preparation for another appearance before the Grand Jury.

13. On or about September 13, 1972, in the District of Columbia, JEB STUART MAGRUDER testified falsely before the Grand Jury.


15. On or about January 23, 1973, in the District Court for the District of Columbia, Herbert Lloyd Porter gave false, deceptive and misleading material testimony
during the trial of Criminal Case No. 1927-72, entitled

(In violation of Title 18 United States Code § 371.)

ARCHIBALD COX
Special Prosecutor
Watergate Special Prosecution Force
United States District Court
For The District of Columbia

UNITED STATES OF AMERICA

VS

GEORGE GORDON LEDDY, et al

Criminal No. 1827-72

TRANSCRIPT OF PROCEEDINGS

Tuesday, January 23, 1973

COPY FOR: House Judiciary Committee

1277-1303 (1319)  1458-1465
1320-1359-B  1466-1467 (Sealed)
1360-1388 (1395)  1468-1486
1396-1430-B
1431-1452 (1457)

NICHOLAS SOKAL
OFFICIAL REPORTER
4800 U. S. COURTHOUSE
WASHINGTON, D. C. 20001

TELE: 426-7454
A general counsel he was responsible to be sure not only with the problems we anticipated having in our primary stage but even more so of course in the general election with the surrogate candidates. We had 35 surrogate candidates. These were cabinet officers, Senators, and governors who in effect were stand-ins for the President since the President we knew at that time did not plan to campaign as actively as he had in 1962 and by this time we had indications that there would be potential problems in many of the places that these individuals would go, particularly relating to our rallies.

We had scheduled by that time approximately 12 rallies in the primary states and we knew there were early plans by individuals and groups to possibly disrupt these rallies and also possibly cause bodily harm to the surrogates, so we were interested in effect finding out how serious these problems would be and then, of course, protecting these surrogates.

The surrogates did not have any protection in the sense of their own as the President does with the Secret Service, so we felt we had to establish our own lines of communication and in late December after Mr. Porter and I discussed the problem we talked to Mr. Liddy and asked him would he be willing to take on the assignment setting up basically an intelligence gathering -- if there were problems and as it turned out there were considerable problems we had -- fire bombings in a number of our headquarters and disruptions of that type throughout the
Democratic Convention in 1968, we were very concerned about the safety and the ability of us to put on a convention that would be successful because we knew that if it was the kind that occurred in Chicago, of course, it would be very difficult for the President to be re-elected.

Q: Talking about Chicago --

A: The Chicago Convention the Democrats had that was disrupted as you recall by the demonstrators in '68. The same groups at that convention were planning similar activities, so starting as far back as July or August of 1971 we began to become concerned.

So in January I asked Mr. Liddy if he would take on the assignment of being able to build up an intelligence-gathering operation in San Diego so that we could be aware of the problems that would occur at the time of the convention.

I think it is important to note our main concern was not pre-convention but post-convention, during the convention. What we were concerned about was the same problem to a much greater extent we thought we would have with the surrogates.

Here in a city there may be 250,000 demonstrators, could we function and have a convention? And, as you know, national television covers them and we didn't want the same scene on the television as in Chicago in '68.

So I asked Mr. Liddy to set up an intelligence-gathering operation that would give us the kind of operation at the time...
of the convention that would allow us to preplan our movements and prevent many problems that occurred in '63.

Q What funding or financial arrangements did you agree upon with Mr. Liddy with respect to the two different assignments that you just described?

A On the first assignment, we agreed to a funding of approximately $100,000 for the ten-month period starting in January and on the convention problem we agreed to $150,000, so the total funding of $250,000.

Q Who was to be the source of the funds of the money that would be given to Mr. Liddy?

A Well, the source was to be the Finance Committee to Re-elect the President.

Q Now, at any time did you give him in addition to those two major assignments you just described to the ladies and gentlemen of the jury and His Honor, did you give him any other investigative assignments?

A Yes, as I recall, I gave him a number of others.

Q Can you give an example?

A An example would be there was a candidate for the Democratic nomination who was known for his anti-pollution stand and there was also news reports about some of his supporters, financial supporters particularly, one in particular being a major polluter, and I asked Mr. Liddy as an example to investigate that situation to see if there was any more to it than we read
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 5, 6, 7, 12, 13, AND 14, 1973
Book 2

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

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had a direct relationship to the President at all. In fact, the use of
his name was very common in many cases where it was inappropriate;
in other words, where he had not had any dealings in the matter.
So I knew that this did not necessarily mean it came from the Presi-
dent or anyone else other than Mr. Dean or Mr. Mitchell.
Mr. Dash. But you did not know to the contrary.
Mr. MacRuder. No; I did not know to the contrary.
Mr. Dash. Did you know or have any knowledge of any plans to
pay attorney's fees or salaries to defendants or support for the families
of the defendants?
Mr. MacRuder. I was aware that they were being taken care of
because, of course, one of the questions I had if I was going to—par-
ticularly before the second grand jury appearance where I had to
decline to go up and tell this coverup story—that I wanted assurances
that the other seven defendants, the seven defendants would hold and
I was assured they were being taken care of. That was the extent of
my knowledge.
Mr. Dash. Were you aware of any concern about any one of the
defendants during this period of time?
Mr. MacRuder. Well, at varying times there was concern over par-
ticularly Mr. McCord, I think Mr. Hunt to some extent at various
times and also I think Mr. Sturgis who I did not know. They were
three who were brought up most frequently.
Mr. Dash. Were you aware of any plans to propose a CIA defense
for the defendants?
Mr. MacRuder. Again, in these series of meetings that we had from
the period, from the break-in to September, that defense was dis-
cussed in general terms at meetings I attended but I could not be
specific about it.
Mr. Dash. Now, you testified at the first Watergate trial?
Mr. MacRuder. Yes, sir.
Mr. Dash. And at that trial did you tell this same false story that
you testified before the grand jury and told the FBI?
Mr. MacRuder. Yes, sir.
Mr. Dash. By the time of the trial in January all seemed. Mr.
MacRuder, to have worked well according to the plan that you had
worked out with Mr. Mitchell, Mr. Dean, Mr. LaRue and Mr. Mardian.
At what time, to your recollection, if it did occur did the plan begin to
crumble?
Mr. MacRuder. Well, I think that as soon as we realized that the
grand jury was going to reconvene, much more so than Mr. McCord's
statement because I knew Mr. McCord's statements would be hearsay,
but as soon as I knew the grand jury was going to reconvene I knew
that things would be difficult to hold. I knew I could not go through
the same process, now that the election was now over and the reason
for the coverup from my standpoint was now no longer valid. But also I
knew that Mr. Reisner, the one—from my standpoint, the only mistake
the prosecutors made was in going through the organization they
missed Mr. Reisner, and if they had caught Mr. Reisner earlier. I think
this story would not have been made but I knew they would get to
Mr. Reisner now because it had been obvious he had been my assistant
at that time and so as soon as I knew that and as soon as I knew Mr.
this case, or one of his assistants. Only when he called me did I respond. I cannot even recall any time that I initiated a call to Mr. Haldeman.

Senator Weicker. All right.

Mr. Magruder. Except in the January meeting, when I requested an interview with him to go over the job question.

Senator Weicker. Now we move to January 1973 and the meeting with Mr. Haldeman. The main purpose of this meeting, as I gather it, was to talk about jobs for Mr. Porter and yourself; is that correct?

Mr. Magruder. Yes, sir.

Senator Weicker. Now, you have heard Mr. Sloan's testimony in which he said in response to a question that I asked him that if it did produce discussion on his part, the statement of policy on the case was that no individual who had become a Watergate figure or prominent Government official would be placed in office until the issue was totally resolved.

Mr. Magruder. Yes, sir.

Senator Weicker. Can you give me any indication as to why this general policy was excepted in your case?

Mr. Magruder. I did not know that was the general policy, Senator.

Senator Weicker. Well, what was nature of the conversation between you and Mr. Haldeman on jobs?

Mr. Magruder. Well, the nature of the discussion was basically, they had considered sending me up to the Senate for confirmation for one or two jobs that required Senate confirmation. During that discussion he and I agreed that at this time—at that time—it would be inappropriate to go through that process. We both agreed to that. And so as an interim measure, we agreed to a position that turned out to be Director of Policy Development at the Commerce Department, which happened to be a level 4 job that did not require Senate confirmation. And we did not discuss, I think, that job at that time. We discussed the prospects of that kind of a job as an interim measure until the Watergate situation had been completely settled.

Senator Weicker. Then after the conversation about jobs was over with, did you indicate to him your concern about the Watergate matter?

Mr. Magruder. It was the other way around, Senator. I initiated the discussion on the subject of the Watergate because of what I considered to be beginning memory of difficulties on the part of some of the participants that I thought could have related to my own particular situation.

Senator Weicker. And you related it to him at that time in January?

Mr. Magruder. Yes, sir.

Senator Weicker. The situation as to the Watergate, as to what was going on, relative to your participation and the story being contrived?

Mr. Magruder. Yes, and it was particularly at that time also in relation to Mr. Porter because he was having difficulty with the personnel department at the White House and I wanted to be sure Mr. Haldeman understood how cooperative Mr. Porter had been.

Senator Weicker. Was this before or—was this conversation with Mr. Haldeman before or after the trial?

Mr. Magruder. It was before the trial, before the inauguration, sometime early in January, after the first of the year.
Senator Weicker. So that Mr. Haldeman knew before the trial that perjury was being committed?

Mr. Magruder. Yes, that would be correct. He knew that my statements—well, after the trial he knew that perjury was committed. I think, Senator, might be more appropriate. In other words, I had not made those statements until the trial and then at the trial he would have if he read the trial statements known that perjury had been committed. That may have been a fine difference but that—

Senator Weicker. Let us be very specific. The trial was not over, is that correct?

Mr. Magruder. As I recall, the trial had just begun. I had not testified.

Senator Weicker. That is correct. And your meeting with Mr. Haldeman was before the trial was over?

Mr. Magruder. Yes, sir.

Senator Weicker. And the story you told him, you told him before the trial was over?

Mr. Magruder. That is correct.

Senator Weicker. So Mr. Haldeman knew that perjury was going to be committed?

Mr. Magruder. Was going to be committed and, of course, did not know that it had been committed until after the trial.

Senator Weicker. But he did know that perjury was going to be committed?

Mr. Magruder. Yes; I think that would be correct.

Senator Weicker. Now, on the March 29 meeting—let me ask you one other thing; on the meeting in January do you feel that that meeting was taped, the January meeting?

Mr. Magruder. I am not sure. I do not think that meeting was taped. I think all subsequent meetings that I had with either Mr. Haldeman, Mr. Ehrlichman, and I gather meetings I had with Mr. Dean from that time on were taped but I do not have the taped transcripts so I do not specifically know which meetings were or were not taped.

Senator Weicker. The March 29 meeting—

Mr. Magruder. I know that was taped.

Senator Weicker. Do you know who is in possession of those tapes?

Mr. Magruder. I do not know personally. I think the prosecutors or Mr. Haldeman's lawyer. I am just not sure. I do know—possibly, Senator, this committee has those tapes. I do not know.

Senator Weicker. Beg pardon?

Mr. Magruder. Possibly this committee has those tapes. Senator, I do know tapes have been produced and discussed in depositions.

Senator Weicker. Mr. Chairman, I wonder if I might inquire of counsel, majority and minority counsel, as to whether or not the committee is in possession of those tapes.

Mr. Dash. We are just checking.

We have two tapes under subpoena that Mr. Haldeman has given us and one of them does relate not to Mr. Haldeman and Mr. Magruder but to a telephone call with somebody other than Mr. Haldeman.

Mr. Magruder. Telephone call with Mr. Higby?

Mr. Dash. Yes.
He said, however, that all of the people he had talked with in California had urged him to go back into Government for a while; that he had strong family reasons for wanting to stay in Washington because his children were well established in the schools here; and that he had lost some of his interest in running for office in California and was more interested in the idea of staying in Washington. Since the Presidential appointment or White House post was out of the question, I suggested that he look into other Government possibilities and that he work with Jerry Jones and the White House personnel office in that regard.

I met with Magruder again on March 2 (I believe again at his request), at my office, with John Dean also present, for about an hour. At this meeting we reviewed the same general subjects we had discussed on February 14, and I gave him a list of jobs in the Government that had been developed by the personnel office. He expressed interest in one of the jobs on the list, a post in the Department of Commerce, and he subsequently did take that post.

I do not recall any discussion of any of the particulars of the Watergate matter or the so-called coverup—other than what I have already indicated regarding his feeling that the matter was now behind him.

I feel certain that there was no such discussion because had he told me the kinds of things that he has indicated to this committee that he told me regarding perjury, et cetera, I would have remembered them clearly and I would have done something about them.

Mr. Magruder has stated that he met with me in early January of 1973, before the inaugural, although he was unable to specify a date.

Mr. Dean, on the other hand, has indicated in his testimony that I met with Mr. Magruder in late January.

I do have a vague feeling that I talked with Magruder or at least knew about his plans prior to his trip to California, which I believe was in early February. I cannot recall any specific conversation or meeting. My feeling may arise from the fact that apparently John Dean talked with me in late January about Magruder’s plans for going into politics in California and his plans to make a trip out there. Mr. Higby has told me that Mr. Magruder did request a meeting in January, but that I was unable to schedule one. I did later agree to such a meeting but when he called Magruder to set it up, Magruder had already left for California. It is possible that Magruder told Higby of his California plans and Higby relayed them to me.

Magruder’s recollection of the substance of the alleged January conversation is in many respects very much along the lines of my recollection of our conversation on February 14, and I have the feeling that we are dealing here with a simple error in recollection of specific dates, which is certainly understandable.

At no meeting with Magruder did he raise with me a monolog as he has described, laying out the true facts or claiming that he had committed or was going to commit perjury or that there had been any other illegal coverup activities undertaken in connection with the Watergate investigation.

I should also explain, Mr. Dash, that my outline of the Magruder meetings of February 14 and March 2 is somewhat different than the
40. In about January or February 1973 LaRue made payments of $25,000 and $35,000 in cash to Howard Hunt's attorney, William Bittman. These funds came from the money that LaRue had received from the White House.

40.1 Fred LaRue testimony, 6 SSC 2296-97.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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[1986]
Mr. LaRue. Yes, sir.

Mr. Dash. Do you know how much that sum was?

Mr. LaRue. Approximately $50,000.

Mr. Dash. And did you know that this was part of the $250,000 at the White House?

Mr. LaRue. That was my understanding.

Mr. Dash. Now, in January 1973, did you receive an additional sum from Mr. Strachan in the amount of $280,000?

Mr. LaRue. Yes, sir.

Mr. Dash. What prompted, to your knowledge, such a large transfer of money?

Mr. LaRue. I cannot state specifically, Mr. Dash. I had had a conversation with Mr. Dean regarding this need, at this time. I think for $20,000 for one of the attorneys, Mr. Maroulis. I had passed this information on to Mr. Dean. Later, he called me back and told me that they were going to deliver the remaining balance they had over at the White House, which was approximately $280,000.

Mr. Dash. Would it be fair to say that as you were ongoing in this relationship of paying these fees, that this was going to be a continuing operation, certainly through the trial, and that this fund of money was necessary if you were going to be able to carry out these responsibilities?

Mr. LaRue. That certainly would be my assumption; yes, sir.

Mr. Dash. And is it true that in January 1973, you did pay Mr. Maroulis, counsel for Mr. Liddy, $30,000?

Mr. LaRue. That is correct.

Mr. Dash. Now, did you receive $14,000 from a Mr. Tim Babcock in January 1973?

Mr. LaRue. Yes, sir.

Mr. Dash. What was that all about?

Mr. LaRue. I received this money from Mr. Babcock at—I think in Mr. Stans' office. Mr. Stans was present. My understanding, Mr. Dash, was that Mr. Babcock had pledged this money during the campaign, had not gotten around to delivering it, and that he was, you know, fulfilling his pledge.

Mr. Dash. Did this have anything to do with the money or the cash fund you were developing for the legal defense fund?

Mr. LaRue. No, sir.

Mr. Dash. Now, did you make two cash payments, one of $25,000 and one of $35,000, to Mr. Bittman, counsel to Mr. Hunt, in January 1973?

Mr. LaRue. Yes, sir.

Mr. Dash. And did that occur in the same way you have already described?

Mr. LaRue. No, sir; those payments were delivered to Mr. Bittman at his home.

Mr. Dash. At his home?

Mr. LaRue. Yes, sir.

Mr. Dash. Who delivered them?

Mr. LaRue. This was another messenger that delivered them.

Mr. Dash. Another messenger?

Mr. LaRue. Yes, sir.

Mr. Dash. Did you arrange that the same way, by phone call?

Mr. LaRue. Yes, sir.
Mr. Dash. Did you again identify yourself as Mr. Baker?
Mr. LaRue. Yes, sir.
Mr. Dash. Did Mr. Bittman always know you as Mr. Baker?
Mr. LaRue. Yes, sir. As far as I know, he never knew who I was.
Mr. Dash. And this was in cash, this $25,000 and $35,000 — it was all in cash?
Mr. LaRue. Yes, sir.
Mr. Dash. And this came from the $250,000 or $350,000 — the amount of money that was at the White House?
Mr. LaRue. Yes, sir.
Mr. Dash. Did you attend a meeting in Washington with Mr. Mitchell, Mr. Dean, Mr. Kalmbach on January 19, 1973?
Mr. LaRue. Mr. Dash, I have no recollection of attending that meeting.
Mr. Dash. Did you hear the testimony of Mr. Kalmbach?
Mr. LaRue. Yes, sir.
Mr. Dash. And also the testimony of Mr. Dean?
Mr. LaRue. Yes, sir.
Mr. Dash. And do you recall any of their testimony that a meeting did occur, and both testified to your presence there, and Mr. Mitchell, at which an effort was made to get Mr. Kalmbach to raise funds again?
Mr. LaRue. Mr. Dash, I repeat, I have no recollection of that meeting and it would serve no purpose to —
Mr. Dash. Do you recall any discussion at any time with anybody asking Mr. Kalmbach to come back to the business of raising funds?
Mr. LaRue. No, sir. I do not.
Mr. Dash. Now, did you take any expenses for the work that you were doing, during this period of time, any amount of money?
Mr. LaRue. Yes, sir, there was approximately $12,000 in expenses taken out of this money during the period of, I would say August through March.
Mr. Dash. Now, when was your last payment to Mr. Bittman, counsel for Mr. Hunt? Do you recall?
Mr. LaRue. Yes, sir, it would be in March.
Mr. Dash. March of 1973?
Mr. LaRue. Yes, sir.
Mr. Dash. Can you tell us how much was involved in that payment?
Mr. LaRue. As I recall, $75,000.
Mr. Dash. $75,000?
Mr. LaRue. Yes, sir.
Mr. Dash. I take it that was the largest sum of money that you ever transferred to any of the lawyers?
Mr. LaRue. The largest sum I transferred, yes, sir.
Mr. Dash. What led up to that unusual payment?
Mr. LaRue. I got a phone call from Mr. Dean. Mr. Dean stated that he had — I think he had had a conversation with Mr. O'Brien, in which Mr. O'Brien had told him that there was a need for $75,000 asserted that by Mr. Bittman for attorneys' fees. I asked Mr. Dean if I should indeed make a delivery of this money. He said that he was out of the money business, that he was no longer going to be involved in it and that he would not, you know, I would have to use my own judgment as to whether to make the payment or not.
41. On February 7, 1973 the United States Senate, by a vote of 77 to 0, established the Senate Select Committee on Presidential Campaign Activities (SSC) "to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, acting either individually or in combination with others, in the presidential election of 1972, or in any related campaign or canvass..." The authorizing resolution "directs the select committee to make a complete investigation and study" of activities "which have any tendency to reveal the full facts" in respect to sixteen specified topics including the break-in and the electronic surveillance at the DNC headquarters, the payment of money or the use of coercion, threats or other means to conceal evidence relating to the break-in, presidential campaign sabotage, presidential campaign fundraising and the concealment, suppression or destruction of evidence relating to matters within the Committee's jurisdiction.

41.1 119 Congressional Record, S2317, S2335-37 (February 7, 1973).
The acting President pro tempore (Mr. HARRY F. BYRD, JR.). The Chair lays before the Senate the unfinished business, which the clerk will state.

The assistant legislative clerk read as follows:

A resolution (S. Res. 89) to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, and individually or in combination with others, in the Presidental election of 1972, or any campaign, canvass, or other activity related to it.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The acting President pro tempore. The clerk will call the roll.

Mr. PELL. Would the Chair inform me, what is the pending business?

The PRESIDING OFFICER. The clerk will state the pending business.

Mr. PELL. The Senate is engaged in the consideration of S. Res. 89, to establish a select committee of the Senate to conduct an investigation and study of the extent, if any, to which illegal, improper, or unethical activities were engaged in by any persons, and individually or in combination with others, in the Presidental election of 1972, or any campaign, canvass, or other activity related to it.

Mr. PELL. Mr. President, is there a time agreement in connection with this matter?

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. MANSFIELD. Mr. President, I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senator from Montana.

After some delay, the following Senators entered the Chamber and answered to their names:

Mr. T. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. BURKHARDT), the Senator from Idaho (Mr. CHURCH), the Senator from Minnesota (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from North Carolina (Mr. ROGERS), and the Senator from South Carolina (Mr. TURKINGTON) are absent.

I further announce that the Senator from Missouri (Mr. STINNETT) is absent because of illness.

Mr. GRIFFIN. I announce that the Senator from Massachusetts (Mr. BROOKS), the Senator from Colorado (Mr. DOMINCICK), the Senator from Hawaii (Mr. FONG), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. SEDWICK), and the Senator from South Carolina (Mr. TURKINGTON) are necessarily absent.

The Senator from Maryland (Mr. McCOLLUM), the Senator from Ohio (Mr. SAWYER), and the Senator from Vermont (Mr. SYRON) are absent on official business.

The PRESIDING OFFICER. A quorum is present.

CALL OF THE ROLL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

Mr. PELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Mr. Allen, Mr. Ervin, Mr. Nelson, Mr. Baker, Mr. Griffin, Mr. Sessions, Mr. Bennett, Mr. Haynsworth, Mr. Pryor, Mr. Byrd, Mr. Hoyle, Mr. Symington, Mr. Lister, Mr. Eastman, Mr. Mansfield, Mr. Ervin, Mr. Nelson, Mr. Baker, Mr. Griffin, Mr. Sessions, Mr. Bennett, Mr. Haynsworth, Mr. Pryor, Mr. Byrd, Mr. Hoyle, Mr. Symington, Mr. Lister, and Mr. Eastman answered to their names.
jealousy and greatest purpose than at present. He had presented his analysis with a great deal of force and supported his arguments with his accustomed vigor. However, I regret that he has rejected, one after another, suggestions made to improve upon his original proposal and to perfect its mechanism.

If the investigation which the Senator desires does not have the utmost appearance of impartiality and objectivity, there is no going the trust to the American people. It goes without saying that partisanship is at the very heart of the original problem. One of our major political parties stands accused of interfering with the privacy of our other major political party. Seven minor figures have been indicted and found guilty by our courts; two are seeking to appeal. The end of the case is not yet in sight. It is not surprising that feelings are running high.

It is all the more important, therefore, that the investigation be conducted in an atmosphere that inspires confidence and in which the lack of any shred of the truth, the whole truth, has been found. I am disappointed that my colleague has rejected the suggestion that both major political parties be equally represented in the investigative process. Such a rejection will only fuel the fires of those who are charging that this investigation is only a year-long fishing expedition, designed to be far-ranging as possible, as well as the pursuit of every body in the net. My distinguished colleague—and he knows of my great personal admiration and respect for him—has often been on the floor of the Senate fighting for the rights of people whose rightful privacy has been intruded upon. I know that he will be among the first to come to the floor if such a sweeping investigation as this, cruelly brought about the name of his association with the names of the guilty.

I am further dismayed that the cost of this investigation, under these circumstances, will be $500,000. If the subject is as serious as he claims, a majority, if new evidence tended to indicate that much more would be unearthe, if there were any hope at all that a definitive resolution would be achieved, then a half million dollars might be a price worth paying. Yet there is no evidence worth considering.

The Watergate situation has received the closest and most penetratin scrutiny of the government. A grand jury has made a thorough investigation and returned indictments. A trial was held in the U.S. district court in which five defendants pleaded guilty and two others were convicted after an extensive trial. The trial judge himself went beyond the bounds of an adversary proceeding and interrogated the defendants himself before he satisfied himself that there were no others involved in the crimes.

The FBI and the Justice Department made a thorough investigation of their own. Our distinguished colleagues from the House of Representatives, the Honorable Walter J. Patman, made a staff investigation through his House Banking and Currency Committee.

The distinguished senior Senator from Massachusetts had the staff of his Judiciary Subcommittee make on-the-spot investigations in this matter, and has apparently not pursued it further.

The junior Senator from North Carolina therefore finds it difficult to justify spending $500,000 on yet another investigation with broad powers given to a select committee to rehearse old charges for another year.

If there are matters that need to be pursued further, then they ought to be looked into by the full Judiciary Committee. I know that the Judiciary Committee has a full calendar of proposals; but if there are overwhelming problems yet to be resolved in the Watergate affair, then I know that the public would have far more confidence in a normal standing committee balanced by the regularity which the Senate has established.

Moreover, this body has also established a Permanent Investigating Subcommittee of the Government Operations Committee which could perhaps easily manage such an investigation. Encouragement could also be given to the Judiciary Committee's Administrative Practice and Procedure Subcommittee to look further into those matters in its jurisdiction.

Mr. President, I dislike seeing a half-million dollars of the taxpayers' money spent on another investigating mechanism, adding to the Senate's own bureaucracy. One thing is sure: if this body, be done by existing personnel and facilities already available to this body.

The PRESIDING OFFICER. The resolution is open to further amendment. Such an amendment to be proposed, the question is on agreeing to the resolution, as amended.

Mr. EVAN, Mr. President, I ask for the yeas and nays on final passage. The amendment was ordered.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The yeas and nays have been ordered, and the clerk will call the roll.

I have the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Indiana (Mr. Bayh), the Senators from Arizona (Mr. Bentsen and Mr. Cannon), the Senator from Mississippi (Mr. Eastland), the Senator from Washington (Mr. Magnuson), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Staffin), the Senator from Connecticut (Mr. Grassopp), the Senator from Alabama (Mr. Sparkman) are necessarily absent.

I further announce that the Senator from Louisiana (Mr. Johnson) is absent on official business.

I also announce that the Senator from Mississippi (Mr. Stennis) is absent because of illness.

I also announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Washington (Mr. Magnuson), and the Senator from Connecticut (Mr. Grassopp) would each vote "yea.

Mr. GRASSOPP. I announce that the Senator from Massachusetts (Mr. Brooke), the Senator from Colorado (Mr. Domoinick), the Senator from Hawaii (Mr. Fong), the Senator from Arizona (Mr. Goldwater), the Senator from Oregon (Mr. Packwood), the Senator from Kansas (Mr. Pasternak), and the Senator from South Carolina (Mr. Thurmond) are necessarily absent.

The Senators from Maryland (Mr. Mathias), the Senator from Ohio (Mr. Saxbe), and the Senator from Vermont (Mr. Stafford) are absent on official business.

The Senator from Alaska (Mr. Stevens) is excused from today's business.

If present and voting, the Senator from Massachusetts (Mr. Brooke), the Senator from Arizona (Mr. Goldwater), the Senator from Alaska (Mr. Stevens) and the Senator from South Carolina (Mr. Thurmond) would each vote "yea."

The result was announced—yeas 77, nays 0, as follows:

[No. 16 Leg.]

YEAS—77

Abraham        Ervin        McGee
Ackerman       Feingold       Metcalf
Allen          Ford          Metzenbaum
Bartlett       Gordon        Mitchell
Boren          Gurney        Nixon
Brenton        Moosby        Nehemiah
Buccheh        Hart        North
Biden          Hartke        Peravich
Brook           Halaby        Petrovich
Byrd             Hollings        Proxmire
Clark         Javitt          Sargent
Cotter          Jackson        Shamaj
Corzine        Jenrette      Talmadge
Gurney        Kennedy        Tower
Dole          Mansfield        Weicker
Eagleton      McClure        Williams
Eagleton        McClure        Williams

NAYS—0

NATV—32

Bayh        Goldwater        Ribicoff
Byrd             Hendricks      Robb
Coke          Isakson        Scott
Cannon        Johnston        Sterud
Cochran       Kasich        Stump
Comstock       Mansfield       Stennis
Conyngham      Metzenbaum     Steunmen
P. J. Culbertson
Kingston         Moosby         Student
Kuchel         Nadway         Thompson
L典          Nelson        Thornburg
Moosby        Nelson        Thurmond
Mansfield       Norbeck        Young

So the resolution (S. Res. 60), as amended, was agreed to, as follows:

S. Res. 60

Resolved. Section 1. (a) That there is hereby established a select committee of the Senate, which may be called, for convenience of expression, the Select Committee on Presidential Campaign Activities to conduct an investigation and study of the extent of illegal activity thereto connected or related thereto for the elections of any candidate for President or Vice President of the United States, beginning with the election of 1972 or in any related campaign activities.

The Select Committee created by this resolution shall be non-partisan [982]. Members of the Senate, four of whom shall be appointed...
by the President of the Senate from the majority Members of the Senate upon the recommendation of the majority leader of the Senate, or of any political party, which recommendation may be made if the President of the Senate from the minority Members of the Senate shall make the recommendation of the minority leader of the Senate, or of any political party, which shall be made if the President of the Senate does not make the recommendation of the majority leader of the Senate, or of any political party, within the time specified in section 7 of title 2 of this Act.

(2) A majority of the members of the select committee shall constitute a quorum for the transaction of business, but the select committee may prescribe rules for the conduct of its business.

(3) The select committee may compel the attendance of all persons having knowledge of the facts, contents, or purport of the items of information, documents, or records, and shall have power to require the attendance of all witnesses under the same penalties and the same mode of proof as in cases of the attendance of witnesses in courts of law.

(4) The select committee is authorized to compel the attendance of any witness, or any process, on any place or thing in the United States or any Territory thereof, to produce any evidence, or any other thing in the possession of any person, and to require the attendance of any person or persons, or the production of any books, records, documents, or records, or of any other thing in their possession or power, if such evidence, process, or thing is the same as required in cases of the attendance of witnesses in courts of law.

(5) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, to appear and give evidence before the committee, and to answer questions submitted to them, and to testify, and to answer any questions put to them in the United States or any Territory thereof.

(6) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(7) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(8) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(9) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(10) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(11) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(12) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(13) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(14) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.

(15) The select committee may, by a majority of its members, require any witness or any person, or the production of any books, records, documents, or records, or of any other thing in the possession or power of any person, or any place or thing in the United States or any Territory thereof.
MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, informed the Senate that pursuant to the provisions of section 123(a) of the House joint resolution, the Speaker had appointed Mr. Kastenmeir, Mr. Edwards of California, Mr. Hutchinson, and Mr. Sandeman as members of the National Commission on Individual Rights, on the part of the House, for the purpose of securing the prompt investigation and study of the subject matter of the joint resolution as provided therein.

The message also informed the Senate that, pursuant to the provisions of section 123(a), Public Law 91-650, the Speaker had appointed Mr. Wright, Mr. Gray, Mr. Don H. Clausen, and Mr. Stennis as members of the Commission on Highway Beautification, on the part of the House.

The message announced that the House had passed, without amendment, the joint resolution (H. Res. 379) to designate the Manned Spacecraft Center in Houston, Texas, as the "Lyndon B. Johnson Space Center" in honor of the late President.

The PRESIDENT OFFICER, without objection, is so ordered.

SKYJACKING

Mr. HARTKE. Mr. President, it is my plan to bring to the attention of the Senate a recent incident involving the Federal Aviation Administration.

I have made a statement for the CONGRESSIONAL RECORD regarding the FAA regulations on charges organized under seven categories. These run through the whole gamut of FAA operations and policies.

At this time I ask unanimous consent that an article appearing in the Washington Star of February 1 be printed in the RECORD following my remarks.

The evidence seems clear, Mr. President, that the FAA has been literally endangering the lives of all American air
On February 9, 1973 H. R. Haldeman sent John Dean an "Eyes only" memorandum. Mr. Haldeman wrote:

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

He directed Dean to have the Attorney General "order the FBI project on the 1968 bugging . . ." so as to gather the data on whether the President was subject to bugging during the 1968 campaign. He also stated that "Mitchell should probably have Kendall [President of Pepsi Cola Company] call DeLoach [former FBI Assistant Director now working for Mr. Kendall] in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him."

42.1 Memorandum from H.R. Haldeman to John Dean, February 9, 1973, SSC Exhibit No. 34-33, 3 SSC 1240.

42.2 H.R. Haldeman testimony, 8 SSC 3203-05.

42.3 John Dean testimony, 3 SSC 982-83.
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

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[1998]
No. 34-13—(923) Copy of agenda prepared by Gordon Liddy for meeting of November 24, 1971, with Attorney General Mitchell and John Dean. Page 1150

No. 34-14—(931) Memorandum for Larry Higby from John Dean with attachments. 1151

No. 34-15—(933) White House memorandum for John Dean from Charles Colson concerning Howard Hunt, with attachment. 1157

No. 34-16—(939) FBI interview of Charles Colson. 1160

No. 34-17—(943) Memorandum for H. R. Haldeman and John Ehrlichman from John Dean re: O'Brien letter concerning special prosecutor. 1161

No. 34-18—(944) Memorandum for John Dean from Charles Colson re: Chronology of Howard Hunt’s activities. 1169

No. 34-19—(957) Memorandums re: Counteractions (Watergate) by Kenneth Parkinson and John Dean. 1173

No. 34-20—(959) Letter from Congressman Brown to Attorney General re: Banking and Currency Committee investigation into Watergate activities. 1181

No. 34-21—(961) Memorandum to John Dean from Kenneth Parkinson re: 1972 political filings. 1183

No. 34-22—(963) Banking and Currency Committee notice of meeting change and subpoena list, with attachments. 1190

No. 34-23—(961) Letter to Congressman Patman from Assistant Attorney General Henry Petersen re: Extensive public hearings into financial aspects of Watergate “Bugging” incident. 1194

No. 34-24—(963) Question and answer conversation between Ziegler, Ehrlichman, Chapin, and Moore. Statement by Dwight Chapin. 1200

No. 34-25—(967) Memorandum for H. R. Haldeman from John Dean re: Watergate and Segretti, with attachments. 1210

No. 34-26—(968) Information on campaign spending—HRH and Dean, dated May 18, 1971. 1226

No. 34-27—(968) Memorandum for Herb Kalmiaich from John Dean re: Bill from Jack Gleason’s lawyer on Common Cause law suit. 1231

No. 34-28—(973) White House note to John Dean from Charles Colson “Now what the hell do I do?” with attachment. 1233

No. 34-29—(974) Handwritten note to Mr. John Caulfield re: CIA taking the blame. 1235

No. 34-30—(976) Document entitled “Relevancy of Intercepted Communications”. 1236

No. 34-31—(977) Message given by Sandra Greene to Mr. Gordon Liddy. 1238

No. 34-32—(980) Memorandum for the President from John Dean re: Congressional hearings regarding Watergate. 1239

No. 34-33—(982) Memorandum from H. R. Haldeman for John Dean re: Appointment of minority counsel to “Ervin Committee,” with additional memo. 1240

No. 34-34—(985) Agenda—Matters to be discussed and received. 1243

No. 34-35—(988) Potential matters for discussion with Senator Baker (Meeting to be totally off the record). 1245

No. 34-36—(989) Memorandum for H. R. Haldeman from John Dean, with attachment entitled “Talking Points for Meeting with the Attorney General”. 1247

No. 34-37—(990) Memorandum for Larry Higby and John Dean from Jerry Jones. Subject: Options for Jeb Magruder. 1249

No. 34-38—(997) Memorandum for the file from John Dean, Subject: Call from Secretary Dean re Jeb Magruder. 1251

No. 34-39—(997) Draft letter addressed “Dear Mr. Chairman” from John Dean with oath attached to bottom of letter. 1232

No. 34-40—(1004) Taped conversation between Dean and Magruder with attached Camp David envelope. 1255

No. 34-41—(1004) Statement of charges against White House and Committee To Re-Elect the President officials. 1261

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

[1999]
February 9, 1973

MEMORANDUM FOR:       JOHN DEAN
FROM:                  H.R. HALEMAN

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

Also, you should go ahead and have Kleindienst order the FBI project on the 1968 bugging so as to gather the data on that and get the fullest possible information.

Also, Mitchell should probably have Kendall call DeLoach in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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Book 8

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WASHINGTON : 1973

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Mr. Haldeman. I will be glad to comment on the point there.

Senator Weicker. Sure.

Mr. Haldeman. I don't have a question to answer, but at some point it was my understanding that a comment had been made, and I believe by you, Senator Weicker, to the effect that there was all this cash floating around in this campaign and Republican candidates certainly didn't get any of this cash, and in reacting to that statement, I asked Mr. Higby to determine whether or not the funds that Mr. Kalmbach had raised for support of candidates for the Senate and House in 1970, whether there had not been a substantial contribution to your campaign in Connecticut at that time, and in fact whether there had not been a substantial cash contribution to your campaign.

Senator Weicker. All right. Then what happened?

Mr. Haldeman. I was told by Mr. Higby that he was—that it was confirmed to him by one individual that there had been a contribution by another that he was not able to give him the information as to whether there had been or whether it had in fact been in cash or not.

Senator Weicker. Now, first of all, do you have the statement that I made as to the fact that Republican candidates in 1970 did not get any help from the administration? Do you have that?

Mr. Haldeman. No.

Senator Weicker. Well, of course, there was no such statement by me. Any reference was made to the campaign of 1972, which I am going to get into in a short time anyway.

Was there an attempt—in other words, was information sought as to whether or not these contributions were reported or not?

Mr. Haldeman. I do not believe so. The question that I was interested in was whether there had been a cash contribution or not.

Senator Weicker. In other words, you were not interested in any way embarrassing this member of the committee?

Mr. Haldeman. I was interested in finding out whether there was a cash distribution as a reaction to—

Senator Weicker. Did you work with Mr. Higby on this?

Mr. Haldeman. I talked to Mr. Higby about it. I think Mr. Higby made the phone calls.

Senator Weicker. And who did he talk to?

Mr. Haldeman. I am not sure.

Senator Weicker. Mr. Dent?

Mr. Haldeman. I believe so, but I am not sure.

Senator Weicker. Was Colson contacted on this matter?

Mr. Haldeman. I do not know.

Senator Weicker. Let me just very briefly here now go over this set of papers which I think maybe we lost sight of even though all of them have been entered as exhibits, starting with the February 9, 1973, memorandum to John Dean from H. R. Haldeman, initialed by you.

Mr. Haldeman. Do I have that one?

Senator Weicker. February 9, 1973. If you do not I should certainly want you to have it.

Mr. Haldeman. I have February 10. Senator.

Senator Weicker. I think you ought to have the February 9 one.

February 9, 1973, memorandum to John Dean from H. R. Haldeman. Would you see that Mr. Haldeman gets a copy of it, and also, Mr. Chairman, if it has not been already entered—is it been entered as an exhibit? Could counsel guide me on that one?
Mr. DASH. February 9? Yes.
Senator WEICKER. February 9 memorandum.
Mr. DASH. Yes.
Senator WEICKER. It is part of the series, February 9 and two
February 10 memorandums.*

Now, this memorandum for John Dean from H. R. Haldeman,
"Eyes Only," initialed "H."

Obviously, the key on the Ervin Committee is the minority staff and more im­
portantly, the Minority counsel. We've got to be sure we get a real tiger, not an
old man or a soft head—

And I can attest to the fact that we did have a real tiger.

and although we let the Committee membership slip out of our grasp, we've got
to find a way to be sure we get the very best man we can for counsel.

I have not concentrated on that since, What does that mean: "and
although we let the committee membership slip out of our grasp"?

What happened there?

Mr. Haldeman. I do not know. [Laughter.]
Senator WEICKER [reading]:

Also, you should go ahead and have Kleindienst order the FBI project on the
1968 bugging so as to gather the data on that and get the fullest possible
information.

Also, Mitchell should probably have Kendall call DeLoach—

Is that Deek DeLoach?

Mr. Haldeman. Yes.
Senator WEICKER [reading]:

Have Kendall call DeLoach in and say that if this project turns up anything
that DeLoach hasn't covered with us, he will, of course, have to fire him.

What does that— I really do not know what that means at all. What is
being referred to there?

Mr. Haldeman. That is referring to the 1968 bugging of Mr. Nixon
and Mr. Agnew and apparently, others in the campaign or in connection
with that campaign which took place at a time that Mr. DeLoach
was a—I am not sure of his title but a high official in the FBI and
with which it was presumed Mr. DeLoach was familiar.

Senator WEICKER. Well, how do you presume, just out of curiosity, to
indicate that if Mr. DeLoach is not forthcoming that Mr. Kendall
should fire him? Mr. Kendall is not employed by the Government, is he
in—is this the gentleman who is the head of Pepsico, is that right?

Mr. Haldeman. That is correct.
Senator WEICKER. And Mr. DeLoach, I gather, is an employee of
Pepsico, is that right?

Mr. Haldeman. Yes, he is now.
Senator WEICKER. I see. Well—

Mr. Haldeman. He was—

Senator WEICKER. I do not understand how you issue a memorandum
indicating that if this individual does not cooperate Mr. Kendall
should have him fired. Did you have some hold or did Mr. Mitchell
have some hold over Mr. Kendall?

Mr. Haldeman. Mr. Mitchell had a personal relationship with Mr.
Kendall and I think Mr. Mitchell had been in touch with Mr. Kendall

*The documents referred to were previously entered as exhibit No. 34-33. See Book 3,
p. 1240.
or Mr. DeLoach or both regarding this matter and had not gotten the information that he was seeking and this was a question of applying additional pressure to attempt to get the information from Mr. DeLoach that they had not received.

Senator Weicker. Oh, I see. In other words, we now have the White House reaching down in the person of you and I gather saying to citizens of this country that if they do not do what is asked of them, they will be fired. I do not see any other interpretation on that. Is that correct?

Mr. Haldeman. That is the suggestion that is there. [Laughter.] Obviously, there was no ability on our part to carry it out.

Senator Weicker. You took a good swing at the pitch, I will say that.

Then the memorandum of February 10, from the White House, February 10, 1973, memorandum for John Dean from Larry Higby. Do you have that memorandum?

Mr. Haldeman. From Dean to Higby, on the 10th, no.

Senator Weicker. All right. I have it. Would somebody please give...

Mr. Haldeman. Excuse me. We do have it, Senator.

Senator Weicker. This one is confidential, February 10, memorandum for John Dean from Larry Higby. [Reading:]

As I am sure Bob's probably mentioned to you, we need to get a thorough itemization as quickly as possible of all the disruptions that occurred in the campaign. We'll need this for Watergate tactics with the Ervin Committee. That is, the Democratic planned activities at the Century Plaza together with pictures, indications of violence and Communist activity and all that sort of thing—the violence in San Francisco—the headquarters burning in Phoenix and other areas—the demonstrations at the Statue of Liberty, et cetera.

You know, I saw that memorandum and had sort of a very familiar ring to it when I saw the memorandum dated February 10, 1973. This pretty much, if I am not mistaken, is the wording of the testimony that you gave to this committee today, was it not?

Mr. Haldeman. It relates to several of the same incidents, yes. They are incidents—they were the incidents that come immediately to mind of those—of the kind of thing we were talking about.

Senator Weicker. Certainly, I do not think either of us could consider these tactics to get the truth to the Ervin committee without violating the constitutional concepts of executive privilege or separation of powers.

Mr. Haldeman. This was not in relation to getting truth to the Ervin committee. This was in relation to getting the truth regarding activity by the opposition out to the American people.

Senator Weicker. As far as I am concerned, everything I have heard so far in the way of these memorandums and what is going on behind the scene was to bomb the Ervin committee right out of the water rather than go ahead and get the truth to it.

Then, we do know the second memorandum of February 10, 1973, which you and I have discussed this morning. This is the one: "We need to get our people to put out the story on the foreign or Communist money that was used in support of the demonstrations against the
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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ship meeting that was then in session in the Cabinet room. Timmons reported that the Senate was going to begin debate on Senator Ervin's resolution that afternoon. Timmons was instructed to request Senator Hugh Scott to come to his office after the leadership meeting and I was instructed to go to Mr. Timmons' office to explain the amendments to the resolution to Senator Scott. I was also told that I should tell the Senator—Senator Scott—to raise the 1968 bugging incident as a reason to expand the scope of the resolution with reference to prior Presidential elections. I left to brief Senator Scott with the feeling that the meeting had accomplished nothing. I went to Timmons' office, had a brief meeting with Senator Scott, and, as I was returning to my office, I ran into Dick Moore who told me that he felt that the meeting had been useless. I agreed.

On February 7, Timmons informed me that the White House amendments had been virtually rejected out of hand and the resolution adopted 77-0. Timmons told me he had discussed with Haldeman the possibilities of suggesting names for the Republican side of the Select Committee with Senator Scott, and Scott seemed receptive. On February 8, the members of this committee were named and I recall Timmons telling me that Haldeman had "chewed him out," but Timmons told me Scott had never given him a chance to make any recommendation.

On February 9, I had planned to go to Florida for a week or 10 days. The President had departed for San Clemente, and it appeared that everyone could relax for a while. In midafternoon, however, my plans were changed when I received a call from Ehrlichman in San Clemente telling me that he wanted Mr. Moore and me to come to California that night so that he could discuss in full detail the problems of how to deal with the forthcoming Senate hearings. Ehrlichman indicated that he and Haldeman were going to have some available time over the weekend, so we should come immediately. I contacted Mr. Moore, who was about to take a train trip to southern Virginia with his young son and wife. Moore said that since he was packed he would merely fly west instead of traveling south. My wife and I and the Moores all flew to San Diego on the evening of February 9.

**THE LA COSTA MEETINGS**

Everyone was staying at the La Costa Resort Hotel, south of San Clemente. The meetings with Haldeman and Ehrlichman, Moore and myself ran for 2 days, and I would estimate they involved between 12 to 14 hours of discussion. The meetings began on Saturday morning, February 10, at San Clemente, but the discussion did not begin to take any focus until Saturday afternoon and Sunday, when we met in Haldeman's villa at La Costa. Based on notes I took during the meeting, I will attempt to reconstruct what transpired. I should also point out that before I departed San Clemente to return to La Costa I was given several memorandums, which I have submitted to the committee, which directly relate to what occurred at La Costa.

[The documents were marked exhibit No. 34-33.*]

Mr. Dean, I did not look at these memorandums until several days after the meeting and was rather surprised that Haldeman would state in writing specific instructions to me regarding his thoughts on per-

*See p. 1210.
petuating the Watergate tactics or the coverup by a counteroffensive against the forthcoming Senate hearings. What had happened by this point in time was that the coverup had become a way of life at the White House, and having made it to this point, those involved were becoming careless and more open about it. Also, the Senate was different than the courts, grand jury, FBI, and the like that had been dealt with earlier.

Before turning to the substance of the La Costa meetings, I would like to note that Mr. Moore and I had talked on many occasions about the Watergate affair and the damage it was doing. Mr. Moore is the only person—other than Mr. O'Brien on a few occasions—to whom I ever expressed my deep concern about the matter, particularly the coverup. While Moore did not know all the facts he knew a great deal and was becoming increasingly aware of the dimensions of the problems. I talked to Moore far differently than anyone else. I talked to him about how we could end this matter once and for all. I expressed my concern to him often about how to end the matter before it ruined the second term of the President. I was concerned that it was not going to simply go away, and I had learned that the press was becoming aware of other illegal activities at the White House. I never discussed these other matters with Moore, but I told him the coverup was bigger than the Watergate incident per se. The more that we talked about it the less we could find a solution—so the coverup proceeded.

As I have indicated, the purpose of what I call the La Costa meetings, was how to deal with this committee's investigation of the Watergate. The Watergate trial was over and that problem appeared to be over. The next major problem was the Senate hearings. It was realized that it was going to take an all-out effort by the White House to deal with the Senate, inquiry, because of the scope of the resolution, the composition of the committee, the investigative powers of the committee, and the general feeling that the Senate was a hostile world for the White House. Haldeman and Ehrlichman were disappointed that the efforts to influence the Senate resolution creating the Select Committee had failed, as well as the White House efforts to recommend members to the Select Committee. Thus, the focus of the discussion was how to deal with the committee henceforth.

It was during the morning meeting in Ehrlichman's office at San Clemente that there was a discussion of the members of this committee. Ehrlichman said that the White House could not look for any help from the Democrats. I recall that when we were discussing the Democratic members of this committee, and I read from the Congressional Directory the data on Senator Inouye, Ehrlichman said that his name is pronounced “Ain't-no-way” and then said, indeed, there ain't-no-way he's going to give us anything but problems. [Laughter.]

The Republican members of this committee were also discussed in that morning meeting. It was Ehrlichman who was doing most of the assessing, but occasionally Haldeman would add a comment. Senator Weicker was an independent who could give the White House problems. Senator Gurney would help the White House and would not have to be told to do so. I recall that Ehrlichman said that Senator Gurney needs the White House because former Congressman Cramer may take him on in his next primary. Senator Gurney was considered a sure friend and protector of the President's interest. Senator Baker