
Don Edwards

Follow this and additional works at: http://digitalcommons.law.scu.edu/watergate

Part of the Administrative Law Commons, Ethics and Professional Responsibility Commons, Legal History, Theory and Process Commons, and the Politics Commons

Automated Citation
http://digitalcommons.law.scu.edu/watergate/12

This Book is brought to you for free and open access by the Law Library Collections at Santa Clara Law Digital Commons. It has been accepted for inclusion in Watergate Hearings by an authorized administrator of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.
1. On March 22, 1973 from 1:57 to 3:43 p.m. there was a meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Transcript Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nature and purpose of a written report on Watergate-related matters to be drafted by John Dean.</td>
<td>22-33, 52-53, 57, 74-75</td>
</tr>
<tr>
<td>White House contacts with the Senate Select Committee, and discussion of the activities of that Committee.</td>
<td>7-19, 27-32, 35, 46-51, 58-61, 64-68</td>
</tr>
<tr>
<td>White House position on doctrine of executive privilege, and possible changes in that position.</td>
<td>14, 19-21, 32-44, 62, 64, 67-69, 76</td>
</tr>
<tr>
<td>White House relationship to future Grand Jury investigations.</td>
<td>56-58</td>
</tr>
<tr>
<td>Reference to White House approach to disclosure as &quot;modified limited hang out&quot; and other discussion relating to disclosure.</td>
<td>70-74, 81-82, 86</td>
</tr>
</tbody>
</table>

1.1 Tape recording of meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean, March 22, 1973, 1:57-3:43 p.m., and House Judiciary Committee transcript thereof.

1.2 H. R. Haldeman notes, March 22, 1973 (received from Watergate Grand Jury).
2. On March 22, 1973, during the meeting specified in the preceding paragraph, the President telephoned Attorney General Kleindienst and spoke to him from 2:19 to 2:26 p.m. According to the White House log of meetings and conversations between the President and the Attorney General, except for the President's cabinet meeting on March 9, the last previous meeting or conversation between the President and Attorney General Kleindienst occurred on March 1, 1973. The President directed Kleindienst to be the Administration's contact with Senator Howard Baker in connection with the hearings to be conducted by the Senate Select Committee. He asked Kleindienst to give Senator Baker "guidance," to be "our Baker handholder," to "babysit him, starting in like, like ten minutes."

2.1 Tape recording of meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean, March 22, 1973, 1:57-3:43 p.m., and House Judiciary Committee transcript thereof.

2.2 Meetings and conversations between the President and Richard Kleindienst, March 22, 1973 (received from White House).
3. On the morning of March 23, 1973 Judge John Sirica read in open court a letter that James McCord had written on March 19, 1973. The letter alleged in part that political pressure to plead guilty and remain silent had been applied to the defendants in the Watergate trial; that perjury had occurred during the trial; and that others involved in the Watergate operation were not identified when they could have been by those testifying. At this time, Judge Sirica deferred final sentencing of all defendants except Gordon Liddy. Judge Sirica stated that he would weigh as a factor in final sentencing the defendants' cooperation with the ongoing Watergate investigations.


4. On the morning of March 23, 1973 members of the press attempted to question John Dean regarding Patrick Gray's testimony at his confirmation hearings on the previous day that Dean "probably lied" when he told FBI agents on June 22, 1972 that he did not know whether Howard Hunt had a White House office. Later in the morning of March 23 Dean was informed by Paul O'Brien, an attorney for CRP, that a letter from James McCord to Judge Sirica had been read in open court. Dean has testified that he then telephoned Ehrlichman to inform him of McCord's letter and that Ehrlichman stated he had already received a copy. In the early afternoon of March 23 the President telephoned Dean from Key Biscayne. Dean has testified that the President told him, "Well, John, you were right in your prediction." Dean has testified that the President suggested that Dean and his wife go to Camp David and get some relaxation, and that Dean analyze the situation and report back to him.

4.1 John Dean testimony, 3 SSC 1002-03.
4.3 Meetings and conversations between the President and John Dean, March 23, 1973 (received from White House).
5. On March 23, 1973 the President telephoned Patrick Gray at 1:11 p.m. According to the President's logs the last time the President had spoken to Gray was on February 16, 1973. Gray has testified that he cannot remember the President's precise words, but that the call was a "buck up call" in which the President told Gray that he knew the beating Gray had taken at his confirmation hearing; that it was very unfair; and that there would be another day to get back at their enemies. Gray has testified that he remembered distinctly that the President said to him, "You will remember, Pat, I told you to conduct a thorough and aggressive investigation." Gray also has testified that from March 21 on he received no order from the President or anyone implementing a Presidential directive to get all the facts with respect to the Watergate matter and report them directly to the President.

5.1 Meetings and conversations between the President and L. Patrick Gray, June 15, 1972 to April 30, 1973 (received from White House).

5.2 L. Patrick Gray log, March 23, 1973 (received from SSC).

5.3 L. Patrick Gray testimony, 9 SSC 3489-91, 3506-07.
6. On March 23, 1973 the President met with H. R. Haldeman in Key Biscayne, Florida from 1:25 to 1:45 p.m. and from 2:00 to 6:30 p.m. Haldeman has testified that on March 23 the President told him that he had been informed about the McCord letter and its contents, and that the President asked Haldeman to call Charles Colson to ask if Colson had ever offered Howard Hunt clemency or had any conversation with Hunt about clemency. Haldeman telephoned Colson some time before 2:15 p.m. on March 23 and asked what commitment Colson had made to Howard Hunt with respect to the commutation of his sentence. Colson reported to Haldeman on this matter. Immediately after this conversation Colson dictated a memorandum of the conversation for the file. Colson's memorandum states, in part, that he told Haldeman that he made no representations nor used any one else's name in the conversation; that he had only told Hunt's lawyer that as long as he was around he would do anything he could to help Hunt. Colson's memorandum states that Haldeman asked what would happen if Hunt "blew" and that Colson replied that "it would be very bad" and that Hunt "would say things that would be very damaging." Colson's memorandum states that Haldeman replied, "then we can't let that happen."

6.1 Meetings and conversations between the President and H. R. Haldeman, March 23, 1973 (received from White House).

6.2 H. R. Haldeman testimony, 8 SSC 3075-76.

6.3 Charles Colson draft statement prepared for delivery to the SSC, September 1972, 41-43.

6.4 Memorandum for the file from Charles Colson, March 23, 1973 (received from SSC).
7. According to Colson's memorandum to the file regarding the telephone conversation between Colson and Haldeman described in the preceding paragraph, Haldeman also questioned Colson about a telephone conversation Colson had had with Magruder. Colson reported to Haldeman that one night in January or February 1972 Hunt and Liddy had come to Colson's office, and Hunt had stated that Liddy had some excellent plans and ideas for intelligence and counterintelligence which he had not been able to have approved at CRP. Colson told Haldeman that without learning of the details of the plan or endorsing the plan, Colson had telephoned Magruder, had asked Magruder to advise Liddy whether he was going to be used in the campaign, and had told Magruder that Hunt was a good man and that his ideas should be considered. Colson told Haldeman that Magruder had assured Colson that the plan would be considered. Haldeman told Colson that Magruder might not remember the conversation the same way and that Magruder thought Colson had told him to start Liddy's operation. Haldeman also told Colson that the reason for Haldeman's call was to help decide whether all White House aides should volunteer immediately to go before the Grand Jury waiving all privilege. Haldeman said he was concerned that the President not appear to be covering up.

7.1 Memorandum for the file from Charles Colson, March 23, 1973 (received from SSC).

See Book I, Tab 6 for additional evidence regarding Colson's 1972 telephone conversation with Magruder.
8. On the afternoon of March 23, 1973 Dean and his wife went to Camp David, Maryland. The White House logs indicate that the President spoke by telephone with Dean at Camp David from 3:28 to 3:44 p.m. Dean has testified that after the operator said that the President was calling Haldeman came on the line and said that while Dean was at Camp David he should spend some time writing a report on everything he knew about Watergate. Dean has testified that when he asked whether the report was for internal or public use Haldeman said that would be decided later. Haldeman has testified that Dean had been told to write a report prior to the time he left for Camp David.

8.1 John Dean testimony, 3 SSC 1002-03.

8.2 H. R. Haldeman testimony, 7 SSC 2901.
9. Between March 23 and March 28, 1973 John Dean stayed at Camp David and attempted to prepare a report on matters relating to the break-in at the DNC headquarters and the investigation of the break-in. A draft of portions of a report was prepared by Dean, and partially typed. It related certain events before and after the Watergate break-in. The draft report made no reference to Dean's meetings with the President or to any statements or actions by the President. Dean has testified that during his stay at Camp David he decided that he would have to think of some way for the President to get out in front of the matter and that he discussed with Haldeman the creation of an independent Warren-type commission. On March 28, 1973 Haldeman called Dean and requested that he return to Washington to meet with Mitchell and Magruder.

9.1 John Dean testimony, 3 SSC 1003-06.


9.3 John Dean Camp David report, SSC Exhibit No. 34-43, 3 SSC 1263-93.
10. On March 26, 1973 the Los Angeles Times reported that James McCord had told investigators for the Senate Select Committee that both John Dean and Jeb Magruder had prior knowledge of the break-in at the DNC headquarters. On this same morning, H. R. Haldeman, who was with the President in Key Biscayne, Florida called Dean at Camp David. They discussed Dean's recollection of facts relating to the authorization of the Liddy Plan. Haldeman has testified that he asked Dean if he would have any problems if the President announced that day that he was requesting that Dean go to the grand jury without immunity; Dean replied that he would have no problem with appearing before the grand jury, but that his testimony concerning the number and purpose of the meetings among Dean, John Mitchell, Gordon Liddy and Magruder would conflict with the testimony previously given by Magruder; Dean stated that there were other areas of concern, such as payments to the defendants by Kalmbach, the $350,000, the Hunt threat, and Colson's talk about helping Hunt. Following his telephone call with Dean, Haldeman met with the President. Haldeman has testified that the President decided to drop his plan to announce that Dean would be requesting an appearance immediately before the grand jury. Haldeman has testified that the problem was that Dean had not really sorted out the facts at that point and it was not appropriate for him to go to the grand jury.

10.1 Los Angeles Times, March 26, 1973, 1, 12.
10.2 Meetings and conversations between the President and H. R. Haldeman, March 26, 1973 (received from White House).
10.3 H. R. Haldeman calendar, March 23, 1973 (received from SSC).
10.4 H. R. Haldeman testimony, 7 SSC 2901-2902.
10. On March 26, 1973 the Los Angeles Times reported that James McCord had told investigators for the Senate Select Committee that both John Dean and Jeb Magruder had prior knowledge of the break-in at the DNC headquarters. On this same morning, H. R. Haldeman, who was with the President in Key Biscayne, Florida called Dean at Camp David. They discussed Dean's recollection of facts relating to the authorization of the Liddy Plan. Haldeman has testified that he asked Dean if he would have any problems if the President announced that day that he was requesting that Dean go to the grand jury without immunity; Dean replied that he would have no problem with appearing before the grand jury, but that his testimony concerning the number and purpose of the meetings among Dean, John Mitchell, Gordon Liddy and Magruder would conflict with the testimony previously given by Magruder. Following his telephone call with Dean, Haldeman met with the President. Haldeman has testified that the President decided to drop his plan to announce that Dean would be requesting an appearance immediately before the grand jury. Haldeman has testified that the problem was that Dean had not really sorted out the facts at that point and it was not appropriate for him to go to the grand jury.

10.1 Los Angeles Times, March 26, 1973, 1, 12.
10.2 Meetings and conversations between the President and H. R. Haldeman, March 26, 1973 (received from White House).
10.3 H. R. Haldeman calendar, March 23, 1973 (received from SSC).
10.4 H. R. Haldeman testimony, 7 SSC 2901-02.
On March 26, 1973 the President, in the presence of H. R. Haldeman, instructed Ronald Ziegler, his press secretary, to express the President's confidence in John Dean. Ziegler announced publicly on that day that the President had "absolute and total" confidence in Dean.


11.3 Copies of UPI and AP wire clips for March 26, 1973 (received from Watergate Grand Jury).
12. On March 26, 1973 John Dean telephoned Jeb Magruder and Dean made a recording of the conversation. Dean has testified that he telephoned Magruder and taped this conversation at Haldeman's suggestion. Magruder acknowledged that the Los Angeles Times story stating that Dean had prior knowledge of the break-in was a "bum rap" for Dean. There was also discussion about the number and purpose of meetings among John Mitchell, Gordon Liddy, Magruder and Dean. Magruder told Dean that Magruder had testified that there had been "one meeting, not two," and that the purpose of the meeting was to go over the general framework of the job of CRP general counsel.

12.1 John Dean testimony, 3 SSC 1004.

12.2 Taped conversation between Dean and Magruder, SSC Exhibit No. 34-40, 3 SSC 1258-59.
13. On March 26, 1973 the United States Attorney's office filed in open court a motion for an order compelling Gordon Liddy to testify under a grant of immunity before the grand jury investigating the Watergate break-in. As of March 27, 1973 Judge Sirica granted leave to proceed forthwith with grand jury interrogation of Howard Hunt and other of the convicted Watergate defendants. From March 28, 1973 through April 5, 1973 hearings were held in open court and orders were entered compelling Howard Hunt, Gordon Liddy and the remaining Watergate defendants to testify before the grand jury under grant of immunity.

14. On March 27, 1973 Jeb Magruder met with John Mitchell in New York City and discussed the potential of Magruder's being brought before the grand jury on a perjury count. Magruder has testified that he received from Mitchell assurances respecting continued salary and that they discussed executive clemency. Mitchell has testified that with respect to support, he told Magruder that he "was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so." Mitchell has testified that he did not make any promises of executive clemency. During the conversation, Magruder asked for a meeting with Haldeman.

14.1 Jeb Magruder testimony, 2 SSC 806-07.
14.3 John Mitchell testimony, 4 SSC 1633-34.
1. On March 22, 1973 from 1:57 to 3:43 p.m. there was a meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean. The following is an index to certain of the subjects discussed in the course of that meeting:

<table>
<thead>
<tr>
<th>Nature and purpose of a written report on Watergate-related matters to be drafted by John Dean.</th>
<th>TRANSCRIPT PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>22-33, 52-53, 57, 74-75</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>White House contacts with the Senate Select Committee, and discussion of the activities of that Committee.</th>
<th>TRANSCRIPT PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>7-19, 27-32, 35, 46-51, 58-61, 64-68</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>White House position on doctrine of executive privilege, and possible changes in that position.</th>
<th>TRANSCRIPT PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>14, 19-21, 32-44, 62, 64, 67-69, 76</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>White House relationship to future Grand Jury investigations.</th>
<th>TRANSCRIPT PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>56-58</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Reference to White House approach to disclosure as &quot;modified limited hang out&quot; and other discussion relating to disclosure.</th>
<th>TRANSCRIPT PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>70-74, 81-82, 86</td>
<td></td>
</tr>
</tbody>
</table>

1.1 Tape recording of meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean, March 22, 1973, 1:57-3:43 p.m., and House Judiciary Committee transcript thereof.

1.2 H. R. Haldeman notes, March 22, 1973 (received from Watergate Grand Jury).
See "Transcript Prepared by the Impeachment Inquiry Staff for the House Judiciary Committee of a Recording of a Meeting Among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean on March 22, 1973 from 1:57 to 3:43 p.m."
3/22
1400

M. E. + D?

They just re John Dean

Preferred that re. nice list on Carson
(aside during the WJ)

rec. writer once. gun.

of Scafe. Dean report

DV
2. On March 22, 1973, during the meeting specified in the preceding paragraph, the President telephoned Attorney General Kleindienst and spoke to him from 2:19 to 2:26 p.m. According to the White House log of meetings and conversations between the President and the Attorney General, except for the President's cabinet meeting on March 9, the last previous meeting or conversation between the President and Attorney General Kleindienst occurred on March 1, 1973. The President directed Kleindienst to be the Administration's contact with Senator Howard Baker in connection with the hearings to be conducted by the Senate Select Committee. He asked Kleindienst to give Senator Baker "guidance," to be "our Baker handholder," to "babysit him, starting in like, like ten minutes."

2.1 Tape recording of meeting among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean, March 22, 1973, 1:57-3:43 p.m., and House Judiciary Committee transcript thereof.

2.2 Meetings and conversations between the President and Richard Kleindienst, March 22, 1973 (received from White House).
See "Transcript Prepared by the Impeachment Inquiry Staff for the House Judiciary Committee of a Recording of a Meeting Among the President, John Mitchell, H. R. Haldeman, John Ehrlichman and John Dean on March 22, 1973 from 1:57 to 3:43 p.m."
<table>
<thead>
<tr>
<th>Date</th>
<th>Time 1</th>
<th>Time 2</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>February 2, 1973</td>
<td></td>
<td></td>
<td>Richard Kleindienst</td>
</tr>
<tr>
<td>February 8, 1973</td>
<td>AM 8:00</td>
<td>9:51</td>
<td>Breakfast Meeting with Members of the Cabinet -- Kleindienst attended</td>
</tr>
<tr>
<td>February 16, 1973</td>
<td>AM 9:39</td>
<td>9:44</td>
<td>Cabinet Meeting -- Kleindienst attended</td>
</tr>
<tr>
<td>March 1, 1973</td>
<td>AM 9:36</td>
<td>10:52</td>
<td>President received local call from Kleindienst</td>
</tr>
<tr>
<td></td>
<td></td>
<td>10:56</td>
<td>President placed local call to Kleindienst</td>
</tr>
<tr>
<td>March 9, 1973</td>
<td>AM 10:14</td>
<td>12:09PM</td>
<td>Cabinet Meeting -- Kleindienst attended</td>
</tr>
<tr>
<td>March 22, 1973</td>
<td>PM 2:19</td>
<td>2:26</td>
<td>President placed local call to Kleindienst</td>
</tr>
<tr>
<td>March 23, 1973</td>
<td>PM 4:42</td>
<td>5:12</td>
<td>President received long distance call from Kleindienst</td>
</tr>
<tr>
<td></td>
<td>4:59</td>
<td></td>
<td></td>
</tr>
<tr>
<td>February 23, 1973</td>
<td>AM 10:08</td>
<td>10:52</td>
<td>President met with Kleindienst</td>
</tr>
</tbody>
</table>
3. On the morning of March 23, 1973 Judge John Sirica read in open court a letter that James McCord had written on March 19, 1973. The letter alleged in part that political pressure to plead guilty and remain silent had been applied to the defendants in the Watergate trial; that perjury had occurred during the trial; and that others involved in the Watergate operation were not identified when they could have been by those testifying. At this time, Judge Sirica deferred final sentencing of all defendants except Gordon Liddy. Judge Sirica stated that he would weigh as a factor in final sentencing the defendants' cooperation with the ongoing Watergate investigations.


<table>
<thead>
<tr>
<th>Date</th>
<th>Proceedings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973Mar 12</td>
<td>#1, et al: NOTICE setting Friday, March 23, 1973, at 10:00 a.m., as date for sentencing of defts. Hunt, Barker, Martinez, Sturgis and Gonzalez, and for hearing of pending motions of defts. Liddy and McCord and in the event of denial of the motions, sentencing of these two deft will also take place immediately following such denial. (N) SIRICA, C.J.</td>
</tr>
<tr>
<td>1973Mar 20</td>
<td>#1: RECORD returned from USCA; receipt acknowledged.</td>
</tr>
<tr>
<td></td>
<td>#3: RECORD returned from USCA; receipt acknowledged.</td>
</tr>
<tr>
<td>1973Mar 23</td>
<td>AS OF MARCH 20, 1973:</td>
</tr>
<tr>
<td></td>
<td>#3 (McCord): Letter dated 3-19-73 from deft to Judge Sirica, together with carbon copy of a letter written by deft to Walter Rugabbee on 3-19 both of which were inserted in a white envelope 6&quot;x4&quot; bearing a type-written notation &quot;Judge John J. Sirica-Personal&quot; &amp; with a pen &amp; ink notation &quot;J.W.McCord&quot; appearing on reverse and/or sealing side which delivered to Judge Sirica's chambers on 3-20-73, together with transcript of proceedings held in Judge Sirica's chambers thereafter, together with notes of Court Reporter Nicholas Sokal, ORDERED SEALED UNTIL FURTHER ORDER OF COURT.</td>
</tr>
<tr>
<td></td>
<td>#3 (McCord): Both sealed letters referred to in entry of 3-20-73, together with transcript of proceedings held in Judge Sirica's chambers (pages 1-11, incl. Nicholas Sokal, Court Reporter) (Court's Copy), ORD UNSEALED IN OPEN COURT &amp; FILED; stenographic notes returned to Mr. Sokal Court Reporter.</td>
</tr>
<tr>
<td></td>
<td>#3 (McCord): MOTION of deft filed 3-8-73 for judgment of acquittal alternatively for a new trial, heard &amp; denied, Order to be presented.</td>
</tr>
<tr>
<td>Date</td>
<td>Proceedings</td>
</tr>
<tr>
<td>------</td>
<td>-------------</td>
</tr>
<tr>
<td>23rd Mar 1973</td>
<td>(CONTINUED FROM PREVIOUS PAGE).</td>
</tr>
<tr>
<td></td>
<td>#3 (McCord): Sentencing continued until 3-30-73.</td>
</tr>
<tr>
<td></td>
<td>#1 (Liddy): MOTION of deft filed by deft on 3-1-73 for judgment of acquittal or alternatively for a new trial &amp; to arrest judgment on the first count of the indictment, heard &amp; denied; Order to be presented.</td>
</tr>
<tr>
<td></td>
<td>#1 (Liddy): SENTENCED: 20 months to 5 years &amp; to pay a fine of $10,000.00 on Count 1 (Conspiracy-18 USC 371); 5 years to 15 years on Counts 2 &amp; 3 (Burg. II - 22 DCC 1001b; said sentence to run concurrent with each other &amp; concurrent with sentence imposed on Count 1; 20 months to 5 years on each of Counts 4, 5 &amp; 8 (Unlawful endeavor to intercept oral &amp; wire communications-18 USC 2511(1)(a), said sentences as to imprisonment under Counts 4 &amp; 5 &amp; 8 to run concurrent with each other &amp; consecutive to sentences imposed under Counts 1, 2 &amp; 3, but sentences as to the fines on Counts 4, 5 &amp; 8 are to be cumulative; from foregoing sentences imposed, it is Court's intention that deft serve a total sentence of 6 years &amp; 8 months to 20 years &amp; to pay a fine of $40,000.00; deft to stand committed until fine is paid or deft is otherwise released in accordance with law; remanded.</td>
</tr>
<tr>
<td></td>
<td>#2, 4, 5, 6, 7 (Hunt, Barker, Martinez, Sturgis &amp; Gonzalez): COMMITTED pursuant to section 4208(b), 18 USC, for observation, study, report &amp; recommendation.</td>
</tr>
<tr>
<td></td>
<td>#2 (Hunt): deft committed; commitment issued.</td>
</tr>
<tr>
<td></td>
<td>#4, 5, 6, 7: Remanded.</td>
</tr>
<tr>
<td></td>
<td>SIRICA, C.J. Rep-N. Sokal 1-Peter L. Maroulis &amp; Thomas A. Kennelly, Atty 2-William O. Bittman &amp; Austin S. Mittler, Atty 3-Gerald Alch &amp; Bernard Shankman, Atty; 4, 5, 6, 7- Daniel E. Schultz, Atty</td>
</tr>
</tbody>
</table>

| 26th Mar 1973 | #1: ORDER denying motions of deft. filed 3-1-73 for judgment of acquittal or alternatively for a new trial. (N) SIRICA, C.J. |
|               | #3: ORDER denying motion of deft. filed 3-8-73 for judgment of acquittal or alternatively for a new trial. (N) SIRICA, C.J. |
|               | #1: JUDGMENT AND COMMITMENT of 3-23-73. |
UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA

vs

GEORGE GORDON LIDDEY, et al

3.2 United States v. Liddy
transcript

Criminal No. 1827-72

FILED
APR 17 1973
JAMES F. DAVEY, Clerk

TRANSCRIPT OF PROCEEDINGS

Friday, March 23, 1973

(SENTENCING)

COPY FOR: The House Judiciary Committee

PAGES: 1-6(9) 10-47 44

NICHOLAS SOKAL
OFFICIAL REPORTER
4809-F U. S. COURTHOUSE
WASHINGTON, D. C. 20001

TELE: 423-7454
THE COURT: Good morning.

I have a preliminary matter which we will consider before arguments on the motions and sentencing.

The defendant Mr. McCord sent a letter to me last Tuesday, March 20th, by way of a probation officer. In the presence of the probation officer, my two law clerks and the court reporter I opened the envelope and read into the record the two enclosures it contained. The letters and the transcript were then sealed until further order of the Court. I have considered this communication from Mr. McCord as a supplement to the presentence report in his case. I am now ordering unsealed those letters and the transcript of proceedings of March 20, 1973. They will be filed in the record. The two letters are brief and I will read them now for the benefit of counsel before we proceed further. Let me have the letter.

(The clerk unsealed the envelope and handed the contents to the Court.)

The first one I shall read is a copy of a letter dated March 19, addressed to Mr. Walter Rugaber of the New York Times, Washington, D.C.:

"Dear Mr. Rugaber:

activities attributed to Mr. Bernard Barker and associates by one Reinaldo Pico. In the article by juxtaposition my name is mentioned in connection with such activities.

"As I have telephonically advised your office after seeing the article I have no knowledge of or connection with any such strong-arm activities referred to in the article. Neither have I ever met Mr. Pico to my knowledge

"You made no effort to contact my attorneys or me prior to publication of the article which I regret since we could have stated for publication what I just said above.

Very truly yours,

James W. McCord, Jr."

The other letter dated March 19 on the letterhead of James W. McCord, Jr., 7 Winder Court, Rockville, Maryland, addressed to Judge Sirica states:

"Certain questions have been posed to me from your honor through the probation officer, dealing with details of the case, motivations, intent and mitigating circumstances.

"In endeavoring to respond to these questions, I am whipsawed in a variety of legalities. First, I may be called before a Senate Committee investigating this matter. Secondly, I may be involved in a civil suit; and thirdly there may be a new trial at some future date.
"Fourthly, the probation officer may be called before the Senate Committee to present testimony regarding what may otherwise be a privileged communication between defendant and Judge, as I understand it; if I answered certain questions to the probation officer, it is possible such answers could become a matter of record in the Senate and therefore available for use in the other proceedings just described. My answers would, it would seem to me, to violate my Fifth Amendment rights, and possibly my Sixth Amendment right to counsel and possibly other rights.

"On the other hand, to fail to answer your questions may appear to be non-cooperation, and I can therefore expect a much more severe sentence.

"There are further considerations which are not to be lightly taken. Several members of my family have expressed fear for my life if I disclose knowledge of the facts in this matter, either publicly or to any government representative. Whereas I do not share their concerns to the same degree, nevertheless, I do believe that retaliatory measures will be taken against me, my family, and my friends should I disclose such facts. Such retaliation could destroy careers, income, and reputations of persons who are innocent of any guilt whatever.

"Be that as it may, in the interests of justice, and in the interests of restoring faith in the criminal justice
system, which faith has been severely damaged in this case, I will state the following to you at this time which I hope may be of help to you in meting out justice in this case:

"1. There was political pressure applied to the defendants to plead guilty and remain silent.

"2. Perjury occurred during the trial in matters highly material to the very structure, orientation and impact of the government's case, and to the motivation and intent of the defendants.

"3. Others involved in the Watergate operation were not identified during the trial, when they could have been by those testifying.

"4. The Watergate operation was not a CIA operation. The Cubans may have been misled by others into believing that it was a CIA operation. I know for a fact that it was not.

"5. Some statements were unfortunately made by a witness which left the Court with the impression that he was stating untruths, or withholding facts of his knowledge, when in fact only honest errors of memory were involved.

"6. My motivations were different than those of the others involved, but were not limited to, or simply those offered in my defense during the
system, which faith has been severely damaged in this case. I will state the following to you at this time which I hope may be of help to you in making out justice in this case:

"1. There was political pressure applied to the defendants to plead guilty and remain silent.

"2. Perjury occurred during the trial in matters highly material to the very structure, orientation and impact of the government's case, and to the motivation and intent of the defendants.

"3. Others involved in the Watergate operation were not identified during the trial, when they could have been by those testifying.

"4. The Watergate operation was not a CIA operation. The Cubans may have been misled by others into believing that it was a CIA operation. I know for a fact that it was not.

"5. Some statements were unfortunately made by a witness which left the Court with the impression that he was stating untruths, or withholding facts of his knowledge, when in fact only honest errors of memory were involved.

"6. My motivations were different than those of the others involved, but were not limited to, or simply those offered in any defense during the
trial. This is no fault of my attorneys, but
of the circumstances under which we had to pre-
pare my defense.

"Following sentence, I would appreciate the opportunity
to talk with you privately in chambers. Since I cannot
feel confident in talking with an FBI agent, in testifying
before a Grand Jury whose U.S. Attorneys work for the
Department of Justice, or in talking with other govern-
ment representatives, such a discussion with you would be
of assistance to me.

"I have not discussed the above with my attorneys as a
matter of protection for them.

"I give this statement freely and voluntarily, fully realizing
that I may be prosecuted for giving a false statement to
a Judicial official, if the statements herein are knowingly
untrue. The statements are true and correct to the best
of my knowledge and belief.

James W. McCord, Jr."

We will take a 20 minute recess and I will hear any
comments from any attorneys on this.

(Brief recess taken at 10:10 a.m.)
in fact as a practical matter made the individual cooperation of any one of them impossible.

Secondly, despite the fact that prior to trial these four Defendants wished to plead guilty. It is a matter of record that their attorney prevented them from so doing and over their objection proceeded to make an opening statement in which he raised a defense for which there is no basis in law. In fact, though these four persons who in effect may be perhaps following orders retained this one attorney. As matters turned out they were his captives in a relative sense, if the Court please, we think though their guilt is clear their moral culpability is of a lesser degree.

Thank you.

THE COURT: All right, let the Defendants be seated.

Now with respect to the five Defendants who have entered guilty pleas, that is, Messrs. Hunt, Barker, Martinez, Sturgis, and Gonzalez, the Court finds that it requires more detailed information before it can make a final determination of the sentences to be imposed.

The Court will therefore implement, at this time, the provisions of Title 18 United States Code Section 4208(b).

That section reads as follows:

"(b) If the Court desires more detail information as a basis for determining the sentence to be imposed, the Court may commit the Defendant to the custody
of the Attorney General, which commitment shall be deemed to be for the maximum sentence of imprisonment prescribed by law, for a study as described in subsection (c) hereof. The results of such study, together with any recommendations which the Director of the Bureau of Prisons believes would be helpful in determining the disposition of the case, shall be furnished to the Court within three months unless the Court grants time, not to exceed an additional three months, for further study. After receiving such reports and recommendations, the Court may in its discretion: (1) Place the prisoner on probation as authorized by Section 3651 of this Title, or (2) affirm the sentence of imprisonment, and commit the offender under any applicable provision of law. The term of the sentence shall run from date of original commitment under this section."

Now the effect of the Court's ruling then is this:

First, each of you five Defendants now before me are provisionally committed for the maximum sentence of imprisonment prescribed by law for your offenses.

Second, a study will be conducted under the direction of the Bureau of Prisons. Within three months, the Court will be furnished with the results of this study together with any recommendations made by the Director of the Bureau of Prisons.
Should more than three months be required, the Court may grant time for further study up to an additional three months.

Third, once the studies with respect to each Defendant are completed and the Court has analyzed the information contained therein, the Court will make a final disposition of your cases.

The Court will have basically three alternatives:

1. To affirm the sentence of imprisonment originally imposed, that is, the maximum sentence; (2) to reduce the sentence of imprisonment as the Court deems appropriate; or, (3) to place the Defendant on probation.

In any case, the terms of sentence will begin to run from the date of original commitment.

Now the fact that I am submitting the matter for further study does not mean that I have given little or no thought to a sentencing decision. The Court has already given a great deal of consideration to sentencing in each of your cases. I have carefully studied the presentence reports and the trial transcripts.

Among other things, I have taken into consideration, and will keep in mind, the fact that each of you voluntarily entered pleas of guilty.

On the other side of the scale is the fact that none of you have been willing to give the Government or other appropriate authorities any substantial help in trying this
case or in investigating the activities which were the subject
of this case.

I think, under the case law, the Court is entitled to consider this fact in determining sentences.

For the record, I will cite two cases which discuss this aspect of sentencing: United States v. Sweig, 454 F.2d 181 (2nd Circuit 1972), and United States v. Vermeulen, 436 F.2d 72 (2nd Circuit 1970) certiorari denied 402 U.S. 911, by the Supreme Court.

I believe I may also properly suggest to you that in the interval between now and when the Bureau of Prisons studies are completed you give serious consideration to lending your full cooperation to investigating authorities.

Now I want to speak plainly about this matter. You will no doubt be given an opportunity to provide information to the Grand Jury which has been, and still is, investigating the Watergate affair and to the Senate / Committee on Presidential Campaign Activities.

I sincerely hope that each of you will take full advantage of any such opportunity. My sentiments in this regard are identical to those expressed on February 28th of this year by Judge Warren J. Ferguson, a United States District Judge in Los Angeles, California and a man for whom I have the highest admiration. Judge Ferguson has before him a matter which is, in many respects, analogous to this case. That proceeding grew
out of certain unlawful transactions revealed a few years ago involving a one-time sergeant major of the Army. This man and others pleaded guilty before Judge Ferguson on the 28th to an information charging them with fraud and corruption in the operation of the United States military clubs in parts of Europe, Viet Nam and the United States. At the time of the plea, Judge Ferguson made a statement which I am going to read now. He has stated the matter exceptionally well. I quote:

"There are various sentencing philosophies: To deter other people from committing crime, to deter the defendant himself from committing other crimes against the Government, to rehabilitate people and all of the other various philosophical reasons why judges sentence people.

"In this case, for various reasons which are not necessary for the Court to express from the bench, I am more concerned that the activities to which you have pled guilty will not occur in the future by any other sergeant of the Army, sergeant major of the Army, any master sergeant of the Army, or any staff sergeant of the Army or anybody else in the military system and I don't know whether or not the three of you are isolated incidents of the things to which you have pled guilty and whether or not it is the system which permitted this activity to take place.
"The things we say here, if I can paraphrase a great President, will not be long remembered. You and I are individuals and life is pretty slender and what I do to you basically is not going to affect other sergeant majors in the Army and another war that comes along in our future, and they will come. But I want to do all I can to insure that in future wars or future military operations that the system, the system itself, prohibits the conduct to which you have entered your guilty pleas. Because if that is accomplished, then there has been a benefit to the Government, really.

"I don't think the Government wants a pound of flesh out of you. That is very little benefit to the Government. That is very little benefit to society. That is very little benefit to anybody except an expression that society does not approve of the things you have entered your guilty pleas to. But you will pass on and there will be other people taking your place and Wooldridge will be forgotten about and Higdon will be forgotten about and nobody will remember Bass as individuals. There will be a flurry of publicity as a result of your guilty pleas, naturally, but in a week or so it will be forgotten about.

"But you see, I don't want it forgotten. So I have
told your attorneys that the sentence that I will impose upon you -- and I am making no promise of leniencies; I want that clearly and positively understood; I am making no promise of leniency -- but the sentence I will impose will depend primarily on whether or not you cooperate with the permanent subcommittee on investigation of the United States Senate and if you are asked to testify and give evidence before that permanent subcommittee and if you testify openly and completely, regardless of what the implications are to yourself or to anyone else or to the system so that the branch of the Government which can take corrective action of the system is able to take action on the system so that this activity simply does not occur again, then I will take that into consideration because I want to see something beneficial to the Government come out of these proceedings.

"Now, I don't know what the subcommittee will do but I fully expect you to cooperate absolutely, completely and entirely with whoever from that subcommittee, whether it is a Senator or whether it is a staff investigator. Whoever it is who interrogates you, you will openly and honestly testify."

Now I believe that the Watergate affair, gentlemen, the subject of this trial, should not be forgotten. Some good
can and should come from a revelation of sinister conduct whenever and wherever such conduct exists. I am convinced that the greatest benefit that can come from this prosecution will be its impact as a spur to corrective action so that the type of activities revealed by the evidence at trial will not be repeated in our nation.

For these reasons I recommend your full cooperation with the Grand Jury and the Senate Select Committee. You must understand that I hold out no promises or hopes of any kind to you in this matter but I do say that should you decide to speak freely I would have to weigh that factor in appraising what sentence will be finally imposed in this case. Other factors will of course be considered but I mention this one because it is one over which you have control and I mean each one of the five of you.

In conclusion, the Court's aim is to acquire a thorough acquaintance with the character and history of the Defendants so as to be able to impose that sentence which most fully comports with justice in each individual case.
4. On the morning of March 23, 1973 members of the press attempted to question John Dean regarding Patrick Gray's testimony at his confirmation hearings on the previous day that Dean "probably lied" when he told FBI agents on June 22, 1972 that he did not know whether Howard Hunt had a White House office. Later in the morning of March 23 Dean was informed by Paul O'Brien, an attorney for CRP, that a letter from James McCord to Judge Sirica had been read in open court. Dean has testified that he then telephoned Ehrlichman to inform him of McCord's letter and that Ehrlichman stated he had already received a copy. In the early afternoon of March 23 the President telephoned Dean from Key Biscayne. Dean has testified that the President told him, "Well, John, you were right in your prediction." Dean has testified that the President suggested that Dean and his wife go to Camp David and get some relaxation, and that Dean analyze the situation and report back to him.

4.1 John Dean testimony, 3 SSC 1002-03.


4.3 Meetings and conversations between the President and John Dean, March 23, 1973 (received from White House).
4.1 John Dean testimony
Senator Baker's staff was very desirous of a meeting to get guidance. It was at this point that the President called the Attorney General and told him that he should get up to meet with Senator Baker as soon as possible and get some of these problems regarding executive privilege and the turning of documents over resolved with the committee immediately. After the conversation with the Attorney General, there was a continued discussion of how to deal with the Ervin committee. I asked the President to excuse me from the meeting for a moment because I was working with Ziegler on a response to a statement that Gray had made. The President asked me what that was about and I then explained to him about Gray's statement. I told him what Gray had said and I also told him what the facts were. He excused me to use the telephone in his office and said that I should get that resolved as quickly as possible.

When I returned to the conversation with the President, Mitchell, Haldeman, and Ehrlichman, they were still talking about dealing with the Ervin committee. The President told me that the White House should start directly dealing with the committee and that I should go up and commence discussions with Senator Ervin as to the parameters of executive privilege.

I told the President that I did not think this would be wise because I was very much the party in issue with regard to the Judiciary Committee hearings and that it would be unwise for me to go to the Hill and negotiate my own situation. The President agreed and Ehrlichman said that he would commence discussions.

The meeting was almost exclusively on the subject of how the White House should posture itself vis-a-vis the Ervin committee hearings. There was absolutely no indication of any changed attitude and it was like one of many, many meetings I had been in before, in which the talk was of strategies for dealing with the hearings rather than any effort to get the truth out as to what had happened both before June 17 and after June 17.

Following this meeting with the President, it was apparent to me that I had failed in turning the President around on this subject, but Ehrlichman and Haldeman began taking over with regard to dealing with a new problem, which had become John Dean, as they were aware of the fact that I was very unhappy about the situation.

**Trip to Camp David**

On Friday morning, March 23, my house was surrounded by camera crews as a result of Gray's statement the day before, that I had "probably lied." Accordingly, I decided to wait until the camera crews departed before going to the office. It was midmorning when Paul O'Brien called to tell me about Judge Sirica's reading McCord's letter in open court. O'Brien gave me the high points of the letter as they had been reported to him by someone from the courthouse. He also told me that McCord had only hearsay knowledge. I then called Ehrlichman to tell him about it. He said he had a copy of the letter and read it to me. I asked him how he received a copy so quickly.

He responded: "It just came floating into my office." He asked me what I thought about it and I told him I was not surprised at all and repeated to him what O'Brien had told me that McCord probably had only hearsay knowledge. He asked me if I was in my office and
I informed him that I was a prisoner of the press and would be in shortly.

After my conversation with Ehrlichman, the President called. Referring to our meeting on March 21 and McCord's letter, he said: "Well, John, you were right in your prediction." He then suggested I go up to Camp David and analyze the situation. He did not instruct me to write a report, rather he said to go to Camp David, "take your wife, and get some relaxation." He then alluded to the fact that I had been under—

Senator Ervin. I will have to depart because I have less than 5 minutes to get over there. This is good training for running in the Olympics.

[Recess.]

Senator Baker. Mr. Dean, we are not trying to hurry along but I stayed on the floor of the Senate until this rollcall began because in the last short rollcall vote Senator Weicker and I missed the vote and one or two others did, and so we are going to interchange in the interest of time. If you do not mind you might continue now.

Mr. Dean. Thank you, Senator.

He then alluded to the fact that I had been under some rather intense pressure lately, but he had been through this all his life and you cannot let it get to you. He said that he was able to do his best thinking at Camp David, and I should get some rest and then assess where we are and where we go from here and report back to him. I told him I would go.

My wife and I arrived at Camp David in the midafternoon. As we entered the cabin in which we were staying, the phone was ringing. The operator said it was the President calling but Haldeman came on the phone. Haldeman said that while I was there I should spend some time writing a report on everything I knew about the Watergate. I said I would do so. I asked him if it was for internal use or public use. He said that would be decided later.

I spent the rest of the day and the next day thinking about this entire matter. I reached the conclusion, based on earlier conversations I had with Ehrlichman, that he would never admit to his involvement in the coverup. I did not know about Haldeman, but I assumed that he would not because he would believe it a higher duty to protect the President. The more I thought about it the more I realized that I should step forward because there was no way the situation was going to get better—rather, it could only get worse. My most difficult problem was how I could end this mess without mortally wounding the President. I had no answer, because I felt once I came forward the matter would be for the American people to decide, and not for me to decide. I finally concluded that I would have to think of some way for the President to get out in front of the matter, despite what happened to everybody else.

I called Mr. Moore and talked with him about it. We talked about a Presidential speech, where the President would really lay the facts out; we talked about immunity for everyone involved; we talked about a special Warren-type commission that would put the facts out; we talked about some half measures that might satisfy the public interest; but we both realized that nothing less than the truth would sell. As I mentioned earlier, Moore and I had talked about some of these con-
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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
For sale by the Superintendent of Documents,
Price: $0.15 Domestic postage: $0.10
Stock Number 029-001-003-074-4

[2725]
Senator Byrd. The next day Mr. Dean called you at 10:25 a.m. regarding leaks concerning material delivered to the FBI. What particular leak and what specific material did he have in mind?

Mr. Gray. He was calling me then about those rumors that were continuing, as he put it, to the effect that the FBI was dragging its feet in this investigation and that a gun had been found in Mr. Hunt’s effects. This was the subject of that call, as best as I can recollect it, sir.

Senator Byrd. On the same afternoon at 4:25 you called him. You state you have no recollection of the substance of that call. Could it have been with respect to Mr. Hunt’s properties?

Mr. Gray. No, I do not think it was. I covered that pretty thoroughly in that morning call. That is why I am sure it isn’t. I have tried to remember it. It could have been on leaks. It could have been on toll call records, or it could have been on witness interviews, but I just don’t know.

Senator Byrd. Going back to Mr. Dean, when he indicated that he would have to check to see if Mr. Hunt had an office in the Old Executive Office Building, he lied to the agents; didn’t he?

Mr. Gray. I would say looking back on it now and exhaustively analyzing the minute details of this investigation, I would have to conclude that that probably is correct, yes, sir.

Senator Byrd. Now, you just conclude that at this point.

How about on the 27th, the day after—

Mr. Gray. No, sir. No, sir, there were none of us that discussed it in that time frame. We did not even consider it. We didn’t think about it.

Senator Byrd. I cannot for the life of me, with all due respect to you, imagine how these things would not have occurred to you in the face of the chain of events that are on the record.

Mr. Gray. We are looking at it in hindsight, Senator Byrd.

Senator Byrd. I am talking about the 27th—looking back on the 19th and the 22d of June.

Mr. Gray. I think you have to place it in the proper perspective as we looked at it with a fast moving, fast-paced investigation, with events and reports and details coming in. I am saying to you that it did not occur to us then. We were concerned at the time about the chain of custody. There is no question about that.

Senator Byrd. Mr. Gray, hindsight is a very useful agent. Let’s take hindsight for a moment. You indicated that Mr. Dean probably lied to the FBI agents as you now look back, yet yesterday you said you would continue to send to him raw FBI files if he requested them. Why would you now continue to send raw FBI files to an individual who probably lied, to use your words, to an FBI agent?

Mr. Gray. Well, Senator Byrd, I think that you have got to realize once again that I am a Bureau Chief in an executive department of the Government, that I have to take orders from somebody, that I do report to somebody, that I am just not out there in the open, you know, independent and doing exactly as I please, and that man is Counsel to the President of the United States.

Senator Byrd. I recognize all this.

Mr. Gray. I think you know that his first duty—I would like, if I may, to let the record clearly show that I have testified that his first duty was to the President of the United States in connection with the
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.)
5. On March 23, 1973 the President telephoned Patrick Gray at 1:11 p.m. According to the President's logs the last time the President had spoken to Gray was on February 16, 1973. Gray has testified that he cannot remember the President's precise words, but that the call was a "buck up call" in which the President told Gray that he knew the beating Gray had taken at his confirmation hearing; that it was very unfair; and that there would be another day to get back at their enemies. Gray has testified that he remembered distinctly that the President said to him, "You will remember, Pat, I told you to conduct a thorough and aggressive investigation." Gray also has testified that from March 21 on he received no order from the President or anyone implementing a Presidential directive to get all the facts with respect to the Watergate matter and report them directly to the President.

5.1 Meetings and conversations between the President and L. Patrick Gray, June 15, 1972 to April 30, 1973 (received from White House).

5.2 L. Patrick Gray log, March 23, 1973 (received from SSC).

5.3 L. Patrick Gray testimony, 9 SSC 3489-91, 3506-07.
MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND L. PATRICK GRAY
(June 15, 1972 to April 30, 1973)

July 6, 1972
AM 8:28 8:33 President placed long distance call to L. Patrick Gray

November 22, 1972
AM 10:41 10:42 President placed long distance call to L. Patrick Gray

February 16, 1973
AM 9:08 9:38 President met with L. Patrick Gray
(Ehrlichman 9:08 - 9:38)

March 23, 1973
PM 1:10 1:24 President placed long distance call to Gray

April 5, 1973
PM 3:08 3:18 President received long distance call from Gray

April 27, 1973
AM 11:00 President received local call from Gray -- Larry Higby took call
<table>
<thead>
<tr>
<th>Time</th>
<th>Caller</th>
<th>VIA</th>
<th>Action</th>
<th>Initial</th>
</tr>
</thead>
<tbody>
<tr>
<td>9:30</td>
<td>Miss Ethel L. Moriarty</td>
<td>FBI</td>
<td>Saw Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>Bureau Photographer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7:35</td>
<td>Mr. Frederick H. Freud, Jr.</td>
<td>FBI</td>
<td>Saw Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>Wife</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9:35</td>
<td>Miss Dola Palmer</td>
<td>FBI</td>
<td>Saw Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>Bureau Photographer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9:42</td>
<td>Mr. John H. Carpenter</td>
<td>FBI</td>
<td>Saw Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>Bureau Photographer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9:44</td>
<td>Mr. Raley Erickson</td>
<td>FBI</td>
<td>Spoke to Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>SAC J.F. Santolina, Jr.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11:00</td>
<td>Mr. Gray</td>
<td>FBI</td>
<td>Spoke to Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>SAC J. F. Santolina, Jr.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11:23</td>
<td>Mr. Gray</td>
<td>FBI</td>
<td>Spoke to Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>SAC J. F. Santolina, Jr.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12:30</td>
<td>Mr. Lichtenstein</td>
<td></td>
<td>Spoke to Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>Mr. Lichtenstein</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1:00</td>
<td>President Nixon</td>
<td>FBI</td>
<td>Spoke to Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>SAC J. F. Santolina, Jr.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2:00</td>
<td>Mr. Jack Musser</td>
<td>FBI</td>
<td>Spoke to Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td>SAC J. F. Santolina, Jr.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2:41</td>
<td>Mr. Lichtenstein</td>
<td></td>
<td>Saw Mr. Gray</td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9:31</td>
<td>Office Closed</td>
<td></td>
<td></td>
<td>RG1</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Director's Log**

**Time**: 7:30
**IN**
**OUT**: 7:30
**Office**

**Time**: 8:32
**IN**
**OUT**: 8:47

**Time**: 10:00
**IN**
**OUT**: 10:47

**Time**: 11:00
**IN**
**OUT**: 11:00

**Time**: 12:30
**IN**
**OUT**: 12:30

**Date**: Friday, March 25, 1971

**Director of the FBI, L. Patrick Gray Log**

**File**: [2734]
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
to question at this time to Senator Weicker, in which case Senator Weicker will not be subject, since he is exercising counsel's time, will not be subject to the 10-minute rule.

Senator Weicker. Thank you, Mr. Chairman.

Mr. Gray, I would like to, if I could, just set the background prior to this questioning because of certain comments that have been made relative to our relationship, the fact that I look upon you as I do because of a longstanding friendship, et cetera.

Prior to 1969 when I came to Washington, at which time you came to serve Mr. Finch or with Mr. Finch, had you and I ever met?

Mr. Gray. No, sir.

Senator Weicker. Have you been in my house or I in yours in a social sense aside from the meeting that we had in my home relative to this matter here?

Mr. Gray. No, sir. I didn't even know who you were. [Laughter.]

Senator Weicker. And the positions that you were offered in the administration, these weren't positions that I recommended you for but rather positions that came about in your relationships with the administration. Is that correct?

Mr. Gray. Yes, I didn't even know you, Senator Weicker, and I made no request of you and the only reason I got into the administration at all was through Bob Finch and I had to labor mightily even to get in and come back here and serve my country at a tremendous financial sacrifice.

Senator Weicker. It is true, however, that since the matter of Watergate has arisen and problems associated therewith to you and I have had increasing frequency of contact.

Mr. Gray. Yes, Senator Weicker, that is correct.

Senator Weicker. Now, I would like to read to you, if I might, Mr. Gray, a portion of the President's statement of April 30, 1973, specifically that portion which states:

Until March of this year I remained convinced that the denials were true and that the charges of involvement by members of the White House staff were false. The comments I made during this period and the comments made by my press secretary in my behalf were based on the information provided to us at the time we made those comments. However, new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me. As a result, on March 21 I personally assumed the responsibility for coordinating intensive new inquiries into the matter and I personally ordered those conducting the investigations to get all the facts and to report them directly to me right here in this office.

My first question to you, in light of the President's statement of April 30, where he states that on March 21 he personally assumed the responsibility for new inquiries and personally ordered those conducting the investigations to "get all the facts and report them directly to me right here in this office." My first question is: Did you ever receive after March 21 or from March 21 on a directive from the President of the United States relative to these Watergate matters, which directive inquired of you as to what your investigations were producing, sir?

Mr. Gray. No, sir. The President did telephone me on March 23 and this was the typical back-up type of call—
Senator Weicker. May I stop here for 1 minute, Mr. Gray? Was the FBI investigating—were they still involved in investigations of Watergate in March?

Mr. Gray. Yes, because it was due to the action that I took—I tried to take it in October and I did take it in December to get us into the activities that were political in nature, you might say. They involved the activities of Mr. Segretti and to the best of my knowledge, information and belief, and I believe that I have exhibits before this committee which indicate all of what I am saying right now, Senator Weicker, we were at that time still investigating.

Senator Weicker. And you received from March 21 on—we will get to the phone conversation in a minute—no order from the President as one who was conducting the investigation “to get all the facts and to report them directly to me,” the President, “right here in this office”?

Mr. Gray. I did not, sir, and I received no such order from anybody.

Senator Weicker. All right.

Now, would you please tell the committee as to what happened in the phone call of March 23?

Mr. Gray. The March 23 phone call from the President, once again, it was a surprise to me. I did not really expect to see it. That followed the testimony I had given on March 22 and which in response to a question from Senator Byrd I had said that Mr. Dean had probably lied when he was talking with our agents and the way the questions were phrased by Senator Byrd there was no other answer I could give. But the President called me on March 23 and it was in the nature of a buck-up call to say, and I cannot remember his precise words, but to say I know the beating that you are taking up there and it is very unfair and there will be another day to get back at our enemies and there will always be a place for you in the Nixon administration, and I thanked the President and then I remembered distinctly him saying, “You will recall, Pat, that I told you to conduct a thorough and aggressive investigation,” and I remembered that so distinctly because I had the eerie feeling that this was being said to me but why, and I related it immediately to the July 6 telephone conversation I had had with the President in the previous year.

Senator Weicker. Now, the July 6 telephone conversation as I recall, this one emanated from the west coast, is that correct?

Mr. Gray. Yes, sir. That is the one that I testified to in my statement.

Senator Weicker. Do you have any understanding as to where the March 23 phone call emanated from?

Mr. Gray. No, sir. I do not know. I do not know as of this day and maybe I do not know if my telephone logs would show on March 23. We can take a look but I do not know of my own independent recollection right now.

Senator Weicker. But you do recall the nature of the conversation. It was, No. 1, to buck you up in relation to your confirmation hearings, and having done that, the President turned to you and said, “You will remember, Pat—our previous conversation?”

Mr. Gray. No; he just said, “You will remember, Pat. I told you to conduct a thorough and aggressive investigation.”

My daily log which was presented before this committee, for Friday, March 29, 1973, shows that at 1:11 p.m., on that day “President Nixon telephoned and spoke to Mr. Gray.” That would indicate
to me that that telephone conversation was made in Washington, since there is no reference at all to San Clemente or Key Biscayne and normally the people who kept this log would make such references.

Senator Weicker. Now, Mr. Gray, I would like to move along, if we can, to the events of April, more specifically those events which commenced with your telling me of the burning of the files in your office on April 26. I think that has been gone into in detail. If there is anything you want to add, any further question, I am sure they will develop that, but I would like to move from April 26 to the afternoon of April 26 and have you recount to the committee in your own words what transpired in the late afternoon of April 26.

Mr. Gray. Well, Senator Weicker, it was after 6 o'clock in the evening when I was leaving and I believe it to be somewhere between 6:15 and 6:30 and I was driving out the gate and the police officer there, of the GSA security force, Officer Cousin, whom I used to say hello to every night as we drove out, exchanging a few pleasantries, said to me that Mr. Petersen had called and it is urgent and you are to call him right away, and I got out of my car and I walked into the guard booth there and I telephoned Mr. Petersen and Mr. Petersen said that he had had a call from the Attorney General, Attorney General Kleindienst, and Attorney General Kleindienst wanted to meet with us in his office at 7 p.m. Mr. Petersen said he was calling from the golf course and was coming in directly from the golf course and it was about the stories and rumors that were on the media circuit that the files had been burned. And I said, fine, I will go back up to my office and wait a while, and I asked my driver, Special Agent Thomas Mote, who is also a good friend of mine, to park the car and wait for me, and I went on up to the office and at about 7:15 p.m. I walked over to the Attorney General's office and I found the main door locked and I walked to what we call an alcove door that leads almost directly into his own private office and I can remember pulling out my key and the door was open. I did not have to use my key. And I walked right in, walked through the conference room, walked into the secretary's area and picked up the phone, called Mr. Petersen and told him that I was here in the Attorney General's office and just then the Attorney General walked in—I could hear his footsteps—and I told Mr. Petersen the Attorney General walked in, come on up, and I went back immediately and the Attorney General said to me the President had called him and is concerned about the reports that these files were burned and that we had to meet and make some recommendation to the President.

By then Mr. Petersen had come up. We both sat in chairs in front of the Attorney General's desk and I told them that I had spoken with you. I did not say to them that you had talked to the press, even though you had told me that you did. You said to me you are probably going to be the angriest man in the world at me for talking to the press and I told you, no, you ought to be the angriest man in the world at me. I did not say that you had given this information to the press but I said I believe that Senator Weicker knows all about this because I have spoken to him.

Then Mr. Kleindienst said let's have a drink. [Laughter.] And Mr. Petersen and Mr. Kleindienst and I all went into a little private office off of his main office and Mr. Kleindienst fixed a drink for himself and Mr. Petersen and I do not drink and I just sat there in an over-
Senator Inouye. In all the years that you have served in the Navy, did any superior officer request of you an illegal act?

Mr. Gray. That is a pretty broad question, Senator Inouye, and I am trying to think very hard. I am thinking of some wartime operations and thinking of some of the things we did. They could be classed as illegal, perhaps. And I am thinking particularly when I commanded a submarine during the Korean war. But—

Senator Inouye. And you followed those orders implicitly without questioning?

Mr. Gray. Well, you know, Senator Inouye, you are getting me to the point where I am going to have to tell you what those orders are and those are very, very sensitive orders.

Senator Inouye. What I am trying to say, did you feel a bit strange that the President was requesting you to do something which was rather illegal?

Mr. Gray. No, I haven't testified that the President was requesting me to do that. That hasn't been the thrust of my testimony.

Senator Inouye. You have testified that you had assumed that the orders had come from the Chief Executive?

Mr. Gray. That I assumed that these men are acting within the color of their office and within their authority, absolutely there is no question about that.

Senator Inouye. And you didn't think it was strange for the President through his subordinates to ask you to commit an illegal act?

Mr. Gray. I think that I may have testified earlier that if I had stopped then and there and said, I want in writing from the President of the United States to do this, that I wouldn't have gotten it; but I didn't have that thought at that time. Senator Inouye; there was no reason for me to have that thought at that time, I was not that suspicious.

Senator Inouye. Was this the practice that has been referred to as deniability?

Mr. Gray. Sir, I don't know because I don't know about that practice of deniability. I know what it refers to, I know it refers to earlier testimony here, but I had never heard that utilized within the Department of Justice.

Senator Inouye. Now, on March 28 of this year you had a conversation, a telephone conversation with the President. And you have just testified that when the President said, "Pat, remember, I told you to conduct a thorough investigation," you said you had an eerie feeling.

What did you mean by that?

Mr. Gray. Yes, I thought he was trying to put that on the record, so to speak, relating all the way back to the July 6 conversation.

Senator Inouye. Are you suggesting that the President was putting this on tape?

Mr. Gray. You know, at the time, Senator Inouye, I didn't know that these conversations were being taped but, nevertheless, I had that eerie feeling that the President is reminding me of something and why, that was my reaction. But at that time I didn't know that these were on tape.

Senator Inouye. Further elaborate on the eerie feeling.

Mr. Gray. Sir?

Senator Inouye. Can you further elaborate on the eerie feeling?
Mr. Gray. No, it was just that I had the feeling that I was being reminded of something and the only thing that I could think of was the July 6 telephone conversation.

Senator Inouye. You said reminding you of something to place it on the record. Is that what you said?

Mr. Gray. Yes.

Senator Inouye. And what came to your mind at that point?

Mr. Gray. The prior conversation that the President had had with me.

Senator Inouye. I have just one final question.

This may sound like a very ridiculous question, but three articles have been written suggesting that the December 8 plane crash in Midway Airport in Chicago was not just an ordinary plane crash, and that there were some insidious activities involved.

People have suggested that there were certain passengers with cyanide in their system and that the FBI had refused to investigate this.

Are you aware of these articles?

Mr. Gray. I hesitate to say “No” to you because I may have read of them, but when you say, Senator, “cyanide in their system,” I am quite sure I haven’t read of that one and I am equally certain that there was no refusal on my part as acting director of the FBI to investigate that. I don’t know that the matter did come up. I would have to check to see whether or not a request was made.

Senator Inouye. Did you request that the Midway crash—

Mr. Gray. Did I? Did the FBI? I do not know. I cannot answer that question. Usually a crash like that is investigated first by, it is my understanding that it is investigated first by the National Transportation Safety Board but I would have to check FBI records to see—

Senator Inouye. Wasn’t the FBI a bit curious when one of the passengers happened to be Mrs. E. Howard Hunt with $100 bills in her possession?

Mr. Gray. I don’t know whether the FBI was a bit curious or not. I can’t really answer that question.

Senator Inouye. It was on the front pages of most of the papers of the United States.

Mr. Gray. I realize that. I am aware of that. And the only thing I can say to you is that at that period of time I was still hospitalized in Connecticut and I don’t know whether a directive came over for the FBI to interview or not interview. I really don’t.

Senator Inouye. Now, you riddled through these papers, I just wanted to give you time to think about this. Can you recollect as to the contents of those other papers in the Hunt file?

Mr. Gray. The only recollection I have of those, Senator Inouye, is that they were onion skin copies of correspondence, that is what they appeared to be to me.

Senator Inouye. After reading the Diem cablegram you were not curious about the other papers?

Mr. Gray. No, sir; I was not and I did not read them or I would testify today to you what was in them. I wish I could. If I may I would like to correct one thing at least in my testimony. You know when I took that action I didn’t consider that to be an illegal action at the inception or at the end, Senator Inouye, on my part. And I still don’t.
On March 23, 1973 the President met with H. R. Haldeman in Key Biscayne, Florida from 1:25 to 1:45 p.m. and from 2:00 to 6:30 p.m. Haldeman has testified that on March 23 the President told him that he had been informed about the McCord letter and its contents, and that the President asked Haldeman to call Charles Colson to ask if Colson had ever offered Howard Hunt clemency or had any conversation with Hunt about clemency. Haldeman telephoned Colson some time before 2:15 p.m. on March 23 and asked what commitment Colson had made to Howard Hunt with respect to the commutation of his sentence. Colson reported to Haldeman on this matter. Immediately after this conversation Colson dictated a memorandum of the conversation for the file. Colson's memorandum states, in part, that he told Haldeman that he made no representations nor used any one else's name in the conversation; that he had only told Hunt's lawyer that as long as he was around he would do anything he could to help Hunt. Colson's memorandum states that Haldeman asked what would happen if Hunt "blew" and that Colson replied that "it would be very bad" and that Hunt "would say things that would be very damaging." Colson's memorandum states that Haldeman replied, "then we can't let that happen."

6.1 Meetings and conversations between the President and H. R. Haldeman, March 23, 1973 (received from White House).

6.2 H. R. Haldeman testimony, 8 SSC 3075-76.

6.3 Charles Colson draft statement prepared for delivery to the SSC, September 1972, 41-43.

6.4 Memorandum for the file from Charles Colson, March 23, 1973 (received from SSC).
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 20, 1973</td>
<td></td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>AM</td>
<td>10:47</td>
<td>Ehrlichman</td>
</tr>
<tr>
<td>PM</td>
<td>6:00</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td></td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td></td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td></td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>6:25</td>
<td>President placed local call to Haldeman</td>
</tr>
<tr>
<td></td>
<td></td>
<td>President placed local call to Haldeman</td>
</tr>
<tr>
<td></td>
<td>7:10</td>
<td>President placed local call to Haldeman</td>
</tr>
<tr>
<td></td>
<td>10:05</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>3:02</td>
<td>President received local call from Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>3:05</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>5:20</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>6:01</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>6:25</td>
<td>President placed local call to Haldeman</td>
</tr>
<tr>
<td></td>
<td>6:30</td>
<td>President placed local call to Haldeman</td>
</tr>
<tr>
<td>March 22, 1973</td>
<td></td>
<td>President attended a briefing on foreign and domestic policy</td>
</tr>
<tr>
<td>AM</td>
<td>8:44</td>
<td>for members of the Sub-Cabinet and commissioned WH Staff members</td>
</tr>
<tr>
<td>AM</td>
<td>9:08</td>
<td>Haldeman attended</td>
</tr>
<tr>
<td>PM</td>
<td>2:01</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>1:10</td>
<td>President placed local call to Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>1:25</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>2:00</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>2:00</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>3:25</td>
<td>Ziegler</td>
</tr>
<tr>
<td>PM</td>
<td>3:40</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>3:43</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>6:30</td>
<td>President met with Haldeman</td>
</tr>
</tbody>
</table>
Mr. Thompson. And he told that to the President, too, as best you can remember?

Mr. Haldeman. Yes, I think he did.

And then he, I believe, said that his concern, as far as the White House was concerned, as far as the White House was involved in the pre-June 17 area, was in two possibilities. One, that there had been a phone call from Colson to Magruder which could have been considered or could be construed as pressure by Colson on Magruder to go ahead with this project. He, I do not think, went into any real specifics on that, and the other point was the question of whether Haldeman had seen the, as he called them, I think, the fruits of the bugging activity, because it was his understanding that the fruits had been sent to Strachan.

Mr. Thompson. What was the basis of his understanding?

Mr. Haldeman. I do not know that he identified a basis, I do not recall that he did. I think he simply said it.

Mr. Thompson. Did he at any time subsequent to that talk to you about where he was getting his information, where he got his information, that you possibly might have seen the fruits of some of this surveillance activity?

Mr. Haldeman. I think at that very—it is hard to put this into when, but he had told me that Magruder had told him that he had sent bugging material to Strachan.

Mr. Thompson. Did he tell you that Strachan had said anything to him about his receiving such material?

Mr. Haldeman. No; the only recollection I have as far as Strachan is concerned, is that he had consistently said that he had not received such material.

Mr. Thompson. All right. Does that pretty well cover the pre-June 17 discussion?

Mr. Haldeman. Those two points were basically it, as far as pre-June 17.

Mr. Thompson. What about post-June 17?

Mr. Haldeman. Post-June 17, he said that there were also two areas of concern. That one was clemency and the other was money, and in the clemency area where he felt there was a potential problem was this—the fact that, as he put it, at that time, as best I can recall, Colson had talked with Hunt or Bittman about clemency. There had been a conversation, I do not think he went any further than that. I do not think he asserted that there had been any offer or anything of that sort, simply that there had been a conversation.

Mr. Thompson. Was there any mention at any time, either in your presence or out of your presence that you heard from the tape, about Colson’s offering Hunt Executive clemency, or possibly relaying a message that he could expect it through someone else?

Mr. Haldeman. Well, there was in the sense that on March 23 when I got to Key biscayne, the President had gone down the day before, the President called me over to his house and he then having read the McCord letter—he had not read it but had been given, had been told of the reading of the McCord letter, and the allegations that were contained in that, had raised the point with me that here we were with new ongoing developments on the Watergate and the White
House was still not moving ahead to get this thing cleared up, and he had picked up facts from Dean and he had information from Dean that he was concerned about, and he specifically asked me to call Colson and to ask him about this question of whether he had offered clemency or had any conversation regarding clemency with Hunt.

Mr. Thompson. All right. All of this that you have been relating, is from the tape, as I understand it?

Mr. Haldeman. No; no, sir, not by March 23 has nothing to do with it.

Mr. Thompson. I am sorry, I am not talking about March 23; I will just jump back a little bit.

Mr. Haldeman. Yes; anything that I am talking about in terms of the March 21 meeting in the morning is—

Mr. Thompson. From the tape?

Mr. Haldeman [continuing]. Is of necessity from the tape, yes.

Mr. Thompson. You are talking about a personal conversation with the President on the 23d?

Mr. Haldeman. That is right. You asked if there had been any conversation after that.

Mr. Thompson. Yes, sir.

Mr. Haldeman. Of course, there wasn't—I don't recall any conversation after that in the March 21 meeting if that is what you meant and I am sorry, I didn't understand that to be your question.

Mr. Thompson. What about during the 21st meeting?

Mr. Haldeman. I am sorry, about what?

Mr. Thompson. Was there any mention at any time in the 21st meeting which you participated in or part of the meeting which you did not, of the general subject matter of Colson, or anyone else, having offered Hunt Executive clemency?

Mr. Haldeman. That is the point I just said. Dean did report to the President that one of his two post-June 17 concerns was clemency, and that in that regard the reason for his concern was that it was his understanding that Colson had talked with Hunt or with Bittman about clemency.

Mr. Thompson. All right.

The discussion of the 23d, of course, followed that, along the same line?

Mr. Haldeman. Yes, sir.

Mr. Thompson. You have already mentioned the so-called blackmail point that was discussed.

Mr. Haldeman. That is right, which was cited as an example of the problem of money.

He also—that was the most recent example—he did describe to the President some background in the sense of money for defendants, that there had been an effort, in fact, money had been obtained and provided to the defendants, and I am virtually certain that he said that this was for legal fees. In other words, let me put it the other way. I do not recall in that meeting either when I was there or at any time prior to when I came in, but what I heard from the tape, any reference to money being supplied for defendants' silence.

Mr. Thompson. But only what you have related.

What did you hear on the tape concerning the Ellsberg matter?
Opening Statement of Charles W. Colson
Before Select Committee on Presidential Campaign Activities, United States Senate

I appreciate the opportunity to present this opening statement to your Committee. I shall first attempt to the best of my recollection to recount my knowledge of the events surrounding the Watergate Affair.

I will also attempt, if I may, to give this Committee some insight into the mood and atmosphere which existed in the White House during the Nixon years. I have followed your proceedings to date; it is clear that you are seeking to determine not only what in fact happened, but why and how these things could have happened.

AS TO THE FACTS:

I first heard that there had been a burglary at the Democratic National Committee headquarters on the radio. It was Saturday, June 17, 1972. I thought it was no more than an ordinary burglary -- one more addition to the D. C. crime...
probably learn I had recommended to the President the appointment of an independent special counsel, I would rather have him hear it directly from me. I therefore told him of the recommendation.

Mr. Dean has testified before this Committee that he was on that day very disappointed that the President had decided, as he put it, not to act. Yet his response to me that evening was that the appointment of a special counsel would "never work". He said the only way it could possibly work would be to have the special counsel "reporting to him", that is, Dean. I told John Dean that that would never work, that the President had to have a counsel who had not been involved in any way, who had no personal interest, and who was completely free to get all the facts and recommend whatever had to be done to clean up the mess. Mr. Dean's reaction to my proposal was not that of a man seeking a solution or a way for the President to get to the truth but rather the reaction of a man desperately seeking to retain control of the investigation. I now realize why Mr. Dean would not want an independent counsel appointed; he would have been exposed.

On the next day, March 23, Bob Haldeman called to ask what representations I had made to Howard Hunt with respect to the commutation of his sentence. I told him
I had made no such representations, that I had not seen Hunt since before the Watergate, that I had seen his lawyer on two or three occasions, but no commitment of any kind had ever been made. I told him that I had met with Mr. Bittman in early January and had given only a general expression of sympathy, that I had assured Mr. Bittman I would do anything I could to help Howard Hunt. I told Mr. Haldeman further that I had written a memorandum to the file and had advised Messrs. Ehrlichman and Dean fully.

He asked whether I had ever met McCord or had anything to do with him. I had not and told him so.

Mr. Haldeman then asked me about the phone conversation I had had with Jeb Magruder in February of 1972. He said that Magruder was contending that he had been "ordered to get the operation started by you" or words to that effect. I told Bob that that was untrue, that I had never been able to order Magruder to do anything. I also said that it was strange that Jeb Magruder would now be remembering the phone conversation, that it had never come up before, and that I doubted that Magruder honestly believed I was urging him to do anything with respect to Watergate or anything like it. I also explained to Mr. Haldeman that I had described this conversation in a memo to the file of June 20. I told him I had sent the
memo to Mr. Dean on August 29 and Dean had told me to destroy it.

We also discussed the question of executive privilege and the question of all White House aides voluntarily appearing before the Grand Jury. Mr. Haldeman said that he was concerned that the President not appear to be covering up. A copy of my memorandum to the file regarding this conversation with Mr. Haldeman has been furnished to the Committee staff. The more I reflected upon Mr. Haldeman’s question regarding my phone call to Magruder over a year earlier, the more apprehensive I became. Was someone now going to use this innocent call as a means for putting the blame on me? I had seen Magruder dozens of times since that call. He had never once mentioned it to me. No one had. Why now?

I then phoned John Dean to ask him whether he was aware that Magruder was now alleging that I had urged him (Mr. Magruder) to approve the Watergate. I reminded Dean that I had sent him, Dean, in August 1972, a memo of the phone call. Mr. Dean asked me whether I had kept a copy of the memo and I told him I had. Dean then told me he had heard Magruder’s story, that I should pay no attention
MEMORANDUM FOR THE FILE

FROM: CHARLES COLSON

Bob Haldeman just called and asked what representations I had made to Howard Hunt with respect to the commutation of his sentence. I told him that I had made no representation, that I had not seen Howard Hunt since the Watergate, that I had seen his lawyer twice, perhaps three times, at his lawyer's request (and at John Dean's request). Bob asked what I had told Bittman, and I simply said that I told him essentially that I considered myself Howard Hunt's friend, that I would do anything anytime that I possibly could for Howard.

Bob asked whether I told Howard Hunt that his sentence would be commuted before Christmas and I said no; that I had not, that his lawyer had come to me and said that Hunt did not want to go to jail, all that he was going to jail but didn't want to stay in jail beyond the end of the year. I told Bittman that I had no control over that, that I couldn't make any representations in any respect, but that as long as I was around, I would do anything I could to help Hunt, that I felt he had been punished enough and that he should not be subject to further punishment. I told Bob that I was very clear in what I had said to Bittman, that in fact I wrote it down as I was saying it so that there would never be a misunderstanding, that I had made very explicit memoranda for the file and that I had advised Ehrlichman and Dean of the conversations since I had been asked by Dean to see Bittman.

Bob asked whether I had ever used anyone else's name in the conversation and I said no, that I had not. He asked whether Hunt might have the impression from my communication with Bittman that no, Hunt would not serve beyond the end of this year in prison and I said that he might well have drawn whatever conclusions he wanted to from my having said that I would do anything I could to help him, having said that in response to the specific point that Hunt did not want to serve beyond the end of the year. However, Bittman, in my conversations with him, understood fully that I was not in a position to say anything more explicit than what I did say.
Haldeman asked whether I had ever met McCord or had anything to do with McCord and I said no. He asked whether I had ever made any representations to McCord and I said no. I explained that I had made no representations direct or indirect to anyone. Bob again asked whether Hunt could get the impression from what I said that he might be out before the end of the year and my answer was that Hunt could get any impression he wanted from the fact that I had stated I was his friend and that I would help him in any way I could but that I was explicit in my recollection that I had not said anything that would give anyone any cause to have any specific understandings. In fact, there was no understanding.

Bob asked whether I ever mentioned the fact that I had discussed this with anyone else and I said no, I had not, although in fact I did discuss it with Dean and Ehrlichman.

Bob then asked me what would happen if Hunt "blew". I said I thought it would be very bad, that from what I knew he would say things that would be very damaging. Bob said, "then we can't let that happen". I told Bob that I did not know how much Howard Hunt knew first hand, but that he had said things in one conversation with me (recording of which I have) and had said things to Shapiro and apparently Bittman, that would be highly incriminating, that this was one reason that acting on Shapiro's advice, I had nothing to do with Hunt or his lawyer over the past two weeks and have stayed out of any contact between Hunt or anyone else...

Bob then asked me about a phone conversation I had with Jeb Magruder. I told him precisely how I remembered the conversation; that Hunt and Liddy had come in my office one night, unannounced, that it was sometime in January or February (I could not remember when), that Hunt told me Liddy had been across the street, had some excellent plans and ideas for intelligence and counter-intelligence, but that he hadn't been able to get anyone to approve his plans. They started to explain what the plan was and I told them that I wasn't interested, that this was not my area, that I didn't want to get involved or spend the time, but that I would call Magruder and ask him to see them. I told Haldeman that I had called Magruder and asked Magruder to advise them, that is, Hunt and Liddy, or specifically Liddy, whether he was going to be used in the campaign or not. Liddy's position was that "if I'm just going to be sitting around, I don't want to waste my time; I have some ideas of how I can be helpful, but I don't want to just sit and waste time at the Committee". Magruder
assured me that he would see that their plan was considered and that he would attend to it. I explained to Bob that I wasn't advocating their plan because I didn't know what it was, but that Hunt was a good man and if they had some ideas that ought to be explored and used, that they should have an opportunity to talk to someone that could either authorize them to do something or not. Haldeman said that may not be the way Magruder remembers the conversation. Magruder, he said, seems to think that he was told to get their operation started by Colson. I told Haldeman that I had never been able to order Magruder to do anything.

I also did not urge him to do anything other than to let Liddy make a presentation of whatever his ideas were and in fact I specifically did not endorse them because I didn't know what the proposals were. I asked Bob whether he knew whether Magruder had any different recollection and he said no, but he had reason to think that he might.

I explained to Bob that Magruder didn't even remember the conversation, that I had written a memorandum right after the Watergate of everything I could remember and in it I had that phone conversation. When I showed the memo to John Dean, Dean said, in effect: "don't show that to anyone because Magruder does not ever remember your calling and in fact, he has already testified: John told me, therefore, not to leave the memo lying around and not to use it because it might impeach Magruder's testimony.

I told Bob therefore that I was confident that Magruder either didn't remember the conversation or if he did now, certainly wasn't remembering it very accurately.

Haldeman went on to say that the reason for his call was the question before the House, i.e., should all White House aides volunteer immediately to go before the Grand Jury waiving all privilege. I told Bob if we did that we would in turn be waiving all privilege before the Hill and that we would end up in my opinion worse off, particularly since the Grand Jury has no rules of evidence, than if we simply continued to adhere to a sound position on executive privilege.

Bob said he was concerned that the President not appear to be covering up. I told Bob that I didn't think the President had done so.

Bob asked me in the conversation with Magruder whether I had said I was calling at anyone else's direction and I said no, that I realize the gravamen of his question which was, had I used the President's name and the answer was obviously no since I never did that and since the particular call, in any event, had not arisen out of anything that had come up with the President.
7. According to Colson’s memorandum to the file regarding the telephone conversation between Colson and Haldeman described in the preceding paragraph, Haldeman also questioned Colson about a telephone conversation Colson had had with Magruder. Colson reported to Haldeman that one night in January or February 1972 Hunt and Liddy had come to Colson’s office, and Hunt had stated that Liddy had some excellent plans and ideas for intelligence and counterintelligence which he had not been able to have approved at CRP. Colson told Haldeman that without learning of the details of the plan or endorsing the plan, Colson had telephoned Magruder, had asked Magruder to advise Liddy whether he was going to be used in the campaign, and had told Magruder that Hunt was a good man and that his ideas should be considered. Colson told Haldeman that Magruder had assured Colson that the plan would be considered. Haldeman told Colson that Magruder might not remember the conversation the same way and that Magruder thought Colson had told him to start Liddy’s operation. Haldeman also told Colson that the reason for Haldeman’s call was to help decide whether all White House aides should volunteer immediately to go before the Grand Jury waiving all privilege. Haldeman said he was concerned that the President not appear to be covering up.

7.1 Memorandum for the file from Charles Colson, March 23, 1973 (received from SSC).

See Book I, Tab 6 for additional evidence regarding Colson’s 1972 telephone conversation with Magruder.
Jennu - memo - while I & H in my office etc.
MEMORANDUM FOR THE FILE

FROM: CHARLES COLSON

March 23, 1973
2:15 p.m.

Bob Haldeman just called and asked what representations I had made to Howard Hunt with respect to the commutation of his sentence. I told him that I had made no representation, that I had not seen Howard Hunt since the Watergate, that I had seen his lawyer twice, perhaps three times, at his lawyer's request (and at John Dean's request). Bob asked what I had told Bittman, and I simply said that I told him essentially that I considered myself Howard Hunt's friend, that I would do anything anytime that I possibly could for Howard.

Bob asked whether I told Howard Hunt that his sentence would be commuted before Christmas and I said no; that I had not, that his lawyer had come to me and said that Hunt did not want to go to jail, that he was going to jail, but didn't want to stay in jail beyond the end of this year. I told Bittman that I had no control over that, that I couldn't make any representations in any respect, but that so long as I was around, I would do anything I could to help Hunt, that I felt he had been punished enough and that he should not be subject to further punishment. I told Bob that I was very clear in what I had said to Bittman, that in fact I wrote it down as I was saying it so that there would never be a misunderstanding, that I had made very explicit memoranda for the file and that I had advised Ehrlichman and Dean of the conversations since I had been asked by Dean to see Bittman.

Bob asked whether I had ever used anyone else's name in the conversation and I said no, that I had not. He asked whether Hunt might have the impression from my communication with Bittman that he, Hunt, would not serve beyond the end of this year in prison and I said that he might well have drawn whatever conclusions he wanted to from my having said that I would do anything I could to help him, having said that in response to the specific point that Hunt did not want to serve beyond the end of the year. However, Bittman, in my conversations with him, understood fully that I was not in a position to say anything more explicit than what I did say.
Haldeman asked whether I had ever met MacCord or had anything to do with MacCord and I said no. He asked whether I had ever made any representations to MacCord and I said no. I explained that I had made no representations direct or indirect to anyone. Bob again asked whether Hunt could get the impression from what I said that he might be out before the end of the year and my answer was that Hunt could get any impression he wanted from the fact that I had stated I was his friend and that I would help him in any way I could but that I was explicit in my recollection that I had not said anything that would give anyone any cause to have any specific understandings. In fact, there was no understanding.

Bob asked whether I ever mentioned the fact that I had discussed this with anyone else and I said no. I had not, although in fact I did discuss it with Dean and Ehrlichman.

Bob then asked me what would happen if Hunt "blew". I said I thought it would be very bad, that from what I knew he would say things that would be very damaging. Bob said, "then we can't let that happen". I told Bob that I did not know how much Howard Hunt knew first hand, but that he had said things in one conversation with me (recording of which I have) and had said things to Shapiro and apparently Ditman, that would be highly incriminating, that this was one reason that acting on Shapiro's advice, I had nothing to do with Hunt or his lawyer over the past two weeks and have stayed out of any contact between Hunt or anyone else.

Bob then asked me about a phone conversation I had with Jeb Magruder. I told him precisely how I remembered the conversation; that Hunt and Liddy had come in my office one night, unannounced, that it was sometime in January or February (I could not remember when), that Hunt told me Liddy had been across the street, had some excellent plans and ideas for intelligence and counter-intelligence, but that he hadn't been able to get anyone to approve his plans. They started to explain what the plan was and I told them that I wasn't interested, that this was not my area, that I didn't want to get involved or spend the time, but that I would call Magruder and ask him to see them. I told Haldeman that I had called Magruder and asked Magruder to advise them, that is, Hunt and Liddy, or specifically Liddy, whether he was going to be used in the campaign or not. Liddy's position was that "if I'm just going to be sitting around, I don't want to waste my time. I have some ideas of how I can be helpful, but I don't want to just sit and waste time at the Committee". Magruder
assured me that he would see that their plan was considered and that he would attend to it. I explained to Jeb that I wasn't advocating their plan because I didn't know what it was, but that Hunt was a good man and if they had some ideas that ought to be explored and used, that they should have an opportunity to talk to someone that could either authorize them to do something or not. Haldeman said that may not be the way Magruder remembers the conversation. Magruder, he said, seems to think that he was told to get their operation started by Colson. I told Haldeman that I had never been able to order Magruder to do anything.

I also did not urge him to do anything other than to let Liddy make a presentation of whatever his ideas were and in fact I specifically did not endorse them because I didn't know what the proposals were. I asked Bob whether he knew whether Magruder had any different recollection and he said no, but he had reason to think that he might.

I explained to Bob that Magruder didn't even remember the conversation, that I had written a memorandum right after the Watergate of everything I could remember and in it I had that phone conversation. When I showed the memo to John Dean, Dean said, in effect: "don't show that to anyone because Magruder does not ever remember your calling and in fact, has already testified... John told me, therefore, not to leave the memorandum lying around and not to use it because it might impeach Magruder's testimony...

I told Bob therefore that I was confident that Magruder either didn't remember the conversation or if he did now, certainly wasn't remembering it very accurately.

Haldeman went on to say that the reason for his call was the question before the House, i.e., should all White House aides volunteer immediately to go before the Grand Jury waiving all privilege. I told Bob if we did that we would in turn be waiving all privilege before the Hill and that we would end up in my opinion worse off, particularly since the Grand Jury has no rules of evidence, than if we simply continued to adhere to a sound position on executive privilege.

Bob said he was concerned that the President not appear to be covering up. I told Bob that I didn't think the President had done so.

Bob asked me in the conversation with Magruder whether I had said I was calling at anyone else's direction and I said no, that I realized the gravamen of his question which was, had I used the President's name and the answer was obviously no since I never did that and since the particular call, in any event, had not arisen out of anything that had come up with the President.