
Don Edwards

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1. On or about April 25, 1973 the President directed H. R. Haldeman to listen to and report on the taped conversation of the March 21, 1973 morning meeting among the President, John Dean and Haldeman. Haldeman requested and received twenty-two tapes of Presidential conversations in February, March and April, 1973. That afternoon Haldeman listened to the March 21 morning conversation and made notes from the tape. From 4:40 to 5:35 p.m. Haldeman met with the President and reported to him on the contents of the tape. The President concluded that Haldeman should listen to the March 21 tape again to ascertain the answers to certain points of doubt raised by the tape. On or about April 26, 1973 Haldeman again received the group of tapes including the March 21 tape. He subsequently listened again to the March 21 tape and reported to the President. On April 26, 1973 Haldeman and the President met for approximately five hours, commencing at 3:59 p.m., and concluding at 9:03 p.m. The Committee has subpoenaed the tape recordings of the April 25 and April 26 conversations between the President and Haldeman but has received neither the tape recording nor a White House-edited transcript of the conversations.

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


1.3 Raymond Zumwalt tape log, Exhibit 7, In re Grand Jury, Misc. 47-73.


1.6 Meetings and conversations between the President and H. R. Haldeman, April 25-26, 1973 (received from White House).
2. David Young, former co-director of the Special Investigations Unit (the "Plumbers") has testified that on April 30, 1973 Ehrlichman instructed Young to be certain that all papers involving the investigation of security leaks were put in the President's files before Young left the White House staff. Ehrlichman informed Young of his own resignation and that he was going to be putting some papers in the President's file before he left.


2.2 John Ehrlichman log, April 30, 1973 (received from SSC).
3. On April 30, 1973 the President announced that he had accepted the resignations of Haldeman, Ehrlichman and Kleindienst and had requested and accepted the resignation of Dean. The President also announced the nomination of Elliot Richardson as Attorney General. The President stated that Richardson would have absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters, including the authority to name a special supervising prosecutor for matters arising out of the case. The President pledged that he would do everything in his power to see that the guilty were brought to justice. During late April public calls were made for the appointment of a special prosecutor for Watergate matters and on May 1, 1973 the United States Senate adopted a resolution requesting the President to appoint a special prosecutor.

3.1 President Nixon statement, April 30, 1973, 9 Presidential Documents 431.

3.2 President Nixon address, April 30, 1973, 9 Presidential Documents 434-35.


3.4 Senate resolution 105, May 1, 1973, Congressional Record S 8031.
4. On May 7, 1973 Richardson, Attorney General designate, announced that he had decided he would, if confirmed, appoint a Special Prosecutor. On May 9, 1973 the President stated that Richardson and the Special Prosecutor appointed by Richardson would have the total cooperation of the executive branch. On May 10, 1973 Senator Scott informed the Senate Judiciary Committee that the President had told him he would not intervene in the selection of the prosecutor nor in the conduct of his office.

4.2 President Nixon remarks, May 9, 1973, 9 Presidential Documents 660.
4.3 Hugh Scott statement, SJC, Richardson Nomination Hearings 45-46.
5. On May 21, 1973 Richardson appeared before the Senate Judiciary Committee with Special Prosecutor designate Archibald Cox. Richardson submitted to the Committee a statement of the duties and responsibilities of the Special Prosecutor which included a number of suggestions he had received from members of the Committee and from Cox. The statement provided that the Special Prosecutor would have jurisdiction over offenses arising out of unauthorized entry into the DNC headquarters at the Watergate, offenses arising out of the 1972 Presidential election, allegations involving the President, members of the White House staff or Presidential appointees and other matters which he consented to have assigned by the Attorney General and that he would have full authority for determining whether or not to contest the assertion of executive privilege or any other testimonial privilege. The guidelines also provided that the Special Prosecutor would not be removed except for extraordinary improprieties. After Richardson's confirmation, the statement was promulgated and published as a formal Department of Justice regulation, effective May 25, 1973.

5.1 Elliot Richardson statement, SJC, Richardson Nomination Hearings, 143-46.

6. On May 22, 1973 the President issued a statement noting Richardson's selection of Archibald Cox and stating that Richardson had the President's full support in his determination to see the truth brought out. The President also stated that executive privilege would not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct in the matters then under investigation, including the Watergate affair and the alleged cover-up. On May 23, 1973 the Senate Judiciary Committee voted to report favorably on Richardson's nomination and on the same day Richardson was confirmed by the Senate. Richardson was sworn in as Attorney General on May 25, 1973. At the time of the swearing in, the President had a conversation with Richardson about the President's statement of May 22, 1973. According to Richardson, the President told him that the waiver of executive privilege as to testimony referred to in that statement did not mean that there would be any such waiver of executive privilege as to documents.


6.2 Senate consideration of Elliot Richardson nomination, May 23, 1973, Congressional Record S 9708, 9710.

6.3 Senate confirmation of Elliot Richardson nomination, May 23, 1973, Congressional Record S 9715.

6.4 Elliot Richardson affidavit, House Judiciary Committee, June 17, 1974.
On May 30, 1973 Special Prosecutor Cox requested Special Counsel to the President J. Fred Buzhardt to be sure that steps had been taken to ensure that nothing was put into or taken out of any of the White House files affecting the Watergate investigation and other matters within the Special Prosecutor's jurisdiction. Cox stated that he would also like to know what security measures were in force and when they were put into effect with respect to such files. On June 1, 1973 Buzhardt wrote Cox describing security measures in effect with respect to the files and stating that the protection and disposition of Presidential papers was a matter for decision of the President.

7.1 Letter from Archibald Cox to J. Fred Buzhardt, May 30, 1973 (received from Watergate Special Prosecution Force).

7.2 Letter from J. Fred Buzhardt to Archibald Cox, June 1, 1973 (received from Watergate Special Prosecution Force).
8. On June 4, 1973 Cox wrote Buzhardt requesting more precise assurance on security measures with respect to certain White House files that Cox had specified. On June 5, 1973 Cox wrote Buzhardt supplementing the list of files and stating that his references to "files" included all diaries and logs of telephone calls.

8.1 Letter from Archibald Cox to J. Fred Buzhardt, June 4, 1973 (received from Watergate Special Prosecution Force).

8.2 Letter from Archibald Cox to J. Fred Buzhardt, June 5, 1973 (received from Watergate Special Prosecution Force).

9.1 President Nixon statement, November 18, 1973, 9 Presidential Documents 1320.

9.2 Raymond Sowle tape log, Exhibits 7 and 16, in the Grand Jury, Grand Jury. 47-73.

9.3 Tape recording of conversation between the President and Alexander Haig, June 4, 1973, and House Judiciary Committee transcript thereof.

9.4 Tape recording of conversation between the President and Richard Vigilante, June 4, 1973, and House Judiciary Committee transcript thereof.

9.5 President Nixon daily diary, June 4, 1973 (received from White House).

9.6 Meetings and conversations between the President and H. R. Haldeman, April 30 - June 3, 1973 (received from the White House).
On June 4, 1973 the President listened to tapes of his conversations with John Dean in the months of February and March, 1973. At various times during the day the President spoke with Haig and Press Secretary Ron Ziegler about the content of the tapes. The President instructed Bull that he did not wish to hear the March 21 tape because Haldeman had notes on it. At another point the President said that he did not need the March 21 and April 15 tapes because he had those. After listening to tapes, the President telephoned Haldeman; his diary indicates that he spoke to Haldeman from 10:05 to 10:20 p.m. and from 10:21 to 10:22 p.m. Between April 30, 1973 and June 4, 1973 the President spoke with Haldeman by telephone twenty-five times and met with him seven times.

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

9.2 Raymond Zumwalt tape log, Exhibits 7 and 7a, In re Grand Jury, Misc. 47-73.

9.3 Tape recording of conversation between the President and Alexander Haig, June 4, 1973, and House Judiciary Committee transcript thereof.

9.4 Tape recording of conversation between the President and Ronald Ziegler, June 4, 1973, and House Judiciary Committee transcript thereof.

9.5 President Nixon daily diary, June 4, 1973 (received from White House).

9.6 Meetings and conversations between the President and H. R. Haldeman, April 30 - June 3, 1973 (received from the White House).
10. On June 11, 1973 Cox wrote to Buzhardt that he had been informed that a conversation between the President and Dean on April 15, 1973 was recorded on tape and requested access to the tape. Buzhardt has testified that he spoke to the President about Cox's request. On June 16, 1973 Buzhardt wrote Cox that the tape of a conversation between the President and Dean on April 15, 1973 was a tape on which the President dictated his own recollections of that conversation with Dean after it was finished and that it would not be appropriate to produce that tape. On June 20 Cox wrote to Buzhardt stating that according to Cox's information the President had offered the tape to Assistant Attorney General Henry Petersen while Petersen was in charge of the investigation. Cox again requested the recording of the President's April 15 meeting with Dean.

10.1 Letter from Archibald Cox to J. Fred Buzhardt, June 11, 1973 (received from Watergate Special Prosecution Force).


10.3 Letter from Archibald Cox to J. Fred Buzhardt, June 20, 1973 (received from Watergate Special Prosecution Force).


11. On June 11, 1973 Cox wrote Buzhardt requesting that an inventory be made of the contents of any and all the files of Mitchell, LaRue, Liddy, Strachan, Colson, Chapin, Ehrlichman, Haldeman, Dean, Hunt, Krogh and Young, and files relating to the Pentagon Papers investigation and the Special Investigations Unit. On June 16 Buzhardt informed Cox that the President alone had the authority to order an inventory of the files and that Cox's proposal would be reviewed with the President. On June 21, 1973 Cox wrote to Buzhardt renewing the request. Cox has testified that after a period of many weeks he was told by Buzhardt that there could be no agreement on such an inventory.

11.1 Letter from Archibald Cox to J. Fred Buzhardt, June 11, 1973 (received from Watergate Special Prosecution Force).

11.2 Letter from J. Fred Buzhardt to Archibald Cox, June 16, 1973 (received from Watergate Special Prosecution Force).

11.3 Letter from Archibald Cox to J. Fred Buzhardt, June 21, 1973 (received from Watergate Special Prosecution Force).

11.4 Archibald Cox testimony, SJC, 1 Special Prosecutor Hearings 80.
12. On June 13, 1973 Cox wrote Buzhardt and requested copies or excerpts from logs showing the dates and times of meetings and telephone calls between the President and fifteen named individuals. Cox has testified that he received documents showing meetings and conversations between the President and Dean, Haldeman, Ehrlichman, Petersen and Mitchell. Haig has stated that Cox was told that the President had no meetings with Strachan, Chapin, Liddy and Hunt.

12.1 Letter from Archibald Cox to J. Fred Buzhardt, June 13, 1973 (received from Watergate Special Prosecution Force).
12.2 Archibald Cox testimony, SJC, 1 Special Prosecutor Hearings 16.
13. On June 21, 1973 Cox requested access to the ITT file that had been compiled by John Dean's assistant, Fred Fielding. On July 5, 1973 and on July 10, 1973 Cox repeated his request. On August 13, 1973 Buzhardt told Attorney General Richardson that he had told Cox that day that the White House would give Cox the ITT file. Cox subsequently testified that he received the file.

13.1 Letter from Archibald Cox to J. Fred Buzhardt, June 21, 1973 (received from Watergate Special Prosecution Force).

13.2 Letter from Archibald Cox to J. Fred Buzhardt, July 5, 1973 (received from Watergate Special Prosecution Force).

13.3 Letter from Archibald Cox to J. Fred Buzhardt, July 10, 1973 (received from Watergate Special Prosecution Force).

13.4 Elliot Richardson testimony, SJC, 1 Special Prosecutor Hearings 410.

13.5 Archibald Cox testimony, SJC, 1 Special Prosecutor Hearings 16.
14. On June 22, 1973 Buzhardt sent to Cox documents listing meetings and conversations between the President and Henry Petersen during March and April, 1973 showing no contact between the President and Petersen on April 17, 1973 and one telephone call on April 18, 1973. (The President's Daily Diaries introduced into evidence before Judge Sirica on November 9, 1973 show that Petersen met with the President on April 17, 1973 and that Petersen had two telephone conversations with the President on April 18, 1973).

14.1 Letter from J. Fred Buzhardt to Archibald Cox, June 22, 1973 (received from Watergate Special Prosecution Force) with attached meetings and conversations between the President and Henry Petersen, April 17-18, 1973 (received from White House).


15. On June 25, 26, 27, 28 and 29, 1973 Dean testified before the Senate Select Committee on Presidential Campaign Activities (SSC). He testified about various meetings with the President and made allegations concerning his own and Haldeman's, Ehrlichman's, Mitchell's and the President's involvement in the Watergate case.

15.1 Table of Contents, 3 SSC III, 4 SSC III.

16. On June 27, 1973 Cox wrote to Buzhardt formally requesting that the President furnish a detailed narrative statement covering the conversations and incidents mentioned in Dean's testimony before the SSC. Cox stated that it was important that the President's evidence be obtained without undue interference with the President's responsibilities.

16.1 Letter from Archibald Cox to J. Fred Buzhardt, June 27, 1973 (received from Watergate Special Prosecution Force).
On June 28, 1973 Fred LaRue pleaded guilty to a one-count felony information charging that he conspired with other unnamed persons to influence, obstruct and impede the due administration of justice. The information charged a conspiracy to pay money to the defendants in United States v. Liddy for the purpose of obtaining their silence and specified as an overt act in furtherance of the conspiracy the receipt by LaRue of $280,000 in cash on or about December 1, 1972. LaRue agreed to disclose all information in his possession and testify as a witness for the Government in any and all cases with respect to which he may have relevant information.

17.2 United States v. LaRue, Docket, June 27, 1973.
18. Richardson has stated that on July 3, 1973 Haig called him to complain about a news story that Cox was investigating expenditures relating to the "Western White House" at San Clemente. Richardson has stated that Haig told him that he ought to get Cox to issue a statement that Cox was making no such investigation. Richardson determined from Cox that he was not investigating San Clemente and Cox agreed to state publicly that he was not. Richardson has stated that he notified Haig that Cox had agreed to make a statement and that Haig told him that the statement was inadequate. Richardson has stated that the President broke in on the conversation and told him that he wanted a statement from Cox within an hour that Cox was not investigating San Clemente.

18.1 Elliot Richardson affidavit, House Judiciary Committee, June 17, 1974.
19. On July 6, 1973 Cox announced that the American Airlines Corporation voluntarily acknowledged it had made illegal corporate contributions to the Committee to Re-elect the President (CRP) in 1971-72 and agreed to cooperate fully with the Special Prosecutor's office.

20. On July 6, 1973 the President, in response to requests from the SSC, wrote to Senator Ervin that he would not testify before the Committee and would not allow access to Presidential papers prepared or received by former members of his staff. The President stated that he would allow present and former White House staff members to testify.

21. On July 10, 1973 Cox wrote Buzhardt that he was disturbed by the lack of progress in obtaining answers to his several requests concerning access to papers in the White House files, inventories to certain files and access to the tape relating to the April 15 conversation between the President and Dean. Cox pointed out that the delay was hampering the investigation of possible criminal offenses by high Government officials. Cox stated he was reluctant to report on his difficulty encountered in obtaining information from the White House or to seek legal process, but that he must insist upon a prompt, categorical response to each of his requests.

21.1 Letter from Archibald Cox to J. Fred Buzhardt, July 10, 1973 (received from Watergate Special Prosecution Force).
22. In early July 1973 the President authorized Haldeman to listen to the tape of the September 15, 1972 conversation between the President, Haldeman and Dean. On or about July 10, 1973 several tapes and a tape recorder were delivered to Haldeman at Lawrence Higby's home. Haldeman has testified that he took the tapes and the tape recorder to his home and listened to the tape of the September 15 conversation. On July 11, 1973 Haldeman obtained and took home six additional tapes, including a reel covering conversations in the President's EOB office on April 15, 1973. Haldeman has testified that he did not listen to these tapes, and returned them and the tape recorder to the White House the following morning.


22.4 Raymond Zumwalt tape log, Exhibits 7 and 7a, In re Grand Jury, Misc. 47-73.
23. On July 10, 1973 Cox wrote to Buzhardt requesting (1) copies of records of telephone conversations and meetings between the President and Clark MacGregor on July 5 and 6, 1972; (2) copies of Gordon Strachan's "political matters memoranda;" (3) a copy of materials in John Dean's "Miscellaneous Intelligence" file; (4) a copy of the logs showing what items from the safeguarded files had been copied by former White House staff members; and (5) records of items inserted into any White House file by Ehrlichman or Young on or after April 30, 1973.

23.1 Letter from Archibald Cox to J. Fred Buzhardt, July 10, 1973 (received from Watergate Special Prosecution Force).
24. On July 12, 1973 Senator Ervin wrote to the President on behalf of the Senate Select Committee stating that the President's letter of July 6 conflicted with the Committee's responsibility to ascertain the facts on matters it was authorized to investigate. On that day the Committee authorized the Chairman to meet with the President to seek to reconcile the matter.

24.1 Letter from Sam Ervin to President Nixon, July 12, 1973, 5 SSC 1937.

25. On July 16, 1973 Alexander Butterfield, former Deputy Assistant to the President, testified before the SSC and publicly disclosed the existence of a system for automatically recording Presidential conversations. Also on July 16th the President wrote to Treasury Secretary George Shultz, directing that no officer or agent of the Secret Service give testimony to Congressional committees concerning matters observed or learned while performing protective functions for the President or in their duties at the White House. On July 18, 1973 the taping system was disconnected and custody of the tapes transferred from the Secret Service to the White House.

25.1 Alexander Butterfield, 5 SSC 2074–77.

25.2 Letter from President Nixon to George Shultz, July 16, 1973, 9 Presidential Documents 905.

This didn't include 18 min gap tape. ->
1. On or about April 25, 1973 the President directed H. R. Haldeman to listen to and report on the taped conversation of the March 21, 1973 morning meeting among the President, John Dean and Haldeman. Haldeman requested and received twenty-two tapes of Presidential conversations in February, March and April, 1973. That afternoon Haldeman listened to the March 21 morning conversation and made notes from the tape. From 4:40 to 5:35 p.m. Haldeman met with the President and reported to him on the contents of the tape. The President concluded that Haldeman should listen to the March 21 tape again to ascertain the answers to certain points of doubt raised by the tape. On or about April 26, 1973 Haldeman again received the group of tapes including the March 21 tape. He subsequently listened again to the March 21 tape and reported to the President. On April 26, 1973 Haldeman and the President met for approximately five hours, commencing at 3:59 p.m., and concluding at 9:03 p.m. The Committee has subpoenaed the tape recordings of the April 25 and April 26 conversations between the President and Haldeman but has received neither the tape recording nor a White House-edited transcript of the conversations.

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


1.3 Raymond Zumwalt tape log, Exhibit 7, In re Grand Jury, Misc. 47-73.


1.6 Meetings and conversations between the President and H. R. Haldeman, April 25-26, 1973 (received from White House).
As a consequence of the public disclosure, 2 weeks ago, that two conversations of the President were not recorded on the White House recording system, doubts have arisen about just what happened to these conversations and why they were not recorded. The purpose of this statement is to help dispel those doubts and to spell out certain steps I will take to offer information to the court that will help determine the substance of all nine conversations subpoenaed by the court.

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

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

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

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

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

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

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

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

On September 29, 1973, I began a review of the tape recordings subpoenaed by the Special Prosecutor for the grand jury and by the Senate Select Committee. The reason was it had been my deliberate intention to litigate
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

MISC. NO. 47-73

Thursday, November 8, 1973

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

APPEARANCES:

On Behalf of the Special Prosecutor Force:

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

On Behalf of President Richard M. Nixon:

SAMUEL J. POWERS
DOUGLAS M. PARKER
LEONARD GARMENT

NICHOLAS SCKAL
Official Court Reporter
4800-F U.S. Courthouse
Washington, D.C. 20001
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Prior to the twenty fifth of April 1973, did you have any knowledge, direct or indirect, that anyone removed a recorded tape from the tape repository?

You are setting a specific date of April 25th — and I can't of my own knowledge establish that as the date, the date on which I did know that a tape was removed from the repository, although I know that it was in that general time. Prior to the removal of that I am not aware of any other removal.

Well let us focus on what you were aware of. I take it that you are referring to the removal in which you received some material?

That is correct.

Now prior to your receipt of some material which was, I think we can agree, some time in late April of 1973

That is right and I have seen the date of April 25th in the newspaper reports and I am willing to accept that if a log shows that is the date because it is approximately the time that I would assume that this removal was in fact made.

Prior to that time did you have any knowledge of anyone at all removing tapes from the repository for any
Service personnel to your knowledge or your present knowledge was anyone else aware of the tape recording system?

A Mr. Butterfield was -- Mr. Higby was and I guess by that time Mr. Bull was -- I think he had replaced Mr. Butterfield by then so he was aware of it, and then the Secret Service personnel -- that is all. They would be.

Q And Mr. Higby was aware of it because Mr. Higby performed some function when Mr. Butterfield was unavailable in terms of attending to the demands of the system?

A I could -- no, -- I guess he did, I am not aware of that. I guess Mr. Bull has so testified. I should also add that I think Mr. Bull testified that his secretary was aware of this system -- I did not know that, I don't believe, at the time, but I assume that is correct.

Q Now, the conversation which you had with the President on either April 24 or April 25 in either the Oval Office or the EOB office -- what do you recall in substance the President saying to you and what did you say to him -- to the best of your recollection?

A That is -- I can give you a general recollection that -- in summary, that the question of the meeting that the present [sic] had had with Mr. Dean, during March 1973 already was discussed, and as a result of that, the President wanted a re-
view of the specific points discussed in the March 21 meeting.
and he may have also raised other meetings because I -- I think that I received other tapes in addition to the March 21 tape.

Q. What is your recollection of what was said, Mr. Haldeman.

A. I am giving you a general recollection and that is all I can give you.

Q. Well, you say there must have been some conversation about some other tapes -- do you recall the conversation?

A. No, I do not -- but I recall only in a general sense a conversation regarding what had been discussed at the President's meeting with Mr. Dean, and specifically the March 21st one -- that was the one on which there was a principal focus because that is the one that I was directed to listen to -- at least listen to first, and report to the President.

Q. Well I think you have said a number of things new and let us take them one at a time -- first you say you were directed to listen to that first -- was there a direction to listen to other tapes at that period of time?

A. I am not sure. I have a feeling there may have been because I have a general recollection that at that time I was given tapes for a number of these March meetings -- or for at least more than one of them.
ultimately to Mr. Bull and I probably contacted him directly.

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

A No - I don't.

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

A I don't believe so - no.

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

A Yes.

Q Now what do you recall asking for?

A My recollection is asking for the March 21 tape.

Q What do you recall saying in substance?

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

Q Now -

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

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

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

Q Do you recall having a conversation with Mr. Bull
upon receiving the material he brought you?

A I think I have a general recollection of Mr. Bull bringing me the material including a tape recorder—tape machine in a metal briefcase, and his opening [sic] the briefcase and showing me how the tapes were marked—and in other words how the boxes with the tap [sic] in were identified by date and explaining [sic] to me that he was providing me not only with the Oval Office tape but with the tape, other tapes for the same date, which included telephone tapes and of course the EOB office tapes which were on different reels because they were [sic] fed by different systems, apparently.

Q And was that the substance of that conversation so far as you can recall?

A That is correct.

Q Now you say that the tapes you received were in a metal container?

A In a standard—I don’t know if anyone has one—but the government briefcase—

Q Was the tape recorder in the briefcase as well?

A That is my recollection.

Q I will hold up this briefcase Mr. Haldeman—was it any larger than this?

A Yes—it was not that type—it was a suitcase type briefcase—I think they have aluminum and sort of black
A No - I did not go through them
Q Did he not indicate to you what was on the tapes and what they meant? I mean the tape boxes.
A Yes but but he took one box, and showed me how they were identified by [sic] date and by the locale of the point of origination - Oval Office March 21st, for example - or Telephone March 17, or whatever it might be.
Q Approximately how many were there
A I am not sure - I can't tell you how many there were -- there was a number of them.
I can't give you any approximateion [sic] - I can't remember.
Q Well you asked for one conversation, as I understood your testimony-- the conversation between the President and John Dean - is that not correct?
A Yes.
Q On the 21st of March --
A Yes.
Q Is that right?
A Yes.
Q Now when you did receive the tapes, if you had received twenty two different reels of tape in response to that request, would you not have taken some note of that?
A Well, as I indicated earlier, I know [sic] now that there were - from having heard testimony, that there were more reels that the few that would be required to cover one date. I
feel that I must have asked for, or there must have been
an understanding in some way, that I was [sic] being given the
tapes for a number of dates of these March meetings rather
than just for one date. I did -- I don't recall any surprise
at the number of tapes when I received them - my recollection
is that there were more tapes than three or four or whatever
would be required for the one date.

Q Do you recall that your testimony to this point
in summary has been that the recollection you now have
is that you only asked -- and I am talking about prior to
this hearing - was that you asked only for the March 21st
tape?

A That was my recollection until this number of
takes [sic] point was brought out which leads me to believe
that I must have asked for more and so that, for some reason,
there was an understanding that I was to be given more.

Q And indeed, you must have, when you went to play
the tapes, had to sort through all of the tapes that you
had been given, in order to attempt to find the one that
you were interested in?

A I had to locate the March 21st tape but,
as I recall, there was no problem of sorting through things
to find it.

Q Do you recall where the conversation took [sic] place
that was recorded, that you were searching for?
A: The March 21st conversation — yes, it was in the oval office.

Q: And do you recall if you knew that at the time you made your request?

A: Yes I did.

Q: And did you specify that in your request?

A: I don't know -- I don't know that I knew at the time I made the request that there were different tapes — I have the feeling that I did.

Q: And at the time of or after you received them from Mr. Bull — what did you do with them next?

A: Oh -- I had the tapes and the tape recorder in a very small office right off of my office in the west wing of the White House — I listened to the March 21 tape on the tape recorder — made notes on it and at the end of it took my notes and went over to the EOB office and reviewed with the President my summary of what had been in the tape.

Q: You had a conversation with the President at that time?

A: That is correct

Q: And did you take all of the tapes with you over to the EOB office or did you leave them somewhere?

A: I am not sure — I did not take them with me to the EOB office — I either left them in that office that is part of my office, or returned them to Mr. Bull.

But you don't recall which?
the remaining tapes that day?

A  No.

Q  So you may not have had the March 21 tape in your hand when you went over to see the President?

A  I did not have it in my hand when I went over to see the President.

Q  So you left all the tapes in your office?

A  That is correct.

Q  Do you have any recollection of returning the tapes to Mr. Bull?

A  Not a clear and present recollection.

I am sure they were turned to Mr. Bull, but I do not – I cannot picture in my own mind the act of turning them back to him.

Q  All right – but it is your recollection that they were returned to him that day?

A  I think so.

Q  And if it helps your recollection, or I ask if it helps your recollection if I say that the log maintained by the Secret Service personnel [sic] indicates that twenty [sic] two tapes were removed at one forty five pm on April 25th 1973 by Mr. Bull and were returned at five twenty eight pm on the same day by Mr. Bull.

Does that square with your recollection?
A Yes I would have no quarrel with that.

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

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

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

A No — one after.

Q -- or the one after?

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

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

A That is correct - you said other tapes.

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

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

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

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

A The March 21st tape? Right.

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

A That is my recollection. It was all on onereel [sic] and it was only part of that reel.

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

A The box was identified as March 21, 00, as I recall.

Q And you made a request of Mr. Bull for the March 21 00 tape because you wanted to listen to it again - either Mr. Bull or Mr. Higby?

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

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

A It probably is.

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

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

Q Who gave you or who brought you [sic] that group of tapes that you received?

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

Q And did you have some conversation with Mr. Bull
at that time in which you said "Mr. Bull," — in substance, "Mr. Bull, I don't need all of these tapes — all I need is one tape that has the conversation I am interested in."?

A I don't recall that, no — I do not recall that.

Q Do you recall having a conversation — in substance — with him?

A No.

Q Do you recall looking at what it was that Mr. Bull brought you at the time he brought it to you?

A No.

Q Do you recall looking at the material at some time that day?

A I am not sure what day, but I do recall reviewing the March 21st tape.

Q Where did you review it?

A Same place.

Q And did you take further notes with your earphones on this time?

A Yes — I used the same notes and by adding to them or interpolating them where I was able to clarify or expand.

Q And then I take it you made some report to the President?

A That is correct.

Retyped from indistinct original
Q Is there anything in your mind which would indicate that that would not be accurate?[sic]

A No.

Q Now what recollection do you have of returning this material to him?

A Only, as I have already stated Mr. Ben Veniste, that I finished with it, and I either returned it to Mr. Bull or had Mr. Higby return it to Mr. Bull or I asked Mr. Bull to pick it up in my office and I am not sure which.

Q When do you recall listening to it -- on the same date that Mr. Bull gave it to you, this is on the second occasion now?

A I am fairly certain that I listened to it on the same day and I returned it on the same day that he gave it to me. I am not certain what date that was.

Q This is on the second occasion?

A That's correct.

Q So is it your testimony that to the best of your recollection it was again returned on the same day?

A That would have been my recollection -- yes.

Q Is it possible that it could have been returned the day after, the 27th?

A I have no recollection that it was held out but, again, as I told you, I do not also have a clear recollection as to the specifics of the return.
Q Prior to the twenty fifth of April 1973, did you have any knowledge, direct or indirect, that anyone removed a recorded tape from the tape repository?

A You are setting a specific date of April 25th -- and I can't of my own knowledge establish that as the date, the date on which I did know that a tape was removed from the repository, although I know that it was in that general time. Prior to the removal of that I am not aware of any other removal.

Q Well let us focus on what you were aware of
- I take it that you are referring to the removal in which you received some material?

A That is correct.

Q Now prior to your receipt of some material which was, I think we can agree, some time in late April of 1973:

A That is right and I have seen the date of April 25th in the newspaper reports and I am willing to accept that if a log shows that is the date because it is approximately the time that I would assume that this removal was in fact made.

Q Prior to that time did you have any knowledge of anyone at all removing tapes from the repository for any
Service personnel to your knowledge or your present knowledge was anyone else aware of the tape recording system?

A Mr. Butterfield was -- Mr. Higby was and I guess by that time Mr. Bull was -- I think he had replaced Mr. Butterfield by then so he was aware of it, and then the Secret Service personnel -- that is all. They would be.

Q And Mr. Higby was aware of it because Mr. Higby performed some function when Mr. Butterfield was unavailable in terms of attending to the demands of the system?

A I could -- no, -- I guess he did. I am not aware of that. I guess Mr. Bull has so testified. I should also add that I think Mr. Bull testified that his secretary was aware of this system -- I did not know that, I don't believe, at the time, but I assume that is correct.

Q Now, the conversation which you had with the President on either April 24 or April 25 in either the Oval Office or the EOB office -- what do you recall in substance the President saying to you and what did you say to him -- to the best of your recollection?

A That is -- I can give you a general recollection that -- in summary, that the question of the meeting that the President had had with Mr. Dean, during March 1973 already was discussed, and as a result of that, the President wanted a review of the specific points discussed in the March 21 meeting.
and he may have also raised other meetings because I -- I think that I received other tapes in addition to the March 21 tape.

Q What is your recollection of what was said, Mr. Baldeman.

A I am giving you a general recollection and that is all I can give you.

Q Well, you say theremust have been some conversation about some other tapes -- do you recall the conversation?

A No, I do not -- but I recall only in a general sense a conversation regarding what had been discussed at the President's meeting with Mr. Dean, and specifically the March 21st one -- that was the one on which there was a principal focus because that is the one that I was directed to listen to -- at least listen to first, and report to the President.

Q Well I think you have said a number of things now and let us take them one at a time -- first you say you were directed to listen to that first -- was there a direction to listen to other tapes at that period of time?

A I am not sure. I have a feeling there may have been because I have a general recollection that at that time I was given tapes for a number of those March meetings -- or for at least more than one of them.
ultimately to Mr. Bull and I probably contacted him directly.

Q You don’t have a clear recollection at all as to whether it was Mr. Bull or someone else
A No – I don’t.
Q If it was someone else, could it have been anyone other than Mr. Higby?
A I don’t believe so – no.
Q So you asked either Mr. Bull or Mr. Higby to secure some material for you?
A Yes.
Q Now what do you recall asking for?
A My recollection is asking for the March 21 tape.
Q What do you recall saying in substance?
A "Get me the tape for the President’s meeting on March 21st with John Dean."
Q Now –
A Now let me say that that sounds like a direct quote — I don’t mean it to sound. You asked me if I recall saying — I have no ability to tell you precisely what my words were.
Q In substance – the question was in substance what you said — now from whom did you receive the material?
A I think I received it directly from Mr. Bull.
Q Do you recall having a conversation with Mr. Bull
upon receiving the material he brought you?

A I think, I have a general recollection of Mr. Bull bringing me the material including a tape recorder--tape machine in a metal briefcase, and his opening the briefcase and showing me how the tapes were marked--and in other words how the boxes with the tape in were identified by date and explaining to me that he was providing me not only with the Oval Office tape but with the tape, other tapes for the same date, which included telephone tapes and of course the EOB office tapes which were on different reels because they were fed by different systems, apparently.

Q And was that the substance of that conversation so far as you can recall?

A That is correct.

Q Now you say that the tapes you received were in a metal container?

A In a standard -- I don't know if anyone has one -- but the government briefcase --

Q Was the tape recorder in the briefcase as well?

A That is my recollection.

Q I will hold up this briefcase Mr. Baldwin was it any larger than this?

A Yes -- it was not that type -- it was a suitcase type briefcase -- I think they have aluminum and sort of black
A No - I did not go through them.

Q Did he not indicate to you what was on the tapes and what they meant? I mean the tape boxes.

A Yes but but he took one box, and showed me how they were identified by date and by the locale of the point of origination - Oval Office March 21st, for example - or Telephone March 17, or whatever it might be.

Q Approximately how many were there.

A I am not sure - I can't tell you how many there were --- there was a number of them. I can't give you any approximation - I can't remember.

Q Well you asked for one conversation, as I understand your testimony -- the conversation between the President and John Dean - is that not correct?

A Yes.

Q On the 21st of March --

A Yes.

Q Is that right?

A Yes.

Q Now when you did receive the tapes, if you had received twenty two different reels of tape in response to that request, would you not have taken some note of that?

A Well, as I indicated earlier, I know now that there were - from having heard testimony, that there were more reels that the few that would be required to cover one date. I
feel that I must have asked for, or there must have been an understanding in some way, that I was being given the tapes for a number of dates of these March meetings rather than just for one date. I did -- I don't recall any surprise at the number of tapes when I received them - my recollection is that there were more tapes than three or four or whatever would be required for the one date.

Q. Do you recall that your testimony to this point in summary has been that the recollection you now have is that you only asked -- and I am talking about prior to this hearing - was that you asked only for the March 21st tape?

A. That was my recollection until this number of tapes point was brought out which leads me to believe that I must have asked for more and so that, for some reason, there was an understanding that I was to be given more.

Q. And indeed, you must have, when you went to play the tapes, had to sort through all of the tapes that you had been given, in order to attempt to find the one that you were interested in?

A. I had to locate the March 21st tape but, as I recall, there was no problem of sorting through things to find it.

Q. Do you recall where the conversation took place that was recorded, that you were searching for?
A The March 21st conversation - yes, it was in the oval office.

Q And do you recall if you knew that at the time you made your request?

A Yes I did.

Q And did you specify that in your request?

A I don't know -- I don't know that I knew at the time I made the request that there were different tapes - I have the feeling that I did.

Q And at the time of or after you received them from Mr. Bull - what did you do with them next?

A Oh -- I had the tapes and the tape recorder in a very small office right off of my office in the west wing of the White House -- I listened to the March 21 tape on the tape recorder - made notes on it and at the end of it took my notes and went over to the BOB office and reviewed with the President my summary of what had been in the tape.

Q You had a conversation with the President at that time?

A That is correct.

Q And did you take all of the tapes with you over to the BOB office or did you leave them somewhere?

A I am not sure - I did not take them with me to the BOB office - I either left them in that office that is part of my office, or returned them to Mr. Bull.

Q But you don't recall where?
the remaining tapes that day?

A  

Q    So you may not have had the March 21 tape in your hand when you went over to see the President?

A  I did not have it in my hand when I went over to see the President.

Q    So you left all the tapes in your office?

A    That is correct.

Q    Do you have any recollection of returning the tapes to Mr. Bull?

A    Not a clear and present recollection.

    I am sure they were turned to Mr. Bull, but I do not - I cannot picture in my own mind the act of turning them back to him.

Q    All right - but it is your recollection that they were returned to him that day?

A    I think so.

Q    And if it helps your recollection, or I ask if it helps your recollection if I say that the log maintained by the Secret Service personnel indicates that twenty tapes were removed at one forty five pm on April 25th 1973 by Mr. Bull and were returned at five twenty eight pm on the same day by Mr. Bull.

    Does that square with your recollection?
Q: Now when was the next conversation that you had about listening to tapes?
A: I am not sure but during the discussion with the President on the 25th of April, as the established date, which I am willing to accept - that it probably is --
Q: Are you discussing now the first conversation or the one after listening to the tape?
A: No -- one after.
Q: -- or the one after?
A: After listening to the tape, when I reported on the tape, the content of the tape, to the President, and the question was raised, it was either his suggestion or mine - anyway that the conclusion was that I ought now to listen to the tape again, make an attempt to ascertain the answers to the points of doubt that had come up, and so on, or the ambiguities in my mind as to what the tape said, in particular areas - and at some point subsequent to that meeting I made a request of Mr. Bull -- and I presume again it might have been through Mr. Bigby -- to have the tape returned to me with the tape recorder but this time with a tape recorder that had an ear phone or a head set attachment on it so that I could listen through the head set which would enable me to turn the volume up and be able to hear the
content more efficiently than it was through the speaker
system on the original tape machine.

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

A That is correct — you said other tapes.

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

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

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

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

A The March 21st tape? Right.

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

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

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

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

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

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

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

A: It probably is.

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

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

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

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

Q: And did you have some conversation with Mr. Bull?
at that time in which you said "Mr. Bull," -- in substance, "Mr. Bull, I don't need all of these tapes - all I need is one tape that has the conversation I am interested in."?

A I don't recall that, no - I do not recall that.

Q Do you recall having a conversation - in substance - with him?

A No.

Q Do you recall looking at what it was that Mr. Bull brought you at the time he brought it to you?

A No.

Q Do you recall looking at the material at some time that day?

A I am not sure what day, but I do recall reviewing the March 21st tape.

Q Where did you review it?

A Same place.

Q And did you take further notes with your ear phones on this time?

A Yes - I used the same notes and by adding to them or interpolating them where I was able to clarify or expand.

Q And then I take it you made some report to the President?

A That is correct.
Q Is there anything in your mind which would indicate that that would not be accurate?

A No.

Q Now what recollection do you have of returning this material to him?

A Only, as I have already stated Mr. Ben Veniste, that I finished with it, and I either returned it to Mr. Bull or had Mr. Higby return it to Mr. Bull or I asked Mr. Bull to pick it up in my office--- and I am not sure which.

Q When do you recall listening to it -- on the same date that Mr. Bull gave it to you, this is on the second occasion now?

A I am fairly certain that I listened to it on the same day and I returned it on the same day that he gave it to me. I am not certain what date that was.

Q This is on the second occasion?

A That's correct.

Q So is it your testimony that to the best of your recollection it was again returned on the same day?

A That would have been my recollection -- yes.

Q Is it possible that it could have been returned the day after, the 27th?

A I have no recollection that it was held out but, again, as I told you, I do not also have a clear recollection as to the specifics of the return.
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Additional notes:
- 1:45pm April 25, 73 out
- 5:28pm 11 in
- 11:07 am April 26, 73 out
- 5:05 pm May 2, 73 11
- To stone Bell only

il
Thursday, November 1, 1973

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

APPEARANCES:

On Behalf of the Special Prosecutor Force:

RICHARD BEN-VENISTE
PHILIP LACOVARA
GILL VINE VOLKER
PETER NICHOLAS
GERALD GOLDMAN
GEORGE FRAMPTON

On Behalf of President Richard M. Nixon:

J. FRED BUZhardt
LEONARD GARMENT
DOUGLAS M. PARKER
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Q  More specifically now, and let’s deal with these 22 tapes which were turned over to you according to your records, if I understand them, they were turned over to Mr. Bull at 1:45 p.m. on April 25, 1973 and they were returned at 5:28 on April 25th, 1973?

A  Yes.

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

A  Yes.

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

A  It would probably have been an oral request.

Q  Is that your recollection?

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

Q  What do you recall his instructions being?

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

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

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

Q  There are obviously dates which are not included between the 28th of March and the 12th of March, correct?
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLOMBIA

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

MISC. NO. 47-73

Friday, November 2, 1973

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

APPEARANCES:

On Behalf of the Special Prosecutor Force:

RICHARD BLUMENSTEIN
JILL WINE VOLKER
PETER RILLY
GERALD COHEN
LAWRENCE JACOB

On Behalf of President Richard M. Nixon:

J. FRED BURHARDT
LEONARD GARMENT
DOUGLAS M. PARKER

NICHOLAS SOKAL
OFFICIAL COURT REPORTER
4200 F UNITED STATES COURT HOUSE
WASHINGTON, D.C. 20541
626 - 7454

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### EXHIBITS

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BY MR. PARKER:

Q. Is that correct, Mr. Bull?

THE COURT: That is what he said.

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

BY MR. PARKER:

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

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

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

A. Yes.

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

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

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

A. Yes, I did.

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

A. As I recall, I did.

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

A. As I recall, I did.
### April 20, 1973

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>AM</td>
<td>8:15 - 8:39 President met with Haldeman</td>
</tr>
<tr>
<td>AM</td>
<td>8:39 - 10:35 President attended Cabinet Meeting. Mr. Haldeman was present.</td>
</tr>
<tr>
<td>PM</td>
<td>12:15 - 12:34 President met with Haldeman and Ehrlichman</td>
</tr>
</tbody>
</table>

### April 22, 1973

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM</td>
<td>9:45 - 10:16 President placed long distance call to Haldeman</td>
</tr>
</tbody>
</table>

### April 25, 1973

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
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<tbody>
<tr>
<td>AM</td>
<td>11:06 - 1:55PM President met with Haldeman and Ehrlichman</td>
</tr>
<tr>
<td>PM</td>
<td>4:35 - 4:36 President received local call from Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>5:35 - 5:36 President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>6:57 - 7:14 President placed local call to Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>7:46 - 7:53 President placed local call to Haldeman</td>
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### April 26, 1973

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>AM</td>
<td>8:55 - 10:24 President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>3:52 - 3:54 President received local call from Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>3:59 - 9:03 President met with Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>Bull 5:45-5:47 &amp; 7:50 - 8:00</td>
</tr>
<tr>
<td>PM</td>
<td>Ehrlichman 5:57 - 7:14</td>
</tr>
<tr>
<td>PM</td>
<td>Ziegler 6:25 - 6:33 &amp; 6:35 - 6:37</td>
</tr>
<tr>
<td>PM</td>
<td>9:57 - 9:59 President placed local call to Haldeman</td>
</tr>
<tr>
<td>PM</td>
<td>10:02 - President received LO NC - WH Switchboard operator conveyed message to President</td>
</tr>
<tr>
<td>PM</td>
<td>10:07 - 10:09 President placed local call to Haldeman</td>
</tr>
</tbody>
</table>
2. David Young, former co-director of the Special Investigations Unit (the "Plumbers") has testified that on April 30, 1973 Ehrlichman instructed Young to be certain that all papers involving the investigation of security leaks were put in the President's files before Young left the White House staff. Ehrlichman informed Young of his own resignation and that he was going to be putting some papers in the President's file before he left.


2.2 John Ehrlichman log, April 30, 1973 (received from SSC).
2.1 NOTE

Portions of the Grand Jury testimony of David Young have been separately distributed to Committee members.
**THURSDAY, APRIL 26, 1973**

10:00  President, Shultz
11:20  Join meeting in HRH office with Wilson, Strickler
1:00  Lunch in Mess with Bryce Harlow
5:55  President
8:30  Black tie dinner at Curtis Tarr residence honoring Sec. and Mrs. Rogers, 1504 Highwood Drive, McLean

**FRIDAY, APRIL 27, 1973**

8:00  Roosevelt Room - HRH, GS, HAK, Ash, Timmons, Ziegler, Cole
8:45  Depart South Lawn
      Fly over Tallachatchie-Sun Bonnet-Yazoo flood stricken areas
11:00 Dedication of Stennis Center - Meridian, Mississippi
12:15 Depart Meridian
3:30 Arrive South Lawn
4:00 President
4:30 Edward Grampp, Charles Regan (FBI agents re Ellsberg case)
5:00 HRH office

**SATURDAY, APRIL 28, 1973**

11 - HRH office - Wilson, Strickler

**MONDAY, APRIL 30, 1973**

9:00  David Young
10:30 Staff meeting
11:00 Bud Krogh
12:30 Lunch in HRH office
      JDE and HRH resignations

**TUESDAY, MAY 1, 1973**

9:30 John Wilson's office with HRH

**WEDNESDAY, MAY 2, 1973**

10:45 John Wilson (JDE office)
12:00 The Vice President
2:30 HRH
2:50 President
4:15 President
3. On April 30, 1973 the President announced that he had accepted the resignations of Haldeman, Ehrlichman and Kleindienst and had requested and accepted the resignation of Dean. The President also announced the nomination of Elliot Richardson as Attorney General. The President stated that Richardson would have absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters, including the authority to name a special supervising prosecutor for matters arising out of the case. The President pledged that he would do everything in his power to see that the guilty were brought to justice. During late April public calls were made for the appointment of a special prosecutor for Watergate matters and on May 1, 1973 the United States Senate adopted a resolution requesting the President to appoint a special prosecutor.

3.1 President Nixon statement, April 30, 1973, 9 Presidential Documents 431.
3.2 President Nixon address, April 30, 1973, 9 Presidential Documents 434-35.
3.4 Senate resolution 105, May 1, 1973, Congressional Record S 8031.
Statement by the President Announcing Resignations and Appointments, Together With Assignment of Responsibilities Regarding the Watergate Investigation. April 30, 1973

I have today received and accepted the resignation of Richard G. Kleindienst as Attorney General of the United States. I am appointing Elliot L. Richardson to succeed him as Attorney General and will submit Mr. Richardson's name to the Senate for confirmation immediately.

Mr. Kleindienst asked to be relieved as Attorney General because he felt that he could not appropriately continue as head of the Justice Department now that it appears its investigation of the Watergate and related cases may implicate individuals with whom he has had a close personal and professional association. In making this decision, Mr. Kleindienst has acted in accordance with the highest standards of public service and legal ethics. I am accepting his resignation with regret and with deep appreciation for his dedicated service to this Administration.

Pending Secretary Richardson's confirmation as Attorney General, I have asked him to involve himself immediately in the investigative process surrounding the Watergate matter. As Attorney General, Mr. Richardson will assume full responsibility and authority for coordinating all Federal agencies in uncovering the whole truth about this matter and recommending appropriate changes in the law to prevent future campaign abuses of the sort recently uncovered. He will have total support from me in getting this job done.

In addition, I have today accepted the resignations of two of my closest friends and most trusted assistants in the White House, H. R. Haldeman and John D. Ehrlichman.

I know that their decision to resign was difficult; my decision to accept it was difficult; but I respect and appreciate the attitude that led them to it.

I emphasize that neither the submission nor the acceptance of their resignations at this time should be seen by anyone as evidence of any wrongdoing by either one. Such an assumption would be both unfair and unfounded.

Throughout our association, each of these men has demonstrated a spirit of selflessness and dedication that I have seldom seen equaled. Their contributions to the work of this Administration have been enormous. I greatly regret their departure.

Finally, I have today requested and accepted the resignation of John W. Dean III from his position on the White House Staff as Counsel.

Effective immediately, Leonard Garment, Special Consultant to the President, will take on additional duties as Counsel to the President, and will continue acting in this capacity until a permanent successor to Mr. Dean is named. Mr. Garment will represent the White House in all matters relating to the Watergate investigation and will report directly to me.

NOTE: For the texts of the letters of resignation and the President's address to the Nation, see the following two items.

Attorney General and White House Staff

Texts of Letters of Resignation From Attorney General Richard G. Kleindienst and Assistants to the President H. R. Haldeman and John D. Ehrlichman.
April 30, 1973

Dear Mr. President:

It is with deep regret and after long and searching thought that I hereby submit my resignation as Attorney General, to take effect upon the appointment and qualification of my successor.
and evidence with the appropriate authorities, and I should spend the time necessary in relation thereto.

One of the toughest problems we have in this life is in seeing the difference between the apparent and the real, and in basing our actions only on that which is real. We all must do that more than we do. I have confidence in the ultimate prevalence of truth; I intend to do what I can to speed truth's discovery.

Therefore, Mr. President, I submit to you my resignation. There are on the Domestic Council staff so many

THE WATERGATE INVESTIGATION

The President's Address to the Nation. April 30, 1973

Good evening:

I want to talk to you tonight from my heart on a subject of deep concern to every American.

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

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

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

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

Until March of this year, I remained convinced that the denials were true and that the charges of involvement by members of the White House Staff were false. The comments I made during this period, and the comments made by my Press Secretary in my behalf, were based on the information provided to us at the time we made those comments. However,
new information then came to me which persuaded me that there was a real possibility that some of these charges were true, and suggesting further that there had been an effort to conceal the facts both from the public, from you, and from me.

As a result, on March 21, I personally assumed the responsibility for coordinating intensive new inquiries into the matter, and I personally ordered those conducting the investigations to get all the facts and to report them directly to me, right here in this office.

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

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

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

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

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

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

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

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

I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have
I instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case.

Whatever may appear to have been the case before, whatever improper activities may yet be discovered in connection with this whole sordid affair, I want the American people, I want you to know beyond the shadow of a doubt that during my term as President, justice will be pursued fairly, fully, and impartially, no matter who is involved. This office is a sacred trust and I am determined to be worthy of that trust.

Looking back at the history of this case, two questions arise:

How could it have happened?
Who is to blame?

Political commentators have correctly observed that during my 27 years in politics I have always previously insisted on running my own campaigns for office.

But 1972 presented a very different situation. In both domestic and foreign policy, 1972 was a year of crucially important decisions, of intense negotiations, of vital new directions, particularly in working toward the goal which has been my overriding concern throughout my political career—the goal of bringing peace to America, peace to the world.

That is why I decided, as the 1972 campaign approached, that the Presidency should come first and politics second. To the maximum extent possible, therefore, I sought to delegate campaign operations, to remove the day-to-day campaign decisions from the President's office and from the White House. I also, as you recall, severely limited the number of my own campaign appearances.

Who, then, is to blame for what happened in this case?

For specific criminal actions by specific individuals, those who committed those actions must, of course, bear the liability and pay the penalty.

For the fact that alleged improper actions took place within the White House or within my campaign organization, the easiest course would be for me to blame those to whom I delegated the responsibility to run the campaign. But that would be a cowardly thing to do.

I will not place the blame on subordinates—on people whose zeal exceeded their judgment, and who may have done wrong in a cause they deeply believed to be right.

In any organization, the man at the top must bear the responsibility. That responsibility, therefore, belongs here, in this office. I accept it. And I pledge to you tonight, from this office, that I will do everything in my power to ensure that the guilty are brought to justice, and that such abuses are purged from our political processes in the years to come, long after I have left this office.

Some people, quite properly appalled at the abuses that occurred, will say that Watergate demonstrates the bankruptcy of the American political system. I believe precisely the opposite is true. Watergate represented a series of illegal acts and bad judgments by a number of individuals. It was the system that has brought the facts to light and that will bring those guilty to justice—a system that in this case has included a determined grand jury, honest prosecutors, a courageous judge, John Sirica, and a vigorous free press.
Impact: GOP Lawmakers, Party Chiefs Join Demands for Prompt Cleanup

By David S. Broder and Spencer Rich
Washington Post Staff Writers

Republican lawmakers and party leaders yesterday joined in a rising chorus of demands that President Nixon move quickly to "clean up" the Watergate situation.

In a series of statements triggered by the latest disclosure in the widening political scandal, Mr. Nixon was warned that delay on his part could weaken support for his program in Congress, damage Republican candidates and further weaken public confidence in the political system.

Three prominent figures—Billy Graham, 1958 Republican presidential nominee Alf M. Landon and the president-elect of the American Bar Association, Chesterfield Smith—called on Mr. Nixon in separate interviews to appoint an independent investigator or investigating commission to get to the bottom of the case.

Graham, a close friend of the President, said he was "sick about the whole thing" and "what it is going to do to the credibility of government in the eyes of the American people."

Smith, the ABA official, called it "a domestic crisis of unparalleled proportions" and Landon said, "I can't think of anything worse affecting the leadership of the country."

On the other hand, Republican National Chairman George Bush sought to minimize the political fallout from the case saying "the average American is not as upset about Watergate as the press and politicians appear to be."

In a series of Texas appearances, Bush expressed confidence in Mr. Nixon's handling of the case and said that Watergate "might damage public confidence in the political process... I don't think it is hurting the Republican Party."

His conclusion was strongly challenged by other Republicans, including his predecessor as party chairman, Sen. Bob Dole of Kansas.

Dole said in Topeka that "right now the credibility of the administration is zilch." He called on presidential aides H. R. (Bob) Haldeman and John Ehrlichman to resign immediately.

Sen. Milton R. Young of North Dakota, senior Republican on the Senate Appropriations Committee, called Watergate "one of the worst incidents of its kind" and said "it can't help but hurt some" on forthcoming legislative votes.

"He (Mr. Nixon) has to do something decisive," Young said, "and the longer he waits the more difficult it is going to be."

According to Washington insiders, Rep. John B. Anderson, Illinois, chairman of the House Republican Conference, told constituents this week that Watergate is like Mount Everest: It's there and it's not going away. Anyone who writes it off as no consequence is whistling in the wind.

Sen. Bob Packwood (R-Ore.) said in Eugene, Ore., that the scandal was reaching "disastrous proportions" and that unless Mr. Nixon acted promptly, many of his legislative proposals would be lost. Republicans would be "almost screaming to get off the President's ship."

Sec. Richard S. Schweiker (R-Pa.), who, like Dole and Packwood, faces re-election next year, called on Mr. Nixon to "clean out" the White House staff without waiting for further grand jury indictments and bring in new people with "some integrity."

Schweiker said Watergate would have a "very serious impact" on the 1974 election, calling it "an albatross around the party's neck."

The need for prompt action was also stressed by several senior Republican state officials, all of them Nixon loyalists, interviewed by The Washington Post yesterday.

R. L. "Dick" Herman, Nebraska GOP national committeeman and chairman of the 1972 convention arrangements committee, said Republicans in his state "think that whatever has been done should be corrected and corrected immediately. They think those responsible should pay the price."

They're hoping and believing the President is not involved," Herman said, "but they want something done to correct the situation."

John S. Andrews, retiring Ohio Republican chairman and head of the 50-state Association of GOP State Chairmen, said the reaction of Ohio Republicans is one of "outrage, embarrassment and shame. We wish to hell it would be taken care of promptly and gotten over with. The whole thing is just incredible."

L. Keith Bulen, Indiana Republican national committeeman, said his state's Republicans are "winzing their heads in great anguish" and waiting for the President to take "appropriate action, no matter how painful it may be for close friends and loyal staff people."

In the face of these demands, administration officials rallied around the President.

Secretary of Commerce Frederick Dent said in Tallahassee that Mr. Nixon's critics were trying to pull "a Watergate share" over the accomplishments of his administration. "It is essential that we in America recognize that we have one of the outstanding leaders of all time available to us for the balance of four more years," he said.

National Chairman Bush expressed continued confidence that the President would clean up what he called "this stupid business," and Billy Graham, in an interview on the Today program, expressed similar faith.

Speaking of Mr. Nixon, Graham said, "I personally do not think he knew about it... It was a stupid blunder to begin with, and he's too smart for that... Secondly, I think his moral and ethical principles wouldn't allow him to do anything illegal like that. I've known him a long time and he has a very strong sense of integrity."

Graham went on to say, however, that "everyone connected with the Watergate will have to leave the government, and we'll have to have a whole new group of people coming in that people have confidence in. I think that is very important."}

Landon, the party's elder statesman, commented in a telephone interview from Topeka that "I don't think there is any evidence Nixon knew anything about it beforehand, but public sentiment is growing adverse to the thinking that his personal loyalties have prevented him from uncovering it as thoroughly and quickly as possible."

Landon said impeachment of the President would be "counterproductive" and a survey by The Washington Post of about 200 House and Senate aides and a handful of key senators disclosed no evidence of any serious impeachment move being made.

These interviewed said the lack of evidence of presidential complicity and the scattering effect of such an effort seemed to preclude its consideration.
May 1, 1973

CONGRESSIONAL RECORD — SENATE.

S 8031

ERGENCY POLICY ACT OF 1973—

AMENDMENT

AMENDMENT NO. 93

(Ordered to be printed, and to lie on the table.)

Mr. HOLLINGS. Mr. President, on Tuesday, March 27, the Commerce Committee reported S. 70, a bill to promote commerce and establish a Council on Energy Policy and for other purposes (Report No. 93-114). The function of the Council is to improve capabilities for the collection and analysis of energy information, to coordinate the energy activities of the Federal Government and to prepare a long-range, comprehensive plan for energy production, utilization and conservation. This proposal would provide a single place for Congress and the President to seek energy information and policy recommendations. It assures that a single body has responsibility for examining the overall energy picture. The proposed Council would be accountable to Congress and independent of operating agencies.

Pursuant to an earlier agreement among the chairmen of the committees which have jurisdiction in the energy policy area, the measure was held on the calendar for 30 days to provide an opportunity for review and comment by the other concerned committees. I am pleased to report that the members of the National Fuels and Energy Policy Study established by Senate Resolution 45 (92d Congress) have examined S. 70 as reported and they have recommended a minimum of changes. The intent of the proposed language changes is:

First. To clarify the intention of the bill that the Council on Energy Policy would be a policy advisory group to the President, using his authority to coordinate Federal agency functions.

Second. To clarify the intent of the bill that the Council would promulgate guidelines for the collection of energy information and would be a focal point for policy analysis of energy data, and

Third. To amend the intent of the bill to reinforce the advisory relationship between the Council and the President.

To avoid confusion during floor consideration of this measure, I am today submitting an amendment to S. 70 which incorporates these language changes. I request that this amendment be printed and ordered to lie on the table.

It is also my understanding that the distinguished Senator from Montana (Mr. METCALF) intends to propose later an amendment that increases the General Accounting Office's responsibilities for the collection and analysis of energy data.

AMENDMENT OF NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES ACT OF 1965—

AMENDMENTS

AMENDMENT NO. 95

(Ordered to be printed.)

Mr. PROXMIRE proposed amendments to the bill (S. 119) to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes.
4. On May 7, 1973 Richardson, Attorney General designate, announced that he had decided he would, if confirmed, appoint a Special Prosecutor. On May 9, 1973 the President stated that Richardson and the Special Prosecutor appointed by Richardson would have the total cooperation of the executive branch. On May 10, 1973 Senator Scott informed the Senate Judiciary Committee that the President had told him he would not intervene in the selection of the prosecutor nor in the conduct of his office.

4.2 President Nixon remarks, May 9, 1973, 9 Presidential Documents 660.
4.3 Hugh Scott statement, SJC, Richardson Nomination Hearings 45-46.
WASHINGTOIi, May 7—
Following is the text of a
statement by Elliot L. Richard-son:

In nominating me as Attorney General of the United
States, President Nixon charged me with responsibility
for "uncovering the whole truth" about the Watergate
case and related matters. He also stated his determination
that "justice will be pursued fairly, fully and impar-tially,
no matter who is involved."

I have accepted all of this
charge. If confirmed by the
Senate, I shall carry it out to
the very best of my ability.

The President also committed
to my decision the question of whether or not to
appoint a special prosecutor.

In considering this question, I have kept steadily in
view the essential importance of insuring that the investi-
gations and prosecutions, whatever their outcome, are
so conducted as to command
full public confidence in their
integrity and fairness.

Question on Objectivity

I have taken into account
the fact that, because I have
held office in this Administra-
tion from its beginning, my
objectivity may be questioned.
I am also convinced that the
Attorney General must retain
final responsibility for all
matters coming within the
jurisdiction of the depart-
ment.

After such careful thought
about how best to respond to
these concerns, I have de-
cided that I will, if con-
firmation is granted, appoint a special
prosecutor and give him all
the independence, authority
and staff support needed to
carry out the tasks entrusted
to him.

Although he will be in the
Department of Justice and re-
port to me—and only to me—
he will be aware that his ultimate
accountability is to the
American people.

The person selected to ful-
fill this role will have to meet
stringent standards of qualifi-
cation. He must not only be
an individual of the highest
character and integrity but
be widely so recognized.

He must not have been as-
sociated with any of the per-
sons alleged or suspected to
have had a part in the mat-
ters under investigation. He
must be judicious in temper-
ament and independent in
spirit. He must have a proven
record of outstanding com-
petence as a lawyer, prefer-
ably including trial experi-
ence.

Search Already Begun

It may take some time to
find the right person. I have
already begun the search and
will press it as rapidly as
possible.

After the selection has been
made, I shall ask the Senate
Committee on the Judiciary
to hold a public hearing for
the purpose of satisfying it-
selv as to the suitability of
the appointee. I would wel-
come, in addition, an expres-
sion by the Senate as a whole
of his confidence in him.

One further point. My deci-
sion to appoint a special
prosecutor should not be
interpreted as casting the
slightest doubt on the integri-
ty or competence of any per-
son in the Department of
Justice, the Federal Bureau
of Investigation, or the office
of any United States Attor-
ney.

On the contrary, I have the
highest respect for the dedi-
cated professionals who staff
these organizations. My ob-
dective is one I know they
share with me: To assist in
doing what has to be done in
a way that contributes to
strengthening the legal and
moral fabric of our society.
Republican Party Dinner

The President's Remarks at a Republican Fundraising Dinner at the Washington Hilton Hotel. May 9, 1973

Mr. Vice President, and all of the distinguished guests, because everyone here is a distinguished guest tonight:

I had been hearing that this would be less than an enthusiastic dinner tonight, and I must say you have proved that perhaps the critics were wrong.

I do know, too, that this is an evening when you have been paying tribute to some who have led our party in the past year in fact over the past years, to Chairman Bob Dole, Bob Wilson, and Peter Dominick, and I wish to pay tribute to them, too, and also to the new leaders—the new leadership that is up here, George Bush, and Bob Michel, Bill Brock. They are a great team, and they are a team that the Vice President and I will be very proud to work with for the victory that we are going to win in 1974.

Having mentioned the Vice President, I thank him for his indefatigable campaigning in all the years since we have been together in Washington. He has had to carry, as is often the lot of the Vice President, the campaigning load when the President has some other responsibilities to undertake, and he has carried that load with great dedication and great effectiveness, and I am proud to have him as a member of our team.

Now, as is always my custom, before speaking before any audience of such a distinguished group as this, I asked the chairman what I should talk about, and it just happened this afternoon I met with the chairman, Chairman Bush, and also his other two colleagues and our new finance chairman, Mr. Wilson from Tennessee, and we had a discussion about this dinner tonight and what you would like to hear about.

You already heard the Vice President praise the accomplishments of the Administration and so for me to add to that would simply be, of course, adding praise for what he says I have done, but which you have made possible, and all of us working together have made possible, and I will have something to say about that as I conclude tonight.

But it has always been my practice before any kind of audience to take on those subjects that some people think you don't want to take on because they are difficult.

Let me say, I didn't get where I am by ducking tough issues; I am keenly aware of the fact that many Americans—everybody in this room, for example—are concerned about the developments that we have been reading about and hearing about in recent weeks and recent months.

I expressed my concern just a few days ago on national television. I will not add to what I said then, except to make some comments that I think are quite appropriate at this time.

In the American political process, one of the most difficult tasks of all comes when charges are made against high officials in an Administration. That is a very great test of an Administration, and many times, in the history of our country, Administrations have failed to meet the test of investigating those charges that might be embarrassing to the Administration, because they were made against high officials in an Administration.

We have had such a situation. We have been confronted with it. We are dealing with it. And I will simply say to you tonight that this Nation, Republicans, Democrats, Independents, all Americans, can have confidence in the fact that the new nominee for Attorney General, Elliot Richardson, and the special prosecutor that he will appoint in this case, will have the total cooperation of the executive branch of the Government; they will get to the bottom of this thing; they will see to it that all of those who are guilty are prosecuted and are brought to justice. That is a pledge I make tonight and that I think the American people are entitled to.

But I would add that the place where that should happen is in the courts of law. Charges are these days made rather easily, as we know, in our political process, and there is sometimes a tendency for us to convict the innocent in our own mind before they have the opportunity to be heard, before they have the opportunity, even if charges are made, to be tried.

And let us resolve tonight that until we hear the evidence, until those who have been charged have had a chance to present their case in a court of law, let's uphold the great American tradition that an individual, even a government official, is innocent until he is proven guilty.

I also want to add a word with regard to what all this is going to mean to the next 3½ and a bit more years that we have in office as a result of the election last November. I can assure you that we will get to the bottom of this very deplorable incident. We shall do everything that we can to develop new legislative tools which will deal with this kind of abuse and other abuses as practiced too often in many campaigns by both parties over the years.

But the most important thing I want to say tonight is this: We are not going to allow this deplorable incident to deter us or deflect us from going forward toward achieving the great goals that an overwhelming majority of the American people elected us to achieve in November of 1972.

We received the greatest popular majority in history for good reasons. The American people had a clear choice, and the same reasons and that same choice exists today as did exist then. And when we look at those goals, some of which the Vice President has referred to so eloquently, when we look at those goals, it is our responsibility at this time to go forward now and achieve them, and that we do intend to do. And I can assure you that whether it is in a Cabinet meeting that we will be having in the
HEARINGS
BEFORE THE
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UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
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NOMINATION OF ELLIOT L. RICHARDSON, OF MASSACHUSETTS,
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Printed for the use of the Committee on the Judiciary
matters that affect that confidence. So this, I think, is in the broadest sense the touchstone that should determine what areas are assigned to him.

Senator Scott. Would the Secretary defer for a minute?

I wonder whether the Senator from Massachusetts would let me have 10 minutes? I have been here for 2 days and it is difficult for me to get back.

Senator Kennedy. I will conclude, Senator Scott.

Mr. Secretary, as I mentioned at the outset and as you have recognized in your willingness to permit or urge the special prosecutor to appear before the committee to outline some memorandum of understanding, you can see why it's important for us to at least be aware of the kinds of responsibilities and the scope and the power of this special attorney, from your point of view and what is being represented to the special attorney himself.

Secretary Richardson. Absolutely.

Senator Kennedy. I think it is terribly important even in relationship to the kind of special attorney that would be willing to accept the responsibility. It is for these reasons that we wanted to get into these particular matters.

Secretary Richardson. I fully agree, Senator Kennedy, and I welcomed and do welcome the opportunity to respond to these questions. I hope that this colloquy has been useful to the record. I think so.

Senator Kennedy. Senator Scott?

Senator Scott. Thank you, Mr. Kennedy.

Mr. Secretary, we are discussing here at length, as we should, the element of trust. I think you know that I feel that we ought to extend to you as much trust as we do to each other. That is very considerable. We have had your assurances that the special prosecutor will have the approval of the Senate, that the guidelines under which he operates the Senate will have an opportunity to approve. We have quite rightly been discussing the scope and independence of the special prosecutor. I think we are concerned as to what comes out of this process at the end and what we are anxious to clarify is what happens to the report of the special prosecutor.

In other words, at some point, that distinguished American will have been selected after you have consulted with those people you have mentioned and others, including the former Chief Justice of the United States, will make findings, perhaps findings of fact and findings of law, and recommendations. I think the Senate wants to be assured that when, notwithstanding the legal responsibilities which that should place on you as well as the Constitution, and notwithstanding the necessity for you to make available facilities and to continue with consultative assistance, that the report of the special prosecutor will be public. It will be reported fully to the American people, that the recommendations of the prosecutor will not in any way be interfered with; and that such prosecutor's recommendations, if they lead to prosecution, will proceed normally through the judicial process. I take it that that is what you are trying to achieve, is it not?

Secretary Richardson. Yes, it is, Senator Scott.

Senator Scott. Now, the President this morning made it clear to me that he will in no way intervene in the selection of the prosecutor
nor in the conduct of his office, nor in his final report; that the investigation must proceed without fear or favor to the full and complete truth and toward the final fixing of responsibility through the judicial process. That is not a quote, but it is a just paraphrase. I agree with that and I am sure that you agree with it.

I feel that the Senate is being made so integrally a part of this whole proceeding that the American people are going to draw the conclusions that no one will permit the truth to be aborted and that there is no conceivable way by which the development of the full truth can or should be prevented.

We have only one other alternative if we can come to a full understanding of what you and the special prosecutor regard as your civil function. The other alternative would be a statute establishing a new agency, a new prosecutorial system. It would involve bills in both Houses, it would involve hearings, it would involve debate, and then it would involve a long process by which it would be determined who should be selected, individually or in a group, to serve in that capacity. There would be no opportunity for judicial review, there would be no opportunity for the processes of dissent except within that group if it were more than one person. There would be no way by which the personal ambitions of anyone who might have been so selected through the political process could deter him and such a person would be unique in our modern system, it seems to me, after the lapse of 6, 8, or 10 weeks in his selection.

Now, I do not think time is working with us. The events are moving fast. It seems to me essential that we get on with the resolution of this whole dirty business and get the whole truth without any fear or favor to any person anywhere.

I have made the statement I did because I am satisfied that that is the way the President feels about it. I am not quoting him on the special agent or the special law, but as to the rest of it. I am sure I believe him and I hope this committee will move promptly with the confirmation; I hope you will move promptly with the selection of the special prosecutor, and that that person will be of such an identity that the Senate and the American people will instantly recognize his capacity and his character and his competence and trustworthiness. In our system of government, we have to start somewhere in the process of making it work. I think we start with a trusted Attorney General-designate; we start with a trusted special prosecutor; we start with the assurances that the President of the United States wishes a complete, total, absolute and utter investigation to the end, to the truth, and to the ultimate consequences. And I believe that is what the American people want and I would assume that you agree with that.

Secretary Richardson, I fully agree, Senator Scott. I think you have very sensibly, and I think wisely, summarized the situation we are in in a way that has brought to bear its setting as well as the specifics that we have been discussing here today, and I think that has been a very useful contribution to this discussion.

Senator Scott. Thank you, Mr. Richardson.

I again make the point because it can't be made too often that no elected public official has been involved with this scandalous affair, that no elected public official has condemned it, that it has been con-
5. On May 21, 1973 Richardson appeared before the Senate Judiciary Committee with Special Prosecutor designate Archibald Cox. Richardson submitted to the Committee a statement of the duties and responsibilities of the Special Prosecutor which included a number of suggestions he had received from members of the Committee and from Cox. The statement provided that the Special Prosecutor would have jurisdiction over offenses arising out of unauthorized entry into the DNC headquarters at the Watergate, offenses arising out of the 1972 Presidential election, allegations involving the President, members of the White House staff or Presidential appointees and other matters which he consented to have assigned by the Attorney General and that he would have full authority for determining whether or not to contest the assertion of executive privilege or any other testimonial privilege. The guidelines also provided that the Special Prosecutor would not be removed except for extraordinary improprieties. After Richardson's confirmation, the statement was promulgated and published as a formal Department of Justice regulation, effective May 25, 1973.

5.1 Elliot Richardson statement, SJC, Richardson Nomination Hearings, 143-46.

NOMINATION OF ELLIOT L. RICHARDSON TO BE ATTORNEY GENERAL

HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-THIRD CONGRESS
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NOMINATION OF ELLIOT L. RICHARDSON, OF MASSACHUSETTS,
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Printed for the use of the Committee on the Judiciary

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NOMINATION OF ELLIOT L. RICHARDSON TO BE ATTORNEY GENERAL

MONDAY, MAY 21, 1973

U.S. SENATE

COMMITTEE ON THE JUDICIARY,

WASHINGTON, D.C.

The committee met, pursuant to recess, at 10:45 a.m., in room 2228, Dirksen Senate Office Building, Senator James O. Eastland (chairman) presiding.

Present: Senators Eastland, Hart, Kennedy, Bayh, Burdick, Byrd (of West Virginia), Tunney, Hruska, Scott, Thurmond, Mathias, and Gurney.

Also present: John H. Holloman, chief counsel, and Francis C. Rosenberger, professional staff member.

The CHAIRMAN. Let us have order.

Mr. Richardson, we will hear from you, sir.

STATEMENT OF ELLIOT L. RICHARDSON, NOMINEE TO BE ATTORNEY GENERAL

Mr. Chairman, members of the committee. I am very pleased to have the privilege of presenting to the committee this morning the man whom you have confirmed to important office in the Department of Justice. He served, as you know, for 5 years by appointment of President Kennedy in 1961 as Solicitor General of the United States. I feel confident in saying that all those who are aware of his career as Solicitor General would say that he fulfilled the responsibilities of that office with great distinction, with sound legal scholarship and effectiveness and responsibility as an advocate in behalf of the United States.

He has served in other public responsibilities, starting as an attorney in the Department of Labor in the late 1940's. He later became Associate Solicitor of the Department of Labor.

He had been Selectman of his hometown of Wayland, Mass., a position which any New Englander will tell you demands great fairness and impartiality.

He has shown that quality also as chairman of the Wage Stabilization Board by appointment of President Truman in 1952 and as arbiter in many types of labor disputes.

Recently, his sensitivity to human problems and these same qualities of fairness and impartiality have been called upon to deal with student disorders on the campuses of Columbia University and Harvard University.
These are qualities which I know can very effectively be brought to bear upon the grave, difficult, and delicate issues surrounding the Watergate case and related matters. I know that it will represent a very substantial sacrifice for Professor Cox to undertake these responsibilities and that it is only out of a strong sense of public duty that he has agreed, with the Senate's approval, to undertake this assignment.

He is aware, of course, that his experience as a lawyer does not embrace criminal prosecutions or very much trial experience, but he authorized me to say in announcing the appointment on Friday that he plans to name as his own principal deputy a man who has had wide litigation experience.

The Chairman. What you are saying is he is going to select his own staff.

Secretary Richardson. He will select his own staff in its entirety, in any case, Mr. Chairman, but he did want it understood from the outset that he wished to supplement or complement his own background of experience by seeking an experienced trial attorney as his own principal deputy.

I am very pleased that he has agreed to undertake this assignment and, as you know, he would be doing so on a basis of full independence and with complete authority to carry out all aspects of the assignment, to pursue every lead wherever it may take him, to determine when and under what circumstances grand jury proceedings should be brought, what indictments should issue, and what other actions in aid of a full, fair, and impartial investigation of all these matters should be undertaken.

The Chairman. You have a copy—place a copy of the guidelines in the record, please, sir.

Secretary Richardson. Yes, Mr. Chairman. I would be pleased to have included in the record at this point a statement of the duties and responsibilities of the special prosecutor. This statement is a version which incorporates a number of suggestions for revision and change that I have received from members of the committee since I distributed an earlier version to the committee on Thursday of last week. Mr. Cox has also reviewed it and made one final change at his suggestion this morning.

I believe that it does fully and adequately set forth the duties and responsibilities of the special prosecutor and I am grateful to the members of this committee for the thought and deliberation that they have devoted to reviewing it and to making suggestions to me.

[Duties and Responsibilities of the Special Prosecutor]

The special prosecutor

There will be appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involv—
Special Prosecutor's Dispositions and Activities.

The Special Prosecutor will have full authority with respect to the above matters for:

1. Selection of Staff
   - The Special Prosecutor shall have full authority to organize, select, and hire his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorney General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. Budget
   - The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. Designation and Responsibility
   - The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

Continued Responsibilities of Assistant Attorney General, Criminal Division.

Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

Applicable Departmental Policies

Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.
PUBLIC REPORTS

The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

DURATION OF ASSIGNMENT

The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General and himself.

The CHAIRMAN. Mr. Cox, stand up, please, sir.

Do you solemnly swear the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

Mr. Cox. I do.

The CHAIRMAN. You have studied the guidelines?

TESTIMONY OF ARCHIBALD COX, SPECIAL PROSECUTOR-DESIGNATE AND ELLIOT L. RICHARDSON, NOMINEE TO BE ATTORNEY GENERAL

Mr. Cox. Yes, I have, Mr. Chairman.

The CHAIRMAN. Are you satisfied with them?

Mr. Cox. I am. I discussed them first with Secretary Richardson over the telephone and there were a number of points—I think we talked for almost 2 hours—that we worked out together. Then I saw them in the New York Times again and went over them, and of course, I have seen this last draft. I am satisfied that they give the special prosecutor all the formal power to be independent that anyone could possibly ask for, and I shall certainly intend to be independent and to take full responsibility to the best of my ability.

The CHAIRMAN. Well, I think that is very fine.

You are satisfied that you and Secretary Richardson can work together?

Mr. Cox. I think so—oh, I am sure. Senator, yes. But it would also be my duty to preserve my independence of judgment, and he understands that. We have been very candid with each other about that. I do not imply any lack of trust in saying it because I do trust him. But at the same time, I recognize the possibility of things developing to a point where to avoid embarrassing him, I would have to go my own way—and that would be my judgment.

The CHAIRMAN. Now, lawyers can always pick at something and find something to add, but you are satisfied with them as they are?

Mr. Cox. I am. I might make one point that I made to him, and that is it seems to me the only authority which he has retained is to give me hell if I do not do the job, and I think he ought to keep that authority.

The CHAIRMAN. Senator Byrd?

Senator Byrd. Thank you, Mr. Chairman.

Mr. Secretary, I have not had the opportunity to ask you any questions. I had the opportunity to attend one hearing, but I have followed the transcript as carefully as I possibly could and I want to congratulate you on the patience and cooperation that you have shown throughout the hearings and your efforts to allay every doubt and every concern on the part of the committee members. You have met with us
Title 28—Judicial Administration
CHAPTER I—DEPARTMENT OF JUSTICE
[Order No. 517-73]
PART C—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Establishing the Office of Watergate Special Prosecution Force

By virtue of the authority vested in me by 23 U.S.C. 509, 510, and 5 U.S.C. 301, there is hereby established in the Department of Justice, the Office of Watergate Special Prosecution Force, to be headed by a Director. Accordingly, part 0 of chapter I of title 28, Code of Federal Regulations, is amended as follows:

1. Section 0.1 of subpart A, which lists the organizational units of the Department, is amended by adding “Office of Watergate Special Prosecution Force” immediately after “Office of the Pardon Attorney.”

2. A new subpart C–1 is added immediately after subpart C, to read as follows:

Subpart C–1—Office of Watergate Special Prosecution Force

§ 0.37 General functions.

The Office of Watergate Special Prosecution Force shall be under the direction of a Director who shall be the Special Prosecutor appointed by the Attorney General. The duties and responsibilities of the Special Prosecutor are set forth in the attached appendix which is incorporated and made a part hereof.

This order is effective as of May 25, 1973.


Elliott L. Richardson, Attorney General.

APPENDIX

DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR

The Special Prosecutor.—There is appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry in Democratic National Committee headquarters at the Watergate, all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General. In particular, the Special Prosecutor shall be flexible to the extent permitted by law to carry on his own investigation and prosecution of such matters, and shall have the right to exercise the duties of the Special Prosecutor in any manner he deems appropriate.
First time cropped up alleged differences bet oral testimony & documents as to executive priv. meant to waive only for oral testim.
6. On May 22, 1973 the President issued a statement noting Richardson's selection of Archibald Cox and stating that Richardson had the President's full support in his determination to see the truth brought out. The President also stated that executive privilege would not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct in the matters then under investigation, including the Watergate affair and the alleged cover-up. On May 23, 1973 the Senate Judiciary Committee voted to report favorably on Richardson's nomination and on the same day Richardson was confirmed by the Senate. Richardson was sworn in as Attorney General on May 25, 1973. At the time of the swearing in, the President had a conversation with Richardson about the President's statement of May 22, 1973. According to Richardson, the President told him that the waiver of executive privilege as to testimony referred to in that statement did not mean that there would be any such waiver of executive privilege as to documents.

6.1 President Nixon statement, May 22, 1973,
9 Presidential Documents 697.

6.2 Senate consideration of Elliot Richardson nomination,
May 23, 1973, Congressional Record S 9708, 9710.

6.3 Senate confirmation of Elliot Richardson nomination,
May 23, 1973, Congressional Record S 9715.

6.4 Elliot Richardson affidavit, House Judiciary Committee,
June 17, 1974.
Kunzig, who is now an associate judge of the U.S. Court of Claims.

Mr. Sampson has been Acting Administrator of General Services since June 2, 1972. He joined the General Services Administration in 1969 as Commissioner of the Federal Supply Service. From 1970 to 1972 he was Commissioner of the Public Buildings Service in GSA and the first Deputy Administrator of GSA for Special Projects.

He came to the General Services Administration after 6 years in Pennsylvania State government, where he was secretary of administration and budget secretary under Gov. Raymond P. Shafer, and deputy secretary for procurement, department of property and supplies, under Gov. William W. Scranton. Prior to entering government service, he was employed by the General Electric Co. for 12 years.

Mr. Sampson was born on October 8, 1926, in Warren, R.I. He received his B.S. degree in business administration from the University of Rhode Island in 1941 and has done graduate work at the George Washington University.

Active in several professional organizations, Mr. Sampson was presented the Synergy III Award for outstanding contributions toward the advancement of architecture by the Society of American Registered Architects in 1972. In 1973 he was selected as one of the Top Ten Public Works Men of the Year, and he was named an honorary member of the American Institute of Architects.

He and his wife, Blanche, have four children and reside in Washington, D.C.

Note: For the President’s statement upon announcing his intention to nominate Mr. Sampson, see the preceding item.

The Watergate Investigation

Statements by the President. May 22, 1973

Recent news accounts growing out of testimony in the Watergate investigations have 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 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 headline news.

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 of witnesses given in judicial and Congressional proceedings. Other sensitive documents are now threatened with disclosure. Continued silence about those operations would compromise rather than protect them, and would also serve to perpetuate a grossly distorted view—what recent partial disclosures have given—of the nature and purpose of those operations.
wiretaps, which I felt were necessary from a national security standpoint and, in the climate then prevailing, also necessary from a domestic security standpoint.

(3) People who had been involved in the national security operations later, without my knowledge or approval, undertook illegal activities in the political campaign of 1972.

(4) Elements of the early post-Watergate reports led me to suspect, incorrectly, that the CIA had been in some way involved. They also led me to surmise, correctly, that since persons originally recruited for covert national security activities had participated in Watergate, an unrestricted investigation of Watergate might lead to and expose those covert national security operations.

(5) I sought to prevent the exposure of these covert national security activities, while encouraging those conducting the investigation to pursue their inquiry into the Watergate itself. I so instructed my staff, the Attorney General, and the Acting Director of the FBI.

(6) I also specifically instructed Mr. Haldeman and Mr. Ehrlichman to ensure that the FBI would not carry its investigation into areas that might compromise these covert national security activities, or those of the CIA.

(7) At no time did I authorize or know about any offer of executive clemency for the Watergate defendants. Neither did I know until the time of my own investigation of any efforts to provide them with funds.

CONCLUSION

With hindsight, it is apparent that I should have given more heed to the warning signals I received along the way about a Watergate cover-up and less to the reassurances.

With hindsight, several other things also become clear:

—With respect to campaign practices, and also with respect to campaign finances, it should now be obvious that no campaign in history has ever been subjected to the kind of intensive and searching inquiry that has been focused on the campaign waged in my behalf in 1972.

It is clear that unethical, as well as illegal, activities took place in the course of that campaign.

None of these took place with my specific approval or knowledge. To the extent that I may in any way have contributed to the climate in which they took place, I did not intend to; to the extent that I failed to prevent them, I should have been more vigilant.

It was to help ensure against any repetition of this in the future that last week I proposed the establishment of a top-level, bipartisan, independent commission to recommend a comprehensive reform of campaign laws and practices. Given the priority I believe it deserves, such a form should be possible before the next Congressional elections in 1974.

—It now appears that there were persons who may have gone beyond my directives, and sought to expand on my efforts to protect the national security operations — in order to cover up any involvement they or certain others might have had in Watergate. The extent to which this is true, and who may have participated and to what degree, are questions that it would not be proper to address here. The proper forum for settling these matters is in the courts.

—To the extent that I have been able to determine what probably happened in the tangled course of this affair, on the basis of my own recollections and of the conflicting accounts and evidence that I have seen, it would appear that one factor at work was that at critical points various people, each with his own perspective and his own responsibilities, saw the same situation with different eyes and heard the same words with different ears. What might have seemed insignificant to one seemed significant to another; what one saw in terms of public responsibility, another saw in terms of political opportunity; and mixed through it all, I am sure, was a concern on the part of many that the Watergate scandal should not be allowed to get in the way of what the Administration sought to achieve.

The truth about Watergate should be brought out—in an orderly way, recognizing that the safeguards of judicial procedure are designed to find the truth, not to hide the truth.

With his selection of Archibald Cox—who served both President Kennedy and President Johnson as Solicitor General—as the special supervisory prosecutor for matters related to the case, Attorney General-designate Richardson has demonstrated his own determination to see the truth brought out. In this effort he has my full support.

Considering the number of persons involved in this case whose testimony might be subject to a claim of executive privilege, I recognize that a clear definition of that claim has become central to the effort to arrive at the truth.

Accordingly, executive privilege will not be invoked as to any testimony concerning possible criminal conduct or discussions of possible criminal conduct, in the matters presently under investigation, including the Watergate affair and the alleged cover-up.

I want to emphasize that this statement is limited to my own recollections of what I said and did relating to security and to the Watergate. I have specifically avoided any attempt to explain what other parties may have said and done. My own information on these other matters is fragmentary, and to some extent contradictory. Additional information may be forthcoming of which I am unaware. It is also my understanding that the information which has been conveyed to me has also become available to those prosecuting these matters. Under such circumstances, it would be prejudicial and unfair of me to render my opinions on the activities of others; those judgments must be left to the judicial process, our best hope for achieving the just result that we all seek.
CONGRESSIONAL RECORD—SENATE

May 23, 1973

6.2 Senate consideration of Elliot Richardson nomination

Mr. MANSFIELD. And that the time between now and 4 p.m. be equally divided between the distinguished chairman of the committee, the Senator from Maine (Mr. MCLURE), and the distinguished ranking Republican member of the committee, the Senator from Nebraska (Mr. HRUSKA).

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. If no one wishes to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD, Mr. President, I ask for the yeas and nays on the nomination of Mr. Richardson.

The PRESIDING OFFICER. It is so ordered.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD, Mr. President, could the joint leadership have an idea as to what Senators who wish to speak on the nomination of Mr. Richardson?

Mr. SCOTT of Pennsylvania, Mr. President, I have not been advised of Senators who wish to speak except the ranking Member and the Senator from Maryland (Mr. MATHIAS).

Mr. MANSFIELD. How much time would they want?

Mr. SCOTT of Pennsylvania. I hope that Senators will not speak long, because other Senators are trying to make other engagements.

Mr. MANSFIELD. This is no carrot, please believe me, but if we finish this nomination tonight, we will not meet tomorrow and will go over until Tuesday next.

Furthermore, there is a dinner which some of us want to attend tonight which is of minor significance and great importance.

How much time would Senators HRUSKA and MATHIAS want?

Mr. HRUSKA. Five minutes for me.

Mr. PERCY. I should like to speak for 3 minutes.

Mr. MANSFIELD, Mr. President, then 30 minutes to be equally divided, the time to be under, the control of the distinguished Senator from West Virginia (Mr. ROSS); the Senator from Virginia (Mr. BYRD), the assistant majority leader and the distinguished Senator from Nebraska (Mr. HRUSKA), the ranking Republican member of the Committee. The time to be—30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. ROBERT C. BYRD. Mr. President, I have order in the Senate?
Mr. President, the record is as clear as can make it. I know that each Senator will vote his own conscience. I, for one, will vote for confirmation of the nominee, albeit somewhat reluctantly because of the circumstances. For the reasons I have stated, the Senate is left with little choice but to confirm.

Mr. Richardson was asked about the so-called charter, and he expressed satisfaction with it. He did feel that the Attorney General should reserve unto himself the power to give Cox "hell" if he did not do a good job. The Attorney General is entitled to have that power and preference.

There are many other functions, of course, that the Attorney General fulfills besides those established by the charter creating a special prosecutor.

I firmly believe that with his rare, splendid record of public service, the nominee will fulfill our every expectation for a splendid administration and will be a high-grade, well-principled Attorney General. It is for these reasons that I join those who will vote favorably on his nomination.
The PRESIDING OFFICER. All time has expired. The question is, Will the Senate advise and consent to the confirmation of this nomination? On this question, the ayes and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABORZEK), the Senator from Idah (Mr. GRIFFIN), the Senator from Iowa (Mr. CLARK), the Senator from Wyoming (Mr. McGEER), the Senator from South Dakota (Mr. McCOVVER), and the Senator from Alabama (Mr. SPAKMAN) are absent without leave.

I further announce that the Senator from New Jersey (Mr. WILLIAMS) is absent on official business.

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

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) would vote "yea."

Mr. GRIFEN. I announce that the Senator from Arizona (Mr. FANNIN) and the Senator from Ohio (Mr. SAXE) are absent on official business.

The Senator from Vermont (Mr. AIREY), the Senator from Massachusetts (Mr. BROOKS), the Senator from Colorado (Mr. DONNIK), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. PACKWOOD) are necessary absent.

If present and voting, the Senator from Colorado (Mr. DONNIK), and the Senator from Hawaii (Mr. FONG) would each vote "yea."

The result was announced—yeas 82, nays 3, as follows:

Allen
Baker
Bartlett
Bayh
Beall
Bolton
Bennett
Benjamin
Bible
Brock
Brody
Burkett
Burk
Burr
Cannon
Case
Coles
Cook
Cotten
Cranston
Curris
Dole
Domenic
Dole
Eagleton
Enid
Farnsworth
Folse
Fouke
Church
Fulbright

YEAES—82
Montoya
Moss
Muskie
Muskie
Hansen
Hart
Harke
Pastore
Haskell
Hartfield
Hathaway
Heims
Heinemas
Hruska
Humphrey
Inouye
Jackson
Javits
Johnson
Kennedy
Forrest
Mannuson
Mansfield
Mathias
McClellan
McCullough
Mclntyre
Mclntyre
Metcalf
Meigs
Monongahela

Montoya
Moss
Muskie
Muskie
Hansen
Hart
Harke
Pastore
Haskell
Hartfield
Hathaway
Heims
Heinemas
Hruska
Humphrey
Inouye
Jackson
Javits
Johnson
Kennedy
Forrest
Mannuson
Mansfield
Mathias
McClellan
McCullough
Mclntyre
Mclntyre
Metcalf
Meigs
Monongahela

NAYS—3
Montoya
Moss
Muskie
Muskie
Hansen
Hart
Harke
Pastore
Haskell
Hartfield
Hathaway
Heims
Heinemas
Hruska
Humphrey
Inouye
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Mannuson
Mansfield
Mathias
McClellan
McCullough
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Mclntyre
Metcalf
Meigs
Monongahela

So the nomination was confirmed.

Mr. SCOTT of Pennsylvania. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SCOTT of Pennsylvania. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination and all nominations confirmed today.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 6370) to extend certain laws relating to the payment of interest on time and savings deposits, to prohibit depository institutions from permitting negotiable orders of withdrawal to be made with respect to any dividend, and to authorize Federal savings and loan associations and national banks to own stock in and invest in loans to certain States holding corporate businesses, and to certain States for housing purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PAYMAN, Mr. GERMAIN, Mr. BROOKS, Mr. BARRETT, Mr. HANLEY, Mr. BRASCO, Mr. COTTER, Mr. MOAKLEY, Mr. ASHLEY, Mr. WINDALL, Mr. ROUSSELOT, Mr. JOHNSON of Pennsylvania, Mr. WYLIE, Mr. J. WILLIAM STANTON, and Mr. BARKS appointed managers on the part of the House at the conference.

PROCLAMATION DESIGNATING THE FOURTH SUNDAY IN SEPTEMBER OF EACH YEAR AS "NATIONAL NEXT DOOR NEIGHBOR DAY"

Mr. MANSFIELD. Mr. President, there is a joint resolution at the desk, which I understand was reported unanimously today by the Committee on the Judiciary and which has to do with the designation of "National Next Door Neighbor Day."

This is a brainchild of a constituent of mine. It is a move in the right direction, and I ask unanimous consent that the Senate proceed to the consideration of this resolution, Senate Joint Resolution 25, at this time.

The PRESIDING OFFICER. (Mr. McCURDY.) The resolution will be stated.

The assistant legislative clerk read as follows:

S. J. Res. 25, to authorize and request the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day."

The PRESIDING OFFICER. Is there objection to the present consideration of this resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. MANSFIELD. Mr. President, in September 1971, I received correspondence from a constituent, Mrs. Becky Mattson of Lakeside, Mont., suggesting establishment of a "National Next Door Neighbor Day." This is one of many suggestions of this nature which a Member of Congress receives each session, but the more I thought about it the better I thought it was, especially in this time of turmoil both overseas and here at home.

In June of last year, I introduced a joint resolution authorizing the President to issue a proclamation designating the fourth Sunday in September of each year as "National Next Door Neighbor Day." I have reintroduced the measure again in this Congress and I am delighted to report that the Senate Judiciary Committee today recommended favorably Senate Joint Resolution 25, without amendment. It is my hope that this joint resolution will receive unanimous support and that our colleagues in the House of Representatives will give it similar consideration in the near future. Through the efforts of Mrs. Mattson this idea has generated considerable enthusiasm throughout the Nation and was supported by resolution in the Montana State Legislature. Mrs. Becky Mattson recently sent me a copy of Vance Packard's "A Nation of Strangers" which deals with the uprooting and fragmentation of our society. We are rapidly becoming a nation of strangers. When America was first colonized, the rootlessness of Americans was a source of vitality and charm. Our Nation has become so involved in the complexities of day-to-day living in an urban society that we are developing a cold distrustful attitude. We are among the most accomplished nations in the world, but at the same time we are also parasites, one of the loneliest nations, I think it is time that we got to know our neighbors.
Re interview. Richardson month or so ago. Noth[ing] new in interview. Jenner- Different testim[ony] & documents - none. Law is that waiver on testim[ony] is waiver on all documents.
not brot [brought] up in Senate hearings.
DISTRICT OF COLUMBIA, ss:

ELLiot RICHARDSON, being duly sworn, in response to specific points of interest to counsel for the House Committee on the Judiciary, deposes and says:

1. From May 25, 1973 to October 20, 1973 I served as the Attorney General of the United States. While I held that position I had conversations with the President and others relating to the work of the Watergate Special Prosecution Force. This affidavit contains information relating to certain of those conversations and supplements my testimony in November, 1973 before the Senate Judiciary Committee.

2. On May 25, 1973, just before my swearing in as Attorney General of the United States, I had a brief conversation with the President in the Oval Office. The President referred to his statement of May 22, 1973 relating to the waiver of executive privilege as to testimony concerning Watergate, and told me that his statement did not mean that there would be any such waiver of executive privilege as to documents. I was not aware until then that the word "testimony" had been used advisedly in the President's May 22nd statement. I did not say anything in response to what the President told me.
3. On July 3, 1973 General Haig, the President's Chief of Staff, called me about a Los Angeles Times story that Mr. Cox was investigating, expenditures related to the "Western White House" at San Clemente. I called Mr. Cox, who said that he was not investigating San Clemente. Mr. Cox explained that he had asked his press officer to assemble press clippings on San Clemente after Mr. Cox was questioned about San Clemente at a press conference. The press officer requested clippings from the Los Angeles Times, which had carried most of the articles. I called General Haig back and told him this. He said that I ought to get a statement from Mr. Cox saying that Mr. Cox was not investigating the matter. General Haig said that he was not sure the President was not going to move on this to discharge Mr. Cox, and that it could not be a matter of Cox's charter to investigate the President of the United States. I called Mr. Cox, who agreed to make a statement. Some time after 1:00 p.m. I called back General Haig, who said the statement was inadequate. At this point the President broke in on the conversation. The President said that he wanted a statement by Mr. Cox making it clear that Mr. Cox was not investigating San Clemente, and he wanted it by two o'clock.

4. On July 23, 1973 General Haig called and told me that the "boss" was very "uptight" about Cox and complained about various of his activities, including letters to the IRS and the Secret Service from the Special Prosecutor's office seeking information on guidelines for electronic surveillance. General Haig told me that "if we have to have a confrontation we will have it." General Haig said that the President wanted "a tight line
drawn with no further mistakes," and that "if Cox does not agree, we will
get rid of Cox." In this instance Mr. Cox agreed that the requests for
information contained in the letters sent by his office to Treasury
Department agencies had been over-broadly stated.

5. In late September or early October 1973 I met with the President
in regard to the Agnew matter. After we had finished our discussion about
Mr. Agnew, and as we were walking toward the door, the President said in
substance, "Now that we have disposed of that matter, we can go ahead and
get rid of Cox." There was nothing more said.

Elliot Richardson

DATED: June 17, 1974

June 17, 1974

Subscribed and sworn to before me this 17th day of June, 1974.

Mildred M. Thompson
Notary Public

My commission expires Nov. 14, 1975

My commission expires Nov. 14, 1975
7. On May 30, 1973 Special Prosecutor Cox requested Special Counsel to the President J. Fred Buzhardt to be sure that steps had been taken to ensure that nothing was put into or taken out of any of the White House files affecting the Watergate investigation and other matters within the Special Prosecutor's jurisdiction. Cox stated that he would also like to know what security measures were in force and when they were put into effect with respect to such files. On June 1, 1973 Buzhardt wrote Cox describing security measures in effect with respect to the files and stating that the protection and disposition of Presidential papers was a matter for decision of the President.

7.1 Letter from Archibald Cox to J. Fred Buzhardt, May 30, 1973 (received from Watergate Special Prosecution Force).

7.2 Letter from J. Fred Buzhardt to Archibald Cox, June 1, 1973 (received from Watergate Special Prosecution Force).
May 30, 1973

Mr. J. Fred Buzhardt  
Counsel to the President  
The White House  
Washington, D.C.

Dear Mr. Buzhardt:

I am writing to confirm the request just made to you on the telephone concerning all files in the White House affecting the Watergate investigation and other matters within my jurisdiction as set forth in the so-call "guidelines" (I assume you have a copy).

I requested you to be sure that steps had been taken to ensure that nothing was put into or taken out of any of those files. I would also like to know, as I told you, exactly what security measures are in force.

It is difficult for me to be more specific about the files because I do not know exactly what files exist. I do have in mind all the files of Messrs. Ehrlichman, Haldeman, Dean, Hunt, Krogh and Young; all the files pertaining to Ellsberg or the Pentagon Papers Leak; other files pertaining to the "Plumbers Operation", and tapes removed from the FBI to the White House.

I appreciate your undertaking to see that all such papers are secure and to inform me exactly what security measures are in force. Incidentally, it would be helpful to know when these security measures were put into effect.

Sincerely,

/Archibald Cox  
Special Prosecutor

Is evid[ent] this done just before called for by court or committee.

All 3 categories at W.H.
1. Personal pres papers, notes, tapes. Dictabelt
2. Large category - Pres papers. All H. Ehr etc papers placed here.
3. White h. files travel, memo etc. and staff.

Jenner - This [paragraph] first assertion by ... prior to secure all documents. Security
THE WHITE HOUSE
WASHINGTON
June 1, 1973

Dear Mr. Cox:

This is in response to your telephonic and subsequent written inquiry of May 30 regarding security measures in effect with respect to certain White House files.

I am informed that on the evening of April 30, the files in the offices of Messrs. Haldeman, Ehrlichman and Dean were placed under the protection of the FBI. On May 1, these files, still under the protection of the FBI, were moved from the several offices and placed in secure areas, where they remained under the FBI security. Responsibility for protection of these files was transferred to the Secret Service on May 7. Subsequently, various additional files from the offices of other persons have been moved to the secure areas and placed under protection of the Secret Service. Prior to May 23, copying of materials from these files was permitted.

The FBI logs of wiretaps stored with Mr. Ehrlichman's files, which, upon discovery, were inventoried, receipted and returned to the FBI on May 12. These files contained no tapes of intercepted conversations.

Since May 23, access to the files under protection of the Secret Service has been limited to the individuals from whose offices the White House files were moved to storage. Access by such individuals is limited to the files from his own office, and must be in the presence of a Secret Service agent. No copying or note taking is permitted.
The foregoing is submitted for your information. The handling, protection and disposition of Presidential Papers is, of course, a matter for decision of the President.

Sincerely,

J. Fred Buzhardt
Special Counsel to the President

Honorable Archibald Cox
Special Prosecutor
Department of Justice
Washington, D.C.
8. On June 4, 1973 Cox wrote Buzhardt requesting more precise assurance on security measures with respect to certain White House files that Cox had specified. On June 5, 1973 Cox wrote Buzhardt supplementing the list of files and stating that his references to "files" included all diaries and logs of telephone calls.

8.1 Letter from Archibald Cox to J. Fred Buzhardt, June 4, 1973 (received from Watergate Special Prosecution Force).

8.2 Letter from Archibald Cox to J. Fred Buzhardt, June 5, 1973 (received from Watergate Special Prosecution Force).
June 4, 1973

Mr. J. Fred Buzhardt
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Buzhardt:

I have your letter of June 1 concerning security measures with respect to certain White House files.

Your answer to my requests seems a little too vague, although perhaps this results only from a casual difference in choice of words. In any event, we must pin the questions down much more precisely.

I wrote generally of all files regarding matters within my jurisdiction. I also wrote specifically concerning:

- all the files of Messrs. Ehrlichman, Haldeman, Dean, Hunt, Krogh and Young; all the files pertaining to Ellsberg or the Pentagon Papers Leak; other files pertaining to the "Plumbers Operation", and tapes removed from the FBI to the White House.

You mention only the files of Messrs. Haldeman, Ehrlichman and Dean and "various additional files from the offices of other persons." The response gives us no adequate assurance about the files whose protection I specifically requested.

I also expressed specific concern that steps be taken to "ensure that nothing was put into or taken out of" any of these files. Giving an individual access to the files from his own office merely "in the presence
of a secret service agent does not guarantee that nothing be taken out or put into the files, or in any other way altered.

Precise assurance on the security measures I requested is in the interest of everyone concerned. Accordingly I wish that you would let me hear from you more specifically about these exact points.

Later in the week I shall be in touch with you to arrange for our access to the files.

Sincerely,

ARCHIBALD COX
Special Prosecutor
June 5, 1973

Mr. J. Fred Buzhardt
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buzhardt:

I am writing to supplement my letters of May 30 and June 4, 1973, concerning the security of certain White House files.

May I add to the files previously specifically identified -- those of John N. Mitchell, Frederick C. LaRue, G. Gordon Liddy, Gordon Strachan, Charles W. Colson, and Dwight Chaplin.

Of course the word "files" includes all diaries, logs of telephone calls, etc.

Sincerely,

ARCHIBALD COX
Special Prosecutor
This tape vol furnished to Spec. Pros[ecutor] after decis[ion] of ct [Court] of Appeals. 6 hr. tape. Reduced to min.
9. On June 4, 1973 the President listened to tapes of his conversations with John Dean in the months of February and March, 1973. At various times during the day the President spoke with Haig and Press Secretary Ron Ziegler about the content of the tapes. The President instructed Bull that he did not wish to hear the March 21 tape because Haldeman had notes on it. At another point the President said that he did not need the March 21 and April 15 tapes because he had those. After listening to tapes, the President telephoned Haldeman; his diary indicates that he spoke to Haldeman from 10:05 to 10:20 p.m. and from 10:21 to 10:22 p.m. Between April 30, 1973 and June 4, 1973 the President spoke with Haldeman by telephone twenty-five times and met with him seven times.

9.1 President Nixon statement, November 12, 1973, 9 Presidential Documents 1329.
9.2 Raymond Zummalt tape log, Exhibits 7 and 7a, In re Grand Jury, Misc. 47-73.
9.3 Tape recording of conversation between the President and Alexander Haig, June 4, 1973, and House Judiciary Committee transcript thereof.
9.4 Tape recording of conversation between the President and Ronald Ziegler, June 4, 1973, and House Judiciary Committee transcript thereof.
9.5 President Nixon daily diary, June 4, 1973 (received from White House).
9.6 Meetings and conversations between the President and H. R. Haldeman, April 30 – June 3, 1973 (received from the White House).
Statement by the President Outlining Procedures To Provide Information Related to the Watergate Investigation to the Chief Judge of the United States District Court for the District of Columbia. November 12, 1973

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

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

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

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

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

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

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

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

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

On September 29, 1973, I began a review of the tape recordings subpoenaed by the Special Prosecutor for the grand jury and by the Senate Select Committee. The reason was it had been my deliberate intention to litigate
9.2 Raymond Zumwalt tape log, Exhibits 7 and 7a, In re
Grand Jury
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June 4, 1973

To: Steve Bell

[Signature]

[10638]
Raymond Zumwalt logs, Exhibit 7a, In re Grand Jury

March 20

6-25-73

Buzhart

Retyped from indistinct original
March 6, 7, 8, 13, 14

Oval  14- EOB & WH
15, 16, 17, 19, 20
21, 22, 25

April 17

3 - 6 - 2 ea
3 - 7 - 1
3 - 8 - 2 ea
3 -13 - 1
3 -14 - 1
3 -15
3 -16
3 -17
3 -19
3 -20 - 2 ea
3 -21
3 -22
4 -17

EOB
2 -27 - 3-20
3 - 9 - 3 - 15

June 4, 1973
March 20
6 25-72
Bezborodov
9.3 - NOTE

See "Transcript Prepared By the Impeachment Inquiry Staff for the House Judiciary Committee of a Recording of a Conversation Between the President and Alexander Haig on June 4, 1973."
9.4 - NOTE

See "Transcript Prepared By the Impeachment Inquiry Staff for the House Judiciary Committee of a Recording of a conversation Between the President and Ronald Ziegler on June 4, 1973."
The President went to the Oval Office.

The President met with:
Gen. Alexander M. Haig, Jr., Assistant
Ronald L. Ziegler, Press Secretary

The President went to his office in the FOB.

The President talked with Gen. Haig.

The President met with Gen. Haig.

The President talked with his Special Assistant, Stephen B. Bull.

The President talked with Mr. Bull.

The President met with Mr. Bull.

The President telephoned Mr. Bull. The call was not completed.

The President talked with Mr. Bull.

The President talked with Gen. Haig.

The President met with:
Gen. Haig
Mr. Bull

The President talked with Mr. Bull.

The President met with Mr. Bull.

The President talked with Mr. Bull.

The President met with Mr. Ziegler.

The President talked with Mr. Bull.

The President talked with Mr. Bull.

The President talked with Mr. Haig.

The President talked with Mr. Bull.

The President met with Mr. Bull.

The President met with Mr. Bull.
<table>
<thead>
<tr>
<th>TIME</th>
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<tr>
<td>3:00</td>
<td></td>
<td>The President met with Mr. Bull.</td>
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<tr>
<td>3:40</td>
<td></td>
<td>The President met with:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mr. Bull</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Henry A. Kissinger, Assistant</td>
</tr>
<tr>
<td>3:54</td>
<td></td>
<td>Mr. Ziegler</td>
</tr>
<tr>
<td>6:04</td>
<td></td>
<td>The President talked with Gen. Haig.</td>
</tr>
<tr>
<td>5:00</td>
<td>R</td>
<td>The President met with Mr. Ziegler.</td>
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<tr>
<td>8:40</td>
<td></td>
<td>The President met with Mr. Bull.</td>
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<td>9:15</td>
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<td>The President met with Mr. Ziegler.</td>
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<tr>
<td>9:54</td>
<td></td>
<td>The President returned to the second floor Residence.</td>
</tr>
<tr>
<td>10:05</td>
<td>P</td>
<td>The President talked with his former Assistant, H. R. Haldeman.</td>
</tr>
<tr>
<td>10:22</td>
<td>P</td>
<td>The President talked with Mr. Haldeman.</td>
</tr>
<tr>
<td>10:50</td>
<td>P</td>
<td>The President talked with Mr. Ziegler.</td>
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<tr>
<td>11:16</td>
<td>P</td>
<td>The President talked with Mr. Kissinger.</td>
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### April 30, 1973

<table>
<thead>
<tr>
<th>Time</th>
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<tbody>
<tr>
<td>PM 12:45</td>
<td>President placed long distance call to Haldeman (From Camp David to Washington)</td>
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<tr>
<td>10:16</td>
<td>President placed local call to Haldeman from Oval Office</td>
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<tr>
<td>11:50</td>
<td>President placed local call to Haldeman</td>
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### May 2, 1973

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<thead>
<tr>
<th>Time</th>
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<tbody>
<tr>
<td>AM 10:02</td>
<td>President placed local call to Haldeman from Oval Office</td>
</tr>
<tr>
<td>PM 8:44</td>
<td>President placed local call to Haldeman</td>
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### May 3 - May 8, 1973

No contact between the President and Haldeman

### May 9, 1973

<table>
<thead>
<tr>
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<tr>
<td>AM 7:38</td>
<td>President placed local call to Haldeman</td>
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<tr>
<td>10:27</td>
<td>President met with Haldeman</td>
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<tr>
<td>PM 12:06PM</td>
<td>President met with Haldeman</td>
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### May 10, 1973

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<tr>
<td>AM 11:21</td>
<td>President met with Haldeman</td>
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<tr>
<td>PM 3:24</td>
<td>President received local call from Haldeman</td>
</tr>
<tr>
<td>4:18</td>
<td>President received local call from Haldeman</td>
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<tr>
<td>6:01</td>
<td>President received local call from Haldeman</td>
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### May 11, 1973

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<tr>
<td>PM 12:53</td>
<td>President met with Haldeman</td>
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<tr>
<td>2:02</td>
<td>President met with Haldeman Gen. Haig 1:20 - 1:55</td>
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<tr>
<td>2:56</td>
<td>President placed local call to Haldeman</td>
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<td>2:57</td>
<td>President placed local call to Haldeman</td>
</tr>
<tr>
<td>Date</td>
<td>Time</td>
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<td>------------------</td>
<td>--------</td>
</tr>
<tr>
<td>May 12, 1973</td>
<td>AM 11:12</td>
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<td>May 13, 1973</td>
<td>AM 10:21</td>
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<tr>
<td>May 14 - May 17, 1973</td>
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<td>May 18, 1973</td>
<td>PM 1:49</td>
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<tr>
<td></td>
<td>PM 3:35</td>
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<tr>
<td>May 20, 1973</td>
<td>PM 12:26</td>
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<tr>
<td></td>
<td>PM 4:11</td>
</tr>
<tr>
<td></td>
<td>PM 5:30</td>
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<tr>
<td>May 21 - May 25, 1973</td>
<td></td>
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<tr>
<td>May 26, 1973</td>
<td>PM 12:11</td>
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<tr>
<td>Date</td>
<td>Time</td>
</tr>
<tr>
<td>------------</td>
<td>------</td>
</tr>
<tr>
<td>May 27, 1973</td>
<td>PM  7:30 to 7:41</td>
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<tr>
<td>May 29, 1973</td>
<td>PM  1:46 to 1:47</td>
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<td>June 2, 1973</td>
<td>AM  10:54 to 11:02</td>
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<td>3:29 to 3:30</td>
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<td></td>
<td>4:18 to 6:02</td>
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</table>
On June 11, 1973, Cox wrote to Buzhardt that he had been informed that a conversation between the President and Dean on April 15, 1973 was recorded on tape and requested access to the tape. Buzhardt has testified that he spoke to the President about Cox’s request. On June 16, 1973 Buzhardt wrote Cox that the tape of a conversation between the President and Dean on April 15, 1973 was a tape on which the President dictated his own recollections of that conversation with Dean after it was finished and that it would not be appropriate to produce that tape. On June 20 Cox wrote to Buzhardt stating that according to Cox’s information the President had offered the tape to Assistant Attorney General Henry Petersen while Petersen was in charge of the investigation. Cox again requested the recording of the President's April 15 meeting with Dean.

---

10.1 Letter from Archibald Cox to J. Fred Buzhardt, June 11, 1973 (received from Watergate Special Prosecution Force).


10.3 Letter from Archibald Cox to J. Fred Buzhardt, June 20, 1973 (received from Watergate Special Prosecution Force).


June 11, 1973

Mr. J. Fred Buzhardt
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buzhardt:

On April 15, 1973, Attorney General Kleindienst and Assistant Attorney General Petersen met with the President to give him certain information which had developed in the continuing investigation of the Watergate case. Assistant Attorney General Petersen had a number of personal and telephone conversations with the President on subsequent dates.

Assistant Attorney General Petersen has expressed some doubt whether his conversations with the President are privileged and has therefore been reluctant to discuss them fully. I have not raised the question with Mr. Kleindienst.

When Messrs. Kleindienst and Petersen saw the President each was a Government official acting in his official capacity. Consequently, there would seem to be no basis whatever for any suggestion that a lawyer-client privilege attaches to any of their conversations with the President.

At the hearings on confirmation Attorney General Richardson testified that the claim of executive privilege would be interposed sparingly, if at all, to prevent present or former Government officials from making full disclosure of all information relevant to the Watergate investigation, the alleged "cover-up" or related matters. In my view, there is no basis for such a claim with respect to the conversations in question. I would also suppose that the President would not wish to interpose it.

Will you please inform me whether the President asserts any claim of legal privilege or other confidential relationship that
would prevent either Mr. Kleindienst or Mr. Petersen from making full and accurate disclosure about any and all personal or telephone conversations with the President about any matter involving or growing out of the prior or present investigation of the Watergate case. It would also be helpful, if the President makes no such claim for you to inform Messrs. Kleindienst and Petersen that the President has no objection to their giving me frank and full information concerning all such conversations.

More specifically, I also request access to a memorandum concerning the Watergate investigation which I understand to have been submitted to the President by Mr. Petersen shortly after April 15, 1973.

I am also informed that the President had a conversation with John Dean on the night of April 15 which was recorded on tape. My understanding is that there was either a personal meeting, or a telephone conversation. I request access to the tape, to hear it, and to have a transcript made for use in our investigation.

Sincerely,

ARCHIBALD COX
Special Prosecutor
THE WHITE HOUSE
WASHINGTON

June 16, 1973

Dear Mr. Cox:

We have your letter of June 11th with regard to conversations the President may have had about Watergate with Attorney General Kleindienst and Assistant Attorney General Petersen.

In our view all of these discussions are within both executive privilege and the attorney-client privilege. However the President has instructed me to inform you and Mr. Petersen that he waives all applicable privileges with regard to his conversations and meetings with Mr. Petersen about Watergate.

The President also is willing to permit Mr. Petersen to provide you with a copy of the memorandum from Mr. Petersen to the President on or about April 15, 1973. Nor does the President object to Mr. Kleindienst giving you his account of the meeting of April 15th in which he participated along with Mr. Petersen or any other matters of which Mr. Kleindienst has knowledge concerning the Watergate breakin or efforts to cover it up.

We note also your request for a tape of a conversation between the President and John Dean on the night of April 15th. The tape to which the President referred in his discussion with Mr. Petersen was a tape on which the President dictated his own recollections of that conversation after it was finished. It would, of course, not be appropriate to produce that tape.
We are sending copies of this letter to Mr. Kleindienst and to Mr. Petersen as you had requested.

Sincerely,

J. FRED BUZHARDT
Special Counsel to the President
June 20, 1973

Mr. J. Fred Buzhardt
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Buzhardt:

Thank you for your letter of June 16, 1973, concerning the conversations between the President and Attorney General Kleindienst and Assistant Attorney General Petersen. The President's willingness to waive the privileges you think applicable will help us push forward the investigation into the Watergate affair and the alleged cover-up. I also appreciate your assistance.

I cannot accede to your position, however, with respect to the tape recording of the President's contemporary recollection of his conversation with John Dean on the night of April 15, 1973 for two reasons:

First, according to our information, the President offered the tape to Assistant Attorney General Petersen while Mr. Petersen was in charge of the investigation. There would seem to be no proper reason for allowing the Special Prosecutor less access.

Second, I would think that the President would wish to make that recording of a critically important conversation available to those who are charged with untangling the complicated facts concerning the alleged attempt to cover up responsibility for the Watergate break-in.

Very serious charges relating to the obstruction of justice have been made against Mr. Dean and others. Mr. Dean's statements on the evening of April 15, 1973 are highly material to his own involvement, and they may reveal much
about the involvement or non-involvement of others. Were any-
one other than the President to have had the conversation
with Mr. Dean on April 15 and to have dictated a contempora-
aneous memorandun, we would interview him about the conversa-
tion and, if necessary or otherwise appropriate, we would
summon him to appear before the grand jury. At the same
time, we would insist upon receiving the contemporary record
of the witness's recollection of the conversation.

In this case the witness is the President. Whatever may be
the power of the Judicial Branch to subpoena him, it is cer-
tainly appropriate to obtain information from the President
in ways less likely to interfere with the performance of his
high responsibilities; and it is for this reason that I have
thus far confined myself to a request for his recorded recol-
lection. If the President wants the full facts developed with-
out fear or favor - as I must assume to be the case - then
surely he must be willing for us to have such potentially
important information without argument about any privilege
he might theoretically assert.

Will you please let me hear from you again on this subject
soon.

Sincerely,

ARCHIBALD COX
Special Prosecutor

Cox
File Chron
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

MISC. NO. 47-73

Friday, November 9, 1973

The above-entitled cause came on for hearing at approximately 11:40 a.m., before THE HONORABLE CHIEF JUDGE JOHN J. SIRICA.

APPEARANCES:

On Behalf of the Special Prosecutor Force:

RICHARD BRENNER
JILL V. WOLFE
PETER KEEN
GERALD GOLDBERG
GEORGE FRAMPTON

On Behalf of President Richard M. Nixon:

SAMUEL J. POWERS
DOUGLAS M. PARKER
LEONARD CARMEN

Also Present:

JOHN J. WILSON, Esq.

NICHOLAS SOTA
Official Court Reporter
4000-F U.S. Courthouse
Washington, D.C. 20001

426-7454

COPY FOR: House Judiciary Committee
## INDEX

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<th>REDIRECT</th>
<th>RECROSS</th>
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<td>Susan Davis Yowell</td>
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## EXHIBITS

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THE COURT: You may.

BY MR. BEN-VENISTE:

Q Just reading the last paragraph, it says: "I am also informed that the President had a conversation with John Dean on the night of April 15th which was recorded on tape. My understanding is that there was either a personal meeting or a telephone conversation. I request access to the tape to hear it and to have a transcript made for use in our investigation."

Do you recall receiving that letter?

A Yes, I do.

Q Thereafter, did you consult with the President?

A Sometime subsequent thereto I did, and I also consulted, I believe — I believe I talked to Mr. Cox on the telephone about that specific part of the request, and I may have, as I said before, talked to Mr. Petersen.

MR. BEN-VENISTE: And may we have this marked as the next exhibit?

THE DEPUTY CLERK: Exhibit No. 53, marked for identification.

[Exhibit No. 53 was marked for identification.]

BY MR. BEN-VENISTE:

Q Showing you Exhibit 53, Mr. Buzhardt, can you identify this?
The above-entitled cause came on for further hearing at approximately 10:55 a.m., before THE HONORABLE CHIEF JUDGE JOHN J. SYRICA.

APPEARANCES:

On Behalf of the Special Prosecutor Force:

RICHARD BEN-VENISTE
JILL VIESE VOLKER
PETER RYAN
GERALD GOLDMAN
LAWRENCE LEACH

On Behalf of President Richard M. Nixon:

SAMUEL J. ROYERS
DOUGLAS M. PANKER
LEONARD GARMENT
RICHARD HAUER
GEORGE P. WILLIAMS
GREGORY HAYNES

NICHOLAS S.ZAL
Official Court Reporter
4800 F. U.S. Courthouse
Washington, D.C. 20001
## WITNESSES

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<td>Henry Peterson</td>
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<td>No. 58</td>
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referred in his discussion with Mr. Peterson was a tape on which the President dictated his own recollections of that conversation after it was finished.

So presumably you must have had some discussion about whether there was a tape conversation as indicated in Mr. Cox's request?

A I don't remember any conversation with reference to a tape recording of a conversation as contrasted to a distabelt to the President's recollection.

Q You had conversation, you say, with Mr. Peterson about this, is that correct, in trying to respond --

A I believe I did, I am not sure I did. I may have.

Q What do you recall Mr. Peterson saying?

A I don't recall what Mr. Peterson said. Indeed, the conversation may have been with Mr. Cox.

Q Do you recall Mr. Cox saying in substance that it was believed there was a tape recorded conversation between the President and Mr. Dean?

A No, I do not specifically recall and what Mr. Cox said to me.

I remember, again I don't remember specifically which it was, one or the other of them and I believe it was Mr. Cox informed me of a conversation he had with Mr. Petersen.

Q How many occasions did you discuss this matter with the President?
A Not more than once, I am sure.

Q You did have five or six days between the time the request was made and between the time you responded?

A That is correct, Mr. Ben-Veniste, and I might say we had at that time numerous requests from Mr. Cox, most of which were complied with.

Q Do you recall -- I won't get into that, and try to focus on what we are here about now.

Do you recall on what day you had this conversation with the President?

A No, I do not.

Q Do you have a log which would indicate or a diary?

A There is a log, I am sure it would show the days I had conversations with the President but I do not recall which one specifically this matter was discussed on.

Q So you may have had several conversations with the President between the time you received this letter and the time you responded to it; however, you are certain in your mind that there was only one conversation between you and the President in which this matter was discussed?

A No, I had been less than certain but I certainly don't recall the specific conversation but I don't think I would have discussed it with him twice.

Q Did you show the proposed response or draft letter to Mr. Cox to the President before you had sent it?
A No.

Q Did you indicate to the President in substance how you would handle or handled Mr. Cox's request?

A I discussed the inquiries with him but after that I did not go back and go through with the correspondence, no.

I believe on that date, to give you a better understanding of it, we answered a number of Mr. Cox's inquiries at about that time.

Q Do you recall whether anyone else was present at the time you had this conversation with the President in which the response to Mr. Cox's letter was discussed?

A No, I don't believe anyone else was present.

Q When you discussed with the President the question of the response did you have in mind what Mr. Cox had indicated Mr. Petersen had told the Special Prosecutor's office?

A I probably did but I don't specifically recall, Mr. Ben-Veniste.

Q Did you ask the President in substance why he would want to play a dictabelt of the President's recollection to Mr. Petersen in order for Mr. Petersen to satisfy himself to hearing the President's voice of his own recollections rather than merely saying he made a memorandum of the conversation and showing that to Mr. Petersen rather than talking about a tape recorded conversation?

MR. POWERS: Your Honor, we object to this. This is
going far afield, it is argumentative as to why the President didn't do this or do that, it is not germane to the inquiry.

**THE COURT:** Objection overruled.

**THE WITNESS:** No, I don't recall. I certainly do not recall.

**BY MR. BEN-VENISTE:**

Q In substance?

A Inquiring of the President questioning why he did this or that?

Q Did the President ever advise you at or about that time when he dictated his recollection?

A I am not sure whether he advised me with reference to this specific dictabell or not. I am sure at some point he advised me that he frequently did dictate his recollections.

Q Are you saying you wrote this letter to Mr. Cox saying that the President was referring to Mr. Petersen in his conversation with Mr. Petersen to a dictabell of recollections but that you had not had a conversation with the President about this?

**MR. POWERS:** If Your Honor please, I object.

Wait, Mr. Duzhardt, that is not a correct statement of testimony which we have been over time and time again.

**THE COURT:** Have you finished?

**MR. POWERS:** Yes, sir.

**THE COURT:** Let me ask counsel for the Government: What is the basis for your question on cross-examination?
MR. BEN-VENISTE: I thought the witness just responded in a manner inconsistent with his former testimony, so I wanted to clarify it. I thought Mr. Buzhardt said the President specifically mentioned a dictabelt of his recollection so that in his conversation with Mr. Buzhardt preparatory to Mr. Buzhardt's June 16 response to Mr. Cox.

Let me stop there and ask if that is the case?

THE WITNESS: That is correct.

BY MR. BEN-VENISTE:

Q My question then is: Did the President on that occasion indicate to you when he had dictated his recollection of the meeting?

THE COURT: He may answer.

THE WITNESS: I don't recall him so indicating, although at some point within that conversation or another I had been informed that he did frequently dictate his recollections. It would have been in that conversation, I don't know.

BY MR. BEN-VENISTE:

Q Is that prior to your responding to Mr. Cox on the 16th of June?

A Yes.

Q So that it is fair to say the President said both, that he had been referring in his conversation with Mr. Petersen to a dictabelt recording of his recollections specifically and
11. On June 11, 1973 Cox wrote Buzhardt requesting that an inventory be made of the contents of any and all the files of Mitchell, LaRue, Liddy, Strachan, Colson, Chapin, Ehrlichman, Haldeman, Dean, Hunt, Krogh and Young, and files relating to the Pentagon Papers investigation and the Special Investigations Unit. On June 16 Buzhardt informed Cox that the President alone had the authority to order an inventory of the files and that Cox's proposal would be reviewed with the President. On June 21, 1973 Cox wrote to Buzhardt renewing the request. Cox has testified that after a period of many weeks he was told by Buzhardt that there could be no agreement on such an inventory.

11.1 Letter from Archibald Cox to J. Fred Buzhardt, June 11, 1973 (received from Watergate Special Prosecution Force).

11.2 Letter from J. Fred Buzhardt to Archibald Cox, June 16, 1973 (received from Watergate Special Prosecution Force).

11.3 Letter from Archibald Cox to J. Fred Buzhardt, June 21, 1973 (received from Watergate Special Prosecution Force).

11.4 Archibald Cox testimony, SJC, 1 Special Prosecutor Hearings 80.
June 11, 1973

Honorable J. Fred Buzhardt
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buzhardt:

I am writing to request that an accurate inventory be made of the contents of any and all the files of the following individuals now in the White House or Executive Offices: Messrs. Mitchell, Larrue, Liddy, Strachan, Colson, Chapin, Ehrlichman, Haldeman, Dean, Hunt, Krogh and Young.

I also request that full inventories be made of any and all files relating to any actual or potential Pentagon Papers investigation, including the break-in into the office of Ellsberg's psychiatrist Dr. Fielding; to the planning for and activities of the Intelligence Evaluation Committee created in 1970; and to the creation and activities the Special Investigations Unit set up within the White House during the week following publication of the Pentagon Papers.

The proper performance of my duties will require access to some or all of these files. You have not agreed that general access is appropriate. The difference remains open. I do urge upon you not only that my present request for an immediate inventory is proper and should be granted, but also that the making of a complete inventory at this time is in the best interests of everyone concerned.

I also request to be furnished copies of the inventories as they proceed.

If you agree to this request we should have no difficulty agreeing upon the proper persons to make the inventories and the instructions which they should be given.

Sincerely,

ARCHIBALD COX
Special Prosecutor

File 000933

[10680]
Dear Mr. Cox:

We have your letter of June 11th requesting that an accurate inventory be made of the contents of any and all files of 12 named individuals that may now be in the Custody of the White House, as well as of files relating to any of three subjects described by you.

We advised you when we met June 6th that we would consider your suggestion that an inventory be made of the files. We intend to give careful thought to that proposal and to review it with the President, who alone would have authority to order an inventory of the files. It has not been possible to do that as yet. We will advise you of our decision as soon as we are able to do so.

In the meantime, the documents are under security precautions that have been described to you in my letters of June 1st and 12th. As those letters make clear, these Presidential papers are in the custody of the President but are constantly guarded by the Secret Service and access to them is carefully limited under rules that make certain that there can be no additions to, removal from, or alterations in any of the hundreds of thousands of documents to which you refer. These security arrangements ensure the integrity of the impounded files pending the time when a decision is made on whether they should be inventoried.

Sincerely,

J. FRED BUZHRADT
Special Counsel to the President

Honorable Archibald Cox
Special Prosecutor
Department of Justice
Washington, D. C. 20530
June 21, 1973

Mr. J. Fred Buzhardt
Counsel to the President
The White House
Washington, D.C.

Dear Mr. Buzhardt:

Thank you for your letter of June 16 concerning our request for an inventory of certain specified files.

I do hope that you will reach a favorable decision at an early date. Information concerning the organization of White House files and some identification of the contents of those which may be critical are indispensable to intelligent investigation of the documents that may prove or disprove many of the allegations now being made concerning the involvement of various individuals in an effort to cover up responsibility for the Watergate incident. I cannot believe that there is any abstract policy so important as to justify withholding access to papers of such critical importance in digging out the truth concerning this vexed problem.

Making the inventory will probably take a considerable period. May I suggest that there could not be any possible prejudice in having the work started while you are studying our request.

Sincerely,

ARCHIBALD COX
Special Prosecutor
SPECIAL PROSECUTOR

HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
ON
SPECIAL PROSECUTOR

OCTOBER 29, 30, 31; NOVEMBER 1, 5, 6, 7, 8, 14, 15, and 20, 1973

Part 1

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U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1973
of the room—but in a particular room where they had been under what I was assured by Mr. Buzhardt were secure conditions, and if he gave me that assurance I am sure that it is true.

There were a lot of those papers. Many of them are relevant, I think, to the inquiries which I was charged with making. Of course, many of them aren't, and the problem arose, well, how do we separate out the ones that are from the ones that aren't? My proposal to the White House counsel was that we have an inventory made. I proposed that last June. Then at least we would have had some guidance as to the ones for which there was at least some indication of their relevance; and I wouldn't be in a position of seeking to pry into things that were none of my business. I didn't think it would hurt the national interest to see them, but still it would be none of my business.

After a period of many weeks, I was told by Mr. Buzhardt that there could be no agreement on such an inventory, and I infer from that—but it is inference—that the papers in that room are regarded as privileged. Some of them, I think some papers, taken from that room, again, let me be fair, were turned over to my office, for example, the ITT files that Fielding kept, and the other mentioned yesterday—Strachan's political action memoranda—but I am sure there are a lot more as to which privilege was being asserted.

Senator BYRD. The President indicated as follows:
"We will not provide Presidential documents to a Special Prosecutor."

This would mean, then, that the Special Prosecutor could not avail himself of the judicial process in the future to obtain Presidential tapes, memoranda, handwritten notes, papers and other documents?

Mr. Cox. That certainly is the implication of that statement if I caught it correctly. Mr. Bork has made statements that said the Special Prosecutor, as he envisaged it, would have more power.

Senator BYRD. Then how could any Special Prosecutor appointed by the President, no matter what guidelines guaranteed him by the Congress, pursue these matters through judicial process, which may be necessary, and not be fired by the Attorney General for disobeying an explicit Presidential order?

Mr. Cox. I had thought that if he were given the power by statute, and the office were created by statute, that he would be able to exercise those powers. But you may be right that if he is subject to unrestricted dismissal for exercising them that the dismissal would prevent him from doing it and that, therefore, if the President were to make the appointment there would have to be some restriction on dismissal.

Senator BYRD. The President, in his news conference, spoke of the proposition as follows: Attorney General Richardson approved of this proposition, alluding to the proposition that had been worked out whereby Senator Stennis would verify the President's summary of what was on the tapes, and I suppose included in the other memoranda included in the subpoena.

Attorney General Richardson approved of this proposition. Senator Baker and Senator Ervin were fully informed of the proposition in its entirety and approved of the proposition. Mr. Cox was the only one that rejected it. Under the circumstances, when he rejected it, and indicated that despite the approval of the Attorney General and, of course, of the President, when he rejected the proposal, I had no choice but to dismiss him.
12. On June 13, 1973 Cox wrote Buzhardt and requested copies or excerpts from logs showing the dates and times of meetings and telephone calls between the President and fifteen named individuals. Cox has testified that he received documents showing meetings and conversations between the President and Dean, Haldeman, Ehrlichman, Petersen and Mitchell. Haig has stated that Cox was told that the President had no meetings with Strachan, Chapin, Liddy and Hunt.

12.1 Letter from Archibald Cox to J. Fred Buzhardt, June 13, 1973 (received from Watergate Special Prosecution Force).

12.2 Archibald Cox testimony, SJC, 1 Special Prosecutor Hearings 16.

June 13, 1973

Mr. J. Fred Buzhardt
Counsel to the President
The White House
Washington, D. C.

Dear Mr. Buzhardt:

I am writing to request copies of or excerpts from all logs, diaries or similar records showing the dates and exact times of every meeting or telephone call between the President and any of the following individuals between June 15, 1972 and the present date:

Messrs: Mitchell
LaRue
Liddy
Strachan
Colson
Chapin
Ehrlichman
Haldeman
Dean
Hunt
Krogh
Young
Kleindienst
Gray
Petersen

It would be helpful for you to start with and supply first a record showing the dates and times of any personal conversations or telephone calls between the President and Messrs. Dean, Petersen or Mitchell between March 1, 1973 and the present date.
You will understand that our request for such records is without prejudice to our position that we should be given access to all recordings and memoranda showing the substance of any such conversations. Similarly, your supplying the bare record of persons, times and dates would be without prejudice to any objection you might make to supplying information on the substance of the conversations.

Sincerely,

ARCHIBALD COX
Special Prosecutor
SPECIAL PROSECUTOR

HEARINGS
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION
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Part 1

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some instances guilt of wrongdoing, is in the White House or Executive Offices. I am not referring to tapes alone, and I am not referring to Watergate alone. I am referring to a wide variety of papers. This is a subject on which I want to be just as accurate as I possibly can because it has been a matter of inconsistent assertions between myself and General Haig. I am relying primarily on the paper put together for me as of October 17, as to what information we had obtained and what information we had not obtained, and I said on the basis of that paper, and I believe it to be true, that on the whole our efforts to obtain information by the White House bore frustration and delay and that it was not forthcoming.

General Haig said yesterday on a public television show:

Nothing could be further from the truth. We have provided him with a full array of documentary evidence. Where the President has taken issue with Professor Cox has been on the subject of those limited documents involving personal discussions by the President himself and memoranda covering the substance of those discussions. All of the other data has been provided.

I thought under the circumstances I should give you the information put together at my request, and I believe accurately, by one of the young men on my staff going through the files.

Certainly some things were furnished to us by counsel to the President. There were a number of logs, diaries, either scheduling or listing meetings, and telephone calls between various individuals and the President. We did get the logs for Mr. Dean, Mr. Ehrlichman, Mr. Haldeman, Mr. Mitchell, and Mr. Petersen. I said earlier that we had not received the logs showing visits and telephone conversations between the President and Messrs. Chapin, Hunt, Liddy, Strachan. General Haig said that I had been informed that there were no meetings between the President and any of those gentlemen. I don't think our written record shows that we received that advice. I am fully prepared to think that what must have happened was that J. Fred Buzhardt, the President's counsel in this matter, telephoned me and told me that, and that I forgot to dictate a memorandum for the file, and then a record was made up from the file; and I assume that I was in error in those particulars.

There remain, however, Colson, Gray, Kleindienst, Krogh, LaRue, and Young.

I assume that those will be forthcoming. The chief point that I make is simply that we asked for them on June 13, and here it is practically the end of October, and that really is a most awful long time to wait to get that kind of information. Now, again, this is something that can be checked out and should be checked out as a fact. I am simply giving you the best information I have so that you can see the picture.

A second important thing which we did obtain was the so-called "Fielding-ITT" file. Third, we were supplied a file kept by Mr. Strachan and entitled "political matters memoranda." Here again, I think, part of the basis for what I call frustration and delay is illustrated. Judge Sirica was assured on July 26 that we would be supplied with that file. We first saw it sometime in September. Some of the passage of time was undoubtedly due to the fact that Mr. Buzhardt said to me over the phone: Look, I want to go through it and see what's in it before we turn it over to you. I think there are a lot of irrelevant and embarrassing things. And I said: Sure, go through it as long as
FACE THE NATION

as broadcast over the
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and the
CBS Radio Network

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Origination: Washington, D. C.

GUEST: GEN. ALEXANDER HAIG
White House Chief of Staff

REPORTERS:
Dan Rather, CBS News
Helen Thomas, United Press International
Robert Pierpoint, CBS News

PRODUCERS: Sylvia Westerman and Prentiss Childs

NOTE TO EDITORS: Please credit CBS News' "Face the Nation."
RATHER: General Haig, if Special Prosecutor Cox or any other Special Prosecutor is to get to the bottom of Watergate and related crimes, doesn't he have to have the carte blanche to call for such things as White House logs and the kind of memoranda that Special Prosecutor Cox said that he -- was an absolute necessity -- doesn't he have to have that kind of freedom?

GEN. HAIG: Dan, I'm glad you asked that question because I think there were some bad misunderstandings coming out of Professor Cox's press conference. First, I want to make it very clear, as the Attorney General has, and as we have repeatedly -- we've made a great deal of information and material available to Professor Cox and his investigating team from the outset. Now, secondly, I think the American people certainly got the impression that we've been intransigent on this issue since Professor Cox started his investigation. Nothing could be further from the truth. We have provided him with a full array of documentary evidence. Where the President has taken issue with Professor Cox has been on the subject of those limited documents involving personal discussions by the President himself and memoranda covering the substance of those discussions. All of the other data has been provided.

Now Professor Cox raised the question that he had never been able to get the logs of meetings between the President and Mr. Chapin and Mr. Hunt and Mr. Liddy and Mr. Strahan. Here again, Professor Cox knew very well there had been no such meetings, and he had been told that repeatedly by the President's counsel. And yet the American people were led to believe on Saturday that for some reason these logs were not being made available. There were no logs.