1974


Don Edwards

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In early May 1969, following conversations between FBI Director J. Edgar Hoover, Henry Kissinger and Attorney General John Mitchell, the President authorized a specific wiretapping program in an effort to discover the source of leaks of classified government material. Under this program, which remained in effect until February 10, 1971, wiretaps were instituted against thirteen government officials and four newsmen.

1.1 Memorandum from J. Edgar Hoover to Messrs. Tolson, DeLoach, Sullivan and Bishop, May 9, 1969, 10:35 a.m. (received from Department of Justice).

1.2 Memorandum from J. Edgar Hoover to Messrs. Tolson, DeLoach, Sullivan and Bishop, May 9, 1969, 5:05 p.m. (received from Department of Justice).

1.3 President Nixon statement, May 22, 1973, 9 Presidential Documents 693-94.

1.4 Henry Kissinger testimony, Senate Foreign Relations Committee Executive Session, September 17, 1973, 12-13.

1.5 Henry Kissinger testimony, Senate Foreign Relations Committee Executive Session, September 17, 1973, 325 (made public October 4, 1973).


1.7 Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 268-69 (made public October 4, 1973).

No pages in this section
I called Dr. Henry A. Kissinger, National Security Adviser to the President, at Key Biscayne, Florida. I told him I had some information which I thought he ought to know about so as to bring him up to date.

I told him that in regards to the background of Q who wrote the article in ___________ today, he is formerly from ___________ and then went ___________. He has been active in the U. S. Army reserve program for a period of time and is described as particularly astute as to military affairs. In 1966 at the request of Marvin Watson, Assistant to the President at that time, we conducted an investigation as to a leak of information concerning United States government policy in the anti-missile field in connection with an article by Q in ___________ of December __, 1966. Our investigation led to nothing very definite except the possibility that his story was primarily on informed speculation as there had been made available publicly a lot of source material from which he could draw his conclusions.

I stated that in regard to the current three articles, it is the conclusion of the contacts we have made that it could have come and probably did from a staff member of the National Security Council. I continued that Q while at undergraduate school at _______ had a roommate who is now a staff member of the National Security Council. There is a strong possibility also that he may have gotten some of his information from the Southeast Asian Desk, Public Affairs Office of the Department of Defense, as the Public Affairs Office is constituted of employees who are pronounced anti-Nixon. I continued that Q frequents this office as well as the National Security Council, and the employees freely furnish him information inasmuch as they are largely Kennedy people and anti-Nixon. I said that also in the Systems Analysis Agency in the Pentagon, there are at least 113 of the 124 employees who are still McNamara people and express a very definite Kennedy philosophy.
I continued that this situation has made it very easy for Q to obtain information; however, the source we have been working through said it should not be ruled out that a staff member of the National Security Council who obviously was in a position to know the information contained in all three articles could have assisted Q. Dr. Kissinger said he has heard this as an allegation, too, but there is no proof; that he has heard it as a speculation. I said, of course, this is speculation all the way through tying it into this man N. I said that Q works full time at the Pentagon and was asked today as to what his source of information was, and he said it was an excellent one. He said that his source was from the Air Force, but he did not reveal any names. I continued that he stated the Air Force was particularly anxious to soften up its press in the bomber program and is endeavoring to obtain a favorable image with the press. I commented that I thought that was probably a misleading statement by Q to throw it into the Air Force.

I continued that there is a man named_________ who attended the __________ College __________ and the University of __________ and is presently a State Department Foreign Service officer on detail to the National Security Council at the White House. I said he was formerly an assistant to __________ and is a close friend of Q.

I said in regards to N, we conducted an applicant investigation of him in 1962 and in February 1969 and the investigation reflected N and other experts in his field are of the opinion that the United States leadership erred in the Vietnam commitment as we did not possess the interest or capabilities to obtain the original objectives. I said that in 1955 his name appeared on a list of individuals who responded to a request for a public hearing on Vietnam by agreeing to sponsor a national sit-in. I said the Royal Canadian Mounted Police in 1965 advised that N's /name was on a list of Americans who had reportedly received the World Marxist Review Problems of Peace and Socialism, a communist publication.

I continued that from another source it was indicated we should not overlook the Systems Analysis Agency in the Defense Department who had an employee...
Memorandum for Messrs. Tolson, DeLoach, Sullivan; Bishop

May 9, 1969

named _______ and another named ______ currently employed as staff employee of the National Security Council. I said they are very close to each other and both are so-called arrogant harvard-type Kennedy men who would not hesitate to do anything to save their jobs. I said it was stated that was particularly anxious to save 's job with the Systems Analysis Agency. I said both men know and consider him a part of the Harvard clique, and, of course, of the Kennedy era and we should not ignore the possibility that and/or could be the source of the leak to Q.

I said that is as far as we have gotten so far. Dr. Kissinger said he appreciated this very much and he hoped I would follow it up as far as we can take it and they will destroy whoever did this if we can find him, no matter where he is.

I told Dr. Kissinger I wanted him to know the developments and he said he appreciated it very much and they will certainly keep looking into it at their end. I told him we would keep after it and he said they were counting on whatever we can find out.

Very truly yours,

John Edgar Hoover
Director
Retyped from indistinct original

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535

MEMORANDUM FOR MR. TOLSON

MR. DE LOACH

MR. SULLIVAN

MR. BISHOP

I called Dr. Henry A. Kissinger, National Security Adviser to the President, at Key Biscayne, Florida. I told him I had some information which I thought he ought to know about so as to bring him up to date.

I told him that in regards to the background of Q who wrote the article in today, he is formerly from the __________________ and then went __________________. He has been active in the U. S. Army reserve program for a period of time and is described as particularly astute as to military affairs. In 1966 at the request of Marvin Watson, Assistant to the President at that time, we conducted an investigation as to a leak of information concerning United States government policy in the anti-missile field in connection with an article by Q in __________________ of December, 1966. Our investigation led to nothing very definite except the possibility that his story was primarily on informed speculation as there had been made available publicly a lot of source material from which he could draw his conclusions.

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Original impounded by court order. See memo in 63-16062-3.

Retyped from indistinct original
NOMINATION OF HENRY A. KISSINGER

HEARINGS BEFORE THE COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE NINETY-THIRD CONGRESS FIRST SESSION ON NOMINATION OF HENRY A. KISSINGER TO BE SECRETARY OF STATE

PART 2
[Executive Hearings Held on September 10 and 17, 1973; Made Public October 4, 1973]

Printed for the use of the Committee on Foreign Relations
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WASHINGTON: 1973

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we are going to run our Government that seems to me to be very interesting.

Senator Scott. Could the Attorney General break down the categories of these wiretaps? Are they all alike, all 17 of them, or did they fall into different categories?

HEARING PROCEDURE

Senator Javits. Mr. Chairman, would the Senator yield, may I respectfully suggest as always we follow some procedure. I would like to question the witnesses very closely and I await on the ruling of the Chair as to how we should go about it.

The Chairman. I was waiting for the Attorney General to proceed with his statement and then we will have the usual questioning.

Senator Javits. All right.

BOHLEN CASE

Senator Sparkman. Mr. Chairman, before you move on, you referred to the Bohlen case. You remember we were at an impasse on that when the Chair appointed Senator Taft and me to go down and check.

I don't know just what may be implied by the term, "the raw files." We saw everything that was in that and I suppose that was it. We came back and reported to the committee. Senator Taft made a very strong statement on the Senate floor. I made a mild one, but we both came up with this feeling that we would never want to be investigated by the FBI on the basis of the supposed facts that they had in their files. Much of it, I think, was utterly ridiculous, and the statement was made to the committee and on the floor of the Senate, and we promptly moved to approve Mr. Bohlen's confirmation.

REVEALING INFORMATION SUPPORTED

I don't see that there would be anything hurtful in revealing this information. I would like to know if all of his aides that were connected with the—I understand this was connected with the National Security Council, wasn't it, and involved leaks that were given. In fact we saw those leaks in the papers ourselves at that time. They thought it was highly important. But if they were all tapped why then we might be concerned with all of them, all of us as a general principle. We are particularly concerned with one who is now on the staff of our committee and it seems to me we would be entitled to have full information on them.

The Chairman. Go ahead, Mr. Attorney General.

INFORMATION'S IMPORTANCE TO COMMITTEE AGREED WITH

Mr. Richardson. There is certainly no disagreement between the committee and Mr. Ruckelshaus and myself with respect to the importance to the committee of the information about the procedure followed and Dr. Kissinger's role in it. The memorandum which has just been distributed to you in effect embodies all the information that can be gleaned from the report in that respect and it might be useful if I proceed from page 2 of this memorandum before we resume questioning.
In order to find the source of the leaks that have become of concern to the administration in the spring of 1969, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. The information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

Mr. Ruckelshaus, as he said earlier, in a press conference on May 14, 1973, elaborated further on this background. In all, 17 individuals were tapped as part of this special program. In each case a request for authorization was submitted to Attorney General Mitchell by the Director of the FBI, J. Edgar Hoover. All the requests for authorization were signed by J. Edgar Hoover and approved by John N. Mitchell.

The individuals tapped fell into three categories.
1. Governmental employees who had access to sensitive information;
2. Newsmen who had printed leaked information;
3. Governmental employees who were discovered from the taps themselves as possibly involved in the leaks.

Thirteen of the taps were governmental employees and four were newsmen. The first taps were installed in May 1969 and the last were taken off in February 1971. They ranged in length from 1 to 21 months.

The FBI report to Mr. Ruckelshaus reflects the concern over the leaks of sensitive information transmitted to the Attorney General and the Director of the FBI in early May 1969 by the President and Dr. Kissinger. The FBI records on which this report was based do not, however, reflect all the deliberations that led to any given wiretap or the relevance to the leaked information of all the taps placed. Some names to be tapped were generated by consultation between the NSC staff and William Sullivan, the FBI Assistant Director for Domestic Intelligence. When the NSC supplied a name the request for authorization to the Attorney General recited that fact with little elaboration by the FBI. This reflected the FBI's traditional role as the sole agency in the Federal Government that conducted national security wiretaps.

**DR. KISSINGER'S ROLE**

As best can be determined from the FBI records, Dr. Kissinger's role included expressing concern over leaks of sensitive material and when this concern was coupled with that of the President and transmitted to the Director of the FBI, it led to efforts to stem the leaks, which efforts included some wiretaps of Government employees and newsmen. His role further involved the supplying to the FBI of names of individuals in the Government who had access to sensitive information and occasional review of information generated by the program to determine its usefulness. Any further elaboration of his role would have to come from Dr. Kissinger himself.

This is all that can be found in the report. The rest of the report deals with the summary of information obtained about these individuals from the taps themselves.

I should elaborate a little, I think, because Mr. Ruckelshaus and I have talked to Dr. Kissinger in order to supplement our own under-
Weekly Compilation of
PRESIDENTIAL DOCUMENTS

Monday, May 28, 1973

Volume 9 • Number 21
Pages 685–714
The Watergate Investigation

Statements by the President. May 22, 1973

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

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

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

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

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

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

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

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

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

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

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

As a result, some national security information has already been made public through court orders, through the subpoenaing of documents, and through testimony witnesses have given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about these operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—which recent partial disclosures have given—of [classified] nature and purpose of those operations.
The purpose of this statement is threefold:

First, to set forth the facts about my own relationship to the Watergate matter;

Second, to place in some perspective some of the more sensational—and inaccurate—of the charges that have filled the headlines in recent days, and also some of the matters that are currently being discussed in Senate testimony and elsewhere;

Third, to draw the distinction between national security operations and the Watergate case. To put the other matters in perspective, it will be necessary to describe the national security operations first.

In citing these national security matters, it is not my intention to place a national security “cover” on Watergate, but rather to separate them out from Watergate—and at the same time to explain the context in which certain actions took place that were later misconstrued or misused.

Long before the Watergate break-in, three important national security operations took place which have subsequently become entangled in the Watergate case.

—The first operation, begun in 1969, was a program of wiretaps. All were legal, under the authorities then existing. They were undertaken to find and stop serious national security leaks.

—The second operation was a reassessment, which I ordered in 1970, of the adequacy of internal security measures. This resulted in a plan and a directive to strengthen our intelligence operations. They were protested by Mr. Hoover, and as a result of his protest they were not put into effect.

—The third operation was the establishment, in 1971, of a Special Investigations Unit in the White House. Its primary mission was to plug leaks of vital security information. I also directed this group to prepare an accurate history of certain crucial national security matters which occurred under prior administrations, on which the Government’s records were incomplete.

Here is the background of these three security operations initiated in my Administration.

1969 Wiretaps

By mid-1969, my Administration had begun a number of highly sensitive foreign policy initiatives. They were aimed at ending the war in Vietnam, achieving a settlement in the Middle East, limiting nuclear arms, and establishing new relationships among the great powers. These involved highly secret diplomacy. They were closely interrelated. Leaks of secret information about any one could endanger all.

Exactly that happened. News accounts appeared in 1969, which were obviously based on leaks—some of them extensive and detailed—by people having access to the most highly classified security materials.

There was no way to carry forward these diplomatic initiatives unless further leaks could be prevented. This required finding the source of the leaks.

In order to do this, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. Fewer than 20 taps, of varying duration, were involved. They produced important leads that made it possible to tighten the security of highly sensitive materials. I authorized this entire program. Each individual tap was undertaken in accordance with procedures legal at the time and in accord with longstanding precedent.

The persons who were subject to these wiretaps were determined through coordination among the Director of the FBI, my Assistant for National Security Affairs, and the Attorney General. Those wiretapped were selected on the basis of access to the information leaked, material in security files, and evidence that developed as the inquiry proceeded.

Information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

The 1970 Intelligence Plan

In the spring and summer of 1970, another security problem reached critical proportions. In March a wave of bombings and explosions struck college campuses and cities. There were 400 bomb threats in one 24-hour period in New York City. Riots and violence on college campuses reached a new peak after the Cambodian operation and the tragedies at Kent State and Jackson State. The 1969-70 school year brought nearly 1,800 campus demonstrations and nearly 250 cases of arson on campus. Many colleges closed. Gun battles between guerrilla-style groups and police were taking place. Some of the disruptive activities were receiving foreign support.

Complicating the task of maintaining security was the fact that, in 1966, certain types of undercover FBI operations that had been conducted for many years had been suspended. This also had substantially impaired our ability to collect foreign intelligence information. At the same time, the relationships between the FBI and other intelligence agencies had been deteriorating. By May 1970, FBI Director Hoover shut off his agency’s liaison with the CIA altogether.

On June 5, 1970, I met with the Director of the FBI (Mr. Hoover), the Director of the Central Intelligence Agency (Mr. Richard Helms), the Director of the Defense Intelligence Agency (Gen. Donald V. Bennett), and the Director of the National Security Agency (Adm. Noel Gavler). We discussed the urgent need for better intelligence operations. I appointed Director Hoover as chairman of an interagency committee to prepare recommendations.

On June 25, the committee submitted a report which included specific options for expanded intelligence operations. And on July 23 the agencies were notified by
United States Senate

Report of Proceedings

Hearing held before

Committee on Foreign Relations

NOMINATION OF HENRY A. KISSINGER
TO BE SECRETARY OF STATE

EXECUTIVE SESSION

Monday, September 17, 1973

Washington, D.C.

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NOMINATION OF HENRY A. KISSINGER

HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
NOMINATION OF HENRY A. KISSINGER TO BE SECRETARY OF STATE

PART 2
[Executive Hearings Held on September 10 and 17, 1973; Made Public October 4, 1973]

Printed for the use of the Committee on Foreign Relations

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WASHINGTON : 1973

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[7106]
Senator Case. I would like, if I may run over with you
these several taps.

Senator Symington. Talk a little louder.

Senator Case. Yes, I would like to run over these several
taps with you in relation to the matter of the leaks. The first
one on the record was one of Q. As to that, may I
just draw your attention to the fact that in general your
explanation of the initiation of this procedure was that you
had been concerned about it, you talked about it with the
President, a meeting was held of you and the President and
Mr. Mitchell.

Mr. Kissinger. Hoover.

Senator Case. And Mr. Hoover and that apparently was
on the 9th of May.

Mr. Kissinger. Or whatever the day was that that leak
occurred.

Senator Case. At least, in any event, you met on the 9th
of May with Hoover and that may have been the only meeting
you had with him but anyway, you met with him. The reason I make
the point, one of those taps, that of Q of ______

was instituted by the request made on May 2nd of that
year and I wonder if you could give an explanation of who
initiated that.

Mr. Kissinger. To the best of my knowledge --
Senator Case. It was stated that it was requested by
General Haig, that is to say, your alter-ego, I guess, on
behalf of the President. I wondered if you could go into it.

Mr. Kissinger. If it happened before that meeting, then
I have no explanation for it because the first time I heard of
wiretapping was at that meeting.

Now, it is fairly conceivable, I think the easy way to
check it is to find out when that story appeared that
and whenever that story appeared was the
date that my knowledge of the program begins. I was unaware
of any wiretapping prior to that story. And, therefore, I
would have no explanation for it.

Senator Case. Do you have any recollection that you did
discuss the desirability of that particular tap, before it was
initiated?

Mr. Kissinger. No, I certainly did not.

Senator Case. Did you talk with Haig about it? Did he go
off on his own?

Mr. Kissinger. It would be inconceivable to me that Haig
would go off on his own so it would have to be they are on
instructions from me or Mr. Haldeman. But it is also possible
that the meeting I remember happening on May 9th happened on
May 2nd. That seems to be the more likely reason.

Senator Case. In general, as your recollection is now,
the tap on Q was a part of this general program?
Mr. Kilgore. To the best of my knowledge —
Mr. Kissinger. [Deleted.] The origin of this particular program was a meeting in the President's office which I have described to you, and in which the President ordered the use of wiretaps, and in which my contribution was to describe leaks that had occurred. I would sum up the problem at the time as follows—and I had asked myself this question very much: Did I have any reason to suppose that the Government was doing anything wrong? And second, was I, in executing orders that I thought were legal, doing anything that was wrong or illegal?

I can say that the idea that this was not common practice or that this was in any sense illegal, simply never crossed my mind. I believed, when the Director of the FBI said this had been common practice in every previous administration, that it was a distasteful program that was being reinstated in this administration. I do not from my own knowledge know that this program was carried out in previous administrations.

I have been told since, again by many people who should know, that it was carried out in previous administrations.

As to my own role, I think, what you have seen will support that I confined my participation scrupulously to individuals who had had access to the information, and that nobody was penalized as a result of this. On the contrary, many of the people who were part of the program became my closest associates, and others who had been part of this program had been kept on my staff against very strong opposition from many quarters. [Deleted.]

And after this one program I did not participate in any other internal security program of the administration so none of these memorandums to which Senator Symington referred to this morning, the Huston program, the Plumber program, or whatever else was done, or the approach to Mr. Helms in the Watergate episode, was conducted with any knowledge of my office or of me personally. I think this is what the committee should keep in mind when it assesses the degree of my own propensity to use such tactics.

Senator Muskie. When the experience of previous administrations was described, was it described as being used to uncover leaks?

Mr. Kissinger. It was described as having been used to uncover leaks and to protect national security information. But I might have been remiss in not inquiring further into it.

Senator Muskie. I am not making that judgment necessarily.

Mr. Kissinger. That is how it was described to me.

Senator Muskie. You see, I make a distinction between national security as a justification, and leaks. To close leaks and sources of leaks would require a surveillance effort that could be as wide as the 2½ million civil servants of this Government. If the closing of leaks is a sufficient justification, there is no limit. I gather, of course, from your testimony that there were limits to this in actual fact. But if you establish it as a principle, then the principle is pretty hard to contain.

[Deleted.]

BASIS FOR INITIATING WIRETAPS

Senator Muskie. Now with respect to each wiretap initiated as a result of the name that you provided, was that related to a specific leak of specific information? I know you couldn't recall. But was it your impression that it was a specific leak of specific information or a fishing expedition?
Senator Case. It is rather tough in one respect.

Mr. Kissinger, did I ever present you with a memo to you to go to
Mr. Kissinger. If I'd prepared you for something
I have no explanation for because I didn't think I made
wiretapping was at that meeting.

Now, it is fairly conceivable, I think the easy way to
check it is to find out when that story appeared that
dealt with Cambodia and whenever that story appeared was the
date that my knowledge of the program begins. I was unaware
of any wiretapping prior to that story. And, therefore, I
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Senator Case. Do you have any recollection that you did
discuss the feasibility of that particular try, before it was
initiated?

Mr. Kissinger. No, I certainly did not.

Senator Case. Did you talk with Haig about it? Did he go
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that the meeting I remember happening on May 5th happened on
May 2nd. That seems to be the more likely reason.

Senator Case. In general, is your recollection is now,
the tap on was a part of this general program?
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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MORTON H. HALPERIN, et al.,

Plaintiffs,

v.

HENRY A. KISSINGER, et al.,

Defendants.

--------------------------------------

Washington, D.C.

July 25, 1973

The deposition of WILLIAM D. RUCKELSHAUS, a defendant herein called for examination by counsel for the plaintiff in the above entitled action, pursuant to notice, before BEA LOU BUSSELL, a Notary Public in and for the District of Columbia, in the offices of the Federal Bureau of Investigation, Andretta Room, 10th and Constitution Avenue, N.W., Washington, D.C., commencing at 1:00 p.m. on the 25th day of July, 1973.
don't want to interrupt you unless I have to but I believe this does go to the substance of much of these records and if you are entitled to this information, that would best be determined by the court.

Q Turn to the next page, page three; "When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI and if the Director approves, authority is then requested from the Attorney General."

I think once before you testified that the request came from the White House?

A Yes.

Q Was there any particular person in the White House who made that request?

A As I stated in my press conference this whole investigation into these leaks was initiated by conversations between Dr. Kissinger and Mr. Hoover. Then there were requests, some of which seemed to have come through the FBI and some from the White House. It resulted in giving the request to the attorney general for the authorizations.

Q On the request for Mr. Halperin, did that request come from the White House or from within the FBI staff?

MR. CHRISTENBURY: We will have to object on the same grounds as offered before. That is to not go into
No pages found in this section of the binder. Found in section 1.2. Misfiled or deliberately placed by Don Edwards?
HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
NOMINATION OF HENRY A. KISSINGER TO BE SECRETARY OF STATE

PART 2
[Executive Hearings Held on September 10 and 17, 1973; Made Public October 4, 1973]

Printed for the use of the Committee on Foreign Relations

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WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
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Mr. CONWAY. Good afternoon. This is an on the record news conference with William D. Ruckelshaus, Acting Director of the FBI. Mr. Ruckelshaus has a brief statement, after which he'll be pleased to respond to any questions. There are hand microphones on the sides of the room may I suggest it will be easier for all of us to hear if you use those when you do ask your questions. There is a background paper on wiretapping that's available to you. You may use it as you see fit. There is also a text of Mr. Ruckelshaus' statement and a full transcript of the entire news conference will be available, hopefully, later today.

Mr. RUCKELSHAUS. Gentlemen, I'd like to read this statement, in its entirety so that we have this problem in context before your questions.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillances, better known as wiretaps, having been placed on telephones of government employees and newsmen in an effort to secure the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the Fiskeberg trial whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. The investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at Headquarters. Forty-two separate interviews were conducted, all by Headquarters personnel, and included travel to Phoenix, Arizona; Tampa, Florida; Savannah, Georgia; New York City; and Stamford, Connecticut.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the Director of the FBI and the White House, certain surveillances were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the Nation's effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and thirteen on government employees in the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving a national security or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the Director's Office and then on the Director's orders under the custody of Mr. W. C. Sullivan who was then an Assistant to the Director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to The White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not such intention but the charge had its desired effect. According to Mr. Mardian, the records were delivered to The White House. The records were informed Mr. Mitchell, who in turn informed The White House. The records were from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to The White House.

When the FBI discovered the records were missing upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to The White House.
In any event, the FBI accepted the premise that the records had been destroyed, and when I assumed my present position, I had no reason to believe that the records were still intact. It was not until last Thursday night that our investigation revealed, during an interview with Mr. Markham in Phoenix, that the records probably still existed and might be in The White House.

The next day the records were located in The White House, having been filed in a safe in Mr. Ehrlichman’s outer office. Unfortunately, the records were not located in time to respond to Judge Byrne’s inquiries about the potential taint of evidence in the Ellsberg trial. The interception of Ellsberg’s conversations all occurred when he was either a guest of Morton Halperin, National Security Council, or conversing with him. It was one of those conversations of Mr. Ellsberg which I had informed the Judge on Wednesday, May 9, 1973, had been remembered by one of our employees who had monitored the tape. Of course, whether the location of the records would have had any effect on the Judge’s decision is not for me to say.

On Saturday an FBI Agent and I went to The White House, identified and retrieved the records and they now rest in the FBI files.

The investigation was conducted with skill, speed and effectiveness by the FBI and resulted in the full retrieval of the records. I believe it is in the public interest to reveal these facts so that this story can be put in proper perspective.

Now I have two more points that I want to make, gentlemen. One is that I recognize how very emotional the question of wiretaps is in our society, and I asked at the time this investigation started that a history of the use of electronic surveillances or wiretaps in the FBI or by the FBI be prepared. The handout that you now have or is available is the result of that inquiry. I felt that the history was informative and good enough that it warranted being handed out at this press conference so that again these taps can be placed in that historical perspective. Secondly, since I am sure it will be one of the first questions, I want to touch on the reasons why I have not revealed the names of the 17 people who were placed under electronic surveillance during the course of this effort to stem the leaks. At first I felt it was probably a good thing to reveal these names in the interest of openness and letting the public know precisely what happened. And upon reflection I concluded that the potential harm to be done by the release of these names outweighed the good that could result in the openness of revealing them. The potential harm is clear to the employees of the Government in that their positions in the Government since they were at least once under suspicion and most, if not all of them, have since been exonerated, might be jeopardized. It’s less clear as to the newsmen as to why the names would not be released, but again, upon reflection and a certain degree of agonizing I concluded that the potential was still there for some harm to be done by revealing their names to the public. And I was finally persuaded by the realization that if I made a mistake in releasing the names there was nothing I could do about it, but if I make a mistake in not releasing them I can always rectify that mistake by doing so later. So in response to any of your questions as to what these names are, or who is involved, my answer will be the same and that is that I will neither confirm nor deny that any of the names that you request are the subjects of this surveillance. I’ll now attempt to answer your questions.

LEAKS RESULTING IN SUBMISSION OF PARTICULAR NAME

The Chairman. Could you indicate what leaks, for example, occurred that resulted in the submission of a particular name? Does this occur in the summary?

Mr. Richardson. No, it does not. The summary only contains the sort of general background that was described by Mr. Ruckelshaus in his May 14 statement and later by the President in his May 22 statement.

ATTORNEY GENERAL’S REQUESTS FOR TAPS

The Chairman. Does the summary indicate whether or not the Attorney General requested any names to be tapped?

Mr. Richardson. There are two instances—I want Bill to hear this—the chairman’s question was does the summary indicate any
2. In each of the seventeen cases of wiretapping in the program authorized by the President, the FBI wrote to Attorney General Mitchell requesting written authorization after receiving a directive for a tap. In each of the seventeen cases, the Attorney General authorized the wiretap. Mitchell has denied seeing or signing any such authorization and denied seeing any summaries of wiretap logs.

2.1 Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 279 (made public October 4, 1973).


2.3 John Mitchell interview, FBI, May 11, 1973 (received from Department of Justice).

2.4 Letter from John Mitchell to William Ruckelshaus, May 17, 1973 (received from Department of Justice).

2.5 Memorandum from C. F. Downing to Mr. Conrad, May 18, 1973 (received from Department of Justice).

2.6 Letter from William Ruckelshaus to John Mitchell, May 24, 1973 (received from Department of Justice).
him, of which he may be afraid or something of that sort, puts him in the control of the person who has that information to a degree which is intolerable and therefore it is something never to be used except in the most extreme circumstances. We have, as a committee, the duty on this occasion to make that point.

The CHAIRMAN. That is the point I am trying to make myself.

COMMITTEE REPRESENTATIVES NOT REQUIRED TO PASS JUDGMENT ON 17

Senator Aiken. May I ask one question there. Would the representatives of this committee be required to pass judgment on the guilt or innocence of the 17 people?

The CHAIRMAN. No; that is not involved. It is the procedure that is involved.

Senator Aiken. But if one of them was found——

PROCESS OF INITIATING ELECTRONIC SURVEILLANCE

Mr. Richardson. May I make one comment, Mr. Chairman, in reply to Senator Case's statement. It should be clear both with respect to the past and certainly the future that the Secretary of State or the adviser to the President for national security affairs would not have in any event the power unilaterally to initiate electronic surveillance of any individual.

It should be reemphasized that in each instance here the specific request for authorization came from the Director of the Federal Bureau of Investigation who himself obviously bears responsibility with respect to techniques of investigation employed in the U.S. Government and in each instance, the request for authorization was approved by the Attorney General, and certainly as far as the future is concerned, any situation which was deemed by Dr. Kissinger to potentially justify, and I am not sure there would be any, given the history of this situation, but if it were to arise, the Secretary of State would come either to the Director of the FBI, Chief Clarence Kelly or to me, and we would have to exercise independent responsibility as to whether or not this technique would be employed.

The CHAIRMAN. Senator Church.

NO COURT ORDERS OBTAINED FOR 17 TAPS

Senator Church. In connection with any of these 17 taps, I take it that no court order was ever obtained?

Mr. Richardson. No.

CHANGE IN LAW CONCERNING WIRETAPS

Senator Church. Has there been a change of the law in this respect as a result of subsequent court decisions or does it still lie within the power of the Attorney General himself to sign off a request by the Director of the FBI and wiretap anyone who may be thought suspect?

Mr. Richardson. There has been a change in the law since the wiretaps in issue here. This was reflected in a decision of the Supreme Court of the United States in so-called Keith case, the U.S. v. United States District Court handed down in June of 1972. That decision held that the Constitution forbade the use of electronic surveillance
instance in which the Attorney General requested or originated a request for a wiretap, there are two.

Mr. Ruckelshaus. Yes, there are.

Mr. Richardson. In every other case his role simply appears to have been that of approving the use of the wiretap.

ATTORNEY GENERAL'S DENIAL OF ASKING FOR TAPS

The Chairman. I thought that the Attorney General had said at sometime or another that he had never asked for specific names to be tapped?

Mr. Ruckelshaus. Mr. Chairman, I think I can answer that question. There had been stories that appeared starting in Time Magazine back in February of 1972 indicating the existence of these taps. There had been denials by Attorney General Mitchell of the existence of these taps starting then, and as the press conference record indicates this denial was, in effect, belied by the existence of the signed authorizations by the Attorney General himself on all 17 of these taps that were installed.

APPROVAL OF AUTHORIZATIONS

The Chairman. Did he sign the authorizations in blank and allow Mr. Kissinger to fill in the names?

Mr. Ruckelshaus. Mr. Kissinger never had anything to do with the authorizations themselves. That would be a request form that was sent from the director of the FBI requesting authorization to install a given wiretap to the Attorney General. On the bottom of that form would be a line for approval by the Attorney General. The Chairman. Did he not approve them in blank?

Mr. Ruckelshaus. No, I am sure he did not.

The Chairman. In batches of three or four, is that not true?

Mr. Ruckelshaus. I am sure he did not approve these in blank, Mr. Chairman. But in fact signed them as he would receive them from the director of the FBI.

INITIATION OF TAPS

The Chairman. Is it fair to say that all but maybe one or two were initiated by Mr. Kissinger?

Mr. Ruckelshaus. No, I don't think that is fair to say that he initiated the taps themselves. I think the names were generated from a number of sources, including the members of the NSC staff who might have access to the information that was leaked. I think also some of the names were generated by the FBI when they overheard in the given wiretap names of people who might have been the source.

JUSTIFICATION OF AND RATIONALE FOR TAPS

The Chairman. Take [deleted] who was [deleted] to [deleted]. What in the world would be the excuse for tapping his phone? What could be the justification? This puzzles me as a matter of procedure. I am not particularly interested in what they found out, but it seems very odd to me that they would initiate a tap, and especially if Mr.
John G. Mitchell, former United States Attorney General, furnished the following information to the best of his recollection:

Sometime during the Spring or Summer of 1969 former FBI Director Hoover met with him and advised him that the FBI at that time had some wiretap coverage on certain individuals specifically requested by the White House. These wiretaps were reportedly instituted to uncover possible leaks emanating from the White House, specifically from the National Security Council. Mitchell stated it was not unusual for him not to have known of this at its inception since on many occasions Mr. Hoover would deal directly with the President or the White House on extremely sensitive matters, and circumvent the Attorney General's office. Mitchell stated that up until this meeting with Director Hoover he had no knowledge that any such special wiretaps requested by the White House were in effect. He stated to the best of his recollection the requests were made directly by the White House to either Mr. Hoover or former Assistant Director W. C. Sullivan, and involved five or six individuals, including N, P, and E. He stated N was a carryover from the Johnson Administration. He could not recall any other names.

Mitchell stated he never saw nor approved any/requests for wiretap coverage from the FBI, stating none were submitted to him by the FBI. Mitchell stated the reason Mr. Hoover came to him at that time was because he, Hoover, was greatly concerned that such wiretaps were in effect and wanted Mitchell to informally intercede with the White House in an effort to discontinue these wiretaps. To the best of Mitchell's recollection he did, sometime thereafter, discuss these wiretaps with either Colonel Haig or Dr. Kissinger at the White House and they (Mitchell, Haig and/or Kissinger) agreed that these wiretaps could become "explosive" and that this whole operation was a "dangerous game we were playing." Mitchell stated, however, that to the best of his recollection nothing was done as a result of his informal discussions mentioned above at the White House. Mitchell stated that he not only never saw any written requests for Attorney General authorization for the placement of these wiretaps but he was also unaware of any summaries.
that may have been prepared setting forth the results of these wiretaps. He stated if such authorizations were received at his office, he would personally handle them.

Mitchell stated to the best of his recollection the next time that he recalls hearing of this matter was during the period when former Assistant Director Sullivan was "on the skids" with Director Hoover and the FBI. The closest he could place this time was approximately early Fall of 1971. He vaguely remembers that Robert Mardian, the then Assistant Attorney General in Charge of the Internal Security Division, United States Department of Justice, contacted him, Mitchell, and at this meeting told Mitchell that he had just recently learned from W. C. Sullivan about the existence of wiretap coverage placed by the FBI at the request of the White House on certain individuals. Mardian indicated to Mitchell that Sullivan was furious over the way he was being treated by the Director and that for this reason he disclosed the information concerning the wiretaps to Mardian. Sometime thereafter, Sullivan turned over to Mardian all correspondence relating to this wiretap coverage.

During approximately this same period, Mr. Hoover contacted Mitchell and advised him of the problems he was having with Sullivan and, in fact, showed Mitchell a lengthy letter he, Hoover, received from Sullivan in which Sullivan accused Hoover of running contrary to the President's wishes in many instances. Mitchell recalls telling Mr. Hoover that he had no choice but to get rid of Mr. Sullivan. At this point Mitchell described Mr. Sullivan as being "a little nuts." Mitchell stated he recalls that after Mardian came to the Department of Justice as Assistant Attorney General in Charge of the Internal Security Division, Mr. Hoover became quite concerned over the fact that in many instances both Sullivan and his subordinate, were going directly to Mardian concerning cases being handled by the Domestic Intelligence Division and the Internal Security Division of the Department, which was an attempt, Mr. Hoover felt, to cut him off from access to these discussions. To the best of his recollection Mitchell stated that Mardian informed him, Mitchell, that he subsequently turned over all wiretap correspondence that he had received from Sullivan to Mr. John Ehrlichman of the White House. According to Mitchell, Mardian felt this was in the best interests of the White House and everyone concerned. Mitchell adamantly stated that he had never seen any of these papers, that Mardian adamantly stated that he had never seen any of these papers, that
said he had received from Sullivan and then later turned over to the White
House. Mitchell could not recall any details concerning this transfer of
correspondence to Mardian, for example, specifically whether the documents
were turned over to Mardian by Sullivan voluntarily or perhaps whether
Mardian requested that Sullivan turn over the documents to him.

Mitchell was specifically asked if on or about October 2, 1971, Hoover
contacted him concerning the fact that Mardian had in his possession sensi-
tive material relating to the wiretap coverage, and the fact that Mitchell
assured Hoover that Mardian had destroyed this material. Mitchell stated
this could not have been true inasmuch as Mardian had turned over the
sensitive material in question to Mr. Erlichman (sic) in the White House. He
stated to the best of his recollection such a conversation did not take place
between him and the Director and that he received no correspondence from
the Director confirming such a conversation.

Mitchell suggested that if it has not already been done, that the FBI
consider reviewing all correspondence relating to wiretap coverage in all
national security cases which he would have been aware of during his tenure
as Attorney General and which would now be located presumably in the vault
in his former office. Mitchell stated that while he was Attorney General
and during the pertinent period in question (1969 to 1971) his secretary was
S5, whom he believes currently resides in Florida.

Mitchell stated this was not the first instance where no record was
made of sensitive wiretap coverage requested by the White House. Mitchell
recalled soon after he came into office, Hoover related to him special
wiretap coverage which was requested by former President Johnson on a
highly sensitive matter. Mr. Mitchell would not furnish specifics concern-
ing this particular coverage.

Concerning W. C. Sullivan, Mitchell related it was obvious he
wanted the job of FBI Director since, on numerous occasions, Sullivan
was in personal contact with various members of the White House staff
and was always "name dropping and wheeling and dealing there" (White
House).
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Mitchell stated he never saw nor approved any requests for wiretap coverage from the FBI stating none were submitted to him by the FBI.

Mitchell stated the reason Mr. Hoover came to him at that time was because he, Hoover, was greatly concerned that such wiretaps were in effect and wanted Mitchell to informally intercede with the White House in an effort to discontinue these wiretaps. To the best of Mitchell's recollection he did, sometime thereafter, discuss these wiretaps with either Colonel Haig or Dr. Kissinger at the White House and they (Mitchell, Haig and/or Kissinger) agreed that these wiretaps could become "explosive" and that this whole operation was a "dangerous game we were playing." Mitchell stated, however, that to the best of his recollection nothing was done as a result of his informal discussions mentioned above at the White House. Mitchell stated that he not only never saw any written requests for Attorney General authorization for the placement of these wiretaps but he was also unaware of any summaries.
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Mitchell stated this was not the first instance where no record was made of sensitive wiretap coverage requested by the White House. Mitchell recalled soon after he came into office, Hoover related to him special wiretap coverage which was requested by former President Johnson on a highly sensitive matter. Mr. Mitchell would not furnish specifics concerning this particular coverage.

Concerning W. C. Sullivan, Mitchell related it was obvious he wanted the job of FBI Director since, on numerous occasions, Sullivan was in personal contact with various members of the White House staff and was always "name dropping and wheeling and dealing there" (White House).
The Honorable
William D. Ruckelshaus
Acting Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Director:

I have read with more than great interest your statement of May 14, 1973, relative to electronic surveillance of certain government employees and newsmen commencing in the Spring of 1969. Such statement attributes to me certain actions which are contrary to my recollection and I would appreciate being advised as to the source of the information upon which you based such statements.

First, it is stated with respect to authorizations of electronic surveillance, "... and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences...."

Upon what evidence or information was this statement of my approval founded?

Second, it is stated with respect to an F.B.I. investigation of this matter in the Fall of 1971, "... it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed."
Upon what evidence or information was this statement of my so informing Mr. Hoover founded?

I would like to make one further observation with respect to the text of your statement. Therein it states that, "These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations."

If this be the case you will find in the appropriate files of the Attorney General's office written requests for authorization from the Director and information with respect to the action taken thereon by the Attorney General. I would also call to your attention the requirement of the Attorney General that all authorizations for national security electronic surveillance must be renewed every ninety days if they are to be continued.

My purpose in writing this letter is not to generate a confrontation with the F.B.I. or its Acting Director, but rather to obtain factual information which, if it exists, is contrary to my best recollection of the circumstances described.

With kindest regards and best wishes for your success in your current undertaking, I am,

Sincerely,

[Signature]

John N. Mitchell
Memorandum

DATE: May 18, 1973

FROM C. F. Downing

TO Mr. Conrad

SUBJECT: SENSITIVE COVERAGE PLACED AT THE REQUEST OF THE WHITE HOUSE


Pursuant to the instructions of the Acting Director, relayed through Mr. Walters, an examination was conducted of the questioned John N. Mitchell signatures on fifteen documents authorizing technical installations and a comparison made of these signatures with signatures appearing on a number of similar documents maintained by Mr. Felt.

The conclusion was reached that all signatures were prepared by the same individual.

ACTION:

For information.

1 - Mr. Felt
1 - Mr. E. S. Miller
1 - Mr. Walters
1 - Mr. Conrad
1 - Mr. Downing
1 - Mr. Hegvold
1 - Mr. Tunstall

PGT: alf
(8) 25085-24

ROUTE IN ENVELOPE

MAY 25 1973

TOP SECRET
May 24, 1973

Mr. John N. Mitchell
Twenty Broad Street
New York, New York 10005

Dear Mr. Mitchell:


Specifically, you requested information as to the source upon which my statement was based concerning your approval, as Attorney General, of the surveillances in question, and the basis or evidence upon which I stated that Mr. Hoover was informed by you that records relating to the above-mentioned electronic surveillances had been destroyed.

Inasmuch as the principals concerned with the implementation of the electronic surveillances are either deceased, as in the case of Mr. Hoover, or are no longer associated with the FBI, I relied on existing records of the FBI and on recollections of present and former employees of the FBI and the Department of Justice as the sources of my statement to the press.

As regards your approval of all these surveillances, we found in the records recovered from the White House all letters bearing both the signature of Mr. Hoover requesting the electronic surveillance and your own signature authorizing it on each such surveillance. On at least one such letter handwritten comments were added by you to indicate expeditious installation. At the time you were interviewed by FBI Special Agents on May 11, 1973, and denied that you had seen or approved any such requests from the FBI for wiretap coverage, we

1 - Mr. Miller 1 - Mr. Mintz (both sent separately)
LMW:wjj (5)

See note page two
Mr. John N. Mitchell

had not recovered the FBI file material and, accordingly, the Agents were not in a position to apprise you that direct evidence to the contrary existed. There were statements by ex-employees that they had prepared Attorney General authorizations and had seen signed authorizations returned.

Handwritten notes of Mr. J. Edgar Hoover in the files of the FBI, as well as recollections of FBI officials, support my statement that Mr. Hoover was later informed by you that the records had been destroyed.

As to the practice of requiring from the Attorney General renewal authority for national security electronic surveillances on a ninety-day basis, according to our records our instructions were to maintain no records of the surveillances, and this was pointed out in the initial letter to you dated May 12, 1969, requesting approval for the first group of surveillances. Our records also reveal that although no ninety-day continuations were apparently sought, you were kept informed by letter from time to time as to which electronic surveillances had been discontinued.

Various documents among those recovered from the White House indicate that you were kept informed as to the status and existence of the surveillances in question, up to the time you were informed that all such surveillances had been discontinued.

The FBI has not suggested, publicly or otherwise, that these were other than lawful national security surveillances with respect to the request, authorization and installation of the electronic surveillances in question. We do believe that improprieties occurred when the records relating to the surveillances were removed from the official custody of the FBI without the knowledge or approval of the Director of the FBI.

I trust this answers the questions you have raised.

Sincerely yours,

William D. Ruckelshaus
Acting Director

NOTE: Foregoing cleared with Office of Legal Counsel. Pursuant to AG Order 502-73, the Acting Director has authority to release such information to Mr. Mitchell. The documents involved may be subject to classification but the information in this letter would not reasonably be classified. The recollection of officials of the FBI referred to at top of page 2 refers to Messrs. Tolson and Felt.
May 24, 1973

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Twenty Broad Street
New York, New York 10035

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Various documents among those recovered from the White House indicate that you were kept informed as to the status and existence of the surveillances in question, up to the time you were informed that all such surveillances had been discontinued.

The FBI has not suggested, publicly or otherwise, that those were other than lawful national security surveillances with respect to the request, authorization and installation of the electronic surveillances in question. We do believe that improprieties occurred when the records relating to the surveillances were removed from the official custody of the FBI without the knowledge or approval of the Director of the FBI.

I trust this answers the questions you have raised.

Sincerely yours,

William D. Ruckelshaus

William D. Ruckelshaus
Acting Director

NOTE: Foregoing cleared with Office of Legal Counsel. Pursuant to AG Order 502-73, the Acting Director has authority to release such information to Mr. Mitchell. The documents involved may be subject to classification and information in this letter would not reasonably be classified. The recollection of officials of the FBI referred to at top of page 2 refers to Messrs. Tolson and Felt.
Although standard Department of Justice procedure required an Attorney General to review national security wiretaps every ninety days in order to reestablish their necessity, Attorney General Mitchell undertook no review of any of the seventeen wiretaps. A court order was not obtained for any of them.

3.1 John Mitchell testimony, 4 SSC 1626-27.


3.3 Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 279 (made public October 4, 1973).

3.4 Letter from William Ruckelshaus to John Mitchell, May 24, 1973 (received from Department of Justice).
PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

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

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

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

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402 - Price $3.00
Stock Number 0570-D1904
of Mr. Magruder recounting to these assembled groups what he was going to testify to.

Mr. Dash. But would it be fair to say, Mr. Mitchell, that it was in the interest of the group to have the story that did go into the grand jury and the ultimate indictments that did come out cut off at Liddy? And Mr. Magruder, who was in such a high position in the committee, would not be involved in that type of thing?

Mr. Mitchell. Mr. Dash, I think you are jumping from one conclusion to another without the bridge. What we were really concerned about were the White House horror stories. Now, if the cutoff that you speak of helped in that direction, perhaps that was probably the case. In other words, Watergate did not have the great significance that the White House horror stories that have since occurred had.

Mr. Dash. Would you say that whatever coverup was taking place to this point, concealment and not volunteering information, had to do with actually preventing the so-called White House horror stories rather than Watergate break-in?

Mr. Mitchell. This was certainly my belief and rationale and I would believe the people in the White House, certainly some of them, might well be involved and certainly would have similar interests.

Mr. Dash. Well, did Mr. Dean, in carrying back the messages from Mr. Haldeman and Mr. Ehrlichman, indicate that he had in fact informed them of the actions that had been taken—the strategies performed by your group?

Mr. Mitchell. I cannot say that he did or did not. I would have to believe that Mr. Dean was reporting to those gentlemen over there. Mr. Dean, as a proper lawyer, proper counsel, was very, very limited in his discussions of what he did or said with people in the White House and that is the way, of course, he should have acted.

Mr. Dash. I think you testified that you at least discussed with Mr. Haldeman and Mr. Ehrlichman the problems involved in the Liddy operations, the Ellsberg, and other situations?

Mr. Mitchell. Yes, and that was somewhere down the line, probably much later than the time frame of which you are talking about in relationship to Mr. Magruder's appearance before the grand jury.

Mr. Dash. All right, now, let us look very briefly to the so-called wiretapping of the journalists and Mr. Kissinger's staff as a result of the SALT talk leaks. Were you aware of the leaking and those wiretaps?

Mr. Mitchell. Mr. Dash, I find it hard to give you a specific answer other than the fact that, yes, I was. To what extent, I do not know. This happened in 1968 and they were national security wiretaps. They should have a full record of everything that was handled in the Department of Justice, because every security tap, whether it be a strict national security dealing with foreigners or whether it is the type that the court has since frowned upon, is filed in the Department of Justice.

Mr. Dash. But this would require your authority as Attorney General, would it not?

Mr. Mitchell. I would believe that the FBI would probably not operate without it. I am not sure of that, but I believe that that would be the case.
Now, let me go on to point out two other things. No. 1, I do not recall there being that many people involved. I remember some members of the National Security Council that they thought were very much suspect.

The second point I would like to point out, which gives me memory problems, is that in the newspapers, counsel said that some of these were on for a year and a half or 2 years, or something to that extent. Well, we have a rule that I put in the Department that where they had these national security taps, they had to be reviewed every 90 days. So there again, I would have had a memory jog along the way if this be the case.

So what I am saying is that I think your best evidence is over in the Department of Justice and not my recollection.

Mr. Dash. Well, would the President's recollection be of assistance, Mr. Mitchell? Are you aware of the President's statement of May 22?

Mr. Mitchell. I am aware of that reference in the statement of May 22. I do not know where the information came from. It may quite conceivably be correct. I brought the matter up through correspondence with Mr. Ruckelshaus and I thought I got very fuzzy answers back. But as I say, the evidence is in the Department of Justice and you ought to have access to it.

Mr. Dash. But you do recall that in that statement of the President, the President did say that these areas did have the approval and were selected, along with others, by the Attorney General of the United States, who was you at the time?

Mr. Mitchell. Mr. Dash, I have seen a lot of statements that come out that—I am not referring to the President, but in which people who dig out the information frequently get their facts wrong.

Mr. Dash. This is a very important statement by the President on May 22.

Mr. Mitchell. I thought Mr. Buzhardt's statement was quite important as far as I was concerned, too, but I think we found out what the distinction was there.

Mr. Dash. You are not suggesting Mr. Buzhardt prepared the May 22 testimony?

Mr. Mitchell. I am not suggesting anything.

Mr. Dash. Did you believe, Mr. Mitchell—and I use the term belief at this point—have any belief as to whether the President was aware of the events either prior to or after the break-in of the Democratic National Committee headquarters? When I say events, I mean the actual bugging or the cover-up which took place thereafter?

Mr. Mitchell. I am not aware of it and I have every reason to believe, because of my discussions and encounters with him up through the 23d of March. I have very strong opinions that he was not.

Mr. Dash. How do you arrive at that conclusion? Was it by particular conversations with the President that he talked to you about this subject, or did you talk to him about this subject?

Mr. Mitchell. No, it is primarily—I do not want to say no to exclude it, and I will explain the natures of the conversations, if you so desire. As a matter of fact, you may go through that list and I will get a chance to do them one by one. What I am saying is that I think
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

MORTON H. HALPERIN, et al.,

Plaintiffs,

v.

HENRY A. KISSINGER, et al.,

Defendants.

Civil Action No. 1187-73

Washington, D.C.

July 25, 1973

The deposition of WILLIAM D. RUCKELSHAUS, a defendant herein called for examination by counsel for the plaintiff in the above entitled action, pursuant to notice, before BEA LOU BUSSELL, a Notary Public in and for the District of Columbia, in the offices of the Federal Bureau of Investigation, Andretta Room, 10th and Constitution Avenue, N.W., Washington, D.C., commencing at 1:00 p.m. on the 25th day of July, 1973.
Q: To get back to this question of authorization, you say there were authorizations in the file?

A: Yes.

Q: Now, were these authorizations and requests for authorizations that preceded it, were they for specific time periods?

A: Yes, there is a procedure in the FBI that any National Security Wiretap can only be for a ninety day period. Then there has to be a request for a renewal.

Q: Was that followed in Mr. Halperin's case, in a request for a renewal beyond the ninety days?

A: As I recall, it was. I don't know. I haven't reviewed that file so there again the documents would indicate whether there was or wasn't.

Q: Is this three month or ninety day period part of your standard operation procedure?

A: Yes.

Q: Would that be reflected in whatever manual you mentioned?

A: I'm not sure there is such a manual or there is a standard operating procedure.

Q: Or directive or whatever?

A: I don't know.
HEARINGS
BEFORE THE
COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
NOMINATION OF HENRY A. KISSINGER TO BE
SECRETARY OF STATE

PART 2
[Executive Hearings Held on September 10 and 17, 1973;
Made Public October 4, 1973]
him, of which he may be afraid or something of that sort, puts him in
the control of the person who has that information to a degree which
is intolerable and therefore it is something never to be used except in
the most extreme circumstances. We have, as a committee, the duty on
this occasion to make that point.

The CHAIRMAN. That is the point I am trying to make myself.

COMMITTEE REPRESENTATIVES NOT REQUIRED TO PASS JUDGMENT ON 17

Senator AIKEN. May I ask one question there. Would the repre-
sentatives of this committee be required to pass judgment on the
guilt or innocence of the 17 people?

The CHAIRMAN. No; that is not involved. It is the procedure that
is involved.

Senator AIKEN. But if one of them was found——

PROCESS OF INITIATING ELECTRONIC SURVEILLANCE

Mr. RICHARDSON. May I make one comment, Mr. Chairman, in
reply to Senator Case's statement. It should be clear both with respect
to the past and certainly the future that the Secretary of State or the
adviser to the President for national security affairs would not have
in any event the power unilaterally to initiate electronic surveillance
of any individual.

It should be reemphasized that in each instance here the specific
request for authorization came from the Director of the Federal
Bureau of Investigation who himself obviously bears responsibility
with respect to techniques of investigation employed in the U.S.
Government and in each instance, the request for authorization was
approved by the Attorney General, and certainly as far as the future
is concerned, any situation which was deemed by Dr. Kissinger to,
potentially justify, and I am not sure there would be any, given the
history of this situation, but if it were to arise, the Secretary of State
would come either to the Director of the FBI, Chief Clarence Kelly
or to me, and we would have to exercise independent responsibility
as to whether or not this technique would be employed.

The CHAIRMAN. Senator Church.

NO COURT ORDERS OBTAINED FOR 17 TAPS

Senator CHURCH. In connection with any of these 17 taps, I take
it that no court order was ever obtained?

Mr. RICHARDSON. No.

CHANGE IN LAW CONCERNING WIRETAPS

Senator CHURCH. Has there been a change of the law in this respect
as a result of subsequent court decisions or does it still lie within the
power of the Attorney General himself to sign off a request by the
Director of the FBI and wiretap anyone who may be thought suspect?

Mr. RICHARDSON. There has been a change in the law since the
wiretaps in issue here. This was reflected in a decision of the Supreme
Court of the United States in so-called Keith case, the U.S. v. United
States District Court handed down in June of 1972. That decision held
that the Constitution forbade the use of electronic surveillance
May 24, 1973

Mr. John N. Mitchell
Twenty Broad Street
New York, New York 10005

Dear Mr. Mitchell:


Specifically, you requested information as to the source upon which my statement was based concerning your approval, as Attorney General, of the surveillances in question, and the basis or evidence upon which I stated that Mr. Hoover was informed by you that records relating to the above-mentioned electronic surveillances had been destroyed.

Inasmuch as the principals concerned with the implementation of the electronic surveillances are either deceased, as in the case of Mr. Hoover, or are no longer associated with the FBI, I relied on existing records of the FBI and on recollections of present and former employees of the FBI and the Department of Justice as the sources of my statement to the press.

As regards your approval of all these surveillances, we found in the records recovered from the White House all letters bearing both the signature of Mr. Hoover requesting the electronic surveillance and your own signature authorizing it on each such surveillance. On at least one such letter handwritten comments were added by you to indicate expeditious installation. At the time you were interviewed by FBI Special Agents on May 11, 1973, and denied that you had seen or approved any such requests from the FBI for wiretap coverage, we

1 - Mr. Miller 1 - Mr. Mintz (both sent separately)

See note page two
Mr. John N. Mitchell

had not recovered the FBI file material and, accordingly, the Agents were not in a position to apprise you that direct evidence to the contrary existed. There were statements by ex-employees that they had prepared Attorney General authorizations and had seen signed authorizations returned.

Handwritten notes of Mr. J. Edgar Hoover in the files of the FBI, as well as recollections of FBI officials, support my statement that Mr. Hoover was later informed by you that the records had been destroyed.

As to the practice of requiring from the Attorney General renewal authority for national security electronic surveillances on a ninety-day basis, according to our records our instructions were to maintain no records of the surveillances, and this was pointed out in the initial letter to you dated May 12, 1969, requesting approval for the first group of surveillances. Our records also reveal that although no ninety-day continuations were apparently sought, you were kept informed by letter from time to time as to which electronic surveillances had been discontinued.

Various documents among those recovered from the White House indicate that you were kept informed as to the status and existence of the surveillances in question, up to the time you were informed that all such surveillances had been discontinued.

The FBI has not suggested, publicly or otherwise, that these were other than lawful national security surveillances with respect to the request, authorization and installation of the electronic surveillances in question. We do believe that improprieties occurred when the records relating to the surveillances were removed from the official custody of the FBI without the knowledge or approval of the Director of the FBI.

I trust this answers the questions you have raised.

Sincerely yours,

William D. Ruckelshaus
Acting Director

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LMW:wmj (5)

See note page two
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4. Unlike other national security wiretaps, the 1969-71 wiretaps were not entered in the FBI indices. The files and logs of the wiretaps were maintained only in the office of Director Hoover or Assistant Director William Sullivan and no copies were made. Such a procedure was requested by Colonel Alexander Haig when the program began.

4.1 William Sullivan answers to written interrogatories of William Ruckelshaus, May 10, 1973 (received from Department of Justice).

4.2 Memorandum from W. C. Sullivan to C. D. DeLoach, May 11, 1969 (received from Department of Justice).

4.3 Memorandum of a telephone call from W. C. Sullivan to J. Edgar Hoover, May 10, 1969, 2:15 p.m. (received from Department of Justice).

Mr. William C. Sullivan  
Director  
Office of National Narcotics Intelligence  
Acting Director, FBI  

May 10, 1973

SENSITIVE COVERAGE PLACED AT REQUEST OF THE WHITE HOUSE

I have been informed that upon interview by an Inspector and a Special Agent of this Bureau you requested that all questions concerning this matter be directed to you in writing and that you would thereafter, to the best of your ability, answer each question presented. The following is in response to that request:

Background

As you know, in early 1969 the FBI was requested to initiate sensitive coverage (wiretaps) of certain White House staff members and others in order to uncover possible leaks at the White House affecting the national security. The purpose of this interrogatory is to fully resolve details of that coverage. You are requested to respond to the following:

1. The identity of the White House official or officials who requested that the FBI initiate this sensitive wiretap coverage and identity of any follow-up calls for similar coverage on others.

2. By what method were these requests for wiretap coverage transmitted to the FBI?

3. To what FBI official(s) were these requests made?

4. Was written authorization received at the FBI from then Attorney General Mitchell, as was the procedure in other national security matters of this nature? Was a written authorization secured from the Attorney General on each? If not, why? If so, where might such written authorization now be located?

5. Were there records of these wiretaps kept by the FBI at any time?
Mr. William C. Sullivan

a. If so, describe such records.

b. Where, when, and by whom were such records kept?

c. Were these records maintained in your personal and
official custody while serving as Assistant Director and Assistant
to the Director?

d. If so, on whose order were they so maintained?

e. Who had access to these records while in your custody?

f. What became of the records in your custody?

6. If some records were maintained by FBI personnel other than
yourself describe the records, identify the persons having custody, the period
of time of such custody, the present whereabouts of such records, if known, and
if not known, any information in your possession relating to their maintenance
and disposition.

7. Identify the officials in the United States Department of Justice and
the FBI responsible for carrying out the wiretap program. Specify the duties
and responsibilities of each.

8. To the best of your recollection, name the individuals on whom
wiretaps were placed.

9. To the best of your recollection, state the approximate times
during which each wiretap was in operation.

10. To the best of your recollection, describe the results achieved
from each wiretap.

11. Identify all FBI personnel who had any connection with the installa-
tion, review, analysis, recording and dissemination of the results of the wiretap
information in question.
Mr. William C. Sullivan

12. To whom and in what manner was such information disseminated?

13. From whom and in what manner were instructions issued to discontinue the wiretaps?

14. To whom in the FBI were these instructions issued? When did all such activity cease on wiretaps, the records of which were maintained in your custody?

15. On October 5, 1971, you advised Mr. W. Mark Felt that you gave Charles D. Brennan (now SAC at FBI Office in Alexandria) a brief case containing the sensitive material obtained as a result of the above wiretaps with instructions to Brennan to give the brief case to then Assistant Attorney General Robert Mardian. Describe in detail the contents of this brief case. Specifically cover whether it contained the authorizations from the Attorney General applicable to these wiretaps. When was this done? Was it done before or after you applied for retirement?

16. Who in the FBI made the decision to turn over internal FBI records directly to Mr. Mardian? What conversations did you have with others regarding this? With whom?

17. On whose authority was this decision made?

18. Why was this material turned over to Mr. Mardian?

19. What disposition was made of this material and by whom? Was the Attorney General aware of the disposition?

20. Were any copies made by you or anyone else to your knowledge of this sensitive material before or after its transmittal to Mr. Mardian? If so, what happened to them?

21. As this wiretap project was on-going, to whom in the White House or any other place were reports made concerning results obtained?

22. How were these reports conveyed (written or oral), and with what frequency were they made?
Mr. William C. Sullivan

23. Do you have any information which would indicate that any specific wiretap coverage continued after authorization was rescinded? If so, provide details.

24. Do you have any knowledge, or reason to believe that Mr. Mardian or anyone else turned over any material in this matter to Gordon Liddy, Howard Hunt, James McCord, John Dean, or anyone else at the White House or elsewhere? If so, provide details.

25. There have been leaks of FBI data concerning this matter to Time magazine and possibly other periodicals. Are you aware of the source of any such leaks? If so, provide details.

An expeditious response is requested.
TO: Mr. William D. Ruckelshaus
Acting Director
Federal Bureau of Investigation

FROM: William C. Sullivan
Director
Office of National Narcotics Intelligence

DATE: May 11, 1973

SUBJECT: SENSITIVE COVERAGE PLACED AT REQUEST OF THE WHITE HOUSE

Please refer to your memorandum to me of May 10, 1973. In answering your questions I will follow the format of your memorandum extending from question 1 through 25.

1. In regard to the White House, I think it would be most appropriate if this question was addressed to Mr. Haldeman.

2. By both conversations and written communications.

3. The requests were made either directly of Mr. J. Edgar Hoover or indirectly through myself.

4. Written authorization was secured from the Attorney General in each case.

5. Yes, these records were maintained in my office at the FBI.

(a) The records included logs, summaries and correspondence.

(b) As indicated, these records were maintained in my office.

(c) Yes.

(d) They were maintained by me on the orders of Mr. J. Edgar Hoover. He did not want them in FBI files and said so on two or three occasions.

(e) Mr. Bernard Wells, then a supervisor in the Domestic Intelligence Division, myself, and any secretary selected to handle the dictation (restricted to two for the most part).

(f) These records, on Presidential and Attorney General request, were given to Mr. Robert C. Mardian, then Assistant Attorney General of the Internal Security Division of the Department.
6. The records were maintained, as indicated, in my office and not by personnel other than myself.

7. Apart from the secretaries, persons handling the wiretap program were who handled liaison, Bernard Wells, who handled the analysis and dictation, and myself handling administration.

8. To the best of my recollection, the individuals on whom wiretaps were placed included: There were others but I do not remember them at this time (around 16-18).

9. I do not remember the approximate times but the general time period was from 1969 - 1971.

10. The records were considered to be very helpful in some cases and in others they were of little or no value. I do not recall the specific elements involved.

11. It is suggested that the identity of FBI personnel who were connected with the installations be secured from the Washington Field Office. I do not know who made the installations. I have already set forth those handling the materials at the Seat of Government.

12. The material was disseminated by letter over Mr. J. Edgar Hoover's signature to the White House. For some time the letters were addressed to and sent to the President and Dr. Kissinger. Later they were sent only to Mr. Haldeman. A few summaries were prepared for the Attorney General in memorandum form.

13. As I recall, instructions to discontinue came from the White House and were relayed to Mr. Hoover.

14. In the main, these instructions were issued to me. However, Mr. Hoover did have some conversations with Mr. Ehrlichman, Mr. Haldeman, and Dr. Kissinger. As I recall, the wiretap activity ceased during the first part of 1971.

15. The contents of the case included logs and letters related to the special wiretaps project. As I recall, they did include the authorizations of the Attorney General. As previously indicated, on instructions this material was furnished to Mr. Mardian before my retirement.

16. I turned over the materials of this special project on instruction to Mr. Mardian. I had no conversation about it with others. It was my decision.

*In May 1970 there was a meeting at the White House of the President, Mr. Haldeman and Mr. Hoover. They decided the letters would go to Mr. Haldeman.
17. As previously stated, on instruction I turned over the material, following a discussion in depth with Mr. Mardian relative to security and possible abuses of the material.

18. As previously stated, this material was turned over to Mr. Mardian in response to Presidential and Attorney General request.

19. The material was to be given maximum security. Where and by whom I do not know. I do not know whether the Attorney General was aware of the disposition.

20. No.

21. To Dr. Kissinger and later this was changed to Mr. Haldeman.

22. They were written reports, hand-carried. I do not recall the exact frequency but they were sent over whenever anything appeared on the logs which were relevant.

23. No.

24. No.

25. No, I am not aware of the source of such leaks. However, judging from the nature of this information and the precise details if correct, it would seem that some of it may have come from inside the FBI.
To: Mr. C. D. DeLoach  
From: W. C. Sullivan  
Subject: COLONEL ALEXANDER M. HAIG TECHNICAL SURVEILLANCE REQUEST

May 11, 1969

Pursuant to my conversation with the Director, Sunday, May 11, 1969, there is enclosed a memorandum for the Attorney General which the Director may want to discuss personally with the Attorney General. It involves a high-level request for technical surveillance on four individuals whose names are contained in the memorandum.

As I told the Director, the request emanated from Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff. Haig came to my office Saturday to advise me the request was being made on the highest authority and involves a matter of most grave and serious consequence to our national security. He stressed that it is so sensitive it demands handling on a need-to-know basis, with no record maintained. In fact, he said, if possible it would even be desirable to have the matter handled without going to the Department; however, I was told the Attorney General is aware in general of the main elements of this serious security problem.

Colonel Haig said it is believed these surveillances will only be necessary for a few days to resolve the issue. We, of course, can handle the matter most discreetly through our Washington Field Office. Colonel Haig said it is not desired that there be any formal dissemination of the results of our coverage to his office. Instead, he will come to my office to review the information developed, which will enable us to maintain tight control of it.

RECOMMENDATION:

If approved, attached memorandum will not be filed but will be maintained in a secure, off-the-record capacity as basis for authority to proceed in response to this request.

Enclosure 5-12-69

6<7546-264
NOT RECORDED
JUN 6 1973
2:15 pm

Assistant Director Sullivan telephoned.

He said he had tried to reach Mr. Hoover at his home as he thought Mr. Hoover should know of certain developments in connection with the request of Dr. Kissinger yesterday.

He said Colonel Haig visited him this morning and made certain requests re a Colonel in the Pentagon. Mr. Sullivan does not want to move on this until he has gotten Mr. Hoover's approval — and "they" do not want anything in writing.

Mr. Sullivan said he would try to reach Mr. Hoover this evening or tomorrow.

hmg

I talked to him on Sunday.
we are going to run our Government that seems to me to be very interesting.

Senator Scott. Could the Attorney General break down the categories of these wiretaps? Are they all alike, all 17 of them, or did they fall into different categories?

HEARING PROCEDURE

Senator Jayits. Mr. Chairman, would the Senator yield, may I respectfully suggest as always we follow some procedure. I would like to question the witnesses very closely and I await on the ruling of the Chair as to how we should go about it.

The Chairman. I was waiting for the Attorney General to proceed with his statement and then we will have the usual questioning.

Senator Jayits. All right.

BOHLEN CASE

Senator Sparkman. Mr. Chairman, before you move on, you referred to the Bohlen case. You remember we were at an impasse on that when the Chair appointed Senator Taft and me to go down and check.

I don't know just what may be implied by the term, "the raw files." We saw everything that was in that and I suppose that was it. We came back and reported to the committee. Senator Taft made a very strong statement on the Senate floor. I made a mild one, but we both came up with this feeling that we would never want to be investigated by the FBI on the basis of the supposed facts that they had in their files. Much of it, I think, was utterly ridiculous, and the statement was made to the committee and on the floor of the Senate, and we promptly moved to approve Mr. Bohlen's confirmation.

REVEALING INFORMATION SUPPORTED

I don't see that there would be anything hurtful in revealing this information. I would like to know if all of his aides that were connected with the—I understand this was connected with the National Security Council, wasn't it, and involved leaks that were given. In fact, we saw those leaks in the papers ourselves at that time. They thought it was highly important. But if they were all tapped why then we might be concerned with all of them, all of us as a general principle. We are particularly concerned with one who is now on the staff of our committee and it seems to me we would be entitled to have full information on them.

The Chairman. Go ahead, Mr. Attorney General.

INFORMATION'S IMPORTANCE TO COMMITTEE AGREED WITH

Mr. Richardson. There is certainly no disagreement between the committee and Mr. Ruckelshaus and myself with respect to the importance to the committee of the information about the procedure followed and Dr. Kissinger's role in it. The memorandum which has just been distributed to you in effect embodies all the information that can be gleaned from the report in that respect and it might be useful if I proceed from page 2 of this memorandum before we resume questioning.
SPECIAL PROGRAM OF WIRETAPS

In order to find the source of the leaks that have become of concern to the administration in the spring of 1969, a special program of wiretaps was instituted in mid-1969 and terminated in February 1971. The information thus obtained was made available to senior officials responsible for national security matters in order to curtail further leaks.

Mr. Ruckelshaus, as he said earlier, in a press conference on May 14, 1973, elaborated further on this background. In all, 17 individuals were tapped as part of this special program. In each case a request for authorization was submitted to Attorney General Mitchell by the Director of the FBI, J. Edgar Hoover. All the requests for authorization were signed by J. Edgar Hoover and approved by John N. Mitchell.

The individuals tapped fell into three categories.

1. Governmental employees who had access to sensitive information;
2. Newsmen who had printed leaked information;
3. Governmental employees who were discovered from the taps themselves as possibly involved in the leaks.

Thirteen of the taps were governmental employees and four were newsmen. The first taps were installed in May 1969 and the last were taken off in February 1971. They ranged in length from 1 to 21 months.

The FBI report to Mr. Ruckelshaus reflects the concern over the leaks of sensitive information transmitted to the Attorney General and the Director of the FBI in early May 1969 by the President and Dr. Kissinger. The FBI records on which this report was based do not, however, reflect all the deliberations that led to any given wiretap or the relevance to the leaked information of all the taps placed.

Some names to be tapped were generated by consultation between the NSC staff and William Sullivan, the FBI Assistant Director for Domestic Intelligence. When the NSC supplied a name the request for authorization to the Attorney General recited that fact with little elaboration by the FBI. This reflected the FBI's traditional role as the sole agency in the Federal Government that conducted national security wiretaps.

DR. KISSINGER'S ROLE

As best can be determined from the FBI records, Dr. Kissinger's role included expressing concern over leaks of sensitive material and when this concern was coupled with that of the President and transmitted to the Director of the FBI, it led to efforts to stem the leaks, which efforts included some wiretaps of Government employees and newsmen. His role further involved the supplying to the FBI of names of individuals in the Government who had access to sensitive information and occasional review of information generated by the program to determine its usefulness. Any further elaboration of his role would have to come from Dr. Kissinger himself.

This is all that can be found in the report. The rest of the report deals with the summary of information obtained about these individuals from the taps themselves.

I should elaborate a little, I think, because Mr. Ruckelshaus and I have talked to Dr. Kissinger in order to supplement our own under-
5. Following the President's authorization of the 1969-71 wiretapping program, wiretaps were placed on the telephones of seven members of the staff of the National Security Council. The wiretaps for the seven specific members of the NSC staff were requested orally by Colonel Alexander Haig, who was then an assistant to the NSC Chairman, Kissinger. A renewed tap on one of these seven was later requested orally by H. R. Haldeman.


5.2 Memoranda from J. Edgar Hoover to Tolson, Sullivan, and Brennan, October 15, 1970 and to the Attorney General, October 16, 1970 (received from Department of Justice).
MEMORANDUM FOR THE ATTORNEY GENERAL

RE: COLONEL ALEXANDER M. HAIG

TECHNICAL SURVEILLANCE REQUEST

On May 10, 1969, Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, came to this Bureau to advise that a request was being made on the highest authority which involves a matter of most grave and serious consequence to our national security. He stressed that it is so sensitive it demands handling on a need-to-know basis, with no record maintained. He requested that telephone surveillance be placed on the following individuals to determine if a serious security problem exists:

- C
- G

and

B

is aged and is Department of State employee has been on detail to the National Security Council since

between and . He was assigned to the Paris peace conference between and . Applicant-type investigation by this Bureau indicated, while in Paris, he reportedly leaked information to newspaper concerning happenings at the peace conference. This apparently was at the beginning of his assignment, and after being warned he discontinued his reported leaks.

N, aged , was detailed from the Department of Defense to the National Security Council as a senior staff member on . He was the subject of an applicant-type investigation by this Bureau. While admittedly he has had contact with Soviet nationals the investigation did not disclose at that time any pertinent derogatory information.

The files of this Bureau contain no identifiable information concerning .

was detailed to the National Security Council on , from the Department of State, where he had been employed in various administrative capacities since . An applicant-type investigation disclosed that during mid 1950's and early 1960's he was suspected of

TOP SECRET

Group I
Excluded from automatic downgrading and declassification
TOP SECRET

Memorandum for the Attorney General
RE: COLONEL ALEXANDER M. HAIG

leaking classified information to unauthorized sources. Thorough investigations were conducted by Department of State; however, no information was developed indicating he was responsible for leaks.

Colonel Haig is Military Assistant to the Assistant to the President for national security affairs. He was the subject of an applicant-type investigation and no derogatory information was developed concerning him.

This Bureau is in a position to conduct the necessary telephone surveillances requested by Colonel Haig.

Respectfully,

John Edgar Hoover
Director

APPROVED
DATE 5/12/69
MEMORANDUM FOR THE ATTORNEY GENERAL

RE: COLONEL ALEXANDER M. HAIG
TECHNICAL SURVEILLANCE REQUEST

My memorandum of May 12, 1969, reported that Colonel Alexander M. Haig, who is assigned to Dr. Henry A. Kissinger's staff, advised this Bureau that a request for telephone surveillances was being made on the highest authority which involved a matter of most grave and serious consequence to our national security. He stressed that because of its sensitive nature, it should be handled on a need-to-know basis, with no record maintained. In response to his request you authorized telephone surveillances on O and N.

On May 20, 1969, Colonel Haig presented an additional request advising that it was also being made on the highest authority in connection with the same sensitive matter. He requested that telephone surveillances be placed on E and C, both of whom are on the staff of the National Security Council.

E is aged and served as a staff member with the National Security Council, Washington, D. C., from ________ to ________; from ________ to ________; From ________ to ________ he was a ________.

Since ________ 1969, he has again been serving as a staff member of the National Security Council. Applicant-type investigations by this Bureau in 1966 and in 1969 disclosed no unfavorable information of a security nature concerning him.

TOP SECRET

Group 1
Excluded from automatic downgrading and declassification
Memorandum for the Attorney General
RE: COLONEL ALEXANDER M. HAIG

C is aged and was employed from

to, by the Department of State. He is
currently on the staff of the National Security Council.
Applicant-type investigations were conducted by this Bureau
concerning him in 1951, 1961, and in 1969. The investiga-
tions disclosed no pertinent derogatory information of a
security nature.

and C resides at __________________________

and and C resides at __________________________

This Bureau is in a position to conduct the necessary
telephone surveillances requested by Colonel Haig.

Respectfully,

John Edgar Hoover
Director

APPROVED

DATE 5/10/69

TOP SECRET

- 2 -
MEMORANDUM FOR THE ATTORNEY GENERAL

RE: K
TECHNICAL SURVEILLANCE REQUEST

On May 12, 1970, Brigadier General Alexander M. Haig of the National Security Council Staff, advised that Dr. Henry A. Kissinger of the White House staff, had requested that as soon as possible a telephone surveillance be instituted on the home of K of the National Security Council Staff.

A survey has been conducted and it has determined that the installation of this telephone surveillance is feasible. If you approve, this installation will be placed by this Bureau.

Respectfully,

[Signature]
John Edgar Hoover
Director

APPROVED
DATE 5/13/70

TOP SECRET

Group 1
Excluded from automatic downgrading and declassification

[7187]
May 13, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: TECHNICAL SURVEILLANCE REQUEST

On May 12, 1970, Brigadier General Alexander M. Haig of the National Security Council Staff, advised that Dr. Henry A. Kissinger of the White House staff, had requested that as soon as possible a telephone surveillance be instituted on the home of one of the National Security Council Staff.

A survey has been conducted and it has determined that the installation of this telephone surveillance is feasible. If you approve, this installation will be placed by this Bureau.

Respectfully,

[Signature]
John Edgar Hoover
Director

TOP SECRET
Group 1
Excluded from automatic downgrading and declassification
MEMORANDUM FOR MR. TOLSON

MR. SULLIVAN

MR. C. D. BRENNAN

4:22 PM

October 15, 1970

Honorable H. R. Haldeman, Assistant to the President, called. He stated that Dr. Henry Kissinger had handed him a copy of some information, and he did not know whether I remembered it or not, which I had sent over to Dr. Kissinger a couple of days ago, from the report there showed that this fellow had a discussion with an unnamed person on the staff of the National Security Council. Mr. Haldeman asked if there was any way of figuring out who that was.

I told him there was not except that by keeping in touch with this fellow we may be able to pick it up. Mr. Haldeman said that would be very helpful. He continued that on the other side, he would like me to put some coverage on B. I told him I would do that; that I think where someone is trying to get information from people in highly sensitive positions and peddle it around, it is bad and we ought, of course, have complete coverage.

Mr. Haldeman said they have some concern on B they may have a bad apple and have to get him out of the basket.

Mr. Haldeman said it would be helpful if we could put this on and I told him I would take care of it right away.

JEH:edm (1)

John Edgar Hoover
Director

[Handwritten notes:]

JUN 8 1973

[7190]
October 16, 1970

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: SPECIAL COVERAGE AT THE REQUEST OF THE WHITE HOUSE

The Honorable H. R. Haldeman, Assistant to the President, has requested that the telephone surveillance on him be reinstated.

is an employee of the U. S. Department of State. You previously approved a telephone surveillance of him on May 12, 1969, which was discontinued on June 20, 1969.

This Bureau is in a position to conduct the necessary telephone surveillance requested by Mr. Haldeman.

Respectfully,

John Edgar Hoover
Director

TOP SECRET
GROUP 1
Excluded from automatic downgrading and declassification
6. Five of the taps referred to in paragraph 5 were discontinued after a relatively short time (the shortest being one month); two continued for an extended period. Three of the staff members were subject to wiretaps for substantial periods after leaving the NSC. Two were tapped when they were no longer employed by the government, but were serving as advisers to a United States Senator who was a Democratic Presidential candidate.

6.1 Memorandum from T. J. Smith to E. S. Miller, May 13, 1973 (received from Department of Justice).


6.3 Senator Edmund Muskie statement, Senate Foreign Relations Committee Executive Session, September 10, 1973, 50-51.


Memorandum

TO: Mr. E. S. Miller
FROM: Mr. T. J. Smith
DATE: 5/13/73

SUBJECT: SENSITIVE COVERAGE PLACED AT THE REQUEST OF THE WHITE HOUSE

Pursuant to instructions of the Acting Director, I met him at 11:00 AM on 5/12/73 in the office of Mr. Leonard Garment at room 123 of the Executive Office Building. We met Mr. Fred Buzhardt who took us to a room with a vault and turned over to us two sealed boxes which we determined to be official records of the FBI which had been in the protective custody of former Assistant to the Director William C. Sullivan prior to his retirement in October, 1971.

Mr. Buzhardt said that the records should be examined and that a receipt describing them should be prepared and signed by me before they were removed from the vault. I then proceeded to examine the records and make an inventory in the form of a receipt. Each box was inventoried separately and a copy of the receipt prepared by me is attached for information.

I finished the inventory at about 2:30 PM and Mr. Garment then locked over the inventory receipt and I signed out of the vault with the two boxes of records at 2:45 PM. A Secret Service Agent who had remained in the vault area while the records were being inventoried drove me to the Federal Triangle Building where the Intelligence Division is located. The records are presently being maintained under secure conditions in your office.

The two boxes contain the original logs of intercepts of the various electronic surveillances operated; the original, signed letters to the Attorney General, each signed by him, requesting authorization to install the electronic surveillances; Original letters to President Nixon, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman reporting on the results of the electronic surveillances; the FBI yellow file copies on the above-mentioned letters; copies of letters to the Attorney General advising of discontinuances of the electronic surveillances; cover memoranda relating to letters to the Attorney General, The President, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman; miscellaneous other correspondence, including cables to and from relating to electronic surveillance coverage arranged by our there, and general background.

Enclosures
A preliminary analysis of the contents of the two boxes of material has been made, it being noted that an in-depth study of the material would probably require several weeks. The following is a summary of that analysis:

It appears that the project of placing electronic surveillance at the request of the White House had its beginning in a telephone call to Mr. J. Edgar Hoover on 5/9/69 from Dr. Henry A. Kissinger, National Security Adviser to the President. Dr. Kissinger advised of a story on the front page of the by Q was extraordinarily damaging and used secret information. Dr. Kissinger asked Mr. Hoover if he could make a major effort to find out where the information came from. Mr. Hoover agreed to see what could be done.

Dr. Kissinger called later the same day and referred to two other articles by Q within the previous ten days and that the three stories may be tied together. Dr. Kissinger told Mr. Hoover this matter had top priority.

Mr. Hoover subsequently called Dr. Kissinger and told him that it was the conclusion of contacts we had made that information for the three articles could have come and probably did from a staff member of the National Security Council. Mr. Hoover named as a possible suspect, noting that he was then a staff member of the National Security Council. He also gave Dr. Kissinger the name of an employee of Systems Analysis Agency in the Defense Department, and apparently an associate of N and said that N and know Q and considered him a part of the clique.

Dr. Kissinger's calls were then followed up by a visit by then Colonel Alexander "B." Haig, of Dr. Kissinger's staff, to the office of Mr. W. C. Sullivan. Colonel Haig made a request for electronic surveillance on four individuals and he said the request was being made on "the highest priority" and involved a matter of most grave and serious consequence to our national security. He also said that it was so sensitive that it demanded handling on a need-to-know basis with no record maintained. He said it would be desirable to have the matter handled without going to the Department. The request was referred by letter to the Attorney General dated 5/12/69, and the Attorney General signed the approval. This request named ; and The letter contained no rationale other than that shown above.
The records reveal that all of the special White House-requested electronic surveillance was discontinued on 2/10/71 and at that time nine were being operated. They are listed below with the dates on which approval was initially given by the Attorney General:

- Approved 5/13/70
- Approved 5/29/69
- Approved 5/4/70
- Approved 5/12/69
- Approved 5/13/70
- Approved 5/12/69
- Approved 5/13/70
- Approved 5/12/69
- Approved 5/12/69
- Approved last 5/12/70
- Approved last 10/19/70
- Approved 5/13/70

It is to be noted that of the above list, electronic surveillance had been installed and then discontinued on the

- G
- and
- B
- G
- and
- B

were included in the first authorized on 5/12/69.
G was discontinued 5/27/69 and re-instituted 5/4/70. B was discontinued 6/20/69 and re-instituted 10/19/70.

It is noted also that the surveillance on A was the only one which continued from the inception to the end of the special project. Two newsmen were still being covered at the time of discontinuance, P and Q.

The following is a complete list by date order of all the individuals on whom electronic surveillance was placed at the request of the White House:

- National Security Council 5/12/69 - 9/15/69
- National Security Council 5/12/69 - 2/10/71
- Dept. of Defense 5/12/69 - 5/27/69
- 5/4/70 - 2/10/71
- National Security Council 5/12/69 - 10/19/70 to 2/10/71
- National Security Council 5/23/69 - 6/20/69

-3-
Examination of the original letters to the White House reporting on results of the various electronic surveillances maintained during the project reveals the following:

There were 37 letters to Dr. Kissinger dating from 5/13/69 to 5/11/70. There were 34 letters to the President dating from 7/10/69 to 5/12/70. There were 52 letters to Mr. H.R. Haldeman dated from 7/10/69 to 2/10/71. There were 15 letters to Mr. Ehrlichman dating from 9/22/69 to 7/25/69— and these all related to an assistant on Ehrlichman's staff. In addition to electronic surveillance on E, the records reveal that the FBI also conducted a physical surveillance on E.

In connection with the surveillance of E, the records reveal that electronic and physical coverage was brought about when the Attorney General called and said that the President had ordered him to tell the Director he wanted a 24-hour surveillance and a tap on E, and that we should report the results of the surveillance and the tap to the President. The authorization on this matter, the Attorney General wrote in his own handwriting: "Higher authority has requested that this be done immediately for use prior to Thursday."
It is to be noted that in addition to the coverage, the Attorney General also called and arranged for electronic surveillance of the newsman. The Attorney General said that the President wanted immediate coverage on. He also instructed that results should go only to the Attorney General and H.R. Haldeman. Letters written went to Dr. Kissinger, however. In this case, as in all of the others, the Attorney General personally signed the written approval for the coverage.

Most of the electronic surveillances were instituted at the request of then Colonel Alexander Haig, who said that the coverage was being requested on the highest authority. Memoranda initially stated that Haig stressed that it was a matter of most grave and serious consequence to our national security, and no other rationale was given. There appeared to be an understanding that the coverage in each instance was based on the original conversations Mr. Hoover had with Dr. Kissinger concerning the serious and damaging leaks of information to the news media.

On occasion some specific rationale was given by Haig. In connection with the coverage of a correspondent, the rationale given was related to a serious leak concerning U.S. involvement in Haig said in this instance that the President had called him regarding a serious security violation involving a leak by concerning the situation. Haig said that this leak had been nailed down to "a couple of people" and he requested coverage on and He also requested coverage on both residence and office of each, the first time the office was covered.

With reference to the coverage on the rationale used by Colonel Haig was that the coverage on revealed that and were friends and that told what would be in a speech by the President.

In another instance the cover memorandum to the letter requesting Attorney General approval on the coverage, said that Dr. Kissinger requested the coverage because had been in contact with individuals on whom we had electronic surveillance coverage in the case.
The request to re-institute coverage on B in October, 1970 after it had been discontinued, was made to Mr. Hoover by H. R. Haldeman. Rationale given by Haldeman was vague; that they had some concern about B. Apparently through some other coverage, possibly on the someone talked to an individual on the National Security Council and Haldeman implied that this may have been B.

The records contain hundreds of pages of logs of transcripts of intercepts over the period the project was in operation. Complete review of all those logs would require an enormous amount of time. However, a preliminary review has been made of the letters to the President and members of His staff summarizing the results of the electronic surveillances and some examples of the material developed from the coverage are set forth below. It must be borne in mind that the significance of many of intercepts is not known to us. Only those familiar with U. S. foreign policy plans and considerations would be competent to determine the sensitivity of much of the material. Many of the intercepts related to foreign policy discussions and may or may not have been personal or public in nature.

It is to be noted that Dr. Kissinger accompanied Colonel Haig to Mr. Sullivan's office on 5/20/69 shortly after the coverage began, to read all the logs prepared to date. After reading the logs Dr. Kissinger said, "it is clear that I don't have anybody in my office that I can trust except Colonel Haig." He said that what he was learning as a result of the coverage was extremely helpful to him while at the same time very disturbing.

During coverage of P in July, 1969, P read a quotation to an unknown individual which he appeared to have gotten from someone in the White House. It read, "The President is weak. He has difficulty saying no. He wants to please all and he dislikes having to make a choice..." With a man like this, Henry Kissinger, of course, has great influence. But if we in the White House were only four or five, we could run the Government. As it is, we can't and Nixon has yet to find a way of doing that." The caller said, "This is harsh. This is someone in the White House?" P replied, "Yes."
One intercept disclosed that P revealed that he had had several drinks with someone who had campaigned for President Nixon, and that after several drinks this person had "poured out his heart and it was absolutely fascinating." He said this person was then in the White House and was dissatisfied.

D mentioned once that he had seen an individual in State Department who handled Egyptian-Israeli matters, but that after Q's story on Cambodia and other stories on Okinawa and the ABM, D could not come around to see him anymore; that things had gotten too tight.

Mrs. N revealed to (son of Communist Party member until and associate of known or suspected foreign intelligence agents) that N was working all weekend on the North Vietnam peace program, and she invited the Does over.

During a discussion between N and his wife, she asked him if he told Q some undisclosed matter.

During one intercept N discussed an internal memorandum relating to a budget matter with at Brookings Institution. He also discussed matters relating to the National Security Council. N also revealed to P that the Premier of South Vietnam was to make a speech, and he gave P the gist of the speech.

One significant item was when N told at Brookings Institution that he would continue to "follow the ongoing Vietnam stuff and furnish the basic main memoranda."

After leaving the National Security Council staff, N mentioned that he intended to publish something. The subject matter was not revealed. He said he had been advised to wait until he had been out of Government 6 months or more.

On one occasion P contacted N to trace down the "Rusk memorandum on 'Don't go in!'" N then called concerning the memorandum and said it wasn't a memorandum, it was a 1961 cable. N then revealed to that a committee would meet the next day to approve a report.

In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage, nor was there any specific instance of information being leaked in a surreptitious manner to unauthorized.
One intercept disclosed that revealed that he had had several drinks with someone who had campaigned for President Nixon, and that after several drinks this person had "poured out his heart and it was absolutely fascinating." He said this person was then in the White House and was disinterested.

mentioned once that he had seen an individual in State Department who handled Egyptian-Israeli matters, but that after story on Cambodia and other stories on Okinawa and the ABM. could not come around to see him anymore; that things had gotten too tight.

Mrs. (son of ) revealed to (some undisclosed matter.) Communist Party member until and associate of known or suspected foreign intelligence agents) that was working all weekend on the North Vietnam peace program, and she invited the over.

During a discussion between and his wife, she asked him if he told (some undisclosed matter.)

During one intercept discussed an internal memorandum relating to a budget matter with at Brookings Institution. He also discussed matters relating to the National Security Council. (also revealed to that the Premier of South Vietnam was to make a speech; and he gave the gist of the speech.

One significant item was when told at Brookings Institution that he would continue to "follow the ongoing Vietnam stuff and furnish the basic main memoranda."

After leaving the National Security Council staff, mentioned that he intended to publish something. The subject matter was not revealed. He said he had been advised to wait until he had been out of Government 6 months or more.

On one occasion contacted to trace down the "Rusk memorandum on 'Don't go in!' " then called concerning the memorandum and said it wasn't a memorandum, it was a 1961 cable. then revealed to that a committee would meet the next day to approve a report.

In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage. Review of the summaries did not indicate that information being furnished was sufficient to unauthorized.
The summaries are full of examples of careless and loose talk about matters being handled in the White House by the persons in the White House on whom coverage was placed. Even the wives had a habit of discussing their husbands' work unnecessarily. For example, in one case Mrs. in a conversation with a cemetery lot salesman, revealed that her husband had been working long hours preparing a speech for President Nixon to deliver shortly.

Various of the White House personnel were often in contact with newspaper men, and some were involved in close personal relationships with newsmen.

With specific respect to any monitoring of Daniel Ellsberg, a review of the logs of the electronic surveillance revealed fifteen instances of Ellsberg on the national security electronic surveillance. There is attached hereto a rough draft summary of the Ellsberg intercepts. It is to be noted that aside from one conversation on 11/22/70, which perhaps established a rationale for Ellsberg's anti-war posture, none of the intercepts of Ellsberg were related in any way to the Pentagon Papers investigation. Some of the intercepted conversations related to drugs such as LSD and marijuana.

There is one folder in the material bearing the code word This has to do with the syndicated columnist. Nothing in the folder suggested that coverage of had been requested by the White House or anyone. However, a number of personal letters marked "Top Secret - Do Not File" addressed to Mr. Hoover suggests that Mr. Hoover was aware of the project. In essence, apparently made a European trip in 1969 and someone desired electronic coverage of him while he was abroad. made a special trip to where he apparently arranged through the Legal Attaché to have the authorities place a microphone in hotel room in . There are logs indicating that microphone coverage was instituted and reported through the There are no tickler or file copies of any summary memoranda to indicate that the results of the coverage on were ever furnished to anyone but Mr. Hoover.

For the time being all of these records are being maintained under secure conditions in Intelligence Division space. We will begin immediately to integrate the records into our regular "June" files and to prepare appropriate general and special electronic surveillance indices so that the integrity of FBI files will remain.
ACTION: For information.
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(III)
WILLIAM D. RUCKELSHAUS, ACTING DIRECTOR, FBI, PRESS CONFERENCE, MAY 14, 1973, 2:00 P.M.

Mr. Conmy. Good afternoon. This is an on the record news conference with William D. Ruckelshaus, Acting Director of the FBI. Mr. Ruckelshaus has a brief statement, after which he'll be pleased to respond to any questions. There are hand microphones on the sides of the room may I suggest it will be easier for all of us to hear if you use those when you do ask your questions. There is a background paper on wiretapping that's available to you. You may use it as you see fit. There is also a text of Mr. Ruckelshaus's statement and a full transcript of the entire news conference will be available, hopefully, later today.

Mr. Ruckelshaus. Gentlemen, I'd like to read this statement, in its entirety so that we have this problem in context before your questions.

Shortly after assuming this job, my attention was drawn to several newspaper and periodical accounts of electronic surveillance, better known as wiretapping, having been placed on telephones of government employees and newsmen in an effort to stem the leaks of information related to highly sensitive foreign policy issues. Upon inquiry, I was informed by FBI employees that these surveillances had been performed and that the records relating to them were missing from the FBI files. Also the question had been raised in the White House whether information from these alleged taps had been used by the prosecution in any way and thus tainted the evidence.

As a result of this information, I immediately ordered an investigation into the facts surrounding the taps and the missing records. The investigation was started Friday, May 4, 1973, and was conducted under my personal supervision by highly skilled FBI personnel at Headquarters. Forty-two separate interviews were conducted, all by Headquarters personnel, and included travel to Phoenix, Arizona; Tampa, Florida; Savannah, Georgia; New York City; and Stanford, Connecticut.

The investigation revealed that from May, 1969, to February, 1971, based on consultations between the Director of the FBI and the White House, certain wiretaps were instituted in an effort to pinpoint responsibility for leaks of highly sensitive and classified information which, in the opinion of those charged with conducting our foreign policy, were compromising the Nation's effectiveness in negotiations and other dealings with foreign powers.

There was a total of 17 wiretaps placed for this purpose. Four were placed on newsmen as the potential recipients of leaks and thirteen on government employees as the potential sources. The taps were on for varying lengths of time during the period in question; two for as little as 30 days and one for as long as 21 months.

These requests were handled in the same way as other requests involving national security for a number of years and in prior Administrations. When a government agency or the White House requests surveillance the request is studied by the senior officials of the FBI, and if the Director approves, authority is then requested from the Attorney General. If he approves, as was done in this case, the surveillance commences, summaries are prepared from the logs, which are transmitted to the interested agency, or as in this case, the White House.

Because of the sensitivity of these particular surveillances, the records were very closely held; first in the Director's Office and then on the Director's orders under the custody of Mr. W. C. Sullivan, who was an Assistant to the Director.

The investigation indicates that sometime in the summer of 1971, after the taps were all taken off, Mr. Sullivan contacted Mr. Robert Mardian, who was then Assistant Attorney General in charge of the Internal Security Division, and informed him of the nature of these records and recommended that they be transferred to The White House. According to Mr. Mardian, the recommendation was made on the claim by Mr. Sullivan that Mr. Hoover might use the records in some manner against the Attorney General or the President. Mr. Sullivan does not affirm Mr. Mardian's claim. There is certainly no proof that Mr. Hoover had such intention but the charge had its desired effect. According to Mr. Mardian, he informed Mr. Mitchell, who in turn informed The White House. The records were taken from the files by Mr. Sullivan, who ordered them given to Mr. Mardian, who delivered them to The White House.

When the FBI discovered the records were missing upon Mr. Sullivan's retirement in the fall of 1971, it commenced an inquiry which ended when Mr. Hoover was informed by Mr. Mitchell that the records had been destroyed. It should be noted that Mr. Mitchell has denied making such a statement to Mr. Hoover. This conflict cannot be resolved because of Mr. Hoover's death. Mr. Mitchell, however, confirmed that the records were moved to The White House.
NOMINATION OF HENRY A. KISSINGER
TO BE SECRETARY OF STATE

EXECUTIVE SESSION

Monday, September 10, 1973

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I mean self occur in impoundment of funds, executive privilege, classified information, and we have been able to avoid precise definitions over the years because of the practice of restraint upon the part of both the Presidency and the Congress.

What troubles many of us is that there is so much evidence that the restraints that have been honored in the past have been abandoned by some and that abandonment could lead to a society in which some men are more equal than others. That is really what is at the heart of our inquiry here. I do not detect in this discussion this morning any real revulsion against the notion that in national security, there certainly must be a guideline for the use of this technique. But when restraints are abandoned in secret then there is no check against the abandonment. This is what Senator Case is speaking about, this is what all of us are speaking about, so I express that as a matter of philosophy and I think it underlies this whole discussion.

For instance, in this list of 17, and I have not verified it, I have no way of verifying it, at least two of the names are names of people who were closely associated with me in a foreign policy advisory role throughout 1970 and most of 1971. I am naturally curious and interested as to whether or not when they became associated with -- they were no longer associated with the Executive Branch were still
subject to electronic surveillance. If they were there is a possible inappropriate purpose as well as the continuance of an appropriate purpose. So the line becomes very obscure. And I think as a society we have got a right to know whether that line is slowly being breached and undermined to the detriment of the credence of all of us, so I am interested in this, Senator Javits suggestion, I am not sure it is the only one but it is a specific one, and I think we need to resolve some pertinent questions that were put this morning, I am not going to repeat them or try to find another set of words to put them in, but simply state the philosophical view and illuminate the point.

I will make this one point. Mr. Ruckelshaus emphasizes that these wiretaps were originated under the President's authorization and I would be curious to know whether or not that authorization was the result of some initiative taken by some person other than the President, somebody must have recommended to him that this technique be used. Who, was the one person, was it several, did it include Dr. Kissinger and so on. But it is of concern to us to know where these ideas originate, what their motivation is and whether or not there are greater responsibilities of people whose inclinations are in this direction.

Mr. Richardson. May I comment briefly, Senator Muskie, because I think you have, as have others, including Senator
If we yield away in important areas of policy, executive privilege, and other information, we will lose the ability to avoid precise definitions over the years because of the practice of restraint upon the part of both the Presidency and the Congress.

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greater responsibility of people whose inclinations are
in this direction.

Mr. Richardson. May I respond briefly, Senator Muskie.

I believe I have an open letter to others, including Senator
The next section in the binder is 9.
Washington Correspondent for the and lunched at the Occidental Restaurant on August 6, 1969. arrived at about 1 p.m., and joined him at a table in the West Room at 1:10 p.m. They engaged in a continuing conversation while they lunched and departed the restaurant at 2:45 p.m. They walked to the vicinity of the Executive Office Building, during which time they continued in conversation. They parted in the vicinity of the Executive Office Building at about 3 p.m.

Enclosed are photographs of and taken as they departed the West Room of the Occidental Restaurant, leaving the entrance to the restaurant and walking thereafter toward the White House.
There is only one page in the binder between sec.6.4 to 9.
9. According to the FBI, the FBI reports on the wiretaps of the four newsmen showed that none of them had obtained information in a surreptitious or unauthorized manner.

9.1 Memorandum from T. J. Smith to E. S. Miller, May 13, 1973, 1, 7 (received from Department of Justice).

9.2 Summaries of FBI letters reporting on the surveillance of four newsmen, prepared by House Judiciary Committee staff.

9.3 Memorandum from Director, FBI to the Attorney General, October 9, 1969 (received from Department of Justice).
Memorandum

DATE: 5/13/73

Mr. E. S. Miller

FROM: Mr. T. J. Smith

SUBJECT: SENSITIVE COVERAGE PLACED AT THE REQUEST OF THE WHITE HOUSE

Pursuant to instructions of the Acting Director, I met him at 11:00 AM on 5/12/73 in the office of Mr. Leonard Garment at room 128 of the Executive Office Building. We met Mr. Fred Buzhardt who took us to a room with a vault and turned over to us two sealed boxes which we determined to be official records of the FBI which had been in the protective custody of former Assistant to the Director William C. Sullivan prior to his retirement in October, 1971.

Mr. Buzhardt said that the records should be examined and that a receipt describing them should be prepared and signed by me before they were removed from the vault. I then proceeded to examine the records and make an inventory in the form of a receipt. Each box was inventoried separately and a copy of the receipt prepared by me is attached for information.

I finished the inventory at about 2:30 PM and Mr. Garment then looked over the inventory receipt and I signed out of the vault with the two boxes of records at 2:45 PM. A Secret Service Agent who had remained in the vault area while the records were being inventoried drove me to the Federal Triangle Building where the Intelligence Division is located. The records are presently being maintained under secure conditions in your office.

The two boxes contain the original logs of intercepts of the various electronic surveillances operated; the original, signed letters to the Attorney General, each signed by him, requesting authorization to install the electronic surveillances; Original letters to President Nixon, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman reporting on the results of the electronic surveillances; the FBI yellow file copies on the above-mentioned letters; copies of letters to the Attorney General advising of discontinuances of the electronic surveillances; cover memoranda relating to letters to the Attorney General, The President, Dr. Kissinger, Mr. Haldeman, and Mr. Ehrlichman; miscellaneous other correspondence, including cables to and from ______ relating to electronic surveillances coverage arranged by our______ there, and general background information.

Enclosures

ROUTE IN ENVELOPE

MAY 29 1973

[7220]
Menorandum from J.D. Smith
Retyped from indistinct original.

One intercept disclosed that P revealed that he had had several drinks with someone who had campaigned for President Nixon, and that after several drinks this person had "poured out his heart and it was absolutely fascinating." He said this person was then in the White House and was dissatisfied.

D mentioned once that he had seen an individual in State Department who handled Egyptian-Israeli matters, but that after Q's story on Cambodia and other stories on Okinawa and the ABM, D could not come around to see him anymore; that things had gotten too tight.

Mrs. N revealed to ________ (son of ________, Communist Party member until ________, and associate of known or suspected foreign intelligence agents) that N was working all weekend on the North Vietnam peace program, and she invited the [Does] over.

During a discussion between N and his wife, she asked him if he told Q some undisclosed matter.

During one intercept N discussed an internal memorandum relating to a budget matter with ________ at Brookings Institution. He also discussed matters relating to the National Security Council. N also revealed to P that the Premier of South Vietnam was to make a speech, and he gave P the gist of the speech.

One significant item was when N told ________ at Brookings Institution that he would continue to "follow the ongoing Vietnam stuff and furnish the basic main memoranda."

After leaving the National Security Council staff, N mentioned that he intended to publish something. The subject matter was not revealed. He said he had been advised to wait until he had been out of Government 6 months or more.

On one occasion P contacted N to trace down the "Rusk memorandum on 'Don't go in'" N then called ________ concerning the memorandum and ________ said it wasn't a memorandum, it was a 1961 cable. N then revealed to that a committee would meet the next day to approve a report.

In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage, nor was there any specific instance of information being leaked in a surreptitious manner to unauthorized.
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In a preliminary review of the various summaries furnished to the White House, nothing was found which would indicate that a violation of Federal law was determined from the electronic surveillance coverage. nor was there any unauthorized information being made in a classified manner to unauthorized.
9.2 Summary of FBI letter

MR. D

Reports were sent to the President on August 1, 1969 and August 13, 1969, and to H. R. Haldeman on June 19, 1970, with respect to electronic surveillance of the residence of Mr. D, a newspaper reporter. Reference to Mr. D initially appeared in a report to Henry Kissinger on May 29, 1969, stating that Mr. D had been in contact with Mr. O, an NSC staff member under surveillance.

The summary of August 1, 1969, stated that Mr. D discussed with a former Senior State Department official in Democratic Administrations the current Vietnam policy, which the former official criticized. In several conversations with his newspaper, Mr. D discussed recent stories and the Administration's reaction to the publication of these stories including a reference that a State Department official had declined to see him because it had gotten so tight.

The second summary sent to the President reflected a conversation between Mr. D and a former senior official who agreed to be interviewed about the President’s proposed trip to Romania and the Vietnam situation. Mr. D reported to his paper that the former official would have some "blunt" comments on Vietnam. Mr. D also discussed with his newspaper a story about troop withdrawals and attempted to confirm the information apparently with an unidentified State Department employee and a Vietnamese official.

The summary sent to H. R. Haldeman reflected a conversation between Mr. L and another individual, both of whom had resigned from government foreign policy positions, during which they agreed to be interviewed by Mr. D. Mr. L was also a subject of surveillance.
MR. M.

Reports were sent to Attorney General Mitchell on October 9, 1969, and to the President on October 10, 1969 with respect to electronic surveillance of the residence of Mr. M., a television reporter. The conversations monitored related to personal family matters and matters arising out of Mr. M.'s employment including discussions of television coverage of impending events. The summary to the President included references by Mrs. M. that her husband stated that news magazines were fed up with the Administration, that the President took too much time away from the job and that journalists were becoming more open in their criticism of the President.
MR. P.


The initial summary reported that Mr. P. might be a member of the intelligence service of a friendly nation, whose service may have been penetrated by an unfriendly nation. Subsequent summaries reported about Mr. P.'s conversations with a former senior State Department official in Democratic Administrations who criticized both the Vietnam policy and Henry Kissinger, who had failed to keep the former official informed.

Summaries also included references to discussions of Mr. P. with State Department officials, former Democratic Cabinet officers, a CIA official, a senior former State Department official in Democratic Administrations and other newsmen about American foreign policy in Vietnam, Europe, and the Middle East. Mr. P. also discussed domestic policy and met for dinner Mr. F., a White House aide also under surveillance. On one occasion Mr. F. agreed to give Mr. P. background prior to a speech by the President, but Mr. F. stated that he would not leak anything in advance. Other summaries related to proposed articles and books about the Administration by Mr. P. including conversations with his newspaper about assignments.
Other conversations of Mr. P. related to the foreign policy position and foreign trips of a Democratic Senator and the personal life of another Democratic Senator, both of whom were considered as Presidential candidates, and the political prospects of a third Democratic Senator.

Another summary included past criminal, credit and personal history of an alleged source of a newspaper story about a Congressional scandal. A summary also related that a married woman who was not his wife arranged to visit Mr. P. at 11:30 p.m. on a night when her husband was out of town.

A report sent to the President reflected Mr. P.'s conversation with a divorced woman in whom he had a romantic interest about a meeting with an unnamed White House staff member who "poured out his heart" to Mr. P. and discussed his "disappointments and discontents" with the Administration. The summaries also reflected Mr. P.'s arrangements to meet her in another state, and a discussion of an impending vote in the Senate. The woman indicated that she had received a telephone call from a staff member for a Democratic Senator who said "they knew she planned to spend the weekend" with a Republican Senator and asked if she knew how that Senator was going to vote on the issue in question.

Mr. P. talked with Mr. N., who was also under surveillance.

The reports of Mr. P.'s conversations made reference to contacts with a Nixon Cabinet Member, the president of a major university, a
Supreme Court Justice, and a television commentator. The summaries also reflected personal observations about the President by another television commentator and by an unidentified White House source. Several of the reports reflected discussions by Mrs. P. with other individuals including one conversation with the wife of a European Ambassador.

Reference was also made to stories and interviews by Mr. P. of anti-war demonstrators and of an invitation extended to Mr. P. to meet with Soviet journalists.
9.2 Summary of FBI letter

A letter was sent to Henry Kissinger on May 13, 1969, and reports were sent to H. R. Haldeman on May 18, 1970, September 4, 1970, October 23, 1970, November 13, 1970, and January 5, 7 and 19, 1971, with respect to the electronic surveillance of Mr. Q., a newspaper reporter. The initial summary stated that Mr. Q. had been investigated about a 1966 article about weapons to determine if leaked information had been the basis of the article. The report then indicated that the article was written from public sources, but that a May 1969 story might have been based on information leaked by Mr. N., who was placed under surveillance, or two other government employees.

The other summaries related to newspaper stories being prepared or checked by Mr. Q. about military aid to Israel, the balance of power in the Middle East, the Vietnam situation, the Defense Intelligence Agency and the 82nd Airborne Division. On two occasions Mr. Q. referred other reporters to Department of Defense sources for stories they were writing. Mr. Q.'s contact with the public relations spokesman in the Department of Defense was reported, including Mr. Q.'s comment to the spokesman that Mr. Q. hoped the Nixon Administration would not repeat the mistakes of the past Administration with respect to Vietnam.

A summary also reported Mr. Q.'s impending trip to Vietnam.
The Attorney General

Director, FBI

MEMORANDUM TO ATTORNEY GENERAL FROM DIRECTOR, FBI

October 9, 1969

REFERENCE IS MADE TO MY LETTER DATED SEPTEMBER 25, 1969, IN WHICH YOU WERE ADVISED THAT THE TELEPHONE SURVEILLANCE HAD BEEN INSTALLED ON THE RESIDENCE OF M ON THAT DATE.

YOU MIGHT BE INTERESTED IN KNOWING THAT THE CONVERSATIONS WHICH HAVE BEEN MONITORED TO DATE HAVE RELATED PRIMARILY TO MATTERS OF A PERSONAL FAMILY NATURE OR MATTERS ARISING OUT OF M'S EMPLOYMENT AS WASHINGTON REPRESENTATIVE OF THE.

SEVERAL CONVERSATIONS HAVE BEEN NOTED RELATING TO DINNER COMMITMENTS WITH FAMILY FRIENDS, ARRANGEMENTS TO ACCOMPANY INDIVIDUALS TO SOCIAL FUNCTIONS, ETC. MR. M ENGAGED IN SOME CONVERSATIONS WITH OTHER REPRESENTATIVES OF SUCH AS A CONVERSATION WITH ___ (PHONY) ON SEPTEMBER 26, 1969, CONCERNING COVERAGE OF SECRETARY OF STATE ROGERS' MEETINGS WITH PRIME MINISTER Golda Meir AND SOVIET FOREIGN MINISTER Andrei Gromyko.

IN VIEW OF THE NATURE OF THE CONVERSATIONS WHICH HAVE BEEN MONITORED, I WOULD APPRECIATE BEING ADVISED IF YOU DESIRE THIS TELEPHONE SURVEILLANCE TO BE CONTINUED.

(3)

JAS: nils (3)

(Classified SECRET as unauthorized disclosure might adversely affect national security.)

[Signature]

NOT RECORDED

JUN 6 1973

SENT FROM: D

TIME:

DATE:

[7231]
10. Wiretaps were ordered on three White House staff members working in areas unrelated to national security and with no access to National Security Council materials. One wiretap was requested orally of Assistant FBI Director DeLoach by Attorney General Mitchell who represented the order as coming from the President. This tap was specifically denominated as off the record. This White House staff member worked for John Ehrlichman, who received the wiretap reports on him. A wiretap on a second White House staff member was requested orally by Colonel Haig. The third White House staff member was wiretapped at the request of H. R. Haldeman.

10.1 Elliot Richardson testimony, Senate Foreign Relations Committee Executive Session, September 10, 1973, 48.


10.3 Memoranda from J. Edgar Hoover to the Attorney General, August 4, 1969, December 14, 1970 (received from Department of Justice).


10.5 Memorandum from W. C. Sullivan to Tolson, December 16, 1970 (received from Department of Justice).

10.6 H. R. Haldeman interview, FBI, May 12, 1973 (received from Department of Justice).
Report of Proceedings

Hearing held before

Committee on Foreign Relations

NOMINATION OF HENRY A. KISSINGER
TO BE SECRETARY OF STATE

EXECUTIVE SESSION

Monday, September 10, 1973

Washington, D.C.

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WARD & PAUL
410 FIRST STREET, S. E.
WASHINGTON, D. C. 20003

(202) 544-6000
Senator McGee. Were there any items or factors not associated with the sensitive diplomacy that were associated with the leaks that were presented that entered into the decisions that were made?

Mr. Richardson. No, certainly not as to that list. It is possible with respect to two or three names on the list as to which there is no obvious relationship to national Security Council staff or the distribution of national security council papers. In any event these are individuals, and I think this is clear from all the information available to us as to whom Dr. Kissinger was entirely unaware that there was any tap at all.

Senator McGee. Is there anyone on the list of 17, obviously other than the newspaperman, four newsmen, who did not have known access to the leaked material?

Mr. Richardson. Could you repeat that?

Senator McGee. Yes. Anyone on the list of 17 except for the four newsmen obviously who did not have access to the known leaked material?

Mr. Richardson. Yes, there were in two or three instances and these are the same individuals to whom I referred in response to your earlier question.

Senator McGee. Thank you, Mr. Chairman.

The Chairman. Did Secretary Laird request the tap on G?
Report of Proceedings

Hearing held before

Committee on Foreign Relations

NOMINATION OF HENRY A. KISSINGER
TO BE SECRETARY OF STATE

EXECUTIVE SESSION

Monday, September 17, 1973

Washington, D.C.

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J. Edgar Hoover on June 8th. They do not include the name of _____ and they include a specific request by me to turn off all taps as quickly as possible and preferably within two weeks so my own records tend to show that I did not go to this meeting in order to extend the program but rather to reduce it. Now, what exactly went on during that conversation I do not today remember, and how this request is construed, that again, I do not remember.

Senator Case. Your summary shows the tap was in effect from June 4th to August 31, 1969.

Mr. Kissinger. I know nothing about its termination.

Senator Case. The next one was on July 22nd and that was E.

The Chairman. Who is E?

Senator Case. E

Mr. Kissinger. I know nothing about him.

Senator Case. July 22nd, it said requested by the Attorney General. This is interesting, and that on behalf of the President.

Mr. Kissinger. All I think one would have to investigate, I can only surmise that his name may have shown up in other wiretaps and during the course of the investigation. I did not even know E. In fact, to this day I do not know E.

Senator Case. So far as the summary goes, it is quite
clear that your office was not involved in this.

Mr. Kissinger. I do not know that.

Senator Case. There is a special note that the information collected --

The Chairman. Could you identify him for the record, who was C, what did he do? Who can?

Mr. Kissinger. I do not know.

Mr. Marcy. He was [a White House aide on the Domestic Council Staff].

Mr. Kissinger. I have never met C.

Senator Case. You were not included in the inclusion of this thing?

Senator Symington. Just to be sure, who instructed that a tap be put on the [White House aide on the Domestic Council Staff]?

Senator Case. The Attorney General.

Senator Scott. I was just saying it would be better to put a tap on the counsel.

Senator Case. On September 10th of that year C was added, and this is stated to be based upon also on the oral request of Mr. Mitchell and it is noted also, at least it is mentioned, this is somewhat unusual the request included a request for physical surveillance as well as electronic surveillance.

Mr. Kissinger. I was not aware of that at the time. I have since read the report and you are familiar with what the report says and there were allegations there of connections
with foreign intelligence services. I had no independent knowledge of that.

Senator Case. This does not indicate that your office was involved in the request. It says on the oral request of Mitchell on behalf of the President. It does not say who made it.

Mr. Kissinger. I understand. My only knowlege [sic] is what is in the report and that alleged foreign intelligence services which I have no possibility of substantiating.

Senator Case. And you do not recall either the initiation or the termination of this? It ran from September 10, 1969 to December 4, 1969.

Mr. Kissinger. I never received any of those reports.

Senator Case. On December first there was one J.

The Chairman. Who?

Senator Case. J.

The Chairman. Who is he?

Senator Case. J. Who he is is not known to me. Do we have any knowledge?

The Chairman. Mr. Marcy, who was he?

Mr. Marcy. I have forgotten.

Mr. Dockery. I believe he is listed as a former member of the White House Domestic Council.

Senator Case. The information in the summary only states the tap was instituted from Mr. Haldeman, from December
Mr. Kissinger. I never even knew J existed.

Senator Case. That office had nothing to do with that?

Mr. Kissinger. No, but one would have to go through the files and see if he appeared in the course of the investigation and I have been told that he did.

Senator Case. December 14th, when it was instituted?

Mr. Kissinger. In any event, my office had nothing to do with it.

Senator Case. And your connection with it had ceased before December 14, 1970?

Mr. Kissinger. My receiving reports?

Senator Case. And your initiation of taps, I take it.

Mr. Kissinger. Yes.

Senator Case. May 2, 1971 was H.

The Chairman. Who was he at the time, which H?

Mr. Marcy. H, who was counsellor to the Department of Defense.

Mr. Kissinger. He was the focal point for NSC documents in the Department of State.

Senator Case. You do not recall, the statement here is that it was requested by General Haig in behalf of the President. That the tap ran from May 2, 1970 to February 10, 1971.

Mr. Kissinger. This was at the time of, during the Cambodian
considered for leaks to newspapers no matter how severe. I cannot, secondly, cannot now conceive any security case and the only loophole I want to leave is one of the kind that Mr. Ruckelshaus gave you when you have clear overwhelming information of a potential major security risk. In that case it would have to be recommended by the security agencies, and I would hope to be able to justify it to the Chairman at an appropriate point but the idea that this would be an ongoing program is inconceivable, will not happen.

Senator Case. Thank you, Mr. Chairman.

The next individual I have here in the summary is F.

The Chairman. What was his position?

Mr. Kissinger. His position was, as I recall, was speech writer. Again, you know as much as I do, it having arisen from the report. My impression is that he appeared on one of these -- as a result of the investigation, he appeared on one of these wiretaps as having offered to a newsman some advance information on something, and if I remember the tap was authorized on the day on which I was even in Rumania, so there was no way I could have known it.

Senator Case. You were not personally requested of that tap?

Mr. Kissinger. No.

Senator Case. Or do you recall receiving information as
a result of the taps on F?

Mr. Kissinger. No, neither. And I was astonished when the New York Times called me about it.

Senator Case. Of course, on the 13th of September Mr. F wrote a piece in the in which he is now a regular writer, quite critical of the Committee and most precisely of Senator Sparkman and me of our walking away from asking embarrassing questions.

Senator Sparkman. He said the whole thing was a charade.

Senator Case. Yes, this is a charade, "and Senator Fulbright is delighted because it helps him fulfill a dream to give the Foreign Relations Committee the illusion of power without the responsibilities of power." The complaint that Mr. F has is we do not use this as a means for prying out information.

For the record, from my position, it is that we are entitled to inquire as to Dr. Kissinger's position, his relation to this whole matter and his attitude and that is the focus of our inquiry, and I do not believe frankly, we have the right as a Committee to use this as a lever to pry into other activities that our Committee does not have jurisdiction over and, as a matter of fact, when you analyze this, he said rather sharply or rather precisely, the only question that he raises which our staff will look into is why the FBI taps were conducted for longer than 90 days without a further authorization, whether
Mr. Kissinger or Fushan and that is not include the name of
and that includes a specific day and by no means include the
one or two as quickly as possible and particularly within two
weeks or so can record what I did not go to this
meeting in order to extend the program but rather to remedy
it. Now, that exactly went on during that conversation I do
not know exactly, or how this request is construed, that
again, I do not remember.

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Mr. Kissinger. I know nothing about its termination.

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E.

The Chairman. What is E?

Senator Case.

E.

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Senator Case. July 22nd. It is said requested by the
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Mr. Casey. He was [a White House aide on the Domestic Council Staff].

Mr. Kissinger. I have never met E.

Senator Case. You were not included in the inclusion of this thing?

Senator Byrd. Just to be sure, who instructed that a call be put on the [White House aide on the Domestic Council Staff]?

Senator Case. The Attorney General.

Senator Byrd. I was just saying it would be better to put a trip on the council.

Senator Case. On September 1st of that year, we ride, and this is stated to be based upon also on the oral request of Mr. Mitchell and it is noted also, at least it is mentioned, this is somewhat unusual the request included a request for physical surveillance as well as electronic surveillance.

Mr. Kissinger. I was not aware of that at the time. I have since read the report and you are familiar with what the report says and there was allegations there of connections.
with foreign intelligence services. I had no information

knowledge of that.

Senator Case. This does not indicate that your office
was involved in the request. It says on the oral request of
Mitchell on behalf of the President. It does not say who made
it.

Mr. Kissinger. I understand. My only knowledge is what is
in the report and that alleged foreign intelligence services
which I have no possibility of substantiating.

Senator Case. And you do not recall either the initiation
or the termination of this? As was from September 15, 1969 to
December 4, 1969.

Mr. Kissinger. I never received any of those reports.

Senator Case. On December first there was one. J.

The Chairman. WH.

Senator Case. J.

The Chairman. Who is he?

Senator Case. J. Who he is is not known
to me. Do we have any knowledge?

The Chairman. Mr. Nancy, who was he?

Mr. Kissinger. I have a question.

In any case, I believe he is listed as a current member of
the National Security Council.

Senator Case. The information in the summary only

refers to our own instructions. From Mr. Kissinger, Good December
Mr. Kissinger. I never wanted to discuss.

Senator Case. Your office had nothing to do with that?

Mr. Kissinger. No, but we would have to go through the

files and see if he appeared in the course of the investigation,

and I have been told that he did.

Senator Case. September 14, when it was instituted?

Mr. Kissinger. In any event, my office had nothing to do

with it.

Senator Case. And your connection with it had ceased before

December 14, 1970?

Mr. Kissinger. My receiving reports?

Senator Case. And your initiation of taping. I take it.

Mr. Kissinger. Yes.

Senator Case. May 1, 1972. The

Ms. Christian. The was in at the time. Which

Mr.ouncy. The was counsellor to the Department of

J. Christian.

Mr. Kissinger. He was the final point for NSC documents

in the Department of State.

Senator Case. You do not recall, the statement here is

that it was requested by Senator Keig in behalf of the

President. That the conversations from May 3, 1970 to February 19,

1971.

Mr. Kissinger. That was at the time of. During the Cambodian
considered for both in no event no matter how severe. If
a matter, obviously, cannot be resolved any differently than the
only loophole I think we have is one of the kind that Mr.
and abdul gave you then you have a overwhelming informa-
tion of a potential major security risk. In that case it would
have to be recommended by the security agencies, and I would
hope to be able to justify it to the Chairman at an
appropriate point but the idea that this would be an ongoing
program is inconceivable, will not happen.

Senator Case. Thank you, Mr. Chairman.

The next individual I have here in the summary is

F.

The Chairman. What was his position?

Mr. Kissinger. His position was, as I recall, was speech
writer. Again, you know as much as I do, it having arisen
from the report. My impression is that he appeared on one of
these - as a result of that investigation, he appeared on
one of these wiretaps as having offered to a newsman some
advance information on something, and if I remember the tap was
authorized on the day on which I was even in Rumania, so
there was no way I could have known it.

Senator Case. You were not personally requested of that
tap?

Mr. Kissinger. No.

Senator Case. Or do you recall receiving information as
Mr. Kissinger. No, neither. And I was astonished when the
two North Rivers called to claim Mr.

Senator Case. Of course, on the 10th of December Mr.
F wrote a piece in the, in which he is now a regular
writer, quite critical of the Committee and most precisely
of Senator Sparkman and me of our walking away from asking
embarrassing questions.

Senator Sparkman. He said the whole thing was a charade.

Senator Case. Yes, this is a charade, "and Senator
Fulbright is delighted because it helps him fulfill a dream
to give the Foreign Relations Committee the illusion of power
without the responsibilities of power." The complaint that
Mr. F has is we do not use this as a means for paying off
information.

For the record, from my position, it is that we are entitled
to inquire as to Dr. Kissinger's position, his relation to
this whole matter and his attitude and that is the focus of
our inquiry, and I do not believe frankly, we have the right
as a committee to use this as a lever to pry into other activi-
ties that our Committee does not have jurisdiction over and.
as a matter of fact, when you analyze this, he said rather sharply
or rather precisely, the only question that he raises which
our staff will look into is why the ERTO tests were conducted
for longer than 10 days without a further authorization, whether
August 4, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: COLONEL ALEXANDER M. HAIG
TECHNICAL SURVEILLANCE REQUEST

Previous memoranda have requested and you have approved telephone surveillances requested by Colonel Alexander M. Haig, who is assigned to the staff of Dr. Henry A. Kissinger of the White House.

Colonel Haig has now presented an additional request advising that it is being made on the highest authority in connection with the same sensitive matter. He requested that a telephone surveillance be placed on \_ of the White House staff.

\_ resides at ____________________________
and has unlisted telephone number ____________________________

Recently, \_ was in contact with \_ correspondent for the ____________ on whom you previously authorized a telephone surveillance in this case. \_ agreed to advise \_ in advance of the contents of a speech to be made in the future by the President.

Respectfully,

[Signature]
John Edgar Hoover
Director

APPROVED: [Signature] TOP SECRET

DATE: 8/1/69

GROUP 1
Excluded from automatic downgrading and declassification
MEMORANDUM FOR THE ATTORNEY GENERAL

RE: SPECIAL COVERAGE AT THE REQUEST OF THE WHITE HOUSE

The Honorable H. R. Haldeman, Assistant to the President, has requested that the Bureau institute a telephone surveillance on the home telephone of Mr. Haldeman.

This Bureau is in a position to conduct the necessary telephone surveillance requested by Mr. Haldeman.

Respectfully,

J. Edgar Hoover
Director

[Signature]

TOP SECRET
By reference from the Director's office, I talked to the Attorney General (AG) at 5:15 p.m. on July 22, 1969. The AG inquired as to whether I was familiar with "the wiretapping business at the White House." I answered in the affirmative. He then asked me if I had heard the name of [redacted]. I told him I was not certain about this name; however, I thought he must be one of the individuals involved in this matter. The AG stated this was correct. He then added that the President was extremely exercised and very aggravated over this matter. He stated the President wanted "to set [redacted] up" and planned to send material from Guam this coming Thursday night which [redacted] would definitely see.

The AG indicated that the President had ordered him to tell the Director that he wanted a 24-hour surveillance and a tap placed on [redacted]. He said that we should report to Ehrlichman's office the results of the surveillance and the tap. I asked him if he also wanted the results in this regard and he stated he would appreciate being kept advised.

The Director was advised of the above information at 5:30 p.m. on July 22, 1969. The Domestic Intelligence Division has been instructed to check on the name of [redacted] and to prepare a memorandum expeditiously for the Director concerning this individual. Instructions have also been issued to conduct the 24-hour surveillance requested as well as to make an immediate security check to determine the possibility of placing a wiretap on [redacted] home telephone. It being noted that it is completely impractical to try to place such a wiretap at the White House.

Although a summary memorandum is being prepared by the Domestic Intelligence Division concerning [redacted] as mentioned above, I have been advised by the Domestic Intelligence Division, that files reflect we investigated [redacted] at the request of the White House in January, 1969, and that [redacted] was apparently at that time in Ehrlichman's...
INFORMAL TO MR. TOLSON

office. This is believed to be true inasmuch as "Time" magazine had an article reflecting that, one of the assistants to the Legal Counsel, had originally thought he was going to be close to the President; however, found that he was overshadowed by Ehrlichman and Haldeman. Later lost his title to who was formerly A more detailed memorandum will follow.

RESPECTFULLY,

G. D. DeLoach
On July 22, 1969, the Attorney General advised you that the President desired a telephone surveillance on , a member of the President's staff. He also requested a physical surveillance on .

The Washington Field Office is presently conducting a survey to determine the feasibility of instituting a telephone surveillance on who resides.

There is attached a memorandum to the Attorney General advising that the telephone surveillance will be installed upon his approval. If approved, the memorandum will not be filed, but will be maintained in a secure off-the-record capacity as basis for authority.

RECOMMENDATIONS:

1. That the attached memorandum containing only the original be handled with the Attorney General.

2. That this memorandum be returned to W. C. Sullivan to be retained in a secure off-the-record capacity.
July 23, 1969

The Attorney General approved the attached tech request with the notation: "Higher Authority has requested that this be done immediately for use prior to Thursday."

Mr. DeLoach has been advised of the Attorney General's notation.
MEMORANDUM FOR THE ATTORNEY GENERAL

RE: MR. E
TECHNICAL SURVEILLANCE REQUEST

This will confirm your conversation with Assistant to the Director Cartha D. DeLoach on July 22, 1969, during which you advised that a telephone surveillance was desired on E who resides in

A survey is being conducted to determine the feasibility of instituting a telephone surveillance on E. If you approve, a telephone surveillance will be placed by this Bureau on him.

Respectfully,

John Edgar Hoover
Director

Date: 7/23/69

Higher authority has requested that this be done immediately for use prior to Thursday.

TOP SECRET
GROUP 1
Excluded from automatic downgrading and declassification
Memorandum

TO: MR. TOLSON
FROM: W. C. SULLIVAN
DATE: December 16, 1970

DO NOT FILE

SUBJECT: SPECIAL COVERAGE AT THE REQUEST OF THE WHITE HOUSE

Today Supervisor delivered the second letter concerning special coverage of JUNE which shows no pertinent activity has occurred. Mr. Lawrence Higby, Assistant to the Honorable H. R. Haldeman, advised that they desired letters only when pertinent activity occurred and it would not be necessary to send a letter advising that there was no such activity for a particular day.

Regarding coverage on weekends, it was agreed that if there was pertinent activity Haynes would contact Higby through the White House switchboard and make arrangements for delivery.

Mr. Higby said that Mr. Haldeman had asked that his thanks be expressed to the Director for the very prompt handling of this matter and it was "most impressive."

ACTION: If approved, letters will not be sent concerning when no activity has occurred for a particular day.

WCS: chs (ORIGINAL ONLY)

OK.

65-75-05-299
NOT RECORDED
JUN 8 1973

JUN 11 1973

SENT DIRECTOR
12-16-70
H. R. Haldeman interview,  
Federal Bureau of Investigation,  

Retyped from indistinct original.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription May 12, 1973

Harry R. Haldeman, residence 3402 R Street, Northwest,  
Washington, D. C., was interviewed by Inspector 14 and Special Agent 15 in the presence of his attorney, Mr. J. J. Wilson, at Mr. Wilson's office, 815 15th Street, Northwest, Washington, D. C.

Mr. Haldeman was advised at the onset of the interview that he was being contacted concerning any information he may possess concerning wiretap information which he received by courier from the FBI during the period 1969 to 1971. The purpose of these wiretaps would have been to determine any leaks by White House staff members or their employees concerning the Strategic Arms Limitation Talks.

Mr. Haldeman advised that he recalled receiving summary letters concerning these wiretaps and that he received them routinely from the FBI. He said he could not recall who the courier was because the summary letters would actually go to his administrative assistant, Mr. Lawrence M. Higby. He said at first he read all the summaries which came into his office but found them to contain information which really was not of much interest to him. The contents of the letters did not contain any startling information and he eventually delegated the authority to read this material to Mr. Higby, who would review the summary letters and bring to his, Mr. Haldeman's, attention only those matters which Mr. Higby thought would be of interest.

Mr. Haldeman said that as he recalled the summary letters which he had were addressed to him, but he knew that the wiretap program had been going on for some time and originally the letters went to Dr. Henry Kissinger.

Mr. Haldeman said that sometime in the Summer of 1971, the exact date he could not recall, he received a request to gather this material he had under his control so the material could be returned to the FBI. He was specifically asked who made such a request. He said that he simply could not now remember who made that request. He said
that he knew the letters were assembled and sent to the Federal Bureau of Investigation. He said he could not recall making any inventory of the correspondence prior to its being returned to the Federal Bureau of Investigation. He said he is positive he made no inventory; however, this is not to preclude the possibility that Mr. Higby may have done so, although he doubts it. He was specifically asked whether or not he, acting for the President of the United States, authorized any of these wiretaps. He said definitely not. He said that Dr. Henry Kissinger may have made this request but this is speculation on his part. He was asked specifically whether or not he had any knowledge of Mr. Robert Mardian returning this material to the White House at a later date. He said he had no direct knowledge but that he had heard from Mr. John Ehrlichman that the material had been returned. He was asked specifically if he at any time engaged in checking White House summary letters against FBI copies of these letters with Mr. Mardian. He said as best he could recall the answer would be "No," he could not recall such an instance. He said that if any checking had been done it may have been done by his administrative assistant, Mr. Higby. Mr. Haldeman was specifically asked if he ever saw the White House summary letters again after they had been sent back to the FBI. He replied "No." Mr. Haldeman was asked if he had any reason to believe the material had been destroyed to which he replied "No." Although he had no direct knowledge, from the information he learned from Mr. Ehrlichman, they were still at the White House. Mr. Haldeman was asked if he recalls any mention of Daniel Ellsberg in the summary reports he reviewed at the White House. Mr. Haldeman replied "No."
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