10. Book III, Vol. 4: 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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48. On February 28, 1973 Senate hearings commenced on the nomination of L. Patrick Gray to be Director of the FBI. Gray testified that he had shown interview reports and other data from FBI Watergate files to John Dean who had told him that the President specifically charged him with looking into any involvement on the part of White House staff members. Gray offered to open those files to any Senator on either the Senate Select Committee or Senate Judiciary Committee who wanted to see them.

49. On March 1, 1973 the President met three times with John Dean in the Oval Office -- from 9:18 to 9:46 a.m., from 10:36 to 10:44 a.m. and from 1:06 to 1:14 p.m. The President decided that the White House would explain publicly that Dean sat in on FBI interviews because he was conducting an investigation for the President.

49.1 Meetings and conversations between the President and John Dean, March 1, 1973 (received from White House).

49.2 Memorandum of substance of Dean's calls and meetings with the President, March 1, 1973, SSC Exhibit No. 70A, 4 SSC 1796.

49.3 John Dean testimony, 3 SSC 993-94.
On March 2, 1973 President Nixon explained at a press conference that John Dean had access to FBI interviews in July and August 1972 because he had conducted an investigation at the direction of the President. The President stated that Dean's investigation showed that no one on the White House staff at the time Dean conducted his investigation had knowledge of or was involved in the Watergate matter. The President promised to cooperate with the Senate Select Committee if it conducted its investigation in an even-handed way. The President stated that because of executive privilege, no President could ever agree to allow the Counsel to the President to testify before a Congressional committee. The President said that if the Congress requested information from a member of the White House staff, arrangements would be made to provide that information.

51. As Gray's confirmation hearings continued during the first week in March 1973, public reports circulated that John Dean would be called to testify. Dean has testified that on March 4 or 5, 1973 he reported to Ehrlichman that it would be difficult to win a court test of executive privilege involving Dean as Counsel to the President because Dean had met with the President so infrequently.


51.2 John Dean testimony, 3 SSC 994.
On March 6, 1973 the President met with John Dean in the Oval Office between 11:49 a.m. and 12:00 noon. According to information supplied to the Senate Select Committee by White House Special Counsel Buzhardt, the President decided that executive privilege guidelines would cover former as well as present White House personnel. Dean has testified that the President told him to report directly to the President and not to involve Haldeman and Ehrlichman with Watergate-related matters. On March 7, 1973 the President met with Dean in the Oval Office from 8:53 to 9:16 a.m. and, according to information supplied by Buzhardt, there was a discussion of executive privilege guidelines; Dean told the President that the White House was clear; and the President inquired as to how Gray was doing. Dean has testified that the President instructed him to tell Attorney General Kleindienst to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee, and Dean so instructed Kleindienst.

52.1 Meetings and conversations between the President and John Dean, March 6-7, 1973 (received from White House).

52.2 Memorandum of substance of Dean's calls and meetings with the President, March 6-7, 1973, SSC Exhibit No. 70A, 4 SSC 1796.

52.3 John Dean testimony, 3 SSC 994-95.
53. On or about March 7, 1973 L. Patrick Gray and John Ehrlichman had a telephone conversation. Gray told Ehrlichman that he was being pushed awfully hard in certain areas and was not giving an inch, and that Ehrlichman knew those areas. Gray also told Ehrlichman to tell Dean to be very careful about what he said and to be absolutely certain that he knew in his own mind that he delivered everything he had to the FBI, and not to make any distinction between the recipients of the materials.

53.1 Transcript of tape recorded telephone conversations between John Ehrlichman and L. Patrick Gray and John Ehrlichman and John Dean, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 2950-51.

53.2 John Ehrlichman testimony, 7 SSC 2785-86.

53.3 L. Patrick Gray testimony, 9 SSC 3469-70, 3537-39.

See Book II, Volume 2, Tab 37, and Book II, Volume 3, Tab 45 for evidence regarding Dean's transmittal of material from Hunt's safe to FBI agents and Acting FBI Director Gray.
54. After the call from Gray, Ehrlichman called Dean. Ehrlichman told Dean that Gray wanted to be sure that Dean would stay very firm and steady on his story that Dean had delivered every document to the FBI and that Dean not start making nice distinctions between agents and directors. Ehrlichman also told Dean that he thought they ought to let Gray hang there and "twist slowly, slowly in the wind." Dean agreed and said, "I was in with the boss this morning and that is exactly where he was coming out."

54.1 Transcript of tape recorded telephone conversations between John Ehrlichman and L. Patrick Gray and John Ehrlichman and John Dean, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 2950-51.

54.2 John Ehrlichman testimony, 7 SSC 2786-88.
On March 8, 1973 Dean met with the President in the Oval Office from 9:51 to 9:54 a.m. Dean has testified that the President asked if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee, and Dean replied that he believed the matter had been taken care of by Attorney General Kleindienst. On March 10 the President and Dean spoke by telephone from 9:20 to 9:44 a.m. Dean has testified that the President called to tell him that the executive privilege statement should be got out immediately, and that this should be done before Dean was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

55.1 Meetings and conversations between the President and John Dean, March 8 and 10, 1973 (received from White House).

55.2 John Dean testimony, 3 SSC 995.

55.3 Memorandum of substance of Dean's calls and meetings with the President, March 8, 1973, SSC Exhibit No. 70A, 4 SSC 1797.
On March 12, 1973 the President issued a statement on executive privilege. The statement set forth in part:

A member or former member of the President's personal staff normally shall follow the well-established precedent and decline a request for a formal appearance before a committee of the Congress. At the same time, it will continue to be my policy to provide all necessary and relevant information through informal contacts between my present staff and committees of the Congress in ways which preserve intact the Constitutional separation of the branches.

56.1 President Nixon statement, March 12, 1973, 9 Presidential Documents 253-54.
57. On March 13, 1973 the Senate Judiciary Committee voted in executive session to ask John Dean to testify in the Gray confirmation hearings concerning his contacts with the FBI during the investigation of the Watergate break-in.


57.2 John Dean testimony, 3 SSC 995.
On March 13, 1973 the President met with John Dean from 12:42 to 2:00 p.m. The following is an index to certain of the subjects discussed in the course of the March 13, 1973 meeting:

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58.1 Tape recording of meeting between the President and John Dean, March 13, 1973, 12:42 - 2:00 p.m., and House Judiciary Committee transcript thereof.
On March 14, 1973 Dean wrote to Senator James O. Eastland, Chairman of the Senate Judiciary Committee, and, citing the doctrine of executive privilege, formally refused to testify in the Senate confirmation hearing on the nomination of Gray to be Director of the FBI. On the same day the President met with Dean and White House Special Counsel Richard Moore in his Executive Office Building Office from 9:43 to 10:50 a.m. and from 12:47 to 1:30 p.m. They discussed a press conference scheduled for the next day and making Dean a test case in the courts on executive privilege.

59.1 Meetings and conversations between the President and John Dean, March 13 and 14, 1973 (received from White House).

59.2 Memorandum of substance of Dean's calls and meetings with the President, March 13 and 14, 1973, SSC Exhibit No. 70A, 4 SSC 1797.

59.3 John Dean testimony, 3 SSC 995-96.


On March 15, 1973 the President held a press conference. He stated he would adhere to his decision not to allow Dean to testify before the Congress even if it meant defeat of Gray's nomination as Director of the FBI, because there was "a double privilege, the lawyer-client relationship, as well as the Presidential privilege." He also stated that he would not be willing to have Dean sit down informally and let Senators question him, but Dean would provide all pertinent information.

61. On or about March 16, 1973 E. Howard Hunt met with Paul O'Brien, an attorney for CRP. Hunt informed O'Brien that commitments had not been met, that he had done "seamy things" for the White House, and that unless he received $130,000 he might review his options. On March 16, 1973 Hunt also met with Colson's lawyer, David Shapiro. According to Colson, Hunt requested of Shapiro that Colson act as Hunt's liaison with the White House, but was told that that was impossible.


61.2 E. Howard Hunt testimony, Watergate Grand Jury, July 17, 1973, 87-95 (received from Watergate Grand Jury).

61.3 E. Howard Hunt testimony, Watergate Grand Jury, January 29, 1974, 63-71 (received from Watergate Grand Jury).

61.4 Charles Colson draft statement prepared for delivery to SSC, September 1973, 37-38 (received from SSC).
On March 17, 1973 the President met with John Dean in the Oval Office from 1:25 to 2:10 p.m. (On April 11, 1974 the Committee on the Judiciary subpoenaed the President to produce the tape recording of the March 17 meeting. The President has refused to produce that tape but has furnished an edited partial transcript of the meeting. After having listened to the tape recording of the March 17, 1973 meeting, the President on June 4, 1973 discussed with Press Secretary Ron Ziegler his recollections of that March 17 meeting. A tape recording of the June 4 discussion has been furnished to the Committee. The evidence regarding the content of the March 17 meeting presently possessed by the Committee also includes a summary of the March 17 meeting furnished, in June 1973, to SSC Minority Counsel Fred Thompson by White House Special Counsel Buzhardt and the SSC testimony of John Dean.)

In his discussion with Ziegler on June 4, 1973 the President told Ziegler the following regarding the March 17 meeting: Up to March 17, 1973 the President had no discussion with Dean on the basic conception of Watergate, but on the 17th there began a discussion of the substance of Watergate. Dean told the President that Dean had been over this like a blanket. Dean said that Magruder was good, but that if he sees himself sinking he'll drag everything with him. He said no one in the White House had prior knowledge of Watergate, except possibly Strachan. There was a discussion of whether Haldeman or Strachan had pushed on Watergate and whether anyone in the White House
was involved. The President said, in effect, that Magruder had put the heat on, and Sloan had started blaming Haldeman. The President said that "we've got to cut that off. We can't have that go to Haldeman." The President said that looking to the future there were problems and that Magruder could bring it right to Haldeman, and that could bring it to the White House, to the President. The President said that "We've got to cut that back. That ought to be cut out." There was also a discussion of the Ellsberg break-in.

The edited partial transcript of the March 17 meeting supplied by the White House contains only a passage of conversation relating to Segretti and a portion of the conversation relating to the Ellsberg break-in. It contains no discussion of matters relating to Watergate.

62.1 Meetings and conversations between the President and John Dean, March 17, 1973 (received from White House).

62.2 Memorandum of substance of Dean's calls and meetings with the President, March 17, 1973, SSC Exhibit No. 70A, 4 SSC 1798.

62.3 John Dean testimony, 3 SSC 996-97.

62.4 White House edited transcript of meeting between the President and John Dean, March 17, 1973.
63. On March 19, 1973 Paul O'Brien met with John Dean in the EOB and conveyed a message from E. Howard Hunt that if money for living and for attorneys' fees were not forthcoming, Hunt might have to reconsider his options and might have some very seamy things to say about Ehrlichman.

63.1 Paul O'Brien testimony, Watergate Grand Jury, January 24, 1974, 30 (received from Watergate Grand Jury).

63.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 13-14 (received from Watergate Grand Jury).

63.3 U. S. Secret Service White House Appointment Record for Paul O'Brien, March 19, 1973, 5:20 p.m. (received from Watergate Grand Jury).
On March 20, 1973, John Ehrlichman met with John Dean at the White House. They discussed Howard Hunt's request for money, the possibility that Hunt would reveal activities of the Plumbers' operations if the money were not forthcoming, and plans for Dean to discuss the matter with John Mitchell. According to Dean, Dean discussed the matter with Mitchell by telephone later that evening, but Mitchell did not indicate whether Hunt would be paid. On the afternoon of March 20, 1973 Ehrlichman had a telephone conversation with Egil Krogh and told him Hunt was asking for a large amount of money. They discussed the possibility that Hunt might publicly reveal the Plumbers' operations. Krogh has testified that Ehrlichman stated that Hunt might blow the lid off and that Mitchell was responsible for the care and feeding of Howard Hunt.

64.1 John Ehrlichman testimony, Watergate Grand Jury, September 13, 1973, 2-6 (received from Watergate Grand Jury).

64.2 John Dean testimony, Watergate Grand Jury, February 14, 1974, 14-16 (received from Watergate Grand Jury).

64.3 Egil Krogh testimony, Watergate Grand Jury, January 29, 1974, 5-7 (received from Watergate Grand Jury).

64.4 John Ehrlichman log, March 20, 1973 (received from SSC).
On February 28, 1973 Senate hearings commenced on the nomination of L. Patrick Gray to be Director of the FBI. Gray testified that he had shown interview reports and other data from FBI Watergate files to John Dean who had told him that the President specifically charged him with looking into any involvement on the part of White House staff members. Gray offered to open those files to any Senator on either the Senate Select Committee or Senate Judiciary Committee who wanted to see them.

LOUIS PATRICK GRAY III

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

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

Printed for the use of the Committee on the Judiciary

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WASHINGTON : 1973

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NOMINATION OF LOUIS PATRICK GRAY III

WEDNESDAY, FEBRUARY 28, 1973

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

The committee met, pursuant to notice, at 10:45 a.m., in room 1202, Dirksen Senate Office Building, Senator James O. Eastland (chairman) presiding.
Present: Senators Eastland, McClellan, Ervin, Hart, Kennedy, Bayh, Byrd of West Virginia, Tunney, Hruska, Fong, Scott, Thurmond, Cook and Gurney.
Also present: John H. Holloman, chief counsel, and Francis C. Rosenberger, Peter Stockett, and Thomas D. Hart, professional staff members.

The CHAIRMAN. These hearings are on the nomination of Louis Patrick Gray III, to be Director of the Federal Bureau of Investigation.

Senator Ribicoff.

STATEMENT OF HON. ABRAHAM RIBICOFF, A U.S. SENATOR FROM CONNECTICUT

Senator Ribicoff. Mr. Chairman, we, in Connecticut, are proud of Pat Gray, and so am I. We, in Connecticut, respect Pat Gray, and so do I.

Mr. Chairman, I have known Pat Gray for many years. I have always found him to be a man of outstanding ability, character, and integrity. Every job that Pat Gray has performed he has performed with excellence. There is no question in my mind that Pat Gray is a dedicated public servant who will perform any task assigned to him in a nonpartisan manner. I respect the FBI, and the entire Nation respects the FBI. The FBI is one of the great law enforcement institutions in America. All of us know that when youngsters come to visit Washington, one of the first places they want to see is the FBI.

There is no question in my mind that as Director of the FBI, Mr. Gray will perform his tasks on a completely nonpartisan basis. In all the years I have known Pat Gray he has never questioned the civil rights of individuals and the protection of constitutional guarantees. My feeling is that only the criminal has much to fear from Patrick Gray, and that the law-abiding citizen has nothing to fear from Pat Gray. He will be a defender of our rights, a defender of the Constitution, and law enforcement in this Nation will be stronger with Pat Gray as Director of the FBI. He has my unqualified support.

(1)
Mr. Gray. Yes, sir, that is correct, Senator.

Senator Ervin. And your investigation of the history of the practice satisfied you that this information was gathered for the benefit of those FBI employees who may have a reason to contact these Congressmen for the FBI in the dealings between Congress and the FBI.

Mr. Gray. Yes, sir. Right here at the national level men like Inspector Dave Bowers, who conduct this kind of relationship with the Congress, who really—really it is a congressional services unit and that is what I have changed it to in the reorganization. Those men are doing that now and are in what we call today the congressional services unit.

Senator Ervin. As I understand from your letter and other public statements made by you, this practice has been discontinued and the FBI relies upon such things as the "Congressional Quarterly" and other public information for any information of this character?

Mr. Gray. Right. I shut it down over the recommendations of the people in the Bureau that it be continued and I said absolutely not; it will not be continued. It is too readily subject to misinterpretation and we don't need it.

Senator Ervin. As you know, the Senate has imposed upon me and other members of the Senate Select Committee on Presidential Campaign Activities a very solemn and serious responsibility in connection with the so-called Watergate affair and various ramifications connected with it. I would have been happy if I could have asked you some of these questions I am now going to ask you after that committee has discharged those responsibilities. However, in view of the fact that your nomination has been submitted now, I am compelled in the nature of things to ask you these questions.

Mr. Gray. Senator Ervin, I understand that. I would hope, of course, we would not get into the Watergate substantively, but I can readily see that the members of this committee have got to be assured that I went at this with the FBI's standard procedure, with its accustomed vigor, and I will do my very best to respond to any of your questions. I have absolutely nothing to hold back in connection with that and if we are going to take two bites of that apple why so be it, let's get on with it.

Senator Ervin. I have received by telephone the assurance of the Attorney General that he and the Department of Justice will cooperate with the committee in the effort of the committee to investigate these matters. I take it from your statement a moment ago that you are also prepared to cooperate with the committee.

Mr. Gray. Absolutely, sir. Our raw data, our memoranda, whatever this committee wants, whatever the Ervin Select Committee wants, is available to the members.

Senator Ervin. I am frank to state that I am just a little bit troubled by the limitation that you announced; that only members of the committee, that is only Senators, shall be allowed to inspect these raw files, because I have got 10,000 others besides that of investigating Watergate and I think that is true of all the other members of the committee.

Mr. Gray. I understand that, Senator.

Senator Ervin. The Senate resolution authorizing and requiring this investigation specifies that the only people who can have access
to these files would be either the members of the committee or the chief counsel to the committee or the counsel for the minority or other members of the staff of the committee who might be designated by the chairman and the ranking minority member of the committee.

Mr. Gray. You are talking about your Ervin Select Committee?

Senator Ervin. Yes.

Mr. Gray. I have no quarrel with that. We will comply with the resolution of the Senate. But I am talking about the procedure now, because Senators here who are members of this committee obviously are going to want to know how Gray handled the Watergate before they are going to confirm this bloke for my position and I am prepared to tell you.

Senator Ervin. In other words, I would think that the minority ranking member, who is now elected vice chairman of the committee, Senator Baker of Tennessee, would not want anybody but the most reputable person to look at the files but we would like to have a member of the staff selected by both of us to do this work instead of doing it in person.

Mr. Gray. Senator, as far as your committee is concerned, we in the FBI will abide by the joint resolution. I have some people I have to take some orders from, too. On the one hand, there were some who criticized Mr. Hoover for being a feudal baron and now maybe it seems I sense a little criticism of me because I am taking orders, but I am trying to comply. I am saying to this committee that my position has been from the beginning that we have nothing to hide and I am going to state it on the public record because I have stated it on the private record.

Senator Ervin. Yes, that is the reason that I am concerned that Senators not be the only ones who will have to do this work and so I understand——

Mr. Gray. I meant, Senator Ervin, for this committee I am willing to send over the materials and I am willing to send over two agents and a Senator can sit down with them and question them any way they want.

Senator Ervin. And I might state that as far as I am concerned and as far as I can control the matter, it is not the purpose of the committee to take and put any raw files or anything of that character in evidence. We just don’t want to have to put the taxpayers to the expense of setting up a little FBI of our own to conduct investigations which have been made by the FBI. We want to learn from the FBI files who are witnesses possessing some knowledge which is worthwhile for the committee to hear.

Mr. Gray. Right, and we have analyses and all other kinds of books and summaries and we will provide that to the Ervin Committee. We have no problem on that.

Senator Ervin. Mr. J. Edgar Hoover never had a more ardent admirer in the United States than myself, and there is nobody in the United States who has respected throughout the years the work of the FBI more than I have respected it. As a practicing attorney and as a judge I had many contacts with the FBI agents. I have been impressed by the highest standard of conduct and the high character which they possess.

Mr. Gray. Thank you, Senator Ervin.
tell you. To give you that information I am going to have to take time
to tell you how we progressed on this investigation.

Senator Ervin. Well, that wouldn't be a likely procedure to be per-
mitted by the FBI, would it?

Mr. Gray. Of course not. We certainly would not.

Senator Ervin. So you, at the present time, can neither affirm nor
deny that statement.

Mr. Gray. No, I don't because I can't; I can't say with any degree
of certainty testifying under oath that he was or was not.

Senator Ervin. I take it that you give the committee your assurance
that if any such event happened, that is if any copy of the FBI inter-
view was given to Mr. Segretti it was not given by you or with your
knowledge or consent.

Mr. Gray. It was not done with my knowledge or consent, that is
true. But I can go into it further if you want me to explain how it
possibly could.

Senator Ervin. Yes, I would like to have that.

Mr. Gray. When we started out this investigation, it was the most
closely held investigation that we have conducted in the FBI because
of the fact that we did not know who might become involved. Dis-
semination of information on this was very limited, at my explicit
order, and with the concurrence of the Attorney General of the United
States.

Now there was that contact between the case agents and the
Assistant U.S. Attorneys that traditionally occurs in an investigation.
There was contact also with the assistant attorney general of the crim-
inal division, and in accordance with then standard FBI operating
procedures, on June 19 there was delivered to me a summary report of
what had transpired to date, facts and circumstances, in Watergate.
Coupled with that was a letterhead memorandum, as I recall it, and
I will introduce those documents for the record here, a letterhead
memorandum transmitting this information to the Attorney General,
and a letter prepared addressed to H.R. Haldeman. I said no, and I
stopped it right then and there. That was in accordance with then
standard FBI operating procedure. The material just came up, and I
said no.

Now, as time went on we finally began delivering the investiga-
tive reports to the assistant attorney general of the criminal division and
we have a listing of the dates on which we did that and I will
submit that for the record. Then, I think it was the middle of July,
about the 19th, I was asked by the White House, by John Dean, to
provide them with a letterhead memorandum because he wanted to
have what we had to date because the President specifically charged
him with looking into any involvement on the part of White House
staff members.

I asked my legal counsel to prepare a memorandum regarding
whether or not we had a duty to send any material to the White
House. The answer came back: On our own initiative, no; in response
to a directive from an individual acting for the President of the
United States, that is another matter and we do.

So I had prepared, caused to be prepared, a letterhead memo-
ramandum, dated July 21, and we will submit that for the record, and that
was submitted to the Attorney General. I have every reason to believe
that that went over to Mr. Dean at the White House. I have no reason to question that it should or should not, because I work for
the President of the United States and I think the President of the
United States is entitled to ask the Director of the Federal Bureau
of Investigation: "What information do you have that implicates
individuals who are members of my staff?" And I submitted it.

Later on, Mr. Dean asked to review the interview reports of
the Federal Bureau of Investigation, and I submitted those to him. So you
see the possibility here, Senator, and I think what is being driven at
in this, the allegation is really directed toward Mr. Dean having one of
these interview reports and showing it to Mr. Segretti down in Miami.
I can tell you this, that when this newspaper report hit I called John
Dean and I asked him if he had done this, and he said: "I did not.
I didn't even have those documents with me."

Senator Ervin. Now, am I correct in inferring that it had been
the practice to supply information collected by the FBI, either in the
form of summaries or in the form of copies of interviews, to officials
of the Department of Justice or the district attorneys.

Mr. Gray. Our regular procedure, Senator Ervin, of course, is to
work very closely with the assistant U.S. attorneys and with U.S.
attorneys, and then at FBI headquarters levels to work with the
Assistant Attorney General having cognizance of the case, and the
answer to your question is "Yes; we keep them informed." In this case
we were even tight with information there.

Senator Ervin. Let me see if I understand another thing you said.
Some information or a summary of some information collected by
the FBI in regard to some aspect of the Watergate matter, accom-
panied by a proposed letter, was to be sent to Mr. Haldeman?

Mr. Gray. Yes, sir; that happened on June 19, and I will submit
those documents for the record. I will show them exactly as they
came up to me, and I said "No."

(Mr. Gray subsequently submitted the following documents:)

JUNE 19, 1972.

To: The Attorney General from Acting Director, FBI.
Re: James Walter McCord, Jr., and others, burglary of Democratic Party National
Headquarters, Washington, D.C.

Enclosed is a memorandum containing the results of investigation of the
burglary of the Democratic Party National Headquarters, Watergate Apartments,
Washington, D.C., on June 17, 1972.

A copy of the memorandum has also been furnished to Honorable H. R. Haldeman,
Assistant to the President. Investigation concerning this matter is con-
tinuing and reports of investigation will be furnished to the Criminal Division as
soon as they are received.

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

Hon. H. R. Haldeman,
Assistant to the President,
The White House,
Washington, D.C.

DEAR MR. HALEDMAN: Enclosed is a memorandum containing the results of
investigation of the burglary of the Democratic Party National Headquarters,

A copy of the memorandum has also been forwarded to the Attorney General
and investigation by the FBI is continuing.

Sincerely yours,

L. P A T R I C K G R A Y, III.
Acting Director.
49. On March 1, 1973 the President met three times with John Dean in the Oval Office — from 9:18 to 9:46 a.m., from 10:36 to 10:44 a.m. and from 1:06 to 1:14 p.m. The President decided that the White House would explain publicly that Dean sat in on FBI interviews because he was conducting an investigation for the President.

49.1 Meetings and conversations between the President and John Dean, March 1, 1973 (received from White House).

49.2 Memorandum of substance of Dean's calls and meetings with the President, March 1, 1973, SSC Exhibit No. 70A, 4 SSC 1796.

49.3 John Dean testimony, 3 SSC 993-94.
MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND JOHN W. DEAN, III

No contact between the President and John W. Dean, III, during January, February, and March 1972

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and July 1972.

August 14, 1972

PM 12:45 1:11 The President met to sign personal legal documents with:
12:49 1:09 The First Lady
12:49 1:11 John J. Ratchford
12:49 1:11 Mr. Butterfield
12:49 1:11 Mr. Haldeman
12:49 1:12 Mr. Ehrlichman
12:49 1:12 John W. Dean, III
12:49 1:12 John H. Alexander
12:49 1:12 Richard S. Ritzel

No other contact during August 1972
September 15, 1972

PM

The President met with:

3:15 6:17 Mr. Haldeman
5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President of Newhouse Newspapers and Newhouse Broadcasting and Herb Klein.
3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the Roosevelt Room. Mr. John Dean was in attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November and December 1972.
January 21, 1973
AM 11:05 12:04  President and First Lady hosted Worship Service. John Dean attended.

February 27, 1973
PM 3:55 4:20  President met with John Dean alone in Oval Office.

February 28, 1973
AM 9:12 10:23  President met with John Dean in Oval Office.

March 1, 1973
AM 9:18 9:46  President met with his Counsel, John W. Dean, III, in the Oval Office.
(At 9:36 the President rec'd a call from AG Kleindienst. Dean 10:36 10:44  President met with Mr. Dean in the Oval Office. too the call.) (Mr. Kissinger was present from 10:30 - 10:37.)
PM 1:06 1:14  President met with Mr. Dean in the Oval Office.

March 6, 1973
AM 11:49 12:00  President met with Mr. Dean in the Oval Office.

March 7, 1973
AM 8:53 9:16  President met with Mr. Dean in the Oval Office.

March 8, 1973
AM 9:51 9:54  President met with Mr. Dean in the Oval Office.
March 10, 1973

AM 9:20 9:44  President talked long distance with Mr. Dean.
    President initiated the call from Camp David to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00  President met with Mr. Dean in the Oval Office.
    (Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36  President telephoned Mr. Dean. The call was not completed.
    8:55 8:59  Mr. Dean returned the call and talked with the President.
    9:43 10:50  President met with Mr. Dean in the P's EOB Office.
    Also present were:
        Mr. Kissinger (departed at 9:50)
        Ronald L. Ziegler
        Richard A. Moore (9:55-10:50)

PM 12:27 12:28  President telephoned Mr. Dean.
    12:47 1:30  President met with Mr. Moore and Mr. Dean.
    4:25 4:26  President talked with Mr. Dean. (The President
        initiated the call.)
    4:34 4:36  President talked with Mr. Dean. (Mr. Dean
        initiated the call.)

March 15, 1973

PM 5:36 6:24  President met with Mr. Dean and Mr. Moore
    in the Oval Office.
March 16, 1973
AM 10:34 11:06 President met with Mr. Dean in the Oval Office. 
Mr. Ziegler was present from 10:58-11:10.
PM 8:14 8:23 President talked with Mr. Dean. (The President initiated the call.)

March 17, 1973
PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973
PM 4:59 President requested that Mr. Moore and Mr. Dean join him in his EOB Office.
5:03 5:41 President met with Mr. Moore and Mr. Dean in his EOB Office.

March 20, 1973
AM 10:46 10:47 President talked with Mr. Dean. (The President initiated the call.)
PM 12:59 1:00 President talked with Mr. Dean. (The President initiated the call.)
1:42 2:31 President met with Mr. Dean and Mr. Moore.
7:29 7:43 President talked with Mr. Dean. (The President initiated the call.)
March 21, 1973

AM 10:12  11:55 President met with Mr. Dean in the Oval Office. Mr. Haldeman was also present for at least part of the time.

PM  5:20  6:01  President met with Mr. Dean in the President's EOB office. Also present were:
   Mr. Ziegler (departed at 5:25)
   Mr. Haldeman
   Mr. Ehrlichman (5:25-6:01)
   Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM  1:57  3:43  President met with Mr. Dean in the President's EOB Office. Also present were:
   Mr. Ehrlichman (2:00-3:40)
   Mr. Haldeman (2:01-3:40)
   Mr. Mitchell (2:01-3:43)

March 23, 1973

PM  12:44  1:02  President talked long distance with Mr. Dean.
   (The President initiated the call from Florida to Mr. Dean who was in Washington, D.C.)

3:28  3:44  President talked long distance with Mr. Dean.
   (The President initiated the call from Florida to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM  9:17  10:12  President met with Mr. Dean in the President's EOB Office.

March 22:  Deleted -- (Mr. Dean was scheduled to attend the President's staff briefing in the EOB Briefing Room which the President attended from 8:44-9:03. Attendance was not confirmed on this briefing.)
April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President initiated the call.)

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.

---

This record from WH.

Few meetings 1972 last Pres & John Dean.
Impmt meeting Sept 15. Last 17 min missing.
Will subpoena.
Latest until Feb 27. Then meetings frequent.
NOTE

The following page is an excerpt from "Memorandum of Substance of Dean's Calls and Meetings with the President," a document prepared in June 1973 by Fred D. Thompson, Minority Counsel to the Senate Select Committee, following a conversation with J. Fred Buzhardt, Special Counsel to the President. The entire document, accompanied by Mr. Thompson's affidavit concerning his conversation with Mr. Buzhardt, is reprinted as Exhibit 70A, 4 SSC 1794-1800.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

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Washington, D.C. 20402 - Price $3.00
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Note.—Figures in parentheses indicate page the exhibit was officially made part of the record.
MEMORANDUM OF SUBSTANCE OF DEAN'S CALLS
AND MEETINGS WITH THE PRESIDENT

September 15, 1972
Dean reported on IRS investigation of Larry O'Brien. Dean reported on Watergate indictments.

February 27, 1973
Discussed executive privilege, minority counsel for Watergate Committee. Dean suggested White House aides submit answers to interrogatories.

February 28, 1973
President inquired of Watergate. Dean said no White House involvement. Stana was victim of circumstances. Colson was lightning rod because of his reputation. Discussed wiretapping which had been brought up in the Gray hearings. Sullivan, Deputy Director, was friend of Dean and Dean suggested they make sure that wiretaps of prior years (other Administrations) be made known.

March 1, 1973
Preparation for press conference -- go over question and answer book. Was decided the question would come up as to why Dean was sitting in on FBI interviews and that the reason was he was conducting an investigation for the President. President asked Dean to write a report. Dean was also critical of Gray.

(March 2 press conference)

March 6, 1973
Discussed executive privilege guidelines, decided to cover former White House personnel as well as present.

March 7, 1973
Again discussed executive privilege guidelines. Dean again told the President the White House was clear. The President inquired as to how Pat Gray was doing. Dean informed him E.R. Williams had dropped out of the civil case.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
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involved in an obstruction of justice. He would not accept my analysis and did not want me to get into it in any detail other than what I had just related. He reassured me not to worry, that I had no legal problems. I raised this on another occasion with the President, when Dick Moore was present.

MEETING OF MARCH 1

The first meeting on this date and the afternoon meeting which occurred on March 1, related to preparing the President for his forthcoming press conference. The President asked me a number of questions about the Gray nomination hearings and facts that had come out during these hearings. In particular, I can recall him stating that there should be no problem with the fact that I had received the FBI reports. He said that I was conducting an investigation for him and that it would be perfectly proper for the counsel to the President to have looked at these reports. I did not tell the President that I had not conducted an investigation for him because I assumed he was well aware of this fact and that the so-called Dean investigation was a public relations matter, and that frequently the President made reference in press conferences to things that never had, in fact occurred.

I was also aware that often in answering Watergate questions, that he had made reference to my report and I did not feel that I could tell the President that he could not use my name. There had been considerable adverse publicity stemming from the Gray hearings and the fact that Gray was turning over FBI information to the Senate Judiciary Committee, which caused the President to tell me at this morning meeting that Gray must be “pulled-up short.” He told me that he had talked with the Attorney General to tell him to read the chapter in his book “Six Crises,” dealing with the Hiss case regarding the lack of cooperation which Truman and the FBI had given to his investigation. He also told me the FBI Watergate materials should not be turned over by Gray. I informed him that I had had a meeting several days prior with Mr. Sullivan who had been at the FBI for many years and Sullivan had alluded to the fact that the FBI had been used for political purposes by past administrations. I cited a few examples that Mr. Sullivan had given me. The President told me to get this information from Sullivan. The President told me that he was reading a book at that time called “The 13 Mistakes of Kennedy,” and he told me that I should read the chapter regarding Kennedy’s use of the FBI. He also told me that I should gather any material I could gather regarding the uses and abuses of the FBI by past administrations so that we could show that we had not abused the FBI for political purposes.

The President told me that he was convinced that he had been wiretapped in 1966 and the fact that DeLoach had not been forthcoming indicated to the President that DeLoach was probably lying. He told me that I should call Don Kendall, DeLoach’s employer, and tell him that DeLoach had better start telling the truth because “the boys are coming out of the woodwork.” He said this ploy may smoke DeLoach out. I might respond that I never did call Mr. Kendall. He also asked me who else might know about the bugging of his 1968 campaign and I suggested that Mr. Tolson, Hoover’s former assistant, might have some knowledge of it. He told me that he probably ought to call Mr.
Tolson and wish him happy birthday or good health and possibly get some information from him when he was talking to him. The discussion then turned back to the Chase case and I reminded the President of the strong statement he had made in 1950 regarding Truman's refusal to provide his committee with information, and that speech might be raised at his press conference. He asked me to get a copy of that speech. I returned to his office shortly with a copy of the speech, and he asked me to discuss with him how it could be differentiated from the present situation.

During the March 1 afternoon meeting the President also asked me some questions about executive privilege and the timing on the release of the executive privilege statement which he had discussed in his press conference on January 31. I told him that the statement, as far as I was concerned, was ready for release and merely would require the signoff of a handful of other people. I told him I thought it could be out within a week.

It was during the days after this series of March 1 meetings with the President that the name Dean began coming increasingly to the forefront in the Gray confirmation hearings, and the rumblings were that there was going to be a situation where Dean could be called to the committee to testify and a number of Senators were anxious to use me as a vehicle to test executive privilege. On March 4 or 5, I had a conversation with Ehrlichman in which I might add occurred in the hall of the West Building, in which I told him that I thought it would be very difficult to maintain a court test of executive privilege over me, when in fact I had only met with the President infrequently and had had very few conversations with him that would be protected. It was following this conversation with Ehrlichman that I began meeting and talking with the President, at his request, with ever increasing frequency. The Presidential meeting of March 6.

Senator Ervin [presiding]. A vote has been called on a 10-minute basis. I expect the committee had better go and come back. We will finish this statement this afternoon.

[Recess.]

Senator Ervin. The committee will resume.

Mr. Dash. Mr. Dean, you can proceed. Senator Weicker is here making a quorum, as required by our rules.

Mr. Dean. Thank you.

MEETING OF MARCH 6

This meeting was brief and a general discussion of the status of the Gray hearings and the President reminded me again that I should report directly to him and not involve Haldeman and Ehrlichman with Watergate-related matters.

MEETING OF MARCH 7

The President was very unhappy with Gray's performance before the Senate Judiciary Committee. In my meeting with him on this date he made a reference to the fact that Gray's comment regarding my sitting in on the investigations by the FBI was absurd. He felt it was perfectly proper that I was present at those interviews and said that Gray's attitude that he "jolly well" went forward because he had no
On March 2, 1973 President Nixon explained at a press conference that John Dean had access to FBI interviews in July and August 1972 because he had conducted an investigation at the direction of the President. The President stated that Dean's investigation showed that no one on the White House staff at the time Dean conducted his investigation had knowledge of or was involved in the Watergate matter. The President promised to cooperate with the Senate Select Committee if it conducted its investigation in an even-handed way. The President stated that because of executive privilege, no President could ever agree to allow the Counsel to the President to testify before a Congressional committee. The President said that if the Congress requested information from a member of the White House staff, arrangements would be made to provide that information.

Mr. President, when that great day comes, and I am convinced that it will come, we will always remember that in days of sorrow and difficulty and danger, we were not alone, we had a friend.

Ladies and gentlemen, to the President.

NOTE: The President spoke at 10:01 p.m. in the State Dining Room at the White House.

THE PRESIDENT'S NEWS CONFERENCE OF MARCH 2, 1973

THE PRESIDENT. I have one announcement for those who are members of the traveling press.

MEETING WITH PRESIDENT THIEU

We have now set the date for the San Clemente meeting with President Thieu, and it will be April 2 and 3. Those of you who desire to go should make your plans, if you could, to leave on the Friday before, because I am going to California to attend a dinner on that occasion for John Ford on Saturday night, the 31st, and then the meetings will start the following Tuesday and will be concluded that week.

I will take any other questions you have.

QUESTIONS

CEASE-FIRES IN LAOS AND CAMBODIA

Q. Mr. President, there has been considerable speculation and interpretation after the Laos cease-fire pact to the effect that the Communists gained more out of this than they did out of the Geneva Accords, and also a situation in Cambodia that no one seems to be able to interpret. Originally you hinged your peace settlement on all of Indochina.

What is your expectation in these areas, and how much confidence do you have that the stability will be maintained?

THE PRESIDENT. Mr. Sheldon, first, with regard to Laos, the agreement there was made by the Royal Laotian Government, and it is an agreement which we, of course, supported and we accept. I have noted that various elements within Laos have questioned the decision by Souvanna Phouma to make the agreement that he did. But the key to that agreement, and what will make the cease-fire work is an unequivocal provision in the agreement that we made and that is for the withdrawal of all foreign forces from Laos. We expect that to be adhered to, and when that is adhered to, we believe that the
at the time" (July & Aug)
as 3. But what mattered was that in the end, the average worked out so that we almost achieved our goal of 3 percent. We got to 3.4.

Now what we are concerned about is to see that in the negotiations in the year 1973 those negotiations are undertaken with enough flexibility—some will go a little higher, some will go a little lower—but with enough flexibility so that we don’t have a wage-price push which would destroy the goal that everybody unanimously agrees we should try to achieve of 2.5 at the end of the year at the retail level. I am sure that confuses you.

THE AMERICAN DOLLAR

Q. Mr. President, what kind of trouble is the American dollar in in Europe, in your judgment?

The President. Well, the American dollar, I think, is being attacked by international speculators. I know that when I use that term my sophisticates in the Treasury Department shudder because they believe these great forces are not determined by speculation and the rest. But as I look at the American economy, as I look at the American rate of inflation, I would say that the dollar is a good bet in the world markets today.

The United States has the lowest rate of inflation of any major industrial country. The United States has certainly the strongest economy of the major industrial countries. The United States also has a program, which we believe is going to work, for continuing to control inflation. We have a very tight budget, or I should say a responsible budget. Let me point out, it is not a budget which is cut; it is a budget, however, which does not go up as much as some would want it to go, and therefore, one that will continue to cool the inflationary fires. And, of course, under these circumstances, we believe that the dollar is a sound currency and that this international attack upon it by people who make great sums of money by speculating—one time they make a run on the mark and the next time it is on the yen, and now it is on the dollar—we will survive it.

Let me say there will not be another devaluation. I would say, second, we are going to continue our program of fiscal responsibility so that the dollar will be sound at home and, we trust as well, abroad. And we also are going to continue our efforts to get the other major countries to participate more with us in the goal that we believe we should all achieve, which we set out at the time of the Smithsonian and the other agreements, and that is of getting an international monetary system which is flexible enough to take care of these, what I believe are, temporary attacks on one currency or another.

Q. Can we do anything to bring these speculators under control?

The President. We cannot, because I would say for the most part they are operating in the international area, and all that we can do is to keep our dollar as sound as we can at home, to keep our economy as sound as we can, to be as responsible as we can so that the run on the dollar does not mean a weakness of the American economy or of the dollar, in fact, that we spend here at home.

RENT CONTROLS

Q. Mr. President, are you possibly giving any thought to reviving the Rent Control Board?

The President. No, we are not. Rent controls have an enormous public appeal, particularly when you see some of the gouging that goes on in individual cases. The difficulty with rent control, however—and any of you who have visited Paris or some of the other major cities which have had rent control almost since World War II and see what has happened to rents, particularly of new dwellings, know what I am talking about—the difficulty with rent control, if you put a rent control ceiling on that is not economically viable so that the builders and those who will rent apartments and so forth cannot and will not make their investment, all that happens is that you get a shortage of housing, the pressures go up, and also you find that the landlords don’t keep up the places.

No, I do not think that rent controls is the right answer. I think the answer to the problem of rents is production of housing which will deal with it.

THE WATERGATE CASE

Q. Mr. President, now that the Watergate case is over, the trial is over, could you give us your view on the verdict and what implications you see in the verdict on public confidence in the political system?

The President. No, it would not be proper for me to comment on the case when it not only is not over, but particularly when it is also on appeal.

I will simply say with regard to the Watergate case what I have said previously, that the investigation conducted by Mr. Dean, the White House Counsel, in which, incidentally, he had access to the FBI records on this particular matter because I directed him to conduct this investigation, indicates that no one on the White House Staff, at the time he conducted the investigation—that was last July and August—was involved or had knowledge of the Watergate matter. And, as far as the balance of the case is concerned, it is now under investigation by a Congressional committee and that committee should go forward, conduct its investigation in an even-handed way, going into charges made against both candidates, both political parties. And if it does, as Senator Ervin has indicated it will, we will, of course cooperate with the committee just as we cooperated with the grand jury.

CONGRESSIONAL HEARINGS AND EXECUTIVE PRIVILEGE

Q. Mr. President, yesterday at the Gray hearings, Senator Tunney suggested he might ask the committee to ask for John Dean to appear before that hearing to talk...
about the Watergate case and the FBI-White House relationship. Would you object to that?

**The President.** Of course.

**Q. Why?**

**The President.** Well, because it is executive privilege. I mean you can't—I, of course—no President could ever agree to allow the Counsel to the President to go down and testify before a committee.

On the other hand, as far as any committee of the Congress is concerned, where information is requested that a member of the White House Staff may have, we will make arrangements to provide that information, but members of the White House Staff, in that position at least, cannot be brought before a Congressional committee in a formal hearing for testimony. I stand on the same position there that every President has stood on.

**Reporter.** Thank you, Mr. President.

**Q.** Mr. President, on that particular point, if the Counsel was involved—

**The President.** He always gets two. (Laughter)

**Q.** —if the Counsel was involved in an illegal or improper act and the prima facie case came to light, then would you change the rules relative to the White House Counsel?

**The President.** I do not expect that to happen, and if it should happen I would have to answer that question at that point.

Let me say, too, that I know that, since you are on your feet, Clark [Mollenhoff], that you had asked about the Executive Privilege statement, and we will have that available toward the end of next week or the first of the following week, for sure, because obviously, the Ervin Committee is interested in that statement, and that will answer, I think, some of the questions with regard to how information can be obtained from a member of the White House Staff, but consistent with executive privilege.

**Reporter.** Thank you again.

**NOTE:** President Nixon's thirtieth news conference was held at 11:08 a.m. on Friday, March 2, 1973, in the Briefing Room at the White House.

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"Heart-of-the-Year" Award to the President

*Exchange of Remarks Between the President and Dr. Paul N. Yu, President of the American Heart Association, at the Presentation Ceremony.*

**March 2, 1973**

**Dr. Yu.** Mr. President, each year the American Heart Association has been privileged to honor a distinguished American with the "Heart-of-the-Year" Award. For the past 4 years, Mr. President, you have graciously consented to present the award in our name. This year we would like very much to have you keep it.

Mr. President, we are really extremely pleased and proud to present the 1973 "Heart-of-the-Year" Award to you in recognition of your consistent support and encouragement of the voluntary action in the health field. Your support has helped make it possible for us to expand the role of the volunteer and of our voluntary health agency to fight the number one health problem—heart and blood diseases.

As you know, the goal of the American Heart Association is to conquer heart and blood vessel diseases through the support of cardiovascular research, education, and commingled services. We are very confident that with the sustained guidance, support, and encouragement we will achieve our goals.

So, Mr. President, please accept this award as a small token of our great appreciation.

The citation reads: "1973 Heart-of-the-Year Award. Presented by the American Heart Association to President Richard M. Nixon for his consistent support and encouragement of voluntary programs combating the nation's most serious health problem—heart and blood vessel diseases."

Thank you very much.

**The President.** Thank you very much, Dr. Yu.

In accepting this award, Doctor, I want to accept it on behalf of those of you who deserve it, and that is the volunteers both here in the District of Columbia and all over this Nation.

I noted in my talking papers that I was to mention the fact that I should accept it because, and make note of the fact that this Administration has committed approximately $100 million to research in the field of heart disease.

But I cannot take the credit for that. The taxpayers of America, all of the American people, have made it possible to do research and go forward.

That is the governmental side, but what is done on the voluntary side, which you represent here today, is equally important. This is the seed money, and then the volunteers will go far beyond that in finding, certainly, a solution to this problem.

Just let me say one thing personally. As you presented this here in this Oval Office of the President, I think about the two Presidents—the three Presidents—who preceded me in this office. President Eisenhower, of course, had a heart attack in 1955, and eventually that was the cause of death; and that President Johnson had a heart attack while he was in the Senate, and that that was the cause of death.

I think back over my public life of going to visit President Eisenhower in Denver right after his heart attack, which is something that I will never forget, and also going to visit President Johnson when he was in Bethesda Hospital. I am not suggesting by that that Presidents are
51. As Gray's confirmation hearings continued during the first week in March 1973, public reports circulated that John Dean would be called to testify. Dean has testified that on March 4 or 5, 1973 he reported to Ehrlichman that it would be difficult to win a court test of executive privilege involving Dean as Counsel to the President because Dean had met with the President so infrequently.


51.2 John Dean testimony, 3 SSC 994.
faith and to believe in it, and to practice a life of difficulties and hardships and pioneering and to build for the future.

If we had the choice, if people would say to us, “Look, you can only have one friend in this world. Choose,” I have no doubt whom we would have chosen. Throughout the years, in these very recent years, you know very well what you and your people mean to Israel.

I have personally very many things to be thankful for in my long life. I include even the difficulties that I had to face, because I can honestly say at least one thing: I never ran away from a difficult situation. I have more courage to face our young men and women at home.

We discussed at the table the heroes, the heroes of the wives and parents of your prisoners of war, the joy that we feel, all of us in the world, that they are coming back to their families. The difficulty to sit around at home for me with a group of these young women—not very many, thank God, only 13 men in Egypt and in Syria—but I look at these young women, with their little children, and their husbands torn away from them, brave, courageous, or when I have to face widows, orphans, mothers, and fathers who have lost their dear ones—in moments of that kind, I have been able to be stronger in my ability to face these real heroes of all nations, because, Mr. President, you have made it possible for us to know we are not alone.

And again, I have been privileged—I don’t know why—that in the last few years I should be the messenger to bring this great message to my people, young and old, and say to my people, “We are not alone; we have a friend.” This people, through the man who carries the greatest burden and highest office, through its President, made it possible for us to know in the dangerous position that we still are, that we are not alone.

For this, Mr. President, for all that you have done, for your understanding of what we are striving for, for your not doubting that what we really want is an honest and real and true and lasting peace with our neighbors, that the greatest dream that we are dreaming is to cooperate with our neighbors to cross the borders not with tanks but with tractors, to help, together with our neighbors, to build the area that has known so much bloodshed and so much war and so much destruction, to build together with our neighbors an area where people, men and women and little children, will be happy and will live and will find all this worthwhile.

When that great day comes—I said the other night to a group of friends, we have a song about peace, what will happen when peace comes, and the song has a refrain: This is not a fantasy, this is not a dream, this is true; if it won’t happen today, then tomorrow; if not tomorrow, then the next day, but this is not a fantasy and not a dream.

Mr. President, when that great day comes, and I am convinced that it will come, we will always remember that in days of sorrow and difficulty and danger, we were not alone, we had a friend.

Ladies and gentlemen, to the President.

Note: The President spoke at 10:01 p.m. in the State Dining Room at the White House.

THE PRESIDENT'S NEWS CONFERENCE OF MARCH 2, 1973

The President. I have one announcement for those who are members of the traveling press.

Meeting With President Thieu

We have now set the date for the San Clemente meeting with President Thieu, and it will be April 2 and 3. Those of you who desire to go should make your plans, if you could, to leave on the Friday before, because I am going to California to attend a dinner on that occasion for John Ford on Saturday night, the 31st, and then the meetings will start the following Tuesday and will be concluded that week.

I will take any other questions you have.

Questions

Cease-Fires in Laos and Cambodia

Q. Mr. President, there has been considerable speculation and interpretation after the Laos cease-fire pact to the effect that the Communists gained more out of this than they did out of the Geneva Accords, and also a situation in Cambodia that no one seems to be able to interpret. Originally you hinged your peace settlement on all of Indochina.

What is your expectation in these areas, and how much confidence do you have that stability will be maintained?

The President. Mr. Sheldon, first, with regard to Laos, the agreement there was made by the Royal Laoian Government, and it is an agreement which we, of course, supported and we accept. I have noted that various elements within Laos have questioned the decision by Souvanna Phouma to make the agreement that he did. But the key to that agreement, and what will make the cease-fire work is an unequivocal provision in the agreement that we made and that is for the withdrawal of all foreign forces from Laos. We expect that to be adhered to, and when that is adhered to, we believe that the
as 3. But what mattered was that in the end, the average worked out so that we almost achieved our goal of 3 percent. We got to 3.4.

Now what we are concerned about is to see that in the negotiations in the year 1973 those negotiations are undertaken with enough flexibility—some will go a little higher, some will go a little lower—but with enough flexibility so that we don't have a wage-price push which would destroy the goal that everybody unanimously agrees we should try to achieve of 2.5 at the end of the year at the retail level. I am sure that confuses you.

THE AMERICAN DOLLAR

Q. Mr. President, what kind of trouble is the American dollar in in Europe, in your judgment?

The President. Well, the American dollar, I think, is being attacked by international speculators. I know that when I use that term my sophisticates in the Treasury Department shudder because they believe these great forces are not determined by speculation and the rest. But as I look at the American economy, as I look at the American rate of inflation, I would say that the dollar is a good bet in the world markets today.

The United States has the lowest rate of inflation of any major industrial country. The United States has certainly the strongest economy of the major industrial countries. The United States also has a program, which we believe is going to work, for continuing to control inflation. We have a very tight budget, or I should say a responsible budget. Let me point out, it is not a budget which is cut; it is a budget, however, which does not go up as much as some would want it to go, and therefore, one that will continue to cool the inflationary fires. And, of course, under these circumstances, we believe that the dollar is a sound currency and that this international attack upon it by people who make great sums of money by speculating—one time they make a run on the mark and the next time it is on the yen, and now it is on the dollar—we will survive it.

Let me say there will not be another devaluation. I would say, second, we are going to continue our program of fiscal responsibility so that the dollar will be sound at home and, we trust as well, abroad. And we also are going to continue our efforts to get the other major countries to participate more with us in the goal that we believe we should all achieve, which we set out at the time of the Smithsonian and the other agreements, and that is of getting an international monetary system which is flexible enough to take care of these, what I believe are, temporary attacks on one currency or another.

Q. Can we do anything to bring these speculators under control?

The President. We cannot, because I would say for the most part they are operating in the international area, and all that we can do is to keep our dollar as sound as we can at home, to keep our economy as sound as we can, to be as responsible as we can so that the run on the dollar does not mean a weakness of the American economy or of the dollar, in fact, that we spend here at home.

RENT CONTROLS

Q. Mr. President, are you possibly giving any thought to reviving the Rent Control Board?

The President. No, we are not. Rent controls have an enormous public appeal, particularly when you see some of the gouging that goes on in individual cases. The difficulty with rent control, however—and any of you who have visited Paris or some of the other major cities which have had rent control almost since World War II and see what has happened to rents, particularly of new dwellings, know what I am talking about—the difficulty with rent control, if you put a rent control ceiling on that is not economically viable so that the builders and those who will rent apartments and so forth cannot and will not make their investment, all that happens is that you get a shortage of housing, the pressures go up, and also you find that the landlords don't keep up the places.

No, I do not think that rent controls is the right answer. I think the answer to the problem of rents is production of housing which will deal with it.

THE WATERGATE CASE

Q. Mr. President, now that the Watergate case is over, the trial is over, could you give us your view on the verdict and what implications you see in the verdict on public confidence in the political system?

The President. No, it would not be proper for me to comment on the case when it not only is not over, but particularly when it is also on appeal.

I will simply say with regard to the Watergate case what I have said previously, that the investigation conducted by Mr. Dean, the White House Counsel, in which, incidentally, he had access to the FBI records on this particular matter because I directed him to conduct this investigation, indicates that no one on the White House Staff, at the time he conducted the investigation—that was last July and August—was involved or had knowledge of the Watergate matter. And, as far as the balance of the case is concerned, it is now under investigation by a Congressional committee and that committee should go forward, conduct its investigation in an even-handed way, going into charges made against both candidates, both political parties. And if it does, as Senator Ervin has indicated it will, we will, of course cooperate with the committee just as we cooperated with the grand jury.

CONGRESSIONAL HEARINGS AND EXECUTIVE PRIVILEGE

Q. Mr. President, yesterday at the Gray hearings, Senator Tunney suggested he might ask the committee to ask for John Dean to appear before that hearing to talk
about the Watergate case and the FBI-White House relationship. Would you object to that?

THE PRESIDENT. Of course.

Q. Why?

THE PRESIDENT. Well, because it is executive privilege. I mean you can't—I, of course—no President could ever agree to allow the Counsel to the President to go down and testify before a committee.

On the other hand, as far as any committee of the Congress is concerned, where information is requested that a member of the White House Staff may have, we will make arrangements to provide that information, but members of the White House Staff, in that position at least, cannot be brought before a Congressional committee in a formal hearing for testimony. I stand on the same position there that every President has stood on.

REPORTER. Thank you, Mr. President.

Q. Mr. President, on that particular point, if the Counsel was involved—

THE PRESIDENT. He always gets two. (Laughter)

Q. —if the Counsel was involved in an illegal or improper act and the prima facie case came to light, then would you change the rules relative to the White House Counsel?

THE PRESIDENT. I do not expect that to happen, and if it should happen I would have to answer that question at that point.

Let me say, too, that I know that, since you are on your feet, Clark [Mollenhoff], that you had asked about the executive privilege statement, and we will have that available toward the end of next week or the first of the following week, for sure, because obviously, the Ervin Committee is interested in that statement, and that will answer, I think, some of the questions with regard to how information can be obtained from a member of the White House Staff, but consistent with executive privilege.

REPORTER. Thank you again.

NOTE: President Nixon's thirtieth news conference was held at 11:08 a.m. on Friday, March 2, 1973, in the Briefing Room at the White House.

“Heart-of-the-Year” Award to the President

Exchange of Remarks Between the President and Dr. Paul N. Yu, President of the American Heart Association, at the Presentation Ceremony.

March 2, 1973

DR. YU. Mr. President, each year the American Heart Association has been privileged to honor a distinguished American with the “Heart-of-the-Year” Award. For the past 4 years, Mr. President, you have graciously consented to present the award in our name. This year we would like very much to have you keep it.

Mr. President, we are really extremely pleased and proud to present the 1973 “Heart-of-the-Year” Award to you in recognition of your consistent support and encouragement of the voluntary action in the health field. Your support has helped make it possible for us to expand the role of the volunteer and of our voluntary health agency to fight the number one health problem—heart and blood diseases.

As you know, the goal of the American Heart Association is to conquer heart and blood vessel diseases through the support of cardiovascular research, education, and commingled services. We are very confident that with the sustained guidance, support, and encouragement we will achieve our goals.

So, Mr. President, please accept this award as a small token of our great appreciation.

The citation reads: “1973 Heart-of-the-Year Award. Presented by the American Heart Association to President Richard M. Nixon for his consistent support and encouragement of voluntary programs combating the nation’s most serious health problem—heart and blood vessel diseases.”

Thank you very much.

THE PRESIDENT. Thank you very much, Dr. Yu.

In accepting this award, Doctor, I want to accept it on behalf of those of you who deserve it, and that is the volunteers both here in the District of Columbia and all over this Nation.

I noted in my talking papers that I was to mention the fact that I should accept it because, and make note of the fact that this Administration has committed approximately $100 million to research in the field of heart disease.

But I cannot take the credit for that. The taxpayers of America, all of the American people, have made it possible to do research and go forward.

That is the governmental side, but what is done on the voluntary side, which you represent here today, is equally important. This is the seed money, and then the volunteers will go far beyond that in finding, certainly, a solution to this problem.

Just let me say one thing personally. As you presented this here in this Oval Office of the President, I think about the two Presidents—the three Presidents—who preceded me in this office. President Eisenhower, of course, had a heart attack in 1955, and eventually that was the cause of death; and that President Johnson had a heart attack while he was in the Senate, and that that was the cause of death.

I think back over my public life of going to visit President Eisenhower in Denver right after his heart attack, which is something that I will never forget, and also going to visit President Johnson when he was in Bethesda Hospital. I am not suggesting by that that Presidents are
Tolson and wish him happy birthday or good health and possibly get some information from him when he was talking to him. The discussion then turned back to the Hiss case and I reminded the President of the strong statement he had made in 1930 regarding Truman's refusal to provide his committee with information, and that speech might be raised at his press conference. I asked me to go get a copy of that speech. I returned to his office shortly with a copy of the speech, and he asked me to discuss with him how it could be differentiated from the present situation.

During the March 1 afternoon meeting the President also asked me some questions about executive privilege and the timing on the release of the executive privilege statement which he had discussed in his press conference on January 31. I told him that the statement, as far as I was concerned, was ready for release and merely would require the signoff of a handful of other people. I told him I thought it could be out within a week.

It was during the days after this series of March 1 meetings with the President that the name Dean began coming increasingly to the forefront in the Gray confirmation hearings, and the rumblings were that there was going to be a situation where Dean could be called to the committee to testify and a number of Senators were anxious to use me as a vehicle to test executive privilege. On March 2 or 3, I had a conversation with Ehrlichman in which I might add occurred in the hall of the West Building, in which I told him that I thought it would be very difficult to maintain a court test of executive privilege over me, when in fact I had only met with the President infrequently and had had very few conversations with him that would be protected. It was following this conversation with Ehrlichman that I began meeting and talking with the President, at his request, with ever increasing frequency. The Presidential meeting of March 6.

Senator Ervin [presiding]. A vote has been called on a 10-minute basis. I expect the committee had better go and come back. We will finish this statement this afternoon.

[Recess.]

Senator Ervin. The committee will resume.

Mr. Dash. Mr. Dean, you can proceed. Senator Weicker is here making a quorum, as required by our rules.

Mr. Dean. Thank you.

MEETING OF MARCH 6

This meeting was brief and a general discussion of the status of the Gray hearings and the President reminded me again that I should report directly to him and not involve Haldeman and Ehrlichman with Watergate-related matters.

MEETING OF MARCH 7

The President was very unhappy with Gray's performance before the Senate Judiciary Committee. In my meeting with him on this date he made a reference to the fact that Gray's comment regarding my sitting in on the investigations by the FBI was absurd. He felt it was perfectly proper that I was present at those interviews and said that Gray's attitude that he "jolly well" went forward because he had no
52. On March 6, 1973 the President met with John Dean in the Oval Office between 11:49 a.m. and 12:00 noon. According to information supplied to the Senate Select Committee by White House Special Counsel Buzhardt, the President decided that executive privilege guidelines would cover former as well as present White House personnel. Dean has testified that the President told him to report directly to the President and not to involve Haldeman and Ehrlichman with Watergate-related matters.

On March 7, 1973 the President met with Dean in the Oval Office from 8:53 to 9:16 a.m. and, according to information supplied by Buzhardt, there was a discussion of executive privilege guidelines; Dean told the President that the White House was clear; and the President inquired as to how Gray was doing. Dean has testified that the President instructed him to tell Attorney General Kleindienst to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee, and Dean so instructed Kleindienst.

52.1 Meetings and conversations between the President and John Dean, March 6-7, 1973 (received from White House).

52.2 Memorandum of substance of Dean's calls and meetings with the President, March 6-7, 1973, SSC Exhibit No. 70A, 4 SSC 1796.

52.3 John Dean testimony, 3 SSC 994-95.
No contact between the President and John W. Dean, III, during January, February, and March 1972.

April 13, 1972

PM 4:31 4:34 President met with Frank DeMarco, Jr., and John Dean to sign 1971 income tax returns.

May 1, 1972

PM 3:02 3:07 President had photo opportunity in Rose Garden for National Secretaries Week. Mr. Dean attended.

No contact between the President and John W. Dean, III, during June and July 1972.

August 14, 1972

The President met to sign personal legal documents with:

12:45 1:11 The First Lady
12:49 1:09 John J. Ratchford
12:49 1:11 Mr. Butterfield
12:49 1:11 Mr. Haldeman
12:49 1:12 Mr. Ehrlichman
12:49 1:12 John W. Dean, III
12:49 1:12 John H. Alexander
12:49 1:12 Richard S. Ritzel

No other contact during August 1972.
September 15, 1972

PM

The President met with:

3:15 6:17  Mr. Haldeman
5:27 6:17  Mr. Dean

(The President talked with Mr. MacGregor by phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34  The President met with Samuel Newhouse, President of Newhouse Newspapers and Newhouse Broadcasting and Herb Klein.

3:23 3:34  John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the Roosevelt Room. Mr. John Dean was in attendance.

November 12, 1972

8:40 8:44  The President met aboard "Spirit of '76" with Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November and December 1972.
January 21, 1973
AM 11:05 12:04 President and First Lady hosted Worship Service. John Dean attended.

February 27, 1973
PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973
AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973
AM 9:18 9:46 President met with his Counsel, John W. Dean, III, in the Oval Office.
(At 9:36 the President rec'd a call from AG Kleindienst. Dean)
10:36 10:44 President met with Mr. Dean in the Oval Office. too the call.)
PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973
AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973
AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973
AM 9:51 9:54 President met with Mr. Dean in the Oval Office.
March 10, 1973

AM 9:20 9:44 President talked long distance with Mr. Dean.
President initiated the call from Camp David
to Mr. Dean who was in Washington, D.C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
(Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not
completed.
8:55 8:59 Mr. Dean returned the call and talked with the President.
9:43 10:50 President met with Mr. Dean in the P's EOB Office.
Also present were:
  * Mr. Kissinger (departed at 9:50)
  * Ronald L. Ziegler
  * Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
12:47 1:30 President met with Mr. Moore and Mr. Dean.
4:25 4:26 President talked with Mr. Dean. (The President
initiated the call.)
4:34 4:36 President talked with Mr. Dean. (Mr. Dean
initiated the call.)

March 15, 1973

PM 5:36 6:24 President met with Mr. Dean and Mr. Moore
in the Oval Office.
March 16, 1973

AM 10:34 11:06 President met with Mr. Dean in the Oval Office.
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President initiated the call.)
March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office. Mr. Haldeman was also present for at least part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's EOB office. Also present were:

Mr. Ziegler (departed at 5:25)
Mr. Haldeman
Mr. Ehrlichman (5:25-6:01)
Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's EOB Office. Also present were:

Mr. Ehrlichman (2:00-3:40)
Mr. Haldeman (2:01-3:40)
Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's EOB Office.

March 22: Deleted -- (Mr. Dean was scheduled to attend the President's staff briefing in the EOB Briefing Room which the President attended from 8:44-9:03. Attendance was not confirmed on this briefing.)
April 16, 1973

AM 10:00 10:40 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President initiated the call.)

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.
NOTE

The following page is an excerpt from "Memorandum of Substance of Dean's Calls and Meetings with the President," a document prepared in June 1973 by Fred D. Thompson, Minority Counsel to the Senate Select Committee, following a conversation with J. Fred Buzhardt, Special Counsel to the President. The entire document, accompanied by Mr. Thompson's affidavit concerning his conversation with Mr. Buzhardt, is reprinted as Exhibit 70A, 4 SSC 1794-1800.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3.00
Stock Number 5270-01064
No. 47—(1340) Memorandum for John Dean from Jack Caulfield. Subject: Opposition Activity. .......................................................... 1648
No. 48—(1350) Memorandum prepared by John Dean for members of the White House staff. Subject: Dealing with our Political Enemies. .......................................................... 1659
No. 49—(1350) Memorandum for John Dean from Charles Colson re: Names given top priority on enemies list. .......................................................... 1692
No. 50—(1350) Memorandum for Larry Highy from John Dean concerning names on enemies list. .......................................................... 1607
No. 51—(1350) Section of a news summary from Highy to Dean, indicating that DNC treasurer Robert Strauss should be on the list. .......................................................... 1699
No. 52—(1350) Additions to enemies list sent to John Dean from Gordon Strachan. .......................................................... 1700
No. 53—(1350) Memorandum for John Dean from Gordon Strachan. Subject: Political Enemies (i.e.: Chet Huntley). .......................................................... 1701
No. 54—(1350) Memorandum to John Dean from Gordon Strachan with attached news summary indicating that J. Irwin Millcr might be considered for enemies list. .......................................................... 1703
No. 55—(1350) Memorandum from a member of Charles Colson's staff re: People who attended a rally for a "dump Nixon" program. .......................................................... 1705
No. 56—(1350) List of McGovern campaign staff with asterisks beside key names that were to be included in the opponents project. .......................................................... 1707
Nos. 57 and 58—(1358) Marked for identification only and are not for publication.
No. 59—(1393) Bank statement on account of John Welsey [sic] Dean, III. .......................................................... 1712
No. 60—(1409) Additional document updating the enemies list, entitled "Politics Continued." .......................................................... 1713
No. 61—(1409) Memorandum from member of Charles Colson's staff. Subject: Opponents Lists. .......................................................... 1725
No. 62—(1409) Memorandum re: Updating of opponents list. .......................................................... 1728
No. 63—(1410) Document entitled "Corporate Executives Committee for Peace, Trip to Washington—June 25, 1970." This document also is an update of the enemies list. .......................................................... 1730
No. 64—(1410) List of Democratic contributors of $25,000 or more in 1968 campaigns (from New York Times Story, June 20, 1971). .......................................................... 1733
No. 65—(1410) Memorandum re: List of Muskie contributors to be added to opponents list. .......................................................... 1734
No. 66—(1412) Letter from J. Fred Buzhardt, special counsel to the President, to Senator Inouye re: Questions and a memorandum previously furnished the committee in question Mr. Dean. .......................................................... 1754
No. 67—(1412) Memo and questions pertaining to exhibit No. 66. .......................................................... 1755
No. 68—(1325) Memorandum of Law, Admissibility of Hearsay Statements of a Co-conspirator. Submitted by Samuel Dash, counsel and staff director, Senate Select Committee on Presidential Campaign Activities. .......................................................... 1783
No. 69—(1357) Letter from Congressman Garry Brown to Senator Ervin re: Certain statements made by Mr. Dean. .......................................................... 1791
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Note.—Figures in parentheses indicate page that exhibit was officially made part of the record.
MEMORANDUM OF SUBSTANCE OF DEAN'S CALLS
AND MEETINGS WITH THE PRESIDENT

September 15, 1972
Dean reported on IRS investigation of Larry O'Brien.
Dean reported on Watergate indictments.

February 27, 1973
Discussed executive privilege, minority counsel for Watergate Committee. Dean suggested White House aides submit answers to interrogatories.

February 28, 1973
President inquired of Watergate, Dean said no White House involvement, Stans was victim of circumstances. Colson was lightning rod because of his reputation. Discussed wiretappings which had been brought up in the Gray hearings. Sullivan, Deputy Director, was friend of Dean and Dean suggested they make sure that wiretaps of prior years (other Administrations) be made known.

March 1, 1973
Preparation for press conference -- go over question and answer book. Was decided the question would come up as to why Dean was sitting in on FBI interviews and that the reason was he was conducting an investigation for the President. President asked Dean to write a report. Dean was also critical of Gray.

(March 2 press conference)

March 6, 1973
Discussed executive privilege guidelines, decided to cover former White House personnel as well as present.

March 7, 1973
Again discussion executive privilege guidelines. Dean again told the President the White House was clear. The President inquired as to how Pat Gray was doing. Dean informed him E.B. Williams had dropped out of the civil case.
Tolson and wish him happy birthday or good health and possibly get
some information from him when he was talking to him. The dis-
cussion then turned back to the Hiss case and I reminded the Presi-
dent of the strong statement he had made in 1950 regarding Truman's
refusal to provide his committee with information, and that speech
might be raised at his press conference. He asked me to go get a copy
of that speech. I returned to his office shortly with a copy of the speech,
and he asked me to discuss with him how it could be differentiated
from the present situation.

During the March 1 afternoon meeting the President also asked
me some questions about executive privilege and the timing on the
release of the executive privilege statement which he had discussed
in his press conference on January 31. I told him that the statement,
as far as I was concerned, was ready for release and merely would
require the signoff of a handful of other people. I told him I thought
it could be out within a week.

It was during the days after this series of March 1 meetings with
the President that the name Dean began coming increasingly to the
forefront in the Gray confirmation hearings, and the rumblings were
that there was going to be a situation where Dean could be called
to the committee to testify and a number of Senators were anxious to
use me as a vehicle to test executive privilege. On March 4 or 5, I
had a conversation with Ehrlichman in which I might add occurred
in the hall of the West Building, in which I told him that I thought
it would be very difficult to maintain a court test of executive privilege
over me, when in fact I had only met with the President infrequently
and had had very few conversations with him that would be protected.
It was following this conversation with Ehrlichman that I began
meeting and talking with the President, at his request, with ever
increasing frequency. The Presidential meeting of March 6.

Senator Enrvin [presiding]. A vote has been called on a 10-minute
basis. I expect the committee had better go and come back. We will
finish this statement this afternoon.

[Recess.]

Senator Enrvin. The committee will resume.

Mr. Dash. Mr. Dean, you can proceed. Senator Weicker is here
making a quorum, as required by our rules.

Mr. Dean. Thank you.

MEETING OF MARCH 6

This meeting was brief and a general discussion of the status of
the Gray hearings and the President reminded me again that I should
report directly to him and not involve Haldeman and Ehrlichman
with Watergate-related matters.

MEETING OF MARCH 7

The President was very unhappy with Gray's performance before
the Senate Judiciary Committee. In my meeting with him on this date
he made a reference to the fact that Gray's comment regarding my sit-
ting in on the investigations by the FBI was absurd. He felt it was
perfectly proper that I was present at those interviews and said that
Gray's attitude that he "jolly well" went forward because he had no
alternative was absurd. I also discussed with the President the fact that Ziegler was considering endorsing the ACTA letter to the Judiciary Committee regarding the turning over of FBI materials. The President thought that that was a good idea. At the end of the meeting the President instructed me to tell the Attorney General to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee. He said this just had to cease.

**MEETING OF MARCH 8**

I had a very brief meeting with the President on this date during which he asked me if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee. I told him I thought that the matter had been taken care of by the Attorney General.

**PHONE CONVERSATION OF MARCH 10**

The phone conversation of March 10. The President called me to tell me that he felt we should get the executive privilege statement out immediately; that this should be done before I was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

**MEETING OF MARCH 13**

This was a rather lengthy meeting, the bulk of which was taken up by a discussion about the Gray hearings and the fact that the Senate Judiciary Committee had voted to invite me to appear in connection with Gray’s nomination. It was at this time we discussed the potential of litigating the matter of executive privilege and thereby preventing anybody from going before any Senate committee until that matter was resolved. The President liked the idea very much, particularly when I mentioned to him that it might be possible that he could also claim attorney/client privilege on me so that the strongest potential case on executive privilege would probably rest on the counsel to the President. I told him that obviously, this area would have to be researched. He told me that he did not want Haldeman and Ehrlichman to go before the Ervin hearings and that if we were litigating the matter on Dean, that no one would have to appear. Toward the end of the conversation, we got into a discussion of Watergate matters specifically. I told the President about the fact that there were money demands being made by the seven convicted defendants, and that the sentencing of these individuals was not far off. It was during this conversation that Haldeman came into the office. After this brief interruption by Haldeman’s coming in, but while he was still there, I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as 51 million or more. He told me that that was no problem, and he also looked over at Haldeman and repeated the same statement. He then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been promised Executive clemency. He said that he
On or about March 7, 1973 L. Patrick Gray and John Ehrlichman had a telephone conversation. Gray told Ehrlichman that he was being pushed awfully hard in certain areas and was not giving an inch, and that Ehrlichman knew those areas. Gray also told Ehrlichman to tell Dean to be very careful about what he said and to be absolutely certain that he knew in his own mind that he delivered everything he had to the FBI, and not to make any distinction between the recipients of the materials.

53.1 Transcript of tape recorded telephone conversations between John Ehrlichman and L. Patrick Gray and John Ehrlichman and John Dean, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 2950-51.

53.2 John Ehrlichman testimony, 7 SSC 2785-86.

53.3 L. Patrick Gray testimony, 9 SSC 3469-70, 3537-39.

See Book II, Volume 2, Tab 37, and Book II, Volume 3, Tab 45 for evidence regarding Dean's transmittal of material from Hunt's safe to FBI agents and Acting FBI Director Gray.
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 23, 27, AND 30, 1973
Book 7

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3
EXHIBIT No. 102

Conversation with Pat Gray, March 7 or 8, 1973

E. Ehrlichman

G. Gray

E. Been testifying today?

G. Yeah, I'm having a ball. Let me just tell you an unusual development that happened today. I think you'll be interested in and it's not a disaster or anything, it's just a total surprise I think to everybody including me and all the committee members. Over the weekend I had prepared a rather forceful statement saying that this function of the committee was the function of this committee was to look into my qualifications and to examine my procedural conduct of the Watergate not to get into substantive that this had been assigned to the Ervin select subcommittee and they would erect the proper safeguards to protect those who were innocent and were just standbys in this whole matter here of this criminal offense and I talked about constitutional due process and the right to privacy and all that kind of stuff. What the hell should turn up this morning to the chairman of the committee and each member of the committee and then a copy was delivered to me in the hall as we were walking into the hearing room but a three page letter from the ACLU practically saying the same damn thing. So what has happened is that we got a state of consternation up there right now with the ACLU and the FBI in the same bed. And I don't know what the hell they're going to do on that. I wanted you to know that that development occurred and I also got another letter today along the same lines from a professor who's pretty highly respected and I talked with Jim Eastland. We're going to throw that letter into the hopper tomorrow, too. I'll read that—that's one of the first things I'll do tomorrow morning.

Another thing I want to talk to you about is that I'm being pushed awfully hard in certain areas and I'm not giving an inch and you know those areas and I think you've got to tell John Wesley to stand awful tight in the saddle and be very careful about what he says and to be absolutely certain that he knows in his own mind that he delivered everything he had to the FBI and don't make any distinction between but that he delivered everything he had to the FBI.

E. Right.

G. And that he delivered it to those agents... this is absolutely imperative.

E. All right.

G. You know I've got a couple of areas up there that I'm hitting hard and I'm just taking them on the attack.

E. OK.

G. I wanted you to know that.

E. Good. Keep up the good work, my boy. Let me know if I can help.

G. All right. He can help by doing that.

E. Good, I'll do it.

Conversation with John Dean, same day immediately following

E. Ehrlichman

D. Dean

D. Hello.

E. Hi. Just had a call from your favorite witness.

D. Which is?

E. Patrick J. Gray

D. Oh, really?
And he says to make sure that old John W. Dean stays very very firm and steady on his story that he delivered every document to the FBI and that he doesn't start making nice distinctions between agents and directors.

He's a little worried, is he?

Well, he just doesn't want there to be any question. He says he's hanging very firm and tough and there's a lot of probin' around.

Yeah, he's really hanging tough. You ought to read the transcript. It just makes me gag.

Really?

Oh, it's awful, John.

Why did he call me? To cover his tracks?

Yeah, sure. I laid this on him yesterday.

Oh, I see. OK.

I laid it on him to, you know, to fuse the issue so I don't have any idea what he said up there today.

I see. It was a funny phone call. Said he was going in to object to the jurisdiction of the group to get into the substance and that their own jurisdiction was to . . . was procedural efforts and his competence and he says the ACLU put a letter in to the same effect.

Yeah. Wally picked up an interesting one on the grapevine today that planned strategy now is to proceed in this one as they did in the Kleindienst.

Down to the point of calling you?

Down to the point of calling me and—

Let him hang there?

Well I think we ought to let him hang there. Let him twist slowly slowly in the wind.

That's right. I was in with the boss this morning and that's exactly where he was coming out. He said I'm not sure that Gray's smart enough to run the Bureau the way he's handling himself.

Well, OK, you're on top of it. Good.
Senator Weicker. Let me repeat Mr. Helms' testimony or his inter-
view rather, his interview with this committee. Helms had no idea
what they were talking about with respect to Mexico and when he
asked he was told: "Never mind what it's all about" but they wanted
Walters to go to Pat Gray right then and there?
Mr. Ehrlichman. The President's instructions were not to me, they
were to Mr. Haldeman and he is going to be your best witness as to
those instructions but my understanding of those instructions second-
hand is that the President said that he wanted General Walters and
Pat Gray to work this out between them. And that was confirmed to
me by the President at a later time but I didn't know it at the time of
this meeting.

Senator Weicker. And then we also have General Walters' memo-
randum which I have read to you in which he indicates concern over
the Watergate investigation in a political sense and you disagreed
with that?
Mr. Ehrlichman. I am—the memorandum that you read to me
was dated the 28th of—
Senator Weicker. Have you got that memorandum?
Mr. Ehrlichman. June 28 which was considerably—
Senator Weicker. Five days afterward?
Mr. Ehrlichman. Yes; and, as a matter of fact after the CIA
finally determined that it had no involvement or exposure on the 27th
and orally informed the Bureau to that effect. It was then and only
then that General Walters sat down and reconstructed these meetings.

Senator Weicker. So, in effect, your testimony stands in conflict
with the versions of that meeting told by, as I have read them to you,
of both General Walters and Director Helms?
Mr. Ehrlichman. Yes, sir.

Senator Weicker. One last series of questions, Mr. Chairman, and
then I will move along here. I would like to, if we could, get to the
taped telephone conversations, the conversations which you taped.
Do you have both those before you?
Mr. Ehrlichman. Which are those, Senator?
Senator Weicker. These would be to—I find it strange in the United
States to say which are those as if this was normal practice. These are
the conversations with Pat Gray on March 7 or 8, and the following
conversation with John Dean, whatever that happens to be.
I wonder if at this time we might not, Mr. Chairman, have these
entered as exhibits.

Senator Ervyn. What do you want entered as exhibits? I didn't
quite get what you wanted entered as exhibits.

Senator Weicker. The two, the transcriptions of the two taped tele-
phone conversations, the first between Mr. Ehrlichman and Pat Gray,
the second one between Mr. Ehrlichman and John Dean.

Senator Ervyn. Did Mr. Ehrlichman identify the one that he was
a party to?
Senator Weicker. He was a party to both, Mr. Chairman.

Senator Ervyn. The two papers will be marked as exhibits and
admitted as such. I am sorry, I thought maybe you were referring to
the General Walters matter, the memorandum which you read pre-
viously. We will also enter that with the appropriate exhibit number.
[The documents referred to were marked exhibits Nos. 101, 102, and 103.]

Mr. Wilson. Is there a pending question, Mr. Chairman?

Senator Weicker. I want to be sure Mr. Ehrlichman has a chance to look over the material.

Mr. Ehrlichman. That is fine.

Senator Weicker. All right, let's get first to the conversation between yourself and Pat Gray. The first portion of it, let me try to synopsize that, Gray makes some preliminary—unless you want the whole thing read. If you want the whole thing read we can do that. Would that be better to handle it that way so there won't be any unfair—

Mr. Ehrlichman. Why don't you just ask whatever you have on your mind, Senator, and see if I can answer.

Senator Weicker. Well, Gray, Pat Gray made some preliminary remarks concerning the position at the judiciary, these are phone conversations of March 7 or 8, 1973, when Pat Gray is before the Judiciary Committee. Subject of his confirmation, Gray made some preliminary remarks concerning his position, that the Judiciary Committee could only question his procedural conduct of the investigation, not the substance since the Ervin committee would do that. He also pointed out the very same day that ACLU submitted a letter to the committee stating the same position.

Gray then went on to say, and then I am going into the exact quote, and this is Gray to Ehrlichman:

Another thing I want to talk to you about is that I'm being pushed awfully hard in certain areas and I'm not giving an inch and you know those areas and I think you've got to tell John Wesley to stand awful tight in the saddle and be very careful about what he says and to be absolutely certain that he knows in his own mind that he delivered everything he had to the FBI and don't make any distinction between—

And then something goes on that is inaudible—

but that he delivered everything he had to the FBI.

Now what did you assume this to mean, what is he talking about here when he says, "And you know those areas I think you have got to tell John Wesley"?

Mr. Ehrlichman. I assume he was talking about his method of the delivery of the contents of Hunt's safe, the fact that some went to the Washington field office and some went to the Director directly.

Senator Weicker:

Ehrlichman, Right.

Gray. And that he delivered it to those agents *** this is absolutely imperative.

Ehrlichman. All right.

Gray. You know I've got a couple of areas up there that I'm hitting hard and I'm just taking them on the attack.

Ehrlichman. OK.

Gray. I wanted you to know that.

Ehrlichman. Good. Keep up the good work, my boy. Let me know if I can help.

Gray. All right. He can help by doing that.

Ehrlichman. Good. I'll do it.

You then immediately called Mr. Dean; is that correct?

Mr. Ehrlichman. Yes, sir.

*See pp. 2948-2952.
sen's presence to inform Mr. Petersen that he had turned two files from Hunt's safe, having nothing to do with Watergate, over to me. Mr. Petersen told me that he informed Dean to take it up with me and asked me if Dean had done so. I told Mr. Petersen, truthfully, that Dean had not. I certainly did not acknowledge to Mr. Petersen that Mr. Dean had turned over any such files to me but I do not recall Mr. Petersen asking me that question on this occasion.

I must acknowledge the possibility, however, that Mr. Petersen may have asked me if Dean had turned over such files to me. If he did ask, I am certain that I would have denied receipt of such files because of the instructions I received from Messrs. Ehrlichman and Dean on June 28, the information I had been given about their national security implications and the injunction that they "should never see the light of day."

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

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

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

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

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

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

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

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

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

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

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

On Monday, April 16, 1973, at 10:54 a.m., Assistant Attorney Gen-
eral Petersen came to see me. He said that Mr. Dean told the prose-
cutors he had turned over two of Hunt's files to me. I denied that I had
received them. Mr. Petersen went on to say that Mr. Dean had said
these two files had nothing to do with Watergate. He also said that
charge of the Criminal Division. The Attorney General could have called me at any time and said I want this or I want that from you. He didn't.

Senator Montoya. Thank you very much. My time has expired.

Senator Ervin. During the Judiciary hearing on your nomination, you contacted John Ehrlichman daily, didn't you, by telephone?

Mr. Gray. Sir?

Senator Ervin. During the time the Senate Judiciary Committee was passing on your nomination to be Director of the FBI, you had daily conversations by telephone with John Ehrlichman.

Mr. Gray. Mr. Chairman, I don't know whether they were daily or not but whatever my logs show in that regard that—

Senator Ervin. You have a copy of the tape of Mr. Ehrlichman of March 7 or 8, 1973?

Mr. Gray. I have Tuesday, March 6, 1973, Mr. Ehrlichman called me at 6:34 p.m. that evening.

Senator Ervin. Now, you were very much concerned that it might come out in the Judiciary Committee hearings that the contents of Hunt's safe were delivered, part of them were delivered at one time to agents of the FBI other than yourself and that these two envelopes were delivered to you yourself at another time?

Mr. Gray. I do not know that I was concerned. The message—if you are referring to that telephone call, the message that I was giving him then in that March 6 telephone call did not have to do with the contents of—

Senator Ervin. I am asking about the next one. In other words, it says "another thing"—now, this is you talking to Ehrlichman—"another thing I want to talk to you about is that I am being pushed awfully hard in certain areas and I am not giving an inch and you know those areas and I think you have got to tell John Wesley"—a good Methodist name—"John Dean to stand awfully tight in the saddle and be very careful about what he says and to be absolutely certain that he knows his own mind. that he delivered everything he had to the FBI and do not make any distinction between, but that he delivered everything he had to the FBI."

Now, that was in effect asking John Ehrlichman to tell John Dean in case he testified before the Judiciary Committee that he must say that everything was delivered to the FBI at one time.

Mr. Gray. Senator Ervin, what I was telling Mr. Ehrlichman there was told to him on the evening of March 6 because—

Senator Ervin. Yes.

Mr. Gray. It is not March 7 or 8 because that is the day on which we received a letter from the ACLU and what I was—I can pin it down with that because the language of mine is right there with reference to the letter that was delivered on that day and that call was in the evening of March 6.

Senator Ervin. Well—

Mr. Gray. In the areas. Mr. Chairman—Mr. Chairman, if I may, the areas I was being pushed awfully hard in were the fact that I had given to Mr. Dean reports of FBI interviews and had permitted Mr. Dean to sit in on FBI interviews.

Senator Ervin. Well, the interpretation I place on this is that you were asking John Ehrlichman to tell John Wesley Dean to be careful
what he said and to say that all of these things that came out, all the contents of Hunt's safe were delivered to FBI agents at one time instead of some of them being delivered to the agents and the other being delivered to the Acting Director?

Mr. Gray. That is correct, and, Mr. Chairman, let me say that the message I gave to Mr. Ehrlichman was to tell John Dean to shut up but was not certainly a message to tell him that if asked under oath that he could not testify because I had previously spoken to John Dean on this very subject and had asked him if he had told Henry Petersen everything about those very same files that he had told me.

Senator Ervin. Well, John Ehrlichman said, "right," in reply to your statement?

Mr. Gray. I do not know what that means, sir.

Senator Ervin. Well, you asked him to tell John Dean to say that all of the contents of the safe were delivered to the FBI at one time instead of part of them being delivered to the agents and others being delivered to you.

Mr. Gray. I was telling John Ehrlichman to tell John Dean to shut up unless he told the real facts about it, no question about that.

Senator Ervin. And at the top of the next page it states "and he"—that is Dean—"delivered it to those agents. This is absolutely imperative."

Mr. Gray. That is correct. I told him that to distinguish between the Watergate evidence and the non-Watergate evidence as they told me.

Senator Ervin. And Ehrlichman says, "All right." And this bugging that John Ehrlichman did shows that he called Dean and he told Dean that you had called him and that you had said to him, Ehrlichman, to make sure that old John W. Dean stays very firm and steady on his story that he delivered every document to the FBI and that he does not start making nice distinctions between agents and directors?

Mr. Gray. Yes, sir, I did.

Senator Ervin. And then Ehrlichman asked Dean, why did you call me that is, why did you call him— "to cover his tracks?" And Dean says, "yeah, sure. I laid this on him yesterday."

"Ehrlichman. Oh, I see, OK."

Now, as a matter of fact, is not the interpretation of that transaction that you called Ehrlichman and asked him to see that Dean said, whenever he talked, that all of the contents of Hunt's safe had been delivered to the FBI at one time, to the agents rather than part to the agents and part to the Director?

Mr. Gray. I think you have got to put that in the proper context, Mr. Chairman. I had just had a call the day before from John Dean regarding this in which I went into it clearer and verse with him because he had told Henry Petersen of the delivery of these two files to me and I had asked John Dean if you, John, have told Henry everything you told me about those files, that they were not Watergate evidence, non-Watergate-related, should clearly not be permitted to see the light of day, were political dynamite. So this has got to be put in that proper context but there is no question about it that in that telephone call I was saying to John Ehrlichman to tell John Dean to shut up because he was making nice distinctions there that those two did not make with me at all. My assumption was that they had
delivered all of the Watergate evidence that was in Mr. Hunt's files to the Agency.

Senator Ervin. It seems to me this is a very simple proposition. Is this not it in its sense, that you asked John Ehrlichman to see that Dean refrain from telling the truth about this and tell on the contrary that all of them were delivered to the FBI at one time and John Ehrlichman agreed to do that and to call Dean and repeat your request to him?

Mr. Gray. Certainly, that was not my understanding of the call. They cannot tell me one thing, Mr. Chairman, you know, and then tell another thing. I certainly told—I do not make any bones about it. I told John Ehrlichman to tell John Dean to shut up.

Senator Ervin. Yes.

Mr. Gray. But just the day before—

Senator Ervin. Mr. Gray—

Mr. Gray. I told—

Senator Ervin. Is it not the interpretation to be placed on this that you were asking Ehrlichman to tell John Dean not to tell the truth about how some of them got to you and some of them to the agents of the FBI?

Mr. Gray. No, sir, because—

Senator Ervin. Well, I do not believe I will question further. Just let the record show that the two tapes from John Ehrlichman—well, the recording, I believe, instead of bugging, two recordings of John Ehrlichman of his conversations be put in the record at this point unless somebody else interprets it.

Now, this was thought to be a sort of ordinary burglary at first and then it came out that one of the burglars was the chief security officer of the Committee To Re-Elect the President. Then in a short time it was discovered that a White House consultant who then had an office in the White House was implicated, and that the chief counsel of the Stans' committee, Finance Committee To Re-Elect the President, was also implicated, did it not?

Mr. Gray. Yes, sir, that is right.

Senator Ervin. So it came out while the burglary might have been ordinary, the burglars were extraordinary [laughter]. And a short time after that you found the FBI investigations got a lead indicating that some political money was possibly involved in the form of four Mexican checks and the Dahlberg check, a total of $14,000.

Mr. Gray. That is correct, sir. We found those early in the investigation in the Republic National Bank.

Senator Ervin. And after you started working on that you got a phone call from John Ehrlichman informing you that John Dean was interested in the White House in connection with the FBI and the CIA.

Mr. Gray. I do not—Mr. Chairman, I am not sure whether you are referring to the first telephone conversation—

Senator Ervin. Yes.

Mr. Gray. I had with—from Mr. Ehrlichman on June 21.

Senator Ervin. I do not know whether it was the first one but the time he called you up and told you that John Dean was representing the White House in this investigation.
After the call from Gray, Ehrlichman called Dean. Ehrlichman told Dean that Gray wanted to be sure that Dean would stay very firm and steady on his story that Dean had delivered every document to the FBI and that Dean not start making nice distinctions between agents and directors. Ehrlichman also told Dean that he thought they ought to let Gray hang there and "twist slowly, slowly in the wind." Dean agreed and said, "I was in with the boss this morning and that is exactly where he was coming out."

Transcript of tape recorded telephone conversations between John Ehrlichman and L. Patrick Gray and John Ehrlichman and John Dean, March 7 or 8, 1973, SSC Exhibit No. 102, 7 SSC 2950-51.

John Ehrlichman testimony, 7 SSC 2786-88.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

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No. 96-(2884) I.R.S. cover sheet dated April 1973 entitled "Statistics—Requests for Inspection of Income Tax Returns or Data From Returns by Federal Agencies for the 6-Month Period July 1—December 31, 1972", with attachment. 2911

No. 97-(2713) Memorandum for the record of Gen. Vernon A. Walters (CIA) dated July 6, 1972, re: Meeting with Acting FBI Director L. Patrick Gray at 1004 hours on July 6, concerning Watergate matter. 2913

No. 98-(2730) Ehrlichman's handwritten notes re: His investigation into Watergate affair. 2915

No. 99-(2731) Ehrlichman/Kleindienst taped telephone conversation. 2944

No. 100-(2773) Notes of meeting with Herb Kalmbach, April 6, 1973, in San Clemente, Calif. 2947


No. 102-(2756) Ehrlichman taped telephone conversation with Pat Gray, March 7 or 8, 1973; also taped telephone conversation with John Dean immediately following Gray conversation. 2950

No. 103-(2756) Ehrlichman taped telephone conversation with Pat Gray. (No date shown.) 2952

No. 104-(2796) Letter from Robert W. Barker to Senator Ervin concerning "Million Dollar Secret Fund" allegation, with attachments. 2954

No. 104A-(2796) Letter to Vice Chairman Howard H. Baker, Jr., from Robert W. Barker, dated August 3, 1973, with attachments. 2974

No. 105-(2500) Congressional Record insert (pages S3911-S3924) re: "Practice by Executive Branch of Examining Individual Tax Returns". 2978

No. 106-(2813) White House "Eyes Onl." memorandum dated October 2, 1972, from John Ehrlichman to John Dean re: Herbert Kalmbach written retainer arrangement enclosing handwritten draft letter. 3003

No. 107-(2815) Ehrlichman taped telephone conversation with Clark MacGregor. 3007

No. 108-(2827) Ehrlichman taped telephone conversation with Ken Clawson. 3009

No. 109-(2828) Ehrlichman taped telephone conversation with Charles Colson on April 17, 1973. 3010

No. 109A-(2906) Sworn statement of Bernard Fensterwald, Jr. 3012
Conversation with Pat Gray, March 7 or 8, 1973

E. Ehrlichman
G. Gray

E. Been testifying today?
G. Yeah, I'm having a ball. Let me just tell you an unusual development that happened today; I think you'll be interested in it—it's not a disaster or anything. It's just a total surprise I think to everybody including me and all the committee members. Over the weekend I had prepared a rather forceful statement saying that this function of the committee was... the function of this committee was to look into my qualifications and to examine my procedural conduct of the Watergate not to get into substance that this had been assigned to the Ervin select subcommittee and they would erect the proper safeguards to protect those who were innocent and were just standbys in this whole matter here of this criminal offense and I talked about constitutional due process and the right to privacy and all that kind of stuff. What the hell should turn up this morning to the chairman of the committee and each member of the committee and then a copy was delivered to me in the hall as we were walking into the hearing room but a three-page letter from the ACLU practically saying the same damn thing. So what has happened is that we got a state of consternation up there right now with the ACLU and the FBI in the same bed. And I don't know what the hell they're going to do on that. I wanted you to know that that development occurred and I also got another letter today along the same lines from a professor who's pretty highly respected and I talked with Jim Eastland. We're going to throw that letter into the hopper tomorrow, too. I'll read that—that's one of the first things I'll do tomorrow morning.

Another thing I want to talk to you about is that I'm being pushed awfully hard in certain areas and I'm not giving an inch and you know those areas and I think you've got to tell John Wesley to stand awful tight in the saddle and be very careful about what he says and to be absolutely certain that he knows in his own mind that he delivered everything he had to the FBI and don't make any distinction between... but that he delivered everything he had to the FBI.

E. Right.
G. And that he delivered it to those agents... this is absolutely imperative.
E. All right.
G. You know I've got a couple of areas up there that I'm hitting hard and I'm just taking them on the attack.
E. OK.
G. I wanted you to know that.
E. Good. Keep up the good work, my boy. Let me know if I can help.
G. All right. He can help by doing that.
E. Good, I'll do it.

Conversation with John Dean same day immediately following

E. Ehrlichman
D. Dean

D. Hello.
E. Hi. Just had a call from your favorite witness.
D. Which is?
E. Patrick J. Gray
D. Oh, really?
E. And he says to make sure that old John W. Dean stays very very firm and steady on his story that he delivered every document to the FBI and that he doesn't start making nice distinctions between agents and directors.

D. He's a little worried, is he?

E. Well, he just doesn't want there to be any question. He says he's hanging very firm and tough and there's a lot of probin' around.

D. Yeah, he's really hanging tough. You ought to read the transcript. It just makes me gag.

E. Really?

D. Oh, it's awful, John.

E. Why did he call me? To cover his tracks?

D. Yeah, sure. I laid this on him yesterday.

E. Oh, I see. OK.

D. I laid it on him to, you know, to fuse the issue so I don't have any idea what he said up there today.

E. I see. It was a funny phone call. Said he was going in to object to the jurisdiction of the group to get into the substance and that their own jurisdiction was to . . . was procedural efforts and his competence and he says the ACLU put a letter in to the same effect.

D. Yeah. Wally picked up an interesting one on the grapevine today that planned strategy now is to proceed in this one as they did in the Kleindienst.

E. Down to the point of calling you?

D. Down to the point of calling me and——

E. Let him hang there?

D. Well I think we ought to let him hang there. Let him twist slowly slowly in the wind.

E. That's right. I was in with the boss this morning and that's exactly where he was coming out. He said I'm not sure that Gray's smart enough to run the Bureau the way he's handling himself.

E. Well, OK, you're on top of it. Good.
Mr. WIhson. Is there a pending question, Mr. Chairman?

Senator WEICHER. I want to be sure Mr. Ehrlichman has a chance to look over the material.

Mr. EHRlichMAN. That is fine.

Senator WEICHER. All right, let's get first to the conversation between yourself and Pat Gray. The first portion of it, let me try to synopsize that, Gray makes some preliminary—unless you want the whole thing read. If you want the whole thing read we can do that. Would that be better to handle it that way so there won't be any unfair—

Mr. EHRlichMAN. Why don't you just ask whatever you have on your mind, Senator, and see if I can answer.

Senator WEICHER. Well, Gray. Pat Gray made some preliminary remarks concerning the position at the judiciary, these are phone conversations of March 7 or 8, 1973, when Pat Gray is before the Judiciary Committee. Subject of his confirmation. Gray made some preliminary remarks concerning his position, that the Judiciary Committee could only question his procedural conduct of the investigation, not the substance since the Ervin committee would do that. He also pointed out the very same day that ACLU submitted a letter to the committee stating the same position.

Gray then went on to say, and then I am going into the exact quote, and this is Gray to Ehrlichman:

Another thing I want to talk to you about is that I'm being pushed awfully hard in certain areas and I'm not giving an inch and you know those areas and I think you've got to tell John Wesley to stand awful tight in the saddle and be very careful about what he says and to be absolutely certain that he knows in his own mind that he delivered everything he had to the FBI and don't make any distinction between—

And then something goes on that is inaudible—

but that he delivered everything he had to the FBI.

Now what did you assume this to mean, what is he talking about here when he says, "And you know those areas I think you have got to tell John Wesley"?

Mr. EHRlichMAN. I assume he was talking about his method of the delivery of the contents of Hunt's safe, the fact that some went to the Washington field office and some went to the Director directly.

Senator WEICHER:

EHRlichMAN. Right.

GRAY. And that he delivered it to those agents • • • this is absolutely imperative.

EHRlichMAN. All right.

GRAY. You know I've got a couple of areas up there that I'm hitting hard and I'm just taking them on the attack.

EHRlichMAN. OK.

GRAY. I wanted you to know that.

EHRlichMAN. Good. Keep up the good work, my boy. Let me know if I can help.

GRAY. All right. He can help by doing that.

EHRlichMAN. Good. I'll do it.

You then immediately called Mr. Dean; is that correct?

Mr. EHRlichMAN. Yes, sir.

*See pp. 2948-2952.
Senator Weicker. I would like to go ahead and read, if we could, this conversation.

Dean. Hello.

Ehrlichman. Hi. Just had a call from your favorite witness.

Dean. Which is?

Ehrlichman. Patrick J. Gray.

Dean. Oh, really?

Ehrlichman. And he says to make sure that old John W. Dean stays very, very firm and steady on his story that he delivered every document to the FBI and that he doesn't start making nice distinctions between agents and directors.

Dean. He's a little worried, is he?

Ehrlichman. Well, he just doesn't want there to be any question. He says he's hanging very firm and tough and there's a lot of probing around.

Dean. Yeah, he's really hanging tough. You ought to read the transcript. It just makes me gag.

Ehrlichman. Really?

Dean. Oh, it's awful, John.

Ehrlichman. Why did he call me? To cover his tracks?

Dean. Yeah, sure. I laid this on him yesterday.

Ehrlichman. Oh, I see. OK.

Dean. I laid it on him to, you know to fuse the issue so I don't have any idea what he said up there today.

Ehrlichman. I see. It was a funny phone call. Said he was going in to object to the jurisdiction of the group to get into the substance and that their only jurisdiction was to—

again inaudible there—

was procedural efforts and his competence and he says the ACLU put a letter in to the same effect.

Dean. Yeah. Wally picked up an interesting one on the grapevine today that planned strategy now is to proceed in this one as they did in the Kleindienst.

Ehrlichman. Down to the point of calling you?

Dean. Down to the point of calling me and—

Ehrlichman. Let him hang there?

Well, I think we ought to let him hang there. Let him twist slowly, slowly in the wind.

Dean. That's right. I was in with the boss this morning and that's exactly where he was coming out. He said I'm not sure that Gray is smart enough to run the Bureau the way he's handling himself.

Ehrlichman. Well, OK, you're on top of it. Good.

Now, Mr. Ehrlichman, that portion of the transcript, "Yes, sure, I laid this on him yesterday," and you said "Oh, I see. OK." What is being referred to there?

Mr. Ehrlichman. I do not know. I do not know and never did know. I do not know what Mr. Dean had talked to him the previous day about. I was looking as you were reading, to see if I could see what had been transpiring in that particular week in those hearings, and it seems to me that the issue was primarily—

Senator Weicker. Dean sat in on the interviews that the FBI conducted during the Watergate investigation and the question of whether Dean would come to the Judiciary Committee and testify.

Mr. Ehrlichman. I think that this was one of a series of telephone calls that Mr. Gray made to me and Mr. Dean at the close of his testifying every day to give us his view of how things had gone for the day, sometimes rather optimistic, but in direct response to your question, I do not know to what that does refer. that is to say, what Mr. Dean talked to him about the previous day.

Senator Weicker. In other words, that would then go into the same area of "I laid it on him, too, you know, to fuse the issue." Again your
response would be similar there—you do not understand what he was

talking about?

Mr. Ehrlichman. Well, that is correct; unless it refers back to this
question of who the documents were delivered to. If it refers to some
other subject, I do not know.

Senator Weicker. Let me ask you a question. Yesterday you testified
to two separate events. One was April 15 where Mr. Petersen and
Attorney General Kleindienst informed the President, and I think
you said yourself also, of the fact that the record, the Hunt records,
had been burned by Pat Gray and that precipitated the phone con-
versation.

Mr. Ehrlichman. No, sir. They had a conversation——

Senator Weicker. If I can finish that, that precipitates the phone
conversation to Gray in the evening?

Mr. Ehrlichman. No. At the time of that telephone call in the
evening, neither the President nor I knew or had any reason to believe
that Mr. Gray had destroyed the documents.

Senator Weicker. Well, I think it might be—let me get back to
that question, I will get back to that question in just a minute.

You also—let me drop back in time—at the beginning of April, you
went out and you had a talk with Judge Byrne relative to the FBI
directorship. Now, it is clear from this taped telephone conversation
that you do not think very much of Mr. Gray unless for some reason
or another swinging around in the breeze is a new term of endearment
that I do not know anything about, and obviously, from what John
Dean says, the President does not think very much of Pat Gray. He
says that “I am not sure Gray is smart enough to run the Bureau the
way he is handling himself,” and obviously, Dean. Dean says, “He
makes me gag.” So John Dean does not think very much of Pat Gray.
What in heavens’ name is Pat Gray doing up there at these confirma-
tion hearings as the nominee of the administration?

Mr. Ehrlichman. Well, Senator, I think you will remember those
confirmation hearings and the revelations of the manner in which Mr.
Gray responded during the hearings, and I think it is fair to say that
there was pretty general disenchantment in the manner in which he
handled himself during that time. What I was looking at while you
were reading was the various events that took place starting back
around the first of the month in those hearings, and climaxing on the
23rd of March with Mr. Gray saying that John Dean probably lied to
the FBI, and then later privately recanting that charge to Mr. Dean
and admitting that it was an overstatement, and so on. At this point
in time there was general disenchantment of Mr. Gray’s conduct in the
process of confirmation, there is not any question about it.

Senator Weicker. But, do you mean to tell me if there is this degree
of disenchantment that you are going to keep this man on as the
nominee and then later on as Acting Director, in fact, until April 27,
when, in fact, it is Pat Gray that steps down, is that correct? There
must be some reason, there must be some reason.

Mr. Ehrlichman. Well, I think the situation was evaluated as being
perhaps doubtful and painful as it existed but perhaps more painful
to withdraw the problem, and so there was a weighing of the alterna-
tive evils, and it was felt on balance that at some time along in there
55. On March 8, 1973 Dean met with the President in the Oval Office from 9:51 to 9:54 a.m. Dean has testified that the President asked if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee, and Dean replied that he believed the matter had been taken care of by Attorney General Klein-dienst. On March 10 the President and Dean spoke by telephone from 9:20 to 9:44 a.m. Dean has testified that the President called to tell him that the executive privilege statement should be got out immediately, and that this should be done before Dean was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

55.1 Meetings and conversations between the President and John Dean, March 8 and 10, 1973 (received from White House).

55.2 John Dean testimony, 3 SSC 995.

55.3 Memorandum of substance of Dean's calls and meetings with the President, March 8, 1973, SSC Exhibit No. 70A, 4 SSC 1797.
No contact between the President and John W. Dean, III, during January, February, and March 1972

April 13, 1972
PM 4:31 4:34 President met with Frank DeMarco, Jr., and John Dean to sign 1971 income tax returns.

May 1, 1972
PM 3:02 3:07 President had photo opportunity in Rose Garden for National Secretaries Week. Mr. Dean attended

No contact between the President and John W. Dean, III, during June and July 1972.

August 14, 1972
PM 12:45 1:11 The President met to sign personal legal documents with:
12:49 1:09 The First Lady
12:49 1:11 John J. Ratchford
12:49 1:11 Mr. Butterfield
12:49 1:11 Mr. Haldeman
12:49 1:12 Mr. Ehrlichman
12:49 1:12 John W. Dean, III
12:49 1:12 John H. Alexander
12:49 1:12 Richard S. Ritzel

No other contact during August 1972
September 15, 1972

PM 3:15 6:17 Mr. Haldeman
5:27 6:17 Mr. Dean

(The President talked with Mr. MacGregor by phone from 5:36 to 5:38)

No other contact during September 1972

October 9, 1972

PM 3:10 3:34 The President met with Samuel Newhouse, President of Newhouse Newspapers and Newhouse Broadcasting and Herb Klein.
3:23 3:34 John Dean joined the meeting.

November 8, 1972

The President attended a senior staff meeting in the Roosevelt Room. Mr. John Dean was in attendance.

November 12, 1972

8:40 8:44 The President met aboard "Spirit of '76" with Rose Mary Woods and Mr. and Mrs. John Dean

No contact between the President and John W. Dean, III, during November and December 1972.
January 21, 1973

AM 11:05 12:04 President and First Lady hosted Worship Service. John Dean attended.

February 27, 1973

PM 3:55 4:20 President met with John Dean alone in Oval Office.

February 28, 1973

AM 9:12 10:23 President met with John Dean in Oval Office.

March 1, 1973

AM 9:18 9:46 President met with his Counsel, John W. Dean, III, in the Oval Office.
(At 9:36 the President rec'd a call from AG Kleindienst. Dean met with Mr. Dean in the Oval Office. too the call.)
PM 1:06 1:14 President met with Mr. Dean in the Oval Office

March 6, 1973

AM 11:49 12:00 President met with Mr. Dean in the Oval Office.

March 7, 1973

AM 8:53 9:16 President met with Mr. Dean in the Oval Office.

March 8, 1973

AM 9:51 9:54 President met with Mr. Dean in the Oval Office.
March 10, 1973

AM 9:20 9:44 President talked long distance with Mr. Dean. President initiated the call from Camp David to Mr. Dean who was in Washington, D. C.

March 13, 1973

PM 12:42 2:00 President met with Mr. Dean in the Oval Office.
     (Mr. Haldeman was present from 12:43-12:55)

March 14, 1973

AM 8:36 President telephoned Mr. Dean. The call was not completed.
     8:55 8:59 Mr. Dean returned the call and talked with the President.
     9:43 10:50 President met with Mr. Dean in the P's EOB Office.
     Also present were:
     Mr. Kissinger (departed at 9:50)
     Ronald L. Ziegler
     Richard A. Moore (9:55-10:50)

PM 12:27 12:28 President telephoned Mr. Dean.
     12:47 1:30 President met with Mr. Moore and Mr. Dean.
     4:25 4:26 President talked with Mr. Dean. (The President initiated the call.)
     4:34 4:36 President talked with Mr. Dean. (Mr. Dean initiated the call.)

March 15, 1973

PM 5:36 6:24 President met with Mr. Dean and Mr. Moore in the Oval Office.
March 16, 1973

AM 10:34 11:06 President met with Mr. Dean in the Oval Office.  
Mr. Ziegler was present from 10:58-11:10.

PM 8:14 8:23 President talked with Mr. Dean. (The President initiated the call.)

March 17, 1973

PM 1:25 2:10 President met with Mr. Dean in the Oval Office.

March 19, 1973

PM 4:59 President requested that Mr. Moore and Mr. Dean join him in his EOB Office.

5:03 5:41 President met with Mr. Moore and Mr. Dean in his EOB Office.

March 20, 1973

AM 10:46 10:47 President talked with Mr. Dean. (The President initiated the call.)

PM 12:59 1:00 President talked with Mr. Dean. (The President initiated the call.)

1:42 2:31 President met with Mr. Dean and Mr. Moore.

7:29 7:43 President talked with Mr. Dean. (The President initiated the call.)
March 21, 1973

AM 10:12 11:55 President met with Mr. Dean in the Oval Office. Mr. Haldeman was also present for at least part of the time.

PM 5:20 6:01 President met with Mr. Dean in the President's EOB office. Also present were:
- Mr. Ziegler (departed at 5:25)
- Mr. Haldeman
- Mr. Ehrlichman (5:25-6:01)
- Gen. Scowcroft (5:27-6:05)

March 22, 1973

PM 1:57 3:43 President met with Mr. Dean in the President's EOB Office. Also present were:
- Mr. Ehrlichman (2:00-3:40)
- Mr. Haldeman (2:01-3:40)
- Mr. Mitchell (2:01-3:43)

March 23, 1973

PM 12:44 1:02 President talked long distance with Mr. Dean.
(The President initiated the call from Florida to Mr. Dean who was in Washington, D.C.)

3:28 3:44 President talked long distance with Mr. Dean.
(The President initiated the call from Florida to Mr. Dean who was in Camp David, Md.)

No contact during the period April 1-14

April 15, 1973

PM 9:17 10:12 President met with Mr. Dean in the President's EOB Office.

March 22: Deleted -- (Mr. Dean was scheduled to attend the President's staff briefing in the EOB Briefing Room which the President attended from 8:44-9:03. Attendance was not confirmed on this briefing.)
April 16, 1973

AM 10:00 10:10 President met with Mr. Dean in Oval Office.

PM 4:07 4:35 President met with Mr. Dean in the President's EOB Office.

4:04 4:05 President talked with Mr. Dean. (The President initiated the call.)

April 17, 1973

AM 9:19 9:25 President talked with Mr. Dean. (The President initiated the call.)

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.
HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JUNE 25 AND 26, 1973
Book 3

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alternative was absurd. I also discussed with the President the fact that Ziegler was considering endorsing the ACLU letter to the Judiciary Committee regarding the turning over of FBI materials. The President thought that that was a good idea. At the end of the meeting the President instructed me to tell the Attorney General to cut off Gray from turning over any further Watergate reports to the Senate Judiciary Committee. He said this just had to cease.

MEETING OF MARCH 8

I had a very brief meeting with the President on this date during which he asked me if something had been done to stop Gray from turning over FBI materials to the Senate Judiciary Committee. I told him I thought that the matter had been taken care of by the Attorney General.

PHONE CONVERSATION OF MARCH 10

The phone conversation of March 10. The President called me to tell me that he felt we should get the executive privilege statement out immediately; that this should be done before I was called before the Senate Judiciary Committee in connection with the Gray hearings so that it would not appear that the statement on executive privilege was in response to the action by the Senate committee.

MEETING OF MARCH 13

This was a rather lengthy meeting, the bulk of which was taken up by a discussion about the Gray hearings and the fact that the Senate Judiciary Committee had voted to invite me to appear in connection with Gray's nomination. It was at this time we discussed the potential of litigating the matter of executive privilege and thereby preventing anybody from going before any Senate committee until that matter was resolved. The President liked the idea very much, particularly when I mentioned to him that it might be possible that he could claim attorney/client privilege on me so that the strongest potential case on executive privilege would probably rest on the counsel to the President. I told him that obviously, this area would have to be researched. He told me that he did not want Haldeman and Ehrlichman to go before the Ervin hearings and that if we were litigating the matter on Dean, that no one would have to appear. Toward the end of the conversation, we got into a discussion of Watergate matters specifically. I told the President about the fact that there were money demands being made by the seven convicted defendants, and that the sentencing of these individuals was not far off. It was during this conversation that Haldeman came into the office. After this brief interruption by Haldeman's coming in, but while he was still there, I told the President about the fact that there was no money to pay these individuals to meet their demands. He asked me how much it would cost. I told him that I could only make an estimate that it might be as high as $1 million or more. He told me that that was no problem, and he also looked over at Haldeman and repeated the same statement. He then asked me who was demanding this money and I told him it was principally coming from Hunt through his attorney. The President then referred to the fact that Hunt had been promised Executive clemency. He said that he
NOTE

The following page is an excerpt from "Memorandum of Substance of Dean's Calls and Meetings with the President," a document prepared in June 1973 by Fred D. Thompson, Minority Counsel to the Senate Select Committee, following a conversation with J. Fred Buzhardt, Special Counsel to the President. The entire document, accompanied by Mr. Thompson's affidavit concerning his conversation with Mr. Buzhardt, is reprinted as Exhibit 70A, 4 SSC 1794-1800.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

Printed for the use of the
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<td>List of Democratic contributors of $25,000 or more in 1968 campaigns (from New York Times Story, June 20, 1971).</td>
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**Note:** Figures in parentheses indicate pages that exhibit was officially made part of the record.
March 8, 1973

President inquired as to whether Chapin had helped Segretti. Dean said no.

March 10, 1973

(March 12: Issued statement on executive privilege, applies to present and former staff but will provide information.)

March 13, 1973

Preparation for press conference. Went over questions and answers. President inquired as to Ken Rietz. Dean said no illegality involved. President asked if Colson or Haldeman knew Segretti. President asked if Mitchell and Colson knew of Watergate. Dean said there was nothing specific on Colson; that he didn't know about Mitchell but that Strachan could be involved. President states again that Dean should compile a written report about the matter. Dean said Sirica was a hanging judge, the President said he liked hanging judges. They discussed fund raising before April 7. Dean said that everything that had been done was legal.

March 14, 1973

Press conference was discussed -- questions and answers. Discussed executive privilege. Decided they needed a Supreme Court test. Decided that the President should discuss his 1946 position. That afternoon the President suggested Dean should possibly appear before the press and discussed whether Chapin should make a statement about Segretti. The Gray hearings and the use of FBI files were also discussed.

March 15, 1973

President held press conference. That afternoon discussed that day's press conference and decided on use of "separation of powers" instead of executive privilege terminology.

March 16, 1973

The President reiterated his position on use of raw FBI files. Suggested Dean's written report be accompanied by affidavit. Dean suggested untimely release of written report might prejudice rights of innocent people. Discussed possibility of getting