1-1-1974


Don Edwards

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Between April 19 and April 26, 1973 the President had eleven conversations with Henry Petersen. Petersen has testified that during these conversations the President asked Petersen for a detailed written report on the Watergate matter; discussed the advisability of retaining Haldeman and Ehrlichman at the White House; and discussed the progress of the Grand Jury investigation. Petersen has testified that some time in the course of the April discussions the President made a flattering reference to Petersen as an adviser to the President and said he would have to serve as "White House counsel." The President also asked Petersen whether he would like to be FBI director, but stated he was not offering him the job.

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81.1 Meetings and conversations between the President and Henry Petersen in March and April 1973 (received from White House).

82. On April 20, 1973 Herbert Kalmbach was scheduled to testify before the Watergate Grand Jury. On the afternoon prior to his scheduled appearance, John Ehrlichman and Kalmbach had a telephone conversation, which was taped by Ehrlichman without Kalmbach's knowledge, during which they discussed Kalmbach's payment of funds to the Watergate defendants.

82.1 Transcript of a telephone conversation between John Ehrlichman and Herbert Kalmbach at 4:50 p.m., April 19, 1973, SSC Exhibit No. 77, 5 SSC 2215–17.

82.2 Herbert Kalmbach testimony, 5 SSC 2162–63.
On April 22, 1973, Easter Sunday, the President telephoned John Dean from Key Biscayne, Florida. Dean has testified that the President called to wish him a happy holiday.

83.1 Meetings and conversations between the President and John Dean, April 22, 1973 (received from White House).

83.2 John Dean testimony, 3 SSC 1020.
On April 25 and 26, 1973 Presidential aide Stephen Bull delivered a number of tape recordings of Presidential conversations to H. R. Haldeman. At the President's request Haldeman listened to the tape recording of the President's March 21, 1973 morning meeting with John Dean, made notes and reported to the President.

84.1 Meetings and conversations between the President and H. R. Haldeman, April 25, 1973 (received from White House).

84.2 Portion of log of access to tapes of Presidential conversations maintained by the Secret Service, Exhibit 7, In re Grand Jury.


84.5 President Nixon statement, November 12, 1973, 9 Presidential Documents 1329.

84.6 H. R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 25-31 (received from Watergate Grand Jury).

84.7 H. R. Haldeman's notes of listening to tape of March 21, 1973 (received from Watergate Grand Jury).

84.8 Raymond Zumwalt testimony, November 1, 1973, In re Grand Jury, 96-97.

84.9 H. R. Haldeman calendar, April 25 and 26, 1973 (received from SSC).
85. On April 26, 1973 Senator Lowell Weicker, a member of the Senate Select Committee, released to the press information that Patrick Gray had burned politically sensitive files which had been given to him by John Dean from Howard Hunt's White House safe. Petersen has testified that on this date the President telephoned him to ask if Gray ought to resign as Acting FBI Director and that Petersen told the President that he thought Gray's position was untenable. At the President's instruction, Petersen, Gray and Kleindienst met that evening and discussed Gray's possible resignation. Kleindienst telephoned the President and recommended that Gray step down, but added that Gray did not see it that way. The President told Kleindienst that he would not require Gray to resign immediately. Gray has testified that Kleindienst also stated after speaking to the President there must be no implication that in burning these files there was any attempt of a coverup at the White House.

85.1 L. Patrick Gray testimony, 9 SSC 3491-93, 3495.
85.3 Meetings and conversations between the President and Henry Petersen, April 26, 1973 (received from White House).
85.4 Henry Petersen testimony, 9 SSC 3625-26, 3654.
85.5 Meetings and conversations between the President and Richard Kleindienst, April 26, 1973 (received from White House).
85.6 Richard Kleindienst testimony, 9 SSC 3598-99.
On April 26, 1973 Jeb Magruder resigned his post as Director of Policy Development for the Department of Commerce.

On the afternoon of April 27, 1973 Patrick Gray notified Lawrence Higby that he was resigning as Acting Director of the FBI. From 4:31 to 4:35 p.m. on April 27, the President had a telephone conversation with Petersen during which the President asked if Petersen had any information that would reflect on the President. Petersen said no. At the President's request, Petersen met with the President from 5:37 to 5:43 p.m. and from 6:04 to 6:48 p.m. The President again asked if there was adverse information about the President. Petersen said he was sure that the prosecutors did not have that type of information.

The Committee has requested the tape recordings and other evidence of various Presidential conversations on the afternoon and evening of April 27, 1973. The President has produced edited transcripts of the conversations between the President and Petersen from 5:37 to 5:43 p.m. and among the President, Petersen and Ronald Ziegler from 6:04 to 6:48 p.m. Summaries of the transcripts have been prepared.

87.1 L. Patrick Gray testimony, 9 SSC 3492-93.

87.2 L. Patrick Gray log, April 27, 1973 (received from SSC).

87.3 Meetings and conversations between the President and Henry Petersen, March and April 1973 (received from White House).

87.4 Henry Petersen testimony, 9 SSC 3636.

87.5 Summary of edited White House transcript of a conversation between the President and Henry Petersen from 5:37 to 5:43 p.m., April 27, 1973, prepared by House Judiciary Committee staff.

87.6 Summary of edited White House transcript of a conversation among the President, Henry Petersen and Ronald Ziegler from 6:04 to 6:48 p.m., April 27, 1973, prepared by House Judiciary Committee staff.
88. On or about April 28, 1973 H. R. Haldeman and John Ehrlichman determined that they should resign from their positions on the White House staff. Haldeman and Ehrlichman have testified that the President did not request their resignations.

88.1 H. R. Haldeman testimony, 8 SSC 3096.

88.2 John Ehrlichman testimony, 7 SSC 2808-09.
89. On April 29, 1973 the President met with Attorney General Richard Kleindienst at Camp David. They discussed Kleindienst's resignation as Attorney General. The President asked Kleindienst if he could announce Kleindienst's resignation in his statement the next day and Kleindienst consented. Also on that date the President met with Elliot Richardson at Camp David and informed him of his intention to nominate Richardson to be Attorney General. The President told Richardson that he would commit to Richardson's determination whether a special prosecutor was needed.

89.1 Elliot Richardson testimony, Senate Judiciary Committee, May 22, 1973, 228.

89.2 Elliot Richardson press conference, October 23, 1973, 29.

89.3 Richard Kleindienst testimony, 9 SSC 3597-98.
90. On April 30, 1973 the President made a nationwide televised address on the Watergate matter. He announced the resignations of Haldeman, John Ehrlichman, Richard Kleindienst and John Dean and the appointment of Elliot Richardson as Attorney General of the United States.

90.1 President Nixon statement, April 30, 1973, 9 Presidential Documents 433–34.
Between April 19 and April 26, 1973 the President had eleven conversations with Henry Petersen. Petersen has testified that during these conversations the President asked Petersen for a detailed written report on the Watergate matter; discussed the advisability of retaining Haldeman and Ehrlichman at the White House; and discussed the progress of the Grand Jury investigation. Petersen has testified that some time in the course of the April discussions the President made a flattering reference to Petersen as an adviser to the President and said he would have to serve as "White House counsel." The President also asked Petersen whether he would like to be FBI director, but stated he was not offering him the job.

81. Meetings and conversations between the President and Henry Petersen in March and April 1973 (received from White House).

MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND HENRY E. PETERSEN IN MARCH AND APRIL

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 13, 1973</td>
<td>AM 8:39-11:00</td>
<td>Republican Congressional Leadership meeting in Cabinet Room (Mr. Petersen attended)</td>
</tr>
<tr>
<td>April 15, 1973</td>
<td>PM 4:00-5:15</td>
<td>President met with Mr. Petersen and Mr. Kleindienst in the President's EOB office.</td>
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<tr>
<td></td>
<td>8:14-8:18</td>
<td>President telephoned Mr. Petersen</td>
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<td></td>
<td>8:25-8:26</td>
<td>President telephoned Mr. Petersen</td>
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<tr>
<td></td>
<td>9:39-9:41</td>
<td>President telephoned Mr. Petersen</td>
</tr>
<tr>
<td></td>
<td>11:45-11:53</td>
<td>President telephoned Mr. Petersen</td>
</tr>
<tr>
<td>April 16, 1973</td>
<td>PM 1:39-3:25</td>
<td>President met with Mr. Petersen in the President's EOB office (Mr. Ziegler 2:25-2:52)</td>
</tr>
<tr>
<td></td>
<td>8:58-9:14</td>
<td>President telephoned Mr. Petersen</td>
</tr>
<tr>
<td>April 18, 1973</td>
<td>PM 2:50-2:56</td>
<td>President telephoned Mr. Petersen</td>
</tr>
<tr>
<td>April 19, 1973</td>
<td>AM 10:12-11:07</td>
<td>President met with Mr. Petersen</td>
</tr>
<tr>
<td>April 20, 1973</td>
<td>AM 11:32-11:40</td>
<td>President telephoned Mr. Petersen</td>
</tr>
<tr>
<td></td>
<td>3:53-3:58</td>
<td>President telephoned Mr. Petersen (Long distance)</td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
<td>Activity</td>
</tr>
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<td>--------------</td>
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<td>-----------------------------------------------</td>
</tr>
<tr>
<td>April 23, 1973</td>
<td>AM 11:09 - 11:35</td>
<td>President telephoned Mr. Petersen (long distance)</td>
</tr>
<tr>
<td></td>
<td>AM 11:44 - 11:49</td>
<td>President telephoned Mr. Petersen (long distance)</td>
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<tr>
<td></td>
<td>PM 7:27 - 7:37</td>
<td>President telephoned Mr. Petersen (long distance)</td>
</tr>
<tr>
<td>April 24, 1973</td>
<td>AM 8:52 - 9:02</td>
<td>President telephoned Mr. Petersen (long distance)</td>
</tr>
<tr>
<td>April 25, 1973</td>
<td>AM 8:56 - 9:01</td>
<td>President telephoned Mr. Petersen</td>
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<tr>
<td></td>
<td>PM 5:37 - 6:45</td>
<td>President met with Mr. Petersen</td>
</tr>
<tr>
<td>April 26, 1973</td>
<td>PM 5:56 - 6:17</td>
<td>President telephoned Mr. Petersen</td>
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<td></td>
<td>PM 7:12 - 7:14</td>
<td>President telephoned Mr. Petersen</td>
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<td>PM 5:37 - 5:43</td>
<td>President telephoned Mr. Petersen</td>
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<tr>
<td></td>
<td>PM 6:04 - 6:48</td>
<td>President met with Mr. Petersen (Mr. Ziegler 6:10-6:20)</td>
</tr>
<tr>
<td>April 27, 1973</td>
<td>PM 4:31 - 4:35</td>
<td>President telephoned Mr. Petersen</td>
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<td></td>
<td>PM 5:37 - 5:43</td>
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<td>PM 6:04 - 6:48</td>
<td>President met with Mr. Petersen</td>
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<td></td>
<td>AM 9:13 - 9:25</td>
<td>President telephoned Mr. Petersen (long distance)</td>
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<tr>
<td></td>
<td>PM 7:06 - 7:11</td>
<td>President telephoned Mr. Petersen (long distance)</td>
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</table>
April 30, 1973

PM 12:25 12:33 President telephoned Mr. Peterson (long distance)
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

IN RE: POSSIBLE VIOLATIONS
OF 18 USC 2511 and 2512

Grand Jury Room No. 3
United States District Courthouse
3rd & Constitution Avenue, N. W.
Washington, D. C.

February 5, 1974

The testimony of HENRY E. PETERSEN was presented to a full quorum of the Grand Jury.

BEFORE:

RICHARD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
U. S. Department of Justice

JILL VOLNER
Assistant Special Prosecutor
U. S. Department of Justice
might be raised among the Cuban organizations in Florida --
passed through them, or what have you, I don't know -- but
only in that sense.

I suppose I implied that it would be campaign funds
that were be moving through front organizations in order to
conceal their origins, but I can't attribute that statement
to anyone.

Q Well, is it your recollection that the President
implied, in this conversation, that it was from Dean that
he first learned that such surreptitious payments were being
made to the defendants?

A That's right. Yes.

Q Did the President indicate that he had spoken to
various advisers concerning the question of the involvement
of Haldeman and Ehrlichman and the related question as to
whether to call for their resignations?

A Yes. Sometime early in that week -- well, this
certainly was not April 15th, so it had to be the 16th. I
don't believe I saw him on the 17th and 18th, and I did see
him on the 19th, to my recollection.

So either on the 16th or 19th, he had indicated
that he had discussed with Secretary of State Bill Rogers,
who was a former prosecutor in New York, my conversation of
the 15th with the President.

Q Did he mention anyone else?
A Discussing it with any other adviser?

Q Well, specifically, with Mr. Wilson or Mr. Strickler?

A No. He asked me did I know Wilson and Strickler and I indicated yes, that I did know them. I thought highly of them as lawyers. But my recollection is it was after they were retained and I gathered, from the President's comment, that he was present at the time when Wilson -- whether Strickler was present or not -- had debriefed Ehrlichman and Haldeman under, I gather, rather rigorous-style cross-examination.

Q And at least Mr. Wilson -- whether Haldeman and Ehrlichman were present at the time, you got the impression from the President that Mr. Wilson had communicated the information he had learned to the President?

A Well, I don't know. I assumed that, but I can't say the President told me that. But it was clear, one, from the President's comments that he had talked to Wilson. It was my inference that he had been present when Wilson questioned those people.

But the same inference -- that inference doesn't necessarily hold. It may have been that Wilson was questioning the President, you know. I don't know.

In any event, there was a conversation with Wilson.

Q This was in the context, though, of the President relating to you what he had attempted to do to learn the facts
A That it was necessary for him to learn all of the
facts with respect to this matter so the President, or Head
of State, would be able to take whatever action was appro-
priate.

Q Now, going back to the time when the President
spoke to you, on the 18th, about whether or not Dean had
been granted immunity. Aside from the President's constena-
tion about not having been informed of a decision which he
thought had been made and carried out, did he indicate any-
thing about the substance of the question of immunity to Dean?

A I'm not sure what you mean by "substance" in that
context.

Q That is the pros and cons of giving Dean immunity
as opposed to his disappointment about not being advised.

A No. There were those conversations but not at the
time of that telephone call where he raised the question.

Q Well, when you called him back and informed him
that someone was mistaken and no such agreement had been
arrived at, did he, at that time, reiterate his position
or his various feelings on immunity?

A No. At that time, we were three days beyond our
earlier discussion with respect to immunity and I think that
we pretty much had a meeting of the minds that this was a
sober decision and I had to make it and I would take all of
these factors into consideration.
So there was no further discussion, at that point, other than to say that my inquiry had confirmed through Charles (Jaffa) that we were in a negotiating posture. No immunity, either formal or informal, had been accorded and, indeed, that no stopple had been created insofar as grants of immunity were concerned.

Q Did the President ever indicate to you, or discuss with you, the question of immunity for Ehrlichman or Haldeman and, specifically, the question of national security matters that either of the two might have been involved in which may have appeared to entail some criminal activity?

A No. No.

Q Back to that day on --

A That would have been preposterous. I was in no mood to hear anybody discuss -- it's hard to second guess yourself and look back, or project what you might have done, but that's one of the things that I think would have caused me to get up and leave.

Q Did the President ever indicate to you what he felt the so-called Hunt blackmail to entail on the blackmail side rather than on the money side? That is, on the information side that Hunt would divulge, if he were not paid?

A Well, the implication is that Hunt would tell all, but whether that all would be correct or incorrect, there was never any basis to ascertain or confirm.
Q I take it you never did have a substantive discussion about what it was Hunt could reveal?

A No.

Q Did there come a time when the President requested that you put in writing the substance of the investigation up to any particular point?

A Well, there were two occasions. First, on April 15th, after we gave him the oral statement, he asked me to put that in writing so that he would be certain of it. That, I did. That very brief statement has previously been made available to you.

At or about that time, maybe later in the week, he asked for a full exposition. Having got into it this far, he felt he needed all the information, and I said I would undertake to try to do that.

I did go through the information but it was determined that anything above and beyond that which I'd already given him was Grand Jury matter and, therefore, was not to be divulged.

On that score, I should say that that came up, as I recall, in the April 15th meeting, if I'm not mistaken. It was the President -- in the course of the President asking to be kept informed of these things, that he pointed out that he didn't expect to get Grand Jury information and we, of course, agreed to that. Which I thought was fortunate.
because I'm not all certain that as President he's not entitled to Grand Jury information from Government attorneys, if it's distributed in the course of their duties.

Q In any event, I take it you got back to the President and told him that you could not provide him a more detailed report?

A That's correct, I did, and he accepted that. There was no discussion, argument, rancour, indignation, anything else -- and I gave him that "no" with some trepidation, I don't mind saying.

Q Now, aside from a detailed written report, did you provide all information to him, from time to time, about the progress of the investigation or the possibility of --

A From time to time, but it was very general, in the two weeks. For example, when he called about the immunity thing, he said, "Well, what else is new?" And I told him about the John Dean statement with respect to the Fielding break-in.

On another occasion, I told him about the conflict between Strachan and Magruder and we were trying to resolve it and, if Strachan developed into a witness, then we would have a prima facie case against Haldeman.

But it was in the context of what I describe as ultimate rather than evidentiary fact.

Q Was there some discussion about the scheduling of
of witnesses before the Grand Jury?

A Well, there was some discussion about the need for,
you know -- "Hurry up and get this over with." "Yes. We'll
make haste as reasonably as we can." But not specific wit-
nesses, as I recall -- who was coming in, when, you know.

Well, you know, I hesitate over that one. If I
would tell him something about Strachan, he might say, "Well,
you've got to get this tied down. You've got to do this."
In that sort of context.

Q In substance, in discussing Mr. Strachan and his
potentiality as a witness, did you advise the President that
if Mr. Strachan came around and told the truth that he would
probably be able to provide evidence of criminal activity,
linking Mr. Haldeman to those crimes?

A No question about that. I mean, I made it pretty
clear, "Well, you have a reservation about Dean. Okay. But
then there's Magruder and, if Strachan comes through, Haldem-
man's dead." You know, that was --

Q When do you recall that this took place?

A I think this started around September -- whatever
that month was.

Q April?

A April 15th.

Q Do you recall having a telephone conversation with
the President on the evening of April 15th?
Q But, in any event, during the course of the April discussions, or shortly thereafter, there was no such suggestion?

A No, never. Absolutely not. Oh, well -- you know, absolutely not, absolutely not, as far as I was concerned, but there were statements, during the course of the President's conversations with me, "Now, you'll have to serve as White House counsel," or, "You're the adviser to the President now," which I, frankly, thought was a little heavy handed.
Q Did that have any meaning of any substance or procedural import?

A I thought it was sheer unadulterated flattery is what I thought it was, but it was not in any context of promise, formal assignment, leaving my duties.

Q There were no strings attached, I take it, in terms of communication of information or anything along those lines?

A Well, I don't think so, but I don't know what you mean by strings attached in terms of communications. "You tell me this; I'll give you that," no.

Q In terms of your being a White House counsel, if that were the case -- and, of course, we're kind of talking hypothetically through all of this, since you said it didn't make much difference to you what he said, because you regarded it as flattery, but was there any concept of confidentiality of communication or of a knowledge that you had obtained from some source?

A You mean, "You and I stick together, buddy. I'll make a big man of you"? No. Uh-uh.

Q No. I wasn't implying that. I was implying the possibility that, if you were counsel to the President and had learned certain information, there might be an attorney-client privilege to which would not maintain just wearing your Department of Justice hat. I take it there was no such discussion?
A No, no. Indeed, I never thought of myself as any-
thing other than Assistant Attorney General in the Department
of Justice who was trying to advise the President of informa-
tion I thought he should probably be advised of, so that he
could take the necessary action to protect the Presidency of
the United States.

Q Was there ever a discussion about convening a new
Grand Jury to present this information to, as opposed to this
Grand Jury before which you are now appearing?

A Not to my knowledge, no.

THE FOREMAN: I just want to extend something in Mr.
Ben-Veniste's investigation.

Your testimony is that you were never approached,
directly or indirectly, by intimidation, that, in view of your
understanding of the investigation or possession of a great
deal of factual information, as far as this investigation was
concerned, that you should, in a sense, not necessarily switch
sides, but work more in conjunction with the plans of the
President's lawyers rather than the Department of Justice?

THE WITNESS: No, there was not. But, you know,
this debate goes on and it's a very, very difficult debate.
The Department of Justice, as an institution, you know, has
a duty, an obligation and responsibility of representing the
Presidency.

And the Presidency is something, obviously, larger
than the incumbent. And it seems to me that we debate this at least weekly even now.

The question of the subpoenas on the President, for example, out of the local case. The White House wanted us to represent them. The Criminal Division, the Associated General Office, they didn't care who, and we had to decline. And yet, in declining, we had to recognize that we do have an obligation to represent the Presidency.

So the middle ground that we arrived at is that if there's an adverse decision, we will appear amicus in the Appellant Court but we will not represent the White House as a party to the proceedings.

So, too, with respect to the decisions on the subpoenas by the Ervin Committee. The request was made that Bourke appear on the five tapes of conversations in the District Court and, Bourke being the Solicitor General, we refused, again, on the same ground. But we might, later, have to file brief amicus again to represent the Presidency with respect to the 500 or so documents subpoenaed by the Ervin Committee -- the same debate, the same resolution.

These are terrible questions. We do represent the legal office for the President and the Government of the United States.

THE FOREMAN: My question was less towards the Department of Justice Criminal Division or you, as Assistant
Attorney General, than Henry Petersen as a lawyer who knows.


Indeed, I couldn't do that. That's a clear professional conflict of interest. They may not recognize it, but there are a lot of things they apparently don't recognize.

THE FOREMAN: I was asking for your reaction. My question was asking if the subject had ever been broached to you by anyone.

THE WITNESS: No. The only offer -- that's not correct. The only statement that was ever mentioned or made by the President, which I felt was indiscreet and I mention it only in -- I'm not sure that it's really germane -- I think was on one of the occasions he asked me would I like to be Director of the FBI, and then he went on and talked for about fifteen minutes and I indicated that that was not one of my ambitions.

If I became Director of the FBI, that was fine; if I didn't, that was fine, too; and that's the way we left it. But that having come subsequent to the disclosures with respect to Judge Matt Burn, I thought it was an indiscreet thing to say.

But I have to say that he was quick to say, "I'm not offering you the job."

BY MR. BEN-VENISTE:

Q When was this?
82. On April 20, 1973 Herbert Kalmbach was scheduled to testify before the Watergate Grand Jury. On the afternoon prior to his scheduled appearance, John Ehrlichman and Kalmbach had a telephone conversation, which was taped by Ehrlichman without Kalmbach's knowledge, during which they discussed Kalmbach's payment of funds to the Watergate defendants.

82.1 Transcript of a telephone conversation between John Ehrlichman and Herbert Kalmbach at 4:50 p.m., April 19, 1973, SSC Exhibit No. 77, 5 SSC 2215-17.

82.2 Herbert Kalmbach testimony, 5 SSC 2162-63.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 11, 12, 13, 16, AND 17, 1973
Book 5

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

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[4451]
EXHIBITS SUBMITTED FOR THE RECORD

No. 75A—(1815) Statement of Hon. Garry Brown concerning allegations made by John Dean during Mr. Dean's testimony before the Select Committee. 2181

No. 76—(2138) Letter from The Mayflower dated June 27 re: Mr. Kalmbach not being a registered guest between June 1 and July 1, 1972. Also a letter from the Statler-Hilton, and various other attachments. 2209

No. 77—(2162) Question and answer telephone conversation between Mr. Kalmbach and Mr. Ehrlichman, April 19, 1973. 2215
Conversation with Herb Kalmbach—April 19, 1973, 4:50 p.m.

E Ehrliehman
K Kalmbach.
E Hi, how are you?
K Hi, bow are you?
K I'm pretty good. I'm scheduled for 2 tomorrow afternoon.
E Where—at the jury or the U.S. Attorney?
K At the jury and I'm scheduled at 5:30 this afternoon with Silver.
E Oh, are you?
K Yeah. I just wanted to run through quickly several things. John, in line with our conversation, I got in here last night and there was a telephone call from O'Brien. I returned it, went over there today and he said the reason for the call is LaRue has told him to ask me to say that he had to identify me in connection with this and he wanted me to know that and so on.
K Did he tell you about Dean?
E No.
K Well, Dean has totally cooperated with the U.S. Attorney in the hopes of getting immunity. Now what he says or how he says nobody seems to be able to derive but he
E The whole enchilada?
K He's throwing off on Bob and me heavily.
E He is?
K He is.
E And taking the position that he was a mere agent. Now on your episode he told me before he left, so to speak, he, Dean, told me that really my transaction with him involving you was virtually my only area of liability in this thing and I said, well. John, what in the world are you talking about? He said, well, I came to you from Mitchell and I said Mitchell needs money could we call Herb Kalmbach and ask him to raise some. And I said, and Dean says to me, and you said res. And I said yes, that's right. And he said well that does it. And I said well that's hard for me to believe. I don't understand the law but I don't think Herb entered into this with any guilty intent and I certainly didn't and so I said I just find that hard to imagine. Now since then I've retained counsel.
K Oh, you have?
E Very good and who agrees with me that it is the remotest kind of nonsense but the point that I think has to be clarified, that I'm going to clarify if I get a chance is that the reason that Dean had to come to me and to Bob where you were concerned is that we had promised you that you would not run pillar to post by Maurice Stans.
K And also that you knew I was your friend and you knew I was the President's attorney.
E Sure.
K Never do anything improper, illegal, unethical or whatever.
E Right.
K And
E But the point is that rather than Mitchell calling you direct Mitchell knew darn well that you were no longer available.
K Yes.
E Now this was post April 6, was it not?
K Yes, April 7.
E So that Mitchell and Stans both knew that there wasn't any point in calling you direct because we had gotten you out of that on the pretext that you were going to do things for us.
K That's right.
E And so it was necessary for Dean to come to me and then in turn to Bob and plead a very urgent case without really getting into any specifics except to say you had to trust me; this is very important, and Mitchell is up his oars, you know. I mean is really worried; he didn't use that phrase, but he is really exercised about this. And I said well, John, if you tell me it's that important, why you.
You know, when you and I talked and it was after John had given me that word, and I came in to ask you, John is this an assignment I have to take on? You said, yes it is period and move forward. Then that was all that I needed to be assured that I wasn't putting my family in jeopardy.

Sure.

And I would just understand that you and I are absolutely together on that.

No question about it, Herb, that I would never knowingly have put you in any kind of a spot.

Yeah. Well and when we talked you knew what I was about to do, you know, to go out and get the dough for this purpose: it was humanitarian.

It was a defense fund.

... to support the family. Now the thing that was disquieting about this thing with O'Brien was that he said that there is a massive campaign evidently under way to indict all the lawyers including you, Herb, and I was a little shocked and I guess what I need to get from you, John, is assurance that this is not true.

Well I don't know of any attempt to target you at all. My hunch is that they're trying to get at me, they're trying to corroboreate. See what they said to Dean is that he gets no consideration from them unless they can corroboreate Haldeman and my liability.

God, if I can just make it plain that it was humanitarian and nothing else.

Yeah, and the point that I undoubtedly never expressed to you that I continued operated on the basis of Dean's representations to me.

Yep. It was not improper.

Right.

And there was nothing illegal about it.

See, he's the house lawyer.

Yep, exactly and I just couldn't believe that you and Bob and the President just too good friends to ever put me in the position where I'd be putting my family on the line.

And it's just unbelievable, unthinkable. Now shall I just—I'll just if I'm asked by Silver I'll just lay it out just exactly that way.

Yeah, I wouldn't haul the President into it if you can help it.

Oh, no, I will not.

But I think the point that which I will make in the future if I'm given the chance that you were not under our control in any sort of a slavery sense but that we had agreed that you would not be at the beck and call of the committee.

And, of course, too, that I act only on orders and, you know, on direction and if this is something that you felt sufficiently important and that you were assured it was altogether proper, then I would take it on because I always do it and always have. And you and Bob and the President know that.

Yeah, well, as far as propriety is concerned I think we both were relying entirely on Dean.

Yep.

I made no independent judgment.

Yep.

And I'm sure Bob didn't either.

Nope and I'm just, I just have the feeling, John, that I don't know if this is a weak reed, is it?

Who, Dean?

No, I mean are they still going to say well Herb you should have known.

I don't know how you could've. You didn't make any inquiries.

Never. And the only inquiries I made, John, was to you after I talked to John Dean.

And you found that I didn't know just a whole helluva lot.

You said this is something I have to do and—

Yeah, and the reason that I said that, as you know, was not from any personal inquiry but was on the basis of what had been represented to me.

Yeah, and then on—to provide the defense fund and to take care of the families of these fellas who were then

Indigent.

Not then been found guilty or not guilty
E And the point being here without attempting to induce them to do a damn thing.
K Absolutely not and that was never, that was exactly right.
E OK.
K Now, can I get into see you tomorrow before I go in there at 2?
E If you want to. They'll ask you.
K Will they?
E Yep.
K Well, maybe I shouldn't.
E They'll ask you to whom you've spoken about your testimony and I would appreciate it if you would say you've talked to me in California because at that time I was investigating this thing for the President.
K And not now?
E Well, I wouldn't ask you to lie.
K No, I know.
E The point is
K But the testimony was in California.
E The point is. Well, no your recollection of facts and so forth.
K Yes, I agree.
E See, I don't think we were ever seen together out there but at some point I'm going to have to say that I talked to O'Brien and Dean and Magruder and Mitchell and you and a whole lot of people about this case.
K Yeah.
E And so it would be consistent.
K Do you feel, John, that calling it straight shot here, do you feel assured as you did when we were out there that there's no culpability here?
E Yes.
K And nothing to worry about?
E And Herb from everything I hear they're not after you.
K Yes, sir.
E From everything I hear
K Barbara, you know
E They're out to get me and they're out to get Bob.
K My god. Alright, well, John, it'll be absolutely clear that there was nothing looking towards any cover-up or anything. It was strictly for the humanitarian and I just want, when I talked to you I just want you to advise me that it was alright on that basis.
E On that basis.
K To go forward
E That it was necessary
K And that'll be precisely the way it is.
E Yeah. OK.
E Thanks, Herb. Bye
seeking immunity and that he, Dean, had sworn off on Bob Haldeman and John Ehrlichman, didn't he?

Mr. KALMBACH. I think that is substantially what I remember.

Senator ERVIN. And didn't he suggest that you testify as far as you could so as to implicate Dean and exonerate Haldeman and Ehrlichman?

Mr. KALMBACH. I did not so understand it, Mr. Chairman. I understood him to say to tell the complete truth.

Senator ERVIN. Well, let's see. Didn't he tell you, among other things—didn't he say this: “I wouldn't haul the President into it if I could help it.”

Mr. KALMBACH. Excuse me, Senator, may I read this, please?

Senator ERVIN. The top of page 4.

Senator WECKER. Mr. Chairman, in fairness, wouldn't it be proper to give the witness a few minutes to read the entire document that has been presented to him? Apparently, it is the first time he has seen it.

Mr. KALMBACH. It is.

Thank you very much.

Senator BAKER. Mr. Chairman. I would also like to say that it is my understanding—I missed it in your inquiry—that what you are reading from is a question and answer telephone conversation transcript, which was apparently recorded and submitted to us by Mr. Ehrlichman in the course of his interview. And also in fairness, as Senator Weicker said, to the record, I wonder if we might have the entire document included in the record so that it will be available for ready reference.

Mr. O'CONNOR. May I say this, Mr. Chairman?

Consistent with the fact that as of March 15, when Mr. Kalmbach and I first declared that we would cooperate with this committee and have done so up until this time, I believe it was upon our advice that Mr. Dash and Mr. Lenzner became aware of this very tape. We have not, however, as yet, read it and we would appreciate that opportunity.

Senator ERVIN. I was under the impression, and I am sorry if my impression was wrong, that Mr. Kalmbach had a copy of this. Certainly, I don't want to be unfair to anybody and I certainly would accord him an opportunity to read it.

Mr. KALMBACH. Thank you.

Senator BAKER. Mr. Chairman. I wonder if there is any objection on the behalf of the committee or the witness to including this as an exhibit in the record?

Senator ERVIN. None.

Senator BAKER. May I ask unanimous consent that it be included as an exhibit in this record, appropriately numbered.

Senator ERVIN. That will be done and it will be numbered as an exhibit and included in the record as such.

[The document referred to was marked exhibit No. 77.*]

Mr. KALMBACH. Yes, sir.

Senator ERVIN. In this telephone conversation which was taped by John Ehrlichman, is it not recorded that John Ehrlichman told you, and I refer to page 3, that they, that is, the prosecuting attorneys, were trying to get at him, that is John Ehrlichman, and that they would

*See p. 2215.
give Dean no consideration unless they can corroborate Haldeman and Ehrlichman's liability. In other words, did he not tell you in substance that the prosecuting attorneys were trying to get at him, John Ehrlichman?

Mr. KALMBACH. He indicated here and, incidentally, Mr. Chairman, I cannot again tell you or the members of this committee my reaction of the time that I learned I had been taped without my knowledge or consent. I just cannot express the feelings at that time. But I am sure you understand.

Senator ERVIN. Well, did he not state that to you at that time?

Mr. KALMBACH. He stated as per the testimony; yes, sir.

Senator ERVIN. Yes; and he stated that there was no chance for Dean to get immunity unless Dean could substantiate some liability in the matter on the part of Haldeman and Ehrlichman.

Mr. KALMBACH. Again, per this testimony, Mr. Chairman.

Senator ERVIN. I call your attention to the statement made by Ehrlichman at the bottom of page 2: "And so it was necessary for Dean to come to me," that is, Ehrlichman, "and then in turn to Bob and plead a very urgent case without really getting into any specifics except to say you had to trust me, this is very important, and Mitchell is up his tree, or you know, I mean is really worked up, he did not use that phrase, but is really exercised about this. And I said well, John, if you tell me it is that important, why, yes." Now, was not Ehrlichman thereby saying that John Dean had come to him and Bob Haldeman with this plan to use this money and pay it to the defendants and their families, and that he said to Dean: "If that is important, he asked for him to go ahead with the project"?

Mr. KALMBACH. That is the way I would read this.

Senator ERVIN. Yes: and then you said back to John Ehrlichman, "You know, when you and I talked and it was after John had given me that word, and I came in to ask you, 'John, is this an assignment I have to take on?' You said, 'Yes, it is—period—and move forward.' Then, that was all that I needed to be assured, that I was not putting my family in jeopardy."

And Ehrlichman said, "Sure."

Mr. KALMBACH. That is correct.

Senator ERVIN. Then, you said, "And I would just understand that you and I are absolutely together on that," meaning you both agreed on that point.

Mr. KALMBACH. That is what he had told me in the office; yes, sir.

Senator ERVIN. Now, this conversation indicates an agreement on your part to testify that the use of this money was for humanitarian purposes.

Mr. KALMBACH. No, sir.

Senator ERVIN. Well, let us see what does this mean.

Ehrlichman said, "Well, I do not know of any attempt to target you at all. My hunch is that they're trying to get at me; they're trying to corroborate. See what they said to Dean is he gets no consideration from them unless they can corroborate Haldeman and my liability." And you stated, "God, if I can just make it plain that it was humanitarian and nothing else."

Mr. KALMBACH. That is exactly what I understood at the time.

Senator ERVIN. Yes.
83. On April 22, 1973, Easter Sunday, the President telephoned John Dean from Key Biscayne, Florida. Dean has testified that the President called to wish him a happy holiday.

83.1 Meetings and conversations between the President and John Dean, April 22, 1973 (received from White House).

83.2 John Dean testimony, 3 SSC 1020.
No contact between the President and John W. Dean, III, during January, February, and March 1972

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

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

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

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

No other contact during August 1972
April 16, 1973

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

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

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

April 17, 1973

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

April 22, 1973

AM 8:24 8:39 President phoned Mr. Dean from Key Biscayne.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3
Stock Number 082-001-00036-6
the million dollar conversation and the fact that he had talked to Colson about clemency for Hunt. I do not in fact know if such a tape exists but if it does exist and has not been tampered with and is a complete transcript of the entire conversation that took place in the President's office, I think that this committee should have that tape because I believe that it would corroborate many of the things that this committee has asked me to testify about.

When the President issued his statement on April 17 in which he was quite obviously trying to affect any discussions I was having with the Government regarding my testimony by inserting the phrase therein regarding "no immunity" and combined with the fact that he had requested that I sign a virtual confession on Monday of that week, I decided that indeed I was being set up and that it was time that I let the word out that I would not be a scapegoat. Accordingly, on April 19, I issued a statement to that effect.

After my statement of April 19, I had virtually no contact with the members of the White House staff. I did have occasion to speak with Mr. Garment however. I recall asking him who had placed the "no immunity" paragraph in the President's statement. Garment said while he did not know for certain, he believed that Ehrlichman had placed it in the draft because it had not been there in the earlier drafts, but was in the draft that emerged from Ehrlichman's consideration when Ehrlichman went over the final statement with the President.

On April 22, Easter Sunday, the President called me to wish me a Happy Easter. It was what they refer to at the White House as a "stroking" call.

On April 30, while out of the city, I had a call from my secretary in which she informed me that the wire services were carrying a story that my resignation had been requested and accepted and that Halde- man and Ehrlichman were also resigning.

Mr. Chairman, this concludes my rather lengthy statement. I apologize again for its length, but I have sought to comply with the committee's request to provide the committee with a broad overview of my knowledge of this matter.

Senator Ervin. Without objection on the part of any member of the committee, the chairman at this time will admit into evidence all of the exhibits identified by the witness in the course of his testimony except exhibits Nos. 34-5, 34-6, 34-7, and 34-8 whose admissibility will be considered later by the committee.

The committee will stand in recess until 10 o'clock tomorrow morning.
[Whereupon, at 6:05 p.m., the committee recessed to reconvene at 10 a.m., Tuesday, June 26, 1973.]
One 6/4/73. Please listen to tap on for 6 hrs, & we have tapes of him listening. (Coming)
84. On April 25 and 26, 1973 Presidential aide Stephen Bull delivered a number of tape recordings of Presidential conversations to H. R. Haldeman. At the President's request Haldeman listened to the tape recording of the President's March 21, 1973 morning meeting with John Dean, made notes and reported to the President.

84.1 Meetings and conversations between the President and H. R. Haldeman, April 25, 1973 (received from White House).

84.2 Portion of log of access to tapes of Presidential conversations maintained by the Secret Service, Exhibit 7, In re Grand Jury.


84.5 President Nixon statement, November 12, 1973, 9 Presidential Documents 1329.

84.6 H. R. Haldeman testimony, Watergate Grand Jury, January 30, 1974, 25-31 (received from Watergate Grand Jury).

84.7 H. R. Haldeman's notes of listening to tape of March 21, 1973 (received from Watergate Grand Jury).

84.8 Raymond Zumwalt testimony, November 1, 1973, In re Grand Jury, 96-97.

84.9 H. R. Haldeman calendar, April 25 and 26, 1973 (received from SSC).
MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN THE PRESIDENT AND H. R. HALDEMAN

June 17, 1972 - June 3, 1973

<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Description</th>
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<tbody>
<tr>
<td>June 17, 1972</td>
<td>AM 10:58 11:02</td>
<td>President placed long distance call to Haldeman</td>
</tr>
<tr>
<td></td>
<td>PM</td>
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<tr>
<td>June 18, 1972</td>
<td>PM 12:01 12:19</td>
<td>President placed a local call to Haldeman</td>
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<td></td>
<td>AM</td>
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<td>June 19, 1972</td>
<td>AM 9:22 9:26</td>
<td>President placed local call to Haldeman</td>
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<tr>
<td></td>
<td>9:59</td>
<td>President placed local call to Haldeman</td>
</tr>
<tr>
<td></td>
<td>10:02</td>
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<tr>
<td></td>
<td>11:50</td>
<td>President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td>PM 7:26 7:39</td>
<td>Helicopter Manifest - Key Biscayne to Homestead AFB</td>
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<tr>
<td></td>
<td>7:48</td>
<td>Spirit of '76' - Homestead AFB to Andrews</td>
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<tr>
<td></td>
<td>8:52</td>
<td>President met with Haldeman in flight</td>
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<tr>
<td>June 20, 1972</td>
<td>AM 11:26 12:45</td>
<td>President met with Haldeman - EOB</td>
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<tr>
<td></td>
<td>PM 4:35 5:25</td>
<td>President met with Haldeman - EOB</td>
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<tr>
<td></td>
<td>7:52</td>
<td>President placed local call to Haldeman</td>
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<tr>
<td></td>
<td>8:42</td>
<td>President received local call from Haldeman</td>
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<td>June 21, 1972</td>
<td>AM 9:30 10:38</td>
<td>President met with Haldeman - Oval Office</td>
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<tr>
<td></td>
<td>10:12</td>
<td>Buttersfield</td>
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<td>10:16</td>
<td>Colson</td>
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<td>10:38</td>
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<td></td>
<td>PM 1:24 3:11</td>
<td>President met with Haldeman - Oval Office</td>
</tr>
<tr>
<td></td>
<td>2:12</td>
<td>Ziegler</td>
</tr>
<tr>
<td></td>
<td>3:11</td>
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**April 20, 1973**

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<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>AM</td>
<td>8:15 President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td>8:39 President attended Cabinet Meeting. Mr. Haldeman was present.</td>
</tr>
<tr>
<td>PM</td>
<td>11:07 President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td>11:23 President met with Haldeman</td>
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**April 22, 1973**

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<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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</thead>
<tbody>
<tr>
<td>AM</td>
<td>9:45 President placed long distance call to Haldeman</td>
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**April 25, 1973**

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<tbody>
<tr>
<td>AM</td>
<td>11:06 President met with Haldeman and Ehrlichman</td>
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<tr>
<td></td>
<td>1:55 PM President met with Haldeman and Ehrlichman</td>
</tr>
<tr>
<td>PM</td>
<td>4:35 President received local call from Haldeman</td>
</tr>
<tr>
<td></td>
<td>4:40 President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td>5:35 President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td>6:57 President placed local call to Haldeman</td>
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<tr>
<td></td>
<td>7:46 President placed local call to Haldeman</td>
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**April 26, 1973**

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<th>Time</th>
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<tr>
<td>AM</td>
<td>8:55 President met with Haldeman</td>
</tr>
<tr>
<td></td>
<td>10:24 President met with Haldeman</td>
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<tr>
<td>PM</td>
<td>3:52 President received local call from Haldeman</td>
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<tr>
<td></td>
<td>3:59 President met with Haldeman</td>
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<td></td>
<td>3:59 President met with Haldeman</td>
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<tr>
<td></td>
<td>5:45-5:47 &amp; 7:50 - 8:00 Bull</td>
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<tr>
<td></td>
<td>5:57 - 7:14 Ehrlichman</td>
</tr>
<tr>
<td></td>
<td>6:25 - 6:33 &amp; 6:35 - 6:37 Ziegler</td>
</tr>
<tr>
<td></td>
<td>9:57 President placed local call to Haldeman</td>
</tr>
<tr>
<td></td>
<td>9:59 President placed local call to Haldeman</td>
</tr>
<tr>
<td></td>
<td>10:02 President placed local call to Haldeman, Operator conveyed message to President</td>
</tr>
<tr>
<td></td>
<td>10:07 President placed local call to Haldeman, Operator conveyed message to President</td>
</tr>
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Exhibit 7 - Log of access to Presidential tapes
If tape runs out, use two tapes. (oval)
1. oval 3/12/73
2. oval 3/12/73
3. oval 3/13/73
4. oval 3/14/73
5. oval 3/15/73
6. oval 3/16/73
7. oval 3/17/73
8. oval 3/19/73
9. oval 3/20/73
10. oval 3/20/73
11. oval 3/21/73
12. oval 3/22/73
13. c & d 3/18 (1:45 PM) 3/19 (9:45 AM) 73
14. cr 3/9 (12:30 PM) 3/12 (7:50 AM) 73
15. cr 3/13 (1:44) 3/30 (10:44) 73
16. cob 3/9 (3:05 PM) 3/15 (8:10 AM)
17. cob 3/15 - 3/20
18. cob 3/20 - 3/23
19. cob 3/20 - 3/28
21. wht 2/28 - 3/22
22. wht 3/23 - 4/13

1:45 PM April 25, 73 out
5:28 PM 11 in
11:02 AM April 26, 73 out
5:05 PM May 2, 73 1d
to Stone Bell only

[4477]
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE: SUBPOENAS DUCES TECUM ISSUED
TO PRESIDENT RICHARD M. NIXON
FOR PRODUCTION OF TAPES

MISC. NO. 47-73

Thursday, November 8, 1973

The above-entitled cause came on for further hearing at 10:00 a.m., before THE HONORABLE CHIEF JUDGE JOHN J. Sirica.

APPEARANCES:

On Behalf of the Special Prosecutor Force:

RICHARD BEN-VENISTE
JILL WINE VOLLER
PETER RIENT
GERALD GOLDMAN
GEORGE FRAMPTON

On Behalf of President Richard M. Nixon:

SAMUEL J. POWERS
DOUGLAS M. PARKER
LEONARD GARMENT

NICHOLAS SOKAL
Official Court Reporter
4800-F U.S. Courthouse
Washington, D.C. 20001

COPY FOR:
## INDEX

### WITNESSES

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<tr>
<th>Rosemary Woods</th>
<th>DIRECT</th>
<th>CROSS</th>
<th>REDIRECT</th>
<th>RECROSS</th>
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| H. R. Haldeman | 904 |

### EXHIBITS

#### GOVERNMENT'S

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<th>No.</th>
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ultimately to Mr. Bull and I probably contacted him directly.

Q You don't have a clear recollection at all as to whether it was Mr. Bull or someone else

A No - I don't.

Q If it was someone else, could it have been anyone other than Mr. Higby?

A I don't believe so - no.

Q So you asked either Mr. Bull or Mr. Higby to secure some material for you?

A Yes.

Q Now what do you recall asking for?

A My recollection is asking for the March 21 tape.

Q What do you recall saying in substance?

A "Get me the tape for the President's meeting on March 21st with John Dean."

Q Now -

A Now let me say that that sounds like a direct quote - I don't mean it to go sound. You asked me if I recall saying -- I have no ability to tell you precisely what my words were.

Q In substance - the question was in substance what you said -- now from whom did you receive the material?

A I think I received it directly from Mr. Bull.

Q Do you recall having a conversation with Mr. Bull
A  Yes - I would have no quarrel with that.

Q  Now when was the next conversation that you had about listening to tapes?

A  I am not sure but during the discussion with
the President on the 25th of April, as the established date,
which I am willing to accept - that it probably is --

Q  Are you discussing now the first conversation
or the one after listening to the tape?

A  No -- one after.

Q  -- or the one after?

A  After listening to the tape, when I reported on
the tape, the content of the tape, to the President,
and the question was raised, it was either his suggestion or
mine - anyway that the conclusion was that I ought now
to listen to the tape again, make an attempt to ascertain the
answers to the points of doubt that had come up, and
so on, or the ambiguities in my mind as to what the tape said,
in particular areas - and at some point subsequent to that
meeting I made a request of Mr. Bull -- and I presume again
it might have been through Mr. Higby -- to have the tape
returned to me with the tape recorder but this time with a
tape recorder that had an ear phone or a head set attachment
on it so that I could listen through the head set which would
enable me to turn the volume up and be able to hear the
content more efficiently than it was through the speaker system on the original tape machine.

Q Now, I take it that when I asked you a few minutes ago to explain whether there was any conversation with the President after you had reported to him, about listening to other tapes, you excepted from that the question of the March 21 tape?

A That is correct - you said other tapes.

Q Right - I did. Do you recall having any conversation with Mr. Bull the following day, April 26th?

A I have already indicated to you that at some point subsequent to my discussion with the President, following my returning of the tape the first time, I asked for the tape back for another review.

That conversation would have been with Mr. Bull. I presume although I have said it might have been through Mr. Higby and I don't know whether that was made on that day - the 25th - or the 26th, or a subsequent date. I can't remember that. I am not sure.

Q Now, by this time of course, you had isolated which tape it was that you were interested in -- and that was on one reel, I assume?

A The March 21st tape? Right.

Q It was on one reel of tape - it did not continue
over to another one?

A: That is my recollection. It was all on one reel and it was only part of that reel.

Q: And it had some writing on the back of the reel or on the box?

A: The box was identified as March 21, 60, as I recall.

Q: And you made a request of Mr. Bull for the March 21, 60 tape because you wanted to listen to it again - either Mr. Bull or Mr. Bigby?

A: That is correct -- now again I have to establish that I am not clear as to whether I asked for that tape or for the tapes that I had been given earlier - the same group of tapes.

Q: Because he brought all 22 tapes back again - is that not so?

A: It probably is.

Q: Well do you recall receiving one tape or 22 tapes?

A: No - a group of tapes. A group of tapes - I can't confirm 22, but there was more than one.

Q: Who gave you or who brought you that group of tapes that you received?

A: To the best of my recollection it was Mr. Bull.

Q: And did you have some conversation with Mr. Bull?
Friday, November 2, 1973.

The above-entitled cause came on for further hearing at 10:00 a.m. before the Honorable Chief Judge John J. Sirica.

APPEARANCES:

On Behalf of the Special Prosecutor Force:

RICHARD BELZERSTEIN
JILL HINE VOLMER
HELEN HILL
GERALD COLEMAN
LAWRENCE BACH

On Behalf of President Richard M. Nixon:

J. FRED Binding
LEONARD GARMAN
DOUGLAS M. PARKER

NICHOLAS SOXAL
OFFICIAL COURT REPORTER
2009 F UNITED STATES COURT HOUSE
WASHINGTON, D.C. 20001
220-7154
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### EXHIBITS

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BY MR. PARKER:

Q. Is that correct, Mr. Bull?

THE COURT: That is what he said.

THE WITNESS: I said approximately April 22nd, sir.

BY MR. PARKER:

Q. I think the pending question was whether Mr. Haldeman gave you a list of tapes or spoke to you orally?

A. Mr. Haldeman in some way communicated the tapes that he wanted. However, I do not recall whether he gave it to me verbally, and I wrote it down, or he gave me a list.

Q. And then you spoke to Mr. Sims or Mr. Zumwalt?

A. Yes.

Q. And did you actually obtain the tapes requested by Mr. Haldeman?

A. Yes, I did speak to one of those two, and I did obtain tapes, although I do not recall whether I obtained all of the tapes that were requested.

Q. And did you furnish the tapes that you obtained to Mr. Haldeman?

A. Yes, I did.

Q. And did you receive them back from Mr. Haldeman?

A. As I recall, I did.

Q. And do you know whether you received back from Mr. Haldeman all of the tapes that you gave him?

A. As I recall, I did.
Q. And did you then return them to the Secret Service, sir?

A. Yes, sir. Either I returned -- I probably asked them to pick them up.

Q. Do you recall the period of time that Mr. Haldeman had the tapes?

A. As I recall, it was approximately one day.

Q. Mr. Bull, let me show you Exhibit 7 that has been placed in evidence, which is a log maintained by the Secret Service that indicates certain tapes being checked out on the 25th of April and returned on the 25th of April, and others, or at least a notation that tapes were apparently checked out on the 26th of April and returned on the 2nd of May, and let me ask you if that refreshes your recollection as to the obtaining of tapes and the returning of them?

MR. BEN-VENISTE: Your Honor, I was not aware the witness had indicated his recollection needed refreshing.

THE COURT: Well, let us find out. Can you testify without referring to Exhibit 7?

THE WITNESS: No, sir, I have never seen this item before.

THE COURT: Very well.

MR. PARKER: Well, let me rephrase the question.

THE COURT: Suppose you exhaust your own recollection first before looking at the exhibit. You might ask him about his
Presidential Tapes and Documents

Statement by the President Outlining Procedures To Provide Information Related to the Watergate Investigation to the Chief Judge of the United States District Court for the District of Columbia. November 12, 1973

As a consequence of the public disclosure, 2 weeks ago, that two conversations of the President were not recorded on the White House recording system, doubts have arisen about just what happened to these conversations and why they were not recorded. The purpose of this statement is to help dispel those doubts and to spell out certain steps I will take to offer information to the court that will help determine the substance of all nine conversations subpoenaed by the court.

First, there are no missing tapes. There are two conversations requested by the courts which were not recorded. The first is a 4-minute conversation with the former Attorney General, John Mitchell, on June 20, 1972. The second is a meeting of 55 minutes with John Dean, late in the evening of Sunday, April 15, 1973.

There is no question in my mind but that the open-court hearing, now being conducted, will demonstrate to the court's satisfaction the truth of our statements that these two conversations were never recorded. In fact there is no affirmative evidence to the contrary. I believe that when the court concludes its evaluation of the testimony and documentary evidence, public doubt on this issue will be completely and satisfactorily removed.

In the meantime, I believe it important to make a statement about this proceeding so that misconceptions about this matter do not persist, simply because certain basic facts are not presented to the American public.

First, the Senate Select Committee did not subpoena the substance of the two unrecorded conversations. That material was requested only by the Special Prosecutor, and the court, who believed the substance of nine presidential conversations was necessary for completion of the Watergate investigation.

We are complying fully with the Federal court decision. In seven of nine instances, the actual recording of the conversation is being submitted; this includes five conversations in which John Dean participated—September 15, 1972, March 13, 1973, two on March 21, 1973, one on March 22, 1973. For all nine conversations covered by the subpoena, such contemporaneous notes and memoranda as were made of the conversations are being provided in accordance with the court order.

Before discussing these matters, the issue of when and why the recorded conversations were listened to by me, and by others on my behalf, should be placed in chronological perspective.

On June 4, 1973, I listened to the tape recordings of a number of conversations I had with John Dean in order to refresh my memory of those discussions. All of the conversations to which I listened that day had taken place prior to March 21, 1973. My purpose in reviewing the recordings of my conversations with Mr. Dean was to confirm my recollection that he had not reported certain facts to me prior to March 21, 1973. In late April 1973, I asked H. R. Haldeman to listen and report on the conversation of March 21, 1973, in which he had been present for a substantial portion of time. My primary purpose in having Mr. Haldeman listen to this tape was to confirm my recollection that March 21, 1973, was the date on which John Dean had first reported certain facts to me.

There had been rumors and reports to the contrary—one of them suggesting that John Dean and I had met 30 or 40 times to discuss Watergate—and I wanted to refresh my recollection as to what was the precise and entire truth.

On September 29, 1973, I began a review of the tape recordings subpoenaed by the Special Prosecutor for the grand jury and by the Senate Select Committee. The reason was it had been my deliberate intention to litigate
The testimony of HARRY R. HALDEMAN was taken in the presence of a full quorum of the Grand Jury.

BEFORE:

RICHTD BEN-VENISTE, ESQ.
Assistant Special Prosecutor
United States Department of Justice

JILL VOLNER
Assistant Special Prosecutor
United States Department of Justice

GERALD GOLDMAN, ESQ.
Assistant Special Prosecutor
United States Department of Justice

GEORGE T. FRAMPTON, JR., ESQ.
Assistant Special Prosecutor
United States Department of Justice
Q Do you recall having a conversation with Mr. Higby in the early part of April concerning your being furnished with a particular tape?

A I don't recall such, no.

Q You would recall that if it happened, would you not?

A I would think so, but I have no recollection of it.

MR. BEN-VENISTE: I believe we have a communication from Mr. Haldeman's attorney that he has an answer to the question about the logs. May Mr. Haldeman be excused to confer with counsel?

THE FOREMAN: You may go and consult with counsel.

(Whereupon, the witness left the Grand Jury room to confer with counsel.)

(Whereupon, the witness re-entered the Grand Jury room.)

BY MR. BEN-VENISTE:

Q Mr. Haldeman, to restate what occurred outside, that was merely a suggestion by Mr. Strickler that he go back to his office to attempt to find the records we have inquired about. Is that correct?

A That's correct.

Q Now we were discussing the date of your first listening to a White House tape, or having one in your possession, and I was asking you whether it was not a fact that one was one or more were supplied to you through Mr. Higby. Now I
have added that "through Mr. Highy", prior to the time that you received a large number of tapes on or about April 25th.

A That is not my belief or recollection, no.

Q It is your testimony that the first time you ever had a tape or tapes in your possession was the occasion sometime in late April, around the 25th, when you received a large number of tapes all at one time?

A Yes. I have no recollection of any -- the only reason I'm hesitating is I am trying to be sure because, as I am not sure of dates, I don't have a log on dates and a fix on dates, but as we have reconstructed and did in Judge Sirica's Court, the date, the April 25th date, would seem to me to be the time that I listened to the tape for the first time. That was the first time I had a tape.

Q Now on that occasion that you received, among other things the April 21st tape --

A March 21st.

Q I'm sorry, March 21st tape, can you recall how it was that you received a large number of other tapes?

A No. We have gone through this before and I --

Q Well, not before this Grand Jury.

A Oh, I thought we had when I was in here. I'm sorry. I don't -- the only basis would be that I had asked for or the request had been made for the tapes covering a number of conversations. The intent, as I recall it, was to listen to
the March 21st one.

It may well have been that there was an intent or a contingent intention to listen to others. I don't recall that, but I do recall there being a number of tapes delivered at the time that I first received the tapes.

Q Did Mr. Higby play some role in furnishing these tapes to you?

A I'm not sure. As I have testified before, it is possible and not at all unlikely that in requesting the tapes, I asked Mr. Higby to get them for me, to contact Mr. Bull, who was I guess at that time the contact point or the custodian of the taping system, or that I called Mr. Bull direct. I am not sure which. I could have done it either way. It would have been a very normal procedure either way.

Q Now you don't recall the circumstances with any particularity as to why it was you were furnished with a large number of tapes. If the number twenty-two is something about which you cannot testify with some clarity, I will state to you for the record that this is the number that is indicated was removed at the time.

I think you have testified that it was a large number of tapes, certainly more than a dozen, I think your testimony was.

A I'm not sure that it was put that way, but I think in Judge Sirica's Court questioning, I said that I had no basis
and no reason to question the logs that I think you had, or
the listing of the tapes that had been checked out at that
time, and I would so testify today that I have no basis for
questioning that list of tapes made or the number of tapes.

I can't confirm that that's it, but I have no reason
to question it.

Q Going back to the date that you received them, do
you recall being surprised at the number of tapes that were
furnished to you?

A No, I don't.

Q So that on the basis of that you would think that it
was within your contemplation at the time that you were to
receive a number of tapes?

A That I can accept as a conclusion. I don't have a
recollection of having expected a number, but I also have no
recollection of being surprised at the number.

Q Now what did you do after you received the tapes and
the tape recorder that was furnished along with them?

A I listened to the March 21st tape.

Q Where did you do that?

A In a small annex office off the reception room to
my office.

Q For how long did you listen to that conversation?

A I'm not sure. I think my log gives some indication
as to that. I don't remember what it was, but it was long
enough to go through it and make notes on the tape.

Q What did you listen to for March 21st?

A I listened to the recording of the meeting between the President and Mr. Dean at which I was present for the latter portion of it.

Q Did you listen to the portion of the conversation during which Mr. Dean was present with the President only?

A I think so, yes. It is my recollection that I started at the beginning of the President's meeting with Mr. Dean.

Q And you listened through to the end of it?

A That would be my best recollection, yes. I think I did.

Q Did you listen to some portions more than once?

A Yes, in the sense of not being able to discern what was said, and going back in a short jump and listening to a replay of a segment or something that was said that I didn't understand or didn't hear.

Q Did you take notes?

A Yes.

Q Did you listen to any other conversation aside from the one you described on that date?

A No.

Q What did you do after you finished listening to the March 21 tape?
I believe -- and I don't know that I went directly, but I think I did -- that I went to the President's office. My recollection is that it was the EOB office. I gave him a rundown on the content of the tape.

Q Did you physically give your notes to him on the content of the tape?

A No, I didn't. I'm almost sure I didn't.

Q Did you use your notes in making this report to the President?

A Yes, I'm sure I did.

Q Do you recall what you said to the President in substance and what he said to you?

A No, except that I tried to review for him the content of the tapes and answer questions that he had regarding specific points in the conversation that I heard on the tape.

Q What questions did the President ask you?

A There were a number of them. We had had some discussion at this point or at an earlier session. I am not sure.

Q What is your best recollection?

A My recollection is that there was discussion back and forth on a number of the points that were discussed within the tape as to what specifically was said and what the tape indicated. My listening to the tape was under difficult circumstances, and I am not sure that I was able to answer all of
the questions that were raised. There was discussion of specific points.

Q Well, what do you recall?
A I don't have any recollection of specifics. We talked about this before here and you asked, as I recall, the same kind of questions and I had the same problem.

I volunteered then and I can now go back and trying to reconstruct point by point, and I can work from the notes to do that, and do it maybe more accurately.

Q You think you are able to discuss what questions the President asked you and what your responses were by reviewing your notes?
A I'm not sure that I could.

Q Let me ask you specifically whether the President asked you if Mr. Bunt was paid his money?
A I don't believe so.

Q You don't believe so?
A I don't believe so, no.

Q Do you recall having a conversation with the President about whether the payment of money to Bunt constituted an unlawful acts in substance?
A There was discussion of that at various times subsequent to March 21st. I can't put a fix on what was discussed by whom at what time.

Q Let's have your narration of what you do recall, and
Mar 21 Oval

D in

E caught me why Gray w/hldg - instr frm us?
we sd no further data - but he made dec. on his ow
won't review anything w/ us
disc of Gray strategy - rc FBI files - Ervin etc.

any further word on Sullivan? he's going to be over to see me
want to see what he has

D reason for this AM - you don't know what I know
so diff to make judgmst

overall - no dbt re seriousness - cancer close to Pdcy
growing daily, compounds itself -
being blkmld, people w/ start perjury to protect others
no assurance it won't bust

267 Wgte

std w/ instr to me from H to set up legit intell op.
I turned to Caulfield cause not fam. w/ this
told him come up w/ plan.

consensus was Caulfield not man to do this
after rejected - I was told 1701 - came up w/ Liddy
had done extremely sens. thgs at WH
ie Ellsbergs Dr's office etc
Krogh sd gd man + gd lawyer

so Mag sd to M WH is pushing us
so M sd go ahead - not knowing plan

had lot of diff targets

284 info did come to Str & to H - no doubt about
Str knew what it was - H may not have
D - "I've never pushed them on this cause hurts
to give extra inch.
H even gave instr to chg capab. from Musk to McG
& L decided to bug McG
never bugged McG -
info was coming over here

next time I aware - Jun 17 - brkn.
put pieces together
ask'd L - anyone in WH - L sd no
how happened - L pushed by Mag
Mag sd WH not happy w/ what getting
D thks it was Str saying H not happy
P - cant see why doing it
D - probing info re Convs
Mag is totally knowled g bl on whole thing

don't know how much knoledge M had

292 Mag did perjure self
they ran test. by me - D said don't know --
if that's yr. stry - fine
took him to mt M - M had sent him to WH for Krogh  
told L. devel plan - after hired at CRP  
Mag called D to mtg at M's re L's plan  
L laid out mill $ plan - incredible  
blackbag, kidnap, prostit, bugging, mugging  
M sat puffing + laughing - agrees incred  
2nd mtg - D in at tail end - same kind of stuff  
D sd these are not things to disc in off of AG  
(trying to get M off hook)  
told them to pack up & get out - reexam  
Mag - M - L & D  
came back & told H - growing disaster - WH out  
H agreed  
D that t'd off - last he heard of it  
had dlgs w/ L after - never tlkd about it.  

D puts pieces together  
L came up w/ another plan apparently  
didn't get it approved  
so L & Hunt saw Cols - Cols tld Mag - fish or cut bait  
"if you dont use them I will - appty Feb  
D assumes Cols know what tlkg about  
- probly deny & get away w/ it  
Cols helped to get it off dime  

P - thks H assumed they had a proper op  
& thru Str started pushing them for info  

Mag did know & spec. instrd to go into DNC  

294 I honestly bel no one ever here knew  
Bob I don't blv specifically knew  
Str did know  
Bob know there was a capacity  

297 Post Jun 17  
I was under clr instr not to invest  
worked on theory of cntmnt  
totally aware FBI & CJ - & had to  
Peterson's a soldier - kept me informed  
blvs in you & this Admin  
made sure invest. narrowed - nothing improper  
ran out to fullest extent  

P - why didn't call H - D - no reason to call him  
Str appeared - as result of coaching - to be dumbest  

302 L deal w/ Kldst at Eng Tree CC  
they std making demands - attys fees  
yr asking us to take this thru elect  
so arrgmnts made thru M - I was present  
they had to be taken care of - fees done  
Klmb raised cash -  
some to Hunts lawyer - his wife was taking $ to Cubans  

Retyped from indistinct original
Bob is inv E is I am M is
& its obstr of justice

P - how H inv -
D - ran out of $ - 350 in safe - polling
so they came here - I went to H
H sd what for - I told him
decided no price too high to pay to blow before elect.

now wI be cont. blkmail by Hunt L. McC
Cols had tlkd indir to Hunt re commutation
don't thk Sen can find this - all cash

Hunt called Lawyer O'B at CRP Fri - lawyer to me
H dmndg 72 personal 50 atty fees
by close bus yest - affairs in order - sentence Fri
D sd you came to wrong man - I'm not inv. in $
don't know thing about it - cant help you
O'B grt hall player - safe - no prob
Hunt made dir thrt agst E - blkmail
I wI bring E to his knees - put him in jail
Ellsberg & other things - I don't know extent

Where are soft pts - how many people know?

Cubans were same H & L used in Calif brkin
H & L fully aware it was right out of WH
P - Why
Cpl thgs here I've gotten wind of
one time 2nd story job on Brookings
was told E instrd it -ckd, he said turn it [unreadable]
& I did - not worth it

Who knows
Cubans lawyer - Rothblatt - no good SOB
F Lee Bailey - came in to cool Rothblatt down
Bittman
O'B + Park - they're solid, but they know
all principals - some wives - Mrs Hunt whole pic

P. pt someone did raise Hunt commutation
that's extent of knowledge

soft spots
1 - contg. blkmail - not just now, when in prison etc.
$ wI compound obstr justice & cost $
people here aren't pros - don't know how to do this
P - may be we can't
D - that's right - plus prob raising $
M is working on $
no denying H - E - I invlvd in early $ raising
P - how much $  
D - Mill dollars over next few yrs.

P - you need the money we can get the money
we can get in cash - I know where can be gotten
but q is who can hdl it  
D - M shld be chrgd w/ that & gt pros to help him
he has LaR getting it  
D told him that's awful

tld to Pappas  
P - I know
Pappas agreed to help

P thkg out loud here - wld you put it thru Cuban Com
D - no
P - some wI be cash  
is Cuban an obstr just
wI that give it a cover?
D - some for Cubans & Hunt - Then have L - McC doesn't want $
McC's not a bought man right now

 growing cancer i c
1) Krogh perjured before GJ - haunted by it
says I haven't had a pleasant day on my job
told wife cause curtain may ring down
perjured re did he know the Cubans?  
sd he didn't

2) M & Mag potential perjurers
3) poss of any individl blowing

L strongest of all

P - yr major one to control is Hunt cause knows so much
D - right he cld sink Cols.
    thks Cols abandoned him  
    no $
P - looking at imm prob - don't you have to hdl
    H's finan sit
D - I tlkd M re that last nite
334
P - got to keep the cap on the bottle that much
D - That's right
P - either that or let it all blow right now
D - that's the q.

Klubach - at Jan 69 had $1,7 mill to keep
in boxes ult to Calif. knowledge of this
spent a good deal since 69 - hard to acct for
ie 500 th for priv. polling - nothing wrong
sent 400 th to South for another cand (Wallace)
mennd Tony - who did Chapp study
    P - I heard about that
nothing illegal - but explosive
don't know anything illegal - except won't blow whistle
ie they'll ask him re Segretti
where get cash etc
P - how wld you hdl that  
D - doesn't bother me - not crim
   just polit embarrassing
other vus -
- runaway GJ in NY - M & Stans
  wi try to drive E into that
  Don N Jr etc
  E may have to appear at that GJ - no priv.

that's the overall pic

re Seg - H did authorize - ck
  potential felony chg v. C
     has to disprove his control of Seg
     use of stats re interfere w/ campaign
P - not too concerned - prob on PR side
D - real prob is growing sit - support for Wgfe
    & need for some to perjure
    if this ever blows & we're in a cover up sit
    extremely damaging to you
    ic if starts brkg & they find crim cases agst H, D, M, E
P - coming down to that fact we cannot take the heat
    we have to share it a little
D - thats right    H & E & M & I shld sit down
    spend a day or however long to fig out
I - how carve this away from you so does not dam you
    or Pdey

I know frm our convs these are thgs you
    have no knowledge of

P - trigger man was Cols on this
D - well he was just in the chain
P
I - will this brk someday-domino sit
    H accused of thgs never heard of.
    P w/ be hurt most

D - I am not confid we can ride thru this
    there are soft spots
    everybody looking out for self - criminal
    we were able to hold for a long time
    my facility hampered by Gray on front page

P - supps you & H & E & M Put out full discl.
D - One way - P tell AG for another GJ
    avoid crim liab for many & min for rest
    by thkg thru immunity - ie Mag
    but some have to go to jail

P - who - lets talk about that
D - I think I wld for one -    P - oh hell no
    D - can see people ptg finger
P - you were doing as counsel    - obstr just
    could cut it off at the pass
D - thk w/ prop coord. w/ D. Just
    Pete only one I know bright cnuf to advise us
    put together w/ max sep [unreadable] & minimal dam to
    individuals
have faith in him --

re obstr just
D - I've been conduit of info tkg care of people
who were guilty of crimes;
the blackmail

P - suppose you got the money & way to hdle it
wld seem to me that wld be worthwhile
have prob Hunt clemency
D - right & the others - may be untenable
not sure you can deliv on clem
P - not before 74 elect for sure
D - may further involve you
P - & its wrong
D - there've been some bad judgments made
& some nec. judgments made before elect
can't burden 2nd Admin w/ something that won't go away
has to be...
who else potential crim.
D - E, conspir to burg Ellsberg
picture was in files - not buried
why phone at WH in secy's name

don't have a plan - but shld thk in terms,
how to cut losses, not further compound

P - but at moment don't you agree better take the
Hunt thing

E & H have met w/ D - never w/ M

H has potential crim liab frankly

indicted - maybe never convicted

P - if they're going to be indicted - better to tough it thru
cut our losses - but if it blows w/ never recover
so fight it out - no one testify
realize wkness re blackmail

D - get you up & out & away from it
or hunker down & fight at every turn
  & hope we can do it. & take the heat

P - still consid - bef Cab & 1drs etc.
  re my invest -
D - if we go that route I can give a show

P - most diff prob are the guys going to jail
  & clemency - how long w/ they sit.

P - have mtg fast - today - tomorrow
D - H & E don't want to talk to M
  H agrees you shld have facts.
D - can chg them w/ blkmlg us

P - I tlkd w/ E - so he can get away from this
he reco mtg at earliest time
pushes for mtg H E M
don't want Moore there.
decide - then let me know
tell them exactly what you told me
re obstr etc
then see what the line is
stonewall & take heat?
analyze vul. pts. Hunt

Hunt blow whistle

P - pt is all the secys etc know

D tells H for first time re Cols - Mag phonecall

P - Hunt prob is serious cause of Ellsberg
D - put on nat'l sec basis
but why not CIA or FBI
H - cause we were ckg them
D - can probly get by on that
solves Krogh prob - was treason
P must have talk w/ M

P either decide so many crim probs - not pub-
for WH staff
H - q where cut off pt is - poss of L - where ar now
req's continued perjury by Mag
P - & req's total control over all defdts
D - Hunts playing hard ball -w/ re E etc.
H - what w/? $ (obviously first I knew)

P - 120 th - easy to get - not easy to deliver
Try to cut losses - won't work - in end bleed to death & look like coverup.
have to look at what they are
avoid crim liab. - Bob, C, Str & M
H - & Mag if you can -
P - D says if Mag goes down pulls all w/ him

another way -
cont. to try to fight it
req. 1 mill dollars to take care of defs
that can be arrgd.
but they'd crack after we're gone
best people won't care that much
we can't del. on clemency - Cols promises

D - Hunt tlkg out by Xmas
H - this year?
says that's his commnt from Cols.
H - I'd blv it.
Kldst has control of parole bd's says we can del.
disc'd parole

P
D - our grtsj jeopardy is to pay the blackmail
P - we can get the $ - no prob w/ that
but can't provide the clemency
money can be provided - M can provide way to deliver
H - don't see any way WH or anyone in WH involved in
trying to give up money
D - we're already deeply cnuf in that That's the prob

D - when they ran out of Kmbach money cause after the 350 that w/ [unreadable]
& I had to explain what it was for
H - that was sent to LaR where bldg - in pieces
& balance was all rot'd to LaRue - but no recpt.
we cldn't cont. piccmeal giving - wld tell H - he'd get Str to go

D - every time asked had to get Str to safe
& take to LaR a forever operation

H - this was loans to be replenished
D - they'll have hell of a time proving it.
P - back to money - the mill $ ways to get it &
'hard place your view is - hell w/ [unreadable] say to them it's all off
that's the way to do it isn't it?

H - only way can live w/ - cause down years
had to get thru Nov 7 - no q.
D - these fellows cld have sold out to Dems.
P - so let it go - they blow whistle - the clean way
is that really yr rec?
D - no - not necessarily the cleanest way
is there way to get our story before CJ - they mv WH
haven't thot that thru

P - E has raised pt of CJ - don't know how you do it
have WH called before it
gives reason not to go to Comm -
puts it in exec session, rules of evid.
disc re CJ procedure & what can do
Hill much worse to deal w/
what do to Ervin Comm - etc
of spec. prosec.
D - wld like to have Pete on our side advising us

D - US Atty w1 pull all defdts back & immunize them
won't do any good - they'll Stone wall
ex. Hunt - that's Hunt's empty.
P - that's why for immed. thing you've got no choice w/ H w/ the 120
is that right
D - That's right
wld you agree that
P - if that wld buy time - better damn well get that done
D - I thk he ought to be given some sig. anyway
P - for C's sake get it in a way that -
whose going to talk to him - Colson - he's the one
D - well Colsn doesn't have any money - that's the thing
one of real probs - they haven't been able to raise $mill in cash is very diff prob
as we've disc before
M has tlkd to Pappas I called him last -
John asked me to call him last nite after our disc.
& after you'd met w/ John to see where that was

I said have you tlkd w/ Pappas -
all in code cause MM on phone
did you tlk to the Creek - M Yes I have
is the Greek bearing gifts - M well I want to call
you tomorrow on that
P - well look what is it you need on that
D - it sounds easy - but that's our brkdn
P - well if you had it - how wld you get it to somebody
D - La R lvvs it in mail boxes - someone phones Hunt
we're a bunch of amateurs in that bus.
H - that was the thing we thot M ought to be able to
find somebody to do that sort of thing
none of us know how to
D - have to wash - to Vegas - NYC
1rnd all this after fact
get shape for next time around
H - what about the money we moved back frm here
D - they may have some
H - Kalmbach must have some
D - Kalm doesn't have a cent
H - the 350 was all we saved
we're so square we get caugh
P - suggest this -
the GJ thing has appeal - at least we're coop.
H - that's the best leverage on Jeb
    unless they give him immunity
    then have intstg prob.
D - we have control of who they immunize
P - thkg how P looks - we'd be cooperating
    that's where shld be done - CJ
    then exec priv before Corn
H - do we agree to rls CJ transcripts
D - that's not up to us - up to Court
    disc. of CJ route
H - to our interest to get it out

P - other poss
    1 - hell w/ it - can't raise $ - Hunt blow whistle
        raises probs - get Mag - poss Cols. - M.
    D - starts whole FBI again
        might get E -
        D - Krosh go down in smoke
            Nat Sec won't sell in crim sit.
P - we have no choice on Hunt - eventually w/ blyw

4.

D - see how we can lay out everything we know to CJ
    so if Hunt blows - we've already told it
    not incl E deal - cause Hunt go to jail for that
P - don't go into Natl Sec area

P - other thing - have CJ & Con
    CJ appeals - cause P makes the move
    that's the place to do it.
    can't risk M going
    third is just hunker down & fight it

D - that's a high risk
D something w/ brk
P w/ look like P. is covering up

D- have to look at other alts

P- middle grd of CJ & finally ---
    or pub stat w/o CJ
    disc.
    have to move fast if sentence on Fri.

D- AG cld call Sirica & ask delay sent two wks
    Kldest has good rapport w/ Sirica
D - the person I feel we cld use is Pete
   awkward - but remove him - to dis. w/ him
   spec. assn't here
   advise what is obstr - etc.
P - how wld you get him out
D - appeal dir to Pete
P - P call in as spec. couns to WH.
   rather than D?
   D cld rec. that to P.
   (D didn't seem to know Pete planning to lv)
Flw see if Klds & can put off
2 - get M down tomorrow - disc. this
   H why not tonight
P - I'll mt w/ grp - or D report to me at end
   I shld stay away from M side of this

- good to consid these options
  when have right plan
  no doubt you were right before election
  need new plan now
H - have to turn off erosion - comes to P.
  at any cost

1365
 disc.

Retyped from indistinct original
Dear Sir,

I caught me Lady Lucy Chilling - what for us?
Did we go there when she made her call in the court room early this week?
What's up with her strategy - do the fruits - even she.

Any justification or elucidation?

She's going to leave her

Let's go see what he has

No reason for this 180° - you don't know what I mean

To call to make judgment

Owanche - no call to discretion - cause close to being

Giving duty, corporate itself -

Being dedicated people up that judging to proceed other

In essence it isn't least

267 Wife -

Let up write some form to always get write up.

I turned a lawful charge not from law this held him come up agitation.

When we call and that it's time to do this

After expected - I was told 1781 - come up by death

Had three estates come. From at all

In Ellesha Die 7' june 749

Knew not get more to get around.

000001

[4514]
As long as it be with a feeling of 
no ill will go ahead - not knowing what 
bad lot of stuff targets 
info did come to him at 11 - no doubt clear 
The knowledge it was - it may not leave 
D - I've been pushed them in this climate 
of give extra back. 
It came quite late I my access, felt like to be 
it decided to buy like to 
more suggested the be - 
cut off coming elsewhere

next time I came - June 17 - certain 
put pieces together 
and L - anyone in bit - L will no 
more happened I then pushed by mag 
then not but not happy to what getting 
D like it was the way I H not happy 
P - can see why doing it 
D - pushing he knows 
they is totally knowing he on what she 
dont know how much better I'll look 
they said person only 
they wanted by me - D said anything 
if that's you - stay - fine
D.V

try to get a man - there plan is left for less
the d. dwell place - asks kind of CR. S.

may call on d. to notify M. & his L's place
I said out there plan - impossible.

willing, possibly, possible, keeping, keeping,
most perfectly keeping again indeed
and wish - D. in at till now - some kind matter.

D. not there can not things to drive in 1/19 of st.
(staying to get us off host)

that then to get by right out - worse

D. to M. L R D

either lack it this Al - growing this matter left out
at again,

D not the off - least he heard of it
had they left after - never three count in.

D put piece together

I came up with that plan apparently
didn't get it appeared

so I that saw less - who old "Mrs. - nothing

if you don't like then I will - causes for

D thinks less knew what they about

pretends and get away off it

who helped to sort it off down

this H. became they had a proper go

I then it & it seemed four firm for
May did know - open - want to go into DNC

I honestly did none ever knew -
But I didn't specifically know -
But didn't know
But News Times has a capacity

Part Jun 17

Pursued the efforts not to much
Worked on many of alternate
Totally more P1 & G5 - I had to
Petersids as tilts - kept me informed
Here in you & this area
Made these visits - discussed - nothing specific
Was out to fullest extent
D why didn't I H - D - I did learn to call him
Both appeared - as kind of cardiac - to be done

L deal up [illegible] at Ruby farm - CL

They still think demands - at this time
You only need to take this time check
To capture more Time M - I --
They had to be taken care of - fees done
Kinds arrived early -
Some to their lawyer - He will settle this case
30C

311

DV

DV

000005
314. Where are soft pots—how many people know?

Daves were some 11th and 12th band
11th fully aware it was secret only with P

why

D— I can't know

eye they have I've gotten word of

one time 2nd thing for one Broadpa and told to limit it — chief he said it

and I did — not want it

[Illegible]

Cuban lawyer -Roth Chatt - was gone 500

Père Caillou - came in to cool Roth Chatt down

Battier

O'B & Pack - they're still, but they know all principles - some cases - has been involved in

P. pt someone did their best connection

that's outside knowledge

so it got

1—conty. allotted —not just many other in plain art

all composed of the just ice

P. people have sent just — don't know what to do

P. maybe we can

D. that right—plus just naming &
DV

Miss, what do I

No, buying H-1 E-0 instead in early February.

I-look round it. D - hell, all this money

Do you need the money? We can get the money

we can get it cash. I know where it can be gotten.

But if he who can tell it. D - That's right.

D - He said he would be glad if that would help in

his last party. D - With him that I brought

this to Pippa. P - I know.

Pippa agreed to help.

P - They out done here - where you feel it? Time later.

D - No.

P - Some of the other is later. How about party?

We that. It's come?

D - Some problems with - Then here L - Will beard.

The C's not a longer than eight hour

Growing larger 1/2.

1) High pressure before 65 - No matter by it

why. Then it had a place of the part, the

tide with cause certain may carry down

pressure. Did he wait the causes?

A he decide.

2) Mr. HAS pointed pressure

3) part of any meaning of

DV
Interrogatory

P - you might control is hurt cause because it isn't.
D - right. he does and it's.

This lets shudder him - too.
P - looking at mine yeah - don't you have it tell
it's fine sit
D - I think I'd like that last note.
P - go to keep the cap on the bottle that sin.
D - Thats right.
P - listen that 2nd at all blow regret you.
D - There's the 2.

Uncheck - at Jan 67 let if I will to keep
in boxes next to duty. knowledge of their
agent is good deal since 67. hands be fave
12,500 $7 for prior policy. nothing wrong
about 100 in it. dont be for and Rowne. Celestine
Mutual Toby - wish that 900 didn't. okay.

Old thought about that.

Really illegal but expensive and not anything illegal which is that they think him to be smart.

P - how will you bill that.
D - wont with me - not sure.

D
Other rules -
- remain GT in NY - it's okay
- if you decline E into that
  don't change
  E may have to appear at that GT

Some more pie

in bag - it didn't actually - the
  potential danger days and
  has to disappear, the central danger
  every time it be unfit for consumption

P - must be incurred, yeah, or PC again?

D - well it's going to be important for you
  to need for some to figure

If this was it, we could be aware of it
  entirely during the game

PC of that duty - they have a chance to get it,
  P - any done if that face can't take the lack
  we have to raise it a little

D - that it - it to turn it and spend a long time to figure
  I - how can this away from you to be better

I know for sure there are only two
  have no knowledge of
I - I am not confused but can make sense of it.

D - The boat - it's in the water.

P - keep your hand on the steering wheel.

D - One way, P tells me. Practice to avoid the last for every three feet, etc. by this time tomorrow - it's long, but we hope to head west.

P - The boat's loaded. This is it.

D - I think it's too late. P told us.

P - We can't help anyone - we're just passing.

D - You won't get through.

P - You could cut it off at the price.

D - The wet proof coat. D, what's ours? I hope I'm wrong, but if we can put together as much as we can, we'll have some luck.
D - I've been curious a lot of the time you're up at the library
    I've been curious if things are similar. The library

361 P - I suppose you've got the money except for a
      little from that list to send. What
      happened about closing?

D - Right, built the other way. may be different,

    most time you can sit on it.

P - With the whole for sale.

D - May be the intention.

P - It's wrong.

D - They've been doing so much for so
      long and I've been trying to help them.
      And here I am sitting here and doing
      things.

D - E, can we belong. A club
      picture in a file. - not hard
      why phone at 8:25. can't talk.

D - Don't have a plan, but didn't make in time.
      Now next lessons, not just two anymore.

P - But at request don't you agree on that time
      then they
E+1 + love out of 0 - how up 4
1st place to see like forget
interest - maybe remember

D - If they want to be C________- interesting...
custom line - Must of eaten up here now.
so fight it out - If we can try
maybe whenever we can.

B - Gotta eat our seat pretty soon - It
in the bucket fight to many times.
- Hopefully change oil + idle the last

P - will come - by 6 to 6 or 7
in my opinion.

D - if we go that route - I can go there
I want all dirt on the gypsy pirate fight
+ cleanup - How long of stay out

A - How did you get - today - tomorrow
D - We didn't want to talk about
Hope you didn't have pets
I, ...

- macro
- CA-104
- CA-105
- CA-106
- CA-107
- CA-108
- CA-109
- CA-110
- CA-111
- CA-112
- CA-113

- 4.04, 4.06, 4.08, 4.10, 4.12

- CA-114
- CA-115
- CA-116
- CA-117
- CA-118
- CA-119
- CA-120
- CA-121
- CA-122
- CA-123
- CA-124
- CA-125

- AC
- DC
- AC
P - can't decide to worry about pets - just put them away.

P - gopher cut - no pt is - pipe 2 L - used man

P -= my comfort panel - 17 mar

P -= pt yes that control over all object

O - knives playing back side - ifre F ask

P = what if? (obviously just figure)

P - 120 ft - try to fit - not easy for dummies

They do it loose - outside - in side. Need to think later

Need to listen what they are saying.

Add 3rd oven cleaner = CA, CA, MM 4046

P = hey if you can

Another oven = on to try a fit and is - D Angelo's 422 2779. Not sure if this is the one.

That can be made.

Not sure what we can do with a whole oven. Not much we can do with this.

We can't do the dry cleaning - that's impossible.

O - Heart Falls no - every time - H - this creepy

He's really bad. It's all connected together. Oh - Shit, not. I can include if I think of something else.

O - I can get the $ - no point of that

O - our going guaranteed to be for the airplane

P - we can get the $ - no point of that

He can't repeat the airplane money to be prepared. It can promise to deliver

O - don't think they way W or A a go near the or not involved is trying to give up money.

O - were already sleeping anyway. That's the fact.
DV

D - when the house is built very well to 3 floors.

I - had to explain about it was for.

A - that with had to be 1/3 of what it - in price

T - balance will need to take - but to accept.

C - credit card personal staying - with that I - here please.

D - cannot have canceled and for just the idea of take

This is take a personal question

A - this was because of the explanation.

D - they'll have hell of a time going it.

The ticket.

A - back to money - later is way in to the

and thinking will know - not think to it.

B - ever know how did - some dream years

1937 + the 11 or 7 - over 2.

D - that 30 - they have somewhere - the cleaning

V - there you are?

D - no - not necessarily the cleaned way

D - able to get out the that one - they were with

remember that, not them.
P-E has received proj 6-T - but have no more
have left side of it
- have not to go to Case
- that in case it may be
- it may be GT procedure or what ever
- you much worse to deal with
- what do we have to case
- in this case -
- it will like to have Real in one side another one

D-US City - will call all anyway break it downs in the
- only thing I will say - they will show up
- that - that it was not clear

P- that's why you've got so check on up - as is that right

D- that's right
- what you again say

P- if that under here - better clear until yet this

D- I think thought to be given some idea anyway

P- for C is going at it in a very tir -
- where going to hold to - what is hard

D- well C is done - having men in there - holding
- one at each pass - what he want that said -
- need to take up very easy just
- we're done from

D- was told to keep it quiet -
- John asked me to call in that 122 after one
- you've been -
I don't have you listed up here —
all the little boys here, on Monday
did you fill in the blank — "Yes, I have
let Ethel bring you a word from me
on your tomorrow on that.

D — well look what do you need on that.
J — it remains easy — but fairly rude
D — well if you had it — have to go get it on
J — why not let it in next letter — some places he
will have a bunch of questions in that area.

H — this was the city of New York — to write to
J — what about to write to write to
D — might have come

H — Ethel should have come
D — Ethel doesn't have a cent

H — the 350 won't it be we should

D — suggest that

The 30th of April — the first we want.
D. We lost our track contact.  deutSieg get away on tracks.  Fm. 5000-8000.  Should save them.  
P. What happened at 05.  
P. Depends on what they do.  - What the story 
H. Get the best coverage on Fm. 5000-8000.  Unless they give us minute.  Fm. 5000-8000.  
D. We lost contact of Waa-8000.  
P. They have 40,000 - wait for contact.  That's where they'll come - E-F.  
H. Their intercept 5000.  
H. Do we agree for the E-F transmission?  
P. That's not up to us - up to Court.  
D. 5000-8000.  
H. To our intercept to get it out.  
D. The intercept 5000-8000.  
P. We have no choice on KB-8600.  They said...
DV

D- see how important safety are because 1 FT
so if they're lost to someone and
not with E and cause that you just feel.
D- don't just feel alive

P- othe way - here 1F + can
1F appears - cause P makes the move
with the piece to do it.

D- just with 1 F group

P- are just定向 and down + figure

D-this is right side

P- thinking of this

D- no less to be P is coming up

D- have to look at animals

P- think good of 1F + firstly —

D- have to move first of all twice on E

D- for all inside want helping out accounts

DV

GOODBYE
DV

D - The form I feel we should use is #2 or adapted but remove line - to discontinue
spec excess
advise what is excess etc.
P - how did you get it out
D - appeal due to date
P - P call in as appeal seems to WIT.
rather than D?
D did see that to A
(D didn't seem to know what I was doing to it)
for see if Peter can get it
2 - get 1st down tomorrow - help is this
A Why not invite
D - all set up for - a D report to be attached
I think they may join the strike of this

Good to consult these options
When have night plan
no doubt you were right before election
need new plan now
11 - have to turn picture down - come is it
at any cost

DV

[4533]
Thursday, November 1, 1973

The above-entitled cause came on for further hearing at 10:00 a.m. before THE HONORABLE CHIEF JUDGE JOHN J. Sirica.

APPEARANCES:

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[4535]
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<td>James Hesbitt</td>
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## EXHIBITS

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[4536]
Q More specifically now, and let's deal with these 22 tapes which were turned over to you according to your records, if I understand them, they were turned over to Mr. Bull at 1:45 p.m. on April 25, 1973 and they were returned at 5:28 on April 25th, 1973?

A Yes.

Q And again they went out on April 26th at 11:00 a.m. and came back at 5:05 p.m. on May 2nd, 1973?

A Yes.

Q Can you recall what Mr. Bull asked you for in selecting these tapes, did he give you a list or give you instructions on what to remove orally?

A It would probably have been an oral request.

Q Is that your recollection?

A Yes. I can never remember him writing down the dates.

Q What do you recall his instructions being?

A I really don't know. I would even have to look at that from the dates involved in the tapes that were signed out that day.

Q Take a look at them (handed to the witness).

A In involves all tapes from March 12, 1973 through May. It would have been a request for some time period covering that time period, in other words.

Q There are obviously dates which are not included between the 28th of March and the 12th of March, correct?
A I'm sorry?
Q Maybe I misled you.
These are not in chronological order. The first tape appears to be dated 2-28 to 3-22?
A Yes.
Q That is White House Telephone covering that period?
A Yes.
Q Now the last date on there appears to be 3-23, is that correct?
A Yes.
Q Now, knowing those dates, can you tell what your instruction was if you can't recollect it independently?
A I would say a date from and to.
Q Of all conversations?
A Evidently of all conversations.
Q As far as you know there are no tapes which were made during the dates I have indicated which were not included in this list?
A Right.
Q Now, going to the second page there are 26 tapes indicated?
A Yes.
Q And these left all at one time again, is that correct?
A Yes.
Q That was June 4, 1973?
**H. R. HALDEMAN CALENDAR - WEDNESDAY, APRIL 25, 1973**

**A.M.**

<table>
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<tr>
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<tbody>
<tr>
<td>7:55</td>
<td>H in</td>
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<tr>
<td>8:15</td>
<td>L. Higby</td>
</tr>
<tr>
<td>8:35</td>
<td>Bruce Kehrli</td>
</tr>
<tr>
<td>8:40</td>
<td>John Ehrlichman, John Wilson, Frank Strickler</td>
</tr>
<tr>
<td>9:25</td>
<td>Wilson and Strickler in P's Oval O</td>
</tr>
<tr>
<td>9:45</td>
<td>Ron Ziegler</td>
</tr>
<tr>
<td>9:55</td>
<td>[Ziegler out]</td>
</tr>
<tr>
<td>10:25</td>
<td>Ron Ziegler</td>
</tr>
<tr>
<td>10:45</td>
<td>John Wilson, Frank Strickler</td>
</tr>
<tr>
<td>10:55</td>
<td>John Ehrlichman</td>
</tr>
<tr>
<td>11:05</td>
<td>President's EOB 0 w/Ehrlichman</td>
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<tr>
<td>12:55</td>
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**P.M.**

<table>
<thead>
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<tbody>
<tr>
<td>1:00</td>
<td>P's EOB 0 w/E</td>
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<tr>
<td>2:15</td>
<td>L. Higby, Lunch w/LH</td>
</tr>
<tr>
<td>2:45</td>
<td>H to private office</td>
</tr>
<tr>
<td>4:45</td>
<td>Presidents EOB 0</td>
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<tr>
<td>5:15</td>
<td>Barber</td>
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**Evening**

<table>
<thead>
<tr>
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<tr>
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<td>Time</td>
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<td>--------------------------------------------</td>
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<td>8:15</td>
<td>L. Higby (2)</td>
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<td>9:00</td>
<td>President's Oval O</td>
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<td>10:30</td>
<td>John Wilson and Frank Strickler</td>
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<tr>
<td>11:30</td>
<td>John Ehrlichman</td>
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<td>12:45</td>
<td>H to Private Office</td>
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Retyped from indistinct original
Haldeman's Calendar

1973

For a full year of daily quarter-hour appointments, memoranda and diary

84.9 H. R. Haldeman calendar
<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
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*Evening*
**Thursday, April 26**

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*Clip for current day*
On April 26, 1973 Senator Lowell Weicker, a member of the Senate Select Committee, released to the press information that Patrick Gray had burned politically sensitive files which had been given to him by John Dean from Howard Hunt's White House safe. Petersen has testified that on this date the President telephoned him to ask if Gray ought to resign as Acting FBI Director and that Petersen told the President that he thought Gray's position was untenable. At the President's instruction, Petersen, Gray and Kleindienst met that evening and discussed Gray's possible resignation. Kleindienst telephoned the President and recommended that Gray step down, but added that Gray did not see it that way. The President told Kleindienst that he would not require Gray to resign immediately. Gray has testified that Kleindienst also stated after speaking to the President there must be no implication that in burning these files there was any attempt of a coverup at the White House.

85.1 L. Patrick Gray testimony, 9 SSC 3491-93, 3495.
85.3 Meetings and conversations between the President and Henry Petersen, April 26, 1973 (received from White House).
85.4 Henry Petersen testimony, 9 SSC 3625-26, 3654.
85.5 Meetings and conversations between the President and Richard Kleindienst, April 26, 1973 (received from White House).
85.6 Richard Kleindienst testimony, 9 SSC 3598-99.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $1
to me that that telephone conversation was made in Washington, since
there is no reference at all to San Clemente or Key Biscayne and nor-
mally 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 25. 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 25 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 eve-
ning 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 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-
stuffed leather chair and Mr. Kleindienst was sitting right in front of me facing me and he said to me, “It doesn’t seem to me that you can continue as acting director of the FBI.” I said, “Well, Dick, it does seem to me that I can continue as acting director of the FBI because these files had absolutely nothing to do with Watergate and the men and women of the FBI know I have done nothing to stifle this investigation, but that I will accede to whatever the President wishes. If he wishes me to continue to serve, I will serve. If he wishes me to resign, I will resign.”

Mr. Kleindienst then went into his other office and said he was going to talk to the President and during his absence Mr. Petersen was pacing up and down in the office, walking back and forth, and I remember him distinctly saying, “Pat, I am scared.” And I said, “Henry, why?” And I am still sitting there in that chair. And he said, “I am scared because it appears that you and I are expendable and Haldeman and Ehrlichman are not.” And I said, “Henry, do you think I should get a lawyer?” And—this is the first time I had entertained the idea, and he said, “Yes.” And I did. Later.

But then Mr. Kleindienst came back into the office and sat down in the chair again, facing me, and said “The President wants you to continue to serve as acting director,” and I said, “Fine, Dick, I will do it.” And then all three of us left the office. We walked out of the office together.

Senator Weicker. Now, would you move to the morning of the 27th?

Mr. Gray. Well, when I got home that evening got it was after 8 o’clock and I did quite a bit of thinking about this and I thought that I had better really resign, that this was not the thing to have done and that there was no way in the world that I would be able to explain it to the FBI. It would take too long. So coming into the office that next morning, I asked two members of my personal staff, the oldest two members, to come in and sit down with me. I told them all the facts and I said, I just feel that I cannot now command the FBI. They agreed with me and I told them, I said, all right. What I want you to do, I am going to call Marjorie in my secretary, and dictate my resignation. I want you to prepare a statement to go along with it. Earlier that morning, at about 8 o’clock, when I first came in, I called Mr. Felt, reached back on my console, pushed his button and called him and I said, “Mark, later on I am going to want to talk with you and members of the personal staff about this story of the burning of the files but I feel that I cannot now command the FBI.” I told him that earlier. Then they came—the members of my personal staff came—two members of my personal staff came back in at about 10:15 in the morning. I asked Mr. Felt to come in. We went over the whole thing again, went over the statement. We went over my letter of resignation and I told Mr. Felt to have the acting directors assemble at 11:30. That I was going to tell the Attorney General that I was going to resign and that was all that was to it.

I can’t—I believe that I told the Attorney General. I am pretty sure that I told the Attorney General. I haven’t even looked at my logs to see if there is a telephone call to him but I am pretty sure that I told him that I was going to resign.

I had Mr. Felt set up the meeting with the assistant directors at 11:30 in my conference room so I could appear before them and tell
them. And I did. I met with them and I told them exactly what had happened and I said, Mr. Felt will tell you all the details but I feel that I can no longer command the FBI.

I shook hands and I said goodbye.

I think it was then, at about noon, that I called Mr. Higby. I called Mr. Haldeman's office asking to speak to the President and I got Mr. Higby and Mr. Higby said that the President and Mr. Haldeman and Mr. Ehrlichman were in Mississippi with Senator Stennis, and I think it was Meridian, but I am not sure of the town, and that he would have to get to them with regard to my statement to him that I was going to resign, that I could no longer command the FBI, and that if I tried to do so, there would be insurrection and mutiny, and that this resignation had to be accepted. And that was just at about noon.

And I believe—let me refer to my logs.

Senator Weicker. Go ahead.

Mr. Gray. Yes, I telephoned Mr. Higby at 12:18 p.m. and I told him at that time that my resignation had been written and was on its way over, and he said, let me talk to them, the party down there in Mississippi, before you send this over.

And then there was another call at 1:59. Mr. Higby spoke to me and said, "Please send your resignation over. They are expected back at about 3 o'clock." And I believe it was in this call that I told him I also wanted to issue a statement along with this resignation of mine and this—my recollection is that it took him a little bit and he said, "Nobody at the White House is going to want to issue this statement," and I said, "No, my statement is harmless. I am going to issue it," and I read it to him. And then he called me back at 2:00 p.m. and told me to go ahead and send the resignation over and send the statements over to him, which I did.

Senator Weicker. Now, after your resignation was announced, did you receive any information—

Mr. Gray. When I left.

Senator Weicker. Or any indication that according to White House officials, those associated with the White House, the fact that yours was not a resignation but rather you had been kicked out?

Mr. Gray. Yes, sir. I left the department that afternoon about 2:45 p.m., and drove, as I recall, to Connecticut and I think it was the next day that I talked with my executive assistant, who told me that there had been stories that had been carried on the wires to the effect that I had been thrown out and that he had taken it upon himself to—because he had participated in this whole thing with me—he had taken it upon himself to issue a correcting statement attributed to FBI sources.

Senator Weicker. Then, at any point, I repeat, between March 21 and April 27, which marked the date of your resignation, at any time during that period did you or were you requested by the President of the United States to give him information, facts, et cetera, relative to the Watergate situation?

Mr. Gray. I was not given any orders by the President of the United States or anyone to give them any facts about the Watergate situation until Mr. Peterson came to me on April 16, and I have already testified to that in my statement. This is when they asked me whether John Dean had given me two of Howard Hunt's files.
Senator Talmadge. You accepted it as an order and you executed it as an order and you carried it out as an order, is that correct?

Mr. Gray. That is correct.

Senator Talmadge. What did you think the source of this authority was?

Mr. Gray. Well, as I have testified, I cannot really say it came from the President but I can say to you, Senator Talmadge, that one thing I neglected to say in the course of the conversation in the Attorney General's little private office when he was sitting there, after having talked with the President, Mr. Kleinfieldt said to me there must be no implication that in burning these files there was any attempt of a coverup at the White House, and I told him, I said, "Dick, I clearly got instructions. I thought, to burn those files and I burned them and that is going to be my testimony."

Senator Talmadge. You assumed that Dean's authority came from the President, did you not?

Mr. Gray. He was standing right there in the presence of the top assistant to the President.

Senator Talmadge. You assumed that Ehrlichman's order came from the President?

Mr. Gray. I had to believe they were acting for the President, yes.

Senator Talmadge. You assumed that it came from the Chief Executive of the United States of America acting in that capacity, subordinates?

Mr. Gray. I made that assumption but, Senator Talmadge, in fairness and decency and honesty, I have to say I just cannot testify under oath that the President ordered them to do this.

Senator Talmadge. I can understand that.

Mr. Gray. But I made that assumption. there is no——

Senator Talmadge. You were in the Navy, when you got an order from the fleet commander you assumed it came from the Chief of Naval Operations, did you not?

Mr. Gray. That is correct.

Senator Talmadge. And in turn that he was appointed by the President of the United States, it came from the authority of the President; is that an accurate statement?

Mr. Gray. That is correct.

Senator Talmadge. I believe you, in some statement, stated you wrote the President, I believe——

Mr. Gray. That is correct.

Senator Talmadge [continuing]. In 1968, to beware of his subordinates, they were attempting to wear his stripes as Commander in Chief; is that correct?

Mr. Gray. Yes, sir; I wrote that to him, that was in connection with my letter to him saying that I was delighted to hear his remarks on the evening there in the Waldorf because I was writing in terms of the divisiveness and polarization that had set upon our country and it seemed to me he was saying he was going to yield this and I wrote it in that connection. I wrote him a very idealistic flowering letter and that letter was introduced in evidence before the Nedzi subcommittee, but in the letter I did just say that, Senator Talmadge.

Senator Talmadge. What made you think then that his subordinates were trying to take advantage of the positions that they were being placed in?
FBI Chief to Tell of Watergate

Learned Folder's Hold
Fake Gov't File

By JAMES W. LEE

Washington, April 23 (AP) — FBI Director J. Edgar Hoover is expected to testify at the Watergate grand jury trial of two top White House aides, Henry Kissinger and John Dean Jr., two weeks after the June 17 break-in at Democratic Party headquarters.

Sources close to the FBI said he told Assistant Attorney General Henry Kissinger that he was handed the Hunt files and told, "These should never see the light of day," by White House Counsel John E. Dean Jr. in the presence of John D. Ehrlichman, President Nixon's chief domestic advisor.

The sources said Gray made the statement to the House Watergate Committee on April 18, but at that time, Gray told them he did not read the Hunt files, as he had been assured they were not connected with Watergate.

April 18, Gray said he was handed the Hunt files, which he said were "highly classified, sensitive" documents on national security.

In a statement tonight Ehrlichman said he was present when Dean handed over the Hunt files to Gray, but added that he did not know the contents of the envelopes. He added that they were "sensitive".

Gray learned only yesterday that the envelopec contained sensitive material.

Gray turned over the files to Ehrlichman, who turned them over to the parties involved in the case.

Gray was unavailable for comment.

(Continued on page 21, col. 1)
# Meetings and Telephone Conversations Between The President and Henry E. Petersen in March and April

## March 13, 1973

| AM   | 3:39  | 11:00 | Republican Congressional Leadership meeting in Cabinet Room (Mr. Petersen attended) |

## April 15, 1973

<table>
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<tr>
<th>PM</th>
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<td>8:14</td>
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<td>8:25</td>
<td>8:26</td>
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<td>President telephoned Mr. Petersen</td>
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<td>9:39</td>
<td>9:41</td>
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<td>President telephoned Mr. Petersen</td>
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<td>11:45</td>
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## April 16, 1973

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<td>8:58</td>
<td>9:14</td>
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<td>President telephoned Mr. Petersen</td>
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## April 18, 1973

| PM   | 2:50  | 2:56  | President telephoned Mr. Petersen                                                    |

## April 19, 1973

| AM   | 10:12 | 11:07 | President met with Mr. Petersen                                                     |

## April 20, 1973

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<td>3:58</td>
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<td>President telephoned Mr. Petersen</td>
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<td>President telephoned Mr. Petersen</td>
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<td>April 27, 1973</td>
<td>AM</td>
<td>President telephoned Mr. Petersen</td>
<td></td>
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<td>President telephoned Mr. Petersen (long distance)</td>
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<tr>
<td></td>
<td>PM</td>
<td>President telephoned Mr. Petersen</td>
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</table>
about April 15 when John Dean was being debriefed by the prosecutors and he related this to him and Silbert asked me about it and I said yes, and told him I had asked Pat Gray and Pat Gray said no, and I went back to Pat Gray either on April 16 or 17 and asked him again, told him what John Dean had said, and he said Henry, that is not so. About this time I was having some discussion with the President about it. I had imparted this information to him and he said well, I think Dean is telling the truth on this, you ought to ask Ehrlichman. When I left there I went over to Ehrlichman's office and he was not there and I frankly did not bother going back to him. We double-checked with Dean's counsel and they were sure of it and I went back to Mr. Gray the following week, around the 25th, 26th, and asked him again and this time he said yes, that he had received such documents, that they had implied that he ought to destroy them, that he had taken them home over the weekend and brought them back and tore them up and threw them in the burn basket. I said——

Mr. DASH. Did he tell you why he had destroyed them, whether he was acting under instructions?

Mr. PETERSEN. Well, I asked him if he read them and he said no, and he said, well, they just said they were politically sensitive.

Mr. DASH. Did you say he did not know the contents of the papers?

Mr. PETERSEN. I asked him if he read them and he said he did not.

Mr. DASH. Where did you say that Mr. Gray went before he burned them?

Mr. PETERSEN. He went to Connecticut. He was in travel status, as I recall his statement to me, and after he received the documents he was going over the weekend or to make a speech and took the documents with him and told me he brought them back to the office and tore them up and pointed down to the basket beneath his desk and said I put them in there.

Mr. DASH. Without reading them?

Mr. PETERSEN. That is right.

Mr. DASH. On the 26th, which was quite some time beyond the period we have been talking about, Mr. Gray has testified that on that day, apparently that is the day he did admit to you that he destroyed the documents, you said to him that you were scared and that you and he, Mr. Gray, were expendable and Mr. Haldeman and Mr. Ehrlichman were not expendable.

Did you say anything like that to him and, if so, why?

Mr. PETERSEN. I am not sure you have the time right. Mr. Dash. As I recall it, that was the night before Mr. Gray resigned. It was the day on which this item that we are discussing was publicized and I received a call from the President, as did Mr. Kleindienst in the evening, and the President asked me whether or not I thought Mr. Gray ought to resign and I told him that I thought Mr. Gray's position was untenable. And he said we will discuss it with the Attorney General. He, too, had talked to the Attorney General and, of course, I did discuss it with the Attorney General and pursuant to the President's instructions we asked Pat Gray to meet us and we did meet in the back office of Mr. Kleindienst's office and we discussed the situation and in my conversations with the President I expressed some sympathy for Mr. Gray, who I think most highly of. I have no hesitancy; I liked the man very much. And I told the President, “Mr. President,
I think he is an innocent victim," and the President said, "yes, Henry. maybe, but there are going to be a lot of innocent victims before this is over." So it was in that context, the context of commiseration. I did not want to be there, we were in effect, suggesting that the man resign, and when Mr. Kleindienst went out of the room to talk to the President again, you know, I said Pat, we are all going to be embarrassed before this is over. I am scared, we have a constitutional confrontation here, we have the Presidency of the strongest nation in the world teetering in the brink. I do not remember saying that we were expendable, Ehrlichman and Haldeman were not, but I may have. I was upset.

Mr. Dash, are you aware that Mr. Gray's testimony is that he informed you on April 17 that he had received the documents? Are you aware that at that earlier time he gave you that information?

Mr. Petersen. No, sir. My recollection is that I went to see him on the 16th or 17th and he denied it. I went back to see him the following week after double-checking with Silbert and Dean's counsel and the President, what have you, and it was Tuesday of that week. I think, maybe the 25th, 26th.

Mr. Dash. Do you recall that sometime after the conviction of the seven Watergate defendants and the sentence, having lunch with Mr. Kleindienst, Mr. Dean and Mr. Ehrlichman and a question of leniency for the defendants coming up.

Mr. Petersen. No, no, I never had——

Mr. Dash. Let me rephrase the question. Are you aware of a lunch that Mr. Kleindienst had with Mr. Dean and Mr. Ehrlichman in which a question of leniency came up concerning the defendants in the Watergate case?

Mr. Petersen. Well, I am aware of a time when I received a telephone call from Mr. Kleindienst who said I am just now leaving the White House and I am on my way to the airport and on the way by I will stop by and you go downstairs and I will pick you up. You can ride out to the airport with me and I want to get some information from you, and I cannot fix the date except that it was a time when Mr. Kleindienst was going to Boston and he was meeting his wife at the airport.

We rode out to the airport and he said, I just had lunch with Dean and Ehrlichman and they raised a question of whether or not leniency could be accorded these defendants. And I said absolutely not. I said indeed, we are going to do just the contrary. It is not the practice in the District of Columbia to recommend specific terms, jail terms, but it certainly is the practice to recommend for jail or no jail and we intend to recommend jail time for these people and beyond that, after they are sentenced we intend to call them back and immunize them and in order to compel their testimony as to whether or not other persons are involved, and if they are contumacious and refused to testify they will be held in contempt. We discussed more what the procedure was, the sentencing procedures and when they would be sentenced and what have you, and he finally said do me a favor, go on back and go on over to the White House and tell those crazy guys over there what you just told me before they do something they will be sorry for. And I said, well, OK, and I went back to my office and on the way back I thought I have not been over there yet and this is not the time to go.
discussed it and I recommended against it and the President recommended against it, so I was considerably surprised and frankly, disappointed.

Senator Weicker. Now, you indicated that on April 26—this was the evening in Mr. Kleindienst's office, the evening that Pat Gray returns to talk with you and the Attorney General in his office—that prior to that meeting you had talked to the President.

Mr. Petersen. Yes, sir.

Senator Weicker. And we had evidence from Mr. Kleindienst in the morning that he talked to the President during the course of that meeting. And yet, when the meeting is over, Mr. Gray is still in position. Why wasn't any action—can you give me at least from your conversation with the President, and/or your recollection, why wasn't Mr. Gray notified right then and there this is it?

Mr. Petersen. Well, I happened to be in Mr. Kleindienst's office when the call came through.

Senator Weicker. Right.

Mr. Petersen. The President spoke to Mr. Kleindienst. Obviously, I could hear only Mr. Kleindienst's half of the conversation. Immediately after he got off the telephone he said we have to talk about Pat Gray, and what have you, and then the telephone rang again and this time it was for me and I walked out to the back office and took it. It was the President and he asked what I thought and I told him that I thought Pat's position was untenable, that I thought he was an innocent victim and I regretted it, and what have you, and he said, well, talk to Kleindienst about it and the two of you get together with Pat Gray.

We called Pat's office and he was just about to leave. We ran him down, brought him back there. We sat down and discussed the situation and not tearfully but almost so, and at the conclusion Mr. Kleindienst went out—I do not know whether he had another call from the President or went out to make one, but that was it.

We left with no decision. I was under the strong impression that Mr. Gray would resign. I thought he had to think it over and I expected he would think it over. So when he called me the next morning and told me that after a night of thought he decided that he had no other alternative, I was not surprised.

That is all I can tell you about it, Senator.

Senator Weicker. Did you mention in testimony before the committee here this afternoon—it just slipped by and I am not so sure that I understood the context, and I might not have understood the substance either, which said that the President offered tapes to you?

Mr. Petersen. The President called on April 18 about the John Dean conversations on the night of April 15. His question was, has John Dean been immunized, and I said no. And he said, well, he says he has. And I said that is not true.

We got into an argument which was ridiculous because neither one of us was present when the agreement was entered into, and I said, wait, I will check with the prosecutors. He said, well, I have it on tape. I said I will take your word for it. I do not want to hear it. And so let me check with the prosecutor.

So I called up the prosecutor, and Silbert said no. I said, well, go back and check with his lawyer.
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<tr>
<td>June 30, 1972</td>
<td>PM</td>
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<td>PM</td>
<td>Haldeman 3:24 - 4:22</td>
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<td>July 31, 1972</td>
<td>PM</td>
<td>President received long distance call from Kleindienst -- call not completed</td>
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<td>September 12, 1972</td>
<td>PM</td>
<td>Breakfast meeting with Cabinet Members and Republican Congressional Leaders</td>
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<td>Breakfast meeting with Cabinet Members and others -- Kleindienst attended</td>
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Richard Kleindienst meetings and conversations with the President.
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*President received long distance call from Kleindienst -- not completed*

President met with Kleindienst
Richardson 4:45 - 4:48

President placed long distance call to Kleindienst

President received local call from Kleindienst -- Not completed
Senator Weicker. So it was at the importuning of the President you
did not announce your own resignation but, rather, went along with
his request to be put into this group, is that correct?
Mr. Kleindienst. Well, he is the President of the United States.
I was serving him. He asked me to do it. I did.
Senator Weicker. I would like to, if I could, ask a few random ques-
tions until my time expires.
The sequence insofar as Mr. Gray is concerned, April 5 he withdraws
his name for consideration for the Senate, is that correct?
Mr. Kleindienst. Yes, sir. I believe that is the date, April 5.
Senator Weicker. And I believe also at that time you wrote a very
warm personal note of appreciation to Pat.
Mr. Kleindienst. I have the highest regard for Pat Gray. I think
he is one of the finest men I have ever known in my life and I feel very
sorry for him.
Senator Weicker. Now, on April 27, following the conversations in
your office on the 26th, he steps down.
Mr. Kleindienst. Yes, sir.
Senator Weicker. Now, what transpired in the meantime here? Or
more specifically, more specifically, at what point did you become
aware that apparently both the President and certainly Mr. Ehrlieh-
man and Mr. Dean had come to the conclusion that Pat Gray would
not be the man for the Directorship of the FBI?
Mr. Kleindienst. Well, you have to distinguish between. I guess
the events that occurred after April 5 when it was, I think, indicated
sometime around that time, and before April 15, Mr. Gray's nomi-
nation had been withdrawn from the Senate. And then after April 15
and before April 30 I had a meeting with Mr. Gray and Mr. Petersen
in my office in the middle evening around 8 or 8:30. The next day he
then resigned as the Acting Director of the FBI.
I do not know when I learned of the decision that Mr. Gray's name
would be withdrawn from the Senate to be the Acting—to be the per-
manent Director, I am sure I would have known about it around that
time.
Senator Weicker. Around what time?
Mr. Kleindienst. Well, the time that it was withdrawn, his nomina-
tion was withdrawn. You see—
Senator Weicker. We had testimony, Mr. Kleindienst, before this
committee that he would indicate that both Mr. Ehrliehman and the
President had soured on Pat Gray around March 6 or March 7.
Mr. Kleindienst. I did not know about that. I knew, I guess, as of
the time I was out in San Clemente around April 5 that I must have
known the decision was made because we were talking about my rec-
ommendations for a person for the President to nominate to be the
next permanent Director. So I guess I knew about it prior to April 5.
I do not believe I was informed that day of the decision. I think I
probably knew that before.
Senator Weicker. Now, in testimony yesterday Mr. Gray indicated
to the committee—I think I am correct in my paraphrase—that when
they met in your office on the evening of the 26th, you advised Mr. Gray
that you thought it best that he step down.
Mr. Kleindienst. Yes. I did, and Pat really did not agree with that.
I called the President, gave him a report of the meeting, what Pat
told me. I said, Mr. President, my recommendation is that Pat step down. Pat does not feel that way about it. And then my recollection is, Senator—and I have read Pat’s testimony yesterday, but my recollection was that I said, Pat, tomorrow you have a meeting with the top people of the FBI and get their reaction as to whether or not as a result of this situation you can credibly serve as the Acting Director until a permanent Director comes along. He seems to recall that that was his own thinking. Maybe not. I do not know. In any event, the next morning he did meet with the top people of the FBI and he called me and said that, and I recall him saying that, you are right, the people here do not feel that I can credibly remain as the Acting Director, and then I recall I said, Pat, I think you ought to call the President yourself and submit your resignation to him this morning and you do that directly.

Now, that is my recollection of it.

Senator Weicker. I have no dispute with your recollection.

May I just ask one question? I do not want to interrupt.

Mr. Kleindienst. I want to set the record straight on one thing. You recall Mr. Gray had made an offer to the Members of the U.S. Senate that they could have access to the FBI files and then that order was rescinded. I believe that you were scheduled to go up there on a Saturday morning to see them and I called you personally and said that I ordered that to be rescinded. No one else was responsible for that decision except myself. I disagreed with the position taken by Mr. Gray in his confirmation hearings and that I was the one, who as the Attorney General of the United States, who rescinded that offer by Mr. Gray and I think I called you personally and it was not a pleasant task for me, to call you personally that I had rescinded it, and I think there was something said yesterday to the effect that somebody else had made that decision. Nobody else did. I made that and I want to take that responsibility.

Senator Weicker. The last question, because my time is up, when you called the President, did the President tell you that Pat Gray should step down on the evening of the 26th?

Mr. Kleindienst. No, I think I gave him my recommendation and I also, to the best of my ability, reported Pat Gray’s position on it and I think the President then said to me, well, if Pat does not want to resign immediately or right now, I am not going to require him to do so until we can analyze the matter further or give some additional information. That was the President’s posture.

Senator Weicker. Thank you. My time is up.

Senator Ervin. Senator Montoya.

Senator Montoya. Mr. Kleindienst—

Mr. Kleindienst. Yes, sir.

Senator Montoya. About how many times did you speak to the President between June 17 and the time of your resignation?

Mr. Kleindienst. How many times?

Senator Montoya. Yes.

Mr. Kleindienst. Boy, it would be a guess. The committee has in its possession my telephone logs that would more accurately reflect that. I would say 10 or under times and that is just a guess. Senator Montoya.

Senator Montoya. Ten?
On April 26, 1973 Jeb Magruder resigned his post as Director of Policy Development for the Department of Commerce.

Magruder Resigns U.S. Job First Among Watergate Figures to Quit

By George Lardner Jr. and Carroll Kilpatrick

Magruder, the former White House aide who served as President Nixon's 1972 deputy campaign director, resigned abruptly from the Commerce Department yesterday.

His lawyer, James Bendorow, confirmed last night that Magruder had quit. His resignation came from his $38,000-a-year post as director of policy development, expected to be formally accepted today.

The first official among those mentioned in the Watergate case to leave the government in the wake of recent disclosures, Magruder reportedly told federal prosecutors on April 14 that former Attorney General John N. Mitchell and presidential counselor John W. Dean III approved and helped plan the burglary last year of Democratic national headquarters.

He has also been reported as saying that Mitchell and Dean subsequently arranged to buy the silence of the seven convicted Watergate conspirators.

Earlier in the day, White House press secretary Ronald L. Ziegler told reporters that no resignations had been offered or requested.

During the Watergate trial, Magruder was named as the man who hired convicted Watergate conspirator G. Gordon Liddy for the President's reelection efforts.

Howard Simons, managing editor of The Post, replied: "We stand by our story."

* Vice President Agnew told a group of Harvard University students that he would "resign and speak out if ever found in "deep disgrace" with the President on an issue of conscience.

While expressing "utter confidence" in the President, Agnew said, in reply to a question during a meeting in his office with members of the Harvard Republican Club, that if he found himself in disgrace with the President on a matter of conscience, "I wouldn't stay here as Vice President and use this as a pulpit to criticize the President. I would resign.

"This doesn't mean that I have any intention of resigning, because I still have confidence that the President has not been involved in a way that would shock my conscience.

* Treasury Secretary George P. Shultz said in an interview with Elizabeth Drew of the Public Broadcasting Service that the Watergate case would not undermine the President's capacity to govern. Shultz said that while Watergate "is a very difficult and unpleasant problem" for the President, he will take vigorous action to determine the facts.

* John J. Wilson, an attorney representing presidential aides H. R. (Bob) Haldeman and John D. Ehrlichman, spent some time at the White House early yesterday, but did not see Mr. Nixon, Ziegler said.

Later, Wilson was seen entering the office of the federal prosecutor in the Watergate case, Earl J. Silbert.

Wilson remained at Silbert's office for about a half hour. On leaving, he said that neither Haldeman nor Ehrlichman had been summoned to appear before the grand jury. Wilson would not say whether the two had been invited to appear.

Ziegler maintained that the President has not talked to anyone about replacing anyone on the White House staff.

The President is continuing his investigation and consulting daily with Assistant Attorney General Henry E. Petersen, Ziegler said, but he added that "the processes of government are going on."

While Mr. Nixon has held two meetings with Wilson, he does not plan to meet him again, Ziegler said.

Orrville H. Schell Jr., president of the 10,600-member New York City bar association, made up of some of the nation's most influential lawyers, released the letter to the President which he said was delivered at the White House early yesterday.

The letter, sent with the unanimous support of the bar group's executive committee, said: "We feel that it must have occurred to you that lawyers and lawmen alike would have greater confidence if all proceedings were under the independent and direct control of an eminent lawyer, who has no connection with the Department of Justice or any of the persons under investigation.

"We therefore urge you to appoint such special counsel from among the numerous leaders of the bar who would accept such an assignment and discharge their obligations on their honor or honor."

Sen. Jacob K. Javits (R-N.Y.), who is a member of the bar association, termed move "most constructive" and said he supported it.
87. On the afternoon of April 27, 1973 Patrick Gray notified Lawrence Higby that he was resigning as Acting Director of the FBI. From 4:31 to 4:35 p.m. on April 27, the President had a telephone conversation with Petersen during which the President asked if Petersen had any information that would reflect on the President. Petersen said no. At the President's request, Petersen met with the President from 5:37 to 5:43 p.m. and from 6:04 to 6:48 p.m. The President again asked if there was adverse information about the President. Petersen said he was sure that the prosecutors did not have that type of information.

The Committee has requested the tape recordings and other evidence of various Presidential conversations on the afternoon and evening of April 27, 1973. The President has produced edited transcripts of the conversations between the President and Petersen from 5:37 to 5:43 p.m. and among the President, Petersen and Ronald Ziegler from 6:04 to 6:48 p.m. Summaries of the transcripts have been prepared.

87.1 L. Patrick Gray testimony, 9 SSC 3492-93.
87.2 L. Patrick Gray log, April 27, 1973 (received from SSC).
87.3 Meetings and conversations between the President and Henry Petersen, March and April 1973 (received from White House).
87.4 Henry Petersen testimony, 9 SSC 3636.
87.5 Summary of edited White House transcript of a conversation between the President and Henry Petersen from 5:37 to 5:43 p.m., April 27, 1973, prepared by House Judiciary Committee staff.
87.6 Summary of edited White House transcript of a conversation among the President, Henry Petersen and Ronald Ziegler from 6:04 to 6:48 p.m., April 27, 1973, prepared by House Judiciary Committee staff.
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
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stuffed leather chair and Mr. Kleindienst was sitting right in front of me facing me and he said to me, “It doesn’t seem to me that you can continue as acting director of the FBI,” and I said, “Well, Dick, it does seem to me that I can continue as acting director of the FBI because these files had absolutely nothing to do with Watergate and the men and women of the FBI know I have done nothing to stifle this investigation, but that I will accede to whatever the President wishes. If he wishes me to continue to serve, I will serve. If he wishes me to resign, I will resign.”

Mr. Kleindienst then went into his other office and said he was going to talk to the President and during his absence Mr. Petersen was pacing up and down in the office, walking back and forth, and I remember him distinctly saying, “Pat, I am scared.” And I said, “Henry, why?” And I am still sitting there in that chair. And he said, “I am scared because it appears that you and I are expendable and Haldeman and Ehrlichman are not.” And I said, “Henry, do you think I should get a lawyer?” And this is the first time I had entertained the idea, and he said, “Yes.” And I did. Later.

But then Mr. Kleindienst came back into the office and sat down in the chair again, facing me, and said “The President wants you to continue to serve as acting director,” and I said, “Fine, Dick, I will do it.” And then all three of us left the office. We walked out of the office together.

Senator WILKIE. Now, would you move to the morning of the 27th?

Mr. GRAY. Well, when I got home that evening I got—it was after 8 o’clock and I did quite a bit of thinking about this and I thought that I had better really resign, that this was not the thing to have done and that there was no way in the world that I would be able to explain it to the FBI. It would take too long. So coming into the office that next morning, I asked two members of my personal staff, the oldest two members, to come in and sit down with me. I told them all the facts and I said, I just feel that I can no longer command the FBI. They agreed with me and I told them, I said, all right. What I want you to do, I am going to call Marjorie in, my secretary, and dictate my resignation. I want you to prepare a statement to go along with it. Earlier that morning, at about 8 o’clock, when I first came in, I called Mr. Felt, reached back on my console, pushed his button and called him and I said, “Mark, later on I am going to want to talk with you and members of the personal staff about this story of the burning of the files but I feel that I can no longer command the FBI.” I told him that earlier. Then they came—the members of my personal staff—the two members of my personal staff came back in at about 10:15 in the morning. I asked Mr. Felt to come in. We went over the whole thing again, went over the statement. We went over my letter of resignation and I told Mr. Felt to have the acting directors assemble at 11:30, that I was going to tell the Attorney General that I was going to resign and that was all that was to it.

I can’t—I believe that I did tell the Attorney General, I am pretty sure that I told the Attorney General. I haven’t even looked at my logs to see if there is a telephone call to him but I am pretty sure that I told him that I was going to resign.

I had Mr. Felt set up the meeting with the assistant directors at 11:30 in my conference room so I could appear before them and tell
them. And I did. I met with them and I told them exactly what had happened and I said, Mr. Felt will tell you all the details but I feel that I can no longer command the FBI.

I shook hands and I said goodbye.

I think it was then, at about noon, that I called Mr. Higby. I called Mr. Haldeman’s office asking to speak to the President and I got Mr. Higby and Mr. Higby said that the President and Mr. Haldeman and Mr. Ehrlichman were in Mississippi with Senator Stennis, and I think it was Meridian, but I am not sure of the town, and that he would have to get to them with regard to my statement to him that I was going to resign, that I could no longer command the FBI, and that if I tried to do so, there would be insurrection and mutiny, and that this resignation had to be accepted. And that was just at about noon.

And I believe—let me refer to my logs.

Senator WEICKER. Go ahead.

Mr. Gray. Yes. I telephoned Mr. Higby at 12:18 p.m. and I told him at that time that my resignation had been written and was on its way over, and he said, let me talk to them, the party down there in Mississippi, before you send this over.

And then there was another call at 1:39 p.m. Mr. Higby spoke to me and said, “Please send your resignation over. They are expected back at about 3 o’clock.” And I believe it was in this call that I told him I also wanted to issue a statement along with this resignation of mine and this—my recollection is that it took him aback a little bit and he said, “Nobody at the White House is going to want to issue this statement,” and I said, “No, my statement is harmless. I am going to issue it,” and I read it to him. And then he called me back at 2:09 p.m. and told me to go ahead and send the resignation over and send the statements over to him, which I did.

Senator WEICKER. Now, after your resignation was announced, did you receive any information—

Mr. Gray. When I left.

Senator WEICKER. Or any indication that according to White House officials, those associated with the White House, the fact that yours was not a resignation but rather you had been kicked out?

Mr. Gray. Yes, sir. I left the department that afternoon about 2:45 p.m., and drove, as I recall, to Connecticut and I think it was the next day that I talked with my executive assistant, who told me that there had been stories that had been carried on the wires to the effect that I had been thrown out and that he had taken it upon himself to—because he had participated in this whole thing with me—he had taken it upon himself to issue a correcting statement attributed to FBI sources.

Senator WEICKER. Then, at any point, I repeat, between March 21 and April 27, which marked the date of your resignation, at any time during that period did you or were you requested by the President of the United States to give to him information, facts, et cetera, relative to the Watergate situation?

Mr. Gray. I was not given any orders by the President of the United States or anyone to give them any facts about the Watergate situation until Mr. Petersen came to me on April 19, and I have already testified to that in my statement. This is when they asked me whether John Dean had given me two of Howard Hunt’s files.
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           OUT -  OUT -  OUT -  OUT -  OUT -

DATE: Fri, April 22, 1973
MEETINGS AND TELEPHONE CONVERSATIONS BETWEEN
THE PRESIDENT AND HENRY E. PETERSEN IN MARCH AND APRIL

March 13, 1973

AM 8:39 11:00 Republican Congressional Leadership meeting in Cabinet Room (Mr. Petersen attended)

April 15, 1973

PM 4:00 5:15 President met with Mr. Petersen and Mr. Kleindienst in the President's EOB office.

8:14 8:18 President telephoned Mr. Petersen
8:25 8:26 President telephoned Mr. Petersen
9:39 9:41 President telephoned Mr. Petersen
11:45 11:53 President telephoned Mr. Petersen

April 16, 1973

PM 1:39 3:25 President met with Mr. Petersen in the President's EOB office (Mr. Ziegler 2:25-2:52)

8:58 9:14 President telephoned Mr. Petersen

April 18, 1973

PM 2:50 2:56 President telephoned Mr. Petersen

April 19, 1973

AM 10:12 11:07 President met with Mr. Petersen

April 20, 1973

AM 11:32 11:40 President telephoned Mr. Petersen
PM 3:53 3:58 President telephoned Mr. Petersen (Long distance)
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<td>4:31 4:35</td>
<td>5:37 5:43</td>
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<td>7:06 7:11</td>
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Mr. Petersen. No, sir; Mr. Dash. As late as April 27, I can be very certain about that, on April 27 I received a call from the President who said do you have any information that would reflect on the President on this thing? I said, no. He said, would you come over, and I did. I went over to the White House and he repeated the question and I said, no. I said, I do not have that type of information. I am sure the prosecutors do not. If they did they would convey it to me immediately, and we discussed it and—

Mr. Thompson. Can you state the basis of his concern?

Mr. Petersen. Yes; two reporters, one from the New York Times and one from the Washington Post, posed the question at the White House press office with the implication that this information was in the hands of prosecutors. Well, he said, well, would you mind calling to make doubly sure and I did not—

Mr. Thompson. Exactly what information, that the President was somehow involved?

Mr. Petersen. Somehow involved. It was just as general as that. I said yes, I would call. I went into the Cabinet room and made a call, called Earl Silbert, and told him of the reports that had been received in the White House press office and he said absolutely no, there was no such information available.

Mr. Thompson. Did I understand you to say that on April 15, when you discussed the fact that you felt Haldeman and Ehrlichman should be dismissed, the President said in effect that Dean should be dismissed also, he seemed to be involved to a certain extent?

Mr. Petersen. It certainly was clear the President wanted to treat all three alike.

Mr. Thompson. Because of your suggestion the President evidently waited until April 30 before dismissing Dean.

Mr. Petersen. That is right.

Mr. Thompson. He was kept on the staff primarily as far as you know because of your request that—

Mr. Petersen. From prosecution; yes, sir.

Mr. Thompson. Thank you.

Senator Ervin. Mr. Petersen, is it not a part of the judicial process that witnesses shall go before grand juries if they are able bodied and available so that grand jurors may interrogate them?

Mr. Petersen. That the grand jurors may interrogate them; yes, sir.

Senator Ervin. Now, I am not an expert on Federal statutes but I have searched in vain for any Federal statute or any rule of court which would exempt from a personal appearance before a grand jury any witness who is able bodied and readily available to the grand jury. Is there any such statute?

Mr. Petersen. No, sir.

Senator Ervin. Now, there were three White House aides, Colson, Young, and Krogh, and former Secretary Maurice Stans who were exempted from going before the grand jury in person.

Mr. Petersen. I think we ought to clarify that, Mr. Chairman. Colson, Krogh, and Young, I don’t believe, were subpoenaed. We just decided we wanted their testimony, we wanted it under oath and we did not use the subpoena process. So to that extent there is a distinction with what we did with Stans. At the outset we were going to take Stans before the grand jury and we issued a subpoena for that purpose; yes, so that is a distinguishable situation.
On April 27, 1973, the President met with Henry Petersen in the Oval Office from 5:37 to 5:43 p.m. The President told Petersen that they had gotten a report that "really we've got to head them off at the pass. Because it's so damned -- so damn dangerous to the Presidency, in a sense." The President referred to a New York Times reporter, Hersh, who told Bittman, who told O'Brien apparently, that Hersh had information indicating that Dean has made statements to the prosecuting team implicating the President." The President said that the Post had heard similar rumors. The President said, "Now, Henry, this I've got to know. Now, understand -- I have told you everything I know about this thing." Petersen said he would get in touch with Titus, Silbert, Glanzer and Campbell immediately. The President asked, "Do you mind calling them right now?" and Petersen agreed to do so. (pp. 1-2)

The President said to ask them, "All of your conversations with Dean and Bittman, do they implicate the President?" Petersen replied that they had "a kind of crisis of confidence night before last." Petersen said he left to go to the White House and left his two principal assistants to discourse with Silbert and the other three. Petersen said it concerned him whether or not they were at ease with Petersen's reporting to the President and that he had pointed out to them that he had very specific instructions, and had discussed that with them before. The President said, "Yes." Petersen continued, "As a consequence -- I kind of laid in to Titus yesterday and it cleared the air a little bit, but there is a very suspicious atmosphere. They are concerned and scared. Ah -- and I will check on this but I have absolutely no information at this point that -- " The President said, "Never
heard anything like that --," and Petersen-said absolutely not. Petersen told the President, ". . .I do not consider it, you know, I've said to Titus, 'We have to draw the line. We have no mandate to investigate the President. We investigate Watergate.' and I don't know where that line draws, but we have to draw that all the time." (pp. 2-3)

The President replied, "Good. Because if Dean if [sic] implicating the Presidency -- we are going to damned well find out about it." The President told Petersen that "the only conversations we ever had with him" was "that famous March 21st conversation I told you about" where Dean told the President about the Bittman request for $120,000 for Hunt. The President said, "And I then finally began to get at them. I explored with him thoroughly, 'Now what the hell is this for?' He said 'It's because he's blackmailing Ehrlichman.' Remember I said that's what it's about. And Hunt is going to recall the seamy side of it." The President continued, "And I asked him, 'Well how would you get it? How would you get it to them?' so forth. But my purpose was to find out what the hell had been going on before. And believe me, nothing was approved. I mean as far as I'm concerned -- as far as I'm concerned turned it off totally." (pp. 2-3)

Petersen said, "Yeah. My understanding of the law is -- my understanding of our responsibilities, is that if it came to that I would have to come to you and say, 'We can't do that.' The only people who have jurisdiction to do that is the House of Representatives, as far as I am concerned." The President said, "That's right. But I want you to know, you tell me, because as far as I'm concerned --" Petersen said, "I'll call them." The President told him to use the Cabinet room so "you will be able to talk freely" and asked whom Petersen would call. Petersen said he would call Silbert and, if he was not there, Titus. The President said, "You'll say that 'This is the story some New York Times reporter has and Woodward of the
Post, but Hersh is reporting that Dean had made a statement to the prose-
cutors.' Now understand that this is not a Grand Jury thing. Now dammit
I want to know what it is." Petersen said, "I'll call right away"; the
President said, "And I need to know." Petersen said, "Yes, sir." (pp. 3-4)
On April 27, 1973 the President met with Assistant Attorney
General Henry Petersen in the Oval Office of the White House from 6:04 to
6:48 p.m. Ronald Ziegler was present for part of the meeting.

Petersen told the President that Charlie Shaffer, Dean's lawyer,
had threatened that they would "bring the President in," not in this case
but in "other areas." Petersen said the prosecutors did not consider it
of importance and regarded it as an elaboration of his earlier threat.
"What else do you have besides that?" the President asked. Petersen re-
ported that the investigation that day was dealing with the Cubans, Mrs.
Hunt and the passing of money to the defendants; and that the prosecutors
were going to interview Butterfield and Caulfield, while continuing their
negotiations with Strachan on having flunked the lie detector test. Peter-
sen said they were telling Strachan he had to make the choice whether he
wanted to be a witness or a defendant (pp. 1-4).

As Petersen began recounting this information, the President again
brought up "this threat," apparently referred to a possible Seymour Hersh
story in the New York Times, and told Petersen, "If it were in the Grand
Jury I want to know that too." The President said, "(expletive removed).
You've got to believe me. I am after the truth, even if it hurts me. But
believe me, it won't." The President added, "Just like it won't hurt you.
We are doing our job." He told Petersen that somebody was in the other day
and was saying "Dean is going to blackmail you because of something you're supposed to have told me." And, the President told Petersen, "I said (expletive removed), I said, you have a right to tell me what was going on." (p. 2)

Ziegler joined the meeting, and the President asked Petersen to repeat Dean's attorney's threat. Then the President said to Petersen, "You remember my call from Camp David. I said 'Don't go into the national security stuff.' I didn't mean -- " Petersen replied, "Oh, I understand." The President continued, "'cause I remember I think we discussed that silly damned thing. I had heard about it, just heard about. You told me that. That's it, you told me." The President said, "What (expletive removed) did they break into a psychiatrist's office for? I couldn't believe it." (pp. 6-7)

The President's and Ziegler's telephone conversations with Dean were discussed, and the President said, "I don't want to hurt John Dean. Believe me -- I'd like to help him." The President asked Ziegler about upcoming stories in the Washington Post and New York Times. The President told Ziegler to "take a hard line . . . Because boy, if there's one thing in this case as Henry will tell you, since March 21st when I had that conversation with Dean, I have broken my ass to try to get the facts of this case." The President said that he intended to appoint William Ruckelshaus acting FBI Director, that he had told him to leave no stone unturned and he didn't give a damn who it hurt, and that Ruckelshaus was "Mr. Clean." The President said, "If there's one thing you have got to do, you have got to maintain the Presidency out of this." (pp. 5-10)
Petersen said that the prosecutors had told Dean's lawyers to stop when they said they would tie the President into other areas, that they didn't want to get into it or discuss it. Petersen said he thought it was "bombast, ... negotiation." Ziegler said it was just rumor, not about to break in the papers. The President told Ziegler to "Kill it. Kill it hard."

(p.12)

Ziegler left the room, and the President raised the problem of immunity for Dean. The President told Petersen that he did not want the impression left that by saying don't grant immunity to a major person he was trying to block Dean giving evidence against Haldeman or Ehrlichman. Petersen said that he regarded the question of immunity to be his sole responsibility, and could take opinions but would have to treat them as advisory only. The President said he had only expressed an opinion, that Petersen had to determine "who is the major culprit," and the immunity decision was Petersen's. The President told Petersen, "[I]f your prosecutors believe they have got to give Dean immunity, in whole or in part, in order to get the damned case, do it." Petersen said the prosecutors vacillated, they were concerned about credibility and thought Dean would have most credibility if he pleaded and was a co-defendant against Ehrlichman and Haldeman, rather than someone who had been given immunity. After some discussion of Wilson and Strickler, the President said, "All right. We have got the immunity problem resolved. Do it. Dean if you need to, but boy I am telling you -- there ain't going to be any blackmail." They discussed Dean's being in charge of the White House investigation of Watergate, and his past conversations with both Petersen and the President in that capacity, especially his March 21
The President said that they would get Dean in there, and suppose he started trying to impeach the word of the President of the United States and said, "Well, I have information to the effect that I once discussed with the President the question of how the possibility, of the problem," of "this damn Bittman staff." The President told Petersen, "[I]t won't stand up for five minutes because nothing was done, and fortunately I had Haldeman at that conversation and he was there." The President explained to Petersen, "I said, 'Look, I tried to give you this, this, this, this, this, and this.' And I said, 'First you can't get clemency to Hunt!'" The President said that he was "trying to get it out. To try to see what Dean had been doing!" The President told Petersen, "I said, 'First you can't give him clemency.'" Somebody, the President said, had thrown out something to the effect that Hunt had an idea he was going to get clemency around Christmas. He said he told Dean, "Are you kidding? You can't get clemency for Hunt. You couldn't even think about it until, you know, '75 or something like that." The President continued, "Which you could, then because of the fact, that you could get to the -- ah -- But nevertheless. I said you couldn't give clemency."

The President told Petersen he had said the second point to remember was "How are you going to get the money for them?" "If you could do it, I mean you are talking about a million dollars." The President said he have Dean several ways and said to Dean, "You couldn't put it through a Cuban Committee could you." The President said he asked Dean "because to me he was sounding so damned ridiculous." The President told Petersen that he said, "Well under the circumstances . . . There isn't a damn thing we can do . . . . It looks to me like the problem is sue John Mitchell." The President said that Mitchell came
down the next day and they talked about executive privilege, nothing else. "Now, that's the whole story," the President said to Petersen. "I just want you to be sure that if Dean ever raises the thing, you've got the whole thing. You've got that whole thing. Now kick him straight --."

Petersen replied, "That's -- I mean -- that what we had to do. I just don't see how we can minimize that man. That's all there is to it." (pp. 18-19)

The President asked if Dean was talking to Bittman. Petersen said, not to his knowledge, that it was Bittman to O'Brien. The President said he didn't know, it may have been Bittman to Dean. The President asked about Bittman and Petersen said that Bittman was concerned about the allegation that he was attempting to blackmail the White House, on behalf of Hunt, for substantial sums of money in return for Hunt's silence. Petersen said that they might have to get into Bittman's fees. Petersen said that what they thought happened was that a considerable amount within the law firm was paid out in fees and the balance went to Dorothy Hunt for distribution to the Cubans and what have you. Petersen said that the strange thing was that they could have done it openly, and the President said, "Why, of course.!!" Petersen said, "Once you do it in a clandestine fashion, it takes on elements ---"; the President said "Elements of a cover-up"; and Petersen continued, "That's right, and obstruction of justice." The President said, "That's what it is, a question of the way it was done." (pp. 19-22)

Petersen said that Bittman maintained that the allegation, made by McCord, that he was trying to blackmail the White House, was a lie. The President said, "Of course, you've got Dean now corroborating --" Petersen replied, "Well, we have Dean alluding to it, but not circumstances that we can use it." The President said that he had forgotten that this was hearsay. (p. 22)
Petersen said the link was O'Brien, the lawyer, who was "very scared." Petersen said that if O'Brien said that as part of the scheme to ensure silence of those that were convicted, they made an arrangement whereby money would flow through Bittman in the form of legal fees for distribution to those people -- "Then you've got it." (pp. 22-23)

The President said LaRue had to know, and Mitchell. The President asked who had used the code name Rivers. Petersen said he had heard the name Baker and they were probably couriers that Caulfield recruited. (p. 24)

The President reviewed what Petersen had told him and said, "[T]here is no way they could get that to the President without going through Haldeman and Ehrlichman." There was no way, the President said, they could get it here except through the fact that on March 21st Dean, as I reported to you, did report to me that Bittman had told O'Brien that they needed the money. It was discussed and we, I said, 'It can't be done. We can't do it.'" The President said that Dean went on to see Ehrlichman and Ehrlichman said "No dice." Nothing could be done," the President said. "Now that is the fact. As far as we're concerned. That isn't much of a thing for Dean to have." Petersen replied, "Yeah."

The President said that "you could Bittman I suppose Dean. He could have talked to him -- but then you have hearsay." Dean, the President said, "is not credible. He is not credible. He really can't. He can't go out and say, 'Look I've talked to the President and he told me this and that and the other thing.' First, it's not true."

Petersen said that in order to make Dean a credible witness he would have to plead and he would have to be corroborated in an essential degree, not
everything he said. Petersen said he could be corroborated in one respect by LaRue, in another by O'Brien, in a third by someone else, in a fourth by Magruder; that was the way it went and the case was being built. (pp. 24-25)

The President then said there was one charge he would give Petersen: "If any of this -- I mean, I can't allow it. Believe me that even prosecutors shouldn't even have informed you of this one. Or me -- I --" Petersen said they described it as bombast, and rhetoric, and posing. The President said, "You examine them tomorrow. And you tell them, they are my men. I'm for them too. I want them to do the job. I want this to come out solid and right here. And they will start right into get the big fish." (p. 26)

The President returned to Dean, and said he could give Petersen more time if he wanted to negotiate with Dean. Petersen said Dean needed more pressure. Petersen explained, "I think he was pressed up against the wall, he's seen the early-morning crisis pass and now he's had resurgence. You know, he sees Ehrlichman here. He sees Haldeman here. He sees John Dean still here. Nothing happens. His confidence is coming back rather than ebbing." (p. 27)

The President asked for Petersen's advice on leaves of absence or resignations. Petersen suggested that with a leave of absence, the President would have the best of both worlds, have given them the benefit of the doubt and haven't cut the Gordian knot. Petersen said that the problem was one of timing, which was working to the President's detriment with respect to his press and public image and to the detriment of the investigation "because it is giving all of these people an attitude of hope that I think is unwarranted." (pp. 28-29)

The President said that he hated to put Haldeman and Ehrlichman in the same bag with Dean because he had a different relation with them. Petersen said
that he thought a leave of absence was just a preliminary step to ultimate departure, but that it would indicate to the public that the President had not completely abandoned them, but was asking them to prove their worthiness to work in the Office of the President. Petersen said that was what he had to get out to the public, and mentioned his wife's concerns about the President. Petersen again said that the President shouldn't try to distinguish among the three of them, and the President said that he understood, he wouldn't try to distinguish, "but maybe they will be handled differently due to the fact that I am not communicating with Dean." (pp. 29-32)

At the end of the meeting, Petersen described the procedure that would be used to follow up the reports of the burglary of Dr. Fielding's office and the plan to file a report with the court. (p. 33)
88. On or about April 28, 1973 H. R. Haldeman and John Ehrlichman determined that they should resign from their positions on the White House staff. Haldeman and Ehrlichman have testified that the President did not request their resignations.

88.1 H. R. Haldeman testimony, 8 SSC 3096.
88.2 John Ehrlichman testimony, 7 SSC 2808-09.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 31, AUGUST 1, AND 2, 1973
Book 8

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
Mr. Haldeman. March 21.
Senator Talmadge. Yes.
Mr. Haldeman. I don't believe that Mr. Dean implicated me on March 21 except to say that there was a potential problem that could develop in connection with the transference of the $350,000.
Senator Talmadge. Did he question you about it extensively? The President?
Mr. Haldeman. The President? He asked me about the matter of the $350,000; yes, sir.
Senator Talmadge. Mr. Ehrlichman testified that Mr. Petersen had pressed the President to fire you on April 15 because of the implications of the matter. Mr. Ehrlichman said that he voluntarily resigned under no pressure from the President. How about you? Did the President ask you to resign?
Mr. Haldeman. No, sir. The President and I discussed, as I testified this morning to this committee, that at that time it became apparent to me, and I am sure it was apparent to the President, that I was not in a position to carry out my duties effectively and properly, and the question was discussed in terms—during the period of the last couple of weeks of April—in terms of a leave of absence or a resignation and ultimately decided on my part that a resignation was the proper course. The President agreed with that.
Senator Talmadge. Now, you have been implicated by both Mr. Dean and the Assistant Attorney General, Mr. Petersen, and you were not asked to resign. Is your testimony, is it?
Mr. Haldeman. I don't believe that I had been implicated, Senator.
Senator Talmadge. I am talking about what others have said.
Mr. Haldeman. Yes, sir, but I mean—
Senator Talmadge. Dean so testified. I understand the Assistant Attorney General had urged the President to fire you on April 15. Do you know anything about that?
Mr. Haldeman. Well, you are basing that, as I understand it now, on Mr. Ehrlichman's testimony. My recollection is slightly different but—
Senator Talmadge. You disagree with Mr. Ehrlichman at this point.
Mr. Haldeman. No, sir. I would like to explain my point. My recollection is slightly different and perhaps not substantially different in that it was my understanding that Mr. Petersen's recommendation was that the President place us on leaves of absence because the testimony, the information that he had, concerned or contained matters that would be embarrassing to us in terms of our continuing in our position. He specifically, as I understand it, informed the President that he did not have anything that legally implicated us on that basis and the President, it is my understanding, asked him—said that he would not take action to place us on leaves of absence in the absence of specific charges or information that did implicate us which Mr. Petersen, as I understand it, never produced.
Senator Talmadge. Thank you, Mr. Haldeman. My time has expired and I must go to the floor to cast a vote also.
Senator Gurney.
Senator Gurney. Thank you.
Mr. Haldeman, your statement was very full and comprehensive and so were the questions by counsel today.
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JULY 26, 27, AND 29, 1973
Book 7

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
those letters. I say more or less. He literally did dictate what he wanted in them. I had my secretary type them basically from the notes that I took from that conversation of the President and I understand that later on he did present them to Mr. Dean and Mr. Dean refused to sign either one. So he reported that to me later on in the day.

There were those kind of — those kind of questions that were going on in discussion. At a point in time he asked Mr. Petersen—

Senator Gurney. Stop right there. Did the President tell you why he wanted to fire Mr. Dean or have him resign?

Mr. Ehrlichman. Well, he felt that since Mr. Dean was continuing to come to the—come to the White House and apparently had access to his files and to other files presumably, in the central files of the White House, that it was—they had then basically an adversary relationship and that it was an unhealthy situation, there ought to be a clean termination.

This obviously did not take place. Mr. Petersen, I gather from talking with the President, Mr. Petersen strongly urged the President following that, to make no move where Mr. Dean was concerned and the President acquiesced in that.

We became—that is, Mr. Haldeman and I—became the targets of newspaper and other media attention about the 22d, about Easter, and from then on through the 30th, very vigorous newspaper attack, is the only thing I can say. The Los Angeles Times printed a totally dishonest and false story about my intervention in some Middle East activity. We were continually finding—I was continually finding myself laying aside the work of the day to prepare press statements or to research documents, things of this kind.

What I am leading to, Senator, is—

Senator Gurney. Just a moment. At that point I think we should strike from the record—Mr. Chairman, I think we should strike from the record mention of this Vesco case.

Senator Ervin. Yes.

Senator Gurney. We are trying to keep this—

Senator Ervin. Yes: it can be stricken from the record.

Mr. Haldeman. Mr. Chairman, I just want to state for the record, you know, the witness is being responsive and he has mentioned this case twice this morning. It just does not suffice for Mr. Mitchell’s purposes every time it happens to strike it from the record.

Senator Ervin. Well, we are glad to have the interjection about the Vesco matter stricken but I believe that is as far as we can go at this time.

Mr. Ehrlichman. In any event—

Senator Ervin. And I will ask the witness to—

Mr. Ehrlichman. I am sorry. That—

Senator Ervin [continuing]. Any refrain from further reference—

Mr. Ehrlichman. I had a personal interest in that one, I am afraid, Mr. Chairman, and this was the instance, however, that directly led to my realization that I simply could not do my job there and continue with the denials and harassment and all that was going on.

We began discussing very seriously with the President the need for—and this was separate—I began discussing and I understand Mr. Halde-
man began discussing with the President the need for a leave of absence about this point in time. And as we progressed into this week of April 23, that was the subject that was under serious consideration, alternatives, who could pick up for me and carry on the domestic side and work the policy questions, move the information to the President, and so on. And by the time the President went to Camp David on, I think the 27th, after we returned from Mississippi—from Senator Stennis' ceremony in Mississippi—I think the President was scheduled in his own mind, and it was my impression from talking with him on the airplane, that he had settled in his own mind that we should take a leave of absence at that point.

Mr. Haldeman and I discussed this on the 28th and it was our mutual feeling at that point that even a leave of absence thing would be misunderstood and that we should simply make a clean break of it. The President invited us to Camp David on Sunday, the 29th, and we separately discussed with the President our point of view on this at that time. We both had extended private meetings with him and the upshot of that was we submitted our resignations.

Senator Gurney. Then, in summary, between April 12 and April 30, in these meetings where you discussed Watergate, it was mainly a discussion of how more and more you were becoming ineffective because of the media exposure to Watergate, including you and also Mr. Haldeman. And those were principally the discussions that led up to the resignation?

Mr. Ehrlichman. There were other points obviously being raised. Mr. Petersen was pressing the contention, for instance, that I had urged Hunt to get out of the country and I had urged Mr. Dean to destroy the contents of the safe and he was playing back to the President in justification of his argument that we should be fired—testimony that was being picked up by the prosecuting attorneys. So I in turn was trying to gather such evidence as I could on those points and at the meeting of June 19 and I reported to the President what they had said.

Likewise, during this period of time we consulted counsel and laid out the facts for counsel and took his opinion as to whether or not we were guilty of any legal wrongdoing and made that report to the President. So we were very much personally involved in trying to indicate to the President what our point of view was, our recollection of the facts, where the truth of this matter lay.

Senator Gurney. Let me put it this way: In any of these meetings did the President say to you, “John, it has come to my attention that you were involved in the cover-up in such and such a fashion and I cannot keep you on because of that?” Did any of the conversations go in this vein?

Mr. Ehrlichman. No. They went in the vein, “this fellow is making accusations against you,” being John Dean. “These are serious allegations. I have confidence that what you are telling me is true but let us face it, the prosecuting attorney through Mr. Petersen is strongly urging that I put you on leave of absence and I have to listen to that advice.”

Senator Gurney. Did the President ask you to resign?

Mr. Ehrlichman. No, sir.
On April 29, 1973 the President met with Attorney General Richard Kleindienst at Camp David. They discussed Kleindienst's resignation as Attorney General. The President asked Kleindienst if he could announce Kleindienst's resignation in his statement the next day and Kleindienst consented. Also on that date the President met with Elliot Richardson at Camp David and informed him of his intention to nominate Richardson to be Attorney General. The President told Richardson that he would commit to Richardson's determination whether a special prosecutor was needed.

89.1 Elliot Richardson testimony, Senate Judiciary Committee, May 22, 1973, 228.

89.2 Elliot Richardson press conference, October 23, 1973, 29.

89.3 Richard Kleindienst testimony, 9 SSC 3597-98.
NOMINATION OF ELLIOT L. RICHARDSON TO BE ATTORNEY GENERAL

HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE NINETY-THIRD CONGRESS FIRST SESSION ON NOMINATION OF ELLIOT L. RICHARDSON, OF MASSACHUSETTS, TO BE ATTORNEY GENERAL MAY 9, 10, 14, 15, 21, AND 22, 1973

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE WASHINGTON : 1973
So I didn’t know what he was going to be seeing me about and nothing that Ehrlichman said touched on the subject matter.

Senator Tenney. When you saw—

Senator Byrd. Would the Senator yield?

Senator Tenney. Yes.

Senator Byrd. Mr. Secretary, are we to understand when you saw Mr. Krogh, you had no indication of what he wanted to see you about?

Secretary Richardson. That is correct.

Senator Byrd. Didn’t you just say that Ehrlichman in his call to you indicated Krogh would have some “worthwhile information on the overall situation”? What situation was he referring to?

Secretary Richardson. Well, he knew that the President was about to announce that morning that I was to be nominated as his Attorney General. So I knew it was something to do with Watergate or related matters, but I didn’t know what aspects of any of those related situations that it concerned.

Senator Byrd. When he indicated to you that Krogh had some worthwhile information on the overall situation, didn’t you pursue it with him? Did you not ask him what information Krogh would have, what situation he was talking about?

Secretary Richardson. No. I didn’t. He only called, as I understood him, for the purpose of suggesting I see Krogh.

By the way, one other point that didn’t emerge yesterday that ought to be made at this point, I think, is that at the time when Ehrlichman called, he had not yet resigned nor had the President announced that he would resign.

Senator Tenney. Ehrlichman was interviewed by the FBI on April 27, and on that same day, Judge Matt Byrne released the sobering memorandum respecting the break-in, which tied in Liddy and Hunt to the break-in, as a matter of fact, and there was substantial amount of publicity with respect to that on the 27th and 28th. Did you have any inclination whatsoever at the time that Ehrlichman called you that what he wanted you to talk to Krogh about was on a matter relating to the Ellsberg psychiatric office break-in?

Secretary Richardson. No.

Senator Tenney. And you never questioned him at all, you just assumed the fact the appointment that was being asked for by Ehrlichman was routine?

Secretary Richardson. I thought that he wouldn’t have called if he didn’t think that whatever Krogh had to say was important. Krogh later called up for the appointment, and he evidently was proceeding on the basis in his own mind that what he had to say was important.

Senator Tenney. Was this the same day that you spoke to the President about your taking the job?

Secretary Richardson. No. I had spoken to him the day before.

That was Sunday.

Senator Tenney. That was Sunday, the 29th?

Secretary Richardson. Yes.

Senator Tenney. In the meeting with the President, which was 2 days subsequent to the publicity that Hunt and Liddy were involved with the Ellsberg break-in, did the President bring up this matter with you, the relationship of your responsibilities to the Ellsberg psychiatric office break-in, or did Ehrlichman or anyone else?
DEPARTMENT OF JUSTICE

PRESS CONFERENCE

of

HONORABLE ELLIOT L. RICHARDSON,
FORMER ATTORNEY GENERAL OF THE UNITED STATES

WITH

MEMBERS OF THE PRESS

October 23, 1973
Washington, D. C.
were references to matters of potential genuine harm to the national security if released.

Mr. Mollenhoff.

QUESTION: Did you have any conversations with President Nixon relative to the importance of the independence of the Special Prosecutor either prior to your hiring or afterwards?

MR. RICHARDSON: I had only one conversation with Mr. Nixon directly about the role of a Special Prosecutor, and that was at the time when he initially asked me if I would be willing to be nominated as Attorney General. And at that time, he said in effect what he said the next day in a public statement, that he would commit to my determination the question whether or not a Special Prosecutor would be needed. He also affirmed at that time the determination that whoever was responsible for the investigation would pursue it fully, fearlessly wherever it might lead.

QUESTION: Do you feel that he reneged on that particular [sic] promise to you?

MR. RICHARDSON: As he said in his own public statement, and as he said in his letter to me, which you now have, he had conceded intruded upon the degree of independence that had originally been attached to the role of the Attorney General and the Special Prosecutor.

QUESTION: Where did he say there was the intrusion?

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and the Special Prosecutor.

QUESTION: Where did he say there was the intrusion?
I imagine if you received such instruction you would have recalled it now.

Mr. Kleindienst. I have no recollection of that.

Senator Weicker. Now, Mr. Kleindienst, I cannot, unfortunately, leave your resignation at the point where you indicated to this committee that you preferred not to comment. I, too, in addition to, I believe it was Senator Gurney, found it rather strange to have you lumped in here in this same statement, I might add, with Messrs. Haldeman, Ehrlichman, and Dean, and so I am going to ask you the question as to whether or not this matter was not discussed with the President prior to this April 30 statement, whether or not—I will just get them on the table and let you answer them in your own way—you preferred to announce your own resignation, whether or not the President prevailed upon you not to announce your own resignation but to be lumped into this group.

Mr. Kleindienst. Well, I think the President and I had by different routes arrived at about the same conclusion. Obviously, we had because Mr. Richardson was up at Camp David that afternoon and I think the decision—I think the President made the decision, that he had to get another Attorney General. I had arrived at it independently.

The President discussed specifically with me the fact that he wanted to announce my resignation the next day and he asked me to permit him to do so. I consented and I would prefer not to comment further about it.

I have had a lot of great things in my life and I have had some unpleasant things and that is just all part of life.

Senator Weicker. I know, Mr. Kleindienst, but I think it is important to this committee to understand exactly what transpired in that instance. Did you want to resign yourself and make your own announcement?

Mr. Kleindienst. Well, I informed the President when I first got up there that I had arrived at the soulful conclusion that I had to leave and I think the President rejoined by saying, I think you are right.

A couple of months before, our conversation was that he wanted me to be sure and stay past September when I left. One of the things he said, I have got to have a whole Attorney General. I cannot have half an Attorney General. And then came the conversation with respect to the manner in which it was going to be done.

He asked me personally if I would permit him to do it then and he wanted to be able to announce the change in the Government. Mr. Richardson's appointment, and I consented to that.

Senator Weicker. In other words, it was his desire that you be put into this group. It was not your desire?

Mr. Kleindienst. He asked me to permit him to announce my resignation then and I consented to it. Senator.

Senator Weicker. I still have to ask the question, why—why you were not permitted to go ahead and announce your own resignation?

Mr. Kleindienst. The President asked me to permit him to do it—that Monday night.

Senator Weicker. When you first arrived at Camp David, did you want to announce your own resignation?

Mr. Kleindienst. Yes, sir. I had so informed him before our conversation.
Senator Weicker. So it was at the importuning of the President you did not announce your own resignation but, rather, went along with his request to be put into this group. Is that correct?

Mr. Kleindienst. Well, he is the President of the United States. I was serving him. He asked me to do it. I did.

Senator Weicker. I would like to, if I could, ask a few random questions until my time expires.

The sequence insofar as Mr. Gray is concerned. April 5 he withdraws his name for consideration for the Senate. Is that correct?

Mr. Kleindienst. Yes, sir. I believe that is the date, April 5.

Senator Weicker. And I believe also at that time you wrote a very warm personal note of appreciation to Pat.

Mr. Kleindienst. I have the highest regard for Pat Gray. I think he is one of the finest men I have ever known in my life and I feel very sorry for him.

Senator Weicker. Now, on April 27, following the conversations in your office on the 26th, he steps down.

Mr. Kleindienst. Yes, sir.

Senator Weicker. Now, what transpired in the meantime here? Or more specifically, more specifically, at what point did you become aware that apparently both the President and certainly Mr. Ehrlichman and Mr. Dean had come to the conclusion that Pat Gray would not be the man for the Directorship of the FBI?

Mr. Kleindienst. Well, you have to distinguish between. I guess the events that occurred after April 5 when it was, I think, indicated sometime around that time, and before April 15. Mr. Gray's nomination had been withdrawn from the Senate. And then after April 15 and before April 30 I had a meeting with Mr. Gray and Mr. Petersen in my office in the middle evening around 8 or 8:30. The next day he then resigned as the Acting Director of the FBI.

I do not know when I learned of the decision that Mr. Gray's name would be withdrawn from the Senate to be the Acting—to be the permanent Director, I am sure I would have known about it around that time.

Senator Weicker. Around what time?

Mr. Kleindienst. Well, the time that it was withdrawn, his nomination was withdrawn. You see—

Senator Weicker. We had testimony, Mr. Kleindienst, before this committee that he would indicate that both Mr. Ehrlichman and the President had soured on Pat Gray around March 6 or March 7.

Mr. Kleindienst. I did not know about that. I knew, I guess, as of the time I was out in San Clemente around April 5 that I must have known the decision was made because we were talking about my recommendations for a person for the President to nominate to be the next permanent Director. So I guess I knew about it prior to April 5. I do not believe I was informed that day of the decision. I think I probably knew that before.

Senator Weicker. Now, in testimony yesterday Mr. Gray indicated to the committee—I think I am correct in my paraphrase—that when they met in your office on the evening of the 26th, you advised Mr. Gray that you thought it best that he step down.

Mr. Kleindienst. Yes, I did, and Pat really did not agree with that. I called the President, gave him a report of the meeting, what Pat
90. On April 30, 1973 the President made a nationwide televised address on the Watergate matter. He announced the resignations of Haldeman, John Ehrlichman, Richard Kleindienst and John Dean and the appointment of Elliot Richardson as Attorney General of the United States.

90.1 President Nixon statement, April 30, 1973, 9 Presidential Documents 433-34.
I want to talk to you tonight from my heart on a subject of deep concern to every American.

In recent months, members of my Administration and officials of the Committee for the Re-election of the President—including some of my closest friends and most trusted aides—have been charged with involvement in what has come to be known as the Watergate affair. These include charges of illegal activity during and preceding the 1972 Presidential election and charges that responsible officials participated in efforts to cover up that illegal activity.

The inevitable result of these charges has been to raise serious questions about the integrity of the White House itself. Tonight I wish to address those questions.

Last June 17, while I was in Florida trying to get a few days rest after my visit to Moscow, I first learned from news reports of the Watergate break-in. I was appalled at this senseless, illegal action, and I was shocked to learn that employees of the Re-election Committee were apparently among those guilty. I immediately ordered an investigation by appropriate Government authorities. On September 15, as you will recall, indictments were brought against seven defendants in the case.

As the investigations went forward, I repeatedly asked those conducting the investigation whether there was any reason to believe that members of my Administration were in any way involved. I received repeated assurances that there were not. Because of these continuing reassurances, because I believed the reports I was getting, because I had faith in the persons from whom I was getting them, I discounted the stories in the press that appeared to implicate members of my Administration or other officials of the campaign committee.

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.

I again ordered that all persons in the Government or at the Reelection Committee should cooperate fully with the FBI, the prosecutors, and the grand jury. I also ordered that anyone who refused to cooperate in telling the truth would be asked to resign from government service. And, with ground rules adopted that would preserve the basic constitutional separation of powers between the Congress and the Presidency, I directed that members of the White House Staff should appear and testify voluntarily under oath before the Senate committee which was investigating Watergate.

I was determined that we should get to the bottom of the matter, and that the truth should be fully brought out—no matter who was involved.

At the same time, I was determined not to take precipitate action, and to avoid, if at all possible, any action that would appear to reflect on innocent people. I wanted to be fair. But I knew that in the final analysis, the integrity of this office—public faith in the integrity of this office—would have to take priority over all personal considerations.

Today, in one of the most difficult decisions of my Presidency, I accepted the resignations of two of my closest associates in the White House—Bob Haldeman, John Ehrlichman—two of the finest public servants it has been my privilege to know.

I want to stress that in accepting these resignations, I mean to leave no implication whatever of personal wrongdoing on their part, and I leave no implication tonight of implication on the part of others who have been charged in this matter. But in matters as sensitive as guarding the integrity of our democratic process, it is essential not only that rigorous legal and ethical standards be observed, but also that the public, you, have total confidence that they are both being observed and enforced by those in authority and particularly by the President of the United States. They agreed with me that this move was necessary in order to restore that confidence.

Because Attorney General Kleindienst—though a distinguished public servant, my personal friend for 20 years, with no personal involvement whatever in this matter—has been a close personal and professional associate of some of those who are involved in this case, he and I both felt that it was also necessary to name a new Attorney General.

The Counsel to the President, John Dean, has also resigned.

As the new Attorney General, I have today named Elliot Richardson, a man of unimpeachable integrity and rigorously high principle. I have directed him to do everything necessary to ensure that the Department of Justice has the confidence and the trust of every law-abiding person in this country.

I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have