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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

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HEARINGS

BEFORE THE

SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

OF THE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JUNE 25 AND 26, 1973

Book 3

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

AUTHENTICATED
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SENATE RESOLUTION 60

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SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

(Established by S. Res. 60, 93d Congress, 1st Session)

★

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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
PHASE I: WATERGATE INVESTIGATION

MONDAY, JUNE 25, 1973

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to recess, at 10:10 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Michael Flanigan, assistant publications clerk.

Senator ERVIN. The committee will come to order.

Counsel will call the first witness.

Mr. DASH. Mr. John W. Dean III.

Senator ERVIN. Stand up and raise your right hand. Do you swear that the evidence that you shall give to the Senate Select Committee on Presidential Compaign Activities shall be the truth, the whole truth, and nothing but the truth, so help you God.

Mr. DEAN. I do, so help me God.

Senator ERVIN. You are accompanied by counsel, and I would ask, your name is John W. Dean III?

TESTIMONY OF JOHN W. DEAN III; ACCOMPANIED BY CHARLES N. SHAFFER AND ROBERT C. McCANDLESS, COUNSELS

Mr. DEAN. That is correct.

Senator ERVIN. I would ask counsels to identify themselves for the record. You may be seated.

Mr. SHAFFER. Mr. Chairman, my name is Charles N. Shaffer from Rockville, Md., and I am one of Mr. Dean's counsels.

Mr. McCandless. Mr. Chairman, I am Robert C. McCandless of Washington, D.C., and I too, am one of Mr. Dean's counsels.

Senator Ervin. I would like for members of the committee, the witness, and counsels for the witness to pay strict attention to what I shall say.

Mr. Dean appears before the committee and has appeared previously before the staff of the committee on obedience to subpena from the committee.

Mr. Dean at all times has claimed that he is privileged against testifying by the self-incrimination clause of the fifth amendment on the ground that any testimony he might give to the committee concerning the matters the committee is authorized to investigate might incriminate him and, therefore, he appears involuntarily. The committee has unanimously in times past, requested His Honor, Judge Sirica, Chief Judge of the U.S. District Court of the District of Columbia, to enter an order of immunity for the witness under the provisions of sections 6002 and 6005 of the title 18 of the United States Code. The committee pursuant to those statutes, gave 10 days notice to the Attorney General of its application to Judge Sirica and at the instance of the Attorney General, Judge Sirica delayed entering an order until more than 20 days thereafter had expired. He then entered an order of immunity under the statutes, and Mr. Dean has now been informed of that fact and has previously been informed of that fact and he is now testifying under this order of immunity granted at the instance of the committee. He appears here involuntarily as a witness pursuant to this order, and he has heretofore been ordered by the committee to answer the questions and he has all the testimony he has previously given to the committee staff and all the testimony which he may give to this committee is given by him on the basis of the order of immunity. Is that correct?

Mr. Shaffer. That is correct, Mr. Chairman.

Senator Ervin. Now, if there is no objection on the part of any member of the committee, the chairman will define his statement to be the facts on behalf of the committee.

Senator Baker. Mr. Chairman, I might say just for the completion of the record to that effect, that it is also my understanding that in addition to appearing in response to subpena and after having claimed his constitutional privileges, after the attachments of use immunity, as the chairman has just indicated, that counsel for Mr. Dean at a previous executive session of this committee made certain other requests, particularly that the witness waived no rights, that he was appearing involuntarily and pursuant to subpena, and he filed an application to be excused from testifying because of the fear of prejudice effect on the possibility of his subsequent trial and that he requested that coverage of the hearings be either in executive session or limited in accordance with the rules of this committee.

I hope it is appropriate to say, Mr. Chairman, that those matters were taken into account by this committee as a whole in executive session and the requests were denied. I think that the record ought to indicate that further for Mr. Dean's, for the completion of Mr. Dean's situation.

Senator Ervin. I want to thank you and say I join in your view.

Mr. SHAFFER. We appreciate that, Mr. Vice Chairman, and I would like out of an abundance of caution, so that there would be no waiver for me, to again call to the attention of the committee here and now before the public session, the content of my letter to the chairman dated June 18, 1973, which I ask you to rule again on the insertions contained therein and that it be made a part of this public record.

Senator ERVIN. That letter will be printed in the record.

[The letter referred to was marked exhibit No. 32.*]

Senator ERVIN. The request by members of the committee sitting on the left is that you and Mr. Dean change places because——

Mr. SHAFFER. I am going to leave the chair, Mr. Chairman, and——

Senator ERVIN [continuing]. Because the reporter sort of obstructs their view.

Senator MONTOYA. I would like for the reporter to move back a little so that I can see the witness.

Mr. MCCANDLESS. We have one additional matter we would like to call to the attention of the chair. First of all, the subpena issued under your rules does subpena all documents, so we conclude that all material supplied other than his oral testimony, all exhibits and other documents are under the same subpena and must be and are being brought forward in that manner.

Also, we bring to your attention again title 18 of the United States Code, section 798, disclosure of classified information, and section C saying, "Nothing in this section shall prohibit the furnishing upon lawful demand of information to any regularly constituted committee of the Senate, the House of Representatives of the United States of America."

We raise that, Mr. Chairman, because as you are very well aware, and all the members of the committee, under a ruling by the Honorable John J. Sirica, this committee came into possession of certain documents which Mr. Shaffer and I, as counsel to Mr. Dean, have not even seen ourselves; they are in your possession. If Mr. Dean is to be asked questions on those documents, he does not have a copy in his possession, the committee would have to furnish such a copy to him for him to be able to refresh his recollection, and we just wanted to make sure that this section of the criminal code, and your rules, pointed out how they dovetail as to disclosure of secret and classified information.

Senator ERVIN. Well, we will rule on that at the proper time. I am expecting, rather, questions on those documents which were furnished to the committee by Judge Sirica at the request of the committee, will not come today and we will handle that in due season.

Mr. MCCANDLESS. Thank you very much, Mr. Chairman.

Senator ERVIN. I will state myself from my study of the subject, I think that information or material cannot be classified allegedly in the interest of national security unless it should not be disclosed to an unauthorized person because it relates to either national defense or to our foreign relations with other nations. I am of the opinion from my study that there is no authority under that statute to classify any matter merely because it relates to domestic intelligence or internal security. That is a matter, though, that the committee will rule on later if it becomes necessary.

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*See p. 1095.

Mr. McCandless. It is also our understanding, and I hope it is correct, that any doctrines of executive privilege or attorney-clients privilege have already been taken care of by your committee.

Mr. Dash. Yes; I think I would add to that——

Senator Baker. I would like to raise a point in that respect and, in addition to the points raised by Mr. McCandless which I think is important to raise in protection of the client's rights. It is my understanding, and chief counsel, Mr. Dash, can correct me if I am in error—it is my understanding last Monday there was transmitted to the witness, with copies to the committee and its staff, a letter from Mr. Leonard Garment, the counsel for the White House or a counsel for the White House, indicating that the White House would not claim executive privilege as to this witness' testimony nor would it claim the privilege of attorney-client and as I recall as well, that on matters of the use of documents nominally classified that they would leave to the discretion of the committee to decide how that should be handled.

Mr. Dash. That is correct, Senator Baker. It initially was an oral statement given to me by Mr. Garment, counsel for the President. He followed it up with a letter to Mr. Dean and a copy to our committee in which he put in writing that he was authorized by the President to do as you just stated.

[The document referred to was marked exhibit No. 33.*]

Senator Baker. And the committee in executive session on this past Monday, I believe by unanimous vote, I am sure by unanimous vote, authorized the chairman to act on behalf of the committee in the matter of the handling of these classified documents.

Thank you, sir.

Senator Ervin. Certainly, let the record show as to what Mr. McCandless states that any documents, that the witness produces are produced in obedience to a subpena duces tecum.

Mr. Dash. Mr. Dean, you have a statement you wish to present to the committee.

Mr. Dean. That is correct, Mr. Dash. But before I commence reading the rather lengthy statement I would just like to make a couple of comments. First of all, Mr. Chairman, and Mr. Vice Chairman and members of the committee, I sincerely wish I could say it is my pleasure to be here today but I think you can understand why it is not.

Mr. Dash. Mr. Dean, could you please take the microphone and put it closer so we can all hear?

Mr. Dean. Certainly. It is a very difficult thing for me to testify about other people. It is far more easy for me to explain my own involvement in this matter, the fact that I was involved in obstructing justice, the fact that I assisted another in perjured testimony, the fact that I made personal use of funds that were in my custody, it is far easier to talk about these things myself than to talk about what others did. Some of these people I will be referring to are friends, some are men I greatly admire and respect, and particularly with reference to the President of the United States, I would like to say this. It is my honest belief that while the President was involved that he did not realize or appreciate at any time the implications of his involvement, and I think that when the facts come out I hope the President is forgiven.

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*See p. 1099.

Pursuant to the request of the committee I will commence with a general description of the atmosphere in the White House prior to June 1972.

The Atmosphere at the White House, Pre-June 1972

To one who was in the White House and became somewhat familiar with its interworkings, the Watergate matter was an inevitable outgrowth of a climate of excessive concern over the political impact of demonstrators, excessive concern over leaks, an insatiable appetite for political intelligence, all coupled with a do-it-yourself White House staff, regardless of the law. However, the fact that many of the elements of this climate culminated with the creation of a covert intelligence operation as a part of the President's reelection committee was not by conscious designs, rather an accident of fate.

These, of course, are my conclusions, but I believe they are well founded in fact. This committee, however, is not interested in my conclusions, rather it is interested in the facts as I know them. Rather than my characterizing the climate and attitudes, I shall—as requested—present the facts which themselves evidence the precursors of the Watergate incident.

Excessive Concern Over Demonstrators

It was not until I joined the White House staff in July of 1970 that I fully realized the strong feelings that the President and his staff had toward antiwar demonstrators—and demonstrators in general. But even before my joining the White House staff I was partially aware of this Presidential concern, a concern that, in turn, permeated much of the White House.

During my tenure at the Justice Department, as an associate Deputy Attorney General, I was involved in representing the Government in discussions with demonstration leaders regarding the terms of demonstration permits for activities in the Capital City. While I was not the decisionmaker, in this capacity, I was in close proximity to the decisionmaking process and thus realized that the White House (principally Ehrlichman) often made or cleared the final decisions regarding demonstration activity.

It was also because of my proximity to those involved with demonstrations at the Department of Justice that I became aware that the White House was continually seeking intelligence information about demonstration leaders and their supporters that would either discredit them personally or indicate that the demonstration was in fact sponsored by some foreign enemy. There were also White House requests for information regarding ties between major political figures (specifically Members of the U.S. Senate) who opposed the President's war policies and the demonstration leaders.

I also recall that the information regarding demonstrators—or rather lack of information showing connections between the demonstration leaders and foreign governments or major political figures—was often reported to a disbelieving and complaining White House staff that felt the entire system for gathering such intelligence was worthless. As I shall elaborate shortly, this attitude toward the intel-

ligence-gathering capability of the Government regarding demonstrations prevailed through my tenure at the Justice Department and the White House, and I was hearing complaints from the President personally as late as March 12 of this year.

It was when I joined the White House staff in July of 1970 that I became fully aware of the extent of concern at the White House regarding demonstrations and intelligence information relating to demonstrators. It was approximately 1 month after I arrived at the White House that I was informed about the project that had been going on before I arrived to restructure the Government's intelligence-gathering capacities vis-a-vis demonstrators and domestic radicals. The revised domestic intelligence plan was submitted in a document forwarded for the President's approval.

The committee has in its possession a copy of that document and certain related memorandums pursuant to the order of Judge Sirica. After I was told of the Presidentially approved plan, that called for bugging, burglarizing, mailcovers, and the like, I was instructed by Haldeman to see what I could do to get the plan implemented. I thought the plan was totally uncalled for and unjustified. I talked with Mitchell about the plan, and he said he knew there was a great desire at the White House to see the plan implemented, but he agreed fully with FBI Director Hoover, who opposed the plan, with one exception: Mitchell thought that an interagency evaluation committee might be useful, because it was not good to have the FBI standing alone without the information of other intelligence agencies and the sharing of information is always good and avoids duplication. After my conversation with Mitchell, I write a memorandum requesting that the evaluation committee be established, and the restraints could be removed later. I told Mr. Haldeman that the only way to proceed was one step at a time, and this could be an important first step. He agreed.

The Interagency Evaluation Committee (IEC) as it was referred to, was created, as I recall, in early 1971. I requested that Jack Caulfield, who had been assigned to my office, to serve as the White House liaison to the IEC, and when Mr. Caulfield left the White House, Mr. David Wilson of my staff served as liaison. I am unaware of the IEC ever having engaged in any illegal activities or assignments, and certainly no such assignment was ever requested by my office. The reports from the IEC, or summaries of the reports were forwarded to Mr. Haldeman and sometimes Ehrlichman.

In addition to the intelligence reports from the IEC, my office also received regular intelligence reports regarding demonstrators and radical groups from the FBI and on some occasions, from the CIA. A member of my staff would review the material to determine if it should be forwarded to Mr. Haldeman—that is, for bringing to the President's attention—or sent to another member of the staff who might have an interest in the contents of the report.

The committee has in its—Mr. Chairman, from time to time, I am going to skip parts of the statement in an effort to make sure that I can move as quickly as possible and get the statement completed in as short a time as possible.

Senator ERVIN. I believe it is important to read the whole statement since you thought it was important enough to write it.

Mr. DEAN. I will honor the chairman's wish.

For example, Len Garment would be sent information regarding Indian uprisings, Mr. Kissinger or General Haig information regarding travels of antiwar groups to Hanoi.

Also prior to and during a demonstration, my office would prepare summary reports for the President of the anticipated size of the demonstration, any information about the leaders of the demonstration, and during the demonstration, a description of the activities of the demonstrators and the Government's handling or anticipated handling of the demonstrations.

Contrary to the policy that had existed before I came to the White House, I sought to keep the White House out of tactical decisions regarding the demonstrations. I felt that these were decisions for the Department of Justice and the police. I felt my job was to merely keep the White House informed as to what might happen or was happening. My own desires were sometimes superseded when Mr. Haldeman or Mr. Ehrlichman did not like the way a particular demonstration was being handled. Sometimes they so instructed me to inform the Justice Department or Chief Wilson of the Metropolitan Police and sometimes Mr. Ehrlichman would so inform Justice or the Chief himself.

As soon as a potential demonstration was in the wind, I began receiving calls from Mr. Larry Higby, Mr. Haldeman's principal staff assistant, requesting intelligence reports. I also received frequent complaints regarding the quality of the available information, despite the fact that I felt the White House had the best information available to the Government.

I became directly and personally aware of the President's own interest in my reports regarding demonstrations when he called me during a demonstration of the Vietnam Veterans Against the War which occurred on the Mall in front of the Capitol. This was the occasion in May 1971—I believe that is the date—when the Government first sought to enjoin the demonstration and later backed down. The President called me for a first-hand report during the demonstration and expressed his concern that I keep him abreast of what was occurring. Accordingly, we prepared hourly status reports and sent them to the President.

I was made aware of the President's strong feelings about even the smallest of demonstrations during the late winter of 1971, when the President happened to look out the windows of the residence of the White House and saw a lone man with a large 10-foot sign stretched out in front of Lafayette Park. Mr. Higby called me to his office to tell me of the President's displeasure with the sign in the park and told me that Mr. Haldeman said the sign had to come down. When I came out of Mr. Higby's office, I ran into Mr. Dwight Chapin who said that he was going to get some "thugs" to remove that man from Lafayette Park. He said it would take him a few hours to get them, but they could do the job.

Senator ERVIN. The audience is here by the consent of the committee, and I am going to request the audience to refrain from giving expression of their feelings by laughter or otherwise. I hope the audience will restrain themselves in that respect.

Mr. DEAN. I told him I didn't believe that was necessary. I then called the Secret Service and met with Mr. Louis Sims. Mr. Sims said

that he felt that the Park Police could work it out. I went out with Mr. Sims, surveyed the situation, and Mr. Sims talked with the Park Police. Within 30 minutes the man had been convinced that he should move to the backside of Lafayette Park. There the sign was out of sight from the White House. I reported back to Mr. Haldeman and after a personal look see, he was delighted. I told Mr. Chapin he could call off the troops.

I also recall that the first time I ever traveled with the President was on his trip in 1971 to the Football Hall of Fame and on to Iowa to open a dam. After arriving at the Akron-Canton airport, I noticed that there was virtually no hostile demonstrator in sight of the President. Later when the President arrived at the motel where he was spending the night in Akron, I was a few paces behind him as he walked into the lobby. Across the street were chanting, Vietcong flag-waving demonstrators. The President, after seeing the demonstrators told the Secret Service agent beside him, in some rather blunt synonyms, to get the demonstrators out of there. The word was passed, but the demonstrators couldn't be moved—much to the distress of the advance men who were responsible for the President's trip.

It was after observing that incident that I talked with several individuals in charge of advancing Presidential visits that I learned a major part of any Presidential trip advance operation was insuring that demonstrators were unseen and unheard by the President.

In early February of 1972, I learned that any means—legal or illegal—were authorized by Mr. Haldeman to deal with demonstrators when the President was traveling or appearing some place. I would like to add that when I learned of the illegal means that were being employed, I advised that such tactics not be employed in the future and if demonstrations occurred—they occurred.

I stated earlier that there was a continuing dissatisfaction with the available intelligence reports. The most frequent critic was Mr. Haldeman, but the President himself discussed this with me in early March of this year, as a part of the planned counteroffensive for dealing with the Senate Watergate investigation. The President wanted to show that his opponents had employed demonstrators against him during his reelection campaign. However, with each demonstration that the President was confronted with, and each incident that occurred during the campaign, my office had sought to determine if it had in fact been instigated by political opponents of the President—Senator McGovern, the Democratic Party, or whomever. We never found a scintilla of viable evidence indicating that these demonstrators were part of a master plan; nor that they were funded by the Democratic political funds; nor that they had any direct connection with the McGovern campaign. This was explained to Mr. Haldeman, but the President believed that the opposite was, in fact, true. I have submitted to the committee the text of the President's memorandum to me on the subject.

[The document referred to was marked exhibit No. 34–1.*]

Mr. DEAN. On February 16, 1973, which was almost a month prior to this direct request from the President, I had, at Mr. Haldeman's request, received all the available intelligence on the demonstrations the President had been subjected to during the 1972 campaign. This

*See p. 1100.

intelligence did not evidence what the President was looking for, but I turned it over to Mr. William Baroody, telling him the President wanted a speech as part of the counteroffensive to the Watergate inquiry. Several weeks later Baroody reported, that he too agreed that the information wasn't there for a speech.

While there were other things which occurred, that evidence the concern about demonstrators, I believe the foregoing gives the committee a good sampling of the degree of concern.

Concern About Leaks

The committee has asked me about concern over leaks. I believe that most anyone who worked at the White House during the past 4 years can attest to the concern that prevailed regarding leaks—any and all leaks. This was a matter of frequent discussions among staff members and in some instances leaks were investigated by Haldeman's or Ehrlichman's office. I have submitted to the committee documents evidencing the types of investigations made.

[The documents referred to were marked exhibit No. 34–2.*]

Mr. Dean. I began to understand the high degree of concern after I got to know Mr. Jack Caulfield, who had been assigned to my staff. I would guess that I had been at the White House almost 1 year, before Mr. Caulfield told me that he had been directed by Mr. Ehrlichman to wiretap a newsman's telephone in pursuit of a leak. Mr. Caulfield told me that the wiretap was on for only a short period of time because he believed the FBI had subsequently taken over. He told me that he had been directed to perform the wiretap when Mr. Hoover was unwilling, but Mr. Ehrlichman wished to proceed.

The wiretap was undertaken, as I recall, in late 1969 or early 1970. Caulfield told me that it was performed by Mr. Ulasewicz, Mr. John Regan, and himself. He later repeated the story to me telling me that it had been a rather harrowing experience when he was holding the ladder in a back alley of Georgetown while also trying to keep a look out as another member of the group was working at the top of the ladder. He also told me that he received what he referred to as the "pair numbers" from Mr. John Davies, who was then on the White House staff, but who had previously been employed or had an association with the telephone company before joining the White House staff.

I do not know what information, if any, they obtained, nor do I know any other details other than what I have related above. I have no idea if the reason for the wiretap was related to national security and I believe Mr. Caulfield told me it was indeed Joseph Kraft's telephone they tapped.

While there was an always present concern about leaks, that concern took a quantum jump when the New York Times began publishing the Pentagon Papers in June 1971. After the initial legal skirmish to enjoin publication of the papers had died down, the White House concern about the problem of leaks had heightened.

To the best of my recollection—I have been unable to confirm this through the White House records—it was late June or early July that Jack Caulfield came to me to tell me that Mr. Colson had called him in, at Ehrlichman's direction, and instructed him to burglarize

*See p. 1101.

The Brookings Institute in an effort to determine if they had certain leaked documents. What prompted Mr. Caulfield to come to me was that he thought the matter was most unwise and that his instructions from Mr. Colson were insane. He informed me that Mr. Ulasewicz had "cased" The Brookings Institute and that Mr. Ulasewicz had made a friendly contact with one of the security men in the building, but the security system at the Brookings building was extremely tight and it would be very difficult to break-in. Caulfield told me that he had so informed Colson, but that Colson had instructed him to pursue the matter and if necessary he should plant a firebomb in the building and retrieve the documents during the commotion that would ensue. Mr. Caulfield said Colson's entire argument for burglarizing the Brookings was based on a publication he had obtained indicating that the Brookings was planning for the fall—1971—a study of Vietnam based on documents of a current nature, and a former consultant to the National Security Council worked there.

Caulfield convinced me that Colson was intent on proceeding, by one means or another, so I advised Caulfield that he should do nothing further, that I would immediately fly to California and tell Ehrlichman that this entire thing was insane.

I flew to California on a military aircraft courier flight that was going to San Clemente. I sat with Mr. Robert Mardian on the flight, who told me he was going to see the President about a highly important matter that he could not discuss with me—a matter which I will refer to later. When I arrived in California I arranged to see Ehrlichman and told him that the burglary of Brookings was insane—and, to persuade him, probably impossible. He said OK and he called Mr. Colson to call it off, and I called Mr. Caulfield to tell him it was called off.

It was not until almost 1 year or more later that I learned the reason for Mardian's trip to see the President. Mr. Mardian later told me, in a social conversation, that he had gone to see the President to get instructions regarding the disposition of wiretap logs that related to newsmen and White House staffers who were suspected of leaking. These logs had been in possession of Mr. William Sullivan, an Assistant Director of the FBI, and were, per Mr. Mardian's instructions from the President, given to Ehrlichman.

I had occasion to raise a question about these logs with Ehrlichman during the fall of 1972, and he flatly denied to me that he had the logs. I did not tell him at that time I had been told he had them and it was about February 22 or 23 of this year, Time magazine notified the White House it was going to print a story that the White House had undertaken wiretaps of newsmen and White House staff and a response was being asked for and I further got into the matter.

The White House press office notified me of this inquiry. I called Mr. Mark Felt at the FBI to ask him first what the facts were, and second, how such a story could leak. Mr. Felt told me that it was true, that Mr. Sullivan knew all the facts and that he had no idea how it leaked. I then called Mr. Sullivan and requested that he drop by my office, which he did. He explained that after much haggling, that the wiretaps were installed, but as I recall, Mr. Sullivan said they did not have the blessing of Director Hoover. Mr. Sullivan explained to me that all but one set of the logs had been destroyed and all the internal

FBI records relating to the wiretaps except one set, had been destroyed and all the material had been delivered to Mr. Mardian. After Mr. Sullivan departed, I called Mr. Mitchell who told me he also had an inquiry from Time magazine and denied to Time magazine any knowledge of the matter. I did not press him further as to what he did know.

I then called Mr. Ehrlichman and told him about the forthcoming story in Time magazine. I told him of my conversations with Felt, Sullivan, and Mitchell. I also told him I knew he had the logs because Mr. Mardian had told me. This time he admitted they were in his safe. I asked him how Mr. Ziegler should handle it. He said Mr. Ziegler should flatly deny it—period. I thanked him, I called Mr. Ziegler and so advised him.

Turning now to the so-called "plumbers" unit that was created to deal with leaks. I first heard of the plumbers unit in late July 1971. I do not recall ever being actually advised in advance that such a unit was being created in the White House, but I stumbled into it unknowingly when Mr. Egil Krogh happened to mention it to me. I was not involved in its establishment; I only know that Mr. Krogh and Mr. David Young were running it under Ehrlichman's direction. Shortly after Mr. Krogh told me about his unit, he told me that they were operating out of a supersecured location in the basement of the Executive Office Building. He invited me down to see the unit, which I did and he showed me the sensor security system and scrambler phone.

I never discussed with Mr. Krogh or Mr. Young what they were doing or how they were doing it. It was through Jack Caulfield that I learned that Mr. Gordon Liddy was working with Mr. Krogh. I did not know Liddy personally, although I may have met him. All I knew about Mr. Liddy was that Mr. Caulfield had told me and was to the effect that Mr. Gene Rossides of the Treasury Department and Liddy had a falling out, and Krogh waded into the middle of the dispute by hiring Liddy and bringing him into the White House.

I did not realize that Mr. Howard Hunt worked—most of his time while he was at the White House—in the plumbers unit until after June 17, 1972. I had seen Hunt on many occasions in Colson's office, and finally asked Mr. Colson who he was. He told me that he was doing some consultant work for him and introduced me. That was the only time I ever talked with Mr. Hunt.

I am not aware of what success the plumbers unit had in its dealing with leaks. I recall on one occasion after Jack Anderson printed the documents from a National Security Council meeting asking Bud Krogh if they had figured out who leaked the information to Mr. Anderson. He told me, yes, but that he couldn't disclose the name of the individual.

As I have indicated, the June 1971 publication of the Pentagon Papers caused general consternation at the White House over the leak problem. On June 29, 1971, the President brought the subject of leaks up in a Cabinet meeting as a part of a White House orchestrated effort to curtail all leaks. As a part of that effort, Mr. Haldeman instructed Mr. Fred Malek, Mr. Larry Higby, Mr. Gordon Strachan, and myself to develop a followup strategy for dealing with leaks. Mr. Malek and I never took the project very seriously, but Strachan and Higby continued to push. I have submitted to the committee memorandums outlining the project that finally developed.

[The documents referred to were marked exhibit No. 34–3.*]

Mr. DEAN. Mr. Malek was to take charge and Mr. Haldeman was to be brought in as the "Lord High Executioner" when a leak was uncovered. The committee will note from the documents I have submitted, this project was to complement and not compete with the plumbers. To the best of my knowledge this project never uncovered the source of a single leak.

I shall turn now, pursuant to the committee's request of me, from leaks to the matter of political intelligence, with the hope that my voice will hold up through this entire statement.

INTEREST IN POLITICAL INTELLIGENCE

The pre-reelection White House thrived on political gossip and political intelligence. I knew of the type of information they sought even before I joined the White House staff. During the summer of 1969, while I was working at the Justice Department, the then Deputy Attorney General, Richard Kleindienst, called me into his office and told me that the White House wanted some very important information. Mr. Kleindienst instructed me to call Mr. DeLoach, then Deputy Director of the FBI, and obtain from him information regarding the foreign travels of Mary Jo Kopechne. I was told that Mr. DeLoach would be expecting a call from me and once I had the information in hand, I was to give it to Jack Caulfield at the White House.

This incident stuck in my mind because of the rather sensitive nature of the information being obtained from the FBI and the fact that I was made the courier of the information.

To this day I can only speculate that I was asked to convey the information so that others could deny they had done so should the matter become known.

It was not until I joined the White House staff and Caulfield was placed on my staff that I learned that Caulfield was assigned to develop political intelligence on Senator Edward Kennedy.

Mr. Caulfield told me that within some 6 hours of the accident at Chappaquiddick on July 18, 1969, he had a friend named Tony on the scene, who remained on the scene conducting a private investigation of the matter and reporting pertinent information back to him. It was not until this spring that I knew or could remember Tony's full name—Anthony Ulasewicz. Caulfield told me that Mr. Ulasewicz posed as a newspaper reporter, and always asked the most embarrassing questions at any press gathering related to the Chappaquiddick incident. Caulfield also informed me that his instructions were to continue surveillance of Senator Kennedy and that he was doing so on a selected basis. I was told by Caulfield that although he had been assigned to my staff that he would continue to perform various intelligence gathering functions assigned to him by Mr. Ehrlichman or Mr. Haldeman.

I recall only once becoming involved in Mr. Caulfield's activities relating to Senator Kennedy. That occurred in the fall of 1971 when I received a call from Larry Higby, who later—and I can say later these talks were followed up with Mr. Strachan, who told me that

*See p. 1111.

Haldeman wanted 24-hour surveillance of Senator Kennedy and regular reports on his activities. I passed this on to Caulfield and we discussed it. He told me that he thought that this was most unwise because it would require several men and also could uncover his activities in that Senator Kennedy was bound to realize he was under surveillance and given the fact that it could easily be misinterpreted as someone who was planning an attack on his life, and the police or the FBI might be called in to investigate. I agreed fully with Caulfield. After some initial resistance, I convinced Higby that it was a bad idea to have a day-in-and-day-out surveillance and it was called off. Instead, Caulfield was to keep a general overview of Senator Kennedy's activities and pursue specific investigations of activities that might be of interest.

Caulfield seldom informed me of his findings, but occasionally he would bring matters to my attention. For example, Caulfield was instructed to investigate Senator Kennedy's visit to Honolulu in August 1971. I have submitted to the committee a copy of his report, which he passed on for me to see, along with several followup memorandums relating to the visit.

[The document referred to was marked exhibit No. 34–4.*]

Mr. DEAN. Political intelligence often came from unexpected sources. For example, during this last spring of 1972, a top man at the Secret Service brought me information regarding Senator McGovern. I asked Mr. Colson if he were interested. He was very interested and had the information published.

The persons on the White House staff who were most interested in political intelligence were Ehrlichman, Haldeman, and Colson. As the reelection campaign drew closer, I would have to say that it was principally Colson and sometimes Haldeman who sought information from my office that had political implication to it. While I have been unable to make a complete review of my office files to document the many types of inquiries, I do have some documents that evidence a fair sampling of the type of requests that were frequently made of me and how they were handled by my office. The documents are extremely sensitive and could be injurious to innocent people whose names are mentioned in them. Accordingly, I have submitted them for the committee's use, and I am prepared to answer any questions the committee may have regarding these documents.

[The documents referred to were marked exhibit No. 34–5 for identification only and are not for publication.]

Mr. DEAN. In addition to the rather wide ranging types of inquiries evidenced by the documents I have just referred to, and in addition to the extensive efforts to obtain politically embarrassing information on Senator Kennedy, there were also frequent efforts to obtain politically embarrassing information on Mr. Lawrence O'Brien, the Democratic National Committee chairman, Senator Muskie, and Senator McGovern. While the involvement of my office in seeking such information was peripheral, I have submitted to the committee records and documents which show the efforts of the White House to politically embarrass those individuals.

[The documents referred to were marked exhibits Nos. 34–6, 34–7, and 34–8 for identification only and are not for publication.]

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*See p. 1117.

Mr. DEAN. Again, because of the very sensitive nature of information contained in these documents, and the problems that information might unfairly cause those individuals, I shall not discuss the documents further, other than to point out to the committee that the interest in Mr. Larry O'Brien dates back, from my records, to the time I first joined the White House staff in July 1970, while the interest in Senators Muskie and McGovern developed as the reelection campaign developed.

I would now like to turn to a political intelligence and security plan that was designed for the campaign, but ultimately was rejected.

OPERATION SANDWEDGE

While Caulfield was a member of my staff, the use of Mr. Ulasewicz slowly diminished, in that I had no need for such investigative work, and I only requested Caulfield to obtain investigative information when someone else on the staff requested it. While I did try to find assignments for Caulfield that related to the work of the counsel's office it was difficult in that he was not a lawyer.

Mr. Caulfield was aware of this situation and in the spring of 1971 he came to me and told me that he was thinking of leaving the White House staff and establishing an investigative/security consulting corporation. He felt that there was a need and a market for what he described as a "Republican intertel"—Intertel being a firm being a long established firm that has been in existence working in this field. He told me that he could have a going concern by campaign time and that his firm could provide investigative/security assistance to the campaign.

We casually discussed this on several occasions. The basic and initial concept he had developed was an operation that could be funded by contracts with corporations. Mr. Caulfield's firm would provide services for these corporations, but it would also provide free services to the 1972 reelection campaign. I recall telling Caulfield that I could not help him in the intelligence field because I did not have any expertise in the area but I advised him that he should work with a lawyer in developing the concept he had outlined to me because it was fraught with legal problems. For example, I told him corporations are prohibited under Federal law from making direct campaign contributions.

Shortly after these conversations, Caulfield informed me that he had formed a group to develop a plan to submit to Mr. Ehrlichman, Mr. Haldeman, and Mr. Mitchell. The planning group intended to become the principal officers of the corporation once it commenced its activity. Caulfield and the group spent several months developing their plans and in early August or September of 1971 Caulfield brought me a copy of a memorandum entitled Operation Sandwedge and told me he was seeking a meeting with Mr. Ehrlichman to discuss the matter and requested that I assist him in getting a meeting with Mr. Mitchell. I do not know if Mr. Caulfield met with Mr. Ehrlichman. If he did, I was not present and have no knowledge of the meeting.

I read the memorandum and found it to be a privately operated extension of the types of things that Caulfield had been performing for Ehrlichman. I returned the memorandum to Caulfield and told him I would raise it with Mitchell. To the best of my recollection Opera-

tion Sandwedge envisioned the creation of a corporation called Security Consulting Group, Inc., which was to have offices in Washington, Chicago, and New York. It was to have an "overt" and "covert" capacity. The covert capacity would have operated out of New York—presumably under the aegis of Mr. Ulasewicz—and was to be separate and apart from the other operations in Washington and Chicago. The principal activity of the Security Consulting Group, Inc., was to provide private security for all phases of the campaign, but the New York "covert" operation would have the capacity to provide "bag men" to carry money and engage in electronic surveillance—if called upon to do so.

Although I returned the copy of the Operation Sandwedge memorandum given me by Caulfield, I did find in my records a copy of the proposed budget, which reflects some of the items I have just mentioned. I also found a number of memorandums relating to the campaign security aspects of the plan. I have submitted these documents to the committee.

[The documents referred to were marked exhibit No. 34–9.*]

Mr. DEAN. I did discuss Operation Sandwedge with Mr. Mitchell. I recall that he was not interested at all. He told me that he thought Jack Caulfield was a fine person, but he felt the principal problems would relate to security and the problems that demonstrators might pose to the campaign. Mitchell said he wanted a lawyer to handle any such operation and asked me to think about candidates. I told him that Jack Caulfield had requested an opportunity to discuss his plan with him, and I told him that I told Jack I would convey the message. Mitchell did not wish to discuss the proposal, so I kept putting Caulfield off when he raised it with me because I liked Jack and did not want to hurt his feelings, so I continued to keep putting him off.

I also recall that Ehrlichman raised Operation Sandwedge with me. I do not know if this was a result of his meeting with Caulfield or Caulfield sending him a copy of the memorandum. Ehrlichman told me that he would like to keep Tony Ulasewicz around during the campaign, but he did not think much of Caulfield's proposed grand plan. Ehrlichman told me that Mitchell knew about Tony Ulasewicz and that Mitchell and Jack should talk about Tony's future.

Meanwhile, Caulfield kept requesting an answer on his plans. He had his heart set on his proposal; he had spent long hours preparing it and I knew he was going to be very disappointed to learn that it had been shot down. Every few weeks Caulfield would send an item to me to prompt me to take some action. I have submitted to the committee the type of items he would send.

[The document referred to was marked exhibit No. 34–10.**]

Mr. DEAN. I would just file them and do nothing, as I had decided that the best course of action to save Jack's feelings was to let the matter die a natural death through no action. Indeed, that happened.

By November 1971, Caulfield realized that his plan was dead and he abandoned the idea. Realizing this, he told me he would like to work for Mr. Mitchell during the campaign as an aide-de-camp, and requested that I assist him in getting an appointment with Mitchell. I arranged for him to meet with Mr. Mitchell on November 24, 1971.

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*See p. 1121.
**See p. 1133.

Pursuant to Mr. Caulfield's request, I was not present during the entire meeting, but Jack later said that Mitchell had requested that he do some investigative work on McCloskey's campaign. Apparently, Caulfield convinced Mitchell that some greatly reduced versions of Operation Sandwedge might be of value, or he was seeking to show Mitchell what he could do. At any rate, Caulfield continued to call his intelligence gathering capabilities Operation Sandwedge. I have submitted to the committee copies of the investigative report that Mr. Caulfield prepared for Mitchell on the McCloskey New Hampshire campaign, and I hasten to add that to the best of my knowledge, Caulfield employed no illegal procedures in gathering this information.

[The document referred to was marked exhibit No. 34–11.*]

Mr. DEAN. Pursuant to the request of Mr. Ehrlichman that Mr. Mitchell determine whether continued funding should be provided for Mr. Ulasewicz, Mitchell asked me what Ulasewicz had been doing. I told him that I did not know, but would have Caulfield prepare a summary of the activities. On January 12, 1972, I informed Mitchell that Caulfield had prepared such a list and suggested he meet with him. I will submit this to the committee.

[The document referred to was marked exhibit No. 34–12.**]

Mr. DEAN. I would also note at this point that there is no list covering that exhibit, because while I thought earlier I did have a list, I have searched my records that were available and I have no such list available. There is a possibility that such a list might be available in my files at the White House.

I do not recall how this matter was resolved, but I believe some arrangement was made to compensate Mr. Ulasewicz, but to my knowledge, he was not used in any manner other than that to which I shall refer later in my statement. Mr. Caulfield and Mr. Kalmbach would know about the arrangements that were made.

I shall now turn to my knowledge of how an intelligence unit was established at the reelection committee.

ESTABLISHING AN INTELLIGENCE-GATHERING CAPABILITY AT THE REELECTION COMMITTEE

To the best of my recollection, it was the spring of 1971 that Mr. Haldeman discussed with me what my office should do during the forthcoming campaign year. He told me that we should take maximum advantage of the President's incumbency and the focus of everyone in the White House should be on reelecting the President. It was decided that the principal area of concern for my office should be keeping the White House in compliance with the election laws and improving our intelligence regarding demonstrators. I was also told that I should provide legal assistance in establishing the reelection committee and insuring that they had their own capacity to deal with the potential threats of demonstrations during the campaign and particularly at the convention.

I advised Haldeman that Jack Caulfield was developing a security plan and that he wanted to discuss his plan with Mr. Mitchell and Mr. Ehrlichman. I also told him I would seek to get the Interagency Evaluation Committee working on the potential for demonstrations during

*See p. 1134.
**See p. 1149.

the campaign and subsequently called Mr. Bernie Wells, the head of the IEC, to my office and told him of the concern of the White House for good intelligence during the coming campaign.

During the months that followed, I devoted most of my time to regular office functions, keeping abreast of the new campaign legislation and familiarizing myself with existing election laws, the Hatch Act, and related laws. It was not until after the proposed Operation Sandwedge had been shelved and Magruder had left the White House to form the reelection committee, that I began receiving calls from Strachan and Magruder that I was expected to suggest a lawyer to head up the demonstration intelligence operation at the reelection committee and to also serve as general counsel.

On several occasions Magruder told me that he would like to have Fred Fielding, my principal assistant, for this job. Fred Fielding and I discussed it, but rejected it for several reasons. First, Fielding was aware of the fact that I was considering leaving the White House at that time—I was actually interviewing for jobs outside of Government—and he knew that I would recommend that he succeed me as counsel.

Second, if I stayed, I would need his assistance during the months ahead. I might add parenthetically, that as I look back, if I had accepted the job I was interviewing for at that time, I would not be sitting here today.

After I informed Mr. Magruder that Mr. Fielding was not available, he requested that I suggest someone else, because he was desperately in need of an in-house lawyer. Accordingly, I next went to Mr. Krogh and asked him if David Young might be available and interested. Krogh told me that Young was very much involved in the declassification project and could not be spared. The reason Young had occurred to me is that I had spent several days traveling with him in mid-October 1971, interviewing prospective candidates for nomination to the Supreme Court. I might add that during those days of traveling around the country together he never told me what the plumbers unit was doing or had done. But I felt that Mr. Young was a bright and extremely capable lawyer who would make an excellent general counsel, and could handle the security and demonstration problems of the campaign.

During my conversation with Mr. Krogh about Young, he suggested that Mr. Gordon Liddy might be available, in that he had just about completed his work. Krogh spoke very highly of Liddy's legal ability and said that his FBI/Treasury Department background in law enforcement would qualify him to handle a demonstration intelligence and security operation for the reelection committee. I did not know Mr. Liddy but I respected Krogh's judgment, both as to his judgment of other lawyers and his knowledge of law enforcement. Bud had dealt with the demonstration problems for the White House before I joined the staff. I asked Mr. Krogh to find out if Mr. Liddy was interested.

Several days later Mr. Krogh informed me that Liddy was interested and asked me to come to his (Krogh's) office and meet Liddy and describe the job. I did this. I told Liddy that the primary responsibility for the job was to serve as the lawyer for the reelection committee, but among the responsibilities of the general counsel would be keeping abreast of the potential of demonstrations that might affect the campaign. Liddy said he was interested. Krogh said that he would first have to clear it with Ehrlichman. I advised them that Mr. Mitchell

and Mr. Magruder would be making the decision on filling the post, and if Krogh got the OK from Ehrlichman, I would set up a meeting for Liddy to be interviewed by Mr. Mitchell.

When Mr. Krogh gave me the OK from Ehrlichman, I called Mr. Mitchell and told him that Krogh, with Ehrlichman's approval, had suggested Gordon Liddy for the general counsel post and I arranged for Liddy to meet with Mitchell on November 24, 1971, after Mr. Caulfield met with Mr. Mitchell. I attended the meeting with Mitchell and Liddy, and I have submitted to the committee a copy of an agenda Mr. Liddy prepared for the interview session.

[The document was marked exhibit No. 34–13.*]

Mr. DEAN. While I cannot recall every detail that was discussed, I do recall that it was a very general job-type interview. Mitchell realized that Liddy was not familiar with the election laws and asked if I would assist him in any way I could in getting himself familiar with those laws. I agreed. There was virtually no discussion of intelligence plans, other than that Liddy would draw up some sort of plans. Most of the conversation centered around title and compensation. Mr. Mitchell agreed that Liddy would be titled general counsel. I do not recall the rate of his compensation. I also recall Liddy asking Mr. Mitchell when he would actually join the campaign, but Mitchell said he did not know.

After this meeting, Mitchell called me to say that he wanted Magruder to interview Liddy because Magruder would be the man working most with him. I so advised Liddy and on December 8, 1971, Mr. Magruder requested I bring Liddy over to his office for an interview. The interview in Magruder's office on December 8 was brief and nonsubstantive. Magruder told Liddy that he had a host of legal problems that needed attention immediately and pointed to a stack of papers that I assumed contained the problems that he was concerned about. There was a brief discussion of Liddy's responsibilities for demonstrations vis-a-vis the campaign and Liddy said that after he got acclimated to the committee's problems and needs he would draw up a plan. Magruder requested that Liddy come to work as soon as possible, which I believe was the following Monday.

After Liddy was hired at the reelection committee, I informed my staff—principally Mr. Fred Fielding and Mr. David Wilson—that they should assist Liddy in becoming familiar with the election laws. I made my election law files available to Liddy and believe that he used them and he had periodic contact with my staff and myself on election law matters.

I can recall that I had several discussions with Liddy about his responsibilities with the reelection committee in complying with the election laws. He told me that he had more work than there were hours in the day to complete it. I urged him to get volunteer lawyers to assist him and suggested several names of lawyers who might assist him.

I can also recall that several weeks after Liddy left the White House he was asked to turn in his White House pass. Liddy came to me and asked me to intervene on his behalf so that he might retain his pass and avoid the cumbersome procedures of clearance every time he wished to enter the White House. I thought that my office would have

*See p. 1150.

a good deal of contact with Liddy, so I requested that he be permitted to keep his pass. This request was turned down, however, because they had decided to provide a fixed number of passes for the people at the reelection committee and Magruder would decide who got the passes. I so informed Liddy and never heard any more about the matter.

Liddy's Plan—Meetings in Mitchell's Office

The next time I recall meeting with Mr. Liddy—I might say before this that I did have a brief occasion to see him in early January, I believe about the 9th through the 14th or 15th, when he attended a general conference in San Diego on the entire scope of the convention and the security problems that were going to confront the commission in San Diego.

After that, the next time I recall meeting Mr. Liddy was at a meeting in Mitchell's office on January 27, 1972. Magruder called my office to set up the meeting and only after I called Magruder to ask why he wanted me to attend the meeting did I learn that Liddy was going to present his intelligence plan. I met Magruder and Liddy at Mitchell's office. Liddy had a series of charts or diagrams which he placed on an easel and the presentation by Liddy began.

I did not fully understand everything Mr. Liddy was recommending at the time because some of the concepts were mind-boggling and the charts were in code names, but I shall attempt to reconstruct the high points that I remember as best I can. Liddy was in effect making a sales pitch. He said that the operations he had developed would be totally removed from the campaign and carried out by professionals. Plans called for mugging squads, kidnaping teams, prostitutes to compromise the opposition, and electronic surveillance. He explained that the mugging squad could, for example, rough up demonstrations that were causing problems. The kidnaping teams could remove demonstration leaders and take them below the Mexican border and thereby diminish the ability of the demonstrators to cause problems at the San Diego convention. The prostitutes could be used at the Democratic convention to get information as well as compromise the persons involved. I recall Liddy saying that the girls would be high class and the best in the business. When discussing the electronic surveillance, he said that he had consulted with one of the best authorities in the country and his plan envisoned far more than bugging and tapping phones. He said that, under his plan, communication between ground facilities and aircraft could also be intercepted.

I might also add that he gave an elaborate description of intercepting various microwaves to travel around the country through various communication facilities and I cannot explain to the committee what that was, because to this day, I do not understand it.

Each major aspect of his proposal was on a chart, with one chart showing the interrelationship with the others. Each operation was given a code name. I have no recollection of these code names. With regard to surveillance, and I do not recall that this was necessarily limited to electronic surveillance, he suggested several potential targets. I cannot recall for certain if it was during this meeting or at the second meeting in early February that he suggested the potential targets. The targets that I recall he suggested were Mr. Larry O'Brien, the Democratic headquarters, and the Fontainebleau Hotel during the Demo-

cratic Convention. Mr. Liddy concluded his presentation by saying that the plan would cost approximately $1 million.

I do not recall Magruder's reaction during the presentation plan because he was seated beside me but I do recall Mitchell's reaction to the "Mission Impossible" plan. He was amazed. At one point I gave him a look of bewilderment and he winked. Knowing Mitchell, I did not think he would throw Liddy out of the office or tell him he was out of his mind, rather he did what I expected. When the presentation was completed, he took a few long puffs on his pipe and told Liddy that the plan he had developed was not quite what he had in mind and the cost was out of the question. He suggested to Liddy he go back and revise his plan, keeping in mind that he was most interested in the demonstration problem.

I remained in Mitchell's office for a brief moment after the meeting ended, as the charts were being taken off the easel and disassembled and Mitchell indicated to me that Mr. Liddy's proposal was out of the question. I joined Magruder and Liddy and as we left the office I told Liddy to destroy the charts. Mr. Liddy said that he would revise the plans and submit a new proposal. At that point I thought the plan was dead, because I doubted if Mitchell would reconsider the matter. I rode back to my office with Liddy and Magruder, but there was no further conversation of the plan.

The next time I became aware of any discussions of such plans occurred, I believe, on February 4, 1972. Magruder had scheduled another meeting in Mr. Mitchell's office on a revised intelligence plan. I arrived at the meeting very late and when I came in, Mr. Liddy was presenting a scaled down version of his earlier plan. I listened for a few minutes and decided I had to interject myself into the discussions. Mr. Mitchell, I felt, was being put on the spot. The only polite way I thought I could end the discussions was to inject that these discussions could not go on in the Office of the Attorney General of the United States and that the meeting should terminate immediately.

At this point the meeting ended. I do not know to this day who kept pushing for these plans. Whether Liddy was pushing or whether Magruder was pushing or whether someone was pushing Magruder, I do not know. I do know, in hindsight, that I should have not been as polite as I was in merely suggesting that Liddy destroy the charts after the first meeting. Rather, I should have said forget the plan completely. After I ended the second meeting, I told Liddy that I would never again discuss this matter with him. I told him that if any such plan were approved, I did not want to know. One thing was certain in my mind, while someone wanted this operation, I did not want any part of it, nor would I have any part of it.

After this second meeting in Mitchell's office, I sought a meeting with Mr. Haldeman to tell him what was occurring, but it took me several days to get to see him. I recall that Higby got me into Haldeman's office when another appointment had been canceled or postponed. I told Haldeman what had been presented by Liddy and told him that I felt it was incredible, unnecessary, and unwise. I told him that no one at the White House should have anything to do with this. I said that the reelection committee will need an ability to deal with demonstrations, it did not need bugging, mugging, prostitutes, and kidnapers. Haldeman agreed and told me I should have no further dealings on the matter.

I assumed the Liddy plan was dead in that it would never be approved. I recall Liddy coming into my office in late February or early March on a matter relating to the election laws. He started to tell me that he could not get his plan approved and I reminded him that I would not discuss it with him. He stopped talking about it, and we went on with our business.

I have thought back over the sequence of events and tried to determine if I in any way encouraged Mr. Liddy and his intelligence plans. I am certain of this—I did not encourage him to develop illegal techniques, because I was unaware he was developing such plans.

Between the meeting in Mitchell's office on February 4, 1972, and June 19, 1972, I had no knowledge of what had become of Liddy's proposal. I did receive a memorandum from Magruder on March 26, 1972 that indicated that Liddy was doing some investigative work for Magruder, but nothing that appeared illegal. Let me explain.

During the first week of March 1972, Larry Higby, Haldeman's assistant, called me to request for Haldeman any information that Caulfield could come up with regarding the funding of the Democratic Convention in Miami. On March 15, 1972, I forwarded a newspaper article that Caulfield had discovered on the subject. Later that day Magruder brought to me a copy of a memorandum from Liddy to Mitchell regarding an investigation Liddy had conducted—using Howard Hunt—in Florida. I called Higby and he said that Magruder had already given him a copy. I told Higby that I did not see anything illegal by the Democrats based on the information in the memorandum. I made a notation on the bottom of the memorandum from Mr. Liddy, but I did nothing further and heard nothing further from Higby on the subject. I have submitted to the committee the documents I have just referred to.

[The documents referred to were marked exhibit No. 34–14.*]

Mr. DEAN. I shall now turn to the events following the Watergate incident of June 17, 1972, and begin by telling the committee how I first learned of the incident.

I will skip the first part here explaining how I ended up being out of the country when the decision was made in late May and returned on June 18, from the Far East.

FIRST KNOWLEDGE OF WATERGATE INCIDENT

In late May of 1972 the Bureau of Narcotics and Dangerous Drugs asked me to deliver a graduation address at its Training School in Manila, Philippines, on Saturday, June 17, 1972. I notified Mr. Alex Butterfield, pursuant to White House procedures for staff contemplating foreign travel, on June 7, and informed Mr. Butterfield that I planned to depart on June 14 and return on June 18 and that the trip had been cleared by the State Department, the National Security Council, and Bud Krogh (who had responsibility for the drug program on the White House Domestic Council). Mr. Butterfield also approved the trip and I departed for Manila on June 14.

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*See p. 1151.

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

I returned from this 4-day trip to the Far East on the morning of June 18. When I landed in San Francisco, after 20 hours of flying, I called my assistant, Fred Fielding, to check in and tell him that I was going to spend an additional day in San Francisco to get some sleep before I returned to Washington and, accordingly, I would not be in the office until Tuesday. It was at this time that I first learned from Mr. Fielding of the break-in at the DNC headquarters. Mr. Fielding told me that he thought I should return home immediately as there might be a problem and that he would fill me in when I got home. I recall that at first I resisted, but Mr. Fielding, who was not explicit at that time, told me I should come back so that he could fill me in.

Accordingly, I flew back to Washington and arrived on Sunday evening. I had a brief conversation with Mr. Fielding and he informed me that he had learned from Jack Caulfield that Mr. McCord from the reelection committee was among those arrested in the Democratic National Committee headquarters on Saturday and also that one of the Cubans arrested had a check that was made out by Howard Hunt to some country club. I recall that my immediate reaction was that Chuck Colson was probably involved. I was truly exhausted at this point so I told Mr. Fielding that I couldn't do anything at that time and I went to bed without doing a thing.

On Monday morning, June 19, I arrived at my office about 9:15, my normal arrival time at the office. While reading the news accounts of the incident, I received a call from Jack Caulfield who repeated what Mr. Fielding had told me on Sunday evening. Mr. Caulfield informed me that he had received the information from Mr. Boggs of the Secret Service. I next received a call from Mr. Magruder and, as best I can recall, Magruder said something to the effect that this might create some problems and I should look into it. He also stated that this was all Liddy's fault and he volunteered a few harsh epithets regarding Liddy. I also recall Magruder mentioning something about how the committee was going to handle the matter publicly but I cannot remember specifically what he stated regarding this. I told Magruder that I had just arrived back in the country and did not know any of the facts surrounding the incident, but I would look into it.

I next received a call from Ehrlichman, who instructed me to find out what I could and report back to him. I advised Ehrlichman of my call from Magruder and told him I probably should talk to Liddy—he agreed. I recall that Ehrlichman told me to find out what Colson's involvement was in the matter and he also suggested I speak with Mr. Kleindienst to see what the Justice Department knew about it. I told him I would report back to him after I talked with Liddy. I next received a call from Gordon Strachan who said he wanted to meet with me. I informed him that I would not be able to meet with him until early in the afternoon. He said he would drop by my office after lunch.

I next talked with Chuck Colson on the phone. I asked him what he knew about the incident and he vehemently protested that he knew nothing and had no involvement in the matter whatsoever. Colson advised me that Ehrlichman had spoken with him earlier regarding Mr. Hunt, earlier during that weekend, and Colson said that we should get together with Ehrlichman as soon as possible. I recall asking Colson if Hunt still worked for him and again he became very de-

fensive and stated that he was merely on his payroll as a consultant because Ehrlichman had so requested. He asked me to determine if Hunt was still on his payroll and I said I would check. Colson also expressed concern over the contents of Hunt's safe. Several weeks later—probably 4 or 5—I learned from Paul O'Brien, who was representing the reelection committee, that he had learned from Mr. Hunt's attorney, Mr. William Bittman, that Hunt and Colson spoke on the telephone over the weekend of June 17–18, and that Hunt had told Colson to get the materials out of his—Hunt's—office safe.

Mr. Hugh Sloan called me to tell me he was worried. At that time I knew of no reason why Mr. Sloan should be worried so I told him not to worry. He told me that he would like to meet with me and I told him that I was trying to find out what had happened and requested we meet in a few days. I do not recall the precise date we did meet.

I next contacted Liddy and asked him to meet with me. He said he would come to my office. As he came into the office I was on my way out. I suggested we take a walk. It was shortly before noon and we walked down 17th Street toward the Corcoran Gallery.

I will try to reconstruct the conversation to the best of my memory. While I cannot recall every detail, I do indeed recall the major items we discussed.

Mr. Liddy told me that the men who had been arrested in the DNC were his men and he expressed concern about them. I asked him why he had men in the DNC and he told me that Magruder had pushed him into doing it. He told me that he had not wanted to do it, but Magruder had complained about the fact that they were not getting good information from a bug they had placed in the DNC sometime earlier. He then explained something about the steel structure of the Watergate Office Building that was inhibiting transmission of the bug and that they had gone into the building to correct this problem. He said that he had reported to Magruder that during the earlier entry of the DNC offices they had seen documents—which I believe he told me were either Government documents or classified documents—and Magruder had told him to make copies of those documents.

Liddy was very apologetic for the fact that they had been caught and that Mr. McCord was involved. He told me that he had used Mr. McCord only because Magruder had cut his budget so badly. I asked him why one of the men had a check from Mr. Howard Hunt and he told me that these men were friends of Hunt and Hunt had put him in touch with them. I do not recall Liddy discussing any further involvement of Hunt, other than Hunt's putting him in touch with the Cubans. I asked him if anyone from the White House was involved and he told me no.

As the conversation ended he again expressed his apology and his concern about the men in jail. I told him I couldn't help and he said he understood. He also told me that he was a soldier and would never talk. He said if anyone wished to shoot him on the street, he was ready. As we parted I said I would be unable to discuss this with him further. He said he understood and I returned to my office.

After returning to my office I arranged a meeting with Ehrlichman in his office for mid-afternoon. Gordon Strachan came to my office shortly after I had met with Liddy. Strachan told me that he had been

instructed by Haldeman to go through all of Mr. Haldeman's files over the weekend and remove and destroy damaging materials. He told me that this material included such matters as memorandums from the reelection committee, documents relating to wiretap information from the DNC, notes of meetings with Haldeman, and a document which reflected that Haldeman had instructed Magruder to transfer his intelligence gathering from Senator Muskie to Senator McGovern. Strachan told me his files were completely clean.

I spoke with Mr. Kleindienst and he told me that both the FBI and the D.C. Metropolitan Police were investigating, and he assumed that the FBI would take full jurisdiction of the case shortly. He also alluded to his encounter with Liddy at Burning Tree Country Club, but did not explain this in full until I later met with him. I do not have a record of when I met with Mr. Kleindienst, but it was either on Monday, the 19th, or the next day. I will describe that meeting shortly.

I met with Ehrlichman in the mid-afternoon and reported in full my conversation with Liddy. I also told Ehrlichman about the earlier meetings I had attended in Mitchell's office in late January and early February and my subsequent conversation with Haldeman. He told me he wanted to meet later with Colson and told me to attend. Ehrlichman also requested that I keep him advised and find out from the Justice Department on what was going on. I did not mention my conversation with Strachan because I assumed that Ehrlichman was aware of this from Haldeman himself.

Later that afternoon I attended a second meeting in Ehrlichman's office with Colson. I recall Ehrlichman asking where Hunt was. I said I had no idea and Colson made a similar statement. At that point, before the meeting had started, Ehrlichman instructed me to call Liddy to have him tell Hunt to get out of the country. I did this, without even thinking. Shortly after I made the call, however, I realized that no one in the White House should give such an instruction and raised the matter. A brief discussion ensued between Ehrlichman and myself. As I recall, Ehrlichman said that he was not a fugitive from justice, so why not. I said that I did not think it was very wise. At this point, Colson chimed in that he also thought it unwise and Ehrlichman agreed. I immediately called Liddy again to retract the request but he informed me that he had already passed the message and it might be too late to retract.

Following this brief telephone skirmish regarding Hunt's travel plans, the meeting turned to Hunt's status at the White House. I had learned from Fred Fielding, who I had asked to check on it, that Hunt had not drawn a check from his White House consultantship since late March of 1972. But as far as I knew, the records indicated that Hunt was still a White House consultant to Colson. After discussions of this by Colson, who at this point was disowning Hunt as a member of his staff, Ehrlichman called Mr. Bruce Kehrli and requested that he bring Hunt's personnel records up to Ehrlichman's office. Before Kehrli arrived, Colson raised the matter of Hunt's safe. Colson, without getting specific, said it was imperative that someone get the contents of Hunt's safe. Colson suggested, and Ehrlichman concurred, that I take custody of the contents of the safe.

When Kehrli arrived he was quizzed by Ehrlichman and Colson on Hunt's status at the White House. Colson was arguing that Hunt should have been removed from the White House as of March 31, 1972. Mr. Kehrli's records, however, did not so indicate. I have submitted to the committee memorandums that Colson forwarded to me on June 19, presenting his argument. This was later resolved between Colson and Kehrli, pursuant to Colson's argument. I always assumed that this required some alteration of the records, but I do not know this for a fact.

[The documents referred to were marked exhibit No. 34–15.*]

Mr. DEAN. Following this discussion, Ehrlichman asked Kehrli where Hunt's office was located and how the contents of his safe could be removed. Kehrli explained that he would have to have GSA open the safe. Colson said it must be done immediately and Ehrlichman instructed Kehrli to have me present when the safe was opened and that I should receive the contents of the safe. Kehrli said he would call me when he had made the arrangements and he then left Ehrlichman's office. Ehrlichman told me to report to him on the contents of Mr. Hunt's safe and the meeting ended.

Kehrli called my office after I had departed. He talked with Fred Fielding and asked him to come with him to open Mr. Hunt's safe. I do not recall mentioning this to Fielding before I departed and I do not know what Kehrli told Fielding, but Kehrli was aware from the earlier meeting with Ehrlichman that I was to receive the contents of the safe.

After departing the office, I believe I went to Mr. Mitchell's apartment. I do not recall who asked me to come to Mitchell's apartment, and it may have been the evening of the 20th, rather than June 19. I recall that when I arrived, Mitchell, Mardian, and Magruder were there and I gather had been discussing matters before I arrived. I recall listening, but can only recall discussions of how to handle the matter from a public relations standpoint. I have no other recollection of the meeting.

It was on June 20 or 21 that Strachan and Mr. Richard Howard came to my office. Strachan informed me that Haldeman had authorized an expenditure by Colson of some funds, but the entire amount had not been expended and he was turning over the remainder to me to hold. I told Mr. Strachan that I would hold the funds and would be accountable for them. I placed the cash, $15,200 in my safe. I informed Mr. Fielding of my office of the fact that the cash was in my safe and where it had come from. I felt I should inform Fielding because I wanted someone to know why the money was in my safe if anything should happen to me.

The cash remained in my safe untouched until October 12, 1972, when I removed a packet of bills amounting to $4,850 and placed my personal check for that amount with the remaining cash. I removed the $4,850 after I had failed to make arrangements to pay for the anticipated expenses of my wedding, and my honeymoon. I subsequently expended the cash over a several month period of time as my honeymoon was cut short and the full amount I had anticipated was not necessary; thus, I used part of the cash for normal daily expendi-

*See p. 1157.

tures. At one point after I had withdrawn the cash I returned part of it to the safe, and subsequently took it out again when I was later making another attempt, after the election, to go on a honeymoon.

At no time when I was making personal use of part of these funds did I plan—or believe—that I would not have to account for the entire amount at some point in time. However, as I shall state later, there was great pressure, long before October, to use any and all available cash to pay for the silence of the individuals involved in the Watergate and I decided from the outset that I did not want the money I was holding to be used for that purpose.

I have never sought to hide the fact that I made personal use of this money from anyone. I informed my lawyers, I informed the Government prosecutors in April, and I informed Mr. Dash at the outset of our discussions.

The money is presently in a trustee account which was established after I informed my lawyers of the fact I was holding the funds, and all the records relating to the creation of that account have been turned over to the Government and this committee as well, I believe.

As I mentioned earlier in my statement, I met with the Attorney General, Richard Kleindienst, on either Monday, June 19, or Tuesday, June 20. I recall that before this meeting I had been asked by Ehrlichman to talk with Mr. Kleindienst about the scope of the investigation, and I had already had my meetings with Liddy and Strachan. When I went to Kleindienst's office I found him totally dismayed and angered that such a stupid thing could occur. He then told me that over the previous weekend, while at the Burning Tree Country Club, Liddy—accompanied by Mr. Powell Moore—had sought him out. He said he was incredulous when Liddy stated that John Mitchell had instructed him (Liddy) to tell Kleindienst to get the men who had been arrested out of jail. He told me that Liddy was rattled and upset and wanted to talk about the entire matter, but Kleindienst told me that he cut Liddy off and told him he would not talk with him.

I told Mr. Kleindienst that I did not have all the facts, but I was very concerned that this matter could lead directly to the President. I told him that I did not know if the President was involved, but I was concerned. I remember Kleindienst saying to me that he certainly hoped that the President was not involved or that I was not involved in any criminal activity. I told him that I had no idea that there was going to be a break-in at the Democratic National Committee headquarters and I agreed with his continued assertion of its stupidity.

I told Kleindienst, without giving him specifics, that I did not know what would happen if the investigation led into the White House, but that I suspected that the chances of reelecting the President would be severely damaged. Kleindienst called Henry Petersen and asked Petersen to come to his office. While we were waiting for Petersen, Kleindienst told me that my superiors at the White House never understood that once an investigation begins, it runs its full course. He said that he was always being asked to take care of this matter or that matter, as if by magic he could make something unpleasant go away. I said I was well aware of that attitude and that I had never been able to get through to anyone at the White House that things just did not work that way.

When Petersen arrived at Kleindienst's office he gave a status report of the investigation. Kleindienst then related my concern to Petersen. Petersen was troubled by the case and the implications of it. Kleindienst had another meeting, so Petersen and I—I believe the other meeting was in his office, so Petersen and I went into Mr. Kleindienst's back office and talked further. To the best of my recollection, we did not discuss specifics, rather it was a general discussion.

I told him I had no idea where this thing might end, but I told him I did not think the White House could withstand a wide-open investigation. The sum and substance of our conversation was that I had no idea how far this matter might go, but I had reason—without being specific—to suspect the worst. The meeting ended on that note, that I hoped I was wrong.

I do not recall ever reporting this meeting to Ehrlichman, because he had a somewhat strained relationship with Kleindienst and I thought he would raise havoc that I did not have an assurance from Kleindienst that he would take care of everything. I did report, however, that I felt Petersen would handle this matter fairly and not pursue a wide-open inquiry into everything the White House had been doing for 4 years. I made this statement not because of anything Petersen specifically said, as much as the impression he gave me that he realized the problems of a wide-open investigation of the White House in an election year.

Returning now to the contents of Mr. Hunt's safe, it was mid-morning on Tuesday, June 20, when the GSA men brought several cartons to my office, which contained the contents of Hunt's safe. I had learned earlier that morning from Fielding that the boxes had been secured in Kehrli's office overnight. Fielding also reported that they had found a handgun in the safe, which Kehrli had disengaged, a large briefcase containing electronic equipment, and a number of documents, some of which were classified. I told Fielding I would like his assistance later that day in going through the material.

During the afternoon of the 20th, Fielding and I began going through the cartons of Hunt's materials. I remember looking in the briefcase, which contained electronic equipment. I frankly do not know what it was it contained, but it contained loose wires, chapsticks for your lips with wires coming out of them and instruction sheets for walkie-talkies. As I recall, there were also some antennas in there.

We then began sorting the documents. The bulk of the papers were classified cables from the State Department relating to the early years of the war in Vietnam. These were separated out from the rest of the papers. The other papers I assumed related to Hunt's work at the White House. Also, there were personal papers. I will attempt, to the best of my recollection, to describe the papers and documents that were found in the safe. I must point out, however, that I personally did not look at all the documents, rather it was a combined effort by Fielding and myself to determine what was in Hunt's safe.

First, among his personal papers were copies of his submissions for his per diem pay as a consultant, a few travel vouchers, and an envelope containing materials of a personal nature relating to his wife.

Among the papers that I assumed related to his work at the White House were numerous memorandums to Chuck Colson regarding Hunt's assessment of the plumbers unit operation and critical of Mr.

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Krogh's handling of matters; a number of materials relating to Mr. Daniel Ellsberg, such as news clippings and a psychological study of Ellsberg which apparently had been prepared by someone who had never actually met or talked with Mr. Ellsberg; a bogus cable—that is, other cables spliced together into one cable regarding the involvement of persons in the Kennedy administration in the fall of the Diem regime in Vietnam; a memorandum regarding some discussion about the bogus cable with Colson and Mr. William Lambert; some materials relating to an investigation Hunt had conducted for Colson at Chappaquidick, some materials relating to the Pentagon Papers and a paperback book containing the published Pentagon Papers.

Upon examining the contents of the safe, I recall that Fielding and I discussed our concern about the public impact some of these documents might have if they became public, particularly in an election year. I requested that Fielding remove the politically sensitive documents from the others, which he did. The classified State Department cables were too bulky for my own safe, so I called David Young and requested that he store them for me in his office, as I assumed at that time that they would probably be returned to the State Department. I told Young when he came to pick up the materials that they had come from Hunt's safe and he should store them—all together—until I told him what to do with them. Accordingly, Mr. Young took the State Department documents to his office. The large briefcase was stored in a locked closet in my office suite, and the politically sensitive documents and Hunt's personal papers were placed in a safe in my office. The remaining materials were left in the cartons on the floor in my office.

I subsequently met with Ehrlichman to inform him of the contents of Hunt's safe. I gave him a description of the electronic equipment and told him about the bogus cable, the materials relating to Ellsberg and the other politically sensitive documents. I remember well his instructions: He told me to shred the documents and "deep six" the briefcase. I asked him what he meant by "deep six." He leaned back in his chair and said: "You drive across the river on your way home at night—don't you?" I said, yes. He said, "Well, when you cross over the bridge on your way home, just toss the briefcase into the river."

I felt very much on the spot, so I told him in a joking manner that I would bring the materials over to him and he could take care of them because he also crossed the river on his way home at night. He said, no thank you, and I left his office and returned to my office.

After leaving Erlichman's office I thought about what he had told me to do and was very troubled. I raised it with Fielding and he shared my feelings that this would be an incredible action to destroy potential evidence. I think Mr. Fielding appreciated my quandary—when Ehrlichman said do something, he expected it to be done. I decided to think it over. I did take the briefcase out of my office because the closet that it was being stored in was used by the secretaries in the office and I did not have an available safe to hold the large briefcase. I was also giving serious consideration to Ehrlichman's instructions. Accordingly, I placed the briefcase in the trunk of my car, where it remained until I returned it to the office after I had reached a decision that I could not follow Ehrlichman's instructions. I will explain in a few minutes how I handled the material in Hunt's safe, but before doing so, I would like to continue with the sequence of events.

Colson's FBI Interview

To the best of my recollection it was on June 20 or 21, that Colson told me in a casual conversation in the hall outside his office about an incident that he thought was painfully humorous. He told me that a member of his staff, Mr. Douglas Hallett, had an office in the same suite with Mr. Hunt, and Hallett was talking with a wire service reporter while Hunt was in the other office. Colson said to me something to the effect: "Can you believe what a story that reporter might have had if Hunt had come walking out of his office while Hallett was being interviewed?"

Colson gave me the impression that this incident had occurred on June 17 or 19, but I do not recall which. However, I do recall Colson telling me that it had occurred, as Colson was very concerned about his relationship with Hunt.

To the best of my recollection the FBI contacted me during the morning of June 22 and requested an interview with Colson. I so informed Colson, and an interview was arranged for that day. Colson said that he wanted me present when he was interviewed and also wanted to meet with me prior to the interview. He was insistent that I be present because he was concerned that the FBI report of the interview might not be accurate and he wanted someone else to attest to his story.

Colson came to my office shortly before the scheduled meeting with the FBI. He said that he did not wish to get into unrelated matters and he said again that he had no information regarding the Watergate. I told him I presumed that the agents would only be interested in his knowledge about the Watergate and his relationship with Hunt.

The agents arrived, identified themselves, and somewhat to my surprise, gave Colson a warning of his rights, which he waived. I believe the committee has access to Mr. Colson's FBI interview, which was rather brief, Colson imparted very little information to them.

[The document referred to was marked exhibit No. 34–16.*]

Mr. Dean. I did not interject myself into the interview at any time, but did make some rough notes of items covered. In fact, I believe this was the only interview where I made any notes at all. I made these notes because Colson had expressed his concern before the interview regarding someone later being able to attest to his story.

I have submitted to the committee the very rough notes, which have also been transcribed from my handwriting—the rough notes that I hastily jotted down during the interview, and find them very revealing in light of the statement that was made during the nomination hearings of Mr. Patrick Gray for the FBI directorship, and would like to digress for a moment regarding the comment that was made during those hearings that "Dean probably lied" to the FBI as to whether Hunt had an office in the White House.

Dean Probably Lied

During the interview of Mr. Colson on June 22, the agents asked him if Mr. Hunt had an office in the White House. Colson responded that he thought Mr. Hunt had an office in the EOB, but he did not

*See p. 1160.

know where it was located. This question came up about midway through the interview and was not, as I recall, pursued further at that point by the agents, other than a question to me as to whether it would be possible to get the room number. I said yes. At the end of the interview and as the agents were departing, they asked me if they could see—not whether Mr. Hunt had—rather whether they could see Mr. Hunt's office right then. I told them I would have to check it out and get back to them.

Those are the facts as I remember them, and Colson happened to stop by my office on the day that Gray said I probably lied. I asked Colson for this recollection of the matter and he stated that he remembered it as I had remembered it. At that time I had forgotten that I had made the notes during Colson's interview, which clearly reflected that Colson had stated during the interview that Hunt had an office in the White House. A few days after Colson's interview I called the agents and told them I had the materials from Hunt's office and would get the material to them shortly.

I learned after Mr. Gray made his statement during his nomination hearing that he based his conclusion on a report, written by the agents, some 7 months after the incident. When I talked with Gray about the matter during his nomination hearings and he informed me that he did not feel he could retract the statement without creating more problems, I told him that I did not think that the agents involved should be brought into the matter because I was sure that they had honestly reported the matter as they had remembered it. I had dealt with the agents involved on several occasions and felt that they had called it the way they had remembered it, so I let the matter drop and decided that I would just have to take the rather unpleasant heat and live with it.

Mr. Chairman, this could be a point where I could summarize part of this statement regarding handling of the FBI interview with the White House and just merely state generally that they follow a very similar pattern.

Senator ERVIN. That would be all right if you could indicate for the committee the pages on which the statements are made that you summarize so we can have those pages printed in full in the body of the record.

Mr. DEAN. All right, sir. I will summarize beginning at the bottom of page 63 through 66 and merely note to the committee that the handling of the FBI interviews at the White House followed the pattern that had first been established by the interview with Mr. Colson. I cleared this procedure with Mr. Ehrlichman. He felt it was a good idea I was there. I was there when he was present or when he was interviewed and I think that the material is self-explanatory as to any questions that the committee might have regarding those interviews.

GENERAL HANDLING OF FBI INTERVIEWS AT THE WHITE HOUSE

As previously indicated the first person to be interviewed at the White House by the FBI was Colson and Colson had insisted that I be present during his interview and requested I review the matter with him prior to his interview. The Colson interview

formed the general pattern that was followed with other members of the White House staff, that is I would discuss with the person before the interview what I throught the agents would be interested in and then discuss that person's area of knowledge. I had reviewed this procedure with Ehrlichman, who fully concurred in the procedure. On several occasions, Mr. Fielding of my office also participated in preparing witnesses for their interviews with the FBI. Contrary to some accounts that I sat in on some 14 to 18 interviews at the White House, the only interviews I recall sitting in on were Chapin's, Miss Chenow's, Colson's, Ehrlichman's, Miss Joan Hall's, Strachan's, Timmons', and Young's. Also I was present when Fielding, Kehrli, and I had a discussion with the FBI about the handling of the materials in Hunt's safe.

The only FBI interview that differed from the normal pattern was the interview of Miss Chenow. It was in late June that Miss Chenow's former roommate notified David Young and I believe also Bud Krogh that the FBI had been to see her and requested to know where Miss Chenow was. The former roommate had said that the agents had asked about a telephone listed in Miss Chenow's name. The roommate had informed the FBI that Miss Chenow was in London on vacation. David Young came to see Fielding and I and said that this girl could not know anything about the Watergate, but could cause the White House problems by inadvertently answering questions about the plumbers' operation, where she had been employed, and that the telephone had been listed in her name in connection with the plumbers' operation. Mr. Young was very concerned about Miss Chenow being caught off guard by an FBI agent. Accordingly, I notified Gray that we would make arrangements to have Miss Chenow available to the agents in Washington within a few days.

I discussed the problem, that Chenow could cause the White House problems, with Ehrlichman and suggested that someone bring her back from London for the interview and explain to her that she should not get into Hunt's and Liddy's activities while at the White House. Ehrlichman fully agreed and I called Fielding from Ehrlichman's office and told him he should be on the next plane to London to get the girl. The two first-class round-trip tickets were paid for by the White House. There were two sets because Miss Chenow was provided transportation back to London. I informed Kehrli, who would not authorize such a trip on my word alone, that I had cleared this with Ehrlichman. I do not know if Kehrli himself checked with Ehrlichman or Haldeman. I believe it was on July 2 that Fielding left for London and returned with Miss Chenow the next day. He did have some problem because the address that had been given him was incorrect. Fielding and Young briefed Miss Chenow when she came back before her interview, and Fielding and I were present when the FBI interviewed her.

I will now turn to my first meetings with Mr. Gray, beginning on page 66 regarding the investigation.

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

FIRST MEETINGS WITH MR. GRAY REGARDING THE INVESTIGATION

I believe that it was on June 21 that I first met with Gray in his office in the late morning regarding the FBI's investigation. At that meeting he told me he fully realized the sensitive nature of the investigation they were pursuing and that he had placed his most trusted senior people in charge of the investigation. I told Gray that I had been asked to be kept informed about the investigation. Mr. Gray told me that he had been visiting a number of regional offices and would be doing so in the future. Thus, if I needed any information I should call Mr. Mark Felt in his absence. I might note at this point that indeed Gray was frequently absent from the city during the course of the investigation and this irritated Ehrlichman greatly when he asked me to get information from Gray and Gray was out of the city. On several occasions, in fact, Ehrlichman instructed me to tell Gray to return to the city and mind the store. I passed this message to Gray, but I cannot recall what prompted Ehrlichman to have me do so at this time.

During my meeting with Gray on June 21 he also told me a man by the name of Mr. Bates was heading the investigation. I do not know Mr. Bates, and when I reported this back to Ehrlichman and he asked me who Bates was, I told him I did not know Bates. I can recall on several occasions Ehrlichman asking me if I thought that Gray knew what he was doing and if he had the investigation under control. I responded that he seemed to be relying on men in whom he had full trust.

To the best of my recollection, it was during this June 21 meeting with Gray that he informed me that the FBI had uncovered a number of major banking transactions that had transpired in the account of one of the arrested Cubans—Mr. Barker. He informed me that they had traced a $25,000 check to a Mr. Kenneth Dahlberg and four checks totaling $89,000 to a bank in Mexico City.

I do not recall whether I first learned about the Dahlberg check from Mr. Gray or whether I learned about it in a meeting in Mitchell's office by reason of the fact that the FBI was trying to contact Mr. Dahlberg about the matter and Dahlberg had called Mr. Stans. At any rate, the fact that the FBI was investigating these matters was of utmost concern to Mr. Stans when he learned of it. Stans was concerned about the Dahlberg check, I was informed, because it was in fact a contribution from Mr. Dwayne Andreas, whom I did not know, but I was told was a longtime backer of Senator Hubert Humphrey. Neither Stans nor Mitchell wanted Mr. Andreas to be embarrassed by disclosure of the contribution. The concern about the Mexican money was made a little less clear to me. I was told it was a contribution from a group of Texans who had used an intermediary in Mexico to make the contribution. Although I had not been told, I assumed at that time that they were concerned because it sounded to me as if it might have been a corporate contribution and clearly a violation of the law.

Mr. Stans also explained that he had checked with Sloan to find out how this money had ended up in Mr. Barker's bank account and Sloan reported that he had given the checks to Liddy and requested that he cash them: He said he had no idea how Liddy had cashed them, but surmised that he had obviously used Barker to cash them. I was also

told—and I do not recall specifically who told me this—that this money had absolutely nothing to do with the Watergate; it was unrelated and it was merely a coincidence of fact that Liddy had used Barker to cash the checks and Liddy had returned the money to Sloan. I was told that the investigation of this matter which appeared to be connected with Watergate but wasn't, was unfounded and would merely result in an unnecessary embarrassment to the contributors. Accordingly, Mitchell and Stans both asked me to see if there was anything the White House could do to prevent this unnecessary embarrassment. I, in turn, related these facts to both Haldeman and Ehrlichman. On June 22, at the request of Ehrlichman and Haldeman I went to see Mr. Gray at this office in the early evening to discuss the Dahlberg and Mexican checks and determine how the FBI was proceeding with these matters. Mr. Gray told me that they were pursuing it by seeking to interview the persons who had drawn the checks.

It was during my meeting with Mr. Gray on June 22 that we also talked about his theories of the case as it was beginning to unfold. I remember well that he drew a diagram for me showing his theories. At that time Mr. Gray had the following theories: It was a setup job by a double agent; it was a CIA operation because of the number of former CIA people involved; or it was someone in the reelection committee who was responsible. Gray also had some other theories which he discussed, but I do not recall them now, but I do remember that those I have mentioned were his primary theories.

Before the meeting ended, I recall that Gray and I again had a brief discussion of the problems of an investigation in the White House. Gray expressed his awareness of the potential problems of such an investigation and also told me that if I needed any information I should call either Mark Felt or himself. Gray also informed me that he was going to meet with the CIA to discuss their possible involvement and he would let me know the outcome of that meeting.

On June 23 I reported my conversation with Gray of the preceding evening to Ehrlichman and Haldeman. We discussed the Dahlberg and the Mexican checks and the fact that the FBI was looking for answers regarding these checks. I had the impression that either Ehrlichman or Haldeman might have had a conversation with someone else about this matter but this was mere speculation on my part at that time.

Within the first days of my involvement in the coverup, a pattern had developed where I was carrying messages from Mitchell, Stans, and Mardian to Ehrlichman and Haldeman—and vice versa—about how each quarter was handling the coverup and relevant information as to what was occurring. I was also reporting to them all the information I was receiving about the case from the Justice Department and the FBI. I checked with Haldeman and Ehrlichman before I did anything. One of the few sets of early documents evidencing this working relationship with Haldeman and Ehrlichman relates to responding to Larry O'Brien's letter of June 24 to the President requesting the appointment of a special prosecutor. I have submitted these documents to the committee.

[The documents referred to were marked exhibit No. 34–17.*]

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*See p. 1161.

Mr. DEAN. Consistent with the reporting pattern that had developed, I reported to Mitchell in a meeting also attended by Mr. Mardian and Fred LaRue, Gray's theories of the case as he had related them to me. This meeting occurred, to the best of my recollection, on Friday afternoon, June 23 or Saturday morning, June 24. During this meeting there were wide ranging discussions of the many problems then confronting the reelection committee including such matters as the problem the civil lawsuit filed by the Democratic National Committee could cause, the problem of the Dahlberg and Mexican checks, and to the best of my recollection this was the first time I had heard any discussion of the need for money to take care of those who were involved in the break-in of June 17.

I think also, Mr. Vice Chairman, I might omit the first paragraph here on page 71 of my prepared statement, and proceed with regard to my receipt of the reports.

Senator BAKER. Mr. Dean, it will be entirely agreeable and, as the chairman asked you previously if you would note that page in your statement where you would resume by appropriate identification.

Mr. DEAN. All right, I will leave out the first paragraph on page 71.

RECEIPT OF REPORTS FROM THE FBI

> In addition to the conversations that I was having with Gray regarding the status of the investigation, I was continually being asked by Mardian if I had seen the FBI reports on the investigation. I indicated that no, I had not. Mitchell also thought it might be helpful if I saw the FBI reports. As the demands increased for this information, I raised the matter with Ehrlichman and Haldeman and they both thought that I should indeed see the FBI reports. I first raised this with Peterson, who suggested I deal directly with Gray.

And I will begin by summarizing and saying to the best of my recollection it was in early July when I called Gray to discuss the matter of receiving reports from the FBI. Gray indicated that he was going to be in his office on Saturday and that I should come to his office and take a look at the reports in his office. I told him that I thought it was unwise for me to be coming in and out of the Justice Department, particularly since most of the guards and people at the Justice Department knew me. Accordingly, we arranged to meet later at his apartment and he said that he would discuss the matter with me then. I recall we took a stroll to the side of his apartment building and sat on a bench in front of the river and talked generally about the case and I raised with him the matter of my receiving some of the raw FBI data regarding the investigation. Gray said that he would have to check but wanted an assurance from me that this information was being reported to the President and that was the principal purpose of the request. I assured him that it was being reported to the President. Even though I was not directly reporting to the President at that time, I was aware of the fact that Ehrlichman or Haldeman had daily discussions with the President, and I felt certain, because Haldeman often made notes of my reporting back about the informa-

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

tion I was bringing to their attention, that this information was being given to the President.

I do not recall when actually I received the first written information from the FBI, but I believe it was after July 21 when I received a summary report that had been prepared on the investigation to that stage.

I would also like to now summarize to the bottom of the page, and indicate that when——

Mr. DASH. Bottom of page 72.

Mr. DEAN. Seventy-two, correct, and indicate that after I did get possession of the documents, the FBI files, I found them not very meaningful and later Mr. Mardian, Mr. Parkinson, Mr. O'Brien came over to my office and read the reports, and Mardian, they all reached the same conclusion and I recall Mardian's reaction was that the documents indicated that the investigation was too vigorous and he was quite critical of Gray and asked me to call Gray to slow down but I never made such a call.

> It was after I showed a copy of the July 21 report to Mr. Mitchell that Mardian insisted that he be permitted to see the FBI reports. Mitchell agreed, and thought that Paul O'Brien and Ken Parkinson should also see them.
>
> I recall that when Mardian, O'Brien and Parkinson finally came to my office to look at the reports, they realized that they were not very meaningful. It was Mr. Mardian, however, who became very excited because of the scope of the investigation that Gray was conducting and the tone of the cables he was sending out of headquarters. Mardian clearly thought that Gray was being too vigorous in his investigation of the case and was quite critical of Gray's handling of the entire matter. He demanded that I tell Gray to slow down, but I never did so.

Summarizing the first paragraph on page 73, I would also note that I never showed any of these reports to any persons who were interviewed by the FBI and they were only given to Mr. Dick Moore of the White House staff when he was working on the Segretti matter for Mr. Ehrlichman and Mr. Haldeman.

> I do not recall ever finding anything in the FBI reports which I scanned, that was worth reporting to Ehrlichman and Haldeman and so I never read all of the reports that were sent to me. The FBI files containing the reports never left my office, nor were they shown to anyone in the White House other than Dick Moore when Mr. Moore had been instructed to prepare a report on the Segretti incident by Ehrlichman. I never showed the reports to any of the persons who were interviewed by the FBI after their interviews.

FIRST DEALINGS WITH THE CIA

I will turn now to the first dealings I had with the CIA. It was during the meeting in Mitchell's office on June 23 or 24 that Mardian first raised the proposition that the CIA could take care of this entire mat-

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NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

ter if they wished, in that they had funds and covert procedures for distributing funds. I was personally unaware of the workings of the CIA, but Mardian and Mitchell appeared very knowledgeable. As a result of this conversation, which was prompted by my reporting that Gray thought the CIA might be involved Mitchell suggested I explore with Ehrlichman and Haldeman having the White House contact the CIA for assistance. It was also argued that the individuals involved in the Watergate incident, as former CIA operatives, might compromise the CIA in some manner, and the CIA should be interested in assisting.

On Monday morning, June 26, I spoke with Ehrlichman regarding this suggestion. He thought it was a good idea and worth exploring. He told me to call the CIA and explore it with them. I told him that I had never dealt with anyone at the CIA and did not know Director Helms. He told me that I should not call Helms, rather General Walters. I told him I did not know General Walters either. He then told me that he and Haldeman had had a little chat—as he called it—with Helms and General Walters a few days earlier about their dealings with the FBI in relationship to the investigation. He was not specific. He then told me that I should deal with General Walters because he was a good friend of the White House and the White House had put him in the Deputy Director position so they could have some influence over the Agency. He told me that I should tell General Walters that I was calling because he (Ehrlichman) had requested that I follow up on the earlier meeting they had and if there were any problems General Walters should call him. After my meeting with Ehrlichman, I telephoned General Walters. I told him I was calling at Ehrlichman's request on a matter relating to his previous discussions with Ehrlichman and Haldeman, and would like to have him visit with me if possible. He seemed somewhat surprised and uncertain about my call, so I told him that he might like to check with Mr. Ehrlichman. He said he would get back to me and he later called me back to set up a meeting for about noon at that day.

When General Walters came to my office I told him again that I was meeting with him at Ehrlichman's request. I made some general comments about the Watergate case. It was from my discussion as a result of general comment with Walters that I became aware of the fact that Ehrlichman and Haldeman had discussed the Dahlberg and Mexican money. We then discussed the fact that some of the leads that the FBI were pursuing were, to my understanding, were unrelated to the Watergate but could result in persons, totally uninvolved, being embarrassed. I would just like to note to counsel for the record that some of this is different from the original pagination of my draft that may have been lost through the transcribing of it here. I also told him that I understood that the FBI had developed three possible theories of the case, which I explained and then asked if, in fact, any of the men arrested were persons that were working for the CIA. General Walters assured me that they were not. I then told him that I had been asked to explore every possible means of dealing with this rather embarrassing and troublesome situation, because some of the men involved were looking for assistance. I asked him if there was any possible way the CIA could be of assistance in providing support for the individuals involved. General Walters told me that while

it could, of course, be done, he told me that he knew the Director's feelings about such a matter and the Director would only do it on a direct order from the President. He then went on to say that to do anything to compound the situation would be most unwise and that to involve the CIA would only compound the problem because it would require that the President become directly involved.

While I cannot recall in detail everything General Walters told me, I do recall that his argument was most sound and very persuasive. I told him I agreed with his position fully and I had merely been asked to explore the potential, which he very rightly stated was too great a risk. As the discussion ended I asked him that if he had any further ideas and told him I would appreciate the benefit of his thoughts. I thanked him for his coming over and his candid answers and he departed.

Subsequent to my meeting with General Walters, I reported back to Ehrlichman that Walters had informed me that any involvement by the CIA in this matter was impossible. I recall that when I reported this to Ehrlichman, he very cynically said "very interesting". He told me that I should talk with General Walters further and push him a little harder to see if the CIA couldn't help out, particularly with regard to the unnecessary pursuit of investigative leads. I also recall Ehrlichman saying something to the effect that General Walters seems to have forgotten how he got where he is today.

I would like to skip the paragraph on page 77 regarding the call from Gray, and turn to the last paragraph on 77.

> I received a phone call from Gray on June 27 in which he expressed both concern and confusion about his determining if the CIA was or was not concerned about the FBI investigation. I was also confused by Gray's call and do not recall at this time what, if anything, I did after I received it. However, I do recall that Ehrlichman had mentioned to me that he wanted Gray to deal with General Walters rather than Director Helms. Apparently this was the cause of the confusion on Gray's behalf.

On the morning of June 28 I arranged again to meet with General Walters. I was first embarrassed about requesting the meeting because he had been most explicit and convincing to me at the first meeting. I told him that I requested the meeting at Ehrlichman's behest to further discuss the problems of the Dahlberg and Mexican checks. I told him what I knew about the matters and that, to the best of my knowledge, they were not related to the Watergate incident. I then asked him if he had any suggestions. He expressed sympathy over the situation, but said there was nothing his agency could do. He again explained reasons similar to his earlier comments regarding CIA involvement and I expressed my understanding. I then asked him if he had any ideas at all and he said that it might be possible to explain the matter as an anti-Castro activity. We had some general discussion of this, but nothing concrete emerged from the discussion. Before Walters departed I assured him that I agreed that it would be most unwise to involve the CIA, and I thanked him—almost apologetically—for coming by again. At no time did I push him as I had been instructed.

At the conclusion of this meeting I was totally convinced, as I had

NOTE.—Indented matter represents portions of Mr. Dean's prepared statement which were omitted or summarized in his presentation.

been earlier, that the CIA could not and would not be brought in to solve the problems confronting the White House and reelection committee as a result of the Watergate incident.

I subsequently informed Ehrlichman and Haldeman that unless the President directly ordered the CIA to provide support for those involved that the CIA was not going to get involved. I told them I agreed with Walters that this would be a terrible mistake and they both told me they agreed.

Transmitting the Materials in Mr. Hunt's Safe to the FBI

I would now like to explain the transmitting of the materials in Hunt's safe to the FBI. As I noted earlier, shortly after the FBI interview on June 22 of Colson, and my later instructions from Ehrlichman to "Deep Six" the briefcase and shred documents, I had informed the FBI that I would forward the material found in Hunt's office. After weighing the implications of Ehrlichman's instructions to destroy the items I decided that I would not engage in any such activity myself or be pushed into it. Accordingly, I asked David Young to return the State Department cable to my office. I had already returned the briefcase from my car trunk to my office.

I received several calls from the FBI requesting the material, but I had not yet figured out how to tell Ehrlichman I was not going to destroy the material. I knew I had to develop a good argument to give Ehrlichman as to why the materials should not be destroyed. On June 25 or 26 I went to Ehrlichman to explain that I thought the men who drilled the safe had probably seen the briefcase, that the Secret Service agent who was present had probably seen some of the material; that Mr. Kehrli and Fielding had seen it—and what would happen when all those people were later asked by the FBI about the contents of the safe. Then, I said I felt we must turn over the material to the FBI. With regard to the sensitive documents, I suggested that they be given directly to Gray. I told Ehrlichman that, if ever asked under oath, I had to be able to testify that to the best of my knowledge, everything found in the safe had been turned over to the FBI.

The FBI agents came to my office, I believe on June 26 or 27. I gave them one box, which had been packed and told them that as soon as the other material was packed I would get it to them. When I got tied up in a meeting, I phoned Fielding and asked him to pack up the remainder of the materials, which I believe was the State Department cables and the briefcase. He did so and turned over the remainder of the materials, with the exception of the two envelopes which contained the politically sensitive materials I described earlier. I spoke with Ehrlichman on the 28th and informed him the material had been sent to the FBI with the exception of the politically sensitive documents. He told me he was meeting later that day with Gray and I should bring them over at that time.

I went to Ehrlichman's office just before Mr. Gray arrived. I placed the envelopes on the coffee table in his office. When Gray arrived, Ehrlichman told him that we had some material for him that had come from Hunt's safe. Ehrlichman described it as politically sensitive, but not related to the Watergate. I told Gray that Fielding and I had gone through Hunt's documents and had turned over all the materials to the agents except the documents in these two envelopes.

I said we did not believe they related to the Watergate in any way, but should they leak out they would be political dynamite in an election year. I believe at that point Gray placed the two envelopes in his briefcase. At no time while I was present with Gray and Ehrlichman was he instructed by myself or Ehrlichman to destroy the documents. Rather, he was merely told that they must never be leaked or made public. I departed and returned to my office.

The next time the fact of giving these documents to Gray came up was shortly before the criminal Watergate trial in January of this year. Fielding, Kehrli, and I were being interviewed by the prosecutors regarding the handling of the materials in Hunt's safe to establish the evidentiary chain. At one point in the interview, I asked Henry Petersen, who was present with Mr. Earl Silbert, if I could speak with him privately. At that time I felt I had to tell Petersen that not all the materials from Hunt's safe had gone directly to the agents, rather that two envelopes of material, the contents of which I could not itemize any better then than I can now, had been given directly to Gray. I told Petersen that if I were to testify I would have to reveal this fact. Mr. Petersen suggested that the interview be terminated, which it was, and that they would get back to me and we could complete it on another day. I was not called again and it was not because, I think, of my knowledge, but because of other intervening events and a motion that Mr. Bittman had filed not being pursued—but Fielding and Kehrli testified as to the evidentiary chain at the trial.

I recall that shortly after this meeting in Petersen's office, where I disclosed these facts to Petersen, I talked with Gray at a Department of Justice luncheon. After the luncheon he came up to me and told me that I must "hang tight" on not disclosing his receipt of the documents. He also informed me that he had destroyed the documents. I told Ehrlichman about this shortly after Gray told me he had destroyed the documents, and when Ehrlichman called me just before the President selected Gray as his nominee for Director of the FBI, Ehrlichman asked me if I had any problems with Gray and I reminded him of the destruction of the documents. He indicated that this was not a problem.

It was after I commenced my informal interviews with the Watergate prosecutors in early April of this year that this subject arose again. I repeated my story, as I have to this committee. They later informed me that Gray denied having ever received such documents. This was the first issue of fact that arose in my discussions with the prosecutors, so my attorney requested that I take a polygraph test, which I did. Subsequently, as is now public knowledge, and not to my surprise because I believe that Gray is both an honorable and truthful man, he has admitted that he had received and destroyed the documents.

Mr. Kalmbach and Silence Money

I would now like to turn back again to the end of June 1972. After my meetings with General Walters and subsequent meeting with Haldeman and Ehrlichman, I informed Mr. Mitchell that there could be no CIA assistance. To the best of my recollection, this occurred on the afternoon of June 28, in a meeting in Mr. Mitchell's office, and I believe that Mr. LaRue and Mr. Mardian were also present. There was

a discussion of the need for support money in exchange for the silence for the men in jail and if the CIA could not do it they would have to find money somewhere else. Mr. LaRue indicated that Mr. Stans had only a small amount of cash. I believe he said $70,000 or $80,000, but more would be needed. After some discussion which I cannot recall with any specificity at this time, Mitchell asked me to get the approval of Haldeman and Ehrlichman to use Mr. Herbert Kalmbach to raise the necessary money. Before I departed the meeting I remembered that Mr. Mitchell, in an aside for my ears only, told me that the White House, in particular Ehrlichman, should be very interested and anxious to accommodate the needs of these men. He was referring to activities that they had conducted in the past that related to the White House, such as the Ellsberg break-in.

I conveyed this request to Haldeman and Ehrlichman and they told me to proceed to contact Mr. Kalmbach. I called Mr. Kalmbach on June 28, and told him that Haldeman, Ehrlichman, and Mitchell had requested that he come back to Washington as quickly as possible. He told me he would take the next flight.

I met Mr. Kalmbach at the Mayflower Hotel on June 29. We first met in the coffee shop, but could not find sufficient privacy to talk, so we went to his room. I had always been very open in my dealings with Mr. Kalmbach, and I knew that he had stated, after he completed his fundraising activities prior to April 7, 1972, that he did not wish to engage in any further fundraising activities, so I told him everything I knew about the case at that time, including my concern that it might involve the President himself, but I did not know that for a fact. I also told him that Haldeman, Ehrlichman, and Mitchell felt it was very important that he raise the money. I told him that per Mitchell's instructions he should contact Fred LaRue as to the amounts needed and the timing. I knew that Kalmbach was not happy with this assignment, and he said he was undertaking it only because Mitchell, Haldeman, and Ehrlichman had so requested. I do not know if Mr. Kalmbach discussed this with any of these persons, but given the nature of the request, I did not expect him to take it on my word alone. I had never before given instructions to Kalmbach to raise any money or never passed on any similar instructions to him.

Subsequent to our meeting, Kalmbach informed me he was departing to raise the money, but he wanted Tony Ulasewicz to handle any deliveries because Mr. Ulasewicz was the only man he would trust. He said that he did not have his telephone number and requested that I call Jack Caulfield and request that Mr. Ulasewicz call him in California. I called Caulfield and made the request, but I did not tell Caulfield the reason Kalmbach wanted to have Mr. Ulasewicz call him.

Within a week or so, Kalmbach returned to Washington and requested that I meet him in Lafayette Park, which I did. He said that I could report to Haldeman and Ehrlichman that he had raised the money and, in fact, he said he had it in his briefcase with him, to the best of my recollection, he told me he was en route to meet Mr. Ulasewicz, but wanted me to know the job was done. Following that meeting and several days later, as I recall, he called me and said that he had asked Fred LaRue to come to my office to give him the details of who was to get how much. I recall that such a meeting did occur in my office, but I was on and off the telephone while LaRue and Kalmbach were going over the figures and I have absolutely no recollection of the

details of their discussion. I know that LaRue had the figures on a sheet of paper and Kalmbach wrote them down in his own code on a small piece of paper which he placed in his wallet. I have no further knowledge of how or when or to whom delivery was made. Mr. Kalmbach merely told me later that it had been done and I passed this on to Ehrlichman and Haldeman.

Senator BAKER. Mr. Dean, before you do, it is the wish of the chairman—he had to go to the floor of the Senate to attend other business—that we continue until about 12:30 and then recess for lunch, if that is agreeable to you. I think you might have time to just finish this sequence and then recess for lunch.

Mr. DASH. There is a break on page 97.

Senator BAKER. We will see how far the witness can go until——

Mr. DEAN. The witness only has the first part of his statement.

Senator BAKER. I understand there is another part of about 150 pages or thereabouts. We are anxious for you to go as far as you can, so you have been reading for 2½ hours, almost, so another 10 minutes, I think, and then we will break for lunch.

Mr. DEAN. Fine.

DISCUSSION OF MITCHELL AND MAGRUDER REMAINING AT THE REELECTION COMMITTEE

I would like to return once again to the period of June 21 through June 30 in the matter of Mr. Mitchell and Mr. Magruder remaining at the reelection committee. As I had indicated, I had frequent discussions with Ehrlichman and Haldeman, in which I would report back to them on information they had requested or report information I had received. It was sometime during the last 10 days of June that I recall a meeting in Haldeman's office in which they asked me for my recommendation regarding removing Mitchell and Magruder from the reelection committee. This discussion preceded my contacting Kalmbach. At that time I repeated my knowledge of the meetings which had occurred in Mitchell's office in January and February when Liddy was presenting his proposal. I told them I did not know for a fact that Mitchell had ever approved Liddy's plans, but Magruder had recently inferred to me that Mitchell was aware of the operation. I told them I had never discussed it with Mitchell himself and the only observation I could make was that the Watergate matter appeared to be consuming most of Mitchell's time, which might distract him from the campaign.

With regard to Magruder, I repeated what Liddy had told me regarding Magruder's pushing him into doing the break-in at the Democratic National Committee. I also said that I thought there was a real chance he could be indicted, although Mitchell and Magruder thought that the matter might be stopped at Liddy. Accordingly, I told them I did not think I could make a recommendation regarding Mitchell, but I did recommend that Magruder be removed in a graceful manner that would not unduly jeopardize him. They thanked me, and told me they would take my recommendations under advisement. The next time I heard anything about this subject was when it was publicly announced that Mr. Mitchell was resigning. I was somewhat startled that Magruder was remaining. It was clear that Magruder was the only link back to the White House, and Magruder

might not stand up if indicted. I recall Haldeman asking me if I thought Magruder would stand up if indicted and I said no. I have always assumed it was a Presidential decision to keep Magruder on at the reelection committee. Following the decision, Ehrlichman and Haldeman indicated a greatly increased interest in Magruder's problems. They were aware of the strategy to stop the involvement at Liddy, because I reported to them on the story that Magruder would tell, that is, that he did not know what Liddy was doing. They frequently asked me how Magruder was doing in relationship to the FBI and grand jury investigation. I also had calls from Mr. Larry Higby as to Magruder's status.

I do not know when I first learned of Magruder's proposed testimony, but I did not know that it had already been formulated when I first heard it. I informed Haldeman and Ehrlichman of the story. We discussed it and no one was sure it would hold up. This discussion did occur before Mitchell resigned. We, of course, knew that it was a fabricated story. When I later learned that Mr. Porter would corroborate Mr. Magruder's testimony, I informed Haldeman and Ehrlichman of that. I had never heard Mr. Magruder's story in full detail until just before his grand jury appearance, in mid-August 1972, when he asked me if I would be a devil's advocate and question him before he went before the grand jury. Magruder came to my office, as I recall, the day before his second grand jury appearance. He told me he had made the decision himself as to how he was going to handle his testimony and wanted me to ask him any and all questions I could think of. I spent about an hour or more questioning him. Shortly after I had this session with Magruder, Higby called me to tell me that Magruder had been to see him, to let Haldeman know he was ready.

Following Magruder's appearance before the grand jury I received a call from Higby requesting information for Haldeman as to how Magruder had done before the grand jury. I subsequently called Mr. Petersen, who said he would find out and call me back. Petersen called back and said he had made it through by the skin of his teeth. I called Haldeman and so informed him, and subsequently informed Mitchell and Magruder. I recall that Haldeman was very pleased, because this, of course, meant that the investigation would not go beyond Liddy.

In early September Paul O'Brien came to my office and informed me that there was an outstanding subpena for Magruder's diary. O'Brien said that Magruder's diary reflected the meetings in Mitchell's office in January and February with Liddy, Magruder, Dean, and Mitchell. O'Brien also informed me that there had been discussion of destroying or altering the diary, but he did not think much of that. I agreed that to alter it would be impossible because it would be discovered by the FBI laboratory.

I remember talking with Magruder and asking him why he kept a diary—being somewhat facetious. I told Magruder that he should talk with Mr. Mitchell about this, because he was probably going to have to turn the diary over.

Long before the matter of Magruder's diary had arisen, I had talked with Mitchell about the meetings in January and February in his office. I told him that should it ever be necessary, I would testify that I knew that he had not approved anything at these meetings. It was after the matter of Magruder's diary being subpenaed and Magruder again being recalled to the grand jury that Mitchell requested that I

meet with him and Magruder to discuss how Magruder should handle this matter before the grand jury. During the meeting at which this was discussed, I told Mitchell and Magruder that I had no idea what they had discussed before I arrived late at the second meeting in February. I said I recalled there was some reference to the election laws at the first meeting and Magruder could explain my presence with Liddy at the meetings by reason of the fact of the election laws discussion. Magruder liked this idea and said that was how he would handle it. I later learned that Magruder testified that one of the meetings had been canceled, and the meeting that occurred was to introduce Liddy to Mitchell and had dealt with election law problems. I assume that these refinements to the story were added by Magruder because they were not discussed at my meeting with Mitchell and Magruder.

Senator BAKER. Mr. Dean, that would seem to be a convenient breaking place. I notice that on the next page, 91, you have appearances of White House personnel before the grand jury, so if you have no objection to it, the meeting will stand in recess until 2 o'clock.

[Whereupon, at 12:30 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION, MONDAY, JUNE 25, 1973

Senator ERVIN. The committee will come to order.

Mr. Dean, I realize that when you have to do so much reading that sometimes it gets pretty hard on your voice and any time that you feel like you need a little break to sort of relieve your voice, let us know and we will certainly grant it to you.

Mr. DEAN. I appreciate that very much, Mr. Chairman.

If the Chairman is ready I will proceed.

When we stopped for lunch I was just commencing on page 91.

APPEARANCES OF WHITE HOUSE PERSONNEL BEFORE THE GRAND JURY

Mr. DEAN. I shall now turn from the matter of Magruder's appearances before the grand jury, to the appearance of the members of the White House staff before the grand jury.

The handling of the appearances of the White House staff before the grand jury was very similar to the procedure that had been followed with regard to their interviews by the FBI. By that I mean either Mr. Fielding or myself would discuss with the individual before he went to the grand jury the likely questions he would be asked, the unrelated areas that we didn't feel it was necessary for the individual to get into.

When Colson learned that he was going to be called before the grand jury, he was outraged. He felt that the press had been rather hostile toward him because of his association with Mr. Hunt and his appearance in the courthouse before the grand jury would be most detrimental. He was very insistent that something be done about the situation and asked me to see if I could do anything to help him. I called Henry Petersen and discussed this with him and asked him if there was anything that could be done. Petersen told me he would explore it. Petersen called back and said he appreciated the problem of the White House staff people coming down to the courthouse to appear

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before the grand jury and he had worked out an arrangement whereby they could come to the Department of Justice, be interviewed by the prosecutors with counsel present, and then the prosecutor would take a sworn statement without counsel present as if it were a secret grand jury room and later the prosecutors would read the statement to the grand jury. This procedure was followed, as I recall, for Mr. Colson, Mr. Krogh, Mr. Young, Mr. Chapin, and Mr. Strachan.

When Secretary Stans learned that he was being called before the grand jury, he expressed a similar outrage and requested a procedure like that which had been given to the members of the White House staff. I discussed this again with Petersen, but he said he didn't feel it would be possible to follow a similar procedure. Mr. Stans' outrage continued and finally he raised it directly with Mr. Ehrlichman. Ehrlichman asked me why I couldn't do anything with Petersen about this and I told him that Petersen had done the best he could but that there was nothing he could do about it because the grand jury wanted Stans to appear. Ehrlichman would not accept my explanation and called Petersen and was very harsh in telling Petersen that he should honor the White House request that Stans not be forced to appear at the court house to go before the grand jury. I was present when Ehrlichman called Petersen and felt that he was wrong in doing so. I felt that Petersen had been more than accommodating and that if he could have done it, he would, but obviously the grand jury wanted to see these people and Petersen was not happy with the procedures that had been followed with the others. It had merely been an accommodation. Accordingly, I called Mr. Petersen and apologized for the call that he had received from Ehrlichman.

The only significant matter that I can recall in connection with any of the grand jury appearances was in connection with Colson's grand jury appearance also. After Colson returned from his grand jury interview he sent me a memorandum, a copy of which I have submitted to the committee—which he suggested I might wish to send on to the prosecutors. I had been present during Colson's interview with the prosecutors before his sworn statement was taken and I did not find anything of significance in the memorandum that he had failed to cover during his interview.

[The document referred to was marked exhibit No. 34–18.*]

Mr. DEAN. I had also received information from Magruder that he had been pressured by Colson and members of Colson's staff into authorizing the adoption of Liddy's plans on several occasions and this information was not reflected in the memorandum that Colson had prepared. I felt that the memorandum was rather self-serving to Mr. Colson and I was not convinced that it was totally factual.

The memorandum also came to my attention almost a week after Colson had sent it to me because, immediately following his appearance before the grand jury at the end of August. I had gone to San Clemente. I advised Colson that I did not know if everything in his memorandum was consistent with Magruder's testimony, and I thought we ought to leave well enough alone. He agreed. Accordingly, I filed the document rather than forward it to Mr. Silbert.

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*See p. 1169.

THE SO-CALLED DEAN INVESTIGATION

It was while I was in San Clemente, at the end of August, that the President announced at a press conference the so-called "Dean Report" which cleared everybody presently employed at the White House or in the administration from any complicity in the Watergate matter. This statement was made on August 29, 1972.

I would like to recall to the committee what the White House had publicly said about this incident prior to the August 29 statement of the President.

On June 19, Ziegler reported that there was no inquiry being made by the White House into the matter. On June 20 Ziegler stated that the case is something that the President will not get into at all despite the fact that Mr. Hunt had been publicly linked to the White House.

On June 21, Ziegler stated that Colson had assured him that he was not involved, and the White House repeated the statement that the President would not get involved. On June 23, the President stated that, as Ziegler had said, the White House has had no involvement whatever in this particular incident.

On July 3, when the President was in California, he ruled out a special prosecutor and said that the FBI and other authorities will pursue the investigation thoroughly and completely. And, Ziegler further reported on that date that the President would not be getting special reports on this politically sensitive case since that would be inappropriate.

Suddenly came the August 29 statement citing the Dean investigation. I had no advance knowledge that the President was going to indicate that I had investigated the matter and found no complicity on the part of anybody at the White House or anyone presently employed in the administration. I first learned of the matter when I heard it on a television news broadcast that evening after I had departed from the compound at San Clemente. I was going to walk up to the residence and listen to the press conference that day because I had never been to a press conference on the west coast, but, at the last minute, I returned to my room and later turned on the television and heard the statement.

Had I been consulted in advance by the President, I would have strongly opposed the issuing of such a statement for several reasons which I would have told the President. First, I was aware that Gordon Strachan had close, daily, liaison with Mr. Magruder and had carried information relating to wiretapped conversations into the White House and later destroyed incriminating documents at Haldeman's direction.

Second, I had never been able to determine whether Haldeman had advance knowledge or not, and in fact, had never asked him because I didn't feel I could.

Third, I had always suspected, but never been able to completely substantiate my suspicion, that Colson was far more knowledgeable than he protested.

I was very aware of Mr. Colson's efforts to disassociate himself with Hunt and of Colson's continual production of documents that would disassociate himself with Hunt. Colson protested too much.

Finally, I was aware of the two meetings that I had attended and had reported these to both Haldeman and Ehrlichman. I reported to Haldeman, as I mentioned earlier, shortly after the meetings had occurred when I told him I thought the idea was bad and incredible and told him that I would have no connection or relationship with the matter. I had reported this to Ehrlichman in June 1972, shortly after the incident. I never understood how the Liddy plan had been approved and Magruder had indicated to me that there had been White House pressure to get the plan moving.

Accordingly, I would have been the last to say unequivocally, as the President so stated, that no one presently employed at the White House had any advance knowledge of the matter. I did believe, however, that nobody at the White House knew that there was going to be a break-in of the Democratic National Committee on June 17 because I don't believe that anyone other than those directly involved knew that that was going to happen, on that day. I don't know if the President's statement was meant to be a very literal play on carefully chosen words or whether he intended to give it the broad-brush interpretation that it later received. However, I would have certainly counseled the President against issuing the statement. And, I was very unhappy to have my name associated with the statement without being consulted whatsoever, and put out in front on the issue.

The issuing of the so-called "Dean Report" was the first time I began to think about the fact that I might be being set up in case the whole thing came crumbling down at a later time. I subsequently discussed this with other individuals—Mr. Moore, Mr. Fielding, and Mr. Mitchell—and they assured me, but not unanimously, that I need not worry because they did not believe that anyone at the White House would do that to me.

The Presidentially Directed Counteroffensive to the Democratic Civil Suits

In early September, as the FBI and the Department of Justice investigations began winding down the concern of the White House and the reelection committee shifted to the very active investigation that was being pursued by the Democratic National Committee through its discovery proceedings in its civil lawsuit against the reelection committee. The Democrats were making daily headlines with their lawsuit.

Senator Ervin. I would suggest your voice has dropped and I suggest you talk more directly into the microphone.

Mr. Dean. I will move closer then. I have several hours and I thought I ought to ease it back a little bit.

On or about September 9 or 10, I received a Presidential request from both Haldeman and Colson. The President felt that the best defense to the actions being pursued by the Democrats, and the charges and implications that were stemming from the lawsuits being filed by the Democrats, was our own counteroffensive with our own series of lawsuits against the Democrats. I recall that Colson called me repeatedly and finally reported that he had just come from the President's Office and that the President wanted action on this as quickly as humanly possible. I informed Mr. Colson that I was working on it

but that I wasn't going to suggest filing any lawsuit or taking any action that was not well founded.

I had talked with Mitchell, Ken Parkinson, and Paul O'Brien about the matter and Mr. Parkinson informed me that he was working on several potential counteractions. I requested that he submit a memorandum to me as soon as possible because there was great interest at the White House in a counterattack, including the interest by the President. On September 11, 1972, Mr. Parkinson submitted his memorandum to me and after the memorandum, I redrafted his documents for submission to Haldeman. I have submitted to the committee copies of both Mr. Parkinson's memorandum and the memorandum I submitted to Haldeman.

[The documents referred to were marked exhibit No. 34–19.*]

Mr. DEAN. You will note that my memorandum of September 12, 1972, to Mr. Haldeman has a "P" with a checkmark in the upper right-hand corner, which indicates that the document was forwarded directly to, or reviewed by, the President. I later learned that the President was pleased and wanted a full followup on the items in the memorandum. The markings on the memo are Mr. Haldeman's markings.

It was also about this time, later July—early September, that I learned during a meeting in Mitchell's office that Mr. Rhoemer McPhee was having private discussions with Judge Richey regarding the civil suit filed by the Democrats. I believe this fact was known to Mr. Mitchell, Mr. LaRue, Paul O'Brien, and Ken Parkinson—and later again by McPhee—that Judge Richey was going to be helpful whenever he could. I subsequently talked with Mr. McPhee about this, as late as March 2 of this year, when he told me he was going to visit the judge in the judge's rose garden over the weekend to discuss an aspect of the case.

MEETING WITH THE PRESIDENT—SEPTEMBER 15, 1972

On September 15 the Justice Department announced the handing down of the seven indictments by the Federal grand jury investigating the Watergate. Late that afternoon I received a call requesting me to come to the President's Oval Office. When I arrived at the Oval Office I found Haldeman and the President. The President asked me to sit down. Both men appeared to be in very good spirits and my reception was very warm and cordial. The President then told me that Bob—referring to Haldeman—had kept him posted on my handling of the Watergate case. The President told me I had done a good job and he appreciated how difficult a task it had been and the President was pleased that the case had stopped with Liddy. I responded that I could not take credit because others had done much more difficult things than I had done. As the President discussed the present status of the situation I told him that all that I had been able to do was to contain the case and assist in keeping it out of the White House. I also told him that there was a long way to go before this matter would end and that I certainly could make no assurances that the day would not come when this matter would start to unravel.

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*See p. 1173.

Early in our conversation the President said to me that former FBI Director Hoover had told him shortly after he had assumed office in 1969 that his campaign had been bugged in 1968. The President said that at some point we should get the facts out on this and use this to counter the problems that we were encountering.

The President asked me when the criminal case would come to trial and would it start before the election. I told the President that I did not know. I said that the Justice Department had held off as long as possible the return of the indictments, but much would depend on which judge got the case. The President said that he certainly hoped that the case would not come to trial before the election.

The President then asked me about the civil cases that had been filed by the Democratic National Committee and the common cause case and about the counter suits that we had filed. I told him that the lawyers at the reelection committee were handling these cases and that they did not see the common cause suit as any real problem before the election because they thought they could keep it tied up in discovery proceedings. I then told the President that the lawyers at the reelection committee were very hopeful of slowing down the civil suit filed by the Democratic National Committee because they had been making ex parte contacts with the judge handling the case and the judge was very understanding and trying to accommodate their problems. The President was pleased to hear this and responded to the effect that, "Well, that's helpful." I also recall explaining to the President about the suits that the reelection committee lawyers had filed against the Democrats as part of their counteroffensive.

There was a brief discussion about the potential hearings before the Patman committee. The President asked me what we were doing to deal with the hearings and I reported that Dick Cook, who had once worked on Patman's committee staff, was working on the problem. The President indicated that Bill Timmons should stay on top of the hearings, that we did not need the hearings before the election.

The conversation then moved to the press coverage of the Watergate incident and how the press was really trying to make this into a major campaign issue. At one point in this conversation I recall the President telling me to keep a good list of the press people giving us trouble, because we will make life difficult for them after the election. The conversation then turned to the use of the Internal Revenue Service to attack our enemies. I recall telling the President that we had not made much use of this because the White House did not have the clout to have it done, that the Internal Revenue Service was a rather democratically oriented bureaucracy and it would be very dangerous to try any such activities. The President seemed somewhat annoyed and said that the Democratic administrations had used this tool well and after the election we would get people in these agencies who would be responsive to the White House requirements.

The conversation then turned to the President's postelection plans to replace people who were not on our team in all the agencies. It was at this point that Haldeman, I remember, started taking notes and he also told the President that he had been developing information on which people should stay and which should go after the election. I recall that several days after my meeting with the President, I was talking to Dan Kingsley, who was in charge of developing the list for

Haldeman as to people who should be removed after the election. I told Kingsley that this matter had come up during my conversation with the President and he said he had wondered what had put new life into his project as he had received several calls from Higby about the status of his project within the last few days. The meeting ended with a conversation with the President about a book I was reading.

I left the meeting with the impression that the President was well aware of what had been going on regarding the success of keeping the White House out of the Watergate scandal and I also had expressed to him my concern that I was not confident that the coverup could be maintained indefinitely.

Blocking the Patman Committee Hearings

I would next like to turn to the White House efforts to block the Patman committee hearings. As early as mid-August 1972, the White House learned through the congressional relations staff that an investigation was being conducted by the staff of the House Banking and Currency Committee, under the direction of Chairman Patman, into many aspects of the Watergate incident. The focus of the investigation at the outset was the funding of the Watergate incident, and other possible illegal funding that may have involved banking violations. The White House concern was twofold: First, the hearings would have resulted in more adverse preelection publicity regarding the Watergate, and second, they just might stumble into something that would start unraveling the coverup.

The initial dealings with the Patman committee and the reelection committee were handled by Mr. Stans and Mr. Parkinson. However, as the Patman committee proceeded, Stans called for assistance from the White House. I was aware of the fact that the Patman investigators had had numerous conversations with Parkinson and the investigators themselves came to the Republican National Convention to interview Stans on August 25, 1972. Upon Mr. Stans' return from the Republican Convention he met with the investigative staff of the Patman committee, which I believe occurred on August 30. He was accompanied at both these interviews by Mr. Parkinson.

At some point in time during these investigations Mr. Parkinson was put in touch with Congressman Garry Brown, who was a member of the Banking and Currency Committee. To the best of my recollection, this may have resulted from discussions between members of the White House congressional relations staff with the Republican members of the Banking and Currency Committee to determine who would be most helpful on the committee, and Brown indicated his willingness to assist.

On September 8, Congressman Brown sent a letter to the Attorney General regarding the forthcoming appearance of Secretary Stans and others before the Patman committee. I have submitted to the committee a copy of this letter, which was, in fact, drafted by Mr. Parkinson for Congressman Brown.

[The letter was marked exhibit No. 34–20.*]

Mr. Dean. It is my recollection that Secretary Stans was scheduled to appear before the Patman committee for formal testimony on Sep-

*See p. 1181.

tember 14. Prior to Parkinson's drafting the letter for Congressman Brown, I had been asked to discuss the matter with Henry Petersen, which I did. I told Petersen of the problem and asked him for his feeling about Stans and others appearing before the Patman committee and what effect that might have on either the grand jury or the indicted individuals once the indictments were handed down. I recall that Petersen had very strong feelings that it could be very detrimental to the Government's ability to prosecute successfully the Watergate case, but he said he would have to give some thought to responding to Congressman Brown's letter. I had several additional discussions with Petersen and later with the Attorney General, when Petersen indicated he did not think he could respond before the scheduled appearance of Stans on September 14.

The Justice Department did not feel that it could write such a letter for one individual regarding the Patman hearings and was very reluctant to do so. I also had conversations with Mitchell about this and reported the matter to Haldeman and Ehrlichman. The Justice Department felt that for them to write such a letter would look like a direct effort to block the hearings and I frankly had to agree. Therefore, no response was sent prior to the scheduled September 14 appearance of Stans and Mr. Parkinson himself informed the committee that Stans would not appear because he felt it would be detrimental to the then pending civil and criminal investigations.

It was after my September 15 meeting with the President where this matter had been briefly and generally discussed and, as the subsequent activities on the Patman committee became more intense that the White House became more involved in dealing with the Patman committee. On September 25, Chairman Patman announced that he would hold a vote on October 3 regarding the issuing of subpenas to witnesses. With this announcement the White House congressional relations staff began talking with members of the committee as well as the Republican leadership of the House.

I recall several conversations with Mr. Timmons and Dick Cook regarding this matter as well as conversations with Haldeman. Timmons and Cook informed me that there was a daily change in the list of potential witnesses and the list was ever growing and beginning to reach into the White House itself. In discussing it with Haldeman I asked him how he thought the Patman hearings might be turned off. He suggested that I might talk with Secretary Connally about the matter because Connally would know Patman as well as anybody. I called Secretary Connally and told him the reason I was calling. He said that the only thing he could think of, the only soft spot that Patman might have, was that he had received large contributions from a Washington lobbyist and had heard rumors that some of these contributions may not have been reported.

I discussed this matter with Bill Timmons and we concluded that several Republicans would probably have a similar problem so the matter was dropped. At this time I cannot recall the name of the lobbyist whom Secretary Connally said had made the contributions to Mr. Patman. Timmons and I had also discussed that probably some of the members of the Banking and Currency Committee would have themselves potential campaign act violations and that it probably would be worthwhile to check out their reporting to the Clerk of the House. I told Timmons I would look into it.

On September 26 I received a report I had requested from Parkinson after he had one of his associates check the reports of the members of the committee with the Clerk of the House. After I received the document from Parkinson, a copy of which I have submitted to the committee, I decided it would be a cheap shot to get into anything of this nature.

[The document referred to was marked exhibit No. 34–21.[1]]

Mr. DEAN. Accordingly, I never reviewed the document that Parkinson submitted and I have not reviewed it to this day.

While the White House had received through its congressional relations staff informal reports as to who was likely to be subpenaed, Chairman Patman made public his list on October 2, 1972. The individuals for whom subpenas were to be requested was extensive and included several people who had varying degrees of knowledge regarding the Watergate and related matters. This list, for example, included Alfred Baldwin, Jack Caulfield, persons from the finance committee, Sally Harmony, Fred LaRue, Clark MacGregor, Mr. Magruder, Mr. Mardian, Mr. Mitchell, Rob Odle, Bart Porter, Hugh Sloan, Stans, Timmons, and myself. I have submitted to the committee a copy of the entire list.

[The document referred to was marked exhibit No. 34–22.[2]]

Mr. DEAN. As the names on the list had continued to evolve, it became increasingly apparent that the White House did not want the hearings to be held. For example, Bill Timmons took a much greater interest in the project when he realized early on that his name was among those who would be called. I say this not because Timmons had any reason not to appear because I know of no illegal or improper activity on Timmons' part, rather he had been working to prevent the hearings from occurring in the first instance through his conversations with the Republican leaders and members of the committee. This he knew would put him in an awkward position.

I began receiving increasing pressure from Mitchell, Stans, Parkinson and others to get the Justice Department to respond to the September 8 letter of Congressman Brown as a vehicle that Congressman Brown could use in persuading other Republicans not to vote in favor of the subpenas. Congressman Brown felt that with this document in hand he could give the Republicans and others something to hang their vote on. I had continued my conversations with Henry Petersen and after the indictments had been returned he said that indeed he did feel that the Justice Department should issue such a letter because of the potential implications of the breadth of the Patman hearings. The letter was sent on October 2, 1972. I have submitted to the committee a copy of Congressman Brown's letter [3] and Assistant Attorney General Petersen's response.

[The document referred to was marked exhibit No. 34–23.[4]]

Mr. DEAN. A number of people worked on getting the votes necessary to block the Patman committee hearings. Mr. Timmons discussed the matter with the House Republican leaders who agreed to be of assistance by making it a matter for the leadership consideration, which resulted in direction from the leadership to the members of the com-

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[1] See p. 1183.
[2] See p. 1190.
[3] Congressman Brown's letter appears as exhibit 34–20.
[4] See p. 1194.

mittee to vote against the hearings. I was informed that Congressman Brown had been working with several members on the Democratic side of the Patman committee to assist in voting against the hearings or as an alternative not to appear for the hearings. Timmons informed me that he was also in direct contact with one of the leaders of the southern delegation who was being quite helpful in persuading the southerners on the committee not to vote for the subpenas or in the alternative not to appear at the meeting on October 3. Also Mitchell reported to me that he had been working with some people in New York to get the New Yorkers on the committee to vote against the hearings. He told me, and I cannot recall now which members of the New York delegation he referred to, that he had assurances that they would either not show up or would vote against the hearings. I in turn passed this information on to Timmons, but I did not tell him the source of my information. On October 3 the vote was held and the subpenas were defeated by a vote of 20 to 15 and another sigh of relief was made at the White House that we had leaped one more hurdle in the continuing coverup.

On October 4, however, Chairman Patman requested a GAO investigation and I was asked by Stans what this would mean. I told him that this would be primarily between himself and the GAO but that since GAO had no subpena power to compel testimony, the scope of their investigation would have limits. He said he felt that he could work with Elmer Staats, who was an old and good friend, and not let this matter get out of hand with the GAO. On October 10, Chairman Patman decided to proceed without subpena power, and sent letters to MacGregor, Stans, Mitchell, and myself. Everybody who received such a letter declined to appear and Patman held his hearings with empty witness chairs and, as I recall the press accounts, "lectured" the missing witnesses.

The Segretti Matter

I would now like to turn to the so-called Segretti matter. I have been informed by committee counsel that the subject of alleged political sabotage will be taken up in subsequent hearings. However, I have been asked to explain in full the pattern of coverup which evolved in connection with the Watergate and related matters and my explanation would be less than complete in presenting my knowledge of the subject if I were to omit the so-called Segretti matter. While the Segretti matter was not directly related to the Watergate, the coverup of the facts surrounding Mr. Segretti's activities was consistent with other parts of the general White House coverup which followed the Watergate incident. I will not go into extensive detail at this time, rather I will give the highlights of the pattern that was followed regarding the dealings of the White House with Mr. Segretti.

I first heard of Mr. Segretti when Gordon Strachan called me in late June and told me that the FBI had called a friend of his by the name of Donald Segretti, and requested to interview him in connection with the break-in at the Democratic National Committee. Strachan asked if I would meet with Segretti. I told him that I would and Strachan arranged a meeting at the Mayflower Hotel where Segretti was staying. Strachan gave me a very general description of Mr. Se-

gretti's activities and said that he was a "dirty tricks" type operator who was being paid by Mr. Kalmbach. He told me that he would rather have Segretti himself tell me what he had been doing because he, in fact, was not aware of all of Segretti's activities. He also informed me that Mr. Chapin had been involved in hiring Segretti. I met with Mr. Segretti in the lobby of the Mayflower Hotel at which time he gave me a very broad description of his activities and said that he had had contact with a man by the name of Ed Warren, who, by having seen subsequent pictures in the paper, he assumed was Howard Hunt. I told Segretti to come to my office the next day and we would discuss the matter further.

When Segretti came to my office the next morning, he told me of his relationship with Mr. Hunt and that he had only had incidental dealings with him and recalled meeting with him twice in Florida and several subsequent telephone calls. Segretti told me that Hunt had "scared him" and that he had really decided early-on to deal with him as little as possible. Segretti then described how he had been hired and the fact that he had met with Kalmbach to arrange his compensation. He said he wanted to know whether he should mention the fact that Strachan and Chapin had recruited him and Kalmbach was paying him when he was interviewed by the FBI.

I told Segretti that he should answer any and all questions asked about Hunt and his relationship with Hunt but that he should withhold the names of Strachan, Chapin, and Kalmbach, unless the FBI felt it was absolutely necessary to have the names. Segretti departed and returned to California.

Several days after Segretti's FBI interview, he called me and told me that he thought his interview had gone very well. He said he told the FBI everything he knew about Mr. Hunt and the fact that he had no knowledge of the Watergate incident and that the agents had not pressed him in a manner that required him to reveal the names of Strachan, Chapin, and Kalmbach. I thanked him for informing me of the results of his interview and did not hear again from him until much later.

The next time I heard from Segretti was in August, during the Republican National Convention in Miami. I received a call from Mr. Chapin who indicated that Segretti was very concerned about the fact that he was being called before a Federal grand jury in Washington to investigate the Watergate.

Chapin told me that Segretti was looking for guidance as to his appearance before the grand jury and that he was concerned again that he might have to reveal the names of Strachan, Chapin, and Kalmbach. I informed Chapin that it would be impossible for me to go to Washington to see Segretti, but if he wished to come to Florida prior to his scheduled grand jury appearance, I would be happy to meet with him.

After my conversation with Chapin, I called Mr. Petersen at the Department of Justice and explained the problem that was confronting Segretti. I told Petersen that to the best of my knowledge Segretti had no involvement in the Watergate incident but he had had dealings with Hunt in connection with some campaign activities he had been performing for the White House.

I also informed Petersen that he was being paid by the President's personal attorney, Mr. Kalmbach, and that he had been recruited by Chapin and Strachan. I said that these facts, if revealed, would obviously be quite embarrassing and could cause political problems during the waning weeks of the election. Mr. Petersen said that he understood the problem and would determine what he could do. I subsequently talked to Petersen again and he told me that he did not believe it would be necessary for the prosecutors to get into these areas when Mr. Segretti appeared before the grand jury.

Segretti came to Florida a day or so before his appearance before the grand jury. To the best of my recollection it was on a Saturday during the week I was in Miami preparing for the convention. I had a very brief meeting with Segretti, not longer than 30 minutes, as I recall in which we reviewed his potential problem. I told him that I did not believe that the Government was particularly interested in pursuing the names of Strachan, Chapin, and Kalmbach in connection with his activities and I doubted if he would be asked any questions about these areas. I told him, however, if he were asked the questions, that he should answer any question and every question truthfully, and if we were asked the names of who had hired him and who had paid him that he should give the names. I told him if pressed, he should lay out the whole ball of wax.

I later learned from Segretti that the names had come out during the grand jury appearance and I had a discussion later with Petersen also on the subject in which he told me that Mr. Silbert had tried to avoid getting into this area and in fact did not ask him the question which resulted in his giving the names, rather that a grand juror had asked the question despite the fact that the prosecutors had tried to gloss over it.

As a result of Segretti's appearance before the grand jury, FBI interviews were scheduled for Chapin, Strachan, and Kalmbach. I had by this time learned the full story, that in fact Haldeman, in a meeting with Kalmbach, had approved Segretti's activities and authorized Kalmbach to make the payments to Segretti. In discussing this with Chapin and Strachan before their appearances or their FBI interviews, I should say, they both had great concern about revealing Haldeman's involvement. In fact, I recall that Strachan came into my office, when Dick Moore was present, and said that he would, if necessary, perjure himself to prevent involving Haldeman in this matter. I told Strachan that that was certainly not necessary in my estimation, but he was indeed, most loyal to Haldeman for taking that position. Dick Moore made a similar comment.

When the agents came to interview Chapin and Strachan, they contained themselves in their questioning and, to the best of my knowledge all the answers that Chapin and Strachan provided were truthful, although I must say that, pursuant to discussions I had had with them before their interview, they did not volunteer any information that was not asked for.

When I was in California in late August, I was asked by Mr. Ehrlichman to meet with Kalmbach and prepare him for his FBI interview regarding the Segretti matter.

Mr. Kalmbach was very concerned that the interview could lead into other areas, and had discussed this problem with Ehrlichman.

Accordingly, I helped Kalmbach prepare for his FBI interview, and he later informed me it had gone well, that they had not asked questions unrelated to the Segretti matter, and he volunteered nothing.

On October 10, 1972, an article based on leaked FBI information reported the Segretti story for the first time publicly. Following the October 10 story there commenced a series of stories involving Chapin, Strachan, Kalmbach, and, later, Haldeman. These stories created a new frenzy in the White House press office as to how to deal with the stories.

On Friday, the 13th, I had left Washington to go to Florida to spend several weeks on a honeymoon, but was abruptly called back to Washington on Sunday, October 15, because of the cascading leaked stories regarding Segretti. When I returned, I went to the White House where a meeting was in session in the Roosevelt room. In attendance at the meeting were Ehrlichman, Ziegler, Buchanan, Moore, and Chapin. The purpose of the meeting was to prepare Ziegler for his press briefings on the Segretti-related stories. For a reason that I cannot explain, a secretary to Mr. Chapin was present and taking notes during parts of the discussions and hypothetical questioning and answering of Mr. Ziegler. I believe this is one of the rare occasions where the preparation of a Ziegler briefing was actually recorded and I have submitted to the committee a copy of the notes recording parts of that session.

[The document referred to was marked exhibit No. 34–24.*]

Mr. DEAN. I might also add that this session was not unlike many other sessions that had preceded it and that were to follow it in preparing Ziegler to meet with the White House press corps. It would, however, take me another 200 pages to give that story. After Segretti became the subject of intense inquiry by the press, Ehrlichman suggested that I advise Segretti to go incognito and hide from the press and avoid further stories that might result from press interviews of him. I so advised Segretti and he came to Washington in late October, because he was very distressed about the fact that a number of people were issuing what he considered to be inaccurate and false stories regarding his activities.

When Segretti arrived in Washington, he was met by Mr. Fielding and myself to discuss whether he should issue a press statement himself at that time. This subject was also discussed in a meeting at Mr. Chapin's office attended by Ziegler, Ehrlichman, Chapin, and myself, and later by Fielding after he had received a draft copy of Segretti's proposed press statement. It was decided that it would be unwise for Segretti to issue the statement, so he commenced his travels around the United States once again to avoid the press. Mr. Segretti would periodically call me to tell me that he was in some small town and had not seen a newspaper or television for several days and was curious to know what they were saying about him. I would give him a summary report as to the press coverage.

Following the election, I was asked by Haldeman and Ehrlichman to meet with Segretti to determine the extent of the involvement that Chapin and Strachan had had with him. Segretti at this time was in Palm Springs, Calif., where he had been spending the last week before the election in the desert. I arranged to meet with him on November 10 in Palm Springs, and had planned to spend a week myself relaxing after the election in Palm Springs. On November 10 I met with

*See p. 1200.

Segretti and, pursuant to an arrangement between Segretti and myself, I agreed to tape the interview with him, with the understanding that I felt it was privileged under the doctrine of executive privilege and that it would never be released. I have submitted the tape of that conversation between Segretti and myself to the committee pursuant to a subpena issued for the material.

My visit to Palm Springs was abruptly interrupted when I received a call on November 11 from Mr. Todd Hullin, Ehrlichman's assistant, requesting that I come to Florida where Ehrlichman and Haldeman were accompanying the President, to report on my interview with Segretti.

Accordingly, I flew to Florida immediately and met with Haldeman and Ehrlichman on November 12 and played the taped interview I had had with Segretti for them. I recall that while I was discussing this matter with Ehrlichman and Haldeman, the President requested that Haldeman come over to see him. I was surprised on this occasion, as I had been on other occasions when a similar situation had occurred, that Haldeman sent a message back to the President that he was meeting with me and would be over shortly to report. I was surprised that my reporting on Segretti would take precedence over Haldeman's responding to an immediate request of the President.

On November 15, 1972, I arranged to meet with Mr. Haldeman and Mr. Ehrlichman at Camp David on another subject, which I will discuss later. During the first part of the meeting, however, the subject of Chapin's remaining at the White House came up, and I learned that the President had made a decision, based on the information that had been imparted to Haldeman and Ehrlichman in Florida, that Mr. Chapin would have to leave the White House staff. Before going to Camp David, I was aware of this subject being under discussion and Mr. Moore and I had talked about it. Moore felt that the President should merely issue a letter of censure to Chapin and let it go at that, but Moore was unaware of the contents of the tape and had never heard it. Pursuant to requests of Moore, however, I did raise his suggestion with Ehrlichman and Haldeman. Haldeman said that he was personally too close to Chapin to make a judgment on such a thing and that if it was going to be done, it was going to be reraised with the President it would have to be done so by Ehrlichman. Ehrlichman said that he did not think that it was possible to reraise the matter and subsequently Chapin resigned from the White House staff.

Discussions of a Written Dean Report

As the press accounts of Segretti's activities lingered on after the election as well as the continuing Watergate stories, there was serious discussion about putting out the facts. In late November, I recall a conversation with Haldeman in his office. We talked about the facts and he asked my opinion about what would happen if we put them out. I told him that I thought that the then pending trial would be put back into a grand jury and it was very likely that Mitchell, Magruder, Strachan, Ehrlichman, Haldeman, and Dean could be indicted. He asked me to elaborate. I said I had no idea nor did I have full knowledge of what happened before June 17 but I did know that there is a good possibility that any reconvened grand jury could get into questions of obstruction of justice which would lead right to us.

Haldeman said that the President wished, now that the election was over, to get rid of the Watergate and related matters by laying them open but based on what I had just told him he said it doesn't seem to be a very viable option. I told him that I was ready at any time to account for myself and that I thought we should continue to examine that option so that the President is not damaged. He then asked me to attempt to write a report that could be made public: A report that would be a written version of the so-called Dean investigation that the President had announced on August 29 and include a new report on the Segretti matter. I told Haldeman that I thought that this could only create additional new problems because it would be just like a peek into the tent without letting anyone in and it would be very difficult to write, but I would do my best.

I did not tell Haldeman that I was also opposed to writing a report under my name which I felt would come back to haunt me some day. Accordingly, to follow his instructions I decided that I would draft a series of carefully worded interrogatories or affidavits for each individual whose name had come up in the press regarding political sabotage and espionage activities. Then based on the affidavits I would write a summary report and attach the affidavits. I thought that I would merely waltz over the Watergate matter by referring to the fact that other governmental investigations, the FBI, and grand jury, had cleared anyone in the White House from involvement.

After drafting the document I reluctantly submitted it to Haldeman on December 5. I have submitted a copy of this document to the committee.

[The document referred to was marked exhibit No. 34–25.*]

Mr. DEAN. Haldeman in turn gave it to Ehrlichman, who made the editorial changes that appear on the draft. Ehrlichman then gave it to Ziegler. On December 13, a meeting was scheduled in Haldeman's office to discuss the matter but was subsequently moved to Ziegler's office. Present at the meeting were Haldeman, Moore, Ziegler, and myself. Ehrlichman had shown up for the earlier meeting in Haldeman's office but when it was moved to Ziegler's office, he never returned to the meeting, to the best of my recollection. Nothing was resolved at the meeting and it was a consensus of the group that the White House should continue, in Dick Moore's words, to "hunker down"—do nothing—on the general theory that no one would be arrested for what they didn't say.

THE HANDLING OF DEMANDS FOR WHITE HOUSE MONEY

Turning now to the handling of demands for White House money, I have previously discussed Mr. Kalmbach's raising the money for the first pressures for support money for silence. These pressures were continuous and following the election there were increasing pressures from Hunt for money for himself and the other indicted defendants as a means of assuring their silence. While this pressure had begun well before the election, it steadily grew after the election until the demands were being made directly to the White House for financial assistance. Before getting into the details of these pressures and how they were handled, I believe it might be helpful to explain the situation at the White House regarding the handling and availability of cash.

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*See p. 1210.

In early 1971, I was asked by Haldeman to assist in establishing the reelection committee in that they had no lawyer of their own. My activities resulted in my learning that there were large sums of cash that had been left over from the 1968 Nixon primaries and some funds had been left from the 1970 congressional fundraising efforts. These moneys, which were referred to as surplus moneys, were held by Kalmbach and controlled by Haldeman and Ehrlichman. I have submitted to the committee a memorandum prepared by Strachan of a meeting that was attended by Haldeman, Strachan, and myself on May 18, 1971, which reflects the tight controls Haldeman exercised over the surplus moneys held by Kalmbach.

[The document referred to was marked exhibit No. 34–26.*]

Mr. DEAN. I have also submitted to the committee documents evidencing that it was necessary to have Haldeman's approval, based on a full explanation of the reasons, for even the smallest disbursement by Kalmbach of the surplus money.

[The documents referred to were marked exhibit No. 34–27.**]

Mr. DEAN. In this instance, I am referring to an expenditure of $813.

It was sometime prior to April 7, 1972, that I learned that cash was being sent to the White House. I was not told the amount, but I was asked by Strachan if I could suggest someone outside of the Government who might be willing to hold a large amount of cash in a safety deposit box. I told him I would have to think about it but later told him I couldn't think of anyone.

It was in late June or early July 1972, that I learned that $350,000 of the surplus money had been delivered to the White House prior to April 7, 1972. I was informed that the money came from the 1968 primaries and that the delivery was made before April 7 to insure that it not become a part of the 1972 campaign funds.

The $350,000 fund, as I have indicated, was held by Strachan but I do not know where he held it. It was shortly before Mr. Sloan was being called to testify in July that discussions commenced on how to make the $350,000 fund whole and get it out of the White House. There was no easy answer, because there was no place to send it out without reporting requirements. The concern was that Mr. Sloan would testify that he was aware of the disbursal of the $350,000 to the White House. This, in turn, would have created two problems: The White House would have been accused of having a secret slush fund if this became public, and second, a $6,800 expenditure out of a $22,000 authorization which had been made presented a potential campaign act violation for Haldeman, Colson, and Howard. I had numerous discussions about how to handle this problem with Mr. Stans and Mr. Parkinson but there was no easy answer.

I also discussed this matter with Mr. Haldeman, telling him that there was no easy answer. Finally, after the election, Stans indicated he had cash available and it was decided that Stans should provide $22,000 to Strachan to make the funds whole and then they could be removed from the White House and, if necessary, reported. This plan was approved by Haldeman and Stans was so informed. On the morning of November 28, Stans called to request that Strachan come to his office to receive money that he had available. I do not know the

*See p. 1226.
**See p. 1231.

source of the money or whether it was campaign money or any of the details about the $22,000 that Stans had made available. I could not locate Strachan and Stans indicated that it should be picked up immediately but I cannot recall at this time the reason he called for the immediacy. Accordingly, I asked Mr. Fielding to pick up a package from Stans and give it to Strachan as soon as he could.

I informed Stans that Fielding would be over to pick up the package but he would not know what he was picking up and when I later learned that Stans had informed Fielding I was somewhat annoyed because I felt it was unfair to Fielding. The money was then given by Fielding to Strachan but no final decision had been made regarding how to dispose of the $350,000.

Having explained the status of the cash at the White House, I must now return to the pressure that was being placed on the White House for the use of these funds which I have just described for payments to the seven indicted individuals. This pressure began long before election day in that Paul O'Brien was receiving messages from William Bittman, Hunt's lawyer, that Hunt and others expected to have more support money and attorney's fees in exchange for continued silence. The initial payments by Kalmbach had not been sufficient. O'Brien reported this frequently to Mitchell, Mardian, LaRue, and myself. I, in turn, was reporting to Haldeman and Ehrlichman.

There were discussions in late July, August, and September of using these funds at the White House for these payments. I informed Haldeman of these discussions, but they were still in the discussion stage and no action was taken.

After the election, the pressure was greatly increased when Colson received a call from Mr. Hunt, which Colson recorded. Colson brought the recorded call to me and I, in turn, transcribed it onto a cassette tape. I have been informed by the committee counsel that the committee has in its possession a transcript of the conversation between Colson and Hunt in which Hunt makes demands for money. On November 15, I arranged a meeting with Haldeman and Ehrlichman so that they could hear the tape of the conversation Colson had had with Hunt and also to inform them of the increased and now threatening demands that were being transmitted through Hunt's lawyer to Mr. O'Brien and in turn on to the White House.

Haldeman and Ehrlichman were at Camp David at that time developing the plans for the reorganization of the executive branch for the second term of the Nixon administration. I departed on the morning of November 15 for Camp David with Mr. Walter Minnick, who was going to Camp David to discuss the reorganization plans with Ehrlichman. Mr. Minnick had been doing virtually all of the legal work at that time for Ehrlichman on the reorganization plan and was a member of Ehrlichman's staff. In fact, I was somewhat surprised that the counsel's office had not been more involved, or involved at all, prior to that time in the reorganization plans. After arriving at Camp David, Ehrlichman, Haldeman, and I went into the President's office in Laurel Lodge, which was empty. I have referred earlier to the fact that in this meeting the matter of Dwight Chapin's remaining at the White House was discussed.

It was after that discussion that I told them of the telephone conversation between Hunt and Colson and played the tape for them and

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also told them of the increasing demands being made for money. I told them I was going to New York that afternoon because Mitchell had requested that I come visit him regarding the demands being made and told them I would also play the tape for him. My instructions from this meeting were to tell Mitchell to take care of all these problems.

When we came out of this private meeting, Ehrlichman told Mr. Minnick, who had been waiting to meet with him, that we had been talking about reorganization matters. This position was taken because Minnick was at Camp David for that purpose and it would seem to be a very logical thing that I might be discussing with Haldeman and Ehrlichman. In fact, in our private meeting there was no discussion of the reorganization at all.

After a brief discussion about reorganization matters, I departed Camp David and returned to Washington and then flew to New York with Mr. Stans. Stans had told me some days earlier that he was going to meet with Mr. Mitchell to discuss a number of matters about winding down the reelection committee and asked me to join him.

Senator ERVIN. There is a vote. I will stay here and proceed with the committee and ask them to hold the vote until I can get over and somebody can come back and take over so I can get over and vote.

Mr. DEAN. Thank you.

Stans had arranged for the meeting with Mitchell to take place at the Metropolitan Club in New York City, because Stans was anxious to return to Washington as soon as the meeting was over and did not want to go down to Wall Street and get tied up in traffic. After the first part of the meeting where Stans and Mitchell discussed their problems, Stans departed and I played the tape for Mitchell. I recall that he had only one reaction to the tape and it was to the effect that it was certainly a self-serving tape for Colson and he wondered what the hell Hunt was talking about with regard to Mitchell's having perjured himself. I informed Mitchell that Ehrlichman and Haldeman had heard the tape and requested that he do what he could to solve the problem. I received no instruction or really any indication at all at that time from Mitchell regarding the matters that Hunt had raised in his conversation with Colson.

To the best of my recollection, it was the first week of December that Mitchell called me and said that we would have to use some of the $350,000 fund to take care of the demands that were being made by Hunt and the others for money. He indicated that the money that was taken out would be returned in order that the fund could be made whole again. He asked me to get Haldeman's approval.

Prior to Mitchell's call, I had been informed by Colson's secretary that Mrs. Hunt had called her at home on a number of occasions to discuss this problem with her in order that she might pass it on to Colson and get something done about the problem. Colson had sent his secretary, Miss Joan Hall, to me with these messages indicating that he did not want to talk to her about it but that she should pass the message on to me. I told Miss Hall not to talk to Mrs. Hunt and, if necessary, get an unlisted phone number.

After the phone call from Mitchell, I called Haldeman and described the situation in full to him and that I had told Mitchell that I was very reluctant to see White House money used but that he indicated that it would be returned as soon as they could raise some additional

money. I told Haldeman that I did not think this was a good idea to further involve the White House in raising money for these men but I frankly had no answer. Haldeman said he did not like it either, but since we had the assurance that the money would be returned, I should inform Strachan that he could make the delivery of the money to the committee. Following my conversation with Haldeman I called Strachan and told him he should speak with LaRue and make a delivery to LaRue pursuant to LaRue's instruction. I also informed Strachan that he should anticipate the fact that we would get this money back in the near future. I do not recall how much money was delivered by Strachan but I believe it was either $40,000 or $70,000.

This delivery did not satisfy the demands and they continued to be relayed by Mr. Bittman to Mr. O'Brien, who, in turn, would relay them to Mr. Mitchell, Mr. LaRue, and myself, I, in turn, would tell Haldeman and Ehrlichman of the demands. I can recall LaRue and O'Brien coming to my office to discuss these demands and I told them that there could be no further use of the White House money and, in fact, to the contrary, Haldeman was expecting that that money which had been provided earlier was to be returned in full.

To the best of my recollection, it was some time shortly before the trial when the demands reached the crescendo point once again. O'Brien and LaRue came to my office and told me of the seriousness of the problem. Subsequently, Mitchell called me and told me that once again I should ask Haldeman to make available the necessary funds. I called Haldeman and told him of Mitchell's request and the situation and told him that I thought it was time to get the entire money out of the White House rather than continue as we were with, every few weeks, further bites being taken out of the apple. After we discussed the matter Haldeman said, send the entire damn bundle to them but make sure that we get a receipt for $350,000. After receiving my instructions from Haldeman I called Strachan and told him that he was to deliver the remainder of the money to LaRue but that he was to make certain that he got a receipt for $350,000. Strachan later told me that LaRue had refused to give him a receipt.

With each of these deliveries I am only aware of the fact that money was delivered to LaRue by Strachan. I have no knowledge of how LaRue in turn delivered it to those who were making demands upon the committee, nor do I know how much, in fact, was paid.

Hunt's Status After the Death of His Wife

After Mrs. Hunt was tragically killed on December 8, 1972, Paul O'Brien informed me that he had learned from William Bittman that Hunt was in very bad shape. He had become extremely depressed and grieved over the death of his wife.

I also recall that the funeral of Mrs. Hunt created a serious dilemma for Colson, who had known the Hunts' personally and was very fond of them both, but was very concerned about in any way publicly identifying himself with Mr. Hunt. Accordingly, he came to ask me if he should attend Mrs. Hunt's funeral and I told him that I thought he ought to do whatever he felt in his heart—that certainly attending her funeral could not in any way be deemed to show he was in any way involved with Hunt in the Watergate. Colson ini-

tially told me he was going to attend the funeral but subsequently decided to send his secretary with a letter to Hunt expressing deep sympathy over the situation.

It was also after the death of Mrs. Hunt that I learned from O'Brien that Hunt's lawyer did not think that Mr. Hunt was capable of standing trial in his then psychological situation, and that he had been examined by a psychiatrist who had reached that conclusion. Mr. O'Brien had discussed this matter with Mitchell because Mr. Mitchell and I had a conversation in which he told me that Bittman thought that the Government might be of some assistance in resolving Hunt's problems temporarily by finding a sympathetic psychiatrist to examine Hunt who would concur in the findings of the psychiatrist who had already examined and found him not fit to stand trial. Mitchell asked me to discuss this with Petersen and I said I would. I had a brief conversation with Petersen about this and he said that if there was anything that could be done it would, but he did not think that anything could be done regarding this matter.

After the government psychiatrist determined that Hunt was capable of standing trial, I had a report back from O'Brien that Hunt was outraged that no one at the White House was doing anything to take care of him and, in fact, he thought that the White House and his friends had turned against him. He was not asking to have anybody fix his case, but he was merely asking for someone to give him time to recover from the tragedy of his wife's death.

I can recall telling Colson about this when I reported to him generally that Hunt was in rather bad shape and was thinking about pleading guilty rather than going through the rigors of a trial in his present situation. I also told Colson that I had been informed that Hunt wanted to talk with him, but since Hunt knew that would put Colson in an awkward position, that he wanted Colson to talk to his lawyers.

I shall now turn to the matter of Executive clemency for Mr. Hunt and others.

Executive Clemency for Mr. Hunt and Others

I was out of my office from roughly December 22 until the morning of January 3.

Senator Ervin. Would you like to take a little recess now?

Mr. Dean. I think my throat would enjoy that very much, Mr. Chairman.

Senator Ervin. The committee will take a short recess to go and vote.

[Recess.]

Senator Baker [presiding]. Mr. Dean, if you are ready to resume, the chairman asked me to reopen the hearings and proceed while he returns from the rollcall vote which has just been concluded on the Senate floor, if you would like to take a further and more lengthy break we will be happy to do that but if you are ready to proceed we will proceed.

Mr. Dean. I am ready to proceed. I would just as soon get the statement over.

Senator Baker. Go right ahead.

Mr. DEAN. As I was commenting before the break, on page 135 in dealing with the subject of Executive clemency for Mr. Hunt and others, I was out of my office from roughly December 22 until the morning of January 3. The latter part of this time I was in California with other members of the White House staff and their families on a short vacation. I received a call on the morning of January 2 while awaiting takeoff from California in the President's new Air Force One. The call was from Paul O'Brien, who told me that there were some serious problems and I should speak with him as soon as I returned to Washington. He told me that Mr. Hunt was off the reservation. I was traveling with Haldeman and told him about the call.

When I arrived in Washington that evening, I called O'Brien and he told me that Hunt was quite upset and wished to plead guilty but before he did so he wanted some assurances from the White House that he would receive Executive clemency. O'Brien told me that Hunt would only take the assurances from Colson and that Bittman had been trying to reach Colson. I told O'Brien that I doubted if Colson would be willing to give any such assurance because he was staying at more than arm's length from Hunt. I told O'Brien that I would have to talk with him about it in the morning.

On the morning of January 3, I received another call from Mr. O'Brien saying that the matter had to be resolved immediately because he had talked to Bittman, and they had been trying to get hold of Colson without any success. Colson called me to tell me that Bittman was trying to reach him and asked me if I had seen the letter that Hunt had sent him. I have submitted a copy of the letter to the committee.

[The letter was marked exhibit No. 34–28.*]

Mr. DEAN. I told Colson that I had not seen the letter, I had just returned to my office, and while we were talking I found in my mail a memorandum from Colson with a letter attached from Hunt in which he was desperately pleading to have Colson meet with his attorney, Mr. Bittman. I told Colson that I was aware of the fact that Bittman wanted to discuss the matter of Executive clemency for Hunt and that Hunt would only take assurances from him—Colson. As I recall, Colson said that he did not want to meet with Mr. Bittman but he would do whatever I suggested. I told him I would get back in touch with him.

I next met with Ehrlichman and told him about the situation and he thought that Colson should meet with Bittman. I do not believe Colson was present when I first discussed this with Ehrlichman. I informed Colson that Ehrlichman thought he should meet with Bittman.

In trying to reconstruct as best as I recall what occurred, there was a meeting in Ehrlichman's office on January 3, after Mr. Colson had had a conversation with Bittman about Hunt's potential for Executive clemency. I recall that when Colson came to the meeting with Ehrlichman he was extremely shaken, which was unlike Colson. He was not specific in his arguments to Ehrlichman but he said that he felt it was imperative that Hunt be given some assurances of Executive clemency.

The meeting in Ehrlichman's office did not last long and Ehrlichman said that he would have to speak with the President. Ehrlichman told Colson that he should not talk with the President about this. On

*See p. 1233.

January 4, I learned from Ehrlichman that he had given Colson an affirmative regarding clemency for Hunt and that Colson had talked with Bittman again about the matter. There was another meeting on this subject on January 5, in Ehrlichman's office, in which Colson explained exactly what he had told Bittman regarding clemency. He said that he had told Bittman that he could not give a specific commitment but he gave him a general assurance. He also said that he told him that clemency generally came up around Christmas and that a year was a long time. It was as this meeting was ending that I said to Ehrlichman that this will obviously affect all of the others involved as the word will spread, and can I assume that the same commitment extends to all? He said that no one could be given a specific commitment but obviously, if Hunt was going to get an assurance for clemency the others could understand that it applied to all.

After the meeting in Ehrlichman's office, Colson told me that although Ehrlichman had told him that he (Colson) should not discuss this matter with the President, that he, in fact, thought it was so important that he had taken it up with the President himself. I also learned shortly thereafter, as a result of a telephone call from O'Brien, that Bittman had informed O'Brien that Hunt was satisfied with Colson's assurances.

As I shall state later, the President himself raised this subject on two occasions with me, and told me that he had discussed the matter of Executive clemency for Hunt with both Ehrlichman and Colson. The President raised this with me on March 13, 1973, and April 15, 1973.

CAULFIELD'S DEALINGS WITH MCCORD—JANUARY 1973

While I was in California during the late December/early January, as I referred to a moment ago, 1973, I received a call from Mr. Fielding who told me that Jack Caulfield had received a letter from McCord. Fielding was not explicit regarding the contents of the letter, and said that he had taken down the letter and that I could read it when I returned in the next day or so to the office. I have submitted a copy of the letter transcribed by Fielding to the committee.

[The letter was marked exhibit No. 34–29.*]

Mr. DEAN. Within 2 or 3 days of my return to the office—that is between January 3 and 5, Mr. Caulfield came to my office with the original letter. I do not know what I did with the original, but I believe I gave it to Paul O'Brien. I know that O'Brien and I discussed the matter, because he told me that McCord was not cooperating with his lawyer—Mr. Alch. O'Brien also told me that Bittman had planned a CIA defense to the case, but McCord, who initially had been willing to go along, later refused.

O'Brien subsequently talked with Mitchell about the matter, because Mitchell called me and informed me that he had discussed the matter with O'Brien, and Mitchell asked me to request that Jack Caulfield talk with McCord to find out what he was going to do. I told Mitchell I would ask Caulfield to speak with McCord. When I later tried to reach Caulfield he had gone to California for a drug conference. I later informed Mitchell that Caulfield was out of town.

*See p. 1235.

It was on January 10 that I received calls from both O'Brien and Mitchell indicating that since Hunt had been given assurance of clemency and that those assurances were being passed by Hunt to the others, that Caulfield should give the same assurances to McCord, who was becoming an increasing problem and again I was told that McCord's lawyer was having problems with him. Both O'Brien and Mitchell felt that McCord might be responsive to an assurance from Caulfield, because Hunt, Bittman, and his lawyer, Alch, had lost rapport with him. I told Mitchell I would do so.

Based on the earlier conversation I had with Ehrlichman on January 5 that the clemency assurance that had been given to Hunt would also apply to the others, and Colson's description of how he had given Bittman a general assurance, without being specific as to the commitment, I called Caulfield later that day to request that he get in touch with McCord. Caulfield told me that it would be very difficult, because he was going to be in California for several more days. Caulfield indicated that it would be easier for Mr. Ulasewicz rather than himself to talk with McCord, because he was tied up with a lot of people at the drug conference. I said fine, and then gave him the clemency message similar to the message that Colson had transmitted to Hunt via Bittman. Caulfield wrote down the gist of the message, he repeated his notes back, and I said that was fine, and told him I thought that McCord would be expecting to hear from him as soon as possible. Caulfield said he would have the message delivered right away.

On January 11, I received a call from O'Brien, who asked me if the message had been delivered by Caulfield. I told him that it had. O'Brien told me that McCord wanted to speak with Caulfield personally and asked me when Caulfield could meet with McCord. I told him I would try to arrange it. O'Brien told me he was going to be out of town, but I could reach him if there were any problems. He told me he was keeping Mitchell posted and requested I keep him posted. O'Brien said that we need a firsthand report, a firsthand reading on McCord from someone he will talk with, because he is not talking openly with his lawyer about what he plans to do. I told O'Brien I would call him (O'Brien) as soon as I learned anything.

I called Caulfield on January 11 and told him that McCord wanted to meet with him and asked him if he would do so and take McCord's pulse as to what he planned to do. He told me he would meet McCord as soon as he returned to Washington.

On Friday, June 12, Mitchell called me for a report. I told him I thought I would hear from Caulfield after he talked to McCord. Caulfield called me at home Friday night to inform me that he had met with McCord and suggested we meet at my office in the morning so he could give me a report, that was a Saturday morning. I said fine, and on Saturday morning we met and he gave me a report. The sum and substance of the report was McCord had not decided what he was going to do, but that he wanted his freedom. Caulfield reported that McCord was very annoyed at Magruder. He had seen a picture of Magruder in the paper which had peeked his annoyance. He also told Caulfield that he had a plan that would enable him to get his case dismissed, but his lawyer had not helped him with the matter and the Government had lied to him. He explained that he had made calls to certain foreign embassies, and that these calls had been recorded, but the Government would not admit it.

During this meeting with Caulfield I received a call from either John Mitchell or Paul O'Brien requesting a report on the meeting. I told the caller that I was getting a report from Caulfield and would call back. Caulfield told me that McCord was very adamant about his plans to gain his freedom through the phone calls that he had made to the foreign embassies. I told Caulfield I really did not understand why McCord thought he could get his case dismissed by reason of the wiretaps, but I would give the matter some thought. Caulfield told me that it was his assessment that McCord would only respond to a direct request from the President.

I told Caulfield that he couldn't make such a statement because I had no such request from the President, but suggested he meet again with McCord and keep him happy by telling him we were checking out the matter of his conversations with the Embassies.

Later that afternoon, Caulfield reported again to me that McCord was only interested in his theory about the calls to the Embassies. I told Caulfield to keep in touch with McCord, but I couldn't promise anything about his calling the Embassies. I told Caulfield to have McCord give him a memo on why he thought that his calls to the Embassies would result in dismissal of his case. I called O'Brien and told him what had transpired. On Monday morning I reported to Mitchell what Caulfield had reported.

It was sometime during this period that a result of my reports of Caulfield meetings with McCord, that O'Brien, Mitchell and Mr. Alch discussed having F. Lee Bailey, Alch's partner, meet with McCord and inform him that he would personally handle his case on appeal. Mitchell was to talk with Mr. Bailey about this. I do not know what happened regarding this proposed plan.

On January 19 or 20, Mr. Caulfield brought me copies of McCord's memo regarding his intercepted conversations to the embassies. I have submitted these documents to the committee.

[The document referred to was marked exhibit No. 34–30.*]

Mr. DEAN. I never did anything with these documents, other than inform Mitchell I had received them and I showed them to Mr. O'Brien in my office. I do not recall ever talking with anyone at the Department of Justice, regarding McCord's proposal. At this time I concluded that McCord was going to do what he thought best for himself.

HANDLING LIDDY'S CALL TO KROGH—JANUARY 1973

On January 4, Gordon Liddy called Mr. Krogh. Krogh's secretary received the call and Liddy said that he had received a letter from an investigator for the Senate Commerce Committee about his relationship with Krogh. The letter was part of an investigation being conducted by the committee staff in connection with Krogh's nomination hearings for the Under Secretary of Transportation post. Liddy wished to speak to Krogh, but the call was not put through to Krogh.

Krogh came to my office and asked what he should do. He said he wanted to be able to testify at his confirmation hearing that he had not spoken with Liddy since long before the Watergate incident. I told Krogh that his secretary should return the call. We then worked out a

*See p. 1236.

response which Krogh wrote down for his secretary and she returned the call. I have submitted to the committee the document prepared by Mr. Krogh's secretary after the call was returned to Mr. Liddy—and I might note that was not in the exhibits when I assembled them last night but I do know where it is, on the table at home.

Senator BAKER. I take it you will supply that document later in your testimony?

Mr. DEAN. Yes, Senator; I will.

Senator BAKER. Thank you very much.

[The document referred to was marked exhibit No. 34–31.*]

Mr. DEAN. On Friday afternoon, January 5, I received a report from O'Brien that Liddy had been rather miffed and annoyed that Krogh had been unwilling to speak with him. I reported this to Krogh, who asked if I would personally see what I could do, because Krogh felt sorry for Liddy but just couldn't talk with him. I agreed I would do something and on Saturday, January 6, I called Liddy from my house at his home. It was a brief call in which I told him the reason Krogh had not called and told him that Krogh had great sympathy for his plight. Liddy said he understood. The only thing I can recall Liddy saying to me was that he hoped that there would be some money forthcoming for his lawyer. I said I would pass that message along. I also expressed sympathy over his situation and the call ended. I later reported to Krogh that Liddy understood why he did not speak with him personally and Krogh appreciated it.

RETRIEVING CIA MATERIAL FROM THE DEPARTMENT OF JUSTICE

Now I am going to turn to the receiving, the retrieving CIA materials from the Department of Justice in connection with the investigation.

As a result of a conversation I had with Ehrlichman, I was asked to attempt to have the CIA retrieve from the Department of Justice information relating to Hunt's dealings with the CIA. To understand Ehrlichman's request, I must provide some background. During the course of the Watergate investigations, the prosecutors had requested material from the CIA and, because of the fact that this material related to the White House, the CIA had informed the White House of the request. The first incident when this came up was regarding the fact of who had made the initial request to the CIA to assist Hunt. General Cushman had been the Deputy Director of the CIA at the time the matter occurred, and when he was asked, he reported that he had been requested from John Ehrlichman. When Ehrlichman was informed of this, I believe by General Cushman, he denied the fact that he had ever made such a request, and told Cushman that he had never been asked for such assistance.

Subsequently, General Cushman prepared a memorandum that indicated that the request had come from either Ehrlichman, Colson, or myself. Ehrlichman forwarded a copy of this document to me and asked if I would get this matter taken care of. I told him I thought it was somewhat strange that my name was on the memorandum from Cushman in that I had never spoken with Cushman in my life.

*See p. 1238.

He then asked me if I did not think it would be better that Cushman mentioned no one since he could not remember who it was. I remember suspecting at the time, as I do today, that Ehrlichman had had my name inserted in the memorandum as a means of getting me to make sure that Cushman would have no names in the memorandum at all. I remember calling General Cushman and telling him that I had received from Ehrlichman a copy of his memorandum and that I was somewhat surprised to find my name in it because this was the first time I had ever spoken with him. He agreed that we had never talked and I said that Ehrlichman had suggested to me that, if he could not remember who it was, he, Cushman, probably should not mention anyone.

A short time later, another memorandum on this subject of who had asked for Hunt to have the assistance of the CIA come forward from General Cushman and this time no names were mentioned at all. It was after this episode in getting the Cushman statement corrected that I had an occasion to discuss this with Colson. Colson told me that he had been present when Ehrlichman had made the call to Cushman.

The other CIA material relating to Hunt's dealings with the CIA emanated from a series of questions that had been asked by the Watergate prosecutors. I recall a discussion with CIA Director Helms and one of his deputies in Ehrlichman's office when they went over the type of material that they would be providing to the Department of Justice.

I subsequently had occasion, while at the Department of Justice, to talk with Henry Petersen about the CIA material and he showed me a copy of the information the CIA had provided him, and he told me Mr. Gray had the same material. I remember that the document had attached to it a number of photographs which had come from a camera—again my text has gotten confused—had come from a camera, the camera which had been returned by Hunt to the CIA. It is a camera that had been borrowed by Hunt from the CIA. The pictures, which had been processed by the CIA, included a picture of Liddy standing in front of Ellsberg's psychiatrist's office.

I informed Ehrlichman about this and that is the reason that he subsequently requested that I seek to retrieve the documents before the Senate investigators got a copy of the material.

I discussed this with Petersen, but he said that they had received a letter in early January of this year from Senator Mansfield regarding the maintenance of all records relating to the case and that the only thing that he could do would be to extract the document and leave a card to the effect that the document had been returned to CIA.

I reported this to Ehrlichman and he told me that he thought that the CIA ought to get all of the material back and that no card should be left in the file and that national security grounds should be used to withhold release of the information.

On February 9, 1973, I spoke with Director Schlesinger of the CIA and asked him if it would be possible to retrieve the material that had been sent to the Department of Justice in connection with the Watergate investigation. I told him that I had discussed this with the Department of Justice and they indicated that they would merely leave

a card in their files indicating that the material had been returned to the CIA.

I subsequently had a visit from General Walters in late February at which time he told me that the CIA was opposed to retrieving the material and leaving a card indicating that they had so retrieved it because they also had been requested by the Senate not to destroy any material relating to the case. I told Walters that I did not suggest that the material be destroyed; rather I thought that national security grounds might justify withholding release of the information to Senate investigators. He said it simply could not be done and I dropped the matter.

As I will explain later in a meeting with Mr. Krogh, the fact that this material was in the possession of the Department of Justice meant to me that it was inevitable that the burglary of Ellsberg's psychiatrist's office would be discovered. I felt that any investigator worth his salt would certainly be able to look at the pictures in the files at the Department of Justice and immediately determine the location and from there discover the fact that there had been a burglary of the office that was in the picture.

I would now like to turn to the White House plans for dealing with this committee.

White House Plan for Perpetuating the Coverup Throughout the Senate Watergate Investigation

Even before the Watergate criminal trial in January of this year, there had been press reports and rumors that the Senate planned independent hearings on the Watergate and related matters. The White House Congressional Relations Staff reported that the subject of Watergate hearings was being discussed in the Senate Democratic Policy Committee, but they did not know the substance of those discussions. I was aware of the interest of Ehrlichman and Haldeman in the prospects of such hearings because they had discussed it with me, and Bill Timmons told me they had discussed it with him.

On December 13, 1972, Timmons informed me that Senator Jackson was coming to the White House for a meeting with the President. Timmons said that Senator Jackson was a member of the Senate Democratic Policy Committee and had an excellent rapport with the President. Timmons asked me what I thought about having the President inquire of Senator Jackson regarding the potential of a Senate inquiry into the Watergate. I responded that I thought it was a good idea, but would have to check. Timmons said the meeting with Senator Jackson was going to be without staff present, and asked me to draft a memorandum to the President raising the issue. I told him I would check with Haldeman.

I prepared a memorandum for the President and went to Haldeman's office, but he was not there. He was in the President's office with Mrs. Ann Armstrong, who was discussing with the President joining the White House staff. A meeting had been scheduled in Mr. Haldeman's office at which Ehrlichman, Moore, Ziegler, and I were to attend. When Ehrlichman came to Haldeman's office for the meeting I raised the matter of the President's asking Senator Jackson about the hearings because I did not have authority to send memorandums directly

to the President. Ehrlichman thought it was a good idea, so I walked the memorandum down to Alex Butterfield to take to the President before the meeting. I have submitted to the committee a copy of the memorandum.

[The document referred to was marked exhibit No. 34–32.*]

Mr. DEAN. When Haldeman returned to his office with Mrs. Armstrong, Ehrlichman, and I were in his office, waiting. But he asked us to leave and proceed with the meeting in Ziegler's office where Moore and Ziegler were waiting.

I have referred earlier to the substance of this meeting of December 13 in discussing the proposed written Dean report. Ehrlichman returned to his office and Haldeman later came to the meeting and told me that he had blocked the memorandum regarding the Watergate inquiry from going to the President. He, in fact, had the original memorandum with him and had drawn a line through it. I told him that Timmons had suggested it and that Ehrlichman had also approved it. He said he had not known that, and made a notation on the memorandum to the President and immediately sent it back to Butterfield to give to the President. I learned that day from Timmons, who later met with Senator Jackson, that the Senator did not know what the Senate Democratic Policy Committee was going to do about the Watergate. I do not know if the President discussed this subject with Senator Jackson.

Timmons continued to report to Haldeman and me that there were rumblings on the Hill that the Senate was going to proceed with hearings. Senator Kennedy's Subcommittee on Administrative Practices and Procedures had been conducting an investigation for several months, but it was uncertain as to whether they would proceed.

It was learned in late December—early January that Senator Mansfield was pushing hard for Watergate hearings, but there was a debate as to who should handle the hearings.

It was learned in late December—early January that Senator Mansfield had sent letters to Senator Eastland and Senator Ervin regarding the holding of hearings. Before that letter became public, however, both Wally Johnson and Fred LaRue had informed me that they had talked with Senator Eastland. The White House wanted Senator Eastland to hold such hearings because they felt that Senator Eastland would be friendly and that the White House had more friends on the Judiciary Committee than on Senator Ervin's Government Operations Committee.

I was told that the White House congressional relations staff was doing what it could to get the hearings before Senator Eastland's committee. On January 11 of this year, the Senate Democrats formally voted that Senator Ervin would head the inquiry into the Watergate incident and related matters, and I must add, much to the displeasure of the White House.

On February 5, 1973, the chairman introduced his resolution to create this committee. An advance copy of that resolution was forwarded to me by Timmons and I was subsequently requested to attend a luncheon meeting with Ehrlichman, Timmons, and Johnson to discuss the resolution. Ehrlichman was tied up in another meeting and never attended. I was asked what I thought about the resolution and

*See p. 1239.

did I have any suggested amendments that the Republicans might offer. I had not had an opportunity to study the resolution closely so I reread it and offered a few suggestions off the top of my head: that it be broadened to cover other elections than the 1972 Presidential campaign; that the minority members have adequate staff; that it be bipartisan with equal representation of the Republicans and Democrats, and that the minority members have the power to call for an executive session when they believed it necessary.

Wally Johnson indicated that he could get someone at the Department of Justice to draft amendments and that he and Timmons would peddle them to friendly Republicans.

I later had discussions with Haldeman and Ehrlichman about the Senate hearings and they felt that it was time to develop a strategy for dealing with the Senate situation. I received what I interpreted as mild criticism that I wasn't getting the White House prepared for the forthcoming hearings and it was recognized that we were fast moving into an uncontrollable, if not hostile, forum. We had made it through the trial without any problems, but the Senate hearings were a new and possibly larger problem. Accordingly, I suggested that there be a meeting called where these matters could be discussed. I also suggested that we might call on Mr. Bryce Harlow. Ehrlichman, Haldeman, and Mitchell all agreed that Mr. Harlow's counsel would be most helpful. Accordingly, I had my secretary schedule a meeting in Ehrlichman's office on February 6, 1973. I recall that it was at some hardship that Mr. Harlow attended, in that he was scheduled to fly to Arizona that day, but I explained to him that my superiors were anxious to focus on the problem and wanted his advice.

Prior to this meeting, but after my meeting with the President in September when he had mentioned to me that Mr. Hoover had told him that he (the President) had been bugged during his 1968 campaign, the thought of getting this information out had been discussed. I can recall discussing it with Ehrlichman and Haldeman, and in turn, discussing it with Mitchell. Haldeman, and Ehrlichman wanted Mitchell to get the information from Mr. DeLoach. I so informed Mitchell. Mr. Mitchell informed me that he was trying to get the facts regarding the bugging from DeLoach, whom he believed would have known if it had, in fact, happened. Mitchell had talked to DeLoach prior to the February 6 meeting and had received some information, but not much.

The meeting assembled in Ehrlichman's office. Mitchell was late in arriving because of a delayed flight from New York City. Those present were Ehrlichman, Haldeman, finally Mitchell, Harlow, Moore, and myself. When Mitchell arrived, he reported that there had been some surveillance by the Johnson administration, but DeLoach was unaware of a bugging of wiretap. I remember that I told Harlow that I thought he had been recorded when he was traveling with the Vice President in 1968. I based this on a conversation I had had with Mitchell earlier. The surveillance that DeLoach reported to Mitchell was related to Mrs. Anna Chennault and a foreign embassy. Also the telephone toll records from the Vice Presidential candidate Agnew's airplane when he had stopped in Albequerque, N. Mex., had been checked by the FBI.

The meeting then turned to a general discussion of the proposed amendments and Timmons was called from the congressional leader-

ship meeting that was then in session in the Cabinet room. Timmons reported that the Senate was going to begin debate on Senator Ervin's resolution that afternoon. Timmons was instructed to request Senator Hugh Scott to come to his office after the leadership meeting and I was instructed to go to Mr. Timmons' office to explain the amendments to the resolution to Senator Scott. I was also told that I should tell the Senator—Senator Scott—to raise the 1968 bugging incident as a reason to expand the scope of the resolution with reference to prior Presidential elections. I left to brief Senator Scott with the feeling that the meeting had accomplished nothing. I went to Timmons' office, had a brief meeting with Senator Scott, and, as I was returning to my office, I ran into Dick Moore who told me that he felt that the meeting had been useless. I agreed.

On February 7, Timmons informed me that the White House amendments had been virtually rejected out of hand and the resolution adopted 77–0. Timmons told me he had discussed with Haldeman the possibilities of suggesting names for the Republican side of the Select Committee with Senator Scott, and Scott seemed receptive. On February 8, the members of this committee were named and I recall Timmons telling me that Haldeman had "chewed him out," but Timmons told me Scott had never given him a chance to make any recommendation.

On February 9, I had planned to go to Florida for a week or 10 days. The President had departed for San Clemente, and it appeared that everyone could relax for a while. In midafternoon, however, my plans were changed when I received a call from Ehrlichman in San Clemente telling me that he wanted Mr. Moore and me to come to California that night so that he could discuss in full detail the problems of how to deal with the forthcoming Senate hearings. Ehrlichman indicated that he and Haldeman were going to have some available time over the weekend, so we should come immediately. I contacted Mr. Moore, who was about to take a train trip to southern Virginia with his young son and wife. Moore said that since he was packed he would merely fly west instead of training south. My wife and I and the Moores all flew to San Diego on the evening of February 9.

The La Costa Meetings

Everyone was staying at the La Costa Resort Hotel, south of San Clemente. The meetings with Haldeman and Ehrlichman, Moore and myself ran for 2 days, and I would estimate they involved between 12 to 14 hours of discussion. The meetings began on Saturday morning, February 10, at San Clemente, but the discussion did not begin to take any focus until Saturday afternoon and Sunday, when we met in Haldeman's villa at La Costa. Based on notes I took during the meeting I will attempt to reconstruct what transpired. I should also point out that before I departed San Clemente to return to La Costa I was given several memorandums, which I have submitted to the committee, which directly relate to what occurred at La Costa.

[The documents were marked exhibit No. 34–33.*]

Mr. Dean. I did not look at these memorandums until several days after the meeting and was rather surprised that Haldeman would state in writing specific instructions to me regarding his thoughts on per-

*See p. 1240.

petuating the Watergate tactics or the coverup by a counteroffensive against the forthcoming Senate hearings. What had happened by this point in time was that the coverup had become a way of life at the White House, and having made it to this point, those involved were becoming careless and more open about it. Also, the Senate was different than the courts, grand jury, FBI, and the like that had been dealt with earlier.

Before turning to the substance of the La Costa meetings, I would like to note that Mr. Moore and I had talked on many occasions about the Watergate affair and the damage it was doing. Mr. Moore is the only person—other than Mr. O'Brien on a few occasions—to whom I ever expressed my deep concern about the matter, particularly the coverup. While Moore did not know all the facts he knew a great deal and was becoming increasingly aware of the dimensions of the problems. I talked to Moore far differently than anyone else. I talked to him about how we could end this matter once and for all. I expressed my concern to him often about how to end the matter before it ruined the second term of the President. I was concerned that it was not going to simply go away, and I had learned that the press was becoming aware of other illegal activities at the White House. I never discussed these other matters with Moore, but I told him the coverup was bigger than the Watergate incident per se. The more that we talked about it the less we could find a solution—so the coverup proceeded.

As I have indicated, the purpose of what I call the La Costa meetings, was how to deal with this committee's investigation of the Watergate. The Watergate trial was over and that problem appeared to be over. The next major problem was the Senate hearings. It was realized that it was going to take an all-out effort by the White House to deal with the Senate inquiry, because of the scope of the resolution, the composition of the committee, the investigative powers of the committee, and the general feeling that the Senate was a hostile world for the White House. Haldeman and Ehrlichman were disappointed that the efforts to influence the Senate resolution creating the Select Committee had failed, as well as the White House efforts to recommend members to the Select Committee. Thus, the focus of the discussion was how to deal with the committee henceforth.

It was during the morning meeting in Ehrlichman's office at San Clemente that there was a discussion of the members of this committee. Ehrlichman said that the White House could not look for any help from the Democrats. I recall that when we were discussing the Democratic members of this committee, and I read from the Congressional Directory the data on Senator Inouye, Ehrlichman said that his name is pronounced "Ain't-no-way" and then said, indeed, there ain't-no-way he's going to give us anything but problems. [Laughter.]

The Republican members of this committee were also discussed in that morning meeting. It was Ehrlichman who was doing most of the assessing, but occasionally Haldeman would add a comment. Senator Weicker was an independent who could give the White House problems. Senator Gurney would help the White House and would not have to be told to do so. I recall that Ehrlichman said that Senator Gurney needs the White House because former Congressman Cramer may take him on in his next primary. Senator Gurney was considered a sure friend and protector of the President's interest. Senator Baker

was an unknown, and neither Haldeman nor Ehrlichman knew which way he might go. [Laughter.]

Senator ERVIN. The audience will please refrain from demonstrating in respect to the testimony.

Mr. DEAN. I might add that in a subsequent discussion I had with the President he also reached a similar conclusion regarding the Republicans. He thought that Senator Baker might help, but he was not sure. He was confident, however, that Senator Gurney would protect the White House and would do so out of political instinct and not have to be persuaded to do so.

The long and short of this morning discussion was that the White House had one friend—Senator Gurney—and the possibility of wooing and winning another.

Later, after the meeting had reconvened at La Costa, the discussion turned to a general approach about how to deal with the Select Committee. Ehrlichman suggested that it should be publicly analogized to the ITT hearings—that is, the hearings were a waste of time to the Senate, they were very partisan, and ultimately repudiated by the Senate when Kleindienst was confirmed. After a general discussion, Ehrlichman and Haldeman concluded that the theory for dealing with this committee should be as follows: The White House will take a public posture of full cooperation, but privately will attempt to restrain the investigation and make it as difficult as possible to get information and witnesses. A behind-the-scenes media effort would be made to make the Senate inquiry appear very partisan. The ultimate goal would be to discredit the hearings and reduce their impact by attempting to show that the Democrats have engaged in the same type of activities.

During the meeting on Saturday afternoon (February 11), Ehrlichman instructed me to call Wally Johnson and tell Johnson that he was to go visit with Senator Baker during the then congressional recess to find out how Senator Baker planned to operate—that is, was he going to be friend or foe—and to ask Senator Baker how the White House could aid him, particularly regarding the selection of the minority counsel. Prior to making the call, I asked Ehrlichman if I should arrange to give Johnson some kind of briefing before he went to see Senator Baker, so that he would know fact from fiction when talking with the Senator about the Watergate. Ehrlichman said that was not necessary. I called Mr. Johnson while the discussions proceeded and passed the message to him. He said he would proceed immediately.

At one point in the meeting, Ehrlichman raised the question of whether or not the Select Committee was going to be able to obtain the grand jury minutes and other investigative records from the FBI and the U.S. Attorney's Office. I said I did not know and then a discussion of possible legal options ensued. No one really knew what the law might be regarding this matter, but Ehrlichman stated that the Attorney General will have to be told that the Justice Department should resist turning over such records, and that I should get word back to the attorneys for the defendants that they should fight the release of these investigative records to the Senate on the grounds that it would have an adverse impact on their appeals.

When discussing how to handle the press coverage of the Senate hearings, Haldeman suggested that Pat Buchanan be used as a watchdog of the press. Mr. Buchanan could prepare speeches on the biased press coverage. He could write op-ed articles and actually attend the hearings and be a White House spokesman to take the pressure off Ziegler's daily briefings. It was decided by Haldeman and Ehrlichman that Mr. Baroody's White House attack group—a group of media-oriented White House aides who meet virtually every morning to determine how to counter adverse news or push White House programs—should not be involved.

There was also discussion during the La Costa meeting of the role the reelection committee would play during the Senate hearings. It was decided that the reelection committee should have a new titular head. Several names were suggested and rejected and the matter was left unresolved. However, it was decided that the reelection committee should beef up its legal and public relations staffs. Paul O'Brien and Ken Parkinson should be given any additional legal staff they wished, as they would be responsible for handling witnesses from the committee who would be called to the Hill to testify. Mr. Van Shumway, who had been handling press relations for the reelection committee, would be asked to remain on and provided with any additional staff he needed. Mr. Moore would have general oversight of Mr. Shumway's operation.

At one point, Haldeman suggested that the reelection committee hire private investigators to dig out information about the Democratic campaigns. I raised the wisdom of this because I thought it was more political surveillance. The matter was left unresolved.

There was lengthy discussion of the importance of the minority counsel. Mr. Moore related back to some episodes during the McCarthy hearings. Both Ehrlichman and Haldeman felt very strongly about having a man, as minority counsel, who would work with the White House. A number of suggestions were made and discussed. Ehrlichman thought that Mr. Fred Buzhardt would be an excellent choice. I was asked to come up with some names for consideration as soon as possible and report back.

It was toward the end of the meeting on Sunday afternoon, February 11, that Ehrlichman raised the bottom line question: would the seven Watergate defendants remain silent through the Senate hearings? I say this was a bottom line question because the entire strategy was based on this continued silence. I reported that I could not answer the question because I did not know. I said that I understood that they were still demanding more money, but as we had discussed previously, there was no more money available. I told both Haldeman and Ehrlichman that I had carried their messages to Mitchell, that this is something that they would have to take care of—I think the transcript is confused, this was something he should take care of, he, Mitchell, but that they were aware of Mitchell's feelings that this was something that the White House should be concerned about. I said as far as I was concerned, that they would have to take this up with Mitchell in that Mitchell felt it was a matter for the White House.

At this point, Ehrlichman told Mr. Moore—who was hearing all this for the first time—that he, Moore, should go to Mitchell and

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simply lay it out that it was Mitchell's responsibility to raise the necessary funds for these men. It had been decided at the outset of the first day of the meetings that Moore would go to New York and report to Mitchell on what had been resolved regarding dealing with the Senate hearings, and now Ehrlichman was telling Moore that an important element of his visit with Mitchell would be for him to get Mitchell to raise the necessary future funds for the seven Watergate defendants.

The meeting concluded on this item and Moore and I departed together. I told him as we walked back to our rooms that I was very distressed that this had come up in his presence, but that he now had a very real idea of the dimensions of the situation. I told him I did not think that he should get involved in carrying such a message to Mitchell. Mr. Moore was concerned, but felt that he had an obligation to do what Ehrlichman and Haldeman expected of him, but he did not understand why they thought that he could change Mitchell's mind. Shortly after Moore and I departed, I went to Los Angeles to join my wife at her mother's home and we left for Florida the next morning, February 12, 1973.

Following Up on the La Costa Meetings

While in Florida, I received calls from Higby, Moore, Johnson, and others following up on the matters that had been set in motion at the La Costa meeting.

On February 13, I received a call from Johnson, who informed me that he had talked with Senator Baker by telephone. He told me that he had informed Senator Baker that he would serve as the White House liaison to the Select Committee.

Johnson reported that Senator Baker had told him that a personal visit was not necessary, that they could talk when he returned to Washington from Tennessee. Johnson said that he had discussed the minority counsel position with Senator Baker, and the Senator said he did not want any official input from the White House and had already given some thought to the qualifications he was seeking in his minority counsel.

Johnson reported that the Senator had 50 names already under consideration and planned to make his selection in the next few days. Johnson told me that he didn't think Senator Baker had ruled out the White House's making some suggestions, but we would have to move quickly.

Mr. Johnson also reported that Senator Baker had told him that the White House should be concerned about the President's posture vis-a-vis the Senate inquiry.

Finally, he reported that Senator Baker had indicated that he and the chairman would be getting together after the recess and would discuss staffing and procedural matters at that time. I passed this report to Haldeman via Mr. Higby.

On February 14, Paul O'Brien came to visit me in Florida. He arrived in the evening and we went out to dinner. Nothing of substance was discussed that evening other than some hand wringing over the general situation. O'Brien came to Florida to get a report from me on what had occurred at the La Costa meeting. He told me that

Mitchell wanted him, O'Brien, to get my version of the meeting, as well as the report he was getting from Mr. Moore.

On February 15, after a late breakfast, O'Brien and I took about a 2 hour walk down the beach, at which time I told him what had occurred at La Costa. I told him that Moore had been dispatched to New York by Haldeman and Ehrlichman to tell Mitchell it was his responsibility to raise the future money for the convicted defendants. O'Brien's reaction—as he was well aware of Mitchell's feeling that this was Haldeman's and Ehrlichman's problem and not his—was that Mitchell would probably go through the roof.

After returning from our walk we talked about the fact that I had been requested to suggest names for the minority counsel. It was during this conversation that I thought of Mr. Martin Hoffman, whom I knew to be a very capable lawyer then serving as general counsel of the Atomic Energy Commission, and a person who had worked on the Hill.

I called Mr. Hoffman and asked if he was interested. He said he was, but he did not know if Senator Baker would be because they had had a difference of opinion over a matter at the AEC. He said, however, he had done some work for Senator Baker in the past and liked him very much.

I then called Ehrlichman and he agreed that Mr. Hoffman would be a good choice. Next I called Haldeman and he said OK if Ehrlichman said OK, during my conversation with Haldeman he told me he had learned that the chief counsel's job had been offered to Mr. Ken Keating and Mr. Keating had sent a feeler to the White House as to whether he should be interested. Haldeman asked me to think about it.

After talking with Ehrlichman and Haldeman about Mr. Hoffman, I called Timmons and Johnson and asked them to float Mr. Hoffman's name to Senator Baker. Mr. Timmons called me back later and said it wouldn't float because the Senator had indicated he had had some problem with Mr. Hoffman and Chairman Schlesinger over an AEC matter. He liked Mr. Hoffman but said he was still miffed at him.

Later that day I called Mr. Moore, but learned he had gone to New York to see Mitchell. I had talked with Moore earlier that week, but had forgotten he was going to New York on the 15th.

Paul O'Brien called Mitchell in the midafternoon to report our conversation. I was in and out of the room while he was on the telephone talking to Mitchell as I didn't feel it was my business to listen to his conversation. I talked briefly with Mitchell at the end of the conversation he had with O'Brien. He talked about the possibility of Mr. Keating as chief counsel. Mr. Mitchell seemed intrigued by the idea, but doubted if Mr. Keating would accept. After I hung up, O'Brien reported that Mr. Moore had brought up the money raising matter, but Mitchell just didn't discuss it at any length with Moore. O'Brien departed Florida late that afternoon and my wife and I got away from the telephone for the next 3 days.

I returned to the office on Monday, February 19, and spoke with Haldeman on either the 19th or 20th. He requested that I draw up an agenda for a meeting with the President regarding matters which the President should reflect on as a result of the La Costa meeting and subsequent matters which had come up. Mr. Haldeman and I went over the high points of what should be raised, including items that had not come up at La Costa, such as Magruder's desire to return to the White

House staff and sending Mr. Stans to the Senate for a confirmable post as a tactic to counter the Watergate hearings.

I prepared the agenda. I thought that I was going to attend the meeting with the President, but Haldeman called for the agenda, and not me. I have submitted to the committee a copy of the agenda.

[The document referred to was marked exhibit No. 34–34.*]

Mr. DEAN. You will see that the agenda deals with five items to be discussed and resolved with the President:

1. Senator Baker's requested meeting with the President;
2. Submitting Secretary Stans' name for a confirmable position;
3. What to do with Mr. Magruder;
4. Using Mr. Buchanan during the Senate hearings; and
5. Getting the Attorney General back in touch with the White House.

Subsequent to Haldeman's meeting with the President, he informed that: The President would meet with Senator Baker; I should discuss with Mr. Stans his interest in a confirmable position; Magruder could not return to the White House staff; Buchanan could not be used at the Senate hearings; and the President would meet with the Attorney General.

I have not explained at this point the details of this rather significant document, but I believe the document is rather self-explanatory of the continuing coverup and I will, of course, answer any questions about it. I was not present when the President and Haldeman discussed these matters, but I had discussed them with Haldeman before he went to see the President and he informed me of the President's decisions after the meeting; thus, I assume that the agenda I had prepared was the basis of their discussions.

On February 20, or 21, Mr. Timmons told me he had arranged for the President to have an off-the-record, private meeting with Senator Baker. As you will note from the agenda I referred to just a moment ago, Mr. Timmons had reported that the Senator had told Timmons he wanted guidance and Timmons' interpretation was that the Senator wished to help the White House. Haldeman told me to prepare a briefing paper for the President and bring it directly to him rather than routing it through normal channels. I have submitted to the committee a copy of the agenda I prepared for the President's meeting with Senator Baker.

[The document referred to was marked exhibit No. 34–35.**]

Mr. DEAN. After the President met with Senator Baker I was informed by Haldeman that the Senator had appeared to be very interested in being cooperative and the President had the impression that he might be helpful. This, of course, was the White House hope, but nothing that was reported from the meeting made this anything more than a hope.

Also, Senator Baker told the President that he wanted his contact point to be Mr. Kleindienst, rather than someone on the White House staff. Haldeman told me that Senator Baker had urged the President to waive executive privilege and send members of the White House staff to the hearings as quickly as possible, but the President had told Senator Baker that he was going to hold the line at written interrogatories.

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*See p. 1243.
**See p. 1245.

Finally, I was told that both the President and Senator Baker had discussed that there should be an effort to get the hearings over as quickly as possible.

This report of the meeting which Haldeman gave me was later confirmed in discussions I had with the President myself in early March of this year.

On February 22, Mr. Haldeman requested that I prepare a briefing paper for the President's meeting that day with Attorney General Kleindienst. Throughout the Watergate investigation Haldeman and particularly Ehrlichman, had complained about Mr. Kleindienst's passive role in the investigation and prosecution. Haldeman and Ehrlichman were both aware of the strained relationship between Kleindienst and the White House. I knew that Ehrlichman was riding hard on the Justice Department in an effort to undermine Mr. Kleindienst. I also knew from conversations with Kleindienst that he had little affection for Mr. Ehrlichman.

The Senate Watergate hearings presented the real possibility of the Justice Department having to make further criminal investigations that would lead back to the White House. Accordingly, the President was the only one who could bring Mr. Kleindienst back in the family to protect the White House and this meeting was designed to do just that. As a result of Senator Baker's request that Kleindienst be his contact point, the President had a perfect vehicle to solicit Kleindienst's assistance during the hearings and, if anything should develop during the hearings, to not let all hell break loose in a subsequent investigation.

I have submitted to the committee a copy of the briefing paper I was requested to prepare.

[The document referred to was marked exhibit No. 34–36.*]

Mr. DEAN. I know that this document went to the President because just before the meeting was to occur, I realized that the President might not understand the reference to the fact that Kleindienst was considering one particularly attractive offer from a law firm that he was likely to accept. I called Haldeman to explain this, but Haldeman said the paper had gone in and the President would understand that this was a reference to Governor Connally's law firm because Governor Connally had discussed it with the President.

The President subsequently discussed this meeting with me in early March. He told me that he would continue to call Mr. Kleindienst from time to time, but I should also make certain that Kleindienst was working closely with Senator Baker in preparation for the Select Committee hearings.

As I mentioned earlier, I had also been informed that the President had made a decision that Magruder could not return to the White House. Magruder had been working at the inaugural committee and even before the inauguration he told me that he had called Mr. Higby requesting a meeting with Haldeman to discuss his future. After the inauguration, Magruder told me that he had to decide what he was going to do. Prior to that meeting I had informed Haldeman that Mr. O'Brien had had some discussions with Magruder and that Magruder had indicated that Haldeman and Colson were very much involved in the planning and approval of the Liddy operation.

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*See p. 1247.

After Magruder met with Haldeman in late January 1973, I had occasion to see him in the hall of the EOB. He told me that he had talked with Haldeman and Mitchell about running for office in California and was planning a trip to California to test the water. He said now was the time, because he felt he could get good financial backing. I felt Magruder was in for some serious problems both before the grand jury and the Senate hearings, but without saying this to him, I tried to dissuade him from running for office until this entire matter had been resolved.

Shortly after this conversation with Magruder I phoned Haldeman and told him that I thought Magruder was making a mistake in going to California in pursuit of an elected office.

Haldeman agreed and said he was going to call Bob Finch and suggest that when Magruder met with him, Finch, that he be dissuaded. He asked me to call Kalmbach and make a similar suggestion, which I did, and Kalmbach said he would do it.

After Magruder returned from California he had decided that he wanted to stay in Washington. He was pushing hard to return to the White House staff, and work on the Bicentennial program. No one had the heart to tell Magruder that the President had said that he could not return to the White House staff. It was during this period of time, which I believe was mid-February, Magruder had a conversation with Mr. O'Brien, in which he told O'Brien that he had received his final authorization for Liddy's activities from Gordon Strachan and that Strachan had reported that Haldeman had cleared the matter with the President. I reported this to Haldeman, who expressed concern over Magruder's statement. After I reported this information, the White House efforts to find a job for Magruder became intense. Haldeman assigned Mr. Higby to the task. Higby called me to discuss the general type of job that I thought would satisfy Magruder and then Higby instructed Mr. Jerry Jones, the head of the White House personnel operation, to find an available, high level, nonconfirmable position for Magruder.

During the time when Mr. Jones was reviewing all the potential jobs for Magruder, I recall that Magruder dropped by my office and told me he had discussed his potential problems in full with both Higby and Haldeman. He asked me for my assistance and support in finding him a job. I assured Magruder I would help. He also indicated that Mitchell was trying to help get the job matter resolved.

On February 28, Mr. Jones submitted a memorandum to Higby and myself, a copy of which I have submitted to the committee.

[The document referred to was marked exhibit No. 34–37.*]

Mr. DEAN. After Haldeman reviewed the memorandum, a meeting was scheduled for Magruder to meet with Haldeman and I was asked to attend.

This meeting occurred during the first week of March and Magruder explained to Haldeman at the meeting that he did not want to leave Washington. Haldeman told Magruder that his working at the Bicentennial was not realistic, but to consider the position at the Department of Commerce as an Assistant to the Secretary for Policy Development. Magruder said he was interested but wanted some assur-

*See p. 1249.

ance from Haldeman that if he made it through the Senate hearings, as he had the grand jury and trial, that he could have a better job later.

Haldeman said that he could not make a firm promise, but that he would do all he personally could do to assist. This was good enough for Magruder. Haldeman said that Mr. Jones would be told to proceed with Secretary Dent to get the position at the Commerce Department finalized.

On March 5, I received a call from Secretary Dent regarding his hiring Magruder. I did not want to tell Secretary Dent that Magruder was totally free from future problems so I was evasive with him. I hinted that Magruder might have some problems. Because I regretted misleading him, I prepared a memorandum for my files—something I seldom do—because I felt Magruder was, in fact, going to have problems. In fact, I thought everyone was going to have problems. I have submitted a copy of this memorandum reflecting this conversation with Secretary Dent to the committee.

[The document referred to was marked exhibit No. 34–38.*]

Mr. DEAN. I would now like to turn to the meetings I had with the President in February and March of this year.

I have described to the committee several matters that followed the La Costa meeting which directly involved Presidential decisionmaking and Presidential involvement. I would now like to turn to my direct dealings with the President which began in late February of 1973 with regard to the Watergate and related matters. I feel I can best set forth what transpired at these meetings by discussing what occurred at each meeting.

MEETING OF FEBRUARY 27

This was the first meeting I had had with the President since my September 15, 1972, meeting which related to the Watergate. It was at this meeting that the President directed that I report directly to him regarding all Watergate matters. He told me that this matter was taking too much time from Haldeman's and Ehrlichman's normal duties and he also told me that they were principals in the matter, and I, therefore, could be more objective than they. The President then told me of his meetings with Senator Baker and the Attorney General. He told me that Senator Baker had requested that the Attorney General be his contact point and that I should keep in contact with the Attorney General to make sure that the Attorney General and Senator Baker were working together. He asked me to follow up immediately to determine if the Attorney General and Baker had met. I informed him that I had earlier discussed this with the Attorney General and the Attorney General was planning to meet with Senator Baker and Senator Ervin to discuss turning over FBI data regarding the Watergate investigation.

A brief discussion followed in which the President recounted, what had already been reported to me by Haldeman, that he had told Senator Baker that he would not permit White House staff to appear before the Select Committee, rather he would only permit the taking of written interrogatories. He asked me if I agreed with this and I said that written interrogatories were something that could be handled

*See p. 1251.

whereas appearances might create serious problems. He told me he would never let Haldeman and Ehrlichman go to the Hill. He also told me that Senator Gurney would be very friendly to the White House and that it would not be necessary to contact him because the President said Senator Gurney would know what to do on his own. On the way out of his office he told me I had done an excellent job of dealing with this matter during the campaign; that it had been the only issue that McGovern had had and the Democrats had tried to make something out of it but to no avail. I told him as we were walking together out of the office that I had only managed to contain the matter during the campaign, but I was not sure it could be contained indefinitely. He then told me that we would have had to fight back and he was confident that I could do the job.

MEETING OF FEBRUARY 28

I had received word before I arrived at my office that the President wanted to see me. He asked me if I had talked to the Attorney General regarding Senator Baker.

I told him that the Attorney General was seeking to meet with both Senator Ervin and Senator Baker, but that a meeting date had not yet been firmed up. I told him that I knew it was the Attorney General's wish to turn over the FBI investigation and the President said that he did not think we should, but asked me what I thought of the idea. I told him that I did not think that there was much damaging information in the FBI investigation, although there could be some bad public relations from it. He told me to think about this matter. He also said that he had read in the morning paper about the Vesco case and asked me what part, if any, his brother Ed had had in the matter. I told him what I knew of his brother's involvement, which was that he was an innocent agent in the contribution transaction. We then discussed the leak to Time magazine of the fact that the White House had placed wiretaps on newsmen and White House staff people. The President asked me if I knew how this had leaked. I told him that I did not; that I knew several people were aware of it, but I did not know any who had leaked it. He asked me who knew about it. I told him that Mr. Sullivan had told me that he thought that Director Hoover had told somebody about it shortly after it happened because Hoover was against it and that Sullivan said that he had heard that this information had gone to Governor Rockefeller and in turn had come back from Governor Rockefeller to Dr. Kissinger. We then talked about the executive privilege statement and the President expressed his desire to get the statement out well in advance of the Watergate hearings so that it did not appear to be in response to the Watergate hearings. We also discussed Mr. Mollenhoff's interest in the Fitzgerald case, and he asked me to look into the matter for Mr. Mollenhoff.

Before departing his office, he again raised the matter that I should report directly to him and not through Haldeman and Ehrlichman. I told him that I thought he should know that I was also involved in the post-June 17 activities regarding Watergate. I briefly described to him why I thought I had legal problems, in that I had been a conduit for many of the decisions that were made and, therefore, could be

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

MEETING OF MARCH 1

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

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

The President told me that he was convinced that he had been wiretapped in 1968 and the fact that DeLoach had not been forthcoming indicated to the President that DeLoach was probably lying. He told me that I should call Don Kendall, DeLoach's employer, and tell him that DeLoach had better start telling the truth because "the boys are coming out of the woodwork." He said this ploy may smoke DeLoach out. I might respond that I never did call Mr. Kendall. He also asked me who else might know about the bugging of his 1968 campaign and I suggested that Mr. Tolson, Hoover's former assistant, might have some knowledge of it. He told me that he probably ought to call Mr.

Tolson and wish him happy birthday or good health and possibly get some information from him when he was talking to him. The discussion then turned back to the *Hiss* case and I reminded the President of the strong statement he had made in 1950 regarding Truman's refusal to provide his committee with information, and that speech might be raised at his press conference. He asked me to go get a copy of that speech. I returned to his office shortly with a copy of the speech, and he asked me to discuss with him how it could be differentiated from the present situation.

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

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

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

[Recess.]

Senator ERVIN. The committee will resume.

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

Mr. DEAN. Thank you.

MEETING OF MARCH 6

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

MEETING OF MARCH 7

The President was very unhappy with Gray's performance before the Senate Judiciary Committee. In my meeting with him on this date he made a reference to the fact that Gray's comment regarding my sitting in on the investigations by the FBI was absurd. He felt it was perfectly proper that I was present at those interviews and said that Gray's attitude that he "jolly well" went forward because he had no

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

Meeting of March 8

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

Phone Conversation of March 10

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

Meeting of March 13

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

had discussed this matter with Ehrlichman and contrary to instructions that Ehrlichman had given Colson not to talk to the President about it, that Colson had also discussed it with him later. He expressed some annoyance at the fact that Colson had also discussed this matter with him.

The conversation then turned back to a question from the President regarding the money that was being paid to the defendants. He asked me how this was done. I told him I didn't know much about it other than the fact that the money was laundered so it could not be traced and then there were secret deliveries. I told him I was learning about things I had never known before, but the next time I would certainly be more knowledgeable. This comment got a laugh out of Haldeman. The meeting ended on this note and there was no further discussion of the matter and it was left hanging just as I have described it.

Meetings of March 14

The meetings which occurred on this day principally involved preparing the President for a forthcoming press conference. I recall talking about executive privilege and making Dean a test case in the courts on executive privilege. The President said that he would like very much to do this and if the opportunity came up in the press conference, he would probably so respond. I also recall that during the meetings which occurred on this day, that the President was going to try to find an answer that would get Ziegler off the hook of the frequent questions asked him regarding the Watergate. He said that he was going to say that he would take no further questions on the Watergate until the completion of the Ervin hearings and that Ziegler in turn could repeat the same statement and avoid future interrogation by the press on the subject.

Meeting of March 15

It was late in the afternoon after the President's press conference that he asked Dick Moore and I to come over to visit with him. He was in a very relaxed mood and entered into a general discussion about the press conference. The President was amazed and distressed that the press had paid so little attention to the fact that he had made an historic announcement about Ambassador Bruce opening up the liaison office in Peking. He said he was amazed when the first question following that announcement was regarding whether or not Dean would appear before the Senate Judiciary Committee in connection with the Gray hearings. The conversation then rambled into a discussion of the *Hiss* case, and Mr. Moore discussed his memory of the President's handling of the case.

Meeting of March 16

This meeting was a discussion with Ziegler on how to follow up on a number of matters that had arisen in the press conference of the preceding day.

Meeting of March 17

This was St. Patrick's Day and the President was in a very good mood and very relaxed and we engaged in a rambling conversation with only some brief reference to the Gray hearings and the problems that were then confronting the White House regarding the President's

statements on executive privilege and his willingness to go to court on the matter. He opined that he did not think that the Senate would be dumb enough to go for the bait he had given them but he was hopeful that they might.

Meeting of March 19

As I best recall this meeting, it was a rather rambling discussion regarding media problems in connection with the Gray hearings. As the discussion proceeded, I suggested that Mr. Moore might like to engage in this conversation with us. There was some discussion of Senator Ervin's appearance the preceding Sunday on "Face the Nation," and whether or not it would be appropriate for me to respond to some of the points that were being made regarding my requested appearance before the Senate Judiciary Committee. I told the President that I would work with Dick Moore in preparing a draft response.

Meetings of March 20

The President had called me earlier that morning to tell me that I should work up a draft letter of response as a result of the discussions that we had had the preceding evening with Moore. I told him I was drafting a letter and he told me as soon as I had the letter prepared that I should arrange to meet with him. Shortly after lunch, I took over a draft copy of the letter which I had developed with Mr. Moore and I have submitted a copy of that draft letter to the committee.

[The document referred to was marked exhibit No. 34–39.*]

Mr. Dean. The President read the draft and we discussed it. There was no resolution of the problem. He told me to talk with Ziegler. I told him that if I did this as a sworn statement, that I was going to obviously redraft it very carefully before I signed any affidavit on the letter.

It was during the afternoon of March 20 that I talked again with Dick Moore about the entire coverup. I told Moore that there were new and more threatening demands for support money. I told him that Hunt had sent a message to me—through Paul O'Brien—that he wanted $72,000 for living expenses and $50,000 for attorney's fees and if he did not receive it that week, he would reconsider his options and have a lot to say about the seamy things he had done for Ehrlichman while at the White House. I told Moore that I had about reached the end of the line, and was now in a position to deal with the President to end the coverup. I did not discuss with Moore the fact that I had discussed money and clemency with the President earlier, but I told him that I really didn't think the President understood all of the facts involved in the Watergate and particularly the implications of those facts. I told him that the matter was continually compounding itself and I felt that I had to lay the facts out for the President as well as the implication of those facts. Moore encouraged me to do so.

Phone Conversation of March 20

When the President called and we had a rather rambling discussion, I told him at the conclusion of the conversation that evening that I wanted to talk with him as soon as possible about the Watergate matter

*See p. 1252.

because I did not think that he fully realized all the facts and the implication of those facts for people at the White House as well as himself. He said that I should meet with him the next morning about 10 o'clock.

Before going in to tell the President some of these things, I decided I should call Haldeman because I knew that his name would come up in the matter. I called Haldeman and told him what I was going to do and Haldeman agreed that I should proceed to so inform the President of the situation.

Meeting of March 21

As I have indicated, my purpose in requesting this meeting particularly with the President was that I felt it necessary that I give him a full report of all the facts that I knew and explain to him what I believed to be the implication of those facts. It was my particular concern with the fact that the President did not seem to understand the implications of what was going on. For example, when I had earlier told him that I thought I was involved in an obstruction of justice situation he had argued with me to the contrary after I had explained it to him. Also, when the matter of money demands had come up previously he had very nonchalantly told me that that was no problem and I did not know if he realized that he himself could be getting involved in an obstruction of justice by having promised clemency to Hunt. What I had hoped to do in this conversation was to have the President tell me that we had to end the matter—now. Accordingly, I gave considerable thought to how I would present this situation to the President and try to make as dramatic a presentation as I could to tell him how serious I thought the situation was that the coverup continue.

I began by telling the President that there was a cancer growing on the Presidency and that if the cancer was not removed that the President himself would be killed by it. I also told him that it was important that this cancer be removed immediately because it was growing more deadly every day. I then gave him what I told him would be a broad overview of the situation and I would come back and fill in the details and answer any questions he might have about the matter.

I proceeded to tell him how the matter had commenced in late January and early February but that I did not know how the plans had finally been approved. I told him I had informed Haldeman what was occurring, and Haldeman told me I should have nothing to do with it. I told him that I had learned that there had been pressure from Colson on Magruder but I did not have all the facts as to the degree of pressure. I told him I did not know if Mitchell had approved the plans but I had been told that Mitchell had been a recipient of the wiretap information and that Haldeman had also received some information through Strachan.

I then proceeded to tell him some of the highlights that had occurred during the coverup. I told him that Kalmbach had been used to raise funds to pay these seven individuals for their silence at the instructions of Ehrlichman, Haldeman, and Mitchell and I had been the conveyor of this instruction to Kalmbach. I told him that after the decision had been made that Magruder was to remain at the reelection com-

mittee. I had assisted Magruder in preparing his false story for presentation to the grand jury. I told him that cash that had been at the White House had been funneled back to the reelection committee for the purpose of paying the seven individuals to remain silent.

I then proceeded to tell him that perjury had been committed, and for this coverup to continue it would require more perjury and more money. I told him that the demands of the convicted individuals were continually increasing and that with sentencing imminent, the demands had become specific.

I told him that on Monday the 19th, I had received a message from one of the reelection committee lawyers who had spoken directly with Hunt and that Hunt had sent a message to me demanding money. I then explained to him the message that Hunt had told Paul O'Brien the preceding Friday to be passed on to me. I told the President I'd asked O'Brien why to Dean, and O'Brien had asked Hunt the same question. But Hunt had merely said you just pass this message on to Dean. The message was that Hunt wanted $72,000 for living expenses and $50,000 for attorney's fees and if he did not get the money and get it quickly that he would have a lot of seamy things to say about what he had done for John Ehrlichman while he was at the White House. If he did not receive the money, he would have to reconsider his options.

I informed the President that I had passed this message on to both Haldeman and Ehrlichman. Ehrlichman asked me if I had discussed the matter with Mitchell. I had told Ehrlichman that I had not done so and Ehrlichman asked me to do so. I told the President I had called Mitchell pursuant to Ehrlichman's request but I had no idea of what was happening with regard to the request.

I then told the President that this was just typical of the type of blackmail that the White House would continue to be subjected to and that I didn't know how to deal with it. I also told the President that I thought that I would as a result of my name coming out during the Gray hearings be called before the grand jury and that if I was called to testify before the grand jury or the Senate committee I would have to tell the facts the way I know them. I said I did not know if executive privilege would be applicable to any appearance I might have before the grand jury. I concluded by saying that it is going to take continued perjury and continued support of these individuals to perpetuate the coverup and that I did not believe it was possible to continue it; rather I thought it was time for surgery on the cancer itself and that all those involved must stand up and account for themselves and that the President himself get out in front of this matter.

I told the President that I did not believe that all of the seven defendants would maintain their silence forever, in fact, I thought that one or more would very likely break rank.

After I finished, I realized that I had not really made the President understand because after he asked a few questions, he suggested that it would be an excellent idea if I gave some sort of briefing to the Cabinet and that he was very impressed with my knowledge of the circumstances but he did not seem particularly concerned with their implications.

It was after my presentation to the President and during our subsequent conversation the President called Haldeman into the office and

the President suggested that we have a meeting with Mitchell, Haldeman, and Ehrlichman to discuss how to deal with this situation. What emerged from that discussion after Haldeman came into the office was that John Mitchell should account for himself for the pre-June 17 activities and the President did not seem concerned about the activities which had occurred after June 17.

After I departed the President's office I subsequently went to a meeting with Haldeman and Ehrlichman to discuss the matter further. The sum and substance of that discussion was that the way to handle this now was for Mitchell to step forward and if Mitchell were to step forward we might not be confronted with the activities of those involved in the White House in the coverup.

Accordingly, Haldeman, as I recall, called Mitchell and asked him to come down the next day for a meeting with the President on the Watergate matter.

In the late afternoon of March 21, Haldeman and Ehrlichman and I had a second meeting with the President. Before entering this meeting I had a brief discussion in the President's outer office of the Executive Office Building suite with Haldeman in which I told him that we had two options:

One is that this thing goes all the way and deals with both the preactivities and the postactivities, or the second alternative; if the coverup was to proceed we would have to draw the wagons in a circle around the White House and that the White House protect itself. I told Haldeman that it had been the White House's assistance to the reelection committee that had gotten us into much of this problem and now the only hope would be to protect ourselves from further involvement.

The meeting with the President that afternoon with Haldeman, Ehrlichman, and myself was a tremendous disappointment to me because it was quite clear that the coverup as far as the White House was concerned was going to continue. I recall that while Haldeman, Ehrlichman, and I were sitting at a small table in front of the President in his Executive Office Building office that I for the first time said in front of the President that I thought that Haldeman, Ehrlichman, and Dean were all indictable for obstruction of justice and that was the reason I disagreed with all that was being discussed at that point in time.

I could tell that both Haldeman, and particularly Ehrlichman, were very unhappy with my comments. I had let them very clearly know that I was not going to participate in the matter any further and that I thought it was time that everybody start thinking about telling the truth.

I again repeated to them I did not think it was possible to perpetuate the coverup and the important thing now was to get the President out in front.

Meeting of March 22

The arrangements had been made to have a meeting after lunch with the President with Ehrlichman, Haldeman, Mitchell, and myself. Mr. Mitchell came to Washington that morning for a meeting in Haldeman's office in which Ehrlichman, Mitchell, Haldeman, and

myself were present. I recall that one of the first things that Ehrlichman asked of Mitchell was whether Hunt's money problem had been taken care of. Mitchell said that he didn't think it was a problem any further. There then followed a general discussion of the status of the Senate hearings, and the discussion never got down to specifics.

It had been my impression that Haldeman and Ehrlichman were going to try to get Mitchell to come forward and explain his involvement in the matter. This did not occur. Mitchell said that he thought everything was going along very well with the exception of the posture of the President on executive privilege. He said that he felt that the President was going to have to back down somewhat or it would appear he was preventing information from coming out of the White House.

I recall that Ehrlichman left the meeting before it had terminated because he was going to meet Secretary Shultz, who was coming in from out of the country. I was also called out of the meeting about noontime when a message was sent to me by Ziegler that it was important he see me immediately. This had to do with the statement that was running on the wires that Gray had said that I had probably lied and Ziegler wanted to know how to handle it. Accordingly, I departed the meeting and went into a meeting with Ziegler and Moore to discuss Gray's comment. I returned to Haldeman's office where Mitchell and Haldeman and I had lunch.

During lunch there was some continued conversation about the general problems. Mr. Mitchell raised the fact that F. Lee Bailey, who had been very helpful in dealing with McCord, had a problem that he would like to bring up. He said that Mr. Bailey had a client who had an enormous amount of gold in his possession and would like to make an arrangement with the Government whereby the gold could be turned over to the Government without the individual being prosecuted for holding the gold. Mitchell was addressing his request for assistance to Haldeman but Haldeman was nonresponsive and the matter was dropped.

I again departed Mr. Haldeman's office to have further dealings with Moore and Ziegler and Haldeman told me that there would be a meeting in the President's EOB office about 1:30 and that I should come directly from Ziegler's office when I got my problem worked out regarding Gray's statement. I arrived about 1:30 in the President's Office but the President was not ready to hold the meeting yet.

The meeting with the President, Ehrlichman, Haldeman, Mitchell, and me was again a general discussion of the Senate Watergate hearings situation and, did not accomplish anything. Rather it was a further indication that there would be no effort to stop the coverup from continuing. I recall that Mitchell told the President that he felt that the only problem that he now had was the fact that he was taking a public beating on his posture on executive privilege; that the statement on executive privilege was too broad and that probably something should be done to change his posture on the matter.

Mitchell was not suggesting that members of the White House go to the Hill to testify, rather that some more cooperative position be developed to avoid the adverse publicity. It was at this time that the President said that Kleindienst was supposed to be working these things out with Senator Baker and he apparently had not been doing so. The President said that Timmons had told him that a member of

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

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

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

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

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

Trip to Camp David

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

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

I informed him that I was a prisoner of the press and would be in shortly.

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

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

[Recess.]

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

Mr. DEAN. Thank you, Senator.

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

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

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

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

cepts on previous occasions, but we still did not have an answer that would bring the full truth out because of the criminal implications of the behavior of those involved.

On Saturday, I began reconstructing all I knew and began writing a report. I spent Saturday afternoon and evening, Sunday, and Monday reconstructing and writing. On Monday I asked my secretary to come to Camp David, bring certain documents that I had requested, and commence typing. I did not realize how difficult it would be to reconstruct my knowledge from memory. I had not kept a diary or even a calendar of all my activities, thus, I have been reconstructing my knowledge of this matter since March 23 to this day.

On Sunday evening, March 25, I was informed that the Los Angeles Times and the Washington Post were going to print a story that Magruder and I had prior knowledge of the June 17 bugging of the Democratic National Committee. I considered the story libelous then, as I do today. Upon learning that the story was going to be printed, I contacted an attorney, Mr. Tom Hogan, who was familiar with libel law. We discussed the matter. He then decided to put the newspapers on notice to preserve a libel suit in the event they printed the story. I also told Mr. Hogan that when I returned from Camp David that I wanted to talk with him about this entire matter and asked him to think about someone who was a good criminal lawyer because I was planning to take certain steps in the near future. I might add that it was my thinking at that time that I would explain all the facts to a knowledgeable criminal lawyer to determine the potential problems of everyone involved—from the President on down—to get independent advice on what I should do.

On Monday morning, March 26, I had a conversation with Haldeman about the story in the Los Angeles Times. I told him I was prepared to file a libel suit and had retained a lawyer to put the newspapers on notice. I told him that he knew that I had not known of the June 17 Watergate break-in in advance, that my knowledge of the entire matter ended with the second meeting in Mitchell's office. I told Haldeman that Magruder knew that I had no prior knowledge, but I did not know if he would admit it publicly. Haldeman concurred in the fact that I had no prior knowledge and suggested I call Magruder and tape his conversation.

I did call Magruder and by using a dictaphone held to the receiver, I recorded the call. I have submitted a transcript of this conversation to the committee; the long and short of this conversation was that Magruder acknowledged that the newspaper accounts were a "bum rap" for me because I had not had prior knowledge of the break-in.

[The transcript was marked exhibit No. 34–40.*]

Mr. DEAN. My secretary arrived at Camp David on Monday afternoon and began typing the report. On Monday night, I had given additional thought to how the President might get out in front of this matter and how we could get everyone involved to speak the truth. I called Moore, who is fairly conservative in his solutions to problems, and told him of my idea, which I said was so far out that I thought it might solve the awful problem. I have submitted to the committee a copy of my notes outlining my concept.

[The document was marked exhibit No. 34–41.**]

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*See p. 1258.
**See p. 1261.

Mr. DEAN. In brief, the President would create an independent panel—that would be investigator, prosecutor, and judge and jury for everyone involved. It would have the power to remove officials from office, levy fines, and impose criminal sanctions. It was designed to give every man a fair and full hearing, and proceed in a manner where people would not be tried publicly.

Finally, after all the facts were in, the panel would render its judgments on the individuals involved and report to the public. I might note that if the special prosecutor and this committee were merged, made independent, and proceeded in camera, it would be very close to the concept I had proposed back on March 26.

Moore liked the idea and suggested I call Haldeman, which I did. He was intrigued, but not overwhelmed. It was becoming increasingly clear that no one involved was willing to stand up and account for themselves.

After I had read in the newspaper on Tuesday, March 27, that the President had called me on Monday morning, March 26—which he had not—and expressed great confidence in me and the fact that I had not had prior knowledge of the break-in at the Democratic National Committee, I decided to attempt to contact Mr. Liddy, who was the one man who could document the fact that we never had talked about his plans following the February 4 meeting in Mitchell's office. I called Paul O'Brien and asked him how I could get in contact with Mr. Maroulis, Mr. Liddy's attorney. O'Brien gave me Maroulis' phone number, but told me I could not reach him until late in the afternoon.

I called Mr. Maroulis about 5:30 and asked him if I might get some sort of sworn statement from Liddy regarding my lack of prior knowledge of the break-in at the Democratic National Committee. I told him of the two meetings in Mitchell's office, and that Mr. Liddy and I never talked about his plans after the second meeting. To this day, I am convinced that if and when Mr. Liddy ever talks, he will tell the truth as he knows it. I was hopeful that he would give me some sort of an affidavit attesting to the facts, but his lawyer was concerned about his fifth amendment problems.

Mr. Maroulis called me back on March 29 after I had returned from Camp David, after he had talked with Mr. Liddy. I requested O'Brien to make a memorandum of the call, as he was with Mr. Maroulis when he made the call. I have submitted to the committee a copy of this document in which Maroulis advised me his client could not make such a statement because it might result in a waiver of his fifth amendment privileges, that to give such a statement could be detrimental to others, but Liddy did wish to convey that his reasons for not providing such a statement was not because he disagreed with the facts, but because of the advice of counsel.

[The document was marked exhibit No. 34–42.*]

Mr. DEAN. It was the day before I received this call, March 28, that Haldeman had called me at Camp David and requested that I return to Washington. He told me that he was meeting with Mitchell and Magruder and that they wished to meet with me. I told Haldeman that I really did not wish to meet with Mitchell and Magruder, but he was insistent that I return and meet with them. I returned from Camp David about 3:30 and went directly to Haldeman's office. He told me

*See p. 1262.

that Mitchell and Magruder were waiting in another office for me. I asked him why they wanted to talk to me and he said that they wanted to talk to me about my knowledge of the meetings in Mitchell's office. I told Haldeman that they were both aware of the situation and I was not going to lie if asked about those meetings. Haldeman said that he did not want to get into it, but I should go in and work it out with Mitchell and Magruder.

Before discussing the meetings with Mitchell and Magruder, I feel I should comment on my reaction to the discussion I had just had with Mr. Haldeman. Knowing how freely and openly he had discussed matters in the past, I could tell that he was back-peddling fast. That he was now in the process of uninvolving himself, but keeping others involved. This was a clear sign to me that Mr. Haldeman was not going to come forward and help end this problem, rather, he was beginning to protect his flanks. It was my reaction to this meeting with Mr. Haldeman and his evident changed attitude, and my earlier dealings with Ehrlichman where he had told me how I should handle various areas of my testimony should I be called before the grand jury, that made me decide not to turn over to them the report I had written at Camp David. I have submitted to the committee a copy of the Camp David report, part of which was typed by my secretary at Camp David and the remainder in longhand, which I had not put in final narrative form before I was called back to Washington.

[The document was marked exhibit No. 34–43.*]

Meeting With Mr. Mitchell and Mr. Magruder

Mr. Dean. After departing Mr. Haldeman's office, I went to meet with Mitchell and Magruder. After an exchange of pleasantries, they told me they wished to talk to me about how I would handle any testimonial appearances regarding the January 27 and February 4 meetings which had occurred in Mitchell's office. I told them that we had been through this before and they knew well my understanding of the facts as they had occurred at that time. Mitchell indicated that if I so testified, it could cause problems. Magruder then raised the fact that I had previously agreed, in an earlier meeting, that I would follow the testimonial approach they had taken before the grand jury.

I told them I recalled the meeting. Magruder then said that it had been I who had suggested that the meetings be treated as dealing exclusively with the election law and that explained my presence. At this point in time, I decided I did not wish to get into a debate regarding that meeting. They both repeated to me that if I testified other than they had it would only cause problems. I said I understood that. I told them that there was no certainty that I would be called before the grand jury or the Senate committee and that if I were called, I might invoke executive privilege, so the question of my testimony was still moot. I did not want to discuss the subject further so I tried to move them off of it. They were obviously both disappointed that I was being reluctant in agreeing to continue to perpetuate their earlier testimony.

The only other matter of any substance that came up during that meeting was when I made the point that I had never asked Mitchell

*See p. 1263.

about his involvement in the matter and I had no intention of asking him at that time. I said to this day I do not fully understand how the Liddy plan got into operation and can only speculate based on the tidbits of information I know. I then offered my hypothesis of what had happened, that is, that at some point after the second meeting in Mitchell's office there had been pressure put on to get the plan approved and that it had been approved without anyone really understanding its full import. Mitchell said something to the effect that my theory was not far from wrong, only they thought it would be three or four times removed from the committee. The meeting terminated shortly thereafter. It was not a lengthy meeting and as far as Magruder and Mitchell were concerned, it was certainly less than satisfactory for them.

March Meeting With Mr. Egil Krogh

On either March 28 or 29, Mr. Krogh came to my office because he happened to be in the Executive Office Building. He said he had come to express sympathy for me as a result of the adverse publicity I had received during the Gray hearings. He then began telling me that he had not himself had a good day since his own confirmation hearings and that he had been haunted by his experiences at the White House.

I told Krogh that I thought that there was a very likely possibility that the Senate Watergate committee could stumble into the Ellsberg burglary. I told him that there were documents in the possession of the Justice Department which had been provided by the CIA in connection with the Watergate investigation which contained pictures of Liddy standing in front of Mr. Ellsberg's doctor's office in California.

I told him that I had learned from the CIA that these pictures had been left in a camera returned by Hunt to the CIA and the CIA had developed the pictures. I said I did not believe that the Justice Department knew what the pictures were all about but that any investigator worth his salt would probably track down the incident as a result of the pictures.

I told him that Ehrlichman had requested that I retrieve the documents from the Justice Department and get them back to the CIA where they might be withheld from the committee investigators but the CIA had been unwilling to do so.

Krogh was very distressed to hear this news but said that maybe it was for the best in that he had personally been haunted by this incident for so long that he would like to get it out in the open. We then entered into a discussion about the incident and I asked him if he had received his authorization to proceed with the burglary from Ehrlichman, knowing well that Krogh would not undertake such a mission himself.

Krogh responded that no; he did not believe that Ehrlichman had been aware of the incident until shortly after it had occurred; rather, he had received his orders right out of the "oval office." I was so surprised to hear this that I said, "You must be kidding." And he repeated again that he had received his instructions out of the oval office.

Mr. Krogh also indicated to me that he thought he might have perjured himself during his confirmation hearings and he was very both-

ered by that. He said he thought he had been asked some questions about the Cubans that he probably could have answered but was afraid to open up the whole area of the plumbers' operation so he did not properly answer the question.

He had never really studied his transcript to determine if he had or had not perjured himself but he was concerned about it. I told him that there might be a possible solution to his problem if there was some way we could get him immunized on a national security basis and get the matter out in the open on that basis, or some sort of procedure that would remedy his plight. I said I did not have anything specific in mind but it is something that we might talk to Henry Petersen about sometime in the future.

Shortly after Krogh left my office, I had a call from Ehrlichman who told me that Krogh had been in to see him about the matters we had just been talking about. He said that he was convinced that Krogh had not perjured himself, but he requested that I call Petersen to explore how we might deal with Krogh's situation. I told Ehrlichman that I did not think it was an appropriate time to call right now, but that maybe we could in the near future, before the Senate committee came across the documents at the Justice Department that would unravel this entire matter. I never called Petersen on this matter.

Meeting With the Prosecutors

Following my meeting with Mitchell and Magruder on March 28, I realized that I was under pressure from both within the White House and without to either not testify or falsely testify. I had earlier discussed with Ehrlichman that if I was called upon to testify that I would probably be asked questions about the Dean investigation, my dealings with the FBI, the handling of the material in Hunt's safe, and the like.

I recall testing Ehrlichman's reaction to my testimony and I got the result that I expected. He had asked me for an example of a problem area. I then told him that I would probably have to explain the delay of turning materials over to the FBI from Hunt's office. I said that the reason I had delayed was because of his instructions that I "deep-six" and shred the evidence. Ehrlichman told me that he didn't think that I would have to explain the delay that way, rather that I could say that I was making an inventory. I told him that I had not made an inventory and he said, "Well, I'm sure you'll think of something."

I have mentioned that I had received what I considered an indication from Haldeman when I had met with him preceding the Magruder and Mitchell meeting on the 28th that he was protecting himself.

I also realized that when Ehrlichman had called me after my conversation with Mr. Krogh, that he was trying to tell me that what Krogh had earlier told me might not be correct and I felt that he was somewhat unhappy that Krogh had given me the information he had.

By March 29, Ehrlichman and Haldeman fully realized that I was not playing ball and, in fact, could present a serious problem to them. It was also evident to me that they were doing everything they could to protect themselves against my knowledge.

I had been in continuous contact since March 25 with my attorney, Tom Hogan, regarding whom he felt was the best available man in the criminal law field that I might discuss this entire matter with. We had talked on several occasions about Charles Shaffer, whom I had met several years ago and regarded highly as a criminal lawyer.

On March 28 and 29, however, I made several other calls to friends to ask them for suggested names of knowledgeable criminal lawyers, but decided on March 30 that I would retain Mr. Shaffer if he were available. Mr. Hogan informed me that he was and we arranged to meet with him.

The President, along with Haldeman and Ehrlichman, were going to be in California for a week or more in connection with the President's meeting with President Thieu of South Vietnam and I felt that this would give me an opportunity to decide how best I could come forward and end this matter. I had decided that I was going to inform the prosecutors of what the case was all about but before I did so I felt that I should consult with counsel to determine the scope of my own problems.

On March 30, shortly after lunch, I met with Mr. Hogan and Mr. Shaffer. I spent 5 hours telling them everything that I could remember and telling them that I was unwilling to continue in the coverup. Mr. Shaffer advised me to avoid further conversations regarding this subject and said that he would like to talk with me again on Monday morning prior to his seeing the prosecutors.

Accordingly, we met again on Monday morning, April 2, and discussed the matter for several hours more. That afternoon, my attorneys went to the Government prosecutors and told them that I was willing to come forward with everything I knew about the case.

From the outset I was confronted with the problems of executive privilege, attorney-client privilege, and national security. Thus, it was agreed until these problems were resolved that I would exclude matters involving the President from these conversations. I was also uncertain of many of the dates and details of the facts that I had general knowledge of so I began reconstructing a chronology of events. As each session progressed, I was able to provide more information, more leads, and more explanations of the interrelationships within the White House and the relationships of persons who were involved.

During the period of April 2 until April 15, the meetings I had with the prosecutors were initially focusing on the activities which had led up to the June 17 break-in at the Democratic National Committee and all the knowledge I had regarding the events before June 17, but as our discussions evolved and I began telling them more and more of the coverup, their interest began to focus more and more in that area.

As I began explaining what I knew, it was evident that the prosecutors had no conception of how extensive the coverup was so I tried to provide them with all the details that I could remember. Also, as the conversations regarding the coverup began to get into more and more specifics, we moved into areas that came closer and closer to the President, but prior to April 15 I did not discuss any of the areas of Presidential involvement.

During the time I was having conferences with the Government prosecutors, I was avoiding conversations with Mitchell, Ehrlichman, and Haldeman as much as I could. However, on several occasions I did talk with Ehrlichman while he was in California. At one point he called me and asked if I had completed my report that I had been working on at Camp David. I told him it was still incomplete. He said that I should send him whatever I had completed. I told him that a section dealing with Segretti's activities, which had been prepared by Dick Moore, but which I had not reviewed myself, was complete as far as I was concerned and I would send it on to him. He said I should send it to California immediately on the DX machine. He said that Haldeman was interested in getting these facts out now because the timing might be good. I sent the report that had been written by Mr. Moore, a copy of which I have submitted to the committee.

[The document referred to was marked exhibit No. 34–44.*]

Mr. DEAN. I also had a conversation with Mitchell about Paul O'Brien going out to visit with Haldeman in California. Mitchell told me that he wanted O'Brien to go out and visit with Haldeman and that he had worked out the meeting. I felt like telling Mitchell that I thought that when I learned the meeting had been switched from Haldeman to Ehrlichman, that O'Brien was being set up, that Ehrlichman would probe him on everything he knew about Mitchell, Dean, and anyone else involved. I did not know if this in fact occurred, but knowing that Ehrlichman and Haldeman were very busy protecting their flanks, I would have to believe that it did occur. I have never talked with O'Brien about what did occur during his meeting with Ehrlichman.

Ehrlichman also asked me if I knew when I would be called before the grand jury. I told him I did not, but that my lawyers were discussing the matter with the prosecutors. I did not tell him that I had already met with the prosecutors but he told me that he wanted to know when I was going to be called because he wanted to talk with me before I appeared.

I believe that the President returned from California on Sunday, April 8. I was scheduled to meet with the prosecutors that afternoon. My attorneys had been discussing my testimony with the prosecutors and they had worked out an arrangement whereby I could give the prosecutors my knowledge directly and what I told them would not later be used against me if they should prosecute me. I felt that I should tell Haldeman that I was going to meet with the prosecutors personally so I called him in California on the morning of April 8 before they departed for Washington. I made the call from Mr. Shaffer's office and when I told him this he said that I should not meet with the prosecutors because, as he said, "Once the toothpaste is out of the tube, it's going to be very hard to get it back in." After this comment, I did not tell Haldeman whether I would or would not meet with them and in fact the meeting went forward. During the meeting and while the President was flying east, I received a call from Air

*See p. 1294.

Force One from Higby, who asked me to be in Wisdom's (Ehrlichman's code name) office at a certain time for a meeting. I believe the meeting was set for 4 or 5 o'clock.

I departed from the meeting with the prosecutors to go into the White House. I went to Ehrlichman's office. There I found Ehrlichman and Haldeman who had just arrived from Andrews Air Force Base and we chatted for a brief moment about their trip. I raised the fact that I had read in the paper that morning that Colson had taken a lie detector test. I said that I hope everyone is willing to take such a lie detector test because it will probably be necessary now that Colson has taken a test. They asked me if I had met yet with the prosecutors or knew when I would be called before the grand jury. I avoided a direct answer to the question by saying that my lawyers were still having discussions with the prosecutors about my appearance before the grand jury. I was then asked some questions about testimonial areas but I gave them evasive answers. Even these evasive answers, which raised matters which related to them, brought forth responses that they did not remember it quite as I did.

During the week of April 9 to April 14, I had several conversations with Ehrlichman and Haldeman but I tried to avoid them as much as possible. I recall some discussions however regarding getting Mitchell to step forward. The theory that had been discussed before they went to California was becoming the policy—"If Mitchell takes the rap the public will have a high level person and be satisfied and the matter will finally end." I felt during each encounter I had with them that I was very much a problem for them but they did not want me to know that they felt so. However, after having been involved with them for months on end in this matter, it was very easy for me to recognize a changed attitude, and on occasion they were almost patronizing in dealing with me.

On Monday, April 9, Mitchell called me and told me he was coming to Washington and wanted to meet with me. I informed Ehrlichman and Haldeman of Mitchell's request and they both wanted me to meet with him. I also discussed this with counsel and there was some discussion with the Government about the meeting. The prosecutors were interested in my taping the conversation but I told them I thought it was most unfair to do, to Mitchell, and that I would not go in and set him up.

After discussing this further with my attorney, and rejecting the suggestion that I record the conversation, I agreed to meet with Mitchell but I had been instructed by counsel to prepare a memorandum of the meeting as soon as the meeting was over. I agreed to do this and I have submitted a copy of that memorandum to the committee.

[The document referred to was marked exhibit No. 34–45.*]

Mr. DEAN. The sum and substance of the meeting was that if and when I were called to testify I would testify fully and honestly. Mitchell said that he understood and did not suggest that I do otherwise. He did, however, believe that my testimony would be very harmful to the President and said that he felt that I should not testify if at all possible. I reported my meeting with Mitchell to Haldeman and Ehrlichman later.

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*See p. 1308.

There were other discussions that week in which Haldeman and Ehrlichman talked about pinning this entire matter on Mitchell. I listened with some interest because I did not feel that they would succeed at this and I felt that also they would have to be thinking about how to handle the coverup activities and felt that I would undoubtedly be the target for them to pin everything with regard to the coverup on. As Haldeman and Ehrlichman began to discuss more about getting Mitchell to take the blame for authorizing this plan in the first instance, I began to increase my conversations with the prosecutors about the coverup. The more I told the prosecutors about the coverup the more interested they became in it. At this time, Haldeman and Ehrlichman were still unaware of my direct dealings with the prosecutors.

On Friday, April 13, Fred LaRue came to my office to see me. Before he arrived in my office I again contacted my attorney to advise him that LaRue wanted to see me and I asked what I should do. He again said he thought I ought to meet with LaRue, not to get into testimonial areas, but to make a memorandum of the meeting. I have submitted a copy of that memorandum to the committee.

[The document referred to was marked exhibit No. 34–46.*]

Mr. DEAN. When LaRue and I met, LaRue told me that he thought he was going to be called before the grand jury shortly and he wanted to know what I was going to do if I was called. I told him I was going to tell the truth. I told him I did not believe we should talk about testimony because we could be asked that very question in and of itself before the grand jury. LaRue said, "Let me just ask one question." He asked me if I had made any decisions on the money and I told him that I had not but I had merely passed messages along and returned messages. He said that he had assumed that to be the case and asked me how I was going to handle the persons above me who were involved. I told him again that I was going to withhold nothing from the grand jury and if asked I would respond.

Mr. LaRue also said that he needed some legal advice and I suggested that rather than getting it from me that he ought to get independent counsel. I liked Fred LaRue very much and felt very sorry for him realizing that this probably would be the last conversation we would have for some time and that he was in the middle of this matter not necessarily by his own choice but by the circumstances he found himself in at the time.

The strategy that was now developing was a partial uncovering of the coverup; that is, to get Mitchell to step forward. On Friday, April 13, I went to Ehrlichman's office where Ehrlichman and Haldeman were present and discussing a meeting that they had just had with Colson and his attorney, Mr. Shapiro.

They informed me that Colson had developed a plan to deal with the matter and that was that Mitchell should be smoked out. Ehrlichman said that Colson had concluded that obviously Mitchell had signed off on this matter and he should take responsibility for it to end this thing. Ehrlichman also said that Colson had some other ideas including the fact that the Gray hearings had been very damaging to me publicly and I should certainly not take any position out in

*See p. 1311.

front dealing with the Ervin committee hearings because of this. I might add that Ehrlichman and Haldeman were most cynical about Colson's suggestions and said to me that he was really scrambling to protect himself.

After discussing the Colson plan they told me that Mitchell would be coming down to talk about this entire matter. There was some discussion as to how to smoke Mitchell out. By the week's end it had been decided that the President would meet with Mitchell and ask him about his knowledge and hopefully the President would be able to get Mitchell to come forward. I told them I doubted very seriously if Mitchell would say anything to anyone about this matter. While these discussions were going on, the President called Ehrlichman and they had a brief discussion about the matter. I also recall that at one point in the conversation Ehrlichman said that "He's right here," referring to me.

On Saturday, April 14, I requested my attorney, Mr. Shaffer, to come to my office. I told him that Mitchell was coming down to meet with the President and that there was going to be an effort to smoke him out. I asked him if he had any ideas as Ehrlichman and Haldeman had asked me if I had any ideas. Mr. Shaffer gave me a former prosecutor's answer that what Mitchell needs is a good cross-examination.

I told him I did not think that that was possible by the President because the President was not the cross-examining type. He also made a couple of other suggestions which would have resulted in the President having to appear before the grand jury if he got any admissions from Mr. Mitchell. I passed these suggestions along subsequently to Ehrlichman and Haldeman but they were not viable suggestions.

Mr. Shaffer and I then sat down and began reviewing all the facts that I had related to him. I told him I wanted his opinion based on conversations with the prosecutors and his own knowledge of the criminal law as to who had problems and who could be indicted and who were the targets of the grand jury. Mr. Shaffer and I discussed this for awhile and then I prepared a list of who was likely to be indicted as the investigation proceeded.

I had guests for lunch and it was after lunch that I met with Dick Moore. I had the list in front of me and I thought that I would see what Moore's reaction to it was because I was planning to take it to Ehrlichman and Haldeman later. I showed the list to Dick Moore and told him it had been prepared based on conversations with my attorney and his knowledge of the involvement of various persons.

I told him that I felt that everybody on this list was a potential subject of an indictment. When I showed Moore the list he was quite upset. He said that if indeed that occurred it would be a tremendous tragedy to the country. He was shaken by the list and the seriousness with which I discussed it with him, but I was very serious in my desire to stop the coverup with Ehrlichman and Haldeman so I was appreciative for Moore's reaction. I have submitted a copy of the document I prepared to the committee.

[The document referred to was marked exhibit No. 34–47.*]

Mr. DEAN. Later that afternoon I went to Ehrlichman's office where Ehrlichman and Haldeman were discussing Mitchell's visit. I learned

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*See p. 1312.

that Mitchell had met briefly with Ehrlichman but not with the President. Ehrlichman said that Mitchell was not talking which certainly did not surprise me. And I certainly was not surprised that he would not talk with Ehrlichman either. I then pulled the list I had prepared out of my pocket and told them that I had discussed everyone's problem with my lawyers and my lawyers had had conversations with the prosecutors as well and I thought that the following persons would be indicted. I then read them the list. I told them that my attorney had learned from his discussions with the prosecutors that not only was Dean the target of the grand jury but Ehrlichman and Haldeman were also very much targets of the grand jury. Ehrlichman said that he had just talked with Kleindienst a few days earlier about the grand jury and that he had no such report from Kleindienst. I said that my lawyer appears to know more than the Attorney General does because I believe he is probably more informed in that he had had direct conversations with the prosecutors. I did not tell them at that point that I had had private meetings with the prosecutors or that I had told the prosecutors of the extent of involvement of Haldeman and Ehrlichman. When this meeting ended I was quite confident that I had gotten the message through to Ehrlichman and Haldeman that they had a serious problem themselves and I had put them on final notice that I was not playing the coverup game any longer.

It was late that night that I realized that indeed, my message had gotten through. About 1 o'clock on Saturday night or Sunday morning, I received a call from Mr. Shaffer. He said that the prosecutors had called him and that they were going to have to breach the agreement they had made regarding keeping all of my conversations with them private. The prosecutors had reported to Mr. Shaffer that the Attorney General had called Mr. Petersen and them and wanted a full report on everything that was going on before the grand jury and where the grand jury was headed. The meeting with the Attorney General was to occur about 2 a.m., at the Attorney General's home. The prosecutors also reported that the reason they felt they had to breach the agreement was because the Attorney General was being summoned to the President's office the next morning to discuss the entire matter. I told Mr. Shaffer that I had hoped to tell the President personally that I had gone to the prosecutors several weeks ago but that I had understood why this was occurring and obviously there was nothing we could do about it. I told Shaffer that we certainly have gotten the message through to Ehrlichman and Haldeman that they have problems and that the coverup may begin to unravel at last.

On Sunday, April 15, I went to Mr. Shaffer's office for an all-day meeting. I learned during the day that Ehrlichman had been trying to reach me during the better part of the day but I decided not to return his call. When I returned home about 7:30, the White House operator called me again and said that Ehrlichman had been trying to reach me. I then returned his call. He told me that he was going back to the office to do some work that night and would be in about 8 p.m. and would like to meet with me very much. I told him I would meet with him.

I was quite aware of the reason that Ehrlichman wanted to meet with me because I was sure that he had learned from the President what was going on as a result of the President's meeting with Klein-

dienst and Petersen and the fact that I had been to the prosecutors had obviously come out. As I have noted earlier, I had not at any time discussed Presidential involvement with the prosecutors so the discussions that Petersen and Kleindienst had with the President obviously focused on the involvement of Haldeman, Ehrlichman, Dean, Mitchell, Magruder, Strachan, and others that I had discussed. After Ehrlichman's call, I called Mr. Shaffer and we discussed the wisdom of the meetings. I told him I did not want to meet with Ehrlichman and he agreed. Subsequently, I tried to reach Ehrlichman to turn the meeting off but I learned that he was already en route to the office.

I called Mr. Shaffer back and told him that I thought I ought to meet with the President and I should call Rosemary Woods and have her give a message to the President. He said that he saw no problem with my talking with the President to tell him why I had gone to the prosecutors. I attempted to reach Rosemary Woods but she was out of the city. I then wrote out a message for the President and phoned Mr. Higby and requested that Higby relate the matter to Haldeman, Ehrlichman, and on to the President. I have submitted a copy to the committee of the message I sent to the President at 8:15 Sunday, April 15.

[The document was marked exhibit No. 34–48.*]

Mr. DEAN. In short, I told the President that I hoped he did not interpret my going to the prosecutors as an act of disloyalty, that I did not wish to speak with Ehrlichman at this time, that I would meet with him if he wished to discuss the matter with me, and that I thought that he should get his legal advice from Henry Petersen. Within 45 minutes of sending this message I had a call from the White House operator informing me that the President wished to meet with me at 9 o'clock.

It was shortly after 9 when I arrived at the President's EOB office. As I was driving into the White House I wondered to myself if the meeting was a set-up. By a set-up I mean, was the President going to try to smoke out of me what Ehrlichman and Haldeman obviously had been trying to do and had not been able to do, would not be able to get out of me because they knew very well that I would not play any games with the President. I decided I could not worry about that and I had a duty to explain to the President why I was doing what I had done.

MEETING WITH THE PRESIDENT—APRIL 15

The President was very cordial when we met. I was somewhat shaken when I went in to meet him because I knew I had taken it upon myself to end the coverup and what I had started was going to cause serious problems for the President. I shall attempt to recall the highlights of the conversation that transpired on the meeting which occurred about 9 o'clock on April 15.

I told the President that I had gone to the prosecutors. And, that I did not believe that this was an act of disloyalty but, rather in the end it would be an act of loyalty. I told him I felt this matter had to end. I informed the President that I told the prosecutors of my own involvement and the involvement of others. At one point in the conversation I recall the President asking me about Haldeman's knowledge

*See p. 1313.

of the Liddy plans. He asked me if I had told him earlier about the fact that I had met with Haldeman after the second meeting in Mitchell's office and told Haldeman what was going on and my reaction to what was going on. I told the President that I had reported this fact to him earlier. The President then made some reference to Henry Petersen asking about why Haldeman had not turned it off at that point and told me to testify that I had told Haldeman about the meeting in Mitchell's office. The President almost from the outset began asking me a number of leading questions, which was somewhat unlike his normal conversational relationships I had had with him, which made me think that the conversation was being taped and that a record was being made to protect himself. Although I became aware of this because of the nature of the conversation, I decided that I did not know it for a fact and that I had to believe that the President would not tape such a conversation.

Some question came up, by the President, as to whether I had immunity. As best as I can recall, I told him my lawyers had discussed this with the prosecutors but certainly I had no deal with the Government. He told me that he did not want to do anything to hurt my negotiations with the Government. I do not recall his comment on his comment regarding that. I also recall that the conversation turned to the matter of Liddy not talking. He said something about Liddy was waiting for a signal and I told him that possibly he was waiting for a signal from the President.

I discussed with him the fact that maybe if Liddy's lawyer met with him that Liddy would begin to open up because I said that I thought that that would be very helpful if Liddy did talk. It was during this part of the conversation that the President picked up the telephone and called Henry Petersen and pretended with Petersen that I was not in the room but that the matter of Liddy's coming forward and talking had arisen during our conversation. The President relayed to Petersen that if Liddy's lawyer wanted to see him to get a signal that the President was willing to do this.

The President also asked me about Petersen and I told him if anyone could give him good advice Henry Petersen could. The President also asked me if I remembered what day it was in March that I had reported to him on some of the details of the Watergate matter. He said that he thought it was the 21st but was not certain. I said that I could not recall for certain without checking.

At another point in the conversation the matter of the degree of discussions that I had had with the prosecutors came up and I informed the President that I had had no discussions with the prosecutors relating to conversations I had had with him or in anything in the area of national security. The President told me that I could not talk about national security areas and that I should not talk about conversations I had had with him because they were privileged conversations.

Toward the end of the conversation the President recalled the fact that at one point we had discussed the difficulty in raising money and that he had said that $1 million was nothing to raise to pay to maintain the silence of the defendants. He said that he had, of course, only been joking when he made that comment. As the conversation went on, and it is impossible for me to recall anything other than the high

points of it, I became more convinced that the President was seeking to elicit testimony from me and put his perspective on the record and get me to agree to it.

The most interesting thing that happened during the conversation was, very near the end, he got up out of his chair, went behind his chair to the corner of the Executive Office Building office and in a nearly inaudible tone said to me he was probably foolish to have discussed Hunt's clemency with Colson. I do not recall that I responded. The conversation ended shortly thereafter.

As I was on my way out of the office after exchanging parting pleasantries, I told the President that I hoped that my going to the prosecutors and telling the truth would not result in the impeachment of the President. He jokingly said, "I certainly hope so also," and he said that it would be handled properly.

Meeting With the President—April 16

I received word on Monday morning, April 16, that the President had requested I come to the oval office. I arrived at his office about 9:45, and rather than going to the reception entrance normally used by other members of the staff and myself, I went into Mr. Steve Bull's office. Mr. Bull is the one who had informed me that the President wanted to see me, so I went to his office.

Mr. Bull told me I would have to wait a few minutes because the President was in another meeting. A few minutes later Haldeman and Ehrlichman emerged laughing from the President's office and when they saw me in Mr. Bull's office their faces dropped. I said hello, they put on a serious—they said hello, put on a serious look and departed. I went into the President's office.

The President told me that he had been thinking about this entire matter and thought it might be a good idea if he had in his drawer a letter from me requesting that he accept my resignation or in the alternative an indefinite leave of absence. He said that he had prepared two letters for my signature and he would not do anything with them at this time but thought it would be good if he had them. He then passed me a manila file folder with two letters in them. The President said that he had prepared the letters himself and that no one would know I had signed them. I read the letters and was amazed at what I was being asked to sign. I have submitted to the committee copies of the letters, but since they are very brief, I will read them.

[The letters were marked exhibit No. 34–49.*]

Mr. Dean. The first letter, dated April 16, 1973, read:

> Dear Mr. President, in view of my increasing involvement in the Watergate matter, my impending appearance before the grand jury and the probability of its action, I request an immediate and indefinite leave of absence from my position on your staff.

The second letter, which was even more incriminating, read:

> Dear Mr. President, as a result of my involvement in the Watergate matter, which we discussed last night and today, I tender you my resignation, effective at once.

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*See p. 1314.

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After reading the letters, I looked the President squarely in the eyes and told him that I could not sign the letters. He was annoyed with me, and somewhat at a loss for words. He said that maybe I would like to draft my own letter. I told him that the letters that he had asked me to sign were virtual confessions of anything regarding the Watergate. I also asked him if Ehrlichman and Haldeman had signed letters of resignation. I recall that he was somewhat surprised at my asking this and he said no, they had not but they had given him a verbal assurance to the same effect.

He then elaborated that Haldeman and Ehrlichman had said that if they were called before the grand jury they would seek an indefinite leave of absence. They had given him their verbal assurances. I then told the President that he had my verbal assurance to the same effect. It was a tense conversation, but I was not going to sign the letters under any circumstances.

As I sat there talking with the President, I had very much on my mind the laughter in Ehrlichman's and Haldeman's voices when they walked out of the office before they realized that I was waiting outside to see the President. To break the impasse the President said that he would like me to draft my own letter and report back to him later. He said that he was working on a statement regarding the Watergate and the recent developments that had come to his attention as a result of his meetings with Kleindienst and Petersen and would appreciate my thoughts. He said that he would also like a suggested draft letter for Haldeman and Ehrlichman or maybe a form letter that everyone could sign. I told him I would draft a letter and would report back to him.

The President called me to come to his EOB office about 4 that afternoon. He asked me if I had drafted a letter. I said that I had as well as I had prepared some thoughts for his statement. He asked to see the letter, a copy of which I have submitted to the committee—but again shall read it because it is very brief:

[The document referred to was marked exhibit No. 34–50.*]

Dear Mr. President:

You have informed me that Bob Haldeman and John Ehrlichman have verbally tendered their requests to be given an immediate and indefinite leave of absence from your staff. By this letter I also wish to confirm my request that I be given such a leave of absence from your staff.

Mr. DEAN. After the President read the letter, he handed it back to me and said it wasn't what he wanted. [Laughter.]

Senator ERVIN. The audience will please refrain from laughter.

Mr. DEAN. I then told him that I would not resign unless Haldeman and Ehrlichman resigned. I told him that I was not willing to be the White House scapegoat for the Watergate. He said that he understood my position and he wasn't asking me to be a scapegoat. I then gave him my recommendations of the draft statement. Before he read the draft statement he said that he had checked his records and it has been on March 21 that I had met with him and given him the report on the problems of the Watergate and its coverup. I have submitted to the committee a copy of the draft statement I prepared for the President.

[The document referred to was marked exhibit No. 34–51.**]

Mr. DEAN. The gist of the statement was twofold: First the President had learned of new facts in the case over the weekend and as a

*See p. 1316.
**See p. 1317.

result of this information coming to his staff and had directed Henry Petersen to take charge and leave no stone unturned; secondly, that he had accepted requests from Haldeman, Ehrlichman and Dean to be placed on leave of absence. The President said virtually nothing about the statement and after reading it told me to talk with Len Garment, who he said was also preparing a draft statement.

After departing from the President's office, I called Mr. Garment and told him that the President had requested I give him my input on the draft he was developing. Mr. Garment said he would come by my office, which he did. I gave him a copy of the draft statement, and he told me that he and I were thinking along similar lines, that is, that Haldeman, Ehrlichman, and Dean had to resign. I told him I was ready and willing but only if Haldeman and Ehrlichman resigned as well.

Call From the President—April 17

The next time I heard anything about the draft statement was on April 17, when the President called and informed me that he had decided not to request any resignations until after the grand jury took action and that he would issue a statement very shortly. That statement of April 17 is a matter of public record. I would only like to point out one or two items about the statement. The President said that on March 21, as a result of serious charges which came to his attention, some of which were publicly reported, he began an intense new inquiry into this whole matter. I would merely refer the committee's attention back to my earlier testimony as to what the President did after my report to him on March 21 as to the White House's deep involvement in the coverup. In short, the President commenced no investigation at all. Rather, the President, Haldeman, and Ehrlichman commenced to protect themselves against the unraveling of the coverup.

Secondly, I would also like to raise the paragraph that had been put in the statement that no one in a position of major importance in the administration should be given immunity from prosecution. While this statement went virtually unnoticed in the public, it was very evident to me what the President was saying: Dean will not be a witness against anyone so the Government might as well stop dealing with him.

The Dean Scapegoat Statement and Requested Resignation

On Monday night, April 16, I had learned that the President had informed the Government that he allegedly had taped a conversation in which I had told him I was seeking immunity from the Government in exchange for testimony on Haldeman and Ehrlichman. I have no recollection of ever telling the President that I was so negotiating with the Government and the President told me very specifically that he did not want to do anything to interfere with any negotiations I was having with the Government.

When I learned this from my attorney I suggested that he request that the Government call for the tape and listen to the tape because I told him it must be a reference to the meeting I had with the President on April 15 and if that conversation were taped the Government would have a pretty good idea of the dimensions of the case they were dealing with. I was referring to the fact that the President had mentioned

the million dollar conversation and the fact that he had talked to Colson about clemency for Hunt. I do not in fact know if such a tape exists but if it does exist and has not been tampered with and is a complete transcript of the entire conversation that took place in the President's office, I think that this committee should have that tape because I believe that it would corroborate many of the things that this committee has asked me to testify about.

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

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

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

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

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

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

The committee will stand in recess until 10 o'clock tomorrow morning.

[Whereupon, at 6:05 p.m., the committee recessed to reconvene at 10 a.m., Tuesday, June 26, 1973.]

TUESDAY, JUNE 26, 1973

U.S. SENATE,
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES,
Washington, D.C.

The Select Committee met, pursuant to recess, at 10.05 a.m., in room 318, Russell Senate Office Building, Senator Sam J. Ervin, Jr. (chairman), presiding.

Present: Senators Ervin, Talmadge, Inouye, Montoya, Baker, Gurney, and Weicker.

Also present: Samuel Dash, chief counsel and staff director; Fred D. Thompson, minority counsel; Rufus L. Edmisten, deputy chief counsel; Arthur S. Miller, chief consultant; Jed Johnson, consultant; David M. Dorsen, James Hamilton, and Terry F. Lenzner, assistant chief counsels; R. Phillip Haire, Marc Lackritz, William T. Mayton, Ronald D. Rotunda, and Barry Schochet, assistant majority counsels; Eugene Boyce, hearings record counsel; Donald G. Sanders, deputy minority counsel; Howard S. Liebengood, H. William Shure, and Robert Silverstein, assistant minority counsels; Pauline O. Dement, research assistant; Eiler Ravnholt, office of Senator Inouye; Robert Baca, office of Senator Montoya; Ron McMahan, assistant to Senator Baker; A. Searle Field, assistant to Senator Weicker; Ray St. Armand, assistant publications clerk.

Senator ERVIN. The committee will come to order.

The committee counsel will question the witness.

Mr. DASH. Mr. Dean, you stated, did you not, that well before the so-called Liddy plan spelled out in meetings on January 27 and February 4, 1972, that there was an atmosphere in the White House conducive to the bugging and break-in of the Democratic National Committee headquarters. Is that true?

TESTIMONY OF JOHN W. DEAN III—Resumed

Mr. DEAN. That is correct.

Mr. DASH. Let me very briefly summarize the key plans and activities which you state in your statement created such an atmosphere. The first I understand was an overall intelligence plan developed by the time you had already arrived at the White House in July of 1970 by White House leadership or including White House leadership to deal with internal security and domestic dissent which included such activities as illegal break-in and wiretapping and these are the papers which I understand you submitted to Judge Sirica and which this committee has received from Judge Sirica?

Mr. DEAN. That is correct, and I believe that was indicative of a concern that existed regarding that particular area of problem.

Mr. DASH. Then there was the so-called plumbers operation set up in the White House in 1971 under Mr. Ehrlichman and Mr. Krogh utilizing Mr. Hunt and Mr. Liddy to investigate leaks such as the Pentagon paper leaks, which utilized such tactics as break-ins, photographing and bugging, and then there was Operation Sandwedge recommended by Mr. Caulfield but never finally approved which had covert features to it such as the use of bagmen and wiretapping.

Now, generally, is that the context in which you described the atmosphere that was conducive to such activity as break-ins and wiretapping in the White House?

Mr. DEAN. I think, Mr. Dash, you have capsulized some of the high points of the concerns I expressed yesterday.

Mr. DASH. I am attempting just to capsulize and not go over your lengthy statement.

Mr. DEAN. I understand.

Mr. DASH. Therefore, in addition to your testimony about the President and the White House staff members' obsession over demonstrators and leaks, is this then a brief and fair summary in a nutshell of the kind of practices the President to some extent and White House officials such as Haldeman and Ehrlichman, had approved or considered to crush internal dissent or obtain political intelligence?

Mr. DEAN. I think that this is indicative, Mr. Dash, of the fact that the White House often took it upon itself to obtain information or resolve a problem when it felt that an agency of the Government was incapable or unsatisfactory in dealing with the problem, that the White House itself felt that they were quite capable of handling the problem and thereupon would handle the problem.

Mr. DASH. Well, therefore, Mr. Dean, when Liddy, Hunt, McCord, and their crew broke into the Watergate in May and June of 1972, this really was not an extraordinary action from the standpoint of the White House which had approved or engaged in similar missions for a period of at least 2 years prior to the Watergate, was it?

Mr. DEAN. Well, as I believe I described in my statement yesterday, the preceding things that had occurred in a sense were precursors but I think that the fact that the break-in occurred was not as a result of a conscious design as much as an accident of a culmination of many of these elements.

Mr. DASH. I understand that. But recognizing that some of these earlier plans had the approval of such things as break-ins and wiretapping and things of that covert activity, the break-in at the Democratic National Committee headquarters was not extraordinary in context of those plans, would that not be true?

Mr. DEAN. That is correct, sir.

Mr. DASH. Therefore, on the basis of your own statement, would it be fair to say that the true concern of those who approved such tactics in the past, such as Mr. Haldeman, Ehrlichman, as you have stated, would not be that there was a break-in but that the Committee for the Re-Election of the President burglars had been caught at it?

Mr. DEAN. You say the concern was——

Mr. DASH. The concern really was that they had been caught rather than that they had broken in.

Mr. DEAN. I think that is correct.

Mr. DASH. Let us examine, Mr. Dean, your denial of your own complicity in the Watergate itself in May and June of 1972.

Is it not true that although you expressed amazement at the mind boggling, as you described it, Liddy plan remembered in a show-and-tell meeting in the Attorney General's office on January 27, 1972, you, along with Mr. Mitchell and Mr. Magruder, did encourage Liddy to scale down this plan and budget, and you didn't tell him to stop the activity?

Mr. DEAN. That is correct, and I might add that with hindsight, as I think I indicated in my statement yesterday, I probably should have been much more forceful in trying to stop the plan at that point when I, in fact, myself realized it was something that should not occur.

Mr. DASH. Well, Mr. Dean, after the scaled down Liddy plan was presented in Mitchell's office in February 4, 1972, which omitted the activity of mugging, kidnaping, or prostitution, but included primarily electronic surveillance or break-ins, you say you disassociated yourself from it. As the White House representative you did not, in fact, tell Liddy to stop it; did you?

Mr. DEAN. That is correct.

Mr. DASH. And although you say that you told Haldeman that the White House should not be involved with the plan, you did not recommend that Haldeman put a stop to it, which you knew he could have done if he wanted to?

Mr. DEAN. Well, again I must rely on hindsight. Given the circumstances that were existing at the time, I felt that someone wanted this, I knew I didn't want it. I knew I had put those on notice involved that I was going to have no part in it. I had similarly and with regard to operation Sandwedge, let it die a natural death. I assumed the same thing was going to happen. Quite obviously it did not happen.

Mr. DASH. But so far as Liddy was concerned, Mr. Dean, your actions were consistent, were they not, with his getting the impression that you were merely establishing deniability for the Attorney General and the White House should the plans go forward, is that not true?

Mr. DEAN. I don't know if Mr. Liddy had that impression or not.

Mr. DASH. Would it be consistent with his having that impression?

Mr. DEAN. He could have well have had that impression, yes.

Mr. DASH. Now, during January and June of 1972, did you, in fact, know that Mr. Magruder, who has testified before this committee, was giving Gordon Strachan full reports of the Liddy plan, including the break-in and the fruits of the break-in?

Mr. DEAN. No, I did not. I was just—while you were asking that question, I was thinking about your last question still, and I recall something that Mr. Krogh had told me when I first discussed with him Mr. Liddy going over to the reelection committee. He told me that Gordon Liddy is a man who needs guidance. Gordon Liddy didn't get any guidance that I can see while he was there from anyone that I know, and that could explain partially the reason that he was sent over to prepare one thing and something else evolved unbeknownst to those who had sent him over.

Mr. DASH. But you didn't give him any guidance yourself?

Mr. DEAN. No, I did not.

Mr. DASH. Now, going back to my next question, I think you have answered the question that you did not know that between the period

of January to June 1972 that Mr. Magruder, according to his own testimony here, was giving reports to Mr. Gordon Strachan of the Liddy plan and, in fact, the break-in and the fruits of the break-in.

Now, in fact, after the June 17 break-in and more specifically on June 19, I think your statement indicates that you were told by Mr. Strachan that he destroyed, at the direction of Mr. Haldeman, certain intelligence reports that came from the CRP, is that not true?

Mr. DEAN. That is correct.

Mr. DASH. So at that time, you did have some knowledge of Mr. Strachan's knowledge?

Mr. DEAN. That is correct.

Mr. DASH. Could you tell the committee exactly what Mr. Strachan's role in the White House was and his activities and responsibilities.

Mr. DEAN. Mr. Strachan was placed on Mr. Haldeman's staff to serve as the liaison individual from the White House to the reelection committee, and to deal with other members of the White House staff who were working on problems relating directly to the political faces of the reelection problem. I was aware of the fact that he was having frequent contact with Mr. Magruder regarding the reelection committee, that he had received copies of documents that any of us would send regarding election law problems or other people who send to the reelection committee so that he was aware of everything that was going out of the White House as well as coming into the White House from the reelection committee.

Mr. DASH. How close was his relationship with Mr. Haldeman, and what were his responsibilities to Mr. Haldeman?

Mr. DEAN. Well, I assume that from the time he went on, it was a regular reporting relationship. Mr. Haldeman is an excellent manager of people. I recall that one document I submitted to you yesterday of a meeting that occurred in May of 1971 evidences that when there was a meeting that occurred in Mr. Haldeman's office, Mr. Strachan obviously took rather complete notes of the meeting and sent me a copy of the meeting, I was unaware of the fact that he was even taking notes at the meeting.

Mr. DASH. Well, if Strachan did in fact receive reports from Magruder in the Liddy operation, do you have an opinion as to whether he would have forwarded these reports to Mr. Haldeman?

Mr. DEAN. I would only have an opinion, Mr. Dash.

Mr. DASH. What is that opinion?

Mr. DEAN. My opinion is that he would report everything he knew in some form to Mr. Haldeman.

Mr. DASH. And did you know what Mr. Haldeman's relationships and duties were with the President during the period January to June 1972?

Mr. DEAN. Well, I think that everybody who worked at the White House was generally aware of the fact that Mr. Haldeman was the virtual link between a number of, a large number of the White House staff and the President as to what would go in to the President, and he would take and summarize and boil down and report to the President regularly all information that was pertinent and important that should come to the President's attention.

Mr. DASH. What was the relationship in the matter of time that Mr. Haldeman had with the President—was it a daily relationship or weekly? What was his contact?

Mr. DEAN. I would say that Mr. Haldeman spent more time with the President than any other member of the White House staff.

Mr. DASH. Therefore, do you have an opinion as to whether Mr. Haldeman would have reported the information he received from Strachan about the DNC break-in plan and the break-in itself to the President—an opinion based on your knowledge of his relationship with the President?

Mr. DEAN. I believe he probably would have reported it.

Mr. DASH. I want to ask you some questions, Mr. Dean, about your handling of cash given to you by Mr. Richard Howard, in the amount of $15,200, which you have included in your statement. To your knowledge, this money came from the $350,000 sent to the White House before April 7, subject to Mr. Sloan's statement? Is that true?

Mr. DEAN. That is true. I did not know it at the time it was given to me, but I later learned that was the source of the money.

Mr. DASH. Now, to your knowledge, the $22,000 has been taken from this amount to pay for advertising, but only $6,800 was in fact used, leaving a balance of $15,200?

Mr. DEAN. That is correct.

Mr. DASH. How did it come about that you were given this $15,200 in cash?

Mr. DEAN. The week after or during the week immediately following the break-in, Mr. Strachan and Mr. Howard came to my office and said that they had some cash and that they asked me to be the custodian for the cash. They were not terribly explicit at that time. I told Mr. Strachan I would keep the cash and be accountable for the cash.

Mr. DASH. Do you know why he gave it to you rather than put it back in the original pot of $350,000?

Mr. DEAN. I do not.

Mr. DASH. What did you do with the money?

Mr. DEAN. I put it in my safe.

Mr. DASH. I think you have already told us in your statement that you took the $4,380 from the money for your wedding, honeymoon, and personal expenses, leaving an IOU and your personal check in the safe. Did you ever repay this amount?

Mr. DEAN. I did not repay it until I opened a trustee account, when a subsequent check was negotiated to make the funds whole at that time. That was in April of this year.

Mr. DASH. Now, there came a time, did there not, Mr. Dean, when the $350,000 under Haldeman's control was needed for payoff money, and you suggested that before any of it was sent back to the committee or Mr. LaRue, that it be made whole again with regard to the $22,000 that had been taken out of it?

Mr. DEAN. That is correct. Those discussions began as early as late July and August of 1972, about making the fund whole.

Mr. DASH. Was it your suggestion, Mr. Dean, or one that you approved of, that Mr. Stans of the Finance Committee for the Re-Election of the President should provide this $22,000 from the committee funds to send that over to the White House to make that $350,000 whole?

Mr. DEAN. That is correct.

Mr. DASH. Since you had in your safe $15,200 from the original pot, why did you not return it and request of Mr. Stans only the amount requested for the advertising, which was only $6,800?

Mr. DEAN. Well, you would have to go back into the time sequence again. There was a request for any and all available cash, far before they started speaking of the $350,000 cash fund, when Mr. Kalmbach was collecting the cash. Mr. Stans had some money that was used. They were looking anywhere they could look to find any available cash. It was at this point, I knew that I had the $15,200 in my safe and I decided at that time that I was not going to let that money be used for that purpose, because I did not want to become further involved in that particular aspect of the coverup.

Mr. DASH. And you made that decision despite the fact that you had been a key figure in getting Mr. Kalmbach involved in the original payoff?

Mr. DEAN. That is correct.

Mr. DASH. Now, in your statement, you have described a number of meetings and activities occurring immediately after the arrest of the CRP burglars in the Democratic National Committee headquarters in the Watergate on June 17, 1972, and continuing for several months thereafter, involving such persons as Mr. Haldeman, Mr. Ehrlichman, Mr. Colson, Mr. Mardian, Mr. Mitchell, Mr. LaRue, Mr. Magruder, yourself, and others.

Isn't it your testimony that this flurry of activity represented a massive coverup operation to prevent the prosecutors, the FBI, and the public from learning of the involvement of high White House or CRP officials, either in the Watergate break-in or embarrassing earlier illegal activities of a similar nature such as the Ellsberg break-in?

Mr. DEAN. That is correct, Mr. Dash.

Mr. DASH. And did not this coverup require a number of strategies such as perjury and subordination of perjury of Magruder, Porter, and others, and the undermining of the judicial process and payoffs to indicted defendants to maintain their silence, thereby limiting the FBI inquiry so they would not stumble on other illegal intelligence activities of the White House?

Mr. DEAN. That is correct.

Mr. DASH. And is it not true that you played a role in all of these coverup activities?

Mr. DEAN. That is correct.

Mr. DASH. Did you do these things on your own initiative, Mr. Dean, or at the direction of anybody else?

Mr. DEAN. I would have to say that to describe it, I inherited a situation. The coverup was in operation when I returned to my office on Monday, the ninth, and it just became the instant way of life at that point in time and I participated in that and engaged in these activities along with the others.

I was taking instructions——

Mr. DASH. From whom were you taking instructions?

Mr. DEAN. I was taking instructions from Mr. Haldeman and Mr. Ehrlichman, I was taking instructions and suggestions from Mr. Mitchell and Mr. Mardian.

I was a conveyor of messages back and forth between each group and at times, I was making suggestions myself.

Mr. DASH. Mr. Dean, I don't think the record is clear from the statement. You held an impressive title, Counsel to the President, and I understand had quite a big office. But could you tell us just what in

fact was your relationship with Mr. Haldeman and Mr. Ehrlichman in your position with the White House?

Mr. DEAN. Well, I learned before I went to the White House that the title was probably the best part of the job. My reporting relationship was directly to Mr. Haldeman, but because Mr. Ehrlichman had formerly been the Counsel, he maintained a very active interest in many of the things of the Counsel's office.

So that most of the work of the Counsel's office was really related to technical legal problems, making sure that the t's were crossed—or that the i's were dotted and the t's were crossed on certain documents, to examine questions on timing, on pocket vetoes, to work with the Department of Justice in making sure that they were preparing even legal positions on issues that were of importance to the White House. I had a number of dealings with the persons who were working on the Nixon foundation and did some personal work on the President's San Clemente properties and other personal things like that for the President, where I was the conduit to the law firm that was handling this for the President.

I would not say that it was a policymaking position, by any means.

Mr. DASH. And to a large extent, you were, in fact, reporting to either Mr. Ehrlichman or Mr. Haldeman?

Mr. DEAN. That is correct.

Mr. DASH. Now, given such a massive coverup which you have included in your statement and that was under way the——

Mr. DEAN. I might add one thing. There was one role that the office had also that is what I described as a firefighting role. For example, after the Lithuanian defector situation came up, Ehrlichman and Haldeman, and I assume the President, would set the policy and after they had finished with their interest in the matter, I was the man who had the, sort of the cleanup on the details. This happened also, for example, with the *Calley* case. After the initial flurry, the decision had all been made, some of the decisions I didn't fully agree with, but I had my—you know, I sent memorandums in. Decisions were made and I was the guy who had to answer 100,000 letters that came in. So I would add that footnote.

Mr. DASH. All right, taking that into the context, as I was beginning to state, such a massive coverup operation that was underway with the approval and with the direction at times of Mr. Haldeman, Mr. Ehrlichman, and Mr. Mitchell, do you have an opinion—and I am asking you at this point for just an opinion—as to whether the President would have been informed of this coverup operation from its inception?

Mr. DEAN. Mr. Dash, I think it is unfair to ask me opinions. I can surmise from the way I know the White House operated. I will say this, that in my statement, I indicated that I had reached a conclusion in my own mind when I went to the Attorney General, for example, that this thing might well go right to the President. I would say that that evidence is an opinion, that I was concerned that it did, knowing how the White House operated, knowing how the reporting information went up to the President.

Mr. DASH. Well, the question was put to you just on the basis of your knowledge, your intimate knowledge, I take it, of how the White House operated and what Mr. Haldeman's relationship to the President was as you have already testified.

But actually, according to your own statement, in fact, you learned firsthand, did you not, that the President did know about the coverup when you met with him on September 15, 1972, the day the indictments came down cutting off the involvement of Liddy. Is that so?

Mr. DEAN. That is correct.

Mr. DASH. When the President told you on September 15, as you say in your statement, that Bob Haldeman had kept him posted on your handling of the Watergate case, and complimented you on the good job you had done and expressed his appreciation on the difficulty of your tasks, did you have any doubt in your mind what the President was talking about?

Mr. DEAN. No, I did not.

Mr. DASH. Indeed, Mr. Haldeman not only knew about how you had handled the Watergate case but, in effect, he had directed the operation, did he not, which included payoffs to defendants, perjury, and limiting the FBI investigation?

Mr. DEAN. I do not believe by September 15 that the $350,000 payment had been involved but the Kalmbach payment had been involved so I would say, yes, that he had as well as being aware of the perjury.

Mr. DASH. Actually, the payoffs began fairly early.

Mr. DEAN. Yes.

Mr. DASH. Not the final ones.

Mr. DEAN. That is right.

Mr. DASH. Now, if the President had been kept posted by Mr. Haldeman as to how you were handling the Watergate case he would have known of these illegal acts and, according to your statement, did, in fact, congratulate you for your successful performance of these acts, would that not be true from your point of view?

Mr. DEAN. I think that is true.

Mr. DASH. Now, even further, Mr. Dean, you say in your statement that you told the President on that occasion, September 15, with regard to the civil suit filed by the Democratic National Committee, that the lawyers for the Committee for the Re-Election of the President had been making ex parte contact with the Federal judge handling the case and the judge was understanding and trying to be accommodating. Now, putting it bluntly, Mr. Dean, were you not telling the President that you understood that the CRP had a "fix" in with the judge?

Mr. DEAN. I do not think, Mr. Dash, I would use the word "fix." I think I was indicating to the President that the lawyers had some influence on the handling of the case and that they could slow down the case so that it would not be an embarrassment before the election. When I think of the word "fix" I think that means the outcome of the case is going to be influenced. I do not know that that was the fact because I do not know the specifics and I do not believe that to be the case. Rather, it was a process whereby they might get some favorable rulings out of the judge to slow it down before the election.

Mr. DASH. You would soften the word to "influence" rather than "fix"?

Mr. DEAN. Yes, I would.

Mr. DASH. All right. Now, according to your statement, did the President not say to you, on being apprised of this special influence with the judge, "Well, that is helpful"?

Mr. DEAN. He said something to that effect; yes, that is correct.

Mr. DASH. Therefore, Mr. Dean, whatever doubts you may have had prior to September 15 about the President's involvement in the coverup, did you have any doubts yourself about this after September 15?

Mr. DEAN. No, I did not.

Mr. DASH. Is it not true, Mr. Dean, that based on the statement you have given this commitee, that not only did the President express his approval to you on September 15 of your coverup activities leading to an indictment of no one higher than Liddy but after September 15 the President took an active part in the coverup? Or let me briefly summarize, and very briefly, your statements concerning this and please tell me if this is an accurate summary of what you have stated in your long statement. One, after telling the President on September 15 that you could not assure that the coverup would not unravel, it, in fact, did begin to unravel in January 1973, when Hunt pressed for a promise of Executive clemency; and that you learned from Mr. Ehrlichman in January and from the President himself on March 13, 1973, that the President, when apprised of Hunt's pressure, authorized giving Hunt assurances concerning Executive clemency. Despite your explicit statement in your meeting with the President on February 28, 1973, of your culpability for obstruction of justice, the President, according to your statement, reassured you that you had no legal problems.

In your meeting with the President on March 13, when you apprised the President of increasing payoff demands from Mr. Hunt, which you estimated would cost as much as $1 million, the President, according to your statement, responded that that amount of money would be no problem, and inquired as to how such payment could be made leading to a discussion by you in the presence of the President, of laundering money and secret drops. And despite your lengthy explanation to the President when you met with him on March 21 concerning the criminal involvement of various White House and CRP officials including Mr. Haldeman, Mr. Ehrlichman, Mr. Colson, yourself, Mr. Magruder, and the increased demands for payoff money requiring more coverup activity on the part of the White House, the President took no affirmative action to end the coverup. And that, indeed, the President made, according to your statement, specific plans to deal with this Select Committee of the Senate to prevent it from being effective, and sought to further the coverup by attempting to have Mr. Mitchell acknowledge his guilt in approving the Liddy plan with the hope that this would satisfy the various investigating bodies; and, finally, when you would not continue to participate in the coverup, according to your statement, but retained counsel and went to the U.S. attorney's office and began to tell what you knew about the Watergate case, the President sought to protect Mr. Haldeman and Mr. Ehrlichman, who had been clearly implicated by you and asked that you submit to him a letter of resignation. Is that a fair summarization or brief in terms of your long statement, of your meeting you had with the President and the information you had with him?

Mr. DEAN. Yes, it is.

Mr. DASH. Why is it you waited until April 15 before you told the prosecutors of your knowledge of the President's involvement.

Mr. DEAN. I didn't tell them on—it was after April 15 that I did. Preceding that time my lawyer and I had first of all had discussions about matters of executive privilege, attorney-client privilege, and

national security matters. We saw there were legal problems, although we had resolved in our own mind these were not problems as far as preventing the necessary disclosures of the contents of some of these conversations. However, I must be very candid, I was hopeful that the President himself would step forward and tell of his involvement in some of these things.

Mr. DASH. Now, Mr. Dean, you opened your statement when you began to testify before this committee yesterday by purporting to soften the blow concerning the President by stating that you do not believe the President realized the full implications of his involvement. Now, if you have told the truth before this committee about what the President said to you on September 15 and what you said to him, and as to the subsequent meetings you had with the President, can you honestly believe that the President, as a lawyer, and a sophisticated man in politics, was not aware of the full implications of the coverup activities?

Mr. DEAN. Mr. Dash, I think my opening remarks were more directed at the human side of the situation than the legal side of the situation, that he had—he didn't realize the implications as far as what this would mean to people he had worked with for a number of years, people he was very fond of and I was not necessarily referring to the full legal implications of some of his activities.

Mr. DASH. Well, do you have a belief as to whether or not he did have knowledge of the implications, the legal implications of this coverup activity?

Mr. DEAN. I cannot put myself in the President's mind.

Mr. DASH. Based on the facts you have given this committee?

Mr. DEAN. Based on the facts I have given this committee, I would think the President would certainly have some appreciation of the legal problems involved; yes, indeed.

Mr. DASH. Is this the first time, Mr. Dean, you have told your story about your involvement and the involvement of others, including the President, under oath?

Mr. DEAN. That is correct.

Mr. DASH. Including, of course, the executive session at which you appeared before this committee?

Mr. DEAN. That is correct.

Mr. DASH. Now it is obvious to you, is it not, that your principal assertions which constitute accusations against the President of the United States, of involvement in the coverup of the Watergate case are based almost solely on your own account of either private meetings with the President or meetings with Mr. Haldeman and Ehrlichman where they were present?

Mr. DEAN. That is correct. I would add the fact that I was aware of the fact that often when I was in a meeting with Mr. Haldeman and Mr. Ehrlichman that Mr. Haldeman was taking notes and often those notes—immediately following the meeting those notes were taken with Mr. Haldeman directly into the Presidents' office but, of course, I was not present at the time of some of those discussions.

Mr. DASH. Do you have any copies of those notes?

Mr. DEAN. No, sir; I do not.

Mr. DASH. Are you aware of any other records of the content of these meetings which are the focus of your statement?

Mr. DEAN. One of the meetings I had in March, early March of this year I did compare notes and some of the notes were taken because I had a number of instructions from the President and based on those I did make notes. I am also aware—not aware, but I was told by the Government prosecutors that the President had taped a conversation between himself and me, and that as a result of that there apparently may be a tape in existence and I believe that would be the April 15 meeting that would record that conversation.

Mr. DASH. The notes you referred to, have they been submitted to this committee?

Mr. DEAN. I don't believe they have but they are available. They are in my testimony, of course, the substance of the notes but they certainly are available for the committee.

Mr. DASH. Would you submit them as an exhibit to this committee?

Mr. DEAN. Yes, I would be happy to.

Mr. DASH. Are written or reported records of such conversations with the President regularly made at such meetings?

Mr. DEAN. Not to my knowledge.

Mr. DASH. Officially or regularly?

Mr. DEAN. No. I would say this: That often after a Presidential meeting when there is a staff member present, not necessarily staff meetings but when outsiders come in and there is a staff member present a summary is made of the meeting but, of course, these are not, they were not the types of meetings where summaries would be made.

Mr. DASH. Mr. Dean, you have made serious charges before the committee.

Do you have any special motive in making these charges such as a hope for immunity before the prosecutors?

You have already received immunity before this committee which is only use immunity and does not prevent your being prosecuted for any crimes that the prosecutors have evidence against you.

Do you have any motive in making these charges against the President based on the fact that this may lead to giving you immunity from the prosecutors?

Mr. DEAN. Mr. Dash, I have been asked to give testimony. That testimony happens to involve the President of the United States. I don't plan to use, I have no motive in giving that testimony to try to obtain immunity from the prosecutors; no, sir.

Mr. DASH. I guess you are fully aware, Mr. Dean, of the gravity of the charges you have made under oath against the highest official of our land, the President of the United States.

Mr. DEAN. Yes, I am.

Mr. DASH. And being so aware, do you still stand on your statement?

Mr. DEAN. Yes, I do.

Mr. DASH. Mr. Chairman, I have no further questions.

Mr. DEAN. I might add this, Mr. Dash, I realize it is almost an impossible task, if it is one man against the other that I am up against and it is not a very pleasant situation but I can only speak what I know to be the facts and that is what I am providing this committee.

Senator ERVIN. Mr. Dean, do you wish to take a break?

Mr. DEAN. I am here at the will of the committee and whatever the Chair would like.

Senator ERVIN. We will proceed then.

Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Dean, you have, of course, made some serious accusations with regard to coverup of criminal activities, and we have heard other testimony about the coverup of certain criminal activities and, of course, the responsibility for prosecuting those criminal activities did lie with the Department of Justice.

I would like to ask you a few questions based upon some of your testimony yesterday concerning your contacts with Mr. Petersen. If I remember correctly, it was on the 19th or 20th of June that you first had contact with Mr. Petersen about the Watergate break-in.

Mr. DEAN. The first time I had contact with Mr. Petersen is when the Attorney General called Mr. Petersen to his office and that was either on the 19th or the 20th.

Mr. THOMPSON. Do I recall your testimony correctly that you told him that you did not believe the White House could stand a wide-open investigation?

Mr. DEAN. I told him, we discussed the implications of a wide-open investigation and how embarrassing that could be in an election year, that is correct.

Mr. THOMPSON. Well, did he indicate to you in any way that he would carry out anything less than a wide-open investigation of this matter?

Mr. DEAN. As I testified yesterday, I don't recall Mr. Petersen saying anything specific. I left the meeting with an impression that Mr. Petersen would be fair in an investigation of the White House and that that interpretation of fairness would mean that we wouldn't have an investigation of everything that occurred in the White House for 4 years.

Mr. THOMPSON. That was your interpretation of the use of the phrase, "wide-open investigation"?

Mr. DEAN. That is correct.

Mr. THOMPSON. I would think a wide-open investigation would mean a complete, thorough investigation of charges that were going around at that time and specifically, all of the ramifications of the break-in of the DNC.

Do I understand your testimony to be that you were only concerned that he not go back into the prior 4 years to bring up unrelated matters that had nothing to do with this particular incident?

Mr. DEAN. Mr. Thompson, I am trying to recall a meeting of, of course, over a year ago and the highlights of my recollection at that point are that we discussed what this would mean if this investigation led all the way to the President.

Mr. THOMPSON. Pardon me. Did you discuss the possibility of Presidential involvement with him? I thought you said yesterday that you had that in your own mind, but you did not discuss it with him at that time.

Mr. DEAN. I believe I discussed them with Kleindienst and Kleindienst conveyed my concern to Mr. Petersen and it is very possible that it was reraised again when Mr. Petersen and I departed from Mr. Kleindienst's office.

I do recall the note that the meetings ended on, that I hoped that my fears suspecting the worst were not true.

Mr. THOMPSON. Did you have the impression when you talked to Mr. Kleindienst and Mr. Petersen that Mr. Ehrlichman was depending on you to take care of the situation or to get them to take care of the situation so that the White House would not be hurt?

Mr. DEAN. At this point, I was merely a messenger. I was conveyor of information back and forth and I was being sent to different assignments to find out information at this point in time. When I talked to Ehrlichman and he asked me to find out what the Justice Department was doing, he wanted to find out how extensive their investigation was.

As time evolved, there was frequent criticism of the scope of the investigation by Mr. Ehrlichman.

There was, very clearly, the concern at the White House that the investigation would come right back into the White House.

Mr. THOMPSON. You testified that you told Mr. Petersen that you had in fact delivered certain documents to Patrick Gray, that you did not discuss with Mr. Silbert or anyone else your delivery of those documents to him and no one else knew about it, presumably, except Mr. Ehrlichman.

Do you know what he did after that, whether or not he made any inquiry of Mr. Gray, for example, as to whether or not this in fact was true?

Mr. DEAN. I have heard after the fact in my discussions with the prosecutors this spring about the matter that apparently, Mr. Petersen went to Mr. Gray and immediately raised it with Mr. Gray, and at that point in time, Mr. Gray denied to Mr. Petersen that he had ever received such documents.

So I assume that happened very shortly after I had reported it to Mr. Petersen and as I testified yesterday also, shortly after I had reported it, Mr. Gray came to me at a luncheon at the Department of Justice and said, "Hang tight, John, with regard to that matter."

Mr. THOMPSON. You mentioned a telephone call from Mr. Ehrlichman to Mr. Petersen about Stans having to go down and testify before the grand jury, something to the effect that Silbert was acting like a local prosecutor and Mr. Stans should not be treated this way, and so forth, and used rather abrasive terms to Mr. Petersen.

Do you know what Mr. Petersen's response to Mr. Ehrlichman was during that conversation?

Mr. DEAN. I do not know, but I can only speculate that Mr. Petersen isn't the type of man who is easily pushed around. And I don't know what the sum and substance of it was. I subsequently called Mr. Petersen myself, after I had departed Mr. Ehrlichman's office, and apologized for the call. Petersen didn't seem particularly upset by the fact that he had received the call.

When I talked to him, he was annoyed at Ehrlichman, but I might also add that Mr. Ehrlichman had been sort of riding hard on the Department of Justice for some time and there was a certain degree of animosity between Ehrlichman and the Department.

Mr. THOMPSON. The reason I am making these inquiries is that his name was mentioned and I think it was rather unclear, at least to me, anyway. As I understand your statement now, just based upon your knowledge, you know of no impropriety on Mr. Petersen's part in conducting his part of the investigation?

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Mr. DEAN. I know of no impropriety. I think he tried to be very fair with the White House in dealing with the White House and the fact that we had an investigation going on in a political year, that it could result in embarrassment on countless occasions. The entire arrangement to have the White House staff, for example, appear at the Department of Justice rather than go to the courthouse was merely designed to save the fact of the embarrassment that would arise politically of members of the White House staff appearing at the courthouse, all the cameras and pictures and speculation that are likely to run from that. That was aborted by simulating the grand jury situation in Mr. Petersen's conference room.

Mr. THOMPSON. You mentioned also Mr. Ziegler, and of course, we all know the statements that he continuously made during this matter. Who was supplying Mr. Ziegler his information?

Mr. DEAN. I would say that basically, I supplied a large amount of it. I think that Mr. Ziegler would check many times with Mr. Ehrlichman, sometimes with Mr. Haldeman, and often with the President himself, he would check out a given statement. At times, I was called—I say often—not on a daily basis, by any means, but with some frequency. That was how Ziegler could sort of wade through a story without being factual—being factual, but without actually going out and lying on a given matter, how he could hedge and bob and weave. I think that the exhibit that I submitted is very typical of the type of approach that he would take. He would take, you know, an offensive approach rather than to really admit a given set of facts. Because he could not, you know, I would tell him he could not admit the facts.

Mr. THOMPSON. Did Mr. Ziegler know the truth?

Mr. DEAN. No, he did not. In fact, that was a very difficult situation. Mr. Ziegler, on countless occasions, asked me to brief him. I on several occasions asked Mr. Ehrlichman if I could brief Ziegler. I was given very specific instructions that I was not to brief Ziegler. In fact, this briefing of other people occurred on a number of occasions. It occurred in connection with Mr. Johnson visiting, Wally Johnson. It occurred with Clark MacGregor before he went to, actually, while he was at the Republican National Convention.

He was very desirous of knowing the facts. He was having intense press inquiries at that point in time. One time, he called me to his room and he said, I have to have the facts.

Well, I called Ehrlichman and said—I had known Mr. MacGregor for a number of years, going back to my time on the House Judiciary Committee, and I felt very awkward. I said, I will have to check this out with Mr. Ehrlichman. I called Mr. Ehrlichman and he told me I could not brief MacGregor.

So as MacGregor didn't have the facts when he would make public statements, Ziegler didn't have the facts. Ziegler was quite annoyed, but I told him that I could not give him the facts.

Mr. THOMPSON. Would it be fair to say, then, that on occasion, on numerous occasions, you misinformed Mr. Ziegler with regard to the true facts of the matter?

Mr. DEAN. I would not say misinformed him as much as to tell him how to take the offensive so that he could save a given situation. I can think of one occasion where we talked about the secret fund that was at the White House and he said, how do I handle that? I said, well that

is a matter of interpretation. It is a secret to some people, but since we know of it, it obviously is not a secret, so you don't need to say it is a secret fund. So that is the way that was handled.

On, for example, the leaking to Time magazine of the story regarding surveillance of the White House staff and newsmen, that did present a real quandary to me, so I called Ehrlichman for guidance. I was aware what happened. I asked Ehrlichman for guidance on how to handle it. He said, just flat out deny it. Now, that was a flat out lie.

Mr. THOMPSON. All right. Did you tell Ziegler on occasion that there was no White House involvement?

Mr. DEAN. That there was no White House involvement? I told Mr. Ziegler that there was nobody that I knew of who was involved or had prior knowledge of the June 17 break-in. I always dealt in very close literal words that continually got broader brush.

Mr. THOMPSON. What was it that you said here yesterday about Mr. Strachan having told you that Haldeman ordered him to destroy documents? I believe one of the conclusions you drew in your statement was that Hadelman in fact must have known about the situation or he would not have told Strachan to do what he told him to do.

Mr. DEAN. I did not notice—I did not know Haldeman's involvement for a fact, I do not know it today.

Mr. THOMPSON. Do you know anything——

Mr. DEAN. I have been asked for an opinion this morning.

Mr. THOMPSON. You do not know any more today about that matter, I assume, then you knew when you told Mr. Ziegler what you told him about White House involvement?

Mr. DEAN. That is correct.

Mr. THOMPSON. Mr. Dean, let me ask you a few questions about your actions after the Watergate incident and by asking questions about your own personal involvement, I hope I am not appearing to be badgering you in any way, but I am sure you understand that your actions and motivations are very relevant?

Mr. DEAN. In fact, if I were still at the White House, I would probably be feeding you the questions to ask the person who is sitting here.

Mr. THOMPSON. If I were here as I am, I would have responded as I have responded, that I do not need questions to be fed to me from anybody.

After the break-in, I believe that you had a meeting in Mr. Mitchell's apartment with Mr. Mitchell, Mr. Mardian, Mr. Magruder, on the 19th, after you returned to Washington; is that correct?

Mr. DEAN. As I testified, to the best of my recollection, that was either on the 19th or the 20th. I arrived at the meeting, the meeting was already in session. I do not have any recollection of that meeting other than the fact that there was discussion while I was there of the public relations handling of the matter. That was at the end. It was certainly at the end of a day that it occurred, either on the 19th or the 20th and I do not have a clear recollection of which day that was.

Mr. THOMPSON. You did not discuss the facts as to what had actually happened and who was responsible?

Mr. DEAN. Not at that time that I recall.

Mr. THOMPSON. Had you previously that day met with Mr. Liddy?

Mr. DEAN. Yes, I had.

Mr. THOMPSON. And he told you, I believe, that Magruder had pushed him?

Mr. DEAN. I sat and listened at that meeting more than talking at that meeting and I do not recall that I reported that at that particular time.

Mr. THOMPSON. I did not ask you if you had reported it, I just asked if you had that understanding?

Mr. DEAN. Yes, I did.

Mr. THOMPSON. And in your listening to Mr. Mitchell and Mr. Magruder, of course, you realized that there were three of the same four individuals that sat in on two meetings at which these matters were discussed—wiretapping and that sort of thing. Was that not a sort of strange feeling that you must have had there on that occasion? Did not your mind go back to those previous meetings? Did you not wonder whether or not in fact Mr. Liddy had been given the go-ahead?

Mr. DEAN. That had already occurred to me when I met with Mr. Liddy I realized what had happened. Before I met with Liddy, I talked with Magruder. Magruder had told me this was all Liddy's fault. It was very clear to me then that Liddy had proceeded, either with or without authorization. It was after I talked with Liddy that I was very clear in my understanding that Liddy had been given authorization to proceed.

Mr. THOMPSON. You never talked to Mr. Mitchell about it?

Mr. DEAN. No, sir.

Mr. THOMPSON. What had been your professional relationship with Mr. Mitchell while you were at the Justice Department?

Mr. DEAN. I had a very—I would have to say it was sort of a father-son relationship in many ways. Mr. Mitchell was very friendly to me. He gave me some of the best assignments, I thought, in the Department of Justice. He counseled me before I went to the White House that I should not go to the White House. He said I ought to stay at the Department of Justice. I liked Mr. Mitchell very much.

Mr. THOMPSON. Were you concerned about his personal involvement after you heard about the break-in?

Mr. DEAN. I indeed was but, as I say, Mr. Mitchell to this day there has been only one indication and that was on a meeting on March 28 that he has given me any indication that he had any involvement in this thing at all and that was when I hypothesized to him what I thought had happened and he said something to the effect "Well, yes, it was something like that but we thought it was going to be two or three times removed from the committee."

Mr. THOMPSON. When you turned over the documents from Hunt's safe to Mr. Gray, I believe you stated that you did not tell him to destroy them but that they were politically sensitive.

Mr. DEAN. That is correct.

Mr. THOMPSON. Is that correct?

Mr. DEAN. I think I described them as political dynamite.

Mr. THOMPSON. Did you ever tell him to destroy those documents?

Mr. DEAN. No, sir.

Mr. THOMPSON. On any subsequent occasion, did you not call Mr. Gray and ask him whether or not he had in fact destroyed those documents?

Mr. DEAN. No, Mr. Gray and I discussed the documents at one of the meetings in his office in, I think, early July or sometime of that nature, in which he told me that he had taken the documents to Connecticut and he had them there, and either indicated to me that he was planning to read them or had read them. I am very unclear on that. At that time he had mentioned nothing about destruction of the documents, and it was not until after I had my meeting in January, early January, with Mr. Petersen, and subsequently met with Mr. Gray that he told me he had destroyed the documents.

Mr. THOMPSON. Did he say when he had destroyed them?

Mr. DEAN. No, he did not.

Mr. THOMPSON. Do you know when he destroyed them?

Mr. DEAN. No.

Mr. THOMPSON. Did you ever call him and ask him if he had read the documents?

Mr. DEAN. No, I did not.

Mr. THOMPSON. What was the purpose of your discussions with Mr. Walters of the CIA?

Mr. DEAN. Which discussions are you referring to?

Mr. THOMPSON. I am talking about the June 26, June 27—were there two or three?

Mr. DEAN. Well, to the best of my recollection there was a meeting as a result of a meeting that had occurred in Mitchell's office in which the decision had been made that there was some need for some sort of support, and there was a discussion in Mitchell's office about the fact that the CIA would have the facilities to do this and the fact that these were CIA people and the CIA should have an interest in doing this sort of thing. It was from there I went to discuss this with Mr. Ehrlichman. Mr. Ehrlichman told me he thought it was a good idea that I explore this and that he told me I should talk to General Walters. I told him at that time I didn't know the people at the CIA, I didn't know Helms, I didn't know Walters. He told me "Well, you tell Walters to call me if you have any problems." So the purpose of that meeting was for me to explore if there was any possibility that the CIA could be of assistance in dealing with these problems.

Mr. THOMPSON. Was it not the purpose of that meeting to get the CIA to help you in the coverup?

Mr. DEAN. Yes, it was.

Mr. THOMPSON. Didn't you state to Mr. Walters that in fact witnesses were wobbling and could cause problems?

Mr. DEAN. I think I used something of that nature.

Mr. THOMPSON. Didn't you ask him whether or not the CIA could possibly be used to raise bail for some of these defendants?

Mr. DEAN. That is correct.

Mr. THOMPSON. I believe you also delivered a message to Mr. Hunt through Mr. Liddy to tell him to get out of the country, is that correct?

Mr. DEAN. I think, as I recounted that yesterday, that there was a meeting in Ehrlichman's office on the evening of the 19th.

Earlier I had met with him, he told me to attend this meeting and Mr. Colson was present. Before the meeting really got underway Mr. Ehrlichman asked where is Hunt and I said I have no idea. Mr. Colson made a similar response, that he had no idea. Ehrlichman then

told me to call Liddy and tell Hunt to get out of the country. I made the call. Subsequently I began to think about the call I had made and I reraised the wisdom of making such a call. We had a brief discussion about the call. Ehrlichman—or Colson agreed that it was a rather unwise call. Later Ehrlichman concurred. I then went immediately back to the phone—I would say all this transpired within a 30-minute time span—I went back to the telephone, re-called Liddy who was still employed at the reelection committee, and told him to retract the earlier request that I had made for Hunt to leave the country.

I had—he told me something to the effect that he didn't know if that was possible, that the message had already been sent, and I to this day don't know whether the message was retracted or what happened to Mr. Hunt.

Mr. THOMPSON. So, to summarize your answer, the answer is yes, you did make the call and subsequent to that you had second thoughts about it and tried to retract it?

Mr. DEAN. That is correct.

Mr. THOMPSON. Would that be correct? I believe on the 29th you talked to Mr. Kalmbach about raising money for the coverup. You said at that time you told him substantially everything that you knew. I believe that you helped Mr. Magruder in preparing himself for testimony before the grand jury in August. I assume you knew he was going to perjure himself in that grand jury testimony.

Mr. DEAN. That is correct.

Mr. THOMPSON. Would you tell us how you obtained the FBI 302's?

Mr. DEAN. Well, as I said in my statement yesterday, I am not terribly clear on when I did actually first receive them. I had some preliminary discussions with Mr. Petersen about it and Mr. Petersen suggested I deal directly with Gray on the matter. I had some discussions with Gray about it. Initially, as I recall the sequence, there was a summary prepared or, I might add this, Mr. Gray offered to me to come over to his office and read the reports. I might have even looked at some of the reports initially in his office but it was after I received the July 21 summary of the FBI investigation to date and showed that to Mitchell and Mardian that they said that they thought that I should permit Mardian, and Mitchell said O'Brien and Parkinson as well, the right to look at these investigative reports and discuss this with Ehrlichman and Haldeman, they thought it was a wise idea to follow what the FBI were doing.

Mr. THOMPSON. That is a different area, Mr. Dean.

If you want to elaborate on that a little later, fine, but I want to be——

Mr. DEAN. I don't know the precise date I started receiving reports.

Mr. THOMPSON. Are you definitely stating you said to Mr. Petersen, "You deal directly with Pat Gray on this matter"?

Mr. DEAN. That is my best recollection.

Mr. THOMPSON. Did not in fact Mr. Kleindienst tell you that the only way he would make FBI 302's available was that he would deliver them directly to the President himself if the President asked for them; that he wouldn't give them to you?

Mr. DEAN. That is possible but I don't recall that. I had a very happy relationship with Mr. Kleindienst. The way you have stated it is certainly not the way Mr. Kleindienst stated it to me.

Mr. THOMPSON. You said it is possible. Would that not be——

Mr. DEAN. He might have said, you know, "If you want those at the White House they ought to go to the President." I don't recall any such conversation, frankly.

Mr. THOMPSON. Did you ever tell Mr. Kleindienst that you were reporting on your investigation directly to the President?

Mr. DEAN. Did I report that to Kleindienst?

Mr. THOMPSON. That you told Mr. Kleindienst that you were reporting to the President.

Mr. DEAN. Not until I began reporting to the President did I ever tell the Attorney General that the President had instructed him to do a given thing or ask that he do something.

Mr. THOMPSON. I am not talking about what the President was telling him to do. I am asking whether or not in June or July of 1972 you told Mr. Kleindienst, at that time, that you were reporting directly to the President.

Mr. DEAN. I believe I told that to Mr. Gray, not Mr. Kleindienst.

Mr. THOMPSON. But you did not tell that to Mr. Kleindienst when you were attempting to get FBI material?

Mr. DEAN. That is correct.

Mr. THOMPSON. Did you ever call Mr. Sloan in October of 1972 or thereafter or his attorney and talk to him about the possibilities of his claiming his fifth amendment privileges?

Mr. DEAN. Yes, I did. I tried to reach Mr. Sloan. I had had a call from, as I recall, Mr. Parkinson, there had been considerable discussion about Mr. Sloan at the White House and at the reelection committee. In fact, Mr. Sloan at that time seemed to be looking for a confessional of any source he could find, and reporting everything he knew. Ehrlichman knew this, for example, before Sloan sought him out.

Other people at the White House knew this. I think that is one of the reasons that Ehrlichman did not want to talk with Mr. Sloan. Mr. Sloan came to see me on a number of occasions because I would talk with him and I reassured him on a number of occasions I didn't think that the fact he was treasurer would necessarily result in him having to face criminal charges as a result of some of the misappropriations of funds that had occurred there.

Mr. THOMPSON. Did you ever tell him or his attorney?

Mr. DEAN. I am getting to that. I am trying to give you the preface of why I said that. Mr. Sloan was headed for Florida to testify in the trial, was going on down there with regard to Mr. Barker at the request of, receiving this information from Parkinson, he was going, tried to reach Mr. Sloan at his attorney's office, and Sloan not being there, as I recall, I asked Mr. Stoner or Triest (?), I think it was, Miss Stoner, Stoner and Sloan had already left and Triest was there, was he prepared to have his client take the fifth amendment because he certainly would be a hero in the eyes of people around the White House if he did.

Mr. THOMPSON. All right, Mr. Dean, let me move now, if I may, to why you have talked about your involvement in the coverup, why you participated in the coverup. In any way was it because of the fear that you had about your own personal involvement up until that time? When you heard about the break-in at the DNC what went through

your mind? Did you have fear concerning your own personal involvement in the matter up until that time?

Mr. DEAN. When I first heard of the break-in on Sunday the 18th, I frankly thought that it involved Mr. Colson, as I believe I testified. It was on Monday I learned——

Mr. THOMPSON. Why?

Mr. DEAN. Why? Well, I was aware of the fact that Mr. Colson had suggested burglaries in the past, specifically the Brookings Institute, and the name Hunt I immediately associated with Colson.

Mr. THOMPSON. When did you learn about the name Hunt?

Mr. DEAN. I think I first met Mr. Hunt in August.

Mr. THOMPSON. I am sorry, when did you find out that Mr. Hunt was involved in some way in the break-in?

Mr. DEAN. On Sunday, I did not know about the break-in, I knew about the fact there was a Cuban who had a check written out to Mr. Hunt to some country club in his possession when he was arrested.

Mr. THOMPSON. You learned this in your telephone call from California or did you learn this after you returned to Washington?

Mr. DEAN. I learned this after I returned on Sunday night, the 18th.

Mr. THOMPSON. So I assume your immediate reaction—you returned to Washington and learned about the Hunt matter?

Mr. DEAN. That is correct, and my reaction that Colson was involved.

Mr. THOMPSON. Go ahead in regard to yourself.

Mr. DEAN. Yes. Then, on the 19th when I talked to Magruder and learned that he had indicated it was Liddy's fault and after talking to Liddy, I was not personally concerned about myself because I knew very well that I had not authorized any such thing, that I had not known about anything from February until that time.

Mr. THOMPSON. Let me explore that point with you, not necessarily from the standpoint of whether or not you did in fact have any culpability at that time, but what it might appear to be. After all, you had introduced Liddy to Mitchell, had you not? I believe you had in fact recommended, or sent, anyway, Mr. Liddy over to the Committee To Re-Elect. You explained how this came about—starting from the standpoint of somebody investigating the matter from outside—that you sent Mr. Liddy to the Committee To Re-Elect. You did attend the March meeting when these matters were discussed; you did attend the February 4 meeting when these matters were discussed. Very possibly when somebody talked about these meetings, very possibly it could get out that a conspiracy of some kind was in the making. You know the law of conspiracy, generally; if a person involves himself in a conspiracy and one of his coconspirators subsequently commits an overt act, he very well may be held responsible for what one of his coconspirators does. You are a lawyer. I am sure you realize that.

Liddy did come to you after those meetings in February and March to solicit your help in getting this plan approved and you said you turned him off at that time. Strachan and Magruder did call you when they were having trouble with Liddy to get you to help them on one of their problems with Liddy. Evidently, Strachan or Magruder or Liddy himself felt that you had some involvement.

Mr. DEAN. Maybe we can come back at some other time and I will explain that to you.

Mr. THOMPSON. All right, I am finished. I am talking about all of these things. Did you not, at one point, say to yourself, it looks like

I am possibly involved in this thing or very much involved in this thing, therefore, I am going to participate in a coverup?

Mr. DEAN. When I learned, for example, talking to Mr. Strachan, that he had been instructed to destroy records, that was my greatest concern at that time. If it had been merely John Dean, we would have had far fewer problems, because I would have been willing to step forward as I did with Ehrlichman. I told him exactly what my involvement was when I was first asked by him what it was. The stakes were too high regarding any personal feelings that I had regarding myself. I had no criminal problem. If they wanted to fire me on the basis of the involvement I had, fine. If we could reelect the President, fine. John Dean certainly would not stand in the way of that. People were removed from the White House for far less.

Mr. THOMPSON. What you are saying is that you had no concern for your own welfare, but you just wanted to stay on to help out others?

Mr. DEAN. Well, as I say, I found myself helping out others without—I was in the process before I began thinking about the process.

Mr. THOMPSON. Why did you not tell the Federal prosecutors when you first made contact with them? I believe it was April 2 of this year when your attorney first made contact with the Federal prosecutors. I am still not quite sure in my own mind why you did not, evidently, relate to them the nature of the President's involvement or the fact that the President was involved to some extent.

Mr. DEAN. Well, of course, it was not my presence at the meetings, so I am not aware of what was discussed. My lawyer and I did discuss it. We were aware of the fact that there were attorney-client privilege problems, there was executive privilege, there were national security matters and I frankly was hopeful that at some point, when the President returned, I would have a chance to go in and tell the President, this is the way I saw it; this is what I have done, and ask him, based on that, expect him to come forward and explain his involvement the way I thought he would.

Mr. THOMPSON. When were you terminated at the White House, Mr. Dean?

Mr. DEAN. My resignation was requested and accepted on April 30.

Mr. THOMPSON. Without your involvement?

Mr. DEAN. Without my involvement.

Mr. THOMPSON. So you had from April 2 to April 30 in which to do what you are talking about, meet the President and try to get him to step forward.

Mr. DEAN. Let me get this straight. I am talking about the period from April 2 to April 15, there were no discussions with the President. From April 15 on, I began inferentially, because it was impossible to explain things, explaining the highlights of some of the things that involved the President without getting terribly specific with him, but giving him very broad ideas of some of the areas that were involved.

Mr. THOMPSON. If you were interested in his coming forward, why did you not tell him that you were talking to the prosecutors or that you had made some contact with the prosecutors?

Mr. DEAN. Well, I met with him on the 21st. I met with him again on the 22d, called again on the 23d. I had given him what I thought was the most dramatic way I could tell him what the situation was. Nothing happened as a result of that.

He then went to California. When he came back from California, I noted that there was—well actually, when I came back from Camp David on the 28th before they went to California—he had been in Florida in the interim; there was a very changed attitude about me at that point in time. I was getting signals from Haldeman in my meetings with him. He directed me to come down, really, from Camp David. He said, you just cannot hole up up there.

I said I do not want to talk to Mitchell.

He said, I think you have to come down and talk to Mitchell.

It was very clear to me Mr. Haldeman wanted me to come down and talk to Mitchell and Magruder. I saw a very different Bob Haldeman than I had dealt with over the last year. That was clear to me that there was a new concern and I had become a concern. It was for that reason that I did not turn over the report I had written at Camp David. The whole atmosphere changed after—really, after I had gone to Camp David. Probably the greatest change occurred in the meeting on the afternoon of the 21st or the 22d, when Ehrlichman, Haldeman, and I met with the President, and I said in front of the President for the first time ever that I thought I had kept this agreement, everything was being said, because I said Ehrlichman, Haldeman, and Dean are all indictable.

Mr. THOMPSON. Let us consider what your motivations would be at that time. You mentioned first of all, the attorney-client privilege, in which, of course, I assume you are talking about conversations that you would have had with the President.

Mr. DEAN. That is correct.

Mr. THOMPSON. But there was an abundance of evidence that you could have given which would not have involved attorney-client privilege, based on what you told us.

Mr. DEAN. As I say, we were researching it at the time and we concluded that there was no attorney-client privilege.

Mr. THOMPSON. I am talking about what Ehrlichman told you. According to your testimony, Ehrlichman told you that the President had approved Executive clemency for Hunt to try to keep his mouth shut. You talked about Colson telling you that the President approved Executive clemency for Hunt to keep him quiet.

You have testified that Krogh told you that he got his instructions for the Ellsberg psychiatrist's break-in from the oval office. None of those things involved communications with the President. It could not have possibly involved the attorney-client privilege, could it?

Mr. DEAN. They could not involve the attorney-client privilege, no. Some of them involved conversations I had had directly with the President, yes. Some of them did not.

As I say, there was also the executive privilege question, there were national security questions. We had resolved that in fact, these did not apply.

Mr. THOMPSON. Did you tell the prosecutors about the Ellsberg break-in?

Mr. DEAN. Yes, I did.

Mr. THOMPSON. So you had resolved that question?

Mr. DEAN. No, I did not tell them the totality of it. What I said was that they had evidence in their files that they should reexamine, because it indicated a break-in. I did this because there is case law my lawyer

told me about. He said, John, you are committing another crime if you do not tell and you have to reveal this to them and they are on that case. He said, there is an ongoing prosecution. You must give them enough so that they can look at their files and make the determination.

Mr. THOMPSON. Mr. Dean, is it your testimony that you were not in effect bargaining for immunity or seeking immunity?

Mr. DEAN. My lawyers were very heavily discussing immunity with the prosecutors at that time.

Mr. THOMPSON. And you failed at the U.S. attorney's office in that attempt, did you not?

Of course, I might add that that is a very proper thing for attorneys to pursue. The fact is they were.

Mr. DEAN. That is right. What happened is my lawyers worked out what they called a phase I with the——

Mr. THOMPSON. Phase I?

Mr. DEAN. Phase I, in which I would——

Mr. THOMPSON. You did not have any better luck than the other phase I.

Mr. DEAN. I would discuss with the prosecutors everything I could remember, everything I could tell them and the evidence could not be used against me so they could assess what they wanted to do with that. That was the design of phase I, which I did.

Mr. THOMPSON. All right. And then contact was made with Mr. Dash.

Mr. DEAN. Mr. Dash made contact with us.

Mr. THOMPSON. Well, either way you want to put it, you discussed the matter with Mr. Dash, who very properly, of course, was seeking any information he could get and talked with you about these matters.

Then, for the first time, as far as I know—you correct me if I am wrong—after that, some time after that, the stories started appearing quoting sources close to you to the effect that you had met with Nixon more than 40 times to discuss the coverup, that Nixon had substantial knowledge about what the White House people were doing and all those things.

Now, I do not want to leave an unfair implication if I am wrong about this, but the obvious question is whether or not you went to the prosecutors, gave them what you thought might be enough to get immunity; having failed there, came to this committee and offered a little more in order to get immunity for this committee. Was that or was that not your strategy?

Mr. DEAN. I believe that is not correct.

Mr. THOMPSON. In what points does that thesis break down?

Mr. DEAN. Phase I had effectively gone into abeyance.

Mr. THOMPSON. Were we considered phase II?

Mr. DEAN. No, no, I am talking about the off the record discussions with the prosecutors had gone into abeyance by the time Mr. Dash contacted us, because we were giving them so much information so fast and the thing was tumbling so quickly that they were in pursuit of it and it became more and more difficult for me.

There also was the increasing demand for a special prosecutor. The prosecutors didn't know their own status.

Meanwhile, Mr. Dash asked to discuss it with my attorney and he said, you are going to be called, you are going to be called soon and I want to know what it is all about. So he was given the story.

Mr. THOMPSON. Of course, you did get immunity from this committee, use immunity.

One last question, Mr. Dean. The reason I ask this, of course, is that your statement is replete with references about your desire to uncover the coverup and your desire to tell the truth in all these matters. Before you were forced out of the White House—as you stated, you started making contact with the prosecutors on April 2 of this year; you had substantial difficulty with Mr. Haldeman and Mr. Ehrlichman concerning their desire to get Mitchell to take the rap and get them off the hook. Why didn't you resign, call a press conference, and tell the entire truth about the matter if you wanted it to come out, substantially before you——

Mr. DEAN. When I was at Camp David—I went up on the 23d. On the 25th, I talked to a lawyer and I told him I wanted to take some steps. He cautioned me, saying, for gosh sakes, don't do anything until you do talk to a lawyer.

So it was when I came back from Camp David on the 28th that I again began calling to obtain a criminal lawyer. He told me—he said, John, he said, I know you want to get the truth out, and that was the first thing we told the prosecutors. He said, you don't have to run in a machinegun to do it. You have a Constitution, you can protect your rights, you can go forward, and if I am going to represent you, I am going to represent you the best way I know as a member of the bar and I will give you the best counsel I can. I have tried to follow his counsel and simultaneously get the truth out.

Mr. THOMPSON. Fine. Just one small matter. I don't want to leave any inferences from the story I quoted a minute ago concerning your meeting with Mr. Dash. I don't know the source and this is not the proper time to find out the source. The only thing I am sure of is that it was not Mr. Dash. I just want to put that on the record.

I have no further questions.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Thank you, Mr. Chairman.

Mr. Dean, you realize, of course, that you have made very strong charges against the President of the United States that involves him in criminal offenses, do you not?

Mr. DEAN. Yes, sir, I do.

Senator TALMADGE. What makes you think that your credibility is greater than that of the President, who denies what you have said?

Mr. DEAN. Well, Senator, I have been asked to come up here and tell the truth. I have told it exactly the way I know it. I don't say that I—you are asking me a public relations question, really, in a sense, why I would have greater credibility than the President of the United States? I am telling you what I know. I am telling you just as I know it.

Senator TALMADGE. Now, you are testifying, I believe, under use immunity that this committee has granted to you.

Mr. DEAN. That is correct.

Senator TALMADGE. You would not be here testifying today had we not granted that use immunity, would you?

Mr. DEAN. I would probably be before the prosecutors downtown.

Senator TALMADGE. Now, you refused to testify before the grand jury, I believe, did you not?

Mr. DEAN. That is correct.

Senator TALMADGE. You pled the fifth amendment there?

Mr. DEAN. That is correct.

Senator TALMADGE. You have been bargaining with them for immunity which has not yet been granted. Is that an accurate statement?

Mr. DEAN. That is correct, Senator.

Senator TALMADGE. Now, there have been various reports in the press; I know nothing whatever about their credence. Did you see an article in one of the Washington papers that you were kicked out of a law firm here for violation of the canon of ethics?

Mr. DEAN. I did, sir.

Senator TALMADGE. Would you like to comment on that?

Mr. DEAN. Yes, I would. To explain that is that I learned about that sometime after it had occurred. That was when I had left—I had been on the Hill working with the House Judiciary Committee. I had gone to a newly formed commission that was working on a revision of the Federal criminal laws and the Civil Service ran a normal civil service-type examination. As a result of that, they went to a former employer, the employer indicated he had dismissed me for unethical reasons. The Deputy Director of the Commission brought this to my attention and said, is this true?

I said, I am flabbergasted to see this. I called a friend who had been in the firm at the time, who is another lawyer. I asked him if he would go to the person who had made the charge and see if he could find out what in the world this is all about. I explained to him the entire set of facts and circumstances that had occurred. As a result of this man going to see the former partner who had dismissed me, the statement was retracted in my civil service record.

Also, I should note, one of the reasons that I was prepared to go to the ethics committee at that point in time is because I was operating on the advice of counsel when I was involved in this investment, while I was still at this law firm, and I believe we had really a question of personalities rather than a question of ethics involved.

I would be happy to submit to the committee for its record the letter of counsel that I was operating on at the time this incident occurred, that I had sought legal advice as to whether this was proper or improper because I did not want to engage in it if it was improper.

Senator TALMADGE. If you will submit that for the record, we will appreciate it. I judge from your statement that that was an unfair and unfounded attack on your professional ethics.

Senator ERVIN. I would suggest that he read it.

Mr. DEAN. Would you like me to read the letter?

This is a letter to the man who investigated the matter. It is from Mr. Earl Stanley of the firm of Dow, Lohnes & Albertson:

DEAR MR. TAPTICH: This will confirm and supplement my recent conversations with you concerning events preceding and to some degree surrounding the resignation in early February 1966, of Mr. John Dean from the law firm of Welch & Morgan, Washington, D.C.

As you know, Mr. Boyd Fellows approached me in October of 1965 about the possibility of representing an applicant for a construction permit for a new television broadcast station in St. Louis, Mo. At that time, Mr. Fellows was, in essence considering various law firms in Washington as communications counsel for a group which he was putting together to apply for a St. Louis Television authorization. I had known Mr. Fellows for some time before he approached me and as a result of our initial contact, I told him I would be pleased to represent

his group and to assist them in any way that I could in the filing and prosecution of their application at the Federal Communications Commission.

At that time, Mr. Fellows' plans appeared to be very much in the preliminary stages. No corporation had been organized, specific program plans had not been formulated, and few if any of the other necessary investigations and work preliminary to the preparation of the application had been completed.

At our initial conference, Mr. Fellows pointed out that he was then employed as a television management expert at Welch & Morgan and that his name had appeared in other applications for television authorizations which have been filed by that firm, including one in St. Louis, Mo. It was my understanding that the firm of Welch & Morgan would probably eventually own approximately 30 percent of that St. Louis television operation, consistent with the pattern followed by the firm in connection with other television authorizations. I told Mr. Fellows that insofar as he was concerned, there was no problem of ethics involved since he was not a practicing attorney. My recollection is that Mr. Fellows had already made known his plans and proposals to one or more partners of Welch & Morgan. I did advise Mr. Fellows that when, if and shortly before the application for his group was filed, due to Commission requirements he would have to sever connections with the other St. Louis television group.

At our conference in October, Mr. Fellows also discussed with me the possibility of Mr. John Dean becoming a part of the group. Mr. Dean was then a recent associate at Welch & Morgan, but according to my recollection was contemplating the possibility of a change in positions. I was told that Mr. Dean's participation in the group was to be largely that of an investor, that he did not desire, plan or feel qualified to advise the applicant corporation in any way as to the preparation of its application, and that I would be relied upon for such advice and guidance. I advised Mr. Fellows that, in my opinion, it would not be unethical or improper in any respect for Mr. Dean to become a part of the group recognizing that if and when the application was filed at the Commission, he should plan to resign from Welch & Morgan because of that firm's interest in another St. Louis group.

The subject of Mr. Dean's participation in the St. Louis group was also mentioned at a luncheon meeting which I had with Mr. Fellows and Mr. Dean in November of 1965 at Costin's Restaurant in Washington, D.C. My recollection of the details is quite vague but I am certain that I told Mr. Dean the same thing that I had earlier told Mr. Fellows.

I might say in conclusion that I have always regarded Mr. John Dean as an extremely honorable, conscientious, careful and able man. His honesty and his integrity, in my opinion, are both beyond question. His care and his conduct in connection with his participation in the application for a television authorization in St. Louis demonstrated these very qualifications.

As to what occurred between Mr. Dean and Mr. Welch of Welch & Morgan at the tme Mr. Dean resigned in February of 1966, I have no personal knowledge. I do know that at the time application of Mr. Fellows' group, Greater St. Louis Television, Inc., was filed in March, 1966, Mr. Dean was no longer an associate with Welch & Morgan.

The above is according to my best recollection and knowledge. If you have any questions or need some further details, please let me know.

With kindest regards, Cordially yours.

Senator TALMADGE. I believe you testified that you met with the President in March of this year and informed him fully about your participation and the participation of others in the coverup of the Watergate incident and, at that time, as I recall, you told the President that both you, Mr. Ehrlichman, and Mr. Haldeman were indictable, is that correct?

Mr. DEAN. That was in an afternoon meeting when I met with him which I believe was on the afternoon of the 21st.

Senator TALMADGE. Was anyone there besides you and the President?

Mr. DEAN. Initially Mr. Ziegler was in—at the meeting in the morning it was only the President and I initially. At the end of the conversation he called Mr. Haldeman in to request that Mr. Haldeman get ahold of Mr. Mitchell, to get Mr. Mitchell down there for a meeting

the next day. In the afternoon, Mr. Ziegler was in the office for a very short period of time and then left as the meeting commenced with Ehrlichman, Haldeman, the President, and myself. So there was no other person than those involved.

Senator TALMADGE. What was the President's reaction when you told him about the complicity of the individuals in the White House?

Mr. DEAN. Well, I felt he had not gotten the message that I was trying to convey through to the President, and I think that the subsequent meeting that afternoon and the meeting the next day with the President indicated to me that there was more concern about this committee and its hearings than doing anything affirmative about what I told the President. In fact the strategy was then developing that John Mitchell should step forward and if he did that there would be lack of concern and interest in the postactivity as opposed to the preactivity and hopefully they would all go away.

Senator TALMADGE. What did the President say when you told him about these individuals?

Mr. DEAN. About which individuals, Senator?

Senator TALMADGE. Of you and Ehrlichman and Haldeman all being subject to indictment.

Mr. DEAN. I don't recall the President's reaction as much as I recall Mr. Ehrlichman's reaction when he expressed displeasure. There was a general discussion, and I was just amazed at the discussion going on and I just kept shaking my head because the President would say to me "Do you agree with this?" And I would say "No, I don't," and finally I said "the reason I don't agree with this is because I think that Mr. Haldeman, Mr. Ehrlichman, and I are indictable for obstruction of justice."

Senator TALMADGE. Did the President seem surprised when you gave him this information?

Mr. DEAN. No sir, he did not.

Senator TALMADGE. I believe at the same time he discussed with you that he should not have talked with Mr. Colson about Executive clemency, did he not?

Mr. DEAN. No, sir, that was a meeting—that occurred on two times. On March 13 when he had asked me where the pressure was coming from for the money he told me about the fact that Colson had come to see him despite Ehrlichman's instructions that he not do so, and he expressed annoyance at that occasion.

Then, on April 15 of this year at the very end of the conversation I remember very vividly the President getting up out of his chair, walking behind the chair to the corner and in a very, very audible—almost inaudible tone, turned to me and said, "I was probably foolish to talk to Colson about clemency for Hunt, wasn't I?"

That was his statement.

Senator TALMADGE. Now, to turn to another matter. Do you have any idea why it was you that Mr. Ehrlichman asked to check into the break-in affair immediately after the Watergate entrance?

Mr. DEAN. I would only assume because I had become the White House firefighter at that time and I was given assignments of this nature whether it was the, as I say, the Lithuanian defector or any conflict of interest problem that came up, I investigated a lot of those.

I dealt with all of the Presidential appointees before they were appointed to clear them for conflict problems or any problem that came up, any improprieties that had come to our attention was sent to my office so we could investigate them and find out if they could be embarrassing to the President so it was very natural, of course, for it to come to me.

Senator TALMADGE. Did you really believe Mr. Liddy when he told you that no one in the White House was involved?

Mr. DEAN. Well, given the nature of my statement in reflecting back at that time he did not even mention to me Hunt's involvement, and how much Mr. Liddy would know about White House involvement in this I do not know. I think that he would only have probably hearsay knowledge from Mr. Magruder in his dealings with Mr. Magruder as to who in the White House would or would not be involved. I do not know what dealings he had with the White House other than the dealings he had with me.

Senator TALMADGE. Let us see if I have the sequence on the immediate aftermath of the break-in correct now.

Immediately upon your return to Washington after the break-in in June, you saw Mr. Liddy, whom you knew had provided massive intelligence plans to Mr. Mitchell, is that correct?

Mr. DEAN. Well, sir, I will give you the sequence. As I arrived back on Sunday night, the 18th, I was informed by my assistant that McCord had been arrested, one of the individuals arrested and that one of the Cubans had a check from Mr. Hunt. The next morning I had a conversation with Mr. Caulfield, who repeated the same thing to me. I then had a call from Mr. Ehrlichman or I had a call from Mr. Magruder who told me that this whole thing is Liddy's fault and I should look into it. I then had a call from Mr. Ehrlichman who, I reported to him that this was, had been, told me and he said "I think you ought to meet with Liddy." I then met with Mr. Liddy about noon and he gave me his report. It was in that afternoon that Mr. Strachan came into my office and told me that he had been instructed by Mr. Haldeman to destroy documents.

Senator TALMADGE. You knew, of course, that Mr. Liddy had presented massive intelligence plans to Mr. Mitchell, I believe you were there on two occasions?

Mr. DEAN. Yes, I was.

Senator TALMADGE. Then you testified that Mr. Strachan told——

Mr. DEAN. Senator, I might correct that they were massive on the first occasion and a very tailored-down version on the second and, I must say I was very late in attending the second meeting and the meeting was shortened after I arrived.

Senator TALMADGE. Each meeting was scaled down further?

Mr. DEAN. That is right.

Senator TALMADGE. Intelligence plan. Then, Mr. Strachan told you that Mr. Haldeman ordered him to go through Mr. Haldeman's files and destroy materials which included documents relating to wiretap information from the Democratic National Committee, is that correct?

Mr. DEAN. That is correct.

Senator TALMADGE. Then you told Mr. Ehrlichman about the meetings with Liddy and Mitchell and about your subsequent conversations with Mr. Haldeman, and Mr. Ehrlichman's reaction in a meeting

which Mr. Colson attended, was to tell you to get Liddy to have him tell Hunt to get out of the country, is that correct?

Mr. DEAN. Well, you are tying two meetings together, Senator. I might straighten that out for you. The meeting I reported to Ehrlichman was in midafternoon and Mr. Colson was not present. I was reporting my meeting with Liddy at that point. I did not discuss with him the facts that Strachan had brought to my attention because I assume he was aware from his conversations with Mr. Haldeman that that in fact had occurred.

He told me to come back to a meeting later that evening with Colson. He said he was aware of the fact that Colson wanted to meet with him and I should be present at that meeting.

Senator TALMADGE. Then shortly thereafter Mr. Ehrlichman told you to throw the contents of Hunt's safe in the river, is that correct?

Mr. DEAN. That is correct. Well, he told me I should throw the briefcase in the river and he told me to shred the documents.

Senator TALMADGE. Now, after all of those facts occurred, were available to you, why did you not, as counsel to the President, go to him at that time and tell him what was happening?

Mr. DEAN. Senator, I did not have access to the President. I never was presumptuous enough to try to pound on the door and get in because I knew that just did not work that way. I know of efforts of other White House staff to get in, I have seen, for example, one of the reporters sitting in this room, Mr. Mallenhoff, memorandums he tried to send in to the President and they are just blocked when you try to send information in.

Senator TALMADGE. You mean you were counsel to the President of the United States, and you could not get access to him if you wanted to, is that your testimony?

Mr. DEAN. No, sir; I thought it would be presumptuous of me to try, because I felt, I was told my reporting channel was Mr. Haldeman and Mr. Ehrlichman and I was reporting everything I knew to them.

Senator TALMADGE. It seems like to me after finding evidence of a conspiracy of this magnitude it was incumbent upon you as counsel to the President, to make every possible effort to see that he got that information at that time.

Mr. DEAN. Senator, I was participating in the coverup at that time.

Senator TALMADGE. Now, another question. When you met with Attorney General Kleindienst on the 19th and 20th of June, I believe, there you told him you had no idea there would be a break-in at the Democratic National Committee headquarters. Did you tell him about the meetings of January 27 and February 4, 1972, with Mr. Liddy and Mr. Magruder and Mitchell during, when buggings were considered?

Mr. DEAN. No, sir; I did not.

Senator TALMADGE. Why did you not tell him at that time?

Mr. DEAN. Because I knew that would put him in a position that he would have to pursue his investigation that way, and Mr. Kleindienst had told me when we talked generally, in very broad generalities about the thing that he said he would never sit in the Attorney General's office and prosecute Mr. Mitchell and I did not want to put this on Mr. Kleindienst at this point in time.

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Senator TALMADGE. In other words, you were still participating in the coverup.

Mr. DEAN. Well, this meeting had occurred on the 19th or 20th.

Senator TALMADGE. Yes.

Were you chosen to tell Mr. Kalmbach, Mr. Mitchell, Ehrlichman and Haldeman wanted him to raise money to pay for the silence of the Watergate defendants?

Mr. DEAN. Well, I became the courier of good and bad news between the committee concerning what each quarter was doing concerning the coverup. I think that occurred for this reason: One, Mr. Mitchell had known me and trusted me with this type of information and, Haldeman and Ehrlichman knew and trusted me. There was a—particularly after—this reporting requirement or requirements, this reporting scheme, developed very early on. Ehrlichman and Mitchell, I would have to say, had a rather strained relationship and this made it convenient to avoid some of those strains, and there was also a longstanding competition between Mr. Mitchell and certain persons in the White House so that this made it convenient, they didn't want to deal with one another so I was the convenient vehicle to deal with.

Senator TALMADGE. Did you think it was part of an effort to make you the fall guy in the plan?

Mr. DEAN. I didn't raise the fall guy—it made it very easy for them to protect themselves to say that this was all Dean if anything ever went wrong. I was aware of that but I didn't begin to think about that until the August 29 statement and at that time I began discussing it with other people because I was right square in the middle of the coverup, and now my name was being put out in front of the whole thing as clearing everybody of complicity and I say this may be a natural, I had seen it happen before. I had seen situations like this occur where people who had not actually done something take the blame for it to avoid embarrassing others higher up and I felt it was a real possibility.

Senator TALMADGE. Why have you always assumed it was a Presidential decision to keep Mr. Magruder on at the Committee To Re-Elect the President?

Mr. DEAN. Well, I assumed that for two reasons: First of all, it was very clear by the time Mr. Magruder or these discussions came up the strategy was developing that the matter could stop at Mr. Liddy, that they could hold it there, then there could be no links in the White House through Mr. Magruder and nobody at the top of the Re-Election Committee would be damaged.

Mr. Magruder was the deputy director, he was involved. I reported the fact he was involved. Mr. Mitchell, who I didn't know was involved or not, they were asking me whether I thought he should leave or stay in the campaign. I cannot conceive of a discussion of these factors not coming up in a conversation with the President about what was happening over at his reelection committee.

Now, it is presumptious or it is a presumption on my part but given the, you know, this is the number one and two men at the reelection committee.

Senator TALMADGE. You testified that you always suspected that Mr. Colson was far more knowledgeable than he protested.

What led you to that conclusion?

Mr. DEAN. Well, the fact that Mr. Magruder had told me of numbers of—the fact that the staff had contacted him regarding implementing the plan. The fact that Mr. Hunt had a very close relationship with Mr. Colson, that the memos that I found in Hunt's safe indicated that Hunt had a practice of reporting regularly to Mr. Colson on things that occurred, and I found it very hard to believe that Mr. Hunt and Mr. Liddy would walk into Mr. Colson's office and tell him that they didn't have some security plan or something like that and then persuade Colson on a call like that or on a statement like that to call Mr. Magruder to have his staff subsequently follow up with additional calls and tell them to get that plan going.

Senator TALMADGE. You testified that you had to report to the President through Mr. Haldeman or through Mr. Ehrlichman. Were you closer to the President on the Watergate than in any other area?

Mr. DEAN. Do you mean when I did begin reporting to him?

Senator TALMADGE. Yes.

Mr. DEAN. Yes, sir.

Senator TALMADGE. Can you account for that?

Mr. DEAN. Well, I can only tell you what the President told me. He told me that this matter was taking up too much attention of Mr. Haldeman and Ehrlichman which, indeed it was very consuming for everybody that was involved in it. No one could leave the store very long for fear that something would go astray so it was something that everyone had to stay on top of. That the trial was over, we were moving into the Senate phase, had a grand plan that had been laid out over a weekend of some 12 and 14 hour meetings. The President, I assume, thought that now that the plans had been laid the policies had been made, "have Mr. Dean report to me and I will deal with him directly on the matter."

Senator TALMADGE. Did Mr. Haldeman have direct access to the President?

Mr. DEAN. Indeed he did, sir.

Senator TALMADGE. Mr. Ehrlichman?

Mr. DEAN. Yes, he did.

Senator TALMADGE. Mr. Colson?

Mr. DEAN. Yes, he did.

Senator TALMADGE. Mr. Mitchell?

Mr. DEAN. I don't believe that Mr. Mitchell had any dealings with the President, to my knowledge other than one or two social visits in Florida with him from the time he left the campaign until the meeting that occurred on June 22. I know they had sort of a good chat about what everyone had been doing at that time, very social chat at the end of the meeting. I was asked by the President to make arrangements so Mr. Mitchell could use his outer office in the Executive Office Building and while I was doing that they were having a chat about what was happening among some of the partners. I know also that the President stopped in his old law firm at one time but I think these were strictly social dealings.

Senator TALMADGE. That was March 22, I believe rather than June 22?

Mr. DEAN. Yes, excuse me, March 22.

Senator TALMADGE. Mr. Kalmbach had immediate access to the President?

Mr. DEAN. No sir.

Senator TALMADGE. He did not.

Mr. DEAN. Not to my knowledge. I think the President periodically called Mr. Kalmbach when he had some specific item he wanted to take up regarding the residence in California. I was often the conveyor of information to Mr. Kalmbach for the President and these requests had come to me from Haldeman or Ehrlichman. They dealt with the personal side of the President's business. I think that—I don't know of other than social gatherings, White House dinners or the like, where Mr. Kalmbach might have been present. I know his partner, Mr. DeMarco, and I would always take the tax return in to be signed and those would be rather mechanical sessions so I can't say that Mr. Kalmbach had access to the President, no.

Senator TALMADGE. What was Mr. Mitchell's relationship to the President, the same—was it the same over the entire period that you were at the White House?

Mr. DEAN. I don't really know. I know that Mr. Mitchell and the President had frequent contact. I can recall while I was at the Department of Justice and I would be in the Attorney General's office and the President would call him. I know Mr. Mitchell would have no hesitation to pick up the phone and call the President. I know that Mr. Mitchell attended a number of meetings with the President, private meetings, on a regular basis while he was still Attorney General. I was also told they had a number of evening meetings and some planning for the campaign as they moved toward a campaign and I often thought back to a comment that I was told when I was first interviewed at the Pierre Hotel to come to the Department of Justice that Kleindienst told me that this Attorney General will probably be as close to this President as Robert Kennedy was to President Kennedy.

Senator TALMADGE. And throughout your statement you indicated that you met with or were ordered to work with either Mr. Haldeman or Mr. Ehrlichman. What was the relationship between you and these advisers?

Mr. DEAN. Well, I would report to them or get assignments from them.

Senator TALMADGE. What was their relationship between themselves?

Mr. DEAN. I think that Mr. Ehrlichman and Mr. Haldeman have a relationship that goes back a number of years from college days. They were good friends. They were very close, they worked very well together. I think that, of course, that Mr. Ehrlichman dealt more with substantive matters whereas Mr. Haldeman dealt with procedural matters at the White House. I think Mr. Haldeman from time to time would make substantive suggestions but he would restrain himself because of the mere mechanics of keeping an operation of the dimensions of a Presidency going.

Senator TALMADGE. Did they keep each other informed as to what they were doing?

Mr. DEAN. I would assume they did, yes. I would say, you know, on selected areas. I would not say that Mr. Ehrlichman would tell everything to Mr. Haldeman he was planning on in a given area of domestic policy. He would go directly to the President on that.

Senator TALMADGE. Do you have a copy of your exhibit No. 34–28* before you?

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*See p. 1233.

Mr. DEAN. I do not have the exhibit.

Senator TALMADGE. I will ask the staff to please hand you one. It is an interesting document and I would like to have your comment on it. Do you have it now?

You will note that it is on White House stationery dated January 2, 1973, very brief and to the point:

To: John Dean.
From: Charles Colson.
Now what the hell do I do?

Tell us the significance of that. [Laughter.]

Mr. DEAN. Attached to that, there was a very small memorandum or note up in the corner. Attached to the letter is the second part of the exhibit. It is a letter from Howard Hunt to Mr. Colson. This came to me while I was—to my attention, while I was, on a telephone conversation with Mr. Colson and having just returned from California. I had had a conversation with Mr. O'Brien in the evening of the 2d of January concerning Mr. Hunt's status and his desire to plead guilty and to get assurances for Executive clemency. I had a call from Mr. O'Brien the next morning on the same subject. I had a call from Mr. Colson who told me Mr. Bittman was trying to reach him. He asked me if I had seen this letter and I said I had not, and while we were talking, I dug the letter out of my mail.

As a result of this letter and our conversation he asked me, he was indicating that he didn't—he still wanted to keep at arm's length from Mr. Hunt. He had throughout the matter tried to keep at arm's length to Mr. Hunt. I told him I would have to talk to Mr. Ehrlichman before I could make any suggestion. I went to Ehrlichman, told him the situation and Mr. Ehrlichman told Mr. Colson he thought he ought to meet with Mr. Bittman and subsequently they did meet.

Senator TALMADGE. Now, will you look at exhibit No. 34–47* that you inserted in your testimony yesterday. It is also an interesting document. As I recall your testimony as you presented that yesterday, it is a list of all of the people that you thought had violated the law and what the laws may be that they violated, is that correct?

Mr. DEAN. That is correct.

Senator TALMADGE. Let us start with the top of the list, now. That is in your own handwriting, is it not?

Mr. DEAN. That is correct.

Senator TALMADGE. This is a copy thereof?

Mr. DEAN. That is correct.

Senator TALMADGE. What is the significance of the letters in the top lefthand part of that sheet?

Mr. DEAN. The list is broken down into two parts, Senator. One says "pre" and the other is "post."

Senator TALMADGE. By "pre," you mean prior to the Watergate break-in?

Mr. DEAN. That is correct.

Senator TALMADGE. The planning and discussion of those events?

Mr. DEAN. That is correct.

Senator TALMADGE. And you list in that category Mr. Mitchell, Mr. Magruder, and Mr. Strachan, is that correct?

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*See p. 1312.

Mr. DEAN. That is correct.

Senator TALMADGE. Now, you have a star by Mr. Mitchell's name and no star by Mr. Magruder.

Mr. DEAN. Maybe if I explain the whole list, it would save some questions for you.

Senator TALMADGE. Surely.

Mr. DEAN. I have listed for pre: Mitchell, Magruder, Strachan; post: Haldeman, Ehrlichman, Dean, LaRue, Mardian, O'Brien, Parkinson, Colson, Bittman, Kalmbach, Tony—I have by that the word "source." I will explain that in a minute; Stans.

Now, beside several of the names, after I did the list—just my first reaction was there certainly are an awful lot of lawyers involved here. So I put a little asterisk beside each lawyer, which was Mitchell, Strachan, Ehrlichman, Dean, Mardian, O'Brien, Parkinson, Colson, Bittman, and Kalmbach.

Then I put, as we were discussing the development of the list, the evidence that I knew sort of firsthand or had reason to believe that others had firsthand evidence of, that I thought that a very strong case might be made against. The ones that I was not as sure about were those I put a questionmark on. This was just something I was working out in my own mind in a discussion I had with my lawyer as a result of discussions he had also had with some of the prosecutors.

Senator TALMADGE. Any significance to the star? That they are all lawyers?

Mr. DEAN. No, that was just a reaction myself, the fact that how in God's name could so many lawyers get involved in something like this?

Senator TALMADGE. What do the checkmarks indicate on the left-hand side of the paper?

Mr. DEAN. I do not know.

Senator TALMADGE. Now, you have presences there and some other things there. I presume—what is that language on the right?

Mr. DEAN. That is because I had had earlier discussions with Ehrlichman and Haldeman about this and they asked me, what is the obstruction of justice? So I dug out the obstruction of justice statutes, which were sections 371, which I believe is the conspiracy statute, and 1503, and put the sanctions beside them—5 years and $10,000, 5 years and $5,000 for potential obstruction of justice.

When I took this list to Mr. Ehrlichman and Mr. Haldeman, Mr. Ehrlichman said, well, I may have to take—he said, I do not think this sounds like an obstruction of justice.

I said, well, you may want to look at the statute. I said, particularly read the annotations of the statute, because I think you will find some case law which indicates that obstruction of justice is as broad as the imagination of man to obstruct justice.

Senator TALMADGE. So your significance, then, was that those gentlemen had violated those statutes and were guilty of those particular offenses which carried either a 5-year sentence and $10,000 and 5 years and $5,000, is that correct?

Mr. DEAN. That is correct, Senator.

Senator TALMADGE. Thank you, Mr. Dean.

I have no further questions, Mr. Chairman.

Senator ERVIN. The committee will stand in recess until 2 o'clock.

[Whereupon, at 12:05 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION, TUESDAY, JUNE 26, 1973

Senator ERVIN. The committee will come to order.

Senator Weicker.

Senator WEICKER. Thank you, Mr. Chairman.

Mr. Dean, I would like to completely change gears from the testimony which you gave this morning and go back to the beginning of the statement you made yesterday in order to put this in its proper context because it is so completely different from what was discussed this morning and yesterday. I am going to read the early portions of your statement in order to set the framework for the questions I am going to ask.

This is quoting from your statement of yesterday.

It was when I joined the White House staff in July of 1970 that I became fully aware of the extent of concern at the White House regarding demonstrations and intelligence information relating to demonstrators. It was approximately one month after I arrived at the White House that I was informed about the project that had been going on before I arrived to restructure the Government's intelligence gathering capacities vis-a-vis demonstrators and domestic radicals. The revised domestic intelligence plan was submitted in a document for the President.

The committee has in its possession a copy of that document and certain related memoranda pursuant to the order of Judge Sirica.

I want to inform the chairman and members of the committee so there is no apprehension here, I do not intend to go into the memorandum of 1970. I understand that there are matters contained therein which the chairman is handling at the present time so it is not my intent to go into that document.

After I was told of the Presidentially-approved plan, that called for bugging, burglarizing, mail covers, and the like, I was instructed by Haldeman to see what I could do to get the plan implemented. I thought the plan was totally uncalled for and unjustified. I talked with Mitchell about the plan, and he said he knew there was a great desire at the White House to see the plan implemented, but he agreed fully with FBI Director Hoover, who opposed the plan, with one exception. He thought that an interagency evaluation committee might be useful, because it was not good to have the FBI standing alone without the information of other intelligence agencies and the sharing of information is always good and voids duplication. After my conversation with Mitchell, I wrote a memorandum requesting that the evaluation committee be established, and the restraints could be removed later. I told Haldeman that the only way to proceed was one step at a time, and this could be an important first step. He agreed.

The Interagency Evaluation Committee (IEC) was created, as I recall, in early 1971. I requested Jack Caulfield, who had been assigned to my office, to serve as the White House liaison to the IEC, and when Mr. Caulfield left the White House, Mr. David Wilson of my staff served as liaison. I am unaware of the IEC ever having engaged in any illegal activities or assignments, and certainly no such assignment was ever requested by my office. The reports from the IEC, or summaries of the reports were forwarded to Haldeman and sometimes Ehrlichman.

In addition to the intelligence reports from the IEC, my office also received regular intelligence reports regarding demonstrators and radical groups from the FBI and on some occasions, from the CIA. A member of my staff would review the material to determine if it should be forwarded to Mr. Haldeman—that is, for bringing to the President's attention—or sent to another member of the staff who might have an interest in the contents of the report.

And then you give several examples relative to Mr. Garment and to Mr. Kissinger.

Now, on the bottom of page 13, you refer to another incident that occurred.

It was not until almost a year or more later that I learned the reason for Mardian's trip to see the President. Mr. Mardian later told me in a social conversation, that he had gone to see the President to get instructions regarding the disposition of wiretap logs that related to newsmen and White House staffers who were suspected of leaking. These logs had been in possession of Mr. William Sullivan, an Assistant Director of the FBI, and were, per Mr. Mardian's instructions from the President, given to Ehrlichman.

I had occasion to raise a question about these logs with Ehrlichman during the fall of 1972, and he flatly denied to me that he had the logs. I did not tell him at that time I had been told by Mardian that he had the logs. About February 22nd or 23rd of this year, Time Magazine notified the White House it was going to print a story that the White House had undertaken wiretaps of newsmen and White House staff and requested a response.

The White House Press Office notified me of this inquiry. I called Mr. Mark Felt at the FBI to ask him first, what the facts were, and secondly, how such a story could leak. Mr. Felt told me that it was true, that Mr. Sullivan knew all the facts and that he had no idea how it leaked. I then called Mr. Sullivan and requested that he drop by my office, which he did. He explained that after much haggling, that the wiretaps were installed, but as I recall, Mr. Sullivan said they did not have the blessing of Director Hoover. Mr. Sullivan explained to me that all but one set of the logs had been destroyed and all the internal FBI records relating to the wiretaps except one set, had been destroyed and all the material had been delivered to Mr. Mardian. After Mr. Sullivan departed, I called Mr. Mitchell who told me he also had an inquiry from Time Magazine and denied to Time Magazine any knowledge of the matter. I did not press him further as to what he did know.

I then called Mr. Ehrlichman and told him about the forthcoming story in Time Magazine. I told him of my conversations with Felt, Sullivan and Mitchell. I also told him I knew he had the logs because Mr. Mardian had told me. This time he admitted they were in his safe. I asked him how Mr. Ziegler should handle it. He said Mr. Ziegler should flatly deny it—period. I thanked him, called Mr. Ziegler and so advised him.

Now, Mr. Dean, this sets the general framework as to the areas of my inquiry this afternoon.

The first question that arises is that, during the course of questioning by this committee, Mr. McCord stated that he went to the Internal Security Division and obtained from a Mr. John Martin and Mr. Joel Lisker information which he brought back to the Committee To Re-Elect the President and disseminated among the various members of the Committee To Re-Elect.

My first question to you is based upon the visit which he made shortly after Mr. McCord's testimony to the Internal Security Division and in talks which he had with Mr. Martin, and Mr. Kevin Moroney, and it relates to the fact of whether or not you know who authorized the release of this information by Messrs. Martin and Lisker at the Internal Security Division.

Mr. DEAN. Senator, I have only a general awareness of this area, and to the best of my recollection, and I don't know, I don't recall who told me this, but there was an arrangement that was worked out by Mr. Mardian before he departed the Department of Justice to join the reelection committee.

Senator WEICKER. In other words, the arrangement of releasing information from the Internal Security Division to McCord was authorized by Mardian. This never came to your attention as being authorized by anybody in the White House?

Mr. DEAN. I don't recall that it did. My office did have dealings, as I have said, with the Internal Security Division. I don't recall specifically this subject coming up. I recall subsequent conversations in which Mr. Mardian told me that he had made an arrangement of some sort after it was initially arrived at.

Senator WEICKER. But, of course, at this moment Mr. Mardian is over at the Committee To Re-Elect the President and Mr. Olson is at the head of the Internal Security Division?

Mr. DEAN. That is correct.

Senator WEICKER. Did your office have any dealings with Mr. Olson?

Mr. DEAN. No—well, I had dealings with him but they were on departmental matters where the practice had evolved that when the department was going to release in a major case electronically obtained evidence under a court order they would notify the White House of this procedure.

Senator WEICKER. Could you amplify on that? I am not so sure I understand.

Mr. DEAN. Well, when a major case was going on, and a defendant would call for whether or not there was any electronic surveillance of his conversations at any time and the Government made a decision to release this information if it was a very political or sensitive case, this matter would be brought to the attention of the White House and Mr. Olson would generally inform me that he was going to do this.

Senator WEICKER. Then can you give me some specific examples of cases that involved that kind of release of information?

Mr. DEAN. Well, I am trying to think; it was some of the more celebrated cases in connection with antiwar demonstrators and I cannot recall with any specificity and having not had an opportunity to go back to my files it is rather difficult to remember this off the top.

Senator WEICKER. Is it a fact, Mr. Dean, that Mr. Olson and Kevin Moroney came to your office, at least on one occasion, maybe there are others, to give you information relevant to the law on foreign contributions?

Mr. DEAN. Yes, they did. I recall a conversation with them both about it; I don't recall whether it was in my office or telephonic in which I raised the subject. I had always assumed that foreign contributions were prohibited under the law. I had been asked by Mr. Stans at one point, who had received a memorandum from Mr. Liddy when he was serving as counsel to the finance committee, indicating that this was a proper contribution to receive. I had occasion to talk to Mr. Olson and Mr. Moroney about this and they had reached another conclusion. They felt it was not from their reading of the Foreign Agents Registration Act, that unless the individual was an agent in fact and not a principal that such a contribution was not violative of the Federal Law.

Senator WEICKER. Why would you seek such information from the Internal Security Division of the Justice Department?

Mr. DEAN. Because they had jurisdiction over that area of the law.

Senator WEICKER. What were your contacts with the Internal Security Division?

Do you feel any information that was supplied to your office from the Internal Security Division might have had some sort of political impact?

Mr. DEAN. Well, I think some of the reports that the IEC prepared had political implications to them but those did not go outside of the White House.

Now, I would have to review those reports and I have not done that either regarding demonstrations and the like. I did, as I mentioned in

my testimony, after I had talked to Mr. Haldeman about what my office should be doing regarding the forthcoming election I called Mr. Wells who was then the head of the IEC or Mr. Caulfield brought him over and told him that the White House was very anxious to have the best intelligence possible regarding the potentials of demonstrations during the forthcoming campaign.

Senator WEICKER. And so you maintained a liaison with the IEC?

Mr. DEAN. I would say that of all my contacts with the Justice Department my most infrequent contacts were with the Internal Security Division.

Senator WEICKER. All right, now, I have in my hand a position report on the Internal Security Division, as of April 15, 1972. It is the same report which already has been brought to the attention of the committee, which I submitted to Mr. McCord to identify those individuals with which he had contacts, specifically, Mr. Martin and Mr. Lisker.

In this position report dated April 15, 1972, under the Office of Analysis and Planning, there are listed Bernard Wells, Executive Director of the IDIU, and two assistants, James McGrath and Joyce Webb. Again, in the interviews which I had at the Internal Security Division, after Mr. McCord's testimony, it was explained to me quite openly that in fact, this office of Analysis and Planning and this position of Director of the IDIU were a cover for the IEC. This report is dated April of 1972. I will be glad to have you take a look at it. Does this in any way relate to recommendations you had made at an earlier date?

Mr. DEAN. Well, now, the IDIU was a unit that was in existence at one point in time in the Justice Department.

Senator WEICKER. Right.

Mr. DEAN. It was basically a newspaper clipping operation to follow what the demonstrators were doing, and as I understand, they subscribed to the magazines and publications of the New Left to try to just analyze from those publications what they were doing, as well as anything else they could pick up.

When the decision was made to establish the IEC, the IDIU unit was virtually defunct at that time and as I recall, there was discussion about the fact that the IDIU did exist and that it could very easily be the explanation for the IEC, which was not due to be a publicly known intelligence evaluation group. This was the decision, to put the IDIU cover over the IEC.

Now, as I recall, the initial person that was placed in charge of the IEC was Mr. Doherty, who had been with the Internal Security Division for quite sometime but was planning on retiring at some point. There were also suggestions that others—somebody else might come in and head this unit up.

Senator WEICKER. Well, I appreciate your answer and you have answered my question. If we can just track this in logical time sequence, that is all.

So it is true that the concept of the IEC does sit there covered by the office of Analysis and Planning, the position of IDIU, is that correct?

Mr. DEAN. That is correct.

Senator WEICKER. Was this the subject of a letter which you wrote John Mitchell?

Mr. DEAN. I believe in the documents that I turned over to the court initially, there was a memorandum in there that was based on a conversation that Mitchell and I had had as to how to establish this very small segment of a rather large and dramatic plan. Now, whether that was in that document or not, I cannot recall. I have not reviewed those documents virtually since the time they were written. So you are asking me to recall something that is about 3 years old and I am not terribly fresh in my recollection on it.

Senator WEICKER. In other words, when I show you a position report that is dated April 15 of 1972, which has in the position report a unit which both of us have identified as the IEC, under the cover of the IDIU, this was the recommendation made back in the summer of 1970. Is that correct?

Mr. DEAN. I think that is an accurate statement to the best of my recollection.

Senator WEICKER. I am not talking about illegal activities——

Mr. DEAN. No; I know exactly what you are talking about.

Senator WEICKER. Nothing else, just setting up of the unit as recommended in the summer of 1970, it does still exist in the office of Analysis and Planning section, IDIU; is that correct?

Mr. DEAN. To the best of my recollection, it is, Senator, but as I say, I would have to check documents in my own office to remember the accuracy of that and that is generally the way I recall it occurring, yes.

Senator WEICKER. The first step, then, was taken in setting up the structure?

Mr. DEAN. Was that the first step?

Senator WEICKER. Yes, right.

Mr. DEAN. I think the step, the first step, was the decision to take a very small part of the plan, the only part of the plan that was not illegal, and begin with that. And then there was a series of correspondence, and I believe I had some meetings with Mr. Mitchell about this in his office and we discussed some of these concepts.

Senator WEICKER. Do you have any idea when those meetings took place?

Mr. DEAN. Well, they would have occurred about the time that my initial memorandum went over, either preceding it and so that followed it. There was still resistance at this point in time on the part of the FBI as to its participation in the unit and it was as a result of this resistance by the FBI that Mr. Haldeman told me to talk to Mr. Mitchell about it and Mr. Haldeman also said, as I recall, that he was willing to come over and talk to Mr. Mitchell himself about it if I had any problem.

Senator WEICKER. Mr. Chairman?

Senator ERVIN. Do you wish to use one of these documents?

Senator WEICKER. I would very specifically like to use the document, Mr. Chairman, which is the letter sent by Mr. Dean to Mr. Mitchell.

Mr. MCCANDLESS. Mr. Chairman, is that one of the national security documents?

Senator ERVIN. Yes. I might state for the record that yesterday, Senator Baker and myself, by authority of the unanimous vote of the committee, sent the following letter to the White House:

JUNE 25, 1973.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: A former White House employee, John W. Dean III, delivered to his honor, Judge John J. Sirica, Chief Judge of the U.S. District Court for the District of Columbia, certain documents. Judge Sirica subsequently ordered copies of these documents delivered to the Senate Select Committee on Presidential Campaign Activities. These documents may be briefly described as follows:

1. A document which is entitled "Special Report Interagency Committee Intelligence," which constitutes a review of the systems by which foreign and domestic intelligence is collected by the FBI, CIA, DIA, and NSA. This document is 43 pages long, and is signed by the then heads of the four intelligence gathering agencies.

2. A document entitled "Recommendations" which relates to operational restraints on intelligence collection. This document was apparently prepared in June 1970, but does not bear the day of the month on which it was finalized.

3. A memorandum from H. R. Haldeman to Tom Charles Huston dated July 14, 1970.

4. A memorandum from Tom Charles Huston to H. R. Haldeman dated August 5, 1970, which relates to domestic intelligence.

5. A memorandum from Tom Charles Huston to H. R. Haldeman dated August 7, 1970, which is entitled "Domestic Intelligence Review."

6. A memorandum from John Dean to the Attorney General relating to the Interagency Domestic Intelligence Unit dated September 18, 1970, which bears the notation that it was returned to John W. Dean by the Attorney General's Office on March 3, 1972.

All of these documents are marked "Top Secret," except the memorandum from Tom Charles Huston to H. R. Haldeman dated August 7, 1970, which is marked "Confidential."

The committee agrees that the first numbered document relates in substantial part to foreign intelligence, and ought not to be disclosed. It believes, however, that all of the portions of the other documents which relate to domestic intelligence or internal security should be released at the hearings, and for this reason, the committee has unanimously authorized and directed us as chairman and vice chairman to ask you forthwith to declassify them.

In addition, the committee has authorized and directed us to request that you declassify two additional documents which have been printed in the New York Times and the Washington Post, insofar as they relate to domestic intelligence and internal security. These additional documents are as follows:

1. A decision memorandum dated July 15, 1970, bearing the title "Decision Memorandum, The White House, Washington."

2. A document entitled "Organization and Operations of the Interagency Group on Domestic Intelligence and Internal Security."

The committee desires to interrogate witnesses concerning these documents, and for this reason, respectfully requests that you forthwith declassify them.

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman,
HOWARD H. BAKER, Jr.,
Vice Chairman.

Senator ERVIN. This morning, I received the following letter.

THE WHITE HOUSE,
Washington, June 26, 1973.

DEAR SENATOR ERVIN: In a telephone discussion this morning with Mr. Rufus Edmisten of your staff, Fred Buzhardt and I stated that the Senate Select Committee should use its discretion with respect to the utilization of the documents referred to in your letter to the President dated June 25, 1973. It is our understanding that the agencies having responsibilities in the foreign intelligence

areas have provided extensive advice to the Senate on these documents. In this connection, Mr. Edmisten stated that the Committee intended to utilize only those portions relating to domestic intelligence activities, and would not make public any material referring to any foreign intelligence activities or capabilities.

Mr. Edmisten asked that I confirm this conversation to you in writing during the luncheon recess, which I am pleased to do.

Senator ERVIN. Now, as I understand it, Senator Weicker, you wish to interrogate the witness about one of these documents and I would suggest that in order to have the thing in consecutive order, that we ask the witness if he can identify all of the copies of the documents referred to in this letter.

Mr. DEAN. I think, Mr. Chairman, that Senator Weicker is referring to the memorandum that I wrote to the Attorney General.

Senator ERVIN. Yes. Before you do, I would like to give you copies of these papers.

Mr. DEAN. I would like to see them to refresh my recollection of the documents.

Senator ERVIN. We might give you copies of two other documents which are not classified. One is a memo to H. R. Haldeman from Tom Charles Huston, dated August 25, 1970, referring to SACB appropriations, and a memo to H. R. Haldeman from Tom Charles Huston dated September 10, 1970, neither of which is classified.

Mr. SHAFFER. May we have permission to look at them, Senator? We have never seen them before.

Senator ERVIN. Yes.

In other words, preliminary to Senator Weicker continuing his examination, I want you to identify all the documents and order them admitted into the record. The question then that will be asked of Mr. Dean is whether or not he can identify these documents as having been copies of documents which he delivered to Judge Sirica and which Judge Sirica ordered delivered to this committee.

Mr. SHAFFER. Senator, just out of an abundance of caution, I would like to advise the chairman that, although his lawyers participated in the delivery of the documents to Judge Sirica, it was done by Mr. Dean placing the documents in a safe deposit box and the keys then being delivered to the court and the documents never came into our possession, nor did we see them.

Senator BAKER. Mr. Chairman, do I understand Mr. Shaffer to say that in an abundance of caution, he wishes to indicate that he and Mr. McCandless have not previously received possession of these documents?

Mr. SHAFFER. That is right.

Senator BAKER. I think it would be appropriate, Mr. Chairman, if you concur to state that on behalf of the committee, we think it is desirable and essential for counsel to be able to confer now with Mr. Dean on these documents on our authority.

Senator ERVIN. I agree with you absolutely.

The committee will take a recess or stand at ease until the attorneys and Mr. Dean can confer about these documents.

[Recess.]

Senator ERVIN. Everyone take your seats, please.

Can you identify those documents, as being true copies, with certain deletions of matters relating to foreign intelligence, as being copies of the documents you delivered to Judge Sirica?

Mr. DEAN. Yes, I do, Mr. Chairman.

[The documents referred to were marked exhibits Nos. 35 thru 42.*]

Senator ERVIN. There is one other document. I am going to ask Mr. George Murphy, Deputy Director of the Joint Committee on Atomic Energy, who has had custody of these documents since they were delivered by Judge Sirica's order to this committee, to show you another document which is not included among those copies, and ask if you can identify that document handed you by Mr. Murphy as being one of the documents you delivered to Judge Sirica.

Mr. DEAN. This is a copy of the original.

Senator ERVIN. A copy.

Mr. DEAN. That is correct.

Senator ERVIN. Yes. Does it have some identification mark?

Mr. DEAN. Yes. It is a Special Report Interagency Committee on Intelligence Ad Hoc dated June 1970 with the chairman indicated J. Edgar Hoover, with a classification on it.

[The document referred to was marked exhibit No. 43 for identification only and is not for publication.]

Senator ERVIN. You can return that to Mr. Murphy now.

Mr. DEAN. It has top secret comment classification on it.

Senator ERVIN. I want to take this occasion to thank Mr. Murphy, the Deputy Director of the Joint Committee on Atomic Energy, for acting as custodian of these documents since they were delivered to us by Judge Sirica and for the great help which he has given to the committee in respect to the contents of the documents and respect to their sensitive nature. We cannot thank you too much, Mr. Murphy. I am going to ask you to retain jurisdiction of the originals of these documents and also we have no copy of that first document there.

Mr. MURPHY. Thank you very much, Mr. Chairman.

Senator ERVIN. The committee is anxious to avoid disclosing any matters which affect national security, which are matters defined as matters relating to national defense or relating to our relations with other nations and for this reason we will not make this first document public.

Senator BAKER. Mr. Chairman, may I say a word in that respect?

Senator ERVIN. Yes.

Senator BAKER. I, too, would like to join in commending Mr. Murphy who, in addition to being Deputy Director of the Joint Atomic Energy Committee staff, is the security officer of the Atomic Energy Committee.

I am a member of the Joint Committee on Atomic Energy and while we are going along with bread and butter, I would like to thank Congressman Mel Price, who is Chairman, for consenting to the additional burden on the staff of the Joint Committee on Atomic Energy to assure the storage of these documents was done in accordance with the requirements of the law.

Senator ERVIN. One other question and then I will turn you back to Senator Weicker. How did you get possession of these documents, including the one that Mr. Murphy retained custody of?

Mr. DEAN. The documents were originally in the possession of Mr. Tom Huston, who had been assigned, I believe, directly by the President to work on this project. When I came on the White House staff

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*See pp. 1319–1338.

Mr. Huston was placed on my staff and was on my staff for some time. I had a general awareness of the fact that he was working on this project but none of the specifics. At the time Mr. Huston was departing the staff he turned over the documents to me that I had possession of. Some of the documents that are contained, and I maintained in the file, I had never seen before the time he turned them over to me. The only—I had seen the basic documents shortly after I joined the White House staff when Mr. Haldeman told me that Mr. Huston had been working to get the plan implemented, but there were some difficulties in implementation. That is basically how I came in contact with the matter.

Senator ERVIN. Have you had the physical custody of these papers since that time?

Mr. DEAN. Well, I had them until I took them and placed them in a safety deposit box under an instruction of Senator Mansfield that anything that might have any bearing on this entire matter should be preserved.

Senator ERVIN. Senator Weicker, you may resume your examination. I thought it was wise to bring all of the documents in evidence that we think ought to be put there.

Senator WEICKER. Thank you, Mr. Chairman.

Now, Mr. Dean, would you be good enough then to read to the committee the memorandum from you to Mr. Mitchell which, I believe—now, I have got to rely on my memory of several months' time since I have seen these things, dated in September 1970; is that correct?

Mr. DEAN. September 18, 1970.

Senator WEICKER. September 18.

Mr. DEAN [reading].

Memorandum For the Attorney General:

Pursuant to our conversation yesterday, September 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

1. Interagency Domestic Intelligence Unit. A key to the entire operation will be the creation of an interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of persons to this unit will be of vital importance to the success of the mission. As we discussed, the selection of the personnel for this unit is an appropriate first step for several reasons. First, effective coordination of the different agencies must be developed at an early stage through the establishment of the unit. Second, Hoover has indicated a strong opposition to the creation of such a unit and, to bring the FBI fully on board, this seems an appropriate first step to guarantee their proper and full participation in the program. Third, the unit can serve to make appropriate recommendations for the type of intelligence that should be immediately pursued by the various agencies. In regard to this third point, I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the recommendations of this unit, and then to proceed to remove the restraints as necessary to obtain such intelligence.

To proceed to create the interagency intelligence unit, particularly the evaluation group or committee, I recommend that we request the names of four nominees from each of the intelligence agencies involved. While the precise composition of the unit may vary as we gain experience, I think that two members should be appointed initially from each agency in addition to your personal representative who should also be involved in the proceedings. Because of the interagency aspects of this request, it would probably be best if the request came from the White House. If you agree, I will make such a request of the agency heads; however, I feel that it is essential that you work this out with Hoover before I have any dealings with him directly.

2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable

space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel, other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgment, of course, on any recommendation regarding Jim Devine's continued presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harlington Wood to ask him to submit the names of five Assistant U.S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

(1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.

(2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.

(3) I request that other involved intelligence agencies submit nominees for the interagency unit.

(4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible.

It was signed, and had a note at the bottom.

Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.

Senator WEICKER. Thank you, Mr. Dean.

Now, this, in other words, refers to that portion of your statement yesterday where you say: "I wrote a memorandum requesting that the Evaluation Committee be established and that the strings could be removed later. I told Haldeman that the only way to proceed would be one step at a time and this would be an important first step and he agreed."

Mr. DEAN. That is correct.

I might footnote that with the remark that I was quite aware of a great interest in the matter, and after some discussions with Mr. Huston, who still had a hope that the entire plan would be adopted,

I had reached the conclusion that there was no way the whole plan was going to be adopted and that the only thing that was essential was the IEC and that this would satisfy everybody that we were at least doing something to solve the problem and this was a first step that seemed to solve or to resolve that pressure with everybody.

Senator WEICKER. So, after this memorandum was written, you proceeded to set up the IEC insofar as the structure, the placing of it, in the Internal Security Division, is that correct?

Mr. DEAN. I think what happened is, and I am not terribly familiar with the mechanics of how this actually did occur, I believe that Mr. Mitchell did have a conversation with Mr. Hoover and reached some agreement as to their participation. I don't know how the decision was made to place it in the Internal Security unit, but I did learn about it at some point because they told me they had space that they had set aside in the Internal Security unit's office, which was separate and apart from the Department of Justice, the main Department of Justice.

And I had learned that Mr. Doherty would be sort of the man that would be heading the operation initially.

Senator WEICKER. May I ask you this question in relation to Mr. Doherty?

Was there any discussion at this time about this unit's first head being Mr. Earl Sharp?

Mr. DEAN. Yes, there was.

Mr. Ehrlichman was aware of this as well and Judge Sharp, who was a friend of Mr. Ehrlichman's, apparently had been—as I recall, he was an elective judge and he either hadn't been reelected or something of that nature, an appointment had run out, and he was not currently sitting on the bench anywhere, and Mr. Ehrlichman thought this would be an excellent thing for him to do and invited him to come to Washington.

We had a number of meetings on it and the more he looked at it, the less he decided he wanted to get involved in it.

Senator WEICKER. So that the first head was Mr. John Doherty?

Mr. DEAN. I believe that is correct.

Senator WEICKER. Did you hold any discussions in your office with Mr. Sharp or Mr. Doherty relative to the IEC?

Mr. DEAN. I am sure probably with both individuals, yes.

Senator WEICKER. And what other persons would have been present at those meetings?

Mr. DEAN. Well, I can't recall anybody else being present when I talked to Judge Sharp. I know that—I do recall that when he decided that he wasn't interested, because, one, he felt he didn't know much about this field, that he would have a whole education to become acquainted with it—I think he spent a couple of weeks looking into the matter. I think he learned that it was going to be some sort of, going to be a secret operation that he would be running in the Department of Justice and he wanted to be able to explain just what he was doing with people back home and he didn't want to have to say, I can't tell you what I am doing in Washington.

We had a number of discussions about other assignments for him and he did some very valuable legal work for my office in connection with some trade matters that had come to my office for resolution.

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Senator WEICKER. Now, Mr. Dean, then Mr. Doherty was the first head and he was succeeded by whom?

Mr. DEAN. I believe by Mr. Wells.

Senator WEICKER. By Mr. Bernard Wells?

Mr. DEAN. Yes.

Senator WEICKER. All right.

So from the time of your memorandum at the time of your talk with Haldeman as to the setting up of the mechanics of the operation, administering of details of the operation, does it come as any surprise to you, that listed under the Office of Analysis and Planning in the Internal Security Division of the Justice Department as of April 15, 1972, is a listing of Bernard Wells, Executive Director, IDIU, with Mr. James McGrath and Joyce Webb listed under that?

Is this basically, then, the plan that is suggested in your memorandum to John Mitchell?

The ink marks and the scribblings are mine and my staff's.

Mr. DEAN. I can't glean an awful lot from this chart.

Senator WEICKER. There is no mention of IEC there, is there?

Mr. DEAN. No, there is not, and the documents that all came to me were clearly marked "IEC" on them when they came over.

Senator WEICKER. And they came over from Mr. Wells?

Mr. DEAN. They came over from Mr. Wells.

Senator WEICKER. Would you read to the committee what Mr. Wells is listed as in that document?

Mr. DEAN. Executive Director, IDIU.

Senator WEICKER. You have also stated that to the best of your knowledge, no illegal activities were conducted by the IEC? I would like to get into the matter of your contacts. Let me ask you one question before you go on to your contacts with the Internal Security Division.

Statements have been made that there was a rescission by the President of the 1970 plan. Why all this business?

Mr. DEAN. Well, as I said, at one point—I do not know about the rescission. That is something that I do not know. I knew that there was a squabble going on between principally Mr. Huston, representing the White House, and the FBI. Mr. Huston talked to me on a number of occasions about the matter. I knew that Mr. Mitchell, when I talked with him about it, both telephonically and when I met with him, was opposed to the grand plan that is in that manual, and I think what Mitchell and I decided was the best course was to do the minimum amount possible that might satisfy people that something was being done. And that was to create the IEC.

Senator WEICKER. Now, it is possible, then, that one of two things might have happened. Either there could have been a rescission by the President, the word of which rescission you never received. That is a possibility, is it not?

Mr. DEAN. Well, I note that their memorandum in here that follow the date of the memorandum I sent and memorandum I had not seen, and I recall that Mr. Huston was still trying to do something about this, even after I sent that memorandum.

Senator WEICKER. Yes, but let me——

Mr. DEAN. So to answer your question, it is very possible that I would not have been aware of, in fact, I was not aware at all of a rescission.

Senator WEICKER. It is also possible there was no rescission.

Mr. DEAN. And I was not aware in full of an approval. I had a general awareness that, you know, I was told to see what you can do to get this plan implemented.

Senator WEICKER. But insofar as your firsthand knowledge, and that is all I am interested in——

Mr. DEAN. Yes, sir.

Senator WEICKER. You did implement the first step of the plan?

Mr. DEAN. That is correct.

Senator WEICKER. Now, could you tell this committee in your own words of any other contacts that you had with the Internal Security Division insofar as information that could have a political value? Did you have any contacts with the Internal Security Division yourself?

Mr. DEAN. As I mentioned in my statement, there was a continual request for information regarding demonstrations and particularly information that would embarrass individuals in connection with their relationship with demonstrators or demonstration leaders. The principal liaison——

Senator WEICKER. Outside of the area of demonstrations, did any information come to you from the Internal Security Division which could have a political value?

Mr. DEAN. I am sure it could have, but without looking at my files, it is impossible for me to remember what might be.

Senator WEICKER. Did you have any direct contact with Division 5 of the FBI?

Mr. DEAN. Division 5 of the FBI?

Senator WEICKER. That is Mr. Sullivan's division.

Mr. DEAN. I knew Mr. Sullivan, but I do not recall having any contact with him when he was at the Internal Security Division.

Senator WEICKER. All right; with the CIA?

Mr. DEAN. No.

Senator WEICKER. With the Metropolitan Police?

Mr. DEAN. I talked to them—in connection with demonstrations, I had a number of conversations with the Metropolitan Police. In fact, I had on my telephone, I had a number of private lines that would go directly to command posts that were concerned with demonstrations. There was one that went to the Defense Department, there was one that went to the Justice Department, to what I should call the old IDIU Unit, which did become operational at demonstration time. I had contact, a telephone line to the Mayor's command post, and one to the Secret Service command post. So during demonstrations, I did receive information from all those places.

Senator WEICKER. To get over this particular area of inquiry, and I do not want to prolong it, insofar as Division 5, the CIA, the Metropolitan Police, military intelligence——

Mr. DEAN. I am not aware of where the intelligence——

Senator WEICKER. Did you receive any information from these entities which was of a political nature—and I do not consider information on demonstrations to be of a political nature; it is something that could be applied to all sides—but that could be useful politically?

Mr. DEAN. Senator, I would like to be able to tell you that I can recall, but I cannot recall and what the answer might be to resolve the question is that the committee might want to go through my files and see what is in there and that would answer the question. Because I have

not destroyed any documents and anything I received would be there. My files, of course, are still locked up in the basement of the White House.

Senator WEICKER. All right. Let us move on to your comment on page 14, where you refer to your conversation with Mr. Mardian.

> It was not until almost a year or more later that I learned the reason for Mardian's trip to see the President. Mr. Mardian later told me, in a social conversation, that he had gone to see the President to get instructions regarding the disposition of wiretap logs that related to newsmen and White House staffers who were suspected of leaking.

Now, can you expand on the conversation which you had with Robert Mardian at that time?

Mr. DEAN. To the best of my recollection, the conversation was a very, very minor part of a very rambling conversation when I recalled the fact that we had gone to San Clemente together and had gone to visit a friend of his in San Clemente and spent some time together. I was out there for one purpose—that was to turn off a burglary of the Brookings Institution. He told me that he could not tell me what he was out there for. I recall he went down to San Clemente at the same time I did and I waited for him to have his meeting. He did not tell me after the meetings what had occurred. Then it was in recounting the fact that our visit with this friend of his out in California, when I finally asked him, I said, well, what in the world were you doing out in California? He said, well, there were some wiretaps and I had gotten the logs from Sullivan and I had to get instructions on what to do with them and I was told to give them to Ehrlichman.

It was a very fleeting conversation, but it stuck in my memory.

Senator WEICKER. All right. You then say, you have in your statement, since I had occasion to raise a question about these logs with Ehrlichman during the fall of 1972, what was that occasion?

Mr. DEAN. I tried to recall that as I was preparing my statement and something did occur in which I asked Ehrlichman directly about the logs and I cannot recall specifically what it was. Again it wasn't something that was of the moment of the Time magazine inquiry but it was a reference to something about newsmen. There had been on the rumor mill at the White House for some time this fact that the White House had instructed a surveillance of White House staff members and newsmen in dealing with leaks and I asked Ehrlichman about it. I said "Do you have the logs?" and he said "No." And I let it drop at that.

Senator WEICKER. Even though at that moment in time——

Mr. DEAN. I knew he had the logs.

Senator WEICKER. You were under the impression from a talk with Mr. Mardian that he did have the logs. You had the logs?

Mr. DEAN. Yes, sir.

Senator WEICKER. I beg you pardon, he had the logs?

Mr. DEAN. Yes, sir.

Senator WEICKER. Then comes February 22 or 23 of this year, and to paraphrase your testimony I gather you were placed in position of trying to find out about the leaks with the FBI relative to a potential Time magazine story?

Mr. DEAN. That is right.

Senator WEICKER. So you interviewed Mr. Sullivan?

Mr. DEAN. That is correct.

Senator WEICKER. Would you describe to the committee the nature of that interview?

Mr. DEAN. After I learned of the inquiry, I called Mr. Mark Sullivan or Mr. Mark Felt and asked him, first of all, if in fact it were true because I had never had a confirmation from anyone; I thought I ought to get a direct confirmation. He told me "Do you really want to know?" and I said "Yes, I think I should know," and he told me that, "Yes, it had occurred," and said that "Bill Sullivan has all the facts on this. He was involved in it and he knows all those facts." I then asked Felt if he knew how it had leaked and he said he didn't have any idea. I then called Sullivan and told him that, I asked him if he would come to my office, and he did come to my office, and I said that I had this inquiry from the press office regarding this and I had some information that in fact it had happened, and I wondered what the facts were, and Mr. Sullivan then recounted the fact that he had been involved in this and told me that he had at one point gotten the most trusted people in the Washington field office to undertake the function. That subsequently he had, when Director Hoover was trying to get copies of the logs that he had either before that time or contemporaneously with this time, he had told the Washington field office people to destroy all of the other logs so it ended up there was one set of logs and related memorandums that were in the custody of Sullivan, and there was some removal of these persons' instructions and I don't have all these details because Sullivan didn't give them to me, and give them to Mardian, and Mardian had possession of them apparently at the time he went to the west coast to get instructions as to what he was to do with them.

Senator WEICKER. Mr. Dean, let me be very clear here so we try to put this story together. You were informed earlier in 1972 by Mr. Mardian that he has in his possession the logs of the Kissinger taps, is that correct?

Mr. DEAN. That is correct. No, not that he has them, that he had turned them over.

Senator WEICKER. He had received them and he had turned them over to Mr. Ehrlichman.

Mr. DEAN. That is correct.

Senator WEICKER. And then in 1973 in an interview with Mr. Sullivan, Mr. Sullivan indicated to you that the taps were accomplished by the Washington field office of the FBI. That they had a set of the logs and the taps, he had a set of the logs and taps or the logs and the summaries, I beg your pardon, the logs and summaries.

Mr. DEAN. Yes, that Sullivan had them in. No, Sullivan told me that he had turned them over to Mardian.

Now one or the other, at the time that the Time magazine inquiry came in there was also an effort to determine how this had leaked and that was very much a part of the conversation I had with Sullivan as to how this could leak, and I recall discussing with Sullivan also who else knew about this, and he told me that he thought that Hoover had told and he mentioned the name of the person and I cannot recall it at this time, and this person, in turn, had mentioned that he understood to Governor Rockefeller and Governor Rockefeller in turn told Dr. Kissinger. Also in dealing with Mr. Felt I had asked him if he had

any idea how it had leaked because there was concern as to what the source of the story was as well as the leak.

Senator WEICKER. Did Mr. Sullivan indicate to you that summaries of the logs had gone to several persons in the White House?

Mr. DEAN. When I was dealing with Sullivan, he didn't seem to know the final disposition of the logs and we didn't discuss whether the logs had gone over to the White House at that time, during the time that they were, the wiretaps were being taken.

Senator WEICKER. Mr. Dean, I am not talking about the final disposition of the logs and summaries but rather where the summaries of the logs went at the time that they were being done.

Mr. DEAN. No, sir. Sullivan did not tell me where they had gone, to the best—I have no recollection of that and I think I would have remembered it.

Senator WEICKER. I mean be very careful on this point. He indicated to you, No. 1, according to the testimony that you set down to the best of your recollection that Mr. Hoover disapproved of these particular set of taps, is that correct?

Mr. DEAN. That is the impression I had. I had been told sometime before after Mr. Mardian left the Department of Justice and went to the reelection committee that something had to be done for Bill Sullivan. Now he always worked on the assumption that I knew that Sullivan had done some very important thing for the White House. I was never clear on exactly what it was that Mr. Sullivan had done that the White House owed him some favor for. But I can recall on repeated occasions this coming up and also it came up with respect to a man by the name of Mr. Brennan and who was with the FBI. I was somewhat on the periphery of this and was never quite clear and the best I can do now I am just trying to put together the tidbits of knowledge that I did have.

Senator WEICKER. Well, you interviewed Mr. Sullivan yourself as to his involvement in the Kissinger tap situation?

Mr. DEAN. Yes, I did.

Senator WEICKER. And I just want to make sure what it is that——

Mr. DEAN. I think if you were to talk to Mr. Sullivan he would call I was most interested in how it had leaked because Mr. Felt had told me in fact it had happened. I was, of course, aware of the taps occurring because of the information that Mardian had given me and I do not recall exactly when Mardian had told me this but I was merely collecting a whole series of tidbids of information as much information at the White House that did come to me was through tidbits. My immediate focus at the time I was dealing with Sullivan was how in the world we were going to deal with the story that was in Time magazine and after I collected the information I was able to collect as to who did know I called Ehrlichman and told him the facts and he said "Deny it."

Senator WEICKER. Did he tell you who prepared the summaries of the logs?

Mr. DEAN. No, sir; he did not.

Senator WEICKER. Mr. Chairman, I think one point that I would like to make clear here is that I have had a rather lengthy discussion with Mr. Sullivan on the subject matter which is being discussed here now. I know that it would not be fair for me to state what the substance of

that conversation was, I would much prefer to have it with Mr. Sullivan and I would hope when we are through with this particular witness we will give Mr. Sullivan the opportunity to explain his particular role in this matter.

In your talk with Mr. Sullivan, or in your contacts with him, was he ever requested to prepare a memorandum relative to FBI involvement with other Presidents insofar as the political aspects were concerned?

Mr. DEAN. Yes, he was. As I mentioned that in my statement, when I had mentioned to the President the fact that I had met with Mr. Sullivan and he had alluded to other activities by the FBI over the preceding years the President was very interested and asked me to obtain the information from Mr. Sullivan, and on several times I asked Mr. Sullivan if he could put this into documentary form, and he said he could. He himself typed out a memorandum that contained his best recollection of some of the political uses that have been made of the FBI by preceding administrations. That was originally one of my submissions to the committee and it is a classified document by Mr. Sullivan himself. He told me it was going to have to be declassified before it could be turned over but by the reference to it in my statement I meant to call it to the attention of the committee and the committee is certainly welcome to have that document.

Senator WEICKER. All right. Is there any other use that you made or the White House made of the FBI on matters that come to your recollection now?

Mr. DEAN. I can recall again, after the fact, getting involved in a situation that involved an FBI investigation that was made of Mr. Daniel Schorr, and when I learned about that after the fact I was told that what had happened is that Mr. Higby, who was Mr. Haldeman's assistant, had received a request from Mr. Haldeman when he was traveling with the President, to direct the FBI to do an investigation of Mr. Schorr. Mr. Hoover proceeded with the investigation but, to the dismay of the White House, he did a sort of a full field wide-open investigation, and this became very apparent. So this put the White House in a rather scrambling position to explain what had happened. The long and short of the explanation was that Mr. Malik, who at the time knew nothing about this said that Mr. Schorr was being considered for a post and that this was a part of a preliminary investigation in consideration of Mr. Schorr for a Presidential appointment in, I believe, the environmental field.

Senator WEICKER. All right. Any other instances that you recollect as to the use of the FBI by the White House along these lines?

Let me give you a broad range, mark these down so you do not have to remember them, this type of situation that either involved the FBI or the Internal Revenue Service, CIA, Military Intelligence, Alcohol, Tobacco, and Firearms, Secret Service.

Mr. DEAN. Let me start from the bottom of the list back. I do recall, and I mentioned in my statement a rather broad reference to the fact that intelligence came from surprising sources sometimes. At one point one of the top officials at the Secret Service brought me a small intelligence printout regarding Senator McGovern and just left it with me and said "I thought that this might be of interest to you."

It had to do with Mr.—with Senator McGovern attending a fund-raising function, I believe in Philadelphia, and apparently there were some references in the intelligence statement to the fact that either Communist, former Communist supporters were going to attend the fund raiser.

I took the document to Mr. Colson and I said, "Are you interested in this? I assume it was given to me not to bury in my files," but I said, "I do not think you can reveal the source of the information."

He said, "I am very interested in it." He took it and later told me he had made arrangements to have it published.

Now, with regard to the ATF, Mr. Caulfield was at ATF after he left the White House and going by way of the reelection committee, and from time to time I would send over tidbits of information regarding individuals. Some of this might be reflected in my files because I cannot recall ever doing anything with this information other than filing it.

The CIA, I do not recall myself receiving anything that we might call politically embarrassing information from the CIA about any individual. The memoranda I received from the CIA were straight classified documents regarding activities of some antiwar demonstrators or people traveling to Hanoi and things of this nature. Also, foreign funding of domestic radical groups and things of this nature which I would forward generally to Dr. Kissinger or General Haig.

With regard to the FBI, I mentioned that—IRS, I think that you will find in either exhibit 34–5 or possibly maybe 34–6 reference to some use of the Internal Revenue Service and requesting information or dealing with situations in regard to the Internal Revenue Service.

I am also aware of the fact that after an article was published on Mr. Rebozo I got instructions that one of the authors of that article should have some problems. I did not know how to deal directly with the situation. I discussed it with Mr. Caulfield. I was reluctant to call Mr. Walters, who was the head of the Internal Revenue Service and suggest that he do anything about this. Mr. Caulfield apparently had friends in Internal Revenue Service and I believe he told me he was able to accomplish an audit on the individual. What the consequence of the audit was I do not know.

Senator WEICKER. Who is the individual?

Mr. DEAN. I do not recall for certain. It was one of the, I think it was one of the Newsday persons who worked on a rather extensive article on Mr. Rebozo.

Senator WEICKER. All right.

Are there any other instances of which you have firsthand knowledge in this——

Mr. DEAN. As I say, if I were to spend a week or so in my files, I could probably on chapter and verse everything that had come to my office in this regard.

But I am trying to come off the top and tell you what I can recall off the top.

Senator WEICKER. I would hope, Mr. Dean, and Mr. Chairman, that Mr. Dean would do just that and refresh his recollections as to whether there is anything further that he has been unable to come forth with at this time.

Mr. DEAN. The White House has made an arrangement whereby I can go to my files, but I must say it is a rather awkward arrangement. There are some five file cabinets that are all safes and there is no desk in the room to work and I must work under the supervision of a Secret Service agent and there is no place to sit down with any comfort in writing, so it is a little difficult to get in there and do anything.

Hopefully, if I were to do that, we can make arrangements so I can get in and spend the time that would be necessary to go through the files.

The other thing is, of course, I have to do this all by handwriting, because I am not allowed to make any copies of anything in my files.

Senator WEICKER. I see.

Just briefly—and this will end my questioning, and I apologize to the committee for taking so much time, but it is a subject that I confess I don't have every last bit of information on. It is a difficult thing to piece together, but I think it is a very important part of the story. I think it has become clear this afternoon that another step has been taken, another step further along the road from testimony that Mr. McCord gave, whereupon he was receiving information from the Internal Security Division; another step wherein, at least insofar as the structure of the plan of 1970, which included bugging, breaking in, burglary and the like, and the mechanics and the administration was concerned, that the first step was taken; and also, that even though that particular unit did not involve itself in any illegal activities, certainly the security arms of the U.S. Government were in various instances which you have cited utilized for purposes not intended.

Would that be a fair summation of what we are talking about?

Mr. DEAN. I am not quite sure of the end of your summation there. I wonder if you could repeat. You said that security arms were used——

Senator WEICKER. That is correct. Even though the IEC itself did not engage in any illegal activities, do you consider the matters that you have spoken of, whether it be an FBI investigation of an individual or an IRS audit, to be legal and proper activities by those security arms?

Mr. DEAN. As I say, I don't know of the IEC itself preparing political material.

Senator WEICKER. I understand.

Mr. DEAN. I do, of course, know and as I have submitted in documents, other agencies were involved in seeking politically embarrassing information on individuals who were thought to be the enemies of the White House.

I might also add that in my possession is a rather, very much down the line to what you are talking about, is a memorandum that was requested by me to prepare a means to attack the enemies of the White House.

There was also maintained what was called an enemies list, which was rather extensive and continually being updated.

Senator WEICKER. I am not going to ask who was on it. I am afraid you might answer.

I wonder, are these documents in the possession of the committee?

Mr. DEAN. No, but I would be happy to submit them to the committee. They didn't fit within the request that I had with counsel as to the documents he wished to have produced, but if the committee does wish them, I will be happy to submit them.*

Mr. DASH. Mr. Chairman, I think the committee would like very much to have a copy of that memorandum.

Mr. DEAN. All right, sir.

Senator WEICKER. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. Thank you, Mr. Chairman.

Mr. Dean, you mentioned in yesterday's testimony about the briefings that were being given to Mr. Ziegler prior to his making public statements with respect to this situation involving the break-in at the Watergate.

Now, will you please give me a little more information as to the intensity or the extent of these briefings?

Mr. DEAN. I think that the intensity would depend upon the subject matter at a given point in time. The one I have pointed out was the October 10 situation when the Segretti story began breaking. I was not always present when Mr. Ziegler was being prepared but was often asked questions by him on how to handle a question or the like.

When stories started leaking in various areas, at that point in time, I was particularly asked what we may expect next. At one point in time, I recall when Mr. Baldwin's testimony was printed in the Los Angeles Times, I read the FBI interview of Mr. Baldwin to see if in fact, everything that he had told the Times had yet been printed. We talked about that.

Often Mr. Moore was present when I was with Mr. Ziegler and preparing him for his morning briefing. Often, he would check with Mr. Haldeman if the story related directly to him or particularly with Mr. Ehrlichman.

Senator MONTOYA. Mr. Dean, I am referring specifically to the briefing that Mr. Ziegler received with respect to the responses which he made about White House involvement in the Watergate affair.

Mr. DEAN. Well, as I say, I believe I cataloged many of those in my statement.

Now, some of those occurred before Mr. Ziegler and I had even talked about the matter.

Senator MONTOYA. Who would ordinarily brief him? Would it be Mr. Haldeman or Mr. Ehrlichman, or who would approve his statement?

Mr. DEAN. It would be Mr. Haldeman, Mr. Ehrlichman, or the President.

Senator MONTOYA. I notice that the President also made some statements. Who briefed the President prior to his making these statements with respect to inquiries about the Watergate and the White House involvement?

Mr. DEAN. What would happen or what occurs before Presidential press conferences, a briefing book is prepared and a number of people contribute to that briefing book as to anticipated questions. The people who are familiar with the press and anticipated questions that the

*The documents referred to were later submitted in hearing of June 27 and will appear in Book 4 as exhibits Nos. 44 thru 56.

press might ask will send around to various members of the staff suggested questions and ask for their suggested answers. These often go to several people. Oftentimes, the Watergate questions would come to me. Oftentimes, they would come to Dick Moore as well and each person, in fact, Dick Moore and I would often sit down and work them out together and then take them to Mr. Buchanan, who was compiling this briefing book.

Senator MONTOYA. Would you say that you participated in most of the briefings where the President made positive statements about the Watergate affair?

Mr. DEAN. I would say I either contributed to the briefing book or later, when I began meeting with the President in March, had direct conversations with him when he asked me about a reaction to a particular question.

Senator MONTOYA. Now, let's go into the statements made by the President—I have copies here. On August 29, 1972, the President made this statement:

> In addition to that, within our own staff, under my direction, counsel to the President, Mr. Dean, has conducted a complete investigation of all leads which might involve any present members of the White House staff or anybody in the government. I can say categorically that his investigation indicates that no one in the White House staff, no one in this administration presently employed, was involved in this very bizarre incident.

Now, did you participate in that?

Mr. DEAN. No, sir, not at all. I was totally unaware of it and do not know who did prepare that for the President.

Senator MONTOYA. Was the President telling the truth when he made that statement?

Mr. DEAN. Well, as I said in my statement yesterday, I would have counseled the President against the statement and I cited the reasons why I would have counseled the President against the statement because of the knowledge I had as to the fact that documents had been destroyed that were incriminating to Mr. Haldeman; the fact that I had suspicions about other people's involvement.

As I said yesterday also, if that were to be a literal statement as to somebody being involved in the very particular incident which occurred on June 17, which, the way it reads, does not indicate that, but if it originally was designed to do that, that would have been a true statement.

Otherwise, I think it was a little broad.

Senator MONTOYA. Now, on October 5, 1972, the President made this statement——

Senator ERVIN. We have a vote. We will recess.

[Recess.]

Senator ERVIN. Senator, you may proceed with the interrogation.

Senator MONTOYA. Thank you, Mr. Chairman.

Mr. Dean, now I ask you about the press conference of October 5, 1972, held by the President, and I quote from his press conference as follows:

> Incidentally, I conducted the investigation of the Hiss case. I know that is a very unpopular subject to raise in some quarters, but I conducted it. It was successful. The FBI did a magnificent job, but that investigation involving the security of this country was basically a Sunday school exercise compared to the

amount of effort that was put into this—meaning the Watergate—I agreed with the amount of effort that was put into it. I wanted every lead carried out to the end, because I wanted to be sure that no member of the White House staff and no man or woman in a position of management responsibility in the Committee for Re-Election had anything to do with this kind of reprehensible activity.

Now, would you say that the President was correct in making those statements at that time?

Mr. DEAN. I can say this, Senator. I certainly did not brief him or prepare anything for the briefing book that would have led him to make that statement. And I can also say once the indictments were handed down, it became the—what I would have to call the PR technique of the White House to say that, well, everybody in the White House is clean and this was repeated by Mr. Ziegler and in turn, used by the President.

Senator MONTOYA. Well, would you agree with his appraisal that his job in the *Hiss* case was a Sunday school exercise compared with this effort?

Mr. DEAN. Well, I am not that familiar with his effort. It is true that the FBI investigation was extensive, but it obviously was not complete.

Senator MONTOYA. Now, on March 17, 1973, the President made another statement:

I will simply say with regard to the Watergate case what I have said previously, that the investigation by Mr. Dean, the White House counsel, in which, incidentally, he had access to the FBI records on this particular matter, because I directed him to conduct this investigation, indicates that no one in the White House staff at the time he conducted the investigation—that was July and August—was involved or had knowledge of the Watergate matter.

Now, is that a correct statement?

Mr. DEAN. As I testified yesterday, that came up, I believe, in my meeting preceding his press conference. He said that—that was March 17, the date on that?

Senator MONTOYA. March 2, 1973.

Mr. DEAN. March 2, correct.

On March 1, when I met with him, he was very annoyed at the fact that Gray was making comments about Dean sitting in on the FBI investigation and things of this nature were coming up. It was his assessment that there was nothing wrong with this. He told me that. These were thoughts that he, himself, had raised and as I testified yesterday, I do not feel or I did not feel at the time that he was raising this that I could tell him that he could not use my name further for the so-called Dean report. I was quite aware of the fact that he must be aware of the fact that I had not conducted such an investigation for him because he had never received a report from me on it.

Senator MONTOYA. All right. Now, on April 17, 1973, the President said this: "I condemn any attempts to cover up in this case, no matter who is involved."

Do you believe he was telling the truth on that date?

Mr. DEAN. No, sir.

Senator MONTOYA. Will you state why?

Mr. DEAN. Well, because by that time, he knew the full implications of the case and Mr. Haldeman and Mr. Ehrlichman were certainly still on the staff at that point in time and there was considerable resistance to their departure from the staff. I had told the President

that I would not leave the staff unless they resigned. Yet, it was not until the 30th that those resignations occurred.

Senator MONTOYA. Now, on April 30 he made this statement:

> We must maintain the integrity of the White House and that integrity must be real, not transparent. There can be no whitewash at the White House.

Is that a correct statement?

Mr. DEAN. Well, I would like to make this comment regarding the April 30 speech. As I testified yesterday, after I issued my statement that I would not be a scapegoat I had virtually no contact with members of the staff. However, I did have occasion to talk to Len Garment and when the President went off to Camp David to prepare his major address, which is the one you are referring to, I told Mr. Garment, I said, "I have no way to get this message through to the President at this point in time. However, I would ask you one thing, Len." I said, "Would you please tell the President in your own words that he not give a cosmetic speech," and I asked him to do what he could to get the President to lay out the facts as the President could have laid them out at that time.

Senator MONTOYA. Do you know whether he followed through on that?

Mr. DEAN. He did not follow through on that.

Senator MONTOYA. Now, on May 22, 1973, the President made this statement:

> 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 in 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.

Now, will you respond as to the correctness of this particular statement by the President?

Mr. DEAN. In its totality or point by point?

Senator MONTOYA. Point by point, if you can or you might start out by responding to it in totality.

Mr. DEAN. Well, in totality, I think there are less than accurate statements in the statement. Let me take it point by point.

I do not know, I have no firsthand knowledge if the President had prior knowledge of the Watergate operation, with regard to point 1.

I believe the President was aware of an effort to cover up the Watergate, point 2.

Senator MONTOYA. Will you state the particulars?

Mr. DEAN. As far as I know, the first time I had firsthand knowledge that he was aware of this was on September 15 when I met with him shortly after the indictments.

Senator MONTOYA. That was on September 15, 1972?

Mr. DEAN. That is correct.

Senator MONTOYA. What specific knowledge did he have at that time, what knowledge was imparted to him?

Mr. DEAN. Well, as I have testified earlier, I was aware of the fact that Mr. Haldeman frequently took notes when I was reporting to him and would immediately leave from my reporting session to go to the President's office with these notes. There were occasions when, before this date, when I would meet with him when there would be a call from the President and Mr. Haldeman would indicate that "Mr. Dean is giving a report on information he has," and would delay until that report was completed. So I assumed most of what I was reporting was being reported to the President.

When he talked to me on the 15th—it is very easy to tell, if you are talking on the same wavelength with a man, and there was certainly no doubt in my mind that we were talking on the same wavelength about the fact that it had been successful in keeping it out of the White House because of the fact that it had been held, the indictments had been held at the Liddy level and gone no higher.

And certainly, this statement was issued on May 22, 1973, and on March 21 I certainly told the President everything I knew at that point in time. And also I would indicate that some of the conversations I had with him in February again indicated to me that he understood what was happening. He had complimented me again on the first meeting on the 27th on my handling of the matter during the campaign, and I cannot imagine him complimenting me if he did not understand what he was complimenting me on.

Senator MONTOYA. Well, as a matter of fact, on February 17, or 27, 1973, the President directed that you report to him regarding all Watergate matters, did he not?

Mr. DEAN. That is correct.

Senator MONTOYA. Who did he give those instructions to?

Mr. DEAN. He gave them directly to me.

Senator MONTOYA. Did you relay them to Mr. Haldeman and Mr. Ehrlichman?

Mr. DEAN. No; he told me I should not deal with Haldeman and Ehrlichman. He told me that the Watergate matter was consuming too much of their time and taking them away from their normal duties and that henceforth I should report to him. I should submit this, because this in the light of the fact that he had been involved in a number of Presidential decisions which were reflective of some of the agenda which I had submitted to the committee, and he saw very clearly there was going to require a lot more of their time.

Senator MONTOYA. Why would the President be so concerned about Mr. Haldeman and Mr. Ehrlichman spending so much time away from their normal duties on Watergate if his people were not involved and he had no knowledge of any involvement on the part of his people or anyone in the White House?

Mr. DEAN. Well, sir, I happen to believe that he did have knowledge.

Senator MONTOYA. Would you say that because he had this knowledge he was expressing concern about the time expended by Mr. Ehrlichman and Mr. Haldeman on this affair?

Mr. DEAN. I would think that by that time I had earned my stripes, so to speak, as capable of handling the coverup on my own, and that

I no longer needed to have the daily reporting with Ehrlichman and Haldeman as to what I should do and how I should handle things and that was the reason for the request that I report directly to him and get guidance from him.

Senator MONTOYA. In other words, it was your feeling as we say in the West that you had earned your spurs?

Mr. DEAN. Yes, sir. [Laughter.]

Senator MONTOYA. Now, on September 15——

Mr. DEAN. Do you want me to complete the points on the speech?

Senator MONTOYA. Yes, if you will; I am sorry.

Mr. DEAN. On point No. 4, he indicated his own investigation started on the 21st. I had a conversation with the President on the 13th myself in which he mentioned the fact that he had talked to Colson and Ehrlichman regarding clemency for Mr. Hunt, and also prior to that I was aware of the fact that Mr. Colson told me in January, January 4 or 5, that he had talked to the President. Ehrlichman told me he had talked to the President and that message was, in turn, relayed to Mr. Bittman and then relayed to Mr. Hunt.

Subsequent to that on April 15 the President again repeated the fact that he had talked to Mr. Colson about clemency for Mr. Hunt. So I don't think that is quite an accurate statement.

Senator MONTOYA. Well, as a matter of fact, you did relay some information to, was it Caulfield so that he could in turn relay such information to Mr. McCord about clemency?

Mr. DEAN. That is correct.

Senator MONTOYA. And when was this?

Mr. DEAN. That was in roughly, January 10, as I recall the date was.

Senator MONTOYA. Did you not tell Mr. Caulfield at that time that this promise of immunity was coming from somebody at a very high level at the White House?

Mr. DEAN. Yes, I did. But Mr. Caulfield, when we talked about it specifically, and it was not at that time, after he told me that he thought the only thing that would turn Mr. McCord around was a direct request from the President, and I told him that he could not do that because I had no such request from the President, although I did have the general assurance that clemency would be since it would be given to Mr. Hunt it should also apply to others.

Senator MONTOYA. What motivated you to tell Mr. Caulfield that he, in turn, tell Mr. McCord that the promise of immunity was coming from the very top at the White House?

Mr. DEAN. Because of Mr. Caulfield's concern that it would take a statement of that nature to persuade Mr. McCord as to the authenticity and sincerity of the offer of clemency.

Senator MONTOYA. What authority did you have or what background did you muster in justification for making this statement to Mr. Caulfield?

Mr. DEAN. On the 5th, as I recall it was, of January, after Mr. Colson had talked to Mr. Bittman he called a meeting in Mr. Ehrlichman's office and reported how he had handled the offer of clemency, the assurances of clemency to Mr. Hunt. At that meeting I said to Mr. Ehrlichman, I said "The word will get out to the others that this offer has been made and can I assume that this also applies to the others." And he said "Yes, of course you can." It was from that, and then when

Mr. Mitchell asked me to make sure that Mr. McCord had the same assurances, that I took my action.

Senator MONTOYA. Did Mr. Mitchell indicate to you that he had assurances from the White House at the time?

Mr. DEAN. No, but he was quite aware of the fact that the assurances had been given from the President as a result of conversations that he had had with me and with Mr. O'Brien who was aware of the procedure that had occurred.

Senator MONTOYA. How did Mr. O'Brien know about these assurances; who had communicated these assurances to him?

Mr. DEAN. I informed him of the procedure that had gone on and he was aware of the fact that Colson had given assurances to Mr. Bittman who, in turn, had given them to Mr. Hunt.

Senator MONTOYA. And did Mr. Colson communicate these assurances also, or the content of these assurances, to Mr. Mitchell so that he could, in turn, endorse what you were doing?

Mr. DEAN. I don't believe Mr. Colson talked to Mr. Mitchell at all about it, no, sir.

Senator MONTOYA. In other words, Mr. Mitchell knew because he had heard from you that these assurances had been given, is that it?

Mr. DEAN. That is correct.

Now, on point No. 5, I don't know what happened in the first meeting that Mr. Haldeman and Mr. Ehrlichman had with Director Helms and General Walters. I was not given a specific report of what occurred at that meeting, so I cannot testify with any firsthand knowledge on that and I only know what, in scanning the newspapers, some of the things I have subsequently learned about that. So I have no firsthand knowledge on that.

Senator MONTOYA. You didn't work on the arrangements to try to get the CIA to come into the picture and modify the impact?

Mr. DEAN. This was subsequent to the meeting that Haldeman and Ehrlichman had with the CIA when I first met with them, and I was doing this per Mr. Ehrlichman's instructions that he thought it was a very good thing that I explore with the CIA if they would provide some assistance.

Now, on point No. 7—excuse me, on point No. 6, I made some references, as I recall, to this with the President in a meeting in March, that my only knowledge of Presidential knowledge in there is hearsay and that is what Mr. Krogh told me in a meeting in my office on either March 28 or 29 of this year, in which we were talking about the fact that this matter might come out. I told him about the documents that I had been unable to retrieve from the Department of Justice, and I had asked him—knowing Mr. Krogh, I didn't believe he would do anything like this without higher authorization—whether Mr. Ehrlichman had authorized it. He told me no, he hadn't, that his instructions had come right out of the oval office. I was startled by the comment and I said to him, you have got to be kidding. And he repeated the same comment to me again.

So I don't know about the—I say I only have hearsay knowledge on that matter as to whether that is the correct or incorrect statement.

Senator MONTOYA. What about point No. 7?

Point No. 7 is as follows: "I neither authorized nor encouraged subordinates to engage in any illegal or improper campaign tactics."

Mr. DEAN. I have no firsthand knowledge about that at all. I only know what I testified about with regard to Mr. Segretti, the fact that it was authorized by Mr. Haldeman and in turn funded by Mr. Kalmbach.

Senator MONTOYA. Let us go into Mr. Ziegler's press statements. On June 20, 1972, he made this statement which appeared in the Washington Post. He told reporters in Florida, who were with the President, that he would not comment on a "third-rate burglary attempt."

Now, would you agree with me that that was not a third-rate burglary attempt?

Mr. DEAN. I would agree it was not a third-rate burglary attempt and I have no idea what the source of this story was.

Senator MONTOYA. How would you characterize the Watergate burglary?

Mr. DEAN. That is probably the most difficult question that has been asked yet.

I guess I would have to say that it was probably the opening act of one of America's great tragedies.

Senator MONTOYA. Well, you answered it very well.

Now, on October 17, 1972, Mr. Ziegler's statement appeared in the New York Times. He told reporters as follows:

> It goes without saying that this administration does not condone sabotage or espionage or the surveillance of individuals or source stories that make broad, sweeping charges about the character of individuals.

He also said—

> I am not going to comment on stories based on hearsay or where innuendo or character assassination is involved. I am not going to dignify that with a comment.

Now, would you say that the administration was engaged in techniques such as were condemned in this statement by Mr. Ziegler at the time and during the campaign of 1972?

Mr. DEAN. I would say that these things did occur. I would also say, as I believe I mentioned in an earlier question with Mr. Thompson, that the degree of Mr. Ziegler's briefing varied. At times, he was told enough that he could handle the story.

I also believe I testified that I thought it would probably take me another 200 pages of testimony to explain all those briefings. I have not had an opportunity to go back through all of Ziegler's briefings to determine, for example, I could spot very easily which briefing I helped him on and which I didn't. But I haven't done that, Senator.

Senator MONTOYA. Then do I understand you to say that there are briefing papers for every press conference by Mr. Ziegler and for every press conference by the President available at the White House?

Mr. DEAN. Yes, sir. Every time Mr. Ziegler gives a briefing, it is recorded by a court-reporter-type situation and that is kept in record form and those are distributed to various members of the White House staff. But again, I have not had access to get back to these.

Senator MONTOYA. Mr. Chairman, I would like to ask you and counsel to subpena these briefings, the briefing papers, so that they will become available to this committee.

Mr. DASH. Yes, Senator Montoya, we are in the process of getting them.

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Senator MONTOYA. And did you also state that the President received news summaries periodically with respect to commentaries about him in the news media or other media?

Mr. DEAN. The President received a daily news summary that was composed of basically the wire service stories from the preceding evening. I do not know what time the cutoff was, generally about 12 or 1 o'clock at night, and then it was produced so it would be on his desk in the morning, summarizing all the preceding day's news.

Senator MONTOYA. Are these also filed in the archives of the White House?

Mr. DEAN. Yes, they are. I might make a comment with regard to those.

The news summaries were really a source of a lot of action by White House staff. When the President read the news summaries, he would make notations on the news summaries, and in turn, those would be transcribed into action memorandums for various members of the staff to follow up on. Reading the news summary would prompt the President to take certain actions. These are, of course, kept in the possession of the White House.

Senator MONTOYA. I would like to make a similar request with respect to these news summaries, Mr. Chairman.

Now, going back to Mr. Ziegler, on October 16, 1972, a statement appeared in the New York Times on October 17. The statement reads as follows: "The opposition has been making charges which have not been substantiated." Would you say that this is correct?

Mr. DEAN. I think that probably at that time, they had not been substantiated, no, so it probably is correct.

Senator MONTOYA. On October 25, 1972, another statement by Mr. Ziegler appeared in the Washington Post, where he termed the reports, the Post reports, "a blatant effort at character assassination that I do not think has been witnessed in the political process in some time."

Mr. DEAN. What was the date on that, please, Senator?

Senator MONTOYA. October 25, 1972.

Senator ERVIN. We will have to go and vote.

Mr. DEAN. Fine.

[Recess.]

Senator ERVIN. The committee will come to order.

Senator MONTOYA. Before the recess I was reading you a quotation from a press statement delivered by Mr. Ziegler which appeared in the Post. He stated: "A blatant effort at character assassination that I do not think has been witnessed in the political process for some time" had occurred.

What comment do you have to say about that? What do you think about that?

Mr. DEAN. Senator, it is hard for me to—what was the date on that again?

Senator MONTOYA. That was October 25, 1972.

Mr. DEAN. It is hard for me to relate to specifically which story he was referring to. About the time, as I recall, the Segretti stories were evolving, it had started on October 10. Finally, it reached the point of directly tying in Mr. Haldeman on source stories, and I can only assume that this is the——

Senator MONTOYA. The reaction to it?

Mr. DEAN. The reaction to that story, yes.

Senator MONTOYA. On April 18, 1973, in the Washington Post, this statement appeared: "Mr. Ziegler met with reporters and said that all previous White House statements about the bugging were inoperative. Ziegler emphasized the President's statement today is the operative statement."

Now, can you tell us what motivated Mr. Ziegler to make this statement, what transpired prior to the making of this statement at the White House, if you know?

Mr. DEAN. I believe what transpired as you compare that statement to the chronology of my testimony, you will see that that was the weekend that the Attorney General and Mr. Petersen reported to the President the direction that the grand jury was headed in and the fact that I had been to the prosecutors had been revealed and the fact that I had told the prosecutors the involvement of others in this matter, including those at the White House. It was as a result of that and the President's statement of the 17th when he went out to explain and further elaborate on the President's statement that he made the inoperative comment.

Senator MONTOYA. Then let us get back to Mr. Mitchell with whom you felt a father-son relationship, and perhaps justifiably so; what were the reasons for your going to Mr. Mitchell's office at the time that Mr. Liddy first presented his plan, and then subsequently on February 4, when there was a scaling down of the initial plan? Who sent you there and what was your mission?

Mr. DEAN. Well, I was called—it was a meeting called by Mr. Magruder. My secretary informed me of the fact that the meeting had been scheduled. I did not know the substance of the meeting so I called Mr. Magruder to ask him what the substance of the meeting was going to be, and he told me that Mr. Liddy was going to present his intelligence plan at that point.

Senator MONTOYA. Did you have any instructions from Mr. Ehrlichman or Mr. Haldeman to attend those meetings?

Mr. DEAN. Well, very early in the preceding year it had been my role to make sure that the reelection committee had a capacity to deal with demonstrators. When I had first talked to Mr. Liddy about his job, I had explained that one of the responsibilities of his job would be to deal with demonstrators in the security system and particularly with regard to the convention. When he was interviewed by Mr. Mitchell on November 24, I think you will find in the exhibits a copy of the agenda that Mr. Liddy prepared regarding his job. Therein you will find a one-line in a rather limited agenda that would have something to do with intelligence. That was discussed at that meeting that he would prepare an intelligence plan for dealing with demonstrators. Subsequently, when he met, when Mr. Liddy met, with Mr. Magruder on December 8, he also said that he would develop appropriate plans for dealing with demonstrators. So it was quite logical, and I assumed that Magruder felt given the fact that one of my White House responsibilities was to deal with demonstrators and deal with demonstration intelligence, that I would be interested in seeing what Mr. Liddy's plan was, so I in turn was invited.

Senator MONTOYA. Would you say that your presence there was a followup of interest emanating first from the initial memorandum that you sent Mr. Mitchell about the interagency group?

Mr. DEAN. No, sir, I would not say there was any relationship between that memorandum and the Liddy meeting at all.

Senator MONTOYA. Now, at that initial meeting I understand from your testimony, Mr. Liddy discussed possible targets and mentioned the DNC, the Democratic National Committee headquarters, the Fontainebleau Hotel, and Mr. O'Brien.

Now, in what context were these three targets mentioned?

Mr. DEAN. Well, as I said, I cannot recall for certain whether targets were discussed at the first meeting or the second meeting. I am not able to separate the meetings as to that discussion. I know that I arrived very late at the second meeting, and I was only there a very brief while before I injected myself into the meeting——

Senator MONTOYA. I do not think that is relevant because the dates are too close.

Mr. DEAN. Yes.

Senator MONTOYA. But in what context when you heard it, were these targets discussed?

Mr. DEAN. For political intelligence.

Senator MONTOYA. And was a possible break-in into the Democratic headquarters discussed at that time?

Mr. DEAN. Not a break-in. Just that these would be targets for political intelligence.

Senator MONTOYA. Well, would you not assume that that would involve a break-in, or pilfering of documents?

Mr. DEAN. Yes, sir, I think that is true. I was aware of the fact that frequently a campaign technique was used to put friendly people to one cause in the campaign headquarters of another. It was not all spelled out at that point in time other than the fact these would be targets for political intelligence.

Senator MONTOYA. Well, would you not say that this was coming very close to a discussion of what later became known as Watergate?

Mr. DEAN. I would, yes.

Senator MONTOYA. All right.

Now, you indicated that Mr. Mitchell and the President met frequently to discuss campaign plans. Where did they meet?

Mr. DEAN. I only have that on hearsay, Senator. It was just one of those things it was rumored that Mr. Mitchell and the President and Mr. Haldeman and sometimes Mr. Connally and the like, would get together in the evening and discuss general tactics.

Senator MONTOYA. I think everybody in the country knows that they met.

Mr. DEAN. I know it. I have no specific knowledge; I never attended any of the meetings.

Senator MONTOYA. I thought you knew about it.

Mr. DEAN. That is right.

Senator MONTOYA. Now, do you know whether or not the President met with the Mitchells at their home?

Mr. DEAN. I have no idea, Senator.

Senator MONTOYA. Do you know whether or not Mrs. Mitchell was ever present at any of these meetings, be they at the Mitchell's home, at the White House, or Key Biscayne or San Clemente?

Mr. DEAN. I believe she did accompany the Attorney General, but I could not tell you with any specificity that she attended any meetings with the President when the Attorney General was having these discussions with the President.

Senator MONTOYA. I am very concerned, Mr. Dean, about the truth that might come out of these hearings and whether or not your credibility will be sustained by the American people or whether or not the President's will be sustained or tarnished, and that is why I am asking you these specific questions about the reliability of press statements by the President, by Mr. Ziegler, and by statements that you have made in your testimony of yesterday. Now——

Mr. DEAN. Senator, I just might add that I have one ally only, and that is the truth as I know it and I can speak it, and I realize the implications when I talk about the President that my one ally is the truth.

Senator MONTOYA. Now, I have read press comments, and I have become fully cognizant of different efforts which have been made to discredit your testimony before this committee in recent days, one of which was the release of information dealing with your obtaining $4,800 from the cash fund. The other was the leaking out by sources unknown of an allegation that you had applied in concert with others for a television license while you were working for a law firm. Now, this has been rebutted this morning, and I will not go into the authenticity of this. But did it ever occur to you that you had gone through a complete checkup before you were employed by the Department of Justice and before you were employed by the White House, and that this information necessarily had to turn up in your folder or dossier collected by the FBI, and that you had to either explain it or the dossier explained whatever allegation was made with respect to the TV license per se?

Mr. DEAN. I am well aware of that, because when I was first interviewed by Mr. Haldeman, he had a copy of my FBI report from the Justice Department. I gathered from his review of the FBI report that this material was in the FBI report. He asked me for some comments on it. I told him about the fact that I thought it involved more personalities than anything else, that I had been prepared to take it to an ethics committee at the time, that I had had a lawyer friend who had been at the firm at the time to check it out, that I had been operating on the advice of a very senior and distinguished member of the communications bar, and that I thought it was really a matter of personalities more than facts and that I had not pursued the matter because it had been retracted later and I was satisfied with that. So this was reviewed and this obviously was investigated by the FBI before I went to the Justice Department originally, and then subsequently to the White House.

Senator MONTOYA. So apparently this was picked out of context and released by someone. Do you have any conjecture about that?

Mr. DEAN. I didn't understand your question, Senator.

Senator MONTOYA. So apparently, the allegation that you had applied for a TV license in conjunction with others while you were employed in a law firm that was handling almost a similar application, apparently, this allegation was apparently picked out of context from your file by someone.

Mr. DEAN. That is correct. I understand that it was leaked by someone to a member of the press and in turn reported.

Senator MONTOYA. Who do you think leaked it? What is your opinion?

Mr. DEAN. Well, that would be highly speculative. At that point in time, I don't know. I have heard of subsequent efforts to discredit me and a rather concerted attack to discredit me.

Senator MONTOYA. Have you felt that they were serious efforts?

Mr. DEAN. Well, I am quite aware of the fact that there are a number of investigators who have been privately retained to visit friends, visit stores I deal with. It has run the gamut—places where I bank, every conceivable inch of my life has been gone over, Senator.

Senator MONTOYA. Now, tell me more about it. I mean not your life, but about the efforts made by the White House.

Mr. DEAN. Well, I have learned this from people who have said, who have called and tried to get verification on stories and the like. I can tell you the absurdity of some of the stories.

For example, I borrowed a friend's car, a friend of my wife's one of her girl friends, and I drove that car for several days. My wife went off to Florida with some friends of hers for a couple of days. The next thing that was on the rumor mill was that I had left my wife and was living with some beautiful foreign woman. That went around for awhile. It was not printed, but it has been gossiped.

I have been charged with being afraid—I have been charged with being afraid to go to jail for reasons of homosexuality. That was attributed directly to one of my lawyers. Now, the story is absurd, but again it is a typical character assassination technique.

There have been efforts to say that I received $100,000 of missing campaign money. There is no truth to that whatsoever and there is no conceivable way they will ever substantiate a story like that.

Every neighbor has been probed. As I say, some of this has been press inquiry and quite legitimate press inquiry. Other of it has been by privately hired investigators.

Senator MONTOYA. Now, how long did you know Mr. Liddy before he was hired by the Committee To Re-Elect the President?

Mr. DEAN. I didn't know Mr. Liddy until I had—I may have met him once while I was at the Department of Justice at a rather large meeting, when I was in the Deputy Attorney's office. There was a program called "Operation Intercept," which I was not directly involved in.

It was a drug program and I understand that Mr. Liddy was involved in that.

When I did meet him once at the White House, he referred to the fact that I had met him earlier. I don't recall that.

The first time I ever talked to Mr. Liddy was in, let's see, I guess it was late October, when I began talking to Krogh about whether he was interested or not in the general counsel position at the reelection committee. I was unaware of his activities with the plumbers unit, I had only known that he had been in a dispute with his employer at the Treasury Department, Mr. Rossides, and there had been quite a fiery exchange between the White House and the Treasury Department and the like for the White House intervening in this dispute and hiring Mr. Liddy and bringing him to the White House. This I got from Mr. Caulfield, who had friends in the Treasury Department.

Senator MONTOYA. When was the first time that you knew about Mr. Liddy and Mr. Hunt working together?

Mr. DEAN. I don't believe I really realized that until after the break-in. It just didn't occur to me, the fact that they were both in the plumbers unit. I was unaware of the fact, for example, that Mr. Hunt spent most of his time as a consultant for the White House working for the plumbers.

Now, I may have been told, but it didn't occur to me.

I learned, I believe it was in April or May of 1972, I had heard the rumor about the break-in at the Ellsberg psychiatrist's office and had heard that Hunt and Liddy had been involved in this. So it was much after the fact of their actual working together that I learned of the fact that they had worked together.

Senator MONTOYA. Had you seen them around the White House talking together, on or about March or February of 1972?

Mr. DEAN. No, sir; I cannot say I did.

Senator MONTOYA. Now, when you were having discussions with Mr. Liddy at the CRP, did he ever tell you about his activities other than being chief counsel for the CRP?

Mr. DEAN. Well, if I recall our initial dealings after he went over there, my responsibility with him was to get him very aware of the election laws. He had not had any experience in this area. I informed my staff that they should cooperate with him and assist him. I made my files available. We had a new election law to deal with, to interpret, to understand. Regulations were being issued by the GAO, and we had a number of discussions on those.

I also encouraged him, because he frequently told me that there was more work than one man could handle, to get himself some volunteer lawyers and I suggested some names of lawyers who I thought might be of assistance to him.

Senator MONTOYA. Well, I am not speaking of his duties as chief counsel. Were you aware that he was performing other duties?

Mr. DEAN. I think the only time I was aware—I was unaware of his developing his plan; no, sir. That has been always one of the great mysteries to me, what happened from the time he went over there—I guess it must have been December 10, because as I recall, it was 1 or 2 days after Mr. Magruder had interviewed him that he went to work—what happened between December 10 and January 27 and my conception of what his responsibilities were and possibly his own or others conception dramatically changed. There was nothing in my conversations with him that indicated anything other than the fact that he was going to have a plan for dealing with demonstrators and convention security.

Senator MONTOYA. Well, weren't you kind of curious as to what had happened to the scaled down plan which involved the expenditure of $250,000 and which was discussed by Mr. Mitchell, Mr. Magruder, yourself, and Mr. Liddy?

Mr. DEAN. You mean between the meeting on the 27th and the fourth?

Senator MONTOYA. February 4.

Mr. DEAN. February 4. Well, after the meeting on the 27th, I was frankly very surprised, given the precedent that had been followed before with Operation Sandwedge, that Mr. Mitchell even reconsidered the matter. I think that he expected, when the meeting was reconvened, that there was going to be something totally different than

it was. It was when I came in that meeting late and it was the same type of discussion going on that I interjected myself and terminated the meeting.

Senator MONTOYA. When were you first aware that the scaled down plan had been approved by Mr. Mitchell?

Mr. DEAN. As I think I testified, I have never asked Mr. Mitchell directly whether he approved the plan or not. Mr. Magruder——

Senator MONTOYA. Well, were you aware——

Mr. DEAN. Yes, after June 19, when I was having conversations with Mr. Magruder, he indicated to me that Mr. Mitchell had authorized the plan, that he indicated also that the White House was recipient of the information, and he indicated at that time that there had been pressure from the White House to get the plan moving. But it was never very clear as to exactly what had happened.

Senator MONTOYA. Well, did you have any conversations with Mr. Strachan, who was the emissary or liaison between the CRP and Mr. Haldeman or Ehrlichman?

Mr. DEAN. Yes, that raises a point that came up in the questioning that Mr. Thompson was going into this morning. At one point, Mr. Strachan called me and told me that Mr. Magruder and Mr. Liddy had had a serious falling out. I believe Mr. Magruder raised the fact with me that he just could not work with Liddy. Strachan got in the middle of it and called me and he said, what should I do?

I said, I have no idea, but I would suggest now that Bob Mardian is over there, that if there are personality problems and personnel problems, that Mr. Mardian handle it. That was my recommendation to Mr. Strachan and it was only later that I heard that he had been moved from the reelection committee to the finance committee.

Senator MONTOYA. Had you become aware since the break-in that Mr. Magruder was transmitting memorandum through Mr. Strachan to Mr. Ehrlichman and Mr. Haldeman?

Mr. DEAN. Not to Mr. Ehrlichman. I was aware from a conversation I had with Mr. Strachan on the 19th that he had destroyed documents that indicated that he was transmitting this information back to the White House.

Senator MONTOYA. And why would Mr. Haldeman destroy these documents if he was not aware, and still professes unawareness, of anyone at the White House being involved in the Watergate affair prior to June 17?

Mr. DEAN. Well, as I think I have said before, Senator, publicly, it is inch by inch that the truth is coming out.

Senator MONTOYA. Would you say that in view of the correlation of events, in view of Mr. Strachan's missions between the CRP and Mr. Haldeman, in view of the admission by Mr. Jeb Magruder that he was sending this memorandum to Mr. Haldeman as well as to Mr. Ehrlichman about all these things, that Mr. Haldeman as well as Mr. Ehrlichman were fully aware of what Mr. Liddy's role was with respect to collecting intelligence, and with respect to the possible plan of breaking into the DNC, the McGovern headquarters or the O'Brien suite at Miami during the Democratic convention?

Mr. DEAN. You have drawn, that is, a rather broad conclusion. But I would say this: That I think that anything that was transmitted to Mr. Strachan, Mr. Strachan was a very good, thorough, capable man. Anything of any import that came to his attention he would

regularly report to Mr. Haldeman, and I can only assume that material that came to Mr. Strachan was reported on to Mr. Haldeman.

Senator MONTOYA. Well, I can only assume from your testimony and what has been adduced before this committee heretofor by other witnesses that Mr. Haldeman and Mr. Ehrlichman were very precise in the missions that they undertook and in exacting performance by those to whom they made assignments of missions. Would not you say that that is a correct statement?

Mr. DEAN. Yes, sir; I would.

Senator MONTOYA. And in view of that, is it your supposition that there was no way that Mr. Haldeman or Mr. Ehrlichman could plead ignorance of any part of the involvement on the part of the CRP, Mr. Liddy, or any other personnel connected with the CRP in the planning before the Watergate incident on the burglary at the Watergate?

Mr. DEAN. Well, I would have to separate out for a moment Mr. Haldeman from Mr. Ehrlichman. Mr. Strachan reported directly to Mr. Haldeman. He did not report to Mr. Ehrlichman. Anything that Mr. Ehrlichman would know about this would have to have come from conversations with Mr. Haldeman. So I would only, I can only, say that under the reporting arrangement that information that did come from Mr. Strachan, knowing Strachan as being very thorough, particularly in information I reported to him always seemed to get to Mr. Haldeman, that any major information that came to him was reported. But I can only say that if Mr. Haldeman and Mr. Ehrlichman had conversations about it, Mr. Ehrlichman would know about this.

Senator MONTOYA. They were very close, weren't they?

Mr. DEAN. They were good friends; yes, sir.

Senator MONTOYA. Would you say they conversed very warmly, very frankly with each other?

Mr. DEAN. Yes, sir.

Senator MONTOYA. Then, did you call Mr. Caulfield in January of 1972 when you authorized him to deliver a message to McCord, and did you ask him at the time to say to McCord, and I quote "A year is a long time. Your wife and family will be taken care of. You will be rehabilitated with employment when this is over." Did you say that?

Mr. DEAN. Yes, I did. That was the result of a conversation in which I—he was on the west coast and I was in my office, I called him and transcribed the gist of what I was saying, read it back to me later, that is virtually what it was, that I said to him, and I told him "Fine," and that is what he should report.

Senator MONTOYA. Now when you discussed the coverup with respect to Watergate, at San Clemente, did these meetings take place at the home of the President?

Mr. DEAN. No, sir. San Clemente is a general term for a situation where the President's residence is located at one place, and then right adjoining that there is a compound of office space.

Senator MONTOYA. I mean the compound?

Mr. DEAN. All right.

The first meeting took place, the morning meeting on the 10th, began in Mr. Ehrlichman's office. This was what I described as we were assessing the various members of this committee. It was from

there we went to lunch. We had lunch at the staff mess and we talked on. We then adjourned because nothing was happening. It was a very loose and fleeting meeting. With generalities and there were interruptions because Mr. Haldeman had calls and Mr. Ehrlichman had calls. It wasn't until we went back down south to La Costa and met later in Mr. Haldeman's, and I think it was being shared by Mr. Ehrlichman, a large villa, a suite with rooms on each side, we met in the living room area and there we discussed for many hours the situation and we met there again the next day, and discussed this matter for many days or hours.

Senator MONTOYA. Give me the dates of those meetings.

Mr. DEAN. They were on the 10th and the 11th of February.

Senator MONTOYA. And give me substantially the conversations that took place with respect to the coverup, and the individuals to whom you might ascribe these conversations.

Mr. DEAN. Well, the thrust of the conversations were after some general discussion there evolved theories on how to deal with this committee, in other words, that there would be a public posture of cooperation and privately we would make it as difficult as possible to get investigative materials and witnesses.

There would be an effort to discredit the committee by painting it very partisan through a behind-the-scenes media effort. That there was also discussion of how to make sure that there were raised also the problems that the Democratic Party might have been engaged in but at that point there was nothing specific to raise. We were hoping to find things. In fact at one point in the conversation it was suggested we hire private investigators, Mr. Haldeman suggested this I raised the fact this is more political surveillance and that is the last thing in the world we need.

Then, I think I tried to recount most of this in my testimony and I will be happy to do it all again for you if you would like me to.

Senator MONTOYA. Do you know whether or not since the Watergate entry, do you know whether or not the CRP, the White House, or anyone else under the auspices of the CRP was hired to conduct a gathering of more intelligence or invasions of, or to engage in the invasions of the right of privacy of individuals?

Mr. DEAN. I only know of the fact that that has been done with regard to me and I don't believe it has been done by those entities. It might be indirectly but I have no firsthand knowledge of that.

Senator MONTOYA. Do you know whether or not there were any other buggings other than the ones that you have mentioned or any eavesdropping through electronic devices?

Mr. DEAN. No, sir, I think I have mentioned those that I am aware of.

Senator MONTOYA. In what respects did you discuss the possible blocking or impeding of the Senate investigation at the White House at any time?

Mr. DEAN. Well, as I say, as a result of the La Costa meetings there were set in motion a host of followup activities. I think some of the agenda that you see in my submissions for meetings indicate the thrust of things that were developing at the La Costa meeting. I think in particular some of those agenda are self-explanatory as to the tactics and the thoughts as to how to deal with the situation.

Senator MONTOYA. When you informed Liddy to get Hunt out of the country who had instructed you to do this?

Mr. DEAN. This was——

Senator MONTOYA. And what conversation actually took place prior to your informing Mr. Liddy to get Hunt out of the country?

Mr. DEAN. This occurred on Monday the 19th of June in 1972. It was a late afternoon meeting in Mr. Ehrlichman's office with Mr. Colson. The first question before the meeting got down to any substance was raised by Mr. Ehrlichman as to where Mr. Hunt was. He asked me and I said I had no idea. He asked Mr. Colson and Mr. Colson made a similar comment.

I was then asked by Mr. Ehrlichman to call Mr. Liddy and tell Mr. Liddy to tell Mr. Hunt to get out of the country. I did that. It was a short time thereafter that I began to think about the wisdom of having made that call and re-raised it. There was a brief discussion between Ehrlichman and myself, and finally Mr. Colson entered the discussion and he said he also thought it was a very unwise idea. Ehrlichman concurred. This all took place within about, oh, 15, 20 minute span and I was asked to call Mr. Liddy back and retract the instruction. I did that. Liddy said to me he didn't know if it was possible because the message had already been passed and I have no further knowledge of whether, in fact, Hunt did leave the country or not as a result of that.

Senator MONTOYA. When was the first real meeting to organize the coverup and who was present at that first meeting?

Mr. DEAN. I think that the coverup is somewhat similar to the planning of this whole thing, that just sort of happened. I know that when I came back from out of the country there had already been significant events which had occurred. The coverup was already—it had begun and was, in fact, in place and was going.

Senator MONTOYA. What information did you have with respect to the involvement of any officials in the White House on that initial stage of the coverup?

Mr. DEAN. Well, it was on Monday the 19th that I was gaining information. I think the first very revealing information was that Mr. Strachan had destroyed files at Mr. Haldeman's suggestion. I also—that morning I had had a call from Ehrlichman who asked me to find out what Mr. Colson's involvement was in this matter.

Senator MONTOYA. Did you advise the President or Mr. Haldeman or Mr. Ehrlichman about the authority that might exist under law for the covert activity that was to ensue as a result of the organization of the plumbers?

Mr. DEAN. I wasn't involved in the establishment of the plumbers and it was somewhat by accident that I was talking about Bud Krogh who I had known well and was partially responsible for my coming to the White House, as a matter of fact, when I realized that a plumbers unit or whatever the proper name was for it was being established.

At that time he told me that they had an operation that was seeking to determine major leaks. He invited me down to see the unit. He said, "We have a new sensor security system, and you might be interested in seeing it," so I went down and looked at it, and saw their scrambler phone and that was about the extent of it.

Senator MONTOYA. Who devised the shelter of executive privilege as part of the coverup?

Mr. DEAN. Well, the—I wouldn't say there was a conscious decision at any point in time to use executive privilege as a part of the coverup. It was always in existence with regard to White House staff because no one, the President's policy was he didn't want the staff coming up. It began to take a very severe focus during the—first of all, during the Patman hearings that if push had gotten to shove in those hearings that privilege would have been declared on Timmons and myself.

Senator MONTOYA. You mean to tell me that you and Mr. Haldeman and Mr. Ehrlichman didn't discuss the use of executive privilege?

Mr. DEAN. Yes, sir; I was getting to that.

Senator MONTOYA. As a coverup?

Mr. DEAN. That was the first time it had occurred when there was some discussion of it that was with regard to the Patman hearings in late September or early October. That was the only congressional problem that arose. It was during the Gray hearings when my name moved to the information front that we began discussing using or litigating with Dean the issue of executive privilege, possibly being the strongest, and these were the discussions I had with the President whereas if we were litigating the matter with Mr. Dean there would be no other witnesses from the White House who would have to appear because he would have the perfect reason that this matter is under litigation.

Senator ERVIN. We will take a 5 minute recess to vote.

[Recess.]

Senator ERVIN. The committee will resume.

Senator MONTOYA. Mr. Dean, I only have three or four questions to ask of you. I want to clear this matter up with respect to Mr. Mitchell. On pages 225 and 226 of your statement, you mention that there was a move afoot at the White House to try to get Mr. Mitchell to accept the blame for the entire affair. Now, can you tell me who the prime mover of this attempt was at the White House?

Mr. DEAN. It is very difficult for me to say who the prime mover was. At the time this first was discussed, it was after I had reported to the President on the 21st what I thought were the implications of this entire matter and subsequently, I had a meeting with Haldeman and Ehrlichman and then another meeting with the President. It was early discussion—I recall one particular incident that occurred outside of the President's Office before he went into a meeting in which I said that there are two options. One is everything pre and post is going to have to be laid out or, second, the White House is going to have to surround itself with wagons and start protecting itself. It was in subsequent discussions with the President when it was evolving that I was arguing that both pre and post had to be disclosed, but there was evolving the thought at that point in time that if we merely deal with the pre situation, that the post might go away. I did not believe that and it was really when the Presidential party came back from California that early discussions of this concept had evolved into a firm policy.

So I also mentioned that there was a meeting on the 22d where Mr. Mitchell came down. I assumed at that time that Mr. Ehrlichman and Mr. Haldeman were going to do something to try to bring Mr.

Mitchell forward on this issue because of the earlier discussions that had been held. To the contrary, the discussion really revolved around—first of all, Mr. Ehrlichman asked, has the Hunt problem been taken care of, the demands that he was making, and Mr. Mitchell reported that that did not seem to be any problem.

There were general discussions again about the status of the White House vis-a-vis this committee on executive privilege. I went to a meeting that afternoon with the President and it was a repeat of the same thing that had occurred on several previous occasions.

So I really cannot say that that policy evolved until after they returned from California.

I recall on the 13th——

Senator MONTOYA. Did you not indicate that there had been some discussion in California about making Mr. Mitchell the fall guy?

Mr. DEAN. Well, I do not know that. I was not in California. I am aware of another situation where Mr. Colson and Mr. Shapiro came to meet with Mr. Ehrlichman and possibly Mr. Haldeman—I was not present, but I did hear them both discussing it on the afternoon of the 13th—in which Mr. Colson had laid out the theory that Mr. Mitchell should be smoked out and this might resolve the whole problem.

Senator MONTOYA. Did you hear any discussions by Mr. Haldeman or Mr. Ehrlichman with respect to the same thing?

Mr. DEAN. I guess I did. In fact, during that conversation, Mr. Ehrlichman was on the telephone with the President at one point in time, I recall, and it was—it had been planned that Mr. Mitchell would come down that Saturday, Saturday, the 14th.

Senator MONTOYA. Who arranged for Mr. Mitchell to come down?

Mr. DEAN. I believe that Mr. Haldeman called him. I am not sure of that, though.

Senator MONTOYA. Now, in view of your strong feelings for Mr. Mitchell, why did you not apprise him of this move by the White House?

Mr. DEAN. I had already gone to the prosecutors by this time and was in discussions with the prosecutors and I was trying to avoid any situation that would further involve me, but yet, I was not revealing to Mr. Haldeman and Mr. Ehrlichman that, in fact, I was having discussions with the Government about the entire situation. It occurred to me at one time, when I learned that Mr. O'Brien was going to California to meet with Mr. Ehrlichman at a suggestion of Mr. Mitchell that he do so, that this could well be a setup situation. But I did not apprise him of it because I, myself, was dealing with the Government and I had stopped the coverup, as far as I was concerned. I was no longer involved in it.

Senator MONTOYA. Now, were you aware all throughout your dealings with respect to this affair of the implications that you might be chargeable with violation of the law for obstructing justice?

Mr. DEAN. Yes, I was. I do not know when I first began to think about it, but I did certainly think about it from time to time, and I can recall discussing it directly after the election with Mr. Haldeman. We had a discussion about a written Dean report. He asked me what would happen if all the facts were laid out. I told him what would happen, and I said that I thought that ultimately, a reconvened grand

jury, which would occur if the facts were laid out, would end up in potential indictments of Haldeman, Ehrlichman, and Dean.

Senator MONTOYA. Well, let me ask you this question. How do you expect us to resolve the truth in this matter when you state one story and you have testified here and made yourself subject to cross-examination and the President states another story and he does not appear before this committee? I am not implying that he should. Now, how do you expect us to resolve this? Can you give us any information as to how we might resolve it?

Mr. DEAN. Mr. Chairman, I think this. I strongly believe that the truth always emerges. I do not know if it will be during these hearings; I do not know if it will be as the result of the further activities of the special prosecutor. I do not know if it will be through the processes of history. But the truth will out someday.

As far as any issue of fact, and I am not suggesting this with the President, of any individual where I have a difference of opinion or different statement of the fact with that individual—this has occurred once, in my early meetings with the prosecutors—I am quite willing to submit myself to a polygraph test on any issue of fact with any individual who says that what I am saying is less than truthful.

Senator MONTOYA. What really made you change and start coming up and coming out with the truth of this matter as you have related it? What motivated you?

Mr. DEAN. Well, I think that it was after the first of the year that I had serious reservations as to whether the coverup could continue. I must say that from June 19 on, I have not had a very pleasant day in my life. This has been a haunting situation for me.

As early as September, when I began talking with my now wife about getting married, I told her that somewhere down the road, it is going to be a very rough situation, because at that time—I did not explain it to her, because I just realized that something like this could not go on indefinitely. At one point, I reached the end of the line and just decided that I could not continue it. I just did not have the constitution internally to proceed with what was going on. So I decided to start swimming the other way.

Senator MONTOYA. Do you have peace of mind now about what you have done?

Mr. DEAN. Yes, sir.

Senator MONTOYA. In disclosing everything that you knew, do you have a peace of mind and a clear conscience?

Mr. DEAN. I am not here as a sinner seeking a confessional, but I have been asked to be here to tell the truth, and I had always planned at any time before any forum when asked to tell the truth.

Senator MONTOYA. What I am trying to ask you, do you feel better now that you have told everything rather than hiding it?

Mr. DEAN. Indeed I do, sir. It is a very difficult thing to hide, and, as I explained to the President, it would take perjury upon perjury, upon perjury, if it were to be perpetuated. I was not capable of doing that, and I knew that my day of being called was not far off.

Senator MONTOYA. That is all. Thank you, sir.

Senator ERVIN. The committee will stand in recess until 10 o'clock tomorrow.

[Whereupon, at 5:40 p.m., the committee recessed, to reconvene at 10 a.m., Wednesday, June 27, 1973.]

EXHIBITS SUBMITTED FOR THE RECORD

EXHIBIT NO. 32

LAW OFFICES

SHAFFER, MCKEEVER AND FITZPATRICK

342 HUNGERFORD COURT

ROCKVILLE, MARYLAND 20850

(301) 762-1600

CHARLES H. SHAFFER
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BARRY H. FITZPATRICK
G. VANN CANADA, JR.

JAMES J. DEMMA

DISTRICT OF COLUMBIA OFFICE
SUITE 831
1860 CONNECTICUT AVENUE
WASHINGTON, D. C. 20036

COUNSEL
B. T. FITZPATRICK

June 18, 1973

The Honorable Sam J. Ervin, Jr.
Chairman
Senate Select Committee on Presidential
Campaign Activities
1418 New Senate Office Building
Washington, D. C. 20510

Dear Senator Ervin:

In the strongest terms possible we wish to register an objection in behalf of our client, John W. Dean, III, who is scheduled to appear before your Committee in Executive Session preparatory to a public appearance before your Committee covered by national television and other news media. As the transcript of the proceedings will reflect, we immediately raised this objection on Friday, June 15, 1973, when our client first appeared before The Honorable Howard H. Baker, Jr., the Vice Chairman of your Committee, and the staff.

As lawyers for Mr. Dean charged with the guardianship of his legal welfare, and as officers of the Court, we respectfully call your attention to the fact that the Executive Branch is conducting a Grand Jury inquiry and as late as May 22, 1973, in an unusual but nonetheless official communication the United States Attorney and his Assistants in charge of the inquiry advised our client that they intended to seek his indictment and would not drop charges against him but would permit a guilty plea to a one count indictment charging a conspiracy to obstruct justice. Although the offer has not been accepted, Mr. Dean remains a prospective defendant against whom the prosecutors seek a Grand Jury indictment.

Accordingly, at this juncture we are very much concerned about: (1) our client giving any testimony at this time (notwithstanding the "use" immunity your Committee has accorded him) because of his status as a prospective

targeted defendant, and (2) the effect nationwide television and other publicity accorded to your hearings during our client's testimony will have upon the basic rights of our client to a speedy, fair and impartial trial.

As you well know, assuming but not conceding the prosecutors will be in a position to overcome their obvious problem about leads furnished them by our client, your nationally televised Committee hearing, at least during our client's appearance, will afford the public a wide-spread preview of the prosecution's case against our client without any of the safeguards that would attend a criminal trial.

Our concerns are not novel but are well-founded and are shared in many quarters of the legal community including the Special Prosecutor, The Honorable Archibald Cox, who, according to press reports, first tried to dissuade you and your Committee from further proceeding publicly. We know when he failed in that endeavor the Special Prosecutor, in an effort to curb some public aspects of the Committee hearings, sought an Order from The Honorable John J. Sirica, Chief Judge of the United States District Court, to condition the conferral of "use" immunity to our client upon the absence of television and/or national media coverage which the Chief Judge refused to do.

Understanding that Mr. Cox's legal maneuver was a novel one, was contrary to the terms of the Congressional "Use" Immunity Statute, Title 18, United States Code, Section 6005, flew in the face of the Constitutional doctrine of Separation of Powers and relying upon the early learned maxim "Quad vanum et inutile est, lex non requirit" Co. Litt. 319, we abided the inevitable Court ruling and now timely address our request in the forum having the power to grant it.

The facts will show we have never been a volunteer before this Committee or any other public testimonial forum. Your records will show that on May 9, 1973, we were subpoenaed to appear, to testify and to produce documents on May 10th 17th (which date has been adjourned) documentary evidence about the matters you have under inquiry. Were it not for your subpoena our client would not appear in a public forum but would have continued his cooperation with the prosecutors in secret as outlined in an affidavit of his counsel dated June 11, 1973, and recently filed in support of a motion to quash his Grand Jury subpoena (a copy of which is attached hereto).

Since one branch of the Government has stated its intention to prosecute and another branch has stated and demonstrated its intention to publicly legislate, our client - on the one hand being the prospective defendant and on the other hand the compelled witness - is caught in the middle.

Since Constitutional rights are involved, we ask you and your Committee to recognize what the Court noted in Delaney v. United States, 199 F.2d 107, 110, 112-113 (1st Cir. 1952):

> "One cannot assume that the average juror is so endowed with a sense of detachment, so clear in his introspective perception of his own mental processes that he may confidently exclude even the unconscious influence of his preconceptions as to probable guilt, endangered by a pervasive pre-trial publicity. This is particularly true in the determination of issues involving the credibility of witnesses." (Emphasis added).

Being compelled to testify before your Committee our client must tell the truth. That truth is not limited to the actions of others but includes his own as well. Publicity about our client's involvement will completely vitiate the safeguard of your "Use" Immunity Statute which on its face is designed to insure that our client will not be convicted out of his own mouth but rather upon evidence from others. How can anyone assure that a jury drawn from a community saturated with news media coverage of our client's testimony, will ever be in a position to give him a fair trial?

Accordingly, we earnestly and respectfully request in the alternative (1) you excuse our client from any testimony at this time, and/or (2) should he be required to give testimony, he give it only in Executive Session under the strictures of Rule 27 of your Rules of Procedure and that such testimony not be made public until after the Government concludes its prosecution of him, and/or (3) if our client is required to testify in public, the sessions not be televised or recorded by movie film for subsequent presentation on television.

We trust you will not interpret the postion we take as obstructive of the announced aims of your Committee's work but will realize the

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circumstances in which our client now finds himself requires the action we take.

Respectfully,

SHAFFER, McKEEVER & FITZPATRICK

By: Charles Norman Shaffer
CHARLES NORMAN SHAFFER

and

ROBERT C. McCANDLESS
1819 H Street, N. W.
Washington, D. C. 20006
Of Counsel

mle

EXHIBIT NO. 33

THE WHITE HOUSE

WASHINGTON

June 19, 1973

Dear Mr. Dean:

I am authorized by the President to inform you that the President will not invoke executive privilege, and you are released from any attorney-client privilege with regard to testimony you may give concerning the Watergate break-in, efforts to cover it up, or any other matters relevant to the inquiry of the Senate Select Committee.

Insofar as you may have information that is related to national security, it is for your counsel to advise you what lawfully may be disclosed. The President is not authorizing any release of legally protected national security material.

I advised the Senate Select Committee of this yesterday, and I am writing you so that you may have direct information about this.

Sincerely,

Leonard Garment

Leonard Garment
Counsel to the President

Mr. John W. Dean III
100 Quay Street
Alexandria, Virginia 22314

cc: Mr. Samuel Dash, Senate Select Committee
Mr. Fred Thompson, Senate Select Committee

EXHIBIT No. 34–1

March 12, 1973—[Note: This is one where you will make only one copy for my file and deliver the other copy to him—it is private]

MEMO FOR JOHN DEAN

FROM THE PRESIDENT

I noted the story in the Post this morning (3/11/73) with regard to some college student who had been hired to get some information with regard to demonstrations which might be useful in keeping those activities from developing into violence or have other unpleasant consequences. It is difficult for me to understand why we have not done an adequate job of getting the facts out chapter and verse, on the massive activities of McGovern and the so-called peace groups in funding demonstrations against me, members of the family and others during the campaign. As you are aware, there were virtually no demonstrations whatever on our part against their meetings. This I had ordered at the beginning of the year. On the other hand, I cannot recall a meeting in which I participated where there were not demonstrations, including the non-political type meetings like the one at the Statue of Liberty.

There was hard evidence of the McGovern people supporting and inciting the violent demonstrations in San Francisco which resulted in several thousand dollars in property damage. There was also hard evidence of the McGovern headquarters inciting the demonstration in L.A. the following day. And it would be hard for me to believe that the fire bombing of our Phoenix headquarters, with a loss of $100,000.00 was done by one of our own people. It would seem to me that the facts on such activities should be accumulated and that somebody—perhaps Goldwater is the only man who has the guts to do it—should blast the McGovernites for their vicious activities. Needless to say, it would be helpful if Hruska or someone on the Ervin committee on our side could see that at a time they are investigating our campaign activities they are also investigating the charges that have been made against their actions. I have raised this point to no avail on previous occasions. Perhaps you now can follow through and see that something is done. Give me a report at your convenience.

EXHIBIT NO. 34-2

MEMORANDUM

THE WHITE HOUSE

WASHINGTON
February 11, 1971

CONFIDENTIAL

MEMORANDUM FOR H. R. HALDEMAN

FROM: JACK CAUFIELD

SUBJECT: ANDERSON LEAKS AND ALLEGED ACCESS TO PRESIDENTIAL MEMORANDA

During his recent appearance on the Dick Cavett Show, Jack Anderson made the following comments:

> "I have access to intelligence digests because people show them to us."
>
> " - - some of the President's private memos, some of the transcripts of confidential minutes."
>
> "Two thirds of the State of the Union Message two or three days before it was delivered."
>
> "I can assure you that if the President knew who was leaking these memos, he would be fired tomorrow."

Writer has analyzed the Anderson columns for the three month period preceeding the State of the Union leak, as well as discreetly conferring with selected White House staff members. Resultingly, the following observations are offered:

A) Anderson does, indeed, have access to intelligence digests, and he proves it on a daily basis. It also appears his reference to private Presidential memoranda is valid, but most likely when such material leaves the White House and is circulated on an agency level. On more than one occasion, examination of a Presidential quote in context indicates strongly that the leak came not from within the White House, but from the agency concerned with the subject matter.

B) Anderson's comment regarding "some of the transcripts of confidential minutes" possibly refers to verbatum quotes of comments made at White House leadership meetings.

Two of the White House staff members interviewed independently expressed the view that Senator Hugh Scott or a member of Scott's staff are suspect. If you were not aware of this possibility and wish the names of the staff members, they will be furnished to Larry Higby upon request.

Memorandum for H. R. Haldeman RE: Anderson
From: J. J. Caulfield
Page two

Examination of the Anderson columns of January 21, 22 and 23, all of which are concerned with the reorganization of the federal government, apparently refers to his State of the Union comment indicated above.

In this connection, it has been determined that all of the above information contained in those three articles appeared in one black bound, working looseleaf booklet. Further, that twelve late copies of such booklet were prepared and forwarded to the Office of Management and Budget from the Domestic Council under strict security conditions in advance of the Anderson leak.

An examination of the subject document, along with a studied review of the subject Anderson columns indicates that the book was made available to Anderson, most likely in its entirety.

Domestic Council members interviewed make a valid case for the leak to be pinned on OMB, Human Resources Section. I, personally, wish to reserve judgment until more evidence is at hand. It has been brought to my attention that George Shultz has been apprised of these suspicions, and has taken the position that a "smoking out" type investigation would be inadvisable.

Resultingly, I do not feel it proper to proceed with this aspect of the inquiry, unless or until you so advise.

Having looked at this matter with all its serious implications for the future, I feel it advisable to immediately suggest that all of the section chiefs on the White House staff be briefed by your office with a view towards a minimization of leaked material and comment. I also suggest that an overt firing of a person directly connected with a leak would go a long way towards making the ability of the Andersons of the world to gain White House information both difficult and hazardous.

Please advise.

THE WHITE HOUSE
WASHINGTON

June 1, 1971

MEMORANDUM FOR
ALEXANDER BUTTERFIELD

FROM: TRUDY BROWN

I discussed the attached memo from Bob Brown informally with Bob Haynes of FBI. He advised that a type of investigation Mr. Brown is asking for would be almost impossible.

I believe this is out of my area of responsibility and therefore would like your reactions.

THE WHITE HOUSE

WASHINGTON

May 28, 1971

MEMORANDUM FOR MISS TRUDY BROWN

FROM: ROBERT J. BROWN Bob

SUBJECT: FBI Check on News Leak

I would appreciate it if you would have the FBI make a rundown on who is letting out information of the sort enclosed with this memo. This is a matter of great concern to me and I would like a report on it.

Thanks.

Enclosures

cc: Mr. John Ehrlichman

N.A.A.B.B. NEWS
National Association To Advance Black Business
P.O. BOX 12978
YORK, N.Y. 10019

FOR IMMEDIATE RELEASE

FOR PUBLIC NOTICE

WHITE HOUSE AIDE BLOCKING MINORITY ENTERPRISE APPOINTMENT

John Ehrlichman, Special Assistant to the President, has another running battle going on. It will be well worth watching to see whether or not he wins this one as he did at Treasury on the appointment of an IRS director.

Ehrlichman backs Jay Leanse, a close friend of his, who has never had any experience in minority enterprise. Even when he wrote Ehrlichman a personal letter, he indicated that his interests were in HEW or HUD. He has become, by virtue of Ehrlichman's endorsement, an instant expert on minority enterprise.

Secretary Stans is holding up the appointment waiting for the White House Aide to give him the go ahead to appoint a minority to the directorship of the Office of Minority Business Enterprise.

-30-

(Date Illegible)

Mr. John D. Ehrlichman
The White House
Washington, D.C.

Dear John:

For most of the twenty years since U.C.L.A. I've been in general and sales management of paint and chemical manufacturing businesses in which I've had equity. In 1965 and through 1967 I was associated with W. Ross Campbell Company, a prominent Los Angeles Realty and Mortgage brokerage firm.

I was a vice president and director of the Los Angeles Junior Chamber of Commerce and have been an active participant in various Jewish and community organizations.

My field is marketing and management, I am highly oriented toward "people and organizations." My interests generally are in HEW or HUD but I'm open to suggestion and willing to relocate.

Joyce is in a masters program in the Graduate School of Public Health at U.C.L.A. John, our oldest son, is 18 and completing his senior year at a boarding school near Los Angeles. Tom, 15, is a junior and Steve, 12, a 7th grader.

John, I'm a registered Republican, I'm available and would welcome enthusiastically the opportunity to work for you again.

Sincerely,

s/s Jay
Jay I. Leanse

2940 Cavendish Drive
Los Angeles, California 90064
213-839-2639

JIL/tps

A TRUE COPY

July 1, 1971

MEMORANDUM FOR: MR. JOHN J. CAULFIELD

FROM: ALEXANDER P. BUTTERFIELD

SUBJECT: Mr. Robert Brown's Investigation Request

I would appreciate your reviewing the attached material and advising Bob Brown as to which (if any) agency or organization conducts investigations of the type he is requesting.

Attachment
cc: Mr. John W. Dean, III

THE WHITE HOUSE

WASHINGTON

July 12, 1971

MEMORANDUM FOR: JOHN DEAN

FROM: JACK CAULFIELD

SUBJECT: Bob Brown's Investigative Request

1. Inquiry has ascertained the following:

   a) The Post Office box number on the attached letterhead is non-existent.

   b) Credit Bureau and telephone company checks reveal no information as to the existence of an organization known as the National Association to Advance Black Business.

2. The above developments suggest a clumsy covert attempt to embarrass whomever. Bob Brown has been so advised. Further, he has agreed that any future leads regarding this matter will be forwarded to my office.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

July 1, 1971

MEMORANDUM FOR: MR. JOHN J. CAULFIELD

FROM: ALEXANDER P. BUTTERFIELD

SUBJECT: Mr. Robert Brown's Investigation Request

I would appreciate your reviewing the attached material and advising Bob Brown as to which (if any) agency or organization conducts investigations of the type he is requesting.

Attachment
cc: Mr. John W. Dean, III

THE WHITE HOUSE

WASHINGTON

September 24, 1971

SUBJECT: J.D.E. REQUEST

A female Nixon campaign worker presently working at H.U.D.'s northeast regional office has expressed concern to an intermediary party about the relationship of the subject and the General Counsel in the northeast region. Assertedly, the General Counsel has been providing the subject inside information on H.U.D. contracts and operations in that area. Further, it is asserted that the subject has acquired significant sums of money resulting from this relationship.

EXHIBIT NO. 34-3

Dwd
Tell Gordon
no objection

DRAFT

MEMORANDUM FOR: H. R. HALDEMAN

FROM: GORDON STRACHAN

SUBJECT: Leaks

Dean, Malek, and I met to develop a strategy for handling leaks.

It would be helpful to realize that there are five distinct types of leaks; only some of these are deterrable. The types include: a) the August SALT leak prompting the lie detector tests at State. The individual consciously violated the law to protect his own view of the national interest--non-deterrable; b) the September SALT (accidental war agreement) leak: too many individuals (all of Congress and our NATO allies) knew and so the information is not controllable--non-deterrable; c) the self-serving leak which strengthens the individual's policy position by acquiring public support before the final decision is made -- deterrable; d) the ego-stroke leak where the individual either wants to see his name in print or to be known as one with influence -- deterrable; and e) the careless leak resulting from either a slow individual with information and a foot reporter or too much liquor -- deterrable.

The "self-serving leak" for policy position advantage has been partially deterred as a result of the June 29 Cabinet meeting.

Following the June 29 meeting in your office, Dean, Malek, Allin and I have reviewed eleven cases for possible Haldeman action as "lord high executioner" to stop leaks. Malek and Dean are of the opinion that none of the eleven cases would have been appropriate for Haldeman action. The subject should be raised again in a future Cabinet meeting and in the 8:00 a.m. and 8:15 a.m. meetings.

The conscious violator of the law leak should be handled as the August SALT leak is now -- firm FBI investigation and full criminal penalties. Any deterence is fortuitous.

The last two, the ego-stroke and the careless leak, can be deterred by:

a) Careful placement of a Buchanan drafted story to the effect that as a result of the SALT leaks a White House investigative unit of Bud Krogh, John Dean, and Fred Malek has been established to monitor leaks. The thrust of the story would be the

DRAFT

positive Roscoe Drummond theme that good government requires this type system to assure loyal bureacrats;

b) Periodic soundings in the bureacracy aimed at detecting the level of concern about leaks and to indicate White House interest in the subject. These could be conducted by Dent's departmental contacts;

c) Haldeman, Ehrlichman, and Kissinger should meet with their respective staffs to emphasize the following points:

1. The political year is upon us;
2. The media will be watching for and pushing wedges in any cracks;
3. This has been an excellent year in terms of policy decisions. These positions should be consolidated by not permitting leaks to undermine our unified approach to the re-election of the President;
4. The meeting should not be similar to the 1970 Campaign meeting with the notorious leaks (Safire, Timmons, Dent, Finch, Magruder, Klein, Colson), which had a very negative effect.

September 27, 1971

CONFIDENTIAL -- EYES ONLY

MEMORANDUM FOR: FRED MALEK

FROM: H.R. HALDEMAN

SUBJECT: Leak Situation

Gordon reports that you, Higby and Dean met to review the leak situation and procedures for handling them. Based on the report of the meeting, it is my understanding that you will take personal charge of this project.

John Ehrlichman has the feeling that there has been an increase in the number of leaks lately. Please discuss this with him as the first step in a high priority program of pinning down the sources of leaks and cutting them off.

Bi-weekly reports on what action you've taken and the results will be expected with the first one due on Monday, October 11.

cc: Mr. Dean
Mr. Strachan

A TRUE COPY

96-298 O - 73 - 14

cc: John Dean

MEMORA

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL

September 29, 1971

MEMORANDUM FOR: H. R. HALDEMAN

FROM: FRED MALEK FM

SUBJECT: Leaks

The purpose of this memo is to brief you on my plan for dealing with the problem of leaks.

BACKGROUND

Since the President's forceful direction on this problem, there have been a minimum of major improper disclosures requiring your attention. However, the number of minor, hard to track down, infractions has continued. In fact, a CIA study predicts that at the present rate, we will have 4 times the number of improper disclosures of national security information this year as we had in 1970. This study is attached at Tab A, and John Ehrlichman tells me it is the basis for his recent comments to you on this subject.

PLAN OF ATTACK

Responsibility for dealing with this problem has been centralized with me. However, it will be necessary to have separate approaches for national security leaks and domestic leaks.

National Security. As you know, Bud Krogh and David Young, under Ehrlichman's direction, are already conducting a comprehensive investigation of national security leaks. They plan to continue this, and any efforts on my part to actually investigate would be redundant. Rather, my role will be to keep informed of their efforts, to crack down hard on any violators who are uncovered, and to report to you on any cases needing your intervention. Their problem to date is identifying the violators, but I feel they are on the right track.

Domestic. This covers all leaks not involving national security, some of which could involve State or DOD. There are, of course, a large number of minor infractions in this area, and I do not believe we at the White House

should try to locate the origins except in the most obvious cases. Rather, I plan to remain continually alert to leaks, forcefully call them to the attention of Department Heads, insist on actions, and follow through to ensure actions are taken. Where multiple sources are involved, we would coordinate the follow through from here. When a violator is identified, I would ensure a hard crackdown.

Specific steps I plan to take in approaching this problem are as follows:

1. The memo at Tab B has been sent to Cap Weinberger and Ken Cole, reiterating my request for their assistance in spotting improper disclosures. I will follow up with them as needed to gain their cooperation.

2. Mort Allin will continue to scan newspapers and the news summaries and call my attention to observed leaks.

3. On each legitimate leak spotted, I will follow up forcefully with the Department Head, insisting on a thorough investigation to identify the source. Most of these will not bring results but at the least will increase consciousness and attention to this matter. This should have an important preventive maintenance effect.

4. We will work through our politically loyal personnel contacts in each Department to spot leaks, identify culprits, and raise the general degree of attention to this problem. This will be somewhat duplicative of 3 above, but will give us another avenue to help get results.

5. I expect the need for your involvement to be minimal, but I will prepare an action memo and talking paper for all cases requiring your attention.

6. At the end of each month, I will submit a progress report to you, outlining the cases considered, actions taken, and results. I believe this would be more effective than the bi-weekly reports suggested in your 9/27 memo.

A major part of my thrust is to increase awareness of and attention to the problem on the part of top-line officials. They must be held responsible for leaks in their units and should be required to take forceful preventive as well as curative measures. To ensure the top line officials give added attention

to this, however, we need additional Presidential direction. I recommend that the President raise this in an early Cabinet Meeting. He could cover it quickly as a follow on to the session of several months ago, ask for an aggressive action plan in each Department to deal with this problem, and designate me as the follow up person to counsel on the plans and work with them as needed on implementation. If you approve of this concept, I will prepare a talking paper and coordinate with Alex on scheduling.

Approve HB Disapprove _____

* * *

The combination of the above should have some impact. However, the greatest impact will be achieved by finding and making an example of violators.

Please let me know whether you have any general comments or would like some modification in this plan of attack.

Attachments

Excellent — worth waiting for.

EXHIBIT NO. 34-4

SUBJECT: EMK VISIT TO HONOLULU AUGUST 17-19, 1971

Indicated below are the results of an on the scene check of the movements of EMK during his stop-off visit to Honolulu enroute from India:

EMK arrived in Honolulu alone aboard Pan American Flight #2 from India via Tokyo (he didn't get off plane in Tokyo) at 11:00 AM August 17th. A running press interview took place with Kennedy obviously reluctant to make any statement. His only comment was with regard to the President's economic moves which he characterized as "sound, but late". He departed the airport quickly with two friends identified as follows:

A) John W. Goemans
Attorney
Resides in Waialua City, close to Honolulu
Former EMK classmate and Aide to both Jack and Robert Kennedy

B) John Carl Warnecke
Architect
Friend of Kennedy family
Designer of JFK gravesight

Ostensibly, EMK's visit was for the purpose of evaluating the creation of a National Park at the site of a black coral reef island off the Honolulu coast. The reef bears an identifiable likeness to the profile of the late JFK. It was determined that a local Democratic Councilman, Joseph E. Bulgo (Maui Island) is handling the project on behalf of EMK.

EMK made no public appearances during his stay in Honolulu. Inquiry ascertained that he occupied the private estate of one J. Otani, located at Diamond Head Road, Honolulu. Otani is initially described as a wealthy Japanese industrialist (attempts will be made to identify him further).

Discreet inquiry determined that Kennedy used the estate solely for sleeping purposes, took only his breakfast meal at that location and quietly visited friends at other locations on the island.

It is known that he played tennis on August 18 at the estate of one Lloyd Martin identified as a wealthy Honolulu contractor. Partners in the tennis match were Mrs. Warnecke, Mrs. Martin, Lloyd Martin and EMK.

EMK

An extensive survey of hotels, discreet cocktail lounges and other hideaways was conducted with a view towards determining a covert EMK visit. The results were negative.

Additional companions of EMK at the estates mentioned were:

Stan Simons
A friend of Warnecke's and
Walter Tagawa,
A friend of Martin's

It was also determined that during his island stay EMK worked on a speech which was given 8/26/71 at the National Press Club in Washington on the subject of Pakistan.

As previously reported, material relating to this matter was forwarded to Lyn Nofziger for use in the Monday publication. A review of the 8/30/71 issue indicates some of the material was in fact used in the EMK-Pakistani article.

In conclusion, it is believed that EMK activity during his stay in Honolulu was adequately covered. No evidence was developed to indicate that his conduct was improper.

Hyannisport sources indicate EMK will remain in that area until after Labor Day and then return to Washington when Congress reconvenes. A discreet inquiry at Hyannis is programmed by our source during this period.

THE WHITE HOUSE

WASHINGTON
October 14, 1971

To: Gordon Strachan
J.J. I

MEMORANDUM FOR JOHN W. DEAN, III

FROM: JACK CAULFIELD

SUBJECT: EMK- TOYOTA

Dick Allen has passed information to HRH indicating Kennedy people have engineered a regional Toyota franchise in New England.

My memo of August indicating EMK visited with an asserted Japanese industrialist (J. Otani - not further identified) during a two day layover enroute from India now suggests a follow-up on J. Otani. Such inquiry is underway.

THE WHITE HOUSE

WASHINGTON

October 20, 1971

MEMORANDUM FOR JOHN W. DEAN, III

FROM: JACK CAULFIELD

SUBJECT: J. OTANI

Inquiry to date has determined the following:

Otani is a multi-millionaire Democrat with extensive real estate and business holdings in Hawaii. He is President and General Manager of the Otani Company which is a successful wholesale seafood enterprise.

Sources advise that Otani significantly controls local politics in Honolulu to the extent that he is referred to as the "Mayor Maker".

He is a frequent visitor to Honolulu's Customs area, particularly when important Japanese visit the island.

U.S. Customs sources contacted in this regard were unaware of any relationship between Otani and Toyota. Since there apparently exists a friendly relationship between Otani and Customs officials in that area, further inquiry through this source is deemed inadvisable.

Other means of inquiry designed to prove or disprove the allegation are currently being explored.

cc: R. Allen

EXHIBIT NO. 34-9

WASHINGTON - RESPONSIBILITIES

SALARIES	President	36,000
	Vice-President	36,000
	Admin. Asst.	20,000
	Secretary	15,000
	Electronics - Security Expert	25,000
		$ 132,000
OFFICE	Rental	10,000
	Furnishings	5,000
	Equipment	5,000
	Utilities (telephone, etc.)	12,000
	Security Devices	2,000
	Accountant - Legal Fees	10,000
		$ 44,000
TRAVEL - (Clients - operatives - San Diego)	President	
	Vice-President	
	Security Expert	50,000
		$ 226,000
TOTAL: WASHINGTON, NEW YORK, CHICAGO		$ 511,000

CHICAGO

SALARIES	Head	$36,000
	Secretary	14,000
		$ 50,000
OFFICE	Rental, equipment, etc.	5,000
TRAVEL		
(Clients)		10,000
OPERATIONS SUPPORT		
(Informants, Special Projects)		10,000
		$ 75,000

NEW YORK

Salaries:	Head	36,000
	Operative	25,000
	Operative	25,000
		$ 86,000
Travel 11/71-11/72	Head	18,000
	Operative	18,000
	Operative	18,000
(To include meals, lodging, airfare, car rental)		$ 54,000
Operations	Informants fund - Special Projects	50,000
	Headquarters, N.Y.C. (Apartment, false identities, mail drops, telephone, etc.)	5,000
	Equipment - Electronic - Surveillance)	15,000
	Telephone Credit cards	10,000
		$ 70,000
		$210,000

$100,000 Open ended

THE WHITE HOUSE

WASHINGTON

September 17, 1971

MEMORANDUM FOR JOHN W. DEAN, III

FROM: JACK CAULFIELD

SUBJECT: SECURITY - CAMPAIGN '72

The attached memorandum represents an analysis of the overall security requirements for Campaign '72 at the Republican National Committee, 1701 Pennsylvania Avenue and at San Diego.

Consistent with the Sandwedge memo, it expands upon the overt involvment of the Security Consulting Group, Inc. in a manner that would be credible, readily accepted and, most importantly, badly needed.

Since the plans for the Nixon Campaign traveling staff are presently unknown, no analysis was made in this regard. Based upon the '68 experience, some steps will have to be taken to ensure the integrity of that operation. There is time for that, however.

INTRODUCTION

The broad range of sensitive political activity associated with a Presidential Campaign mandates that a controlling security entity be established and programmed to effectively minimize, in practical fashion, the hazards for compromise by opposition forces and thereby ensure the smooth function of Republican Party business during 1972.

It is the purpose of this paper to cause focus to be brought upon those areas requiring such security capability. In addition, indication is given as to how the Security Consulting Group of Washington, Inc., the proposed name for the commercial security entity, will be able to function in this regard whether it be from an operational or overview standpoint, as follows:

A) Republican National Committee

Immediately after Campaign '68, Bob Haldeman authorized the author of this paper to institute and overview a security program at the Republican National Committee. This program has been ongoing for two years and a continual overview has been structured. Attached (TAB "A") is an account of the security procedures presently in place at the Committee.

They are found to be generally satisfactory with the exception of a requirement to tighten up the Pinkerton effort to include an analysis of the quality of their personnel and institute a polygraph examination of each guard working at the Committee.

For health reasons John Ragan will not be able to continue to perform in this area during the coming months. James Mc Cord,

a highly qualified Republican career security professional, (TAB "B") will be retained as a consultant to the Security Consulting Group and will perform operational overview duties at the Committee and elsewhere, as indicated, on a scheduled basis under the direction of the organization.

1701 Pennsylvania Avenue

The Security Consulting Group, Inc. will initiate (Mc Cord) and supervise a comprehensive security system at the above location. The procedures established at the R.N.C. (TAB "A") will be tailored to conform to the expanding requirements of 1701 Pennsylvania.

In addition, the following areas of security concern will be addressed, evaluated and programmed:

A) the requirement that a scheduled ELECTRONIC COUNTERMEASURES SYSTEM be established to include:

1) Office telephone network

2) Conference rooms

3) Residence phones of key political staff in Washington

NOTE: The system established will be adaptable to the Nixon staff and G.O.P. needs at San Diego.

B) The ability to recruit a two man bodyguard protective detail for the Attorney General throughout Campaign '72 is at hand. Because the A.G. may have personal preferences in this area, no steps will be taken, until advised.

C) Computer Security - An inspection capability to ensure the integrity of the Republican computer systems used in Campaign '72.

D) Poll Security

A security capability designed to ensure the confidentiality of key polls instituted by 1701 operatives will be programmed.

E) Undoubtedly, additional security requirements stemming from the 1701 operation will become evident as the campaign progresses. The above described structure will permit a professional response to these needs.

Republican National Convention

The vast private security needs of the Nixon team and Republican Party at San Diego can be best implemented in the following manner:

A) Nixon Staff Headquarters at the Sheraton Hotel, Harbor Island

The Security Consulting Group, Inc. will be charged with total operational security responsibility at that location. A complete ad hoc security-receptionist entity will be established utilizing off duty reserve deputy sheriffs from the San Diego Sheriff's office and Nixon female volunteers. The Sheriff of San Diego County, John Duffy, (Nixon Republican) has agreed to provide such personnel, assured that they will be young, bright and capable and, importantly, that they all will be Republicans. It was agreed that a reasonable wage would be paid those performing in this regard from Nixon Staff funds.

The above procedure is strongly recommended to ensure that the Nixon Staff team will have qualified and loyal security personnel under proper controls at the important Sheraton Hotel (see below).

Included in the responsibilities of the Security Consulting Group at the hotel will be the institution of a sophisticated photo-ID system and elevator clearance process designed to minimize the hazard of disturbance, unwarranted access to sensitive work areas and the like.

B) Convention Security, San Diego

The R.N.C. has selected Cdy Fish of Wisconsin to be the Sergeant at Arms for the Convention. In that position he will have security and usher responsibilities within the Convention Hall and at the GOP Headquarters at the Royal Inn at the Wharf during the Convention period.

Dick Herman has asked the author to have the Security Consulting Group act in an advisory capacity in this regard and initiate a comprehensive cost survey of the security requirements for the GOP Headquarters and Convention Hall. Further, Herman has asked that qualified professionals be recruited to assist Fish in this regard. This request has been agreed to and such survey will be conducted by the subject organization and submitted to the Arrangements Committee for review at the earliest possible time.

It is noted that various private detective agencies are already attempting to use Republican political influence to obtain what will be a prestigious and lucrative contract at San Diego. While the Security Consulting Group will ensure that all interested parties get consideration, the ability to perform should be considered the

prime factor in awarding the contract and recommendations will be made accordingly. Attached (TAB "C") is a recent article in the Washingtonian Magazine clearly indicating the poor quality of private security personnel in Washington. Generally speaking, the same pattern applies nationwide. (It is this factor that strongly suggests the use of reserve deputy Sheriffs at the Nixon Staff headquarters as indicated above).

In addition to the Sports Arena and G.O.P. headquarters hotel, early signs indicate the possibility of a security need at other locations. For example, the Nixon staff is contemplating the housing of a large group of 18 year olds at a local San Diego college for rally purposes. Additionally, the Arrangements Committee is looking at the possible use of a pier near the Royal Inn at the Wharf as a G.O.P. working area.

When these and other like them decisions are made, the Security Consulting Group can effectively program the security requirements after it is determined whether operational activity or advisory services are needed.

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Republican National Committee.

August 26, 1971

MEMORANDUM TO: RNC EMPLOYEES

FROM: BARRY MOUNTAIN

RE: SECURITY PROCEDURES

Over the past several months numerous measures have been taken to upgrade security for the benefit of the Republican National Committee. Many of these steps, while not readily visible to the employee in his or her day-to-day operation, will help with overall security needs and precautions as we ready for the '72 campaign.

Nevertheless, some of these precautions still require the wholehearted cooperation of everyone in the building. Therefore, please read these instructions carefully and retain them for future reference.

I. SECURITY OFFICE AND GUARD SERVICE

John Ragan, former F. B. I. agent and security officer for the '68 campaign, is retained by the National Committee and the Citizens Committee to oversee security measures. Mr. Ragan's office is on the 1st floor in Mr. Underwood's section. His telephone extension is 6517.

Between 5 p. m. and 9 a. m. on weekdays and all day Saturday and Sunday, the Pinkerton Agency is retained for guard service. They are a bonded service and are required to fully adhere to certain specific regulations. Therefore, your cooperation is requested in dealing with them. The guards will have home phone numbers of all employees but are instructed not to give them out except to another employee. In case of an emergency he has been instructed to call certain key employees for additional instructions.

II. EMPLOYEE IDENTIFICATION

All full-time employees should have identification cards with them at all times. All other individuals should be listed at the reception desk and should be prepared to produce

a driver's license or other suitable identification whenever requested by the receptionist or guard. People arriving before 8:30 a. m. or leaving after 6:00 p. m. are required to sign the register at the reception desk.

III. VISITORS

Visitors are to be logged in and out at the reception desk at all times.

When individual offices are expecting visitors, please notify the reception desk whenever possible. The receptionist will make certain that they are well received in the Lobby until such time as they are ready to be received.

Effective September 1st, all visitors will be escorted to their appointment by the secretary or designated employee of the office being visited. This is a standard security procedure which will be enforced.

Unfortunately, in the past there has been loss of valuables and pocketbooks, which is possibly attributed to lack of control over outsiders. Let me remind you, therefore, that all female employees should keep their pocketbooks out of sight in a drawer or cabinet. Men should not leave jackets containing wallets unattended in the open.

IV. FACILITY ACCESS

A. DELIVERIES - A receiving clerk's station has been installed at the back door with access being only through the supply office. In addition, TV monitors are also located in this office so as to give daytime coverage to the garage and parking lot. All merchant deliveries are to be routed through this area and deliverymen will no longer have free access to the building.

B. GARAGE - The garage door will be closed at all times and opened only for entry or exit by a vehicle. The interior ramp and the exterior apron are now constantly monitored by closed circuit television cameras. These monitors will be controlled at night by the guard at the reception desk and during the day solely by the receiving clerk.

For exit and entry in the garage, a doorbell has been installed on either side of the garage door. The bell will ring at the monitoring stations and the door will be opened by remote control.

C. OFFICES - Keys have been issued to the Chairman's, Co-Chairmen's and Division Heads' offices, and each section is responsible for security within their own area. Mr. Ragan and others will periodically make security checks so as to maintain control over the system. The maintenance people will NOT have keys to private offices, and therefore, wastebaskets, ashtrays and other items for cleaning

should be left outside the private office in the evening, unless other arrangements are made.

V. HANDLING AND STORAGE OF SENSITIVE MATERIALS

All confidential material is to be locked up whenever an area is not attended. Ideally, all desks and cabinets should be locked. If this is not possible, each department head should designate certain cabinets for storage of specific types of material. No sensitive material should be left on top of desks overnight. A sufficient number of locked file cabinets are available to handle everyone's needs.

A shredding machine is located in the Mail Room on B-2 for disposal of confidential material. The dispatch officer will pick up such items at the end of each day for shredding, or each office can personally take such material to B-2. All offices will be supplied with wastebaskets and bags for this material.

VI. EMERGENCIES

Everyone should be aware of the location of the fire extinguisher closest to his desk and also of the location of the fire alarm switch. The fire alarm system however, is for building notification only and does not automatically alert the fire department. Such notification must be made through our switchboard operator, by calling the fire department (HO 2-1616) or by use of the fire alarm box located at 1st and "D" Street, S. E.

Fire drills will be held periodically and in the event of evacuation:

1) Use either staircase but do NOT use the elevators.

2) Leave the building by either the front or back door and proceed to a point at least 300 feet from the building.

Listed below are emergency numbers for your information:

POLICE.....626-2375

FIRE DEPARTMENT.....HO 2-1616

JOHN RAGAN.....EXT. 6517 or (516) 798-4881

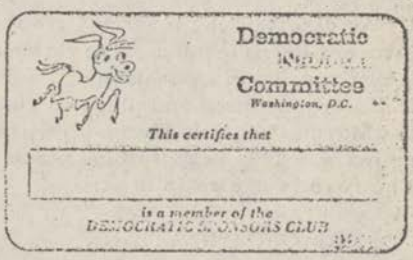
PINKERTON.....244-3600

cc: John Ragan
Pinkerton Guards
Receptionist

EXHIBIT NO. 34-10

Participating Membership Program
2600 Virginia Avenue, N.W.
Washington, D.C. 20037

The Democratic Party is proud to present you with your Membership Card. . . .



This card acknowledges with our sincere thanks your Membership Contribution. You will find space on the back to record the names of your Congressional representatives.

Here's another way you can come to the aid of your Party. . . .

Your Participating Membership is most appreciated. You can help even more by sending us the names of others that you think would also want to support our efforts.

Name .....
Street .....
City ..... State ..... Zip .....

Name .....
Street .....
City ..... State ..... Zip .....

Name .....
Street .....
City ..... State ..... Zip .....

Name .....
Street .....
City ..... State ..... Zip .....

EXHIBIT NO. 34-11

SUBJECT: McCloskey's New Hampshire Campaign

1. As directed, an investigative team conducted a series of discreet inquiries and observations in New Hampshire with a view towards an evaluation of Paul N. (Pete) McCloskey's N. H. organization and plans to challenge the President in the March 1972 New Hampshire presidential preference primary. This activity took place during the period 11/18-11/21. The results are as follows:

A) ORGANIZATION

Volunteers - The McCloskey volunteer headquarters is located at 104 North Main Street, Concord, New Hampshire, Telephone # 683-224-1966. It is a one room storefront operation typical of a small town election headquarters.

There is a marked lack of activity at the headquarters, staffed primarily by youths in their middle to late twenties. In addition, there appears to be little interest expressed by the local Concord citizens with the current operation.

Pretext press interviews conducted at the location determined the identities and assignments of the present volunteer personnel:

Michael Brewer 28 years of age	Campaign Manager for New Hampshire (Receives salary)
Field Reichardt 23 years of age Resides in Waterville, Maine, graduate of Colby College, Maine Former Chairman of Maine College Republicans	New England Coordinator McCloskey Volunteers (Receives Salary)

Eric Schnapper 26 years of age	Aide to Campaign Manager
Charles Brereton 29 years of age Previous involvement as organizer in Peace Movements	Youth Organization-Voter Registration Coordinator for McCloskey Volunteers (Receives Salary)
Nancy Payne 24 years of age	Office Manager
John Mudge 22 years of age Resides Lyme, N. H. Grandfather founder of Mudge, Rose law firm	Regional Coordinator McCloskey Volunteers (See attachment)
Christopher Finch (no relation) 24 years of age	Regional Coordinator McCloskey Volunteers Campaign Worker
Kathy Gonzalez Woodside, Calif. (McCloskey's home district)	Campaign Worker

Youthful enthusiasm was expressed by all of the above during the course of pretext press interviews. The main focus of this headquarters is to supply logistical and contact support for a campus registration effort scheduled to become full blown in January. It was determined, however, that the organization's efforts to date have been discouraging. Encouraging support has only been achieved on four campuses to date. Deep concern was expressed over the expected organizational thrusts of Muskie, McGovern and Jackson in that their respective constituencies are closely aligned philosophically with McCloskey and resultingly threaten their campus voter registration efforts.

Close questioning of the above staff reveals the presence of money problems. All financing is controlled from the Washington headquarters. Within the last week mailing of campaign literature from the volunteer headquarters was curtailed because of a shortage of funds. Negligible amounts are coming direct to the volunteer operation.

The volunteers are placing their hopes upon an accelerated appearance schedule by McCloskey to begin after Congress adjourns for the holiday recess.

In any event, it is clear that McCloskey does not have a "McCarthy Youth Movement" going in New Hampshire at this time. Working against that potential is the lack of the war as an issue and the expected heavy thrusts of the Democratic candidates after the first of the year. Unless an incident or event occurs which can project McCloskey into the headlines and capture the imagination of the young, it is doubtful that he can gear the existing organizational volunteer framework (and that's all it is) to a successful effort.

BUSINESS COMMUNITY SUPPORT

Inquiry has determined that the below identified Concord businessmen are actively supporting McCloskey's New Hampshire campaign:

Malcolm White - Mayor of Concord

Concord newspapers report that White openly pledged support for McCloskey on August 9, 1971 during a ceremony opening the Volunteers for McCloskey headquarters.

J. Richard Jackman

Described as a prominent Concord Republican. Retired President of Rumford Press Inc., Chairman of N. H. delegation to '64 Republican National Convention; '64 Chairman of Draft Lodge Committee. Past international President of Administrative Management Association and Printing Industries of America; President of Concord Hospital; Member of City Council, Chairman of Housing Authority; Director of Concord National Bank.

Jackman's announced support of McCloskey in October caused significant enthusiasm amongst McCloskey's supporters in New Hampshire.

Paul O. Bofinger

East Concord Conservationist. Forrester for Society for the Protection of N. H. Forests. (Conservation is a sensitive issue in New Hampshire).

Robert H. Reno

State Chairman for McCloskey's campaign in primary. Lawyer in Concord law firm of Orr and Reno, 95 N. Main Street, Concord.

Reno has had no significant previous political experience.

An examination of the 12 member law firm indicates both the Mayor and Charles F. Leahy, Administrative Assistant to Governor Peterson are listed as practicing attorneys.

Reno's present focus is concentrated on obtaining 1,000 signatures of registered voters (500 from each congressional district) for submittal to the Secretary of State along with a $500 filing fee for each district. The filing deadline is January 6, 1972. Local key political reporters were contacted in this regard and they expressed the opinion that McCloskey's operation could produce the required number of signatures, but that they may have difficulty.

It might well be desirable for Nixon political loyalists in New Hampshire to take a close look at the progress of this effort and if trouble in gaining the required amount of signatures becomes evident, consideration could be given to apply pressure to have the law firm (where pressure opportunities exist) drop its support. Conceivably, this tack could cause the entire operation to fold prematurely.

B) FUNDING

Clearly McCloskey is having serious money problems as mentioned above. His main sources to date have been identified as coming from New York and California. Norton Simon, who ran unsuccessfully against George Murphy in the California Senate primary of 1970 is a major contributor.

It is reported that Norton in mid-July provided $50,000 in seed money for a nationwide effort.

Another major California contributor is Albert R. Schreck, Director of the San Francisco Art Institute.

On the East Coast McCloskey has sought and accepted what is described as "N. Y. Peace Money." A New York City party in the Spring of 1971 raised $11,000 which was used to finance a trip to Southeast Asia. Some of those attending the party were:

Stewart Mott - Left wing philanthropist
Howard Steen - Dreyfus Fund
Sam Rubin - Investor

It was determined that former Kennedy staffer, Charles Daly, was instrumental in this particular effort. Daly accompanied McCloskey on the trip.

McCloskey has accepted numerous paid speaking engagements before a group known as the Business Executives Move for Vietnam Peace (BEM). Attached is a description of the organization.

In an effort to sustain the New Hampshire effort, McCloskey in October closed down his West Coast campaign headquarters and now operates only out of Concord and Washington. Resultingly, it is believed that while money is short, he will have enough to continue the N. H. primary battle.

NOTE: A small newspaper piece in October stated that former Kennedy TV producer, Charles Guggenheim, had agreed to work for McCloskey. This should be watched, Guggenheim is a pro.

ISSUES AND STRATEGY

McCloskey has assertedly finished his book for Random House. The book directs itself to his campaign themes as follows:

1) Peace in Vietnam
2) Truth in Government
3) Independence of the Judiciary
4) Maintenance of the Republican tradition in Civil Rights

All signs indicate that with the war winding down McCloskey is focusing on Truth in Government as his main issue. This thrust will be primarily directed to the youth campus vote.

McCloskey is vulnerable, however. In an Evanston, Illinois, speech he came out strong in favor of the draft. He is also on record as supporting free abortions in a California speech. Assertedly, this position caused him Catholic vote problems in his district.

Much has been said in the New Hampshire media about the White House feud with Governor Peterson. The Governor is apparently annoyed over the preferred W. H. treatment given William Loeb of the Manchester Leader and the key campaign spot given to Lane Dwinell.

Wide coverage was given to the appearance of the Governor and N. H. state official Stuart Lamprey at the opening of McCloskey's headquarters.

A mending of the fences in this regard might well diffuse any adult protest vote which might be present and leave McCloskey solely with the highly competitive youth vote.

NOTE: While there was a close July liaison between McCloskey and Alard Lowenstein, little has been heard of this relationship since. Because of Lowenstein's success in '68 with the McCarthy forces, an alert should go up if he surfaces with McCloskey.

SUMMARY

A) McCloskey has only a volunteer youth framework presently in New Hampshire. The effort has not caught fire.

B) The highly organized and funded Democratic campaigns are expected to hurt McCloskey's efforts.

C) Funding will be a continual debilitating problem.

D) Truth in Government will be his main issue. McCloskey is vulnerable if an attack is desirable.

E) Republican infighting is helping McCloskey's efforts.

NOTE: Future action by the investigative team to be discussed privately.

BUSINESS EXECUTIVES MOVE FOR VIETNAM PEACE (BEM)

BEM is registered with the Congress of the United States as a Registered Political Lobby. It is self-described as a national organization which believes the war in Vietnam is contrary to the interests of the United States and that business executives should provide realistic leadership in foreign affairs. As of April, 1971, headquarters of this organization was located at 901 North Howard Street, Baltimore, Maryland.

Members of the BEM Executive Committee are Henry E. Niles, Chairman, Baltimore Life Insurance Company, Baltimore, Maryland; William F. Fischer, Jr., President, Fischer Machine Company, Philadelphia, Pennsylvania; Joseph E., McDowell, Chairman, Servomation Corporation, New York, New York; and Erwin Abner Salk, President, Salk, Ward & Walk, Inc., Chicago, Illinois.

Information furnished this Bureau indicates that members pay regular dues of $100 per year, patron members pay $1,000 per year, and a life membership is $5,000.

BEM held a rally in Chicago, Illinois, on 10-1-71. Purpose of the rally was to focus attention that the Vietnam war continues, that people are being killed and to honor outstanding peace advocates. About 2,000 persons were in attendance and former U. S. Attorney General Ramsey Clark was Master of Ceremonies. Among those receiving the BEM American Peace Awards were Daniel Ellsberg, Joan Baez, Wayne Morse, Ramsey Clark, Ralph Abernathy, Benjamin Spock and Senator Fulbright. During the rally Joan Baez removed two American flags from their stands and placed them on the floor. Some of the audience protested. The flags were later restored to their stands by Clark and Congressman Paul McCloskey, Jr.

December 1, 1971

MEMORANDUM FOR: THE ATTORNEY GENERAL

FROM: JOHN DEAN

Attached is some additional information which Jack has collected re McCloskey's operation.

I have also passed a copy along to Jeb Magruder.

bcc: Gordon Strachan

SUBJECT: MC CLOSKEY'S APPEARANCE AT
DARTMOUTH UNIVERSITY CAMPUS
ON NOVEMBER 29, 1971

1. Investigative coverage was given this McCloskey appearance with the following results:

McCloskey's appearance lasted approximately one hour during which he gave a prepared 20 minute speech followed by a question and answer period. His main theme focused upon the threat of concentrated wealth to the electoral process; the abuses involved in campaign contributions and his personal support for the taxpayer dollar check off proposal presently before Congress.

McCloskey's appearance at Dartmouth resulted from an invitation offered by the university's student organization. The 850 seat auditorium was filled to capacity.

It is pointed out that similar invitations have been extended to other presidential candidates. In this context the turnout can be considered pro forma.

McCloskey appealed to the students to join his New Hampshire volunteer organization. Membership applications were distributed to all attendees. It was discreetly determined that a total of 10 volunteers signed up.

While McCloskey was warmly applauded at the conclusion of his remarks, he proved vulnerable in the question and answer period when asked to justify his support of the Draft. The reaction to his explanation of support was decidedly poor.

He was also closely questioned by pro-Israel students on his lack of support for Israeli arms from the U.S. Again, a poor reaction to his response was ascertained.

He admitted under questioning that he has received heavy financial support from Norton Simon of California.

It can be concluded that his Dartmouth appearance, while sympathetic in nature, failed to evidence any mushrooming support amongst campus youth.

NOTE: A follow-up visit to McCloskey's concord, N.H. volunteer headquarters, fails to indicate any change in the lethargic activity observed two weeks ago. There is still no evidence of increased funding or volunteer personnel.

It was also determined that a strategy session is presently ongoing in Washington, D.C. The topics of discussion assertedly are:

A) How to counter the heavy Muskie, McGovern, Yorty N.H. campaigns.

B) How to counter the apparent loss of Governor Peterson's support. (This is viewed as discouraging and suspected as coming from White House pressures)

Other steps, previously discussed, designed to develop interior intelligence are ongoing.

SUBJECT: STUDENT PENETRATION OF MC CLOSKEY VOLUNTEER HEADQUARTERS, 328 PENNSYLVANIA AVENUE, WASHINGTON, D.C. DURING WEEKEND OF DECEMBER 11-12, 1971

A Sandwedge engineered penetration of Mc Closkey's volunteer headquarters in Washington, D.C. took place during the weekend of December 11-12, 1971 with the following results:

The operative arrived at the headquarters on Saturday morning and was well received. There was a marked lack of activity during the entire day, with a total volunteer participation of only four persons. The operative was advised that there was little need for volunteer work at the Washington headquarters, but a dire need for volunteers to work at the Concord, N. H. headquarters. He was advised to call and speak with Nancy or Bruce at 603-224-1966.

The workers appeared to emphasize that the office is in dire need of money at the present. One of the volunteers indicated that his father had donated $2,500 recently (because the workers identified themselves only by first name, the operative did not attempt to pursue the identity of the contributor).

Operative indicated a willingness to work for Mc Closkey in New York City. He was told that there were no Mc Closkey volunteer offices in New York City at this time and that the prime and only drives now ongoing with respect to campuses is within the New Hampshire area.

Operative determined that the 324 "C" Street headquarters, from which the main Washington campaign principals operate, was closed this weekend and the "C" Street staff was believed to be in Wisconsin dealing with political matters.

Operative had lengthy conversations with the four volunteers and it was determined that although there was enthusiasm, the reports coming back from N. H. indicated that things were not going well there. Lack of money and adult apathy appeared to be the main causes of the discouraging report. The volunteers were banking heavily upon Mc Closkey's increased schedule in N. H. beginning next week.

Throughout the entire day on Saturday there were no visitors to the office and no incoming phone calls. The workers busied themselves stuffing envelopes with leaflets. The operative assisted in this effort. He engaged in the same activity on Sunday morning and departed without incident.

In view of the foregoing, it would appear that best future use of this activity should be focused in N.H., especially during Christmas recess when allegedly the Mc Closkey effort will increase. Arrangements have been made accordingly and written results will follow.

96-296 O - 73 - 16

THE WHITE HOUSE
WASHINGTON

Date 12/7/71

TO: JOHN W. DEAN, III

FROM: JOHN J. CAULFIELD

ACTION:

_____ Approval/Signature

_____ Comments/Recommendations

_____ For Your Information

_____ File

REMARKS:

The A.G. should see these. They are very consistent with my report.

[Tues., Nov. 30, 1971]

REP. McCLOSKEY BECOMING A CRUSADER WITHOUT CAUSE

(By Robert S. Allen)

Washington—Rep. Pete McCloskey is dropping some curious hints for an avowedly dedicated anti-Nixon crusader.

The militant California maverick Republican is intimating that if his rambunctious "dump Nixon" campaign is a dud, he may pull a Mayor Lindsay and bolt to the Democrats.

Unquestionably another potent motivating factor is the likelihood McCloskey may be redistricted out of Congress.

With California due to get five more House seats, for a total of 43, McCloskey's 11th District is very apt to be extensively modified—to his disadvantage. In each of his three elections, he won largely as a result of Democratic backing—which would be lost to him in a projected geographic reshuffling.

So McCloskey apparently is hedging his political gambols!

The strident Californian's "dump Nixon" electioneering in New Hampshire's first-in-the-nation March 7 presidential primary has gotten nowhere. His anti-Vietnam haranguing has won him some cheers from dovish students but the general public is giving no evidence of being impressed.

As one veteran local observer remarked, "So far, McCloskey is running like a dry creek. I'm beginning to wonder whether he'll stick it out until March."

That's a good question.

In recent weeks, McCloskey had to sharply prune his campaign staff and expenditures due to lack of funds. The flow of contributions he had counted on hasn't materialized—and there are no indications his finances will improve.

Undoubtedly, a key reason is that his one and only issue, Vietnam, is steadily fading out of the picture.

McCloskey is finding himself in the unhappy position of being a loud and clangorous crusader with a vanishing cause. And in politics, that never pays off—either in votes or campaign funds.

DRIVE $45,000 IN THE RED, McCLOSKEY SAYS

Would Go in Debt to Finish Campaign

(By Carl Greenberg, Times Political Writer)

Rep. Paul N. (Pete) McCloskey Jr. (Calif.) said here Monday his campaign for the Republican presidential nomination is about $45,000 in debt.

But, said the congressman who wants to unseat President Nixon and has entered New Hampshire's March 7 primary, "I'll go in debt to finish out this campaign if I have to."

McCloskey's disclosure was made at a press conference before he and former New York Democratic representative Allard K. Lowenstein, national chairman of Americans for Democratic Action, addressed 1,000 guests at a Beverly Hilton luncheon of Women For, a volunteer nonpartisan organization.

McCloskey said he has no commitment from Los Angeles industrialist Norton Simon to continue aiding him financially.

He said Simon had contributed to an ad in the New York Times that cost $7,800 and that the ad had "approximately paid for itself," but that other newspaper ads so far have not.

The ads followed a speech by Vice President Agnew in which he said that McCloskey was running so short of funds that he had been forced to sell his painting of "Benedict Arnold crossing the Delaware"—a crack McCloskey construed as charging him with being a traitor.

The Administration's handling of the undeclared war between India and Pakistan was criticized by McCloskey, who cited a statement last Friday by an unidentified State Department official saying India was largely to blame.

McCloskey said that the people of East Pakistan have been "systematically executed."

Although he had previously commended Mr. Nixon for his planned trips to China and Russia, McCloskey said people are skeptical about the Peking trip, which he contended has diverted attention from the fact the Vietnam war has not been ended.

McCloskey also charged that Congress has abdicated its role in making political decisions and that its members are concerned primarily with getting elected.

Lowenstein, who led the "Dump Johnson" movement in 1968 and is trying to do the same to Mr. Nixon, said that "We have an obligation and debt to help this extraordinarily courageous man," referring to McCloskey.

EXHIBIT NO. 34-12

January 12, 1972

MEMORANDUM FOR: THE ATTORNEY GENERAL

FROM: JOHN DEAN

SUBJECT: Operation Sandwedge

As a result of our recent conversation, I asked Jack Caulfield to prepare a summary of his activities so that you could review them. However, because of the sensitivity of this information, I would like to suggest that you briefly meet with Jack and go over this material.

Operation Sandwedge will be in need of refunding at the end of this month so the time is quite appropriate for such a review. If you have any questions that I can be of assistance in answering, please give me a call.

EXHIBIT NO. 34-13

MEETING BETWEEN ATTORNEY GENERAL MITCHELL, JOHN DEAN, AND GORDON LIDDY, WEDNESDAY, NOVEMBER 24, 1971, AT 10:00 A.M.

Suggested Items For Discussion

I. Chain Of Command

A. Organization
B. Who will eventually head up campaign?
C. Who performed proposed Liddy function in 1968?

II. Scope Of Responsibility

A. Finance
(1) Federal (Corrupt Practices Act)
(2) State and local reporting requirements
(3) Creation and dissolution of working committees
(4) Creation and dissolution of funnel committees
B. Primary election questions (qualification, filing and withdrawal)
C. Intelligence
D. Advertising contracts
E. Radio and TV contracts
F. Transportation leases
G. Real estate leases
H. Legal questions relating to convention (credentials)
I. Insurance

III. Support

A. Staff
B. Local volunteer lawyers
C. Lawyers for Nixon

IV. Future Role Of Committee To Re-elect President Nixon

V. What Is Present Posture On Publicizing Activities Of the Committee

VI. Title And Compensation

Gordon Liddy

EXHIBIT NO. 34-14

March 15, 1972

MEMORANDUM FOR: LARRY HIGBY

FROM: JOHN DEAN

While we are still pursuing this matter, the attached newspaper article is an accurate account of all the visible funding of the Democrat Convention.

We are still pursuing any "invisible" funding and I will report forthwith.

I am not encouraged at this point that we are going to find anything evidencing impropriety -- believe it or not!

COMMITTEE FOR THE RE-ELECTION OF THE PRESIDENT

MEMORANDUM

March 15, 1972

MEMORANDUM TO THE HONORABLE JOHN N. MITCHELL

FROM: G. GORDON LIDDY

SUBJECT: Democratic National Convention Finance Investigation

Below is a summary of the results to date of the investigation, which began March 12, 1972.

Howard Hunt reported on March 13, 1972:

The following individuals are members of the Tourist Development Authority and in addition to donating funds themselves to the DNC they have served as conduits for other funds.

1) Jesse Weiss - owner of Joe's Stone Crabs Restaurant
2) Bob Olin - Seville Hotel
3) H. Bant - Seville Hotel
4) Jack Gordon (Chairman of the Authority)
5) Hans Marcuse - Algiers Hotel
6) Herbert Rolbin - Carillion Hotel
7) William Leonard (not further identified)
8) Ben Grenold (owner of a number of drug stores)

Information indicates that the exposition areas will be located in two places: the Fontainebleau Hotel and Convention Hall. The Mancraft Agency, a national organization specializing in such expositions, is the agent for booking space. However, all space bookings must go through, and have the approval of, James Teague, an employee of the Democratic National Committee, whose business telephone number for Miami is 305-538-5375.

Mancraft has an agent, one Barry Block, at the Fontainebleau, but he can do nothing without Teague's approval.

Hunt advised further that the Spanish language (Cuban) radio in Miami is carrying a news item to the effect that the Republicans are "looking around town" to "get something on the Democrats," in connection with the convention.

Honorable John N. Mitchell
March 15, 1972
Page 2

A pretext attempt was made to book exposition space in the Fontainebleau. The reply was that all Fontainebleau space has been booked and that the only space remaining is in Convention Hall.

On March 14, 1972, T-1 described as an experienced political correspondent for major news media in the Miami area, but who has not reported previously and whose reliability is, therefore, untested, advised as follows:

The GFC (Florida-Askew) raised one million dollars. He advised further that the Democratic National Committee is receiving a 25 per cent kickback from the funds raised through the exposition to be held at the Fontainebleau Hotel and Convention Hall during the Democratic National Convention to be held in Miami Beach in July, 1972.

A transcription of the tape-recorded interview of T-1 is attached at Tab A.

ADMINISTRATIVE

Investigation at Miami and Miami Beach continues.

need more info

Q. The question was on the Governor's Finance Committee.

A. That was strictly raised by Askew and Bob Morgan, who is the old Democrat fund raiser here in Dade County - he's a CPA - and Dave Walters, who is the old other bag man here in Dade County. They put the arm on a bunch of industries and businesses in Florida, and they work with the Committee of One Hundred out of Palm Beach, and they came in with - what I'm reliably told - the Governor's Finance Committee came up with a million dollars. One million.

Q. Were there any names of specific persons?

A. They never had to make any announcement - it's not mandatory that you have to announce, but I do know that they got Associated Industries of Florida, for example, gave, as I recall the figure, $10,000 - that's a lobbying organization in Tallahassee. All of the big industries in Florida: the St. Joe Paper Company; the Lehigh Portland Cement; the Florida East Coast and Seaboard Airline railroads; and the airlines and the tourist operated attractions and so forth. The money all wound up in a common kitty at the end, which was the Governor's Finance Committee.

Q. Did the Tourist Development Authority go into that same kitty?

A. Their money went in with the other half million of goods and services promised. They may have to come up with - they committed themselves - TDA committed themselves - either for 50 or 100, I forget which it was. Let me think here. One hundred thousand. But it was based on them - I'm trying to think how to explain this - They come in with services, that's their big thing. They're going to man and staff a 24-hour day press central office, around the clock switchboard, for the media that are here for the coverage of the convention. And that, of course, will cost them some money - to have it staffed; but they'll use their own people. So they'll write that off as part of their $100,000 commitment. They will also wheedle ten or twelve free rental cars - Hertz or Avis - through Frank ; connections, like, you know, if you let us have ten cars for the convention, why the next convention that comes down here we'll try to suggest they use your rental cars. So they'll provide X number of cars and pro-rate that out as part of their $100,000 commitment.

Typewriters - they'll rent X number of typewriters and put them over in the offices in the press rooms, and they'll charge that off to their $100,000 commitment. That's the way theirs works, and then they'll come up with cash, as a part of it. But they'll try to get away with as much in the way of services as they can by charging the convention at the full rate. The typewriters are a good example: They can make a deal with the typewriter rental company here in Dade County to get 200 typewriters for one week for a rental figure, we'll say of $20,000 for these 200 electric typewriters. That's the retail going rate. They'll charge the Convention Finance Office the full amount. But then they'll chisel the typewriter company and say, "Why don't you give us a discount on it," and they'll get it for $5,000 less and that would be money they kick back.

Q. On the TDA, do you remember who the principal person was on that?

A. At the time they made the commitment the main guy that was the sparkplug of it was Jack Gordon. I don't think he is on the TDA any more, because he quit when they had the big hassle, but this commitment was made months and months ago, not just recently. They were fighting for this convention back a year ago. So they made the offer way last summer, last fall, almost a year ago. And Gordon was the key guy, because he knew all of the Democrat National Committee guys. He knew Larry O'Brien and he knew Humphrey, who was the titular head of the party, and he knew Humphrey's Finance Chairman and, he was the key guy.

Q. This rental space that they have over there at the Fontainebleau?

A. The Fontainebleau estimates an income of between $80,000 and $100,000 and the Democrat National Committee gets back 25% of whatever they bring in.

Q. They have a 25% kickback?

A. Right.

Q. Have you heard anything about anybody named Teague being involved in this?

A. The name sounds familiar, but I can't place it.

Q. When we checked previously on getting space here, now they have kind of an agency, this is the guy that they referred us to, and I thought maybe you had heard.

A. What was that for?

Q. Getting space for the exposition at the Fontainebleau for some company that we asked. About a week ago a friend of mine had a call to try and reserve some space over there and they told him it was sold out, and referred him to this man Teague. And he said that probably at Convention Hall they could find some space.

A. As I say, the name sounds familiar, but I can't place who he is. I can't believe the Fontainebleau is sold out, are they They're also pretty good at whip-sawing and yo-yoing a guy around here, too. Like, "Gee, Mr. Smith, we can't give you any space at the Fontainebleau but we got a little space here at Convention Hall - here in the middle of the boondocks." "Well that's so far from everything" -- "well let us look around." Then all of a sudden a day later, "Hey, just got a cancellation, but let me tell you - he had already paid in advance so you'll have to pick that up plus this other fee here, and the insurance and so on." This is an old game.

Q. I heard that there was a list of 35 persons in the Governor's that were going to be taken care of.

A. Of course they are going to take care of people.

Q. But there was a definite list of 35 people in that Governor's Committee that had given a certain amount.

4/8/72

FOR: JOHN W. DEAN, III

FROM: JACK CAULFIELD

According to Andy Shea, Assistant to the Democratic National Committee Treasurer Robert Strauss, the following is their account of the means for raising $950,000 for the Democratic National Convention in Miami:

Miami Beach Tourist Development Authority	$250,000
Fund raising committee organized by Governor Askew	$100,000
Miami Beach Hotels	$100,000
Goods and Services (Construction, shuttle busses, off duty police and general security)	* $500,000

* The City of Miami will provide $250,000 of the above figure. Individual cities in Dade and Broward Counties and the Dade County government will provide the additional $250,000 in goods and services.

EXHIBIT NO. 34-15

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 19, 1972

MEMORANDUM FOR: JOHN DEAN

FROM: CHARLES COLSON

SUBJECT: Howard Hunt

Dick Howard just discovered the attached in his chron file; this is a copy and Bruce Kehrli is looking for the original. I think it can be flatly and clearly said that his services here terminated on March 31, 1972. There is also attached a report of a conversation which Joan Hall had with Howard Hunt approximately 6 or 8 weeks ago.

March 30, 1972

MEMORANDUM FOR BRUCE KEHRLI

We would like to accommodate Howard Hunt on the attached and would like to do it right away and then totally drop him as a consultant so that 1701 can pick him up and use him.

Howard has been very effective for us, but his most logical place now is consulting 1701. The attached could be a major problem and we would like to do everything we can to accomplish this and help him in this way. Please let me know.

W. Richard Howard

A TRUE COPY

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

June 19, 1972

MEMORANDUM FOR: CHARLES COLSON

FROM: JOAN HALL

SUBJECT: Discussion with Howard Hunt

For the record, approximately 6 or 8 weeks ago in a casual conversation, I asked Howard Hunt why he had not turned in any time sheets. He replied, "That is being taken care of elsewhere." I did not inquire any further and the subject was dropped. (Note: I had initialed his time sheets each month and was merely curious why I had not received one.)

EXHIBIT NO. 34-16

HOW DID HUNT COME TO STAFF?

CC AS A CONSULTANT. I KNEW HIM. PENTAGON PAPERS NEEDED SOMEONE TO REVIEW. KNEW THAT HE WAS CAPABLE.

HOW DID YOU KNOW HIM?

CC SOCIAL

ASSOCIATED WITH CIA?

CC NO

POINT THAT WORKED ON DECLASSIFICATION PROJECT -- WHO?

CC DAVID YOUNG

STATUS: CC SAID ADVISED IN MARCH THAT HIS OFFICE ADVISED HIM NOT USING HUNT.

HUNT HAD OFFICE IN WHITE HOUSE

DO YOU KNOW A MISS HASTINGS - NO

DO YOU KNOW CADDY - NO

DO YOU KNOW ARRESTED INDIVIDUALS - NO

ALFRED BALDWIN - NO

DID YOU HIRE HUNT FOR SPECIFIC JOB - NO

DO YOU KNOW WHO FINANCED HUNT? - ONLY SALARY HERE, MULLEN & BOOKS

WORKED YOUR OFFICE RE LEAKS - NO

EXHIBIT NO. 34-17

THE WHITE HOUSE

WASHINGTON

To Dean

June 26, 1972

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: H.R. HALDEMAN
JOHN EHRLICHMAN

FROM: JOHN DEAN

SUBJECT: O'Brien Letter Re Special Prosecutor

Attached at Tab A is the Larry O'Brien letter. Attached at Tab B is a draft response from the Attorney General. At Tab C is a White House response from me.

I would recommend that Kleindienst respond as quickly as possible. Colson concurs. E also concur.

Agree ✓

Disagree _____

Comment _____

96-296 O - 73 - 17

DEMOCRATIC
NATIONAL COMMITTEE 2600 Virginia Avenue, N.W. Washington, D. C. 20037 (202) 333-8750

LAWRENCE F. O'BRIEN
Chairman

June 24, 1972

Dear Mr. President:

Last week a group of men was apprehended after breaking into the national headquarters of the Democratic Party. I am sure you will agree that their action constituted an infringement of the First Amendment rights of political association of millions of American citizens. The prompt and fair investigation of this matter is of the gravest concern to all Americans, regardless of political affiliation.

During the past week there have been numerous reports in the press which are profoundly disturbing. Of particular concern are those reports which indicate a relationship of the action of these men last week to official organs of the Republican Party, members of the White House staff and security agencies of the United States Government.

M

Mr. James W. McCord, Jr., one of the men who was arrested at gunpoint by the police, was closely associated with The Committee for the Re-election of the President and with the Republican National Committee. Mr. McCord was the Security Coordinator for The Committee for the Re-election of the President and the Republican National Committee. Mr. McCord and the men apprehended with him at the time of the arrest had walkie-talkie radios which were authorized to operate on channels granted by the Federal Communications Commission exclusively for the use of the Republican National Committee.

The events that have been revealed to date, particularly in the context of a presidential campaign, make this case one of vital importance. I am sure you share my concern that the investigation of this matter and its eventual prosecution be conducted in a manner that will credit the integrity of the American judicial process. Of equal importance is the need to assure that all Americans can be confident that this investigation is conducted promptly and with complete objectivity and fairness to all concerned. At stake here are America's most cherished constitutional rights — rights of free speech and free association.

Accordingly, I respectfully request that you direct the Attorney General to appoint a Special Prosecutor of unimpeachable integrity and national reputation, and provide him with whatever resources he requests to investigate the facts surrounding this violation of First Amendment rights and to prosecute those responsible to the full extent of the law.

Sincerely,

Lawrence F. O'Brien
Chairman

The President
The White House

DRAFT

TAB

B

Dear Mr. O'Brien:

This will acknowledge receipt and thank you for your letter of June 24, 1972 to the President, which has been forwarded to me for response.

You may be assured that the recent incident involving the breaking and entry of the headquarters office of the Democratic National Committee is being fully and thoroughly investigated by the Federal Bureau of Investigation, and that this Department will prosecute violators of the Federal law to the fullest extent.

Sincerely,

Richard G. Kleindienst

DRAFT

Dear Mr. O'Brien:

The President has asked me to respond to your letter of June 24, 1972, requesting that he direct the Attorney General to appoint a special prosecutor in connection with the recent breaking and entry of the headquarters office of the Democratic National Committee. The President is confident that this matter is being fully investigated by the FBI and that the Department of Justice will prosecute all violators of the federal law in a manner consistent with the high integrity and traditions of that Department and the American judicial system.

TAB C

Sincerely,

John W. Dean, III
Counsel to the President

THE WHITE HOUSE

WASHINGTON

June 26, 1972

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: H. R. HALDEMAN
JOHN EHRLICHMAN

FROM: JOHN DEAN

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I would recommend that Kleindienst respond as quickly as possible. Colson concurs.

Agree E

Disagree _____

Comment _____

THE WHITE HOUSE
RECEIVED
1972 JUN 27 AM 9 20

DEMOCRATIC
NATIONAL COMMITTEE 2600 Virginia Avenue, N.W. Washington, D.C. 20037 (202) 333-8750

LAWRENCE F. O'BRIEN
Chairman

Jun 24, 1972

TAB

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Mr. James W. McCord, Jr., one of the men who was arrested at gunpoint by the police, was closely associated with The Committee for the Re-election of the President and with the Republican National Committee. Mr. McCord was the Security Coordinator for The Committee for the Re-election of the President and the Republican National Committee. Mr. McCord and the men apprehended with him at the time of the arrest had walkie-talkie radios which were authorized to operate on channels granted by the Federal Communications Commission exclusively for the use of the Republican National Committee.

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Chairman

The President
The White House

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TAB B

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Sincerely,

John W. Dean, III
Counsel to the President.

TAB

C

EXHIBIT NO. 34-18

MEMORANDUM

THE WHITE HOUSE
WASHINGTON

August 29, 1972

MEMORANDUM FOR: JOHN DEAN

FROM: CHARLES COLSON

Over the past two days I have been trying to reconstruct the chronology of Howard Hunt's activities here as accurately as I can recall them. Our records are simply not that complete. I had the feeling that I was wandering somewhat on dates during the interview at Justice yesterday; but frankly I had not tried to put all the dates in sequence in preparation. I cannot find new records here that are any more helpful other than one memo which I dictated immediately after the Watergate episode broke in the press. I am attaching a copy. If you think it would be helpful you can send it along to Mr. Silbert.

I should have reviewed the attached memo before appearing yesterday but I had forgotten I had it. I wrote the attached, by the way, in order to have my best recollection in the files in the event the history of this ever arose at a later time. At the time I remember straining very hard to try to remember the specifics of any meetings; I cannot be sure that my memory is all that precise.

In any event there is no substantial variance between this and what I testified to except this is more specific. As I say, if you think it would be helpful, it should be passed on to Mr. Silbert.

Also, as I went through some of the records last night I found the attached file copies of 4 memos which had been submitted by my office involving Howard Hunt's travel expenses. You may recall yesterday that Silbert asked me about authorized travel. I authorized two trips -- one to Massachusetts and one to Denver. The attached, however, refers to other trips which were not authorized by me although obviously the expenses were submitted through me. I do not ever recall signing any of these and the one expense request as to which there is a xerox original attached contains a "CWC" as initialed by Joan Hall. I assume that Joan handled all of these in the same way that she handled the vouchers for time spent as a consultant. If I did sign any of these, I do not recall or I certainly did not focus on them at the time. In any event, they are attached for whatever value they have.

June 20, 1972

MEMORANDUM FOR THE FILE

SUBJECT: Howard Hunt

The last time that I recall meeting with Howard Hunt was mid-March. According to my office records, the date was March 15. At that time I was under the impression that Hunt had left the White House and was working at the Committee for the Re-election of the President.

I may have seen Hunt once or even possibly twice subsequent to that time. These were (or this was), however, a chance encounter. I do recall seeing him outside of my office during a day this Spring; I recall inquiring about his health since he had told me in March he had bleeding ulcers. During the brief conversation in the corridor, nothing was discussed or any of Hunt's work or his areas of responsibility. As I recall, he merely told me that he had been very busy and that after getting some rest, his health had been restored.

I also talked to him on the telephone the night Governor Wallace was shot simply to ask him for his reactions on what he thought might have been the cause of the attempted assassination. (Hunt was known of something of an expert of psychological warfare and motivations when in the CIA.)

The only other communication I can recall subsequent to March 15 was a memo I sent to Howard in connection with what I thought his duties were at 1701, i.e., security at the Republican Convention. Steve Bull told me he had a friend in Miami who had been stationed in the White House but was now in the Miami office of the Secret Service who wanted to be of help to whoever was handling security for the convention. I merely sent Hunt a note suggesting that he get in touch with Bull's friend.

To the best of my recollection, Hunt came to me during the month of January and said he had no work to do here and no one was giving him any assignments and that this was the only campaign year he would ever probably have a chance to participate in, that he cared only about one thing, the re-election of the President, and that he wanted to be of help in any way he could, for pay or not for pay. I told him I had nothing in my office, but that I thought once the Committee was organized and Mitchell was in charge, there would be work for him to do at the Committee. I told him that I would be sure the Committee was aware of his desire to help. I did nothing further.

A few weeks later Hunt dropped by my office with Gordon Liddy, from the Committee. I believe this was in February, possibly early in the month, although my office records do not show the visit. Hunt said he was in the building and just wanted to talk briefly. Both he and Liddy said that they had some elaborate proposals prepared for security activities for the Committee, but they had been unable to get approval from the Attorney General. I explained that Mitchell would soon be at the Committee and that they should be persistent and see him because he was the only one who could authorize work they would be doing. I have a vague recollection that Liddy said, "We (referring to Hunt and himself) are now over at the Committee working and we are anxious to get started but can't find anyone who can make a decision or give us the green light" or words to that effect. While Liddy and Hunt were in my office, I called Jeb Magruder and urged them to resolve whatever it was that Hunt and Liddy wanted to do and to be sure he had an opportunity to listen to their plans. At one point, Hunt said he wanted to fill me in and I said it wasn't necessary because it was of no concern to me, but that I would be glad to urge that their proposals, whatever they were, be considered. There was no discussion that I can recall of what it was that they were planning to do other than the fact that I have the distinct impression that it involved security at the convention and/or gathering intelligence during the Democratic National Convention.

In March, Hunt sent me a memo explaining that when he retired from the CIA he had failed to designate survivor benefits for his wife and in view of the fact that he had had severe ulcer attacks, he wondered if this could be changed in view of his present government service. I told him to take the matter up with Dick Howard, which he did. Dick's memo to Kehrli, copy attached, was the result. I assume Dick Howard discovered at this time that Hunt was still on the rolls even though not working for us.

I had assumed throughout Hunt's tenure in the White House that he was charged to someone else's budget. I signed the original request for him to be a consultant because everyone else was in California at the time it was decided to bring him in. Shortly after he came on board, however, he was assigned to David Young and Bud Krogh and I didn't consider at any time after that that Hunt was under my supervision or responsibility.

From time to time after Hunt had come on board, he did talk to me, normally to express his frustrations in being unable to get things through the David Young operation. Of course, on occasion also we talked socially and about politics, something Howard and I had done from time to time over the years.

Charles W. Colson

A TRUE COPY

EXHIBIT NO. 34-19

COUNTER ACTIONS 9/11/72

1. Complaint for Malicious Abuse of Process by Committee for the Re-Election of the President and Finance Committee to Re-Elect the President against Lawrence O'Brien.

Based upon unfounded civil action brought against Committee for the Re-Election of the President by O'Brien. The only nexus between the Watergate incident of June 17th and the CRP being the fact that James W. McCord was at the time an employee of the CRP. O'Brien continues to issue statements and is quoted in the press as saying that the suit was not brought for damages but to expose for partisan political purposes and to pre-occupy the Republicans during the campaign.

Common Law of the District of Columbia supports such a suit. Constant use of subpoenas for records and witnesses.who are employees of the CRP and the Finance Committee constitute malicious abuse.

A. Deposition schedule would normally begin 20 days after service of complaint or earlier if advanced by the Court on proper motion, Depositions would be noted for:

(1) Lawrence O'Brien

(2) Frank Mankiewicz

(3) Gary Hart

(4) Members of the Democratic National Committee as of June 20, 1972 (date original suit brought)

(5) Joseph Califano, General Counsel, Democratic National Committee, as of June 20, 1972.

Depositions to run daily until all facts with respect to the information upon which the suit was brought in June has been discovered.

B. Motions to Produce Minutes of meetings of DNC or its Executive Committee to expose authority, if any, to bring action on June 20.

2. Complaint for Libel: Stans v. O'Brien.

Complaint based upon false, malicious and libellous statements leaked to the press by O'Brien through his counsel. Substantially the same allegations as contained in the Amended Complaint, but before the Amended Complaint had been filed in the United States District Court. Leaks occurred in the early morning hours of September 11, 1972 while Amended Complaint was not presented for filing until the afternoon of that day.

Libel based upon statement that Stans funded the Watergate incident of June 17th with $114,000 in checks transmitted to Barker. The facts were well known to O'Brien as they had been the subject of the GAO Report and Stans' response thereto -- both published.

Deposition and discovery schedule would essentially be the same as in Complaint for Malicious Abuse of Process.

The statement made concerning Stans is libelous per se; imputation of a crime. However, under New York Times v. Sullivan, 376 U.S. 254 (1964) and cases following, Stans would, because he is in a public position and is essentially a public figure, be required to plead and prove actual malice, ill will, hatred on the part of O'Brien. That is, O'Brien may publish with impunity false and libelous statements regarding Stans unless Stans can prove actual malice.

Actual malice may also be established upon a showing of gross negligence.

The facts known to us do not support a claim of actual malice. On the contrary, the dialogue between Stans and Andreas would indicate that indeed O'Brien harbored no actual malice toward Stans. Furthermore, O'Brien might contend that the leak was his counsel's doing and not his.

A libel suit by Stans against O'Brien or others is not recommended. Senator Barry Goldwater prevailed against Ginsberg because the latter was demonstrably guilty of actual malice -- the preparation by Ginsberg of false statements and doctored statements of psychiatrists alleging that Goldwater was a Nazi, homosexual and insane.

3. The cause of action of malicious abuse of process set forth in Section 1 may also be made in the way of a counterclaim in the event the Amended Complaint is permitted to be filed by Richey, J.

4. Cause of action against O'Brien for violation of the First Amendment rights of the Committee for the Re-Election of the President and the various Finance Committees. Freedom of Speech, the right to associate for political purposes and to advocate political positions in support of a Presidential candidate have been impaired by the actions and statements of O'Brien and the DNC. We have made this contention from the outset in our:

A. Motion to Dismiss the Complaint brought against the CRP;

B. Proposed Motion for Protective Order in the nature of an injunction to stop all further discovery in the civil case.

This cause of action would support a separate and distinct civil action against O'Brien, et. al., by the CRP.and the finance committees -- or a counterclaim in the event Judge Richey permits the Amended Complaint to be filed.

5. Senator Dole does not have a cause of action as Chairman of the Republican National Committee and the members thereof, as O'Brien's statements and actions have not been directed at the RNC or Dole but at the rather separate and distinct CRP,.the finance committees, their members and personnel.

6. No cause of action exists at this time against Common Cause or John Gardner for simply bringing their lawsuit against the finance committees. If the case is dismissed and evidence developed that John Gardner harbored ill will or hatred toward individual defendants, a cause of action for malicious abuse of process would lie.

7. A Complaint to the Fair Campaign Practices Committee (uncertain about the proper name) with respect to the statements and actions of O'Brien, et. al, would provide no relief to those injured but may be of some political value.

Kenneth Wells Parkinson

THE WHITE HOUSE

WASHINGTON

September 12, 1972

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: H. R. HALDEMAN

FROM: JOHN DEAN

SUBJECT: Counter Actions (Watergate)

Set forth below are potential counter actions that are either about to be filed or under serious consideration. While the list is not exhaustive, it contains several potentials that could place us on the offensive. We are working to develop other well founded actions.

Complaint for Malicious Abuse of Process

This action will be filed by the Committee for the Re-Election of the President and the Finance Committee to Re-Elect the President against Lawrence O'Brien. The filing of this action was announced yesterday by Clark MacGregor and it will be filed after the Amended Complaint in the O'Brien civil case is filed.

This action is based upon the unfounded civil action brought against the Committee for the Re-Election of the President by O'Brien. O'Brien and Edward Bennett Williams continue to issue statements and are quoted in the press as saying that the suit was not brought for damages but to expose for partisan political purposes and to pre-occupy the Republicans during the campaign. Under the common law of the District of Columbia, the constant use of subpoenas for records and witnesses who are employees of the CRP and the Finance Committee for the purpose of exposure and harassment constitute malicious abuse of process.

The depositions would normally begin 20 days after service of the complaint or earlier if advanced by the court on proper motion. Depositions would be noted for:

-- Lawrence O'Brien
-- Frank Mankiewicz

96-296 O - 73 - 18

-- Gary Hart
-- Members of the Democratic National Committee as of June 20, 1972 (date original suit brought)
-- Joseph Califano, General Counsel, Democratic National Committee, as of June 20, 1972.

Depositions will run daily until all facts with respect to the information upon which the suit was brought in June has been discovered.

Also, motions to produce minutes of meetings of DNC or its Executive Committee to determine authority, if any, to bring the civil action of June 20 will be filed.

NOTE: Depositions are presently being taken of members of the DNC by the defense counsel in the O'Brien suit. These are wide ranging and will cover everything from Larry O'Brien's sources of income while Chairman of the DNC to certain sexual activities of employees of the DNC. They should cause considerable problems for those being deposed.

Complaint for Libel: Stans v. O'Brien

A complaint based upon the false, malicious and libelous statements leaked to the press by O'Brien through his counsel is under consideration. This action would attack substantially the same allegations as contained in the Amended Complaint, but made before the Amended Complaint had been filed in the United States District Court. Leaks of these allegations occurred in the early morning hours of September 11, 1972 while the Amended Complaint was not presented for filing until the afternoon of that day. A libel action cannot be based on the Amended Complaint per se as it is privileged.

The libel is based upon the statement that Stans funded the Watergate incident of June 17th with $114,000 in checks transmitted to Barker. The fact that this is false was well known to O'Brien, as Stans had made sworn statements to the contrary in the GAO report as well as his deposition in the civil case.

The deposition and discovery schedule would essentially be the same as in the Complaint for Malicious Abuse of Process.

The statement made concerning Stans is libelous per se; imputation of a crime. However, under New York Times v. Sullivan and cases following, Stans would, because he is in a public position and is essentially a public figure, be required to plead and prove actual malice, ill will or hatred on the part of O'Brien. That is, O'Brien may publish with impunity false and libelous statements regarding Stans unless Stans can prove actual malice.

Actual malice may also be established upon a showing of gross negligence, which appears more likely in the instant situation.

The facts known to us do not support a claim of actual malice. On the contrary, dialogue between Stans and Andreas would indicate that indeed O'Brien harbored no actual malice toward Stans. Furthermore, O'Brien might contend that the leak was his counsel's doing and not his. However, the filing of the action would have obvious media advantages.

Counterclaim: Abuse of Process

The cause of action of malicious abuse of process set forth above may also be made in the way of a counterclaim in the event the Amended Complaint is permitted to be filed by Judge Richey.

First Amendment Action

A cause of action against O'Brien for violation of the First Amendment rights of the Committee for the Re-Election of the President and the various Finance Committees is under consideration. Freedom of Speech, the right to associate for political purposes and to advocate political positions in support of a Presidential candidate have been impaired by the actions and statements of O'Brien and the DNC. This contention has been made from the outset in our:

-- Motion to Dismiss the Complaint brought against the CRP;
-- Proposed Motion for Protective Order in the nature of an injunction to stop all further discovery in the civil case.

This cause of action would support a separate and distinct civil action against O'Brien, et al., by the CRP and the finance committees -- or a counter claim in the event Judge Richey permits the Amended Complaint to be filed.

Action by Senator Dole

Senator Dole does not appear to have standing for a cause of action as Chairman of the Republican National Committee, as O'Brien's statements and actions have not been directed at the RNC or Dole but at the rather separate and distinct CRP, the finance committees, their members and personnel.

Action Against Common Cause

No cause of action exists at this time against Common Cause or John Gardner for simply bringing their lawsuit against the finance committees. If the case is dismissed and evidence developed that John Gardner harbored ill will or hatred toward individual defendants, a cause of action for malicious abuse of process would lie.

This is not to say, however, that public pressure should not be placed on Common Cause to institute a suit against the known violation of the campaign law by the McGovern organization.

Complaint to Fair Campaign Practices Committee

A complaint to the Fair Campaign Practices Committee with respect to the statements and actions of O'Brien, et al., and their misuse of the courts to harass the Re-Election Committee would provide no relief to those injured but could be of some political value. Most people do not know what this Committee does and would interpret the action as founded upon a real grievance.

Action to Enjoin McGovern Finance Committee

For several weeks we have been quietly collecting information regarding a blatantly illegal action by McGovern to operate his fund raising activities through a District of Columbia corporation. We have been waiting for the September 10th GAO report to be filed by this corporation/committee to determine if they have in fact been so operating. Today's Washington Post confirms that indeed McGovern is using a corporation contrary to the federal criminal prohibition.

I have assigned a Task Force to do nothing but work on every possible action we can charge against this activity and develop a means whereby someone can go into court as soon as possible and enjoin this blatant violation of the laws. We may have struck gold in that we may have our first chance to really hit them where they are already hurting the most (i.e., fund raising).

EXHIBIT NO. 34-20

GARRY BROWN
3D DISTRICT, MICHIGAN

COMMITTEE ON
BANKING AND CURRENCY

COMMITTEE ON
GOVERNMENT OPERATIONS

JOINT COMMITTEE ON
DEFENSE PRODUCTION

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
404 CANNON HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-5011

DISTRICT OFFICE:
ROOM 2-1-36 FEDERAL CENTER
74 NORTH WASHINGTON
BATTLE CREEK, MICHIGAN 49017
TELEPHONE: (616) 962-1551

September 8, 1972

The Honorable Richard G. Kleindienst
Attorney General of the United States
Department of Justice
Washington, D. C. 20530

Dear Mr. Attorney General:

It no doubt has come to your attention that the Banking and Currency Committee of the House of Representatives, upon which I serve, has, through its Chairman and activities of staff members, become interested and involved in the investigation of the so-called Watergate bugging incident.

Although many of us on the Committee may question the wisdom of still a further investigation of this matter under the auspices of our Committee, it would appear that some of the financial transactions tangential to the incident may come within the purview of our Committee's jurisdiction and, therefore, the Chairman of the Committee may be justified in the interest he has expressed. However, the plans of the Chairman for pursuit of this investigation have raised a serious question in my mind.

The notice members have received from the Chairman indicates that the full Committee will meet at 10:00 A.M., Thursday morning, September 14 to hear testimony from The Honorable Maurice Stans, Chairman of the Finance Committee of the Committee to Re-Elect the President, as well as the testimony of Phillip S. Hughes, Director of the Office of Federal Elections, General Accounting Office, concerning their knowledge of the "financial aspects of the Watergate burglary." I am sure the testimony of these gentlemen would add significantly to the Committee's knowledge of the incident; however, I am well aware of the restrictions which have been placed on or are applicable to the testimony of Mr. Stans regarding this matter and feel that in the interest of all concerned your advice with respect to the propriety of Mr. Stans testifying before our Committee in either Executive or Open Session should be sought.

Specifically, I would appreciate as prompt as possible answers to the following questions:

1) Would it be inappropriate or improper for Mr. Stans to testify before our Banking and Currency Committee with respect to his knowledge of the financial aspects of the Watergate incident in view of the embargo which has been placed by Judge Richey on his testimony by deposition which has been taken in the civil suit arising out of the Watergate incident?

2) Would it be inappropriate or improper for Mr. Stans to testify before our Committee with respect to this matter in view of the pending action of the Grand Jury in returning criminal indictments arising out of the Watergate incident?

3) Would it be inappropriate or improper for Mr. Stans to testify before our Committee with respect to this matter because of the impact publicizing of such testimony might have on the ultimate trial of any or all of those indicted as a result of the Grand Jury action, especially insofar as such publicity might be used as a basis for a claim that the accused, or any of them, may have been prejudiced thereby?

I realize that your office is not technically involved in the civil action. However, your opinion with respect to the substance and significance of Judge Richey's Order placing an embargo upon the testimony of Mr. Stans in that action would be most helpful.

With respect to question "2" above, it has also occurred to me that the absolutely secret nature of the Grand Jury deliberations makes it impossible for any of us to know whether or not Mr. Stans might be called upon to testify before our Committee with respect to matters which he may have been called upon to testify about before the Grand Jury, if he so testified, and that his testimony before the full Committee would be violative of the secrecy mandates of the Grand Jury proceedings.

Inasmuch as I know not what position Mr. Stans will take with respect to the Chairman's request that he appear to testify before our Committee on Thursday, I ask these questions only for the purpose of being better informed should a confrontation arise and should I be called upon as a member of the Committee to support or oppose whatever position is taken by Mr. Stans on the Chairman's request for his appearance. I hasten to add that although this inquiry relates only to Mr. Stans' testimony, it is equally relevant to whomever else, similarly situated, the Chairman might feel prompted to call as a witness should this investigation be expanded upon.

In view of the significance of the questions I have asked and the limited time involved, I urgently request that my questions receive your immediate attention and response.

With best regards,

Respectfully,

GARRY BROWN

EXHIBIT NO. 34-21

MEMORANDUM

TO: MR. JOHN DEAN

FROM: KENNETH WELLS PARKINSON September 26,1972

Attached are memoranda prepared by this office on September 13, 1972 in connection with the political filings of political committees registered under the Federal Election Campaign Act of 1971 on behalf of members of the House Committee on Banking and Currency. Sheets 1 and 2 list in the lefthand margin the names of the members of the Committee, and in the righthand margin reports filed by committees on their behalf. Sheets 3 and 4 show the names of the members of the Committee in the lefthand margin and the names of political committees acting on their behalf in the righthand margin. Sheets 5 and 6 show the numbers of the political committees in the lefthand margin and key into Sheets 3 and 4, and across the page the filings for each of these committees are shown.

Kenneth Parkinson

Congressman	Reports Filed
Patman	5th day report
Barrett	September 10 report
Sullivan	September 10 report
Reuss	September 10 report
Ashley	5th day report & June 10th report
Moorhead	5th day report & Sept. 10th report
Stephens	5th day report & Sept. 10th report
St. Germain	5th day report
Gonzalez	Sept. 10th report
Minish	15th day report & June 10th report
Hanna	15th day report & June 10th report
Gettys	5th day report & 15th day report
Annunzio	Sept. 10th report & June 10 report
Rees	June 10th report
Bevill	15th day report & 5th day report
Griffin	Not listed
Hanley	"other report" & June 10th report
Brasco	June 10th report
Chappell	June 10th report
Koch	5th day report & 15th day report
Cotter	June 10th report & 5th day report
Mitchell	Sept. 10th report
Widnall	5th day report
Dwyer	0
Johnson	5th day report & June 10th report
Stanton	June 10th report
Blackburn	15th day report & 5th day report
Brown	15th day report & Sept. 10th report
Williams	June 10th report
Wylie	5th day report & 15th day report
Heckler	September 10th report

Congressman	Reports Filed
Crane	September 10th report & June 10th report
Rousselot	September 10th report & June 10th report
McKinney	5th day report & June 10th report
Lent	June 10th report & 15th day report
Archer	June 10th report & 15th day report
Frenzel	5th day report

(3)

Congressman	Election Committee(s)
Barrett	(1) Democratic County Executive Committee
Sullivan	(2) Machinists Non-Partisan Political League
Reuss	(3) Reuss for Congress Committee
Ashley	(4) Ashley for Congress Committee (5) Ashley Re-election Committee
Moorhead	(6) Engineers Political & Education Committee (7) The Moorhead Campaign Committee
Minish	(8) Engineers Political & Education Committee (9) American Federation of Teachers Committee on Political Education (10) Drive, New Jersey Teamsters (11) Citizens for Minish (12) Joe. Minish Dinner Committee (13) Joseph J. Minish Campaign Fund
Hanna	(14) Congressman Hanna Committee
Gettys	(15) South Carolina Political Action Committee (16) Tom Gettys Re-election Committee
Annunzio	(17) Annunzio for People Committee
Rees	(18) Rees for Congress Committee
Bevill	(19) Friends of Tom Bevill (20) Alabama Medical Action Committee
Hanley	(21) Chenango Cty. Democratic Committee (22) Delaware Cty. Democratic Committee (23) Independent Citizens Committee for the 32nd District
Brasco	(24) Citizens Committee for Re-election of Congressman Brasco
Chappell	(25) Bill Chappell Dinner Committee
Koch	(26) Committee for a Better New York (27) New Yorkers for Re-election of Ed Koch
Cotter	(28) Cotter for Congress Committee
Mitchell	(29) Active Ballot Club (30) P.J. Mitchell Campaign for Congress Committee
Widnall	(31) D.C. Committee for Re-election of W.B. Widnall (32) Citizens for Re-election of William Widnall (33) Citizens Committee for Widnall
Johnson	(34) Johnson to Congress
Stanton	(35) Trumball Cty. Republican Central Committee (36) Lake Cty. Republican Executive Organization (37) Lake Cty. Federation of Women's Clubs (38) Bill Stanton for Congress Committee (39) Geauga Cty. Republican Finance Committee

(4)

Congressman	Election Committee(s)
Blackburn	The 250 Club
	The Ben Blackburn Campaign Fund
	Blackburn for Congress Committee
Brown	Garry Brown for Congress
Williams	Regular Republicans Committee of Delaware Cty.
	L.G. Williams for Congress Committee
Wylie	Wylie for Congress Committee
	OCA Political Action Committee
	Madison Cty. Republican Central Committee
	Franklin Cty. Republican Executive Committee
Heckler	Womans Republican Club of Wellesley
Crane	Crane for Congress Committee
Rousselot	Committee to Re-elect Congressman John Rousselot
	Victory '72 Committee
McKinney	McKinney for Congress Committee
	McKinney for Congress Action Committee
	McKinney Victory Dinner Committee
	Independents and Democrats for McKinney
	Fairfielders for McKinney
	Volunteers for McKinney
	Students for McKinney
	Committee to Re-elect Stew McKinney
Lent	Lent for Congress Committee
	Nassau Cty. Republicans Committee
Archer	Archer for Congress Committee
Frenzel	Frenzel Volunteers Committee

	5	15	June	Sept
1			✓	✓
2	Several of same name			
3	✓	✓	✓	✓
4	✓	✓	✓	✓
5	✓	✓	✓	✓
6	✓	✓	✓	✓
7	✓	✓	✓	✓
8	✓	✓	✓	✓
9	✓	✓	✓	✓
10			✓ and ("Other Report")	
11	✓	✓	✓	✓
12		✓ and ("Termination Report")		
13	✓	✓	✓	✓
14	✓	✓	✓	✓
15	✓	✓	✓	✓
16	✓	✓	✓	✓
17			✓	✓
18	✓	✓	✓	✓
19	✓	✓	✓	✓
20	✓	✓	✓	✓
21	Not listed			
22			✓ "Reporting waived"	(March)
23		✓	✓	✓ (March)
24	✓	✓	✓	✓
~~25~~				
26			✓ and "Termination Report"	
27	✓	✓	✓	✓
28	✓	✓	✓	✓
29	✓	✓	✓	✓
30	several by same name			
31	✓	✓	✓	✓
32	✓	✓	✓	✓
33	None, not listed			
34				✓

	5	15	JUNE	SEPT
35	✓		✓	✓
36	✓	✓	✓	"Reporting Waived"
37			✓	✓
38	"Reporting Waived"			
39				✓
40			✓	✓
41		"Reporting Waived"		✓
42	✓	✓	✓	✓
43	✓			✓
44	✓	✓	✓	✓
45	✓		✓	✓
46	✓		✓	✓
47	✓	✓	✓	✓
48				✓
49	"Reporting Waived"			
50	✓	✓	"Reporting Waived"	✓
51	✓	✓		✓
52			✓	✓
53	✓	✓	✓	✓
54	✓	✓	✓	
55	✓	✓	✓	✓
56	✓	✓	✓	✓
57	✓	✓	✓	✓
58	✓	✓	✓	✓
59	✓	✓	✓	✓
60	✓	✓	✓	✓
61	✓	✓	✓	✓
62	✓			✓
63	✓	✓	✓	✓
64	✓		✓	✓
65	✓	✓	✓	✓
66	✓	✓	✓	✓

EXHIBIT NO. 34-22

WRIGHT PATMAN, TEX., CHAIRMAN
WILLIAM A. BARRETT, PA.
LEONOR K. (SISSY) SULLIVAN, MO.
HENRY S. REUSS, WIS.
THOMAS L. ASHLEY, OHIO
WILLIAM STANTON, OHIO
ROBERT G. STEPHENS, JR., GA.
FERNAND J. ST GERMAIN, R.I.
HENRY B. GONZALEZ, TEX.
JOSEPH G. MINISH, N.J.
RICHARD T. HANNA, CALIF.
TOM T. GETTYS, S.C.
FRANK ANNUNZIO, ILL.
THOMAS M. REES, CALIF.
CHARLES H. GRIFFIN, MISS.
JAMES M. HANLEY, N.Y.
FRANK J. GUARINI, N.Y.
BILL CHAPPELL, JR., FLA.
EDWARD I. KOCH, N.Y.
WILLIAM R. COTTER, CONN.
PARREN J. MITCHELL, MD.
WILLIAM P. CUNNIN, JR., KY.

U.S. HOUSE OF REPRESENTATIVES

COMMITTEE ON BANKING AND CURRENCY

NINETY-SECOND CONGRESS

2129 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, D.C. 20515

WILLIAM B. WIDNALL, N.J.
FLORENCE P. DWYER, N.J.
ALBERT W. JOHNSON, PA.
J. WILLIAM STANTON, OHIO
BENJAMIN B. BLACKBURN, GA.
GARRY BROWN, MICH.
LAWRENCE G. WILLIAMS, PA.
CHALMERS P. WYLIE, OHIO
MARGARET M. HECKLER, MASS.
PHILIP M. CRANE, ILL.
JOHN H. ROUSSELOT, CALIF.
STEWART B. MCKINNEY, CONN.
NORMAN F. LENT, N.Y.
BILL ARCHER, TEX.
BILL FRENZEL, MINN.

PAUL NELSON,
CLERK AND STAFF DIRECTOR

225-4247

October 2, 1972

COMMITTEE NOTICE

TO: All Members of House Committee on Banking and Currency

FROM: Wright Patman, Chairman

SUBJECT: Notice of Meeting Change and Subpoena List

Tuesday
October 3

10:30 a.m.

2128 RHOB

Attached for your information is a list of individuals and institutions for whom subpoenas will be requested at the meeting of the full Committee tomorrow.

The meeting has been rescheduled for 10:30 a.m., Room 2128 Rayburn Building, rather than at 10:00 a.m., as previously indicated in the notice of September 25, 1972.

INDIVIDUALS AND INSTITUTIONS FOR WHOM
SUBPOENAS WILL BE REQUESTED

Robert Allen -- President of Gulf Resources and Chemical Corporation of Houston, Texas, and Texas chairman of the campaign committee, who is involved in the Mexican transfer.

American Telephone and Telegraph Company and all Federal and State licensed telephone companies, including:
Chesapeake & Potomac Telephone Company
Southwestern Bell Telephone Company of Houston, Texas
Southern Bell Telephone Company of Miami, Florida

Dwayne Andreas -- One of the applicants on a successful national bank charter and a contributor of $25,000 to the Nixon campaign.

Alfred Baldwin -- A former employee of the Committee to Re-Elect the President and reportedly transcribed conversations overheard at the Democratic National Committee.

Paul Barrick -- Present treasurer of the Committee to Re-Elect the President.

Records relating to the Mexican transfer of campaign funds in the possession of appropriate Federal Reserve Banks and the Internal Revenue Service.

John Caulfield -- A former employee of the Committee to Re-Elect the President and one who has knowledge of those who had access to the secret campaign committee funds in the possession of Hugh Sloan and Maurice Stans.

Arden Chambers -- An employee of the Committee to Re-Elect the President and presently secretary to Maurice Stans.

Maury Chotiner -- Reportedly an investigator for the President of the involvement of the Committee to Re-Elect the President in the Watergate case.

Chase Manhattan Bank -- One of the institutions involved in the payment of the checks drawn on the Banco Internacional of Mexico City.

Continental Illinois Bank and Trust Company of Chicago -- One of the institutions involved in the payment of the checks drawn on the Banco Internacional of Mexico City.

Kenneth H. Dahlberg -- The midwest chairman of fundraising for the Committee to Re-Elect the President and one who was involved in the Andreas contribution.

John Dean -- An employee of the White House and one who has reportedly investigated the involvement of the Committee to Re-Elect the President in the Watergate case.

Edward Failar -- An employee of the Committee to Re-Elect the President and one who has knowledge of whether the campaign committee attempted surveillance of political activities.

Finance Committee to Re-Elect the President and other committees related thereto.

Financial institutions which have in the past or in the present maintained accounts for the Finance Committee to Re-Elect the President or related committees, including:
National Savings and Trust Company of Washington
First National Bank of Washington
Riggs National Bank
American Security and Trust Company

First City National Bank of Houston -- It is believed this bank was involved in the transfer of the Mexican funds.

First National Bank Building, 1701 Pennsylvania Avenue, N.W., Washington, D.C. -- the building in which the Finance Committee is quartered.

First National City Bank of New York -- One of the institutions involved in the payment of the checks drawn on the Banco Internacional of Mexico City.

Harry Fleming -- An employee of the Committee to Re-Elect the President and who it is believed has knowledge of the operating procedures of the campaign committee.

Sally Harmony -- An employee of the Finance Committee to Re-Elect the President and former secretary to G. Gordon Liddy.

Gulf Resources and Chemical Corporation and all its subsidiaries.

Frederick La Rue -- An employee of the Committee to Re-Elect the President. He reportedly had access to the Committee safes and is said to have participated in destruction of Committee documents.

Clark MacGregor -- Campaign director of the Committee to Re-Elect the President.

Jeb Stuart Magruder -- An employee of the Committee to Re-Elect the President who reportedly was involved in the withdrawal of $300,000 from the campaign committee's secret fund earmarked for sensitive political projects.

Robert C. Mardian -- An employee of the Committee to Re-Elect the President who reportedly has made an investigation of the involvement of the campaign committees in the Watergate case.

John N. Mitchell -- Former Attorney General and former campaign chairman for the Committee to Re-Elect the President.

Robert Odle -- Personnel director of the Committee to Re-Elect the President and reportedly involved in the destruction of Committee records.

Herbert L. Porter -- Scheduling director at the Committee to Re-Elect the President and one who has knowledge concerning the use of the secret funds.

Ectore Reynaldo -- An official at the Republic National Bank of Miami who handled the conversion of $114,000 in checks to cash for Bernard Barker.

Republic National Bank of Miami -- The bank in which Bernard Barker maintained an account which was used to cash $114,000 in checks belonging to the campaign committee.

Hugh W. Sloan -- Former treasurer of the Finance Committee to Re-Elect the President and a long-time associate of Maurice Stans.

Maurice H. Stans -- Chairman of the Finance Committee to Re-Elect the President.

The Bank of America -- One of the institutions involved in the payment of the checks drawn on the Banco Internacional of Mexico City.

William Timmons -- An employee of the White House who reportedly received memos containing material from eveasdropping efforts directed at the Democratic National Committee.

The Watergate Hotel, 2600 Virginia Avenue, N.W., Washington, D.C.

Watergate Office Building, 600 New Hampshire Avenue, N.W., Washington, D.C.

Watergate East Apartments, 2500 Virginia Avenue, N.W., Washington, D.C.

Watergate South Apartments, 700 New Hampshire Avenue, N.W., Washington, D.C.

Watergate West Apartments, 2700 Virginia Avenue, N.W., Washington, D.C.

96-296 O - 73 - 19

EXHIBIT NO. 34-23

Honorable Wright Patman
Chairman
Committee on Banking and Currency
House of Representatives
Washington, D. C.

Dear Mr. Chairman:

Congressman Garry Brown has informed us by letter of September 26 that the Committee on Banking and Currency of the House of Representatives is considering extensive public hearings into financial aspects of the so-called Watergate "bugging" incident. Mr. Brown's letter and recent newspaper reports of the Committee's plans indicate that the Committee may hear a number of persons who are likely to be called as witnesses for the Government or for the defendants in the pending criminal prosecution of seven persons indicted in connection with the Watergate incident.

While it is of course important that the public be fully informed concerning the subject matter involved in the Committee's hearings, the Department of Justice feels obliged to draw to the attention of the Committee some law enforcement and civil liberties' considerations that may bear on the desirability or propriety of such hearings being held shortly before the criminal trial at which some of these persons are likely to be called as witnesses. The public interest in a prompt and successful prosecution may be imperiled by widely publicized hearings held at this time. And the basic rights of the defendants to a speedy, fair and impartial trial may be jeopardized by prejudicial publicity or the delay engendered by it.

In a remarkably similar situation some 20 years ago, the conviction of a former public official for corruption was vacated by the United States Court of Appeals for the First Circuit because of the pretrial publicity engendered by a congressional investigation between the time of indictment and the time of trial. The official, a Collector of Internal Revenue, was removed from office and indicted on various charges of corruption in office. Prior to the trial, the House Ways and Means Committee conducted an investigation and public hearing of the official's conduct, over the protest of both his counsel and the Department of Justice. The Government expressed its concern to the Committee with respect to what the court subsequently found to be the case: "the committee hearing afforded the public a preview of the prosecution's case against Delaney without, however, the safeguards that would attend a criminal trial." Delaney v. United States, 199 F.2d 107, 110 (C.A. 1, 1952). The defendant's objection to the hearing was, of course, the adverse publicity which the court also found had prejudiced the fairness of the trial.

In Delaney the court emphasized that the prejudicial publicity had been generated by the Government, rather than by independent press inquiry. It held that the fact that the hearing was not conducted by the same branch of Government responsible for the prosecution did not diminish the harm to the defendant. "[W]e perceive no difference between prejudicial publicity instigated by the United States through its executive arm and prejudicial publicity instigated by the United States through its legislative arm." 199 F.2d at 114. While the court did not question the authority of Congress to proceed with the hearing while the indictment was pending, it held that the constitutional rights of the defendant were nevertheless entitled to protection either by a change of venue or a delay in the trial sufficient to offset the adverse publicity.*

---

* Supreme Court decisions subsequent to the Delaney case reinforce the Sixth Amendment right of a criminal defendant to a speedy trial and suggest that a lengthy continuance may prevent a subsequent prosecution, at least where the defendant requests an early trial. See Dickey v. Florida, 398 U.S. 30 (1970); Klopfer v. North Carolina, 386 U.S. 988 (1967).

"We think that the United States is put to a choice in this matter: If the United States, through its legislative department, acting conscientiously pursuant to its conception of the public interest, chooses to hold a public hearing inevitably resulting in such damaging publicity prejudicial to a pending indictment, then the United States must accept the consequence that the judicial department, charged with the duty of assuring the defendant a fair trial before an impartial jury, may find it necessary to postpone the trial until by lapse of time the danger of prejudice may reasonably be thought to have been substantially removed." Id. at 114.

Other courts, in discussing Delaney, have suggested that the congressional committee should not have conducted the public hearings prior to the defendant's trial. The Second Circuit, in United States v. Flynn, 216 F.2d 354, 375 (C.A. 2, 1954), cert. denied, 348 U.S. 909, suggested that the hearings should either have been postponed until after Delaney's trial or held in private. Similarly, in Silverthorne v. United States, 400 F.2d 627, 633 (C.A. 9, 1968) the court commented: "While the reversal in Delaney was necessitated because of the fact of prejudicial publicity, this result is inextricably bound up in the rationale that such publicity was caused by the action of the United States Government at a time when restraint would have been the more prudent course of action."

This emphasis on governmental involvement in the generation of adverse publicity has been repeated by the Supreme Court. In Rideau v. Louisiana, 373 U.S. 723 (1963), the Court found a violation of due process in the trial of a defendant in the same parish where television publicity of his interrogation by the sheriff was intense.

"Under our Constitution's guarantee of due process, a person accused of committing a crime is vouchsafed basic minimal rights. Among these are the right to counsel, the right to plead not guilty,

A TRUE COPY

> and the right to be tried in a courtroom presided over by a judge. Yet in this case the people of Calcasieu Parish saw and heard, not once but three times, a 'trial' of Rideau in a jail, presided over by a sheriff, where there was no lawyer to advise Rideau of his right to stand mute." 373 U.S. at 726-27 (footnotes omitted).

The courts, largely because of a proper concern for freedom of the press, have been reluctant to regulate press coverage of sensational trials. At the same time, the courts have the responsibility to preserve the right of criminal defendants to an impartial trial. Perhaps the most extensive judicial discussion of the balancing of these interests in recent years was the decision in Sheppard v. Maxwell, 384 U.S. 333 (1966). There the Court again vacated a criminal conviction because of excessive publicity, not only prior to but during the trial. While there were a variety of factors involved in that case, the Court emphasized the special obligation of insuring that government officials, in that case the prosecutor, police officers, and the coroner, not contribute to the production of adverse publicity. 384 U.S. at 359.

The United States District Court here in the District of Columbia has recognized its responsibility in this regard by adopting a special rule to guard against adverse publicity prior to criminal trials. Rule 100 of the Court's rules strictly enjoins court personnel and prosecutors not to disclose matter prejudicial to the defendant and further authorizes the judge in a widely publicized or sensational case to issue a special order governing extrajudicial statements by parties and witnesses. It was this rule that Judge Richey invoked in a pending civil action, also emanating from the Watergate incident, in order to protect the rights of the criminal defendants.

This Department is seriously concerned that public hearings on matters related to the Watergate case at this

time may not only jeopardize the prosecution of the case but also seriously prejudice the rights of the defendants. It is distinctly possible that matters which adversely reflect on the defendants, and which would not be admissible at the criminal trial, will become known to the public and to potential jurors as a result of the proposed congressional investigation. This was the result of the advance publicity in the Sheppard case and was one of the principal reasons for the reversal of the conviction.

This matter of prejudice through adverse pretrial publicity has been a matter of grave concern to all lawyers in the United States. It was for this reason that the American Bar Association commissioned a study of the problem as part of its formulation of minimum standards for the administration of criminal justice. In the report on Fair Trial and Free Press the Committee on Minimum Standards observed:

> "Freedom of speech and of the press are fundamental liberties guaranteed by the United States Constitution. They must be zealously preserved, but at the same time must be exercised with an awareness of the potential impact of public statements on other fundamental rights, including the right of a person accused of crime, and of his accusers, to a fair trial by an impartial jury.
>
> * * * * It is important both to the community and to the criminal process that the public be informed of the commission of crime, that corruption and misconduct, including the improper failure to arraign or to prosecute, be exposed whenever they are found, and that those accused of crime be apprehended. If, however, public statements and reporting with respect to these matters assume the truth of what may be only a belief or a suspicion, they may destroy the reputation of one who is innocent and may seriously endanger the right to a fair trial in the event that formal charges are filed.
>
> * * * * [D] uring the period prior to trial, public statements originating from officials,

attorneys, or the news media that assume the guilt of the person charged, that include inaccurate or inadmissible information, or that serve to inflame the community, may undermine the judicial process by making unobtainable a jury satisfying the requisite standard of impartiality." pp. 16-17.

Committees of Congress have been careful in the past to give proper regard to law enforcement and civil liberties' concerns in performing their investigative functions. The Department of Justice is highly concerned that a well publicized congressional investigation at this time will jeopardize the rights of criminal defendants and endanger the prospects of a prompt and successful prosecution. For these reasons the Department, as it did in the Delaney case, asks that the Committee give serious consideration to these concerns before holding hearings on this matter which will undoubtedly come to trial in the very near future.

Sincerely,

Henry E. Petersen
Assistant Attorney General
Criminal Division

EXHIBIT NO. 34-24

ZIEGLER: Dwight Chapin has already made it clear that the story was fundamentally inaccurate and one based on hearsay. Now there have been a number of stories which have appeared over the last few days -- and over the last few months -- that you gentlemen have asked me about. All of these stories have been based on hearsay or on sources which have not been identified. These stories have resulted in substantial confusion. All of them seem to be lumped together as the Watergate affair. The Watergate affair is one that has been thoroughly investigated and seven men have been indicted. It has been one of the most extensive investigations in history.

The other stories that have run don't relate to the Watergate where criminal action is involved.

But still we see such stories as espionage, sabotage, spying, surveillance -- all being charged to activities of the Re-election Campaign. But none of the charges are based upon anything more than hearsay or unidentified sources.

Now I can tell you I have nothing more to say or add on this subject beyond what Dwight Chapin said in his statement - but I will tell you this. At no time has anyone in the White House or this Administration condoned such activities as spying on individuals, surveillance of individuals, or sabotaging campaigns in an illegial way. The President has said before and I will repeat it again. He does not condone this type of activity.

Now three weeks before the election there is a flurry of sensationalism. I am not going to inject the White House into these stories. I am not going to assume the responsibility from this podium and from the White House Press Room to answer every unfounded story based on hearsay or unidentified sources.... every story based on some sensational charge during this period....

EHRLICHMAN We are going to see all kinds of Presidential friends, Presidential staff, Presidential relatives, dogs, etc. pictures on the front pages of the local newspapers

to counteract the fact that McGovern is two to one behind. I am not going to try t o cope with these unfounded stories.

CHAPIN I am not going to dignify desperation politics.

QUESTION Ron, that was a self-righteous, self-serving statement. Simply, is the answer yes or no? Did Dwight Chapin, the President's Appointments Secretary - a man who meets with the President regularly - hire Segretti and instruct him to engage in sabotage?

ZIEGLER Gentlemen, I have nothing to add to what Mr. Chapin has already said on this and that is that the story is fundamentally inaccurate and based on hearsay.

QUESTION But Ron, why don't you just ask Dwight or why doesn't the President just ask him. Did he or did he not hire Segretti?

ZIEGLER Gentlemen, I have nothing to add to what Chapin has already said on the subject.

QUESTION Are you telling us that you won't say whether or not the President condones activities such as sabotage, espionage, surveillance?

ZIEGLER If you would listen to what I said, you will note that I stated that the President in no way condones this type of activity and no one in the White House under any circumstances directed, encouraged, or suggested that people at any level in the campaign involve themselves in survelliance of individuals, spying on individuals, stealing documents or any illegal or repulsive steps such as have been charged in the source sensational stories that have been published.

QUESTION Is it true that Segretti was a close, personal friend of Chapin's?

ZIEGLER Mr. Chapin covered that in the statement.

QUESTION When was the last time that Chapin saw Segretti?

ANSWER I don't know.

QUESTION Why don't you ask him?

ANSWER Gentlemen, I told you I have nothing to add.

EHRLICHMAN We just don't take as seriously as you do these campaign pranks. Some of you for your own purposes have blown these into something that is not there.

ZIEGLER I don't think we can take on the press.

EHRLICHMAN Dwight Chapin is terribly offended at the treatment he got over the weekend. I approached him to the possibility of coming out here. He said he would never again speak to any member of the press and he would like your apologies...

MOORE This refers to a statement of policy and it is clear that it is the right one. What is the right of anyone to expect an answer from this podium on a story which is based on sources you will not reveal. Good citizens are being ~~filifixx~~ vilified based on irresponsible, unidentified stories and stories which draw broad-sweeping conclusions. You have this right under the First Admendment ----- make charges on hearsay evidence...Today you had a four-column picture in which Dwight Chapin was named as a contact in sabotage. The person who said it was not named. To take this ~~admitted~~ admittedly unsupported, non-knowledge ~~xmk~~ and assert it as knowledge to the point where -------you may do so, but it does not give you a right to expect an answer from the President's Press Secretary

or from the President of the United States. When and if anyone comes in here with evidence of wrongdoing. you will receive an answer. Until that occurs, we will go on to the next question or next subject.

Jim Mitchell -- fund. He denied it.

Bill Timmons -- he denied it.

Clawson and the letter - he denied it.

In none of these cases was the source for the story revealed, but these men for the rest of their lives will have to live with these charges for which they have no recourse.

QUESTION If you feel so strongly about this, then why don't you just deny it?

These are the rules. Mr. Chapin has asked me to make a voluntary statement. As a man who has worked in campaigns for X number of years and have seen many pranks and hoaxes, it occured to me we should have our own Dick Tuck in this campaign. Gordon Strachan recalled that our old friend, Don Segretti,

was coming out of the Army in September. We called him and he expressed interest in the assignment of being a counter-agent -- ----------

on that basis I said to him that perhaps I could get an okay for you to be supported and take off on your own on activities as long as they are legal.

I referred him to Mr. Kalmbach who did supply funds which would allow him to act on his own for a few months.. I did this on my own without any knowledge or encouragement or authority.

I have read nothing to the contrary that Segretti has done anything illegal or inconsistent with traditional stories in politics -- and the most I heard was a post card or clipping from the newspaper.

I have noted that nothing has been said that anything was illegal or of any consequence.

Then you might read a statement from the President of the United States.....Dwight Chapin is one of the most able and most respected men on my staff.

In my opinion, he made a mistake in encouraging

pranks. However, this has occurred in my campaigns in the past and had no effect there. I am sure these pranks have had no effects here.

EHRLICHMAN Two exceptions =-- the government and the White House. Chapin is the Wh i te House and the separation ---------you bridge the separation when you get the President in it.

ZIEGLER Who paid him and how was he paid?

MOORE On Mr. Chapin's recommendation that he was going to further the cause of the campaign, Mr. Kalmbach paid him.

DEAN If we are doing something about them, there are a host of charges here and we are looking into them and we are going to have a response for you.

MOORE We make investigations and we check the evidence.

DEAN It is being looked into ------We are looking into it. We don't have the answers.

MOORE Does the President have any reaction?

Yes, he is absolutely revolted and distressed that the word sabotage is connected by picture and name of a man whom he considers -----based on an unsubstantiated story.

RESPONSE A

Let's get to the question of precisely what the allegation is. With regard to the Watergate, it was quite evidently a crime -- a serious crime -- With regard to the other allegations they range from allegations of political high-jinks, pranks and hoaxes, all the way to more serious matters such as spying and surveillance on individuals. The President is under no obligation to comment upon these charges for the reason (a) They are unsubstantiated; (b) they are unsupported, and (c) in our judgment, both the timing, character, and the placement of these stories is political in character. The purpose is to focus attention from the central issues of the campaign. The President is under no obligation nor should he get into discussion or comment on these tactics.

RESPONSE B

I have already made my comment that (a) Dwight Chapin did direct the hiring of Segretti, that (b) once Segretti was hired, the day to day activities were not Chapin's responsibility.

RESPONSE C

The President does not comment on allegations of campaign tactics. i.e. militants at the rally in California.

10/13/72
Jerry Warren
To Post

STATEMENT BY DWIGHT CHAPIN

As the Washington Post reporter has described it, the story is based entirely on hearsay and is fundamentally inaccurate.

For example, I do not know, have never met, seen, or talked to E. Howard Hunt. I have known Donald Segretti since college days but I did not meet with him in Florida as the story suggests and I certainly have never discussed with him any phase of the grand jury proceedings in the Watergate case.

Beyond that I don't propose to have any further comment.

96-296 O - 73 - 20

EXHIBIT NO. 34-25

THE WHITE HOUSE

WASHINGTON

December 5, 1972

RESTRICTED/EYES ONLY
FOR THE ADDRESSEE ONLY

MEMORANDUM FOR: H.R. HALDEMAN

FROM: JOHN DEAN

SUBJECT: Report Re Watergate and Segretti

After having reworked innumerable draft reports, I have developed the following approach for releasing the report:

Attachment A: A draft statement for Ziegler to read to the press.

Attachment B: Drafts of sworn depositions of White House staff who have been alleged by the media as having been involved. Ziegler would also release these at the time he briefed on the subject.

NOTE: Included at this time are:

Dwight Chapin
Gordon Strachan

If this approach is agreed upon, the following should also be included:

H.R. Haldeman
Ken Clawson

The above approach is suggested as a means of getting the information out in a form that is both credible and not unnecessarily harmful to the individuals involved. It avoids the questions of how Dean reached his conclusions and also puts congressional investigators on notice that this is all they can ever expect. Also, the depositions are unimpeachable and put the matter into a proper perspective.

While, as you know, I am not sure that we need a report at this time, if such a report should be issued this approach would do the job. Dick Moore has worked with me on this matter and agrees.

Attachment A

DRAFT

STATEMENT BY RON ZIEGLER RE DEAN REPORT

As you are aware, following the so-called Watergate incident the President directed John Dean, Counsel to the President, to conduct a complete investigation of the matter to determine whether any present member of the White House staff or anybody employed in the government was involved in that bizarre affair. On August 29, 1972 the President announced Mr. Dean's findings that no one ~~presently~~ then employed in the White House or in the Administration was involved in the incident.

Since that time, in the waning weeks of the campaign, there were additional charges made of Administration officials being involved in alleged acts of political espionage and sabotage. what one paper called As a result of charges of WH involvement, the President directed Mr. Dean to conduct an additional investigation into these charges.

Mr. Dean has reported the findings of this additional investigation to the President.

This investigation resulted in the following findings:

-- After investigation of all charges which might involve any persons ~~presently~~ employed in the White House or in the Administration, as well as consultations with the FBI and with the chief prosecutor handling the criminal action, it can be reaffirmed there was no involvement by any such people in the incident which occurred at the Watergate on June 17, 1972.

-- No one in the Administration was in any way involved in the incident in New Hampshire involving the so-called "Canuck" letter, and more specifically, the charge alleging the source of that letter to be Mr. Ken Clawson of the White House staff is untrue and totally without foundation. Nor, it should be noted, was any information developed which shed any light on the origin of the letter.

-- There is no substance whatever to the charge that any person in the Administration "directed some 50 secret agents in sabotage activities;" to the contrary, no one in the Administration directed any such activities.

-- In late summer of 1971, Mr. Gordon Strachan and Mr. Dwight Chapin, both White House staff members, encouraged Donald "Tick" Segretti, an old college friend who was finishing his active duty military service, to become a political prankster. The idea to enlist such a prankster was Mr. Chapin's. Based upon his experience in five political campaigns, he had become aware that certain individuals such as the ~~celebrated~~ notorious Dick Tuck conducted pranks designed to harass and disrupt Republican campaigning and to embarrass the President. ~~Therefore, he~~ Chapin took it upon himself to initiate similar activity against opponents of the Republican Party, and when he and Mr. Strachan heard that Tick Segretti, who they knew to be a practiced practical joker, was seeking employment they decided to approach him.

Once Segretti was approached and ~~he~~ enlisted neither Strachan or Chapin or anyone in the White House thereafter directed or controlled any of Segretti's activities. Rather, by the very nature of this task he received no day to day directions from ~~no~~ any one, ~~and~~ the was to operate on his own initiative and use his ingenuity to perform political pranks.

Mr. Segretti received no government funds, but instead was paid from available political funds. Payment was made by a Republican fund raiser to whom Segretti was referred by Chapin.

-- There is no basis whatever to the allegations that H. R. Haldeman had access to any secret campaign slush fund, or directed political sabotage activities, nor was he interviewed by the FBI regarding these alleged activites and the Watergate incident as the Washington Post printed. These charges are all totally without substance. Mr. Haldeman at some point in time was advised by Mr. Strachan that a political prankster was operating in the primaries on behalf of the Republicans, but he was told that this individual was working on his own initiative and he had no knowledge of any specific activities of that individual, nor did he even know his name.

-- There was no evidence uncovered in this investigation which in any way links Mr. Segretti with the Watergate incident or the alleged activities of those charged with a crime in connection with the incident and, indeed, Mr. Dean is satisfied that there was in fact no such connection.

Attachment B

DRAFT

SWORN DEPOSITION OF DWIGHT L. CHAPIN

Question:

It has been alleged in the media, that you told the FBI that you hired Donald Segretti "to disrupt the Democratic [primary] campaigns. Is that allegation true?

Answer:

To the best of my recollection I told the FBI that I had encouraged Don to become active as a political prankster in the Democratic primaries. Let me be more specific:

Having been closely involved in five political campaigns, I had become acutely aware of being subjected to the wide variety of intelligence and harassment tactics which are used against candidates by their opponents. For example, the most ~~celebrated~~ notorious exponent of these tactics was Richard Tuck who has been widely publicized over the years for his success in infiltrating the Republican camp, obtaining information about their plans and engaging in so-called political pranks to disrupt or harass their operations. In fact, I understand that the reports filed by the McGovern Campaign Committee reveal that Tuck was on their payroll as recently as this spring.

I had also been keenly aware, through direct experience and observation, of the extent to which organized activities of demonstrators can disturb, and in some instances disrupt, a political campaign.

And, I have come to understand how important it is to know in advance when disruptive tactics of this kind are going to be used against us.

In the summer of 1971, knowing that the primary campaigns would soon be underway, I concluded that it would be wise if our side could have a "Dick Tuck" of our own who could fill the dual role of obtaining information about political pranks which might be directed against us, and also engage in corresponding activity against the opposition.

I was aware that an old college friend, Donald Segretti, would shortly be completing his army service. He and I had been active in campus politics at U.S.C. and I thought he would be an excellent choice for the role I have described because on campus he had been energetic and imaginative and, indeed, a prankster. I communicated with him and arranged to meet with him in Washington.

When Don came to Washington my wife and I, joined by Gordon Strachan and his wife, had him to dinner at our home. While the evening was basically a social reunion, as Gordon had also been a college ~~mate~~ friend, we did discuss in generalities the pranks that we have been exposed to in previous campaigns. We asked Don if he would be interested in being such a prankster, but nothing was resolved that evening.

Sometime after our meeting in Washington Segretti telephoned from California and said he would like to be our Dick Tuck as we discussed.

Question:

It has been alleged in the press that you told the FBI that Segretti was paid for his activities by Herbert Kalmbach. Did you make these arrangements?

Answer:

Yes, I made these arrangements. It is really unfortunate, however, that Herb Kalmbach's name has been brought into this over-publicized matter. Herb has absolutely no involvement in or knowledge of what Segretti was doing. Let me explain, to the best of my recollection, exactly how these arrangements were made.

After Segretti expressed interest in becoming a political prankster, I told him to get in touch with Herb Kalmbach, who would make arrangements for his reimbursement for time and expenses. To date, I have no specific or first hand knowledge of how much Don was paid other than that he would receive a salary of approximately $16,000 plus expenses.

I called Kalmbach and told him that I had requested that a person by the name of Segretti get in touch with him and asked Kalmbach if he could make arrangements to pay him a salary plus expenses. I informed Kalmbach that Segretti would be engaged in political activity, but we never discussed what Segretti would be doing. Kalmbach stated that he would make such arrangements and we have never discussed the matter since that time.

Question:

How often did you have contact with Segretti?

Answer:

Although I never directed any of his activities, I did suggest to Segretti that he come to Portland, Oregon, in September, 1971 where the President would be attending a meeting at the Benson Hotel. It was known that hostile demonstrators would be present, and indeed they were, and I thought it would be educational for Segretti to observe the kind of activities which were being directed against the President, and which we would expect to encounter in the political campaign. I met with Segretti once during this visit, and I was the only member of the White House staff to do so.

It was shortly after this that I was assigned to lead the advance trips to the Peoples Republic of China, and to accompany the President on the trip itself. Thus, in the late fall of 1971, and all of January and February, 1972, I was totally immersed in the preparations for the China trip, including two advance trips, and in the Presidential trip itself, February 17-28.

Upon my return from China, I was given the same assignment with respect to the forthcoming trip to the Soviet Union which involved an advance trip to Austria, Poland, Russia, the Ukrain and Iran, followed by the Presidential trip itself in late May.

During the periods of time I was working on the Presidential trips, I recall Segretti would sometimes call, but I often was unable to speak with him because of the press of business. However, I am sure I did speak with him on the phone and can only guess that during the period of September 1971 to June 1972 I may have spoken with him _____ times.

Question:

Were you aware of what Segretti was doing?

Answer:

To this day my knowledge of Don's specific activities is extremely limited. I am certainly not aware of Don engaging in any unlawful or even sinister type activity and I believe I know him well enough to say that he, in fact, would not be party to any such activities.

When Don contacted me by phone or sent me a news clipping, it would relate to some humorous hoax. I might add that I never had the impression that anything he was doing was very significant.

Question:

Did you ever direct any political sabotage or espionage activities through Segretti or anyone else?

Answer:

When I first met with Don, I explained that he would be on his own and he would have to make his own judgements regarding his activities. I further explained that the only purpose that a prankster could have in the Democratic primaries would be to cause an impression of general party confusion and general ineptness.

I also suggested that Segretti travel to ~~the~~ key primary states and become familiar with the political activities of the Democratic candidates. I also suggested that he might obtain information about the schedules of our opponents and any activities directed against us. I am as certain as any person can be that there was never any discussion between us of "sabotage," "espionage," "surveillance of candidates or their families," "compilation of dossiers," or any activities which would be unlawful. In fact, I know that Don would never participate in any such activities.

Question:

Did you ever discuss Segretti's activities with the President?

Answer:

No. I have never discussed this subject with the President at any time.

Question:

Did you ever discuss Segretti's activities with H. R. Haldeman?

Answer:

No. I cannot remember ever having discussed Segretti or this matter in general with Haldeman.

DRAFT

SWORN DEPOSITION OF GORDON STRACHAN

Question:

Will you state what your association with Donald Segretti has been?

Answer:

I have known Don Segretti, whom we used to call by the nickname "Tick," since we were both students and fraternity brothers at U.S.C. I had seen or been in touch with "Tick" from time to time since graduation from college, and sometime in mid-1971 he got in touch with me to say that he was soon to be discharged from active service in the army and that he would be interested in finding a job in the political area. I told him if I heard of anything I would let him know.

I remember later mentioning Segretti's interest to Dwight Chapin, who was also a college friend of Tick's and mine, and later we discussed the possibility that Tick might well be a good choice to work for the Republican Party as a political prankster. The idea would be for him to do the kind of things for the Republicans that people like Dick Tuck had done to our side in past campaigns and would undoubtedly be doing again. We both agreed that Segretti would be an excellent choice, and Chapin got in touch with Tick and the three of us later met for dinner in Washington where we discussed some of the kinds of stunts that would be involved. I recall that

Segretti expressed interest, but I understand that it was not until some days or weeks later that he got in touch with Chapin and told him that we would like to take on the activity we had discussed. Thereafter, Chapin told me that he arranged for Segretti to meet Mr. Kalmbach in California who would make arrangements for Segretti to be hired and compensated. I understand that Mr. Kalmbach was the custodian of funds available for the primary campaign.

Question:

How often were you in contact with Segretti?

Answer:

I saw or heard from Segretti perhaps four or five times in 1971 and 1972, but I never had any knowledge as to what actual activities he might have been engaged in. The last time I heard from Segretti was in June of 1972 when he phoned me, and we met for lunch at the Mayflower Hotel. On that occasion, Segretti told me that he had been contacted by the FBI, and they wanted to interview him. I told him that I had no idea why they were calling him. (Ed. Note: This answer to be completed after further review of JWD investigation material.)

Question:

Did you direct any of his activities?

Answer:

No.

Question:

Did you ever discuss Segretti's activities with Mr. Haldeman?

Answer:

(Ed. Note: This answer to be completed after further review of JWD investigation material.)

Question:

When was the last time you had contact with Segretti?

Answer:

To the best of my recollection, he last called me in June or July to tell me that the FBI wanted to interview him. He wanted to know if I knew why and I told him I had no idea.

96-296 O - 73 - 21

EXHIBIT NO. 34-26

CAMPAIGN SPENDING - HRH AND DEAN, MAY 18, 1971

1. The pending issue is the mechanics of reporting or not reporting for the 1701 activities. If 1701 is considered a "re-nomination Committee" it can be treated as a non-reporting activity. None of the Democratic candidates are currently reporting according to Dean. It is Dean's view that the legal question may have changed after the formation of the Committee was announced because of the choice of the word "re-election".

2. Dean and H agree that the expenditure should be kept low so that if the decision to report is made the facts don't look to bad. Large expenditures, and the activities with the milk money, would remain non-reporting.

3. The Attorney General concurred with the advice to do a mass mailing to 1000 to 2000 people from a list held by Lee Nunn. The letter would be signed by Frank Dale. Milbank has been approached and is not opposed.

4. Dean reported that Nunn is requesting use of the "500,000 White House List". If the list is not to be used now, could it be used later?

   H - "I don't think that we can."

   Dean - "What about interspersing the lists?"

   H - "Ever been done before? Under LBJ?"

Dean - "Will check and discover."

H - "Sort of interesting to get a run on the list and clean it up now."

Dean - "What was the criteria for setting up the list?"

H - "It is merely a list of people who indicated support for the President."

Dean - "There will be a 7-day turn around for any mailing."

"There will also be some telephone solicitation to establish a 'operating' activity."

H - "The Committee will be collecting funds in its own name."

Dean - "The pledge money that Kalmbach is seeking is to be brought in under the theory 'get as much as possible as soon as possible'.

H - "Nunn is also pushing separate from Kalmbach and getting it in fast."

"Strachan should push Kalmbach and Sloan to move on their money now."

H - "Kalmbach's pledges for 10 - can't they be put to work?"

Dean - "Maybe we should make arrangements for polling research, etc., and make payment now."

H - "Opposed to paying people in advance of work delivered: What about the possibility of creating a polling consultant - we give the money to him now and as our agent he holds the cash until the poll people actually deliver: presumably, he would pay income tax on the interest, but the interest could be his fee. We will have to do some checking on that."

H - "We should begin moving at once because when the law is passed it will be effective immediately (of course, 10 days for the President to sign)."

Dean - "Much campaign money has lost earning power money anyhow."

Dean - "To review the guidelines for Sloan: 1. He can not assure contributors that there will be no gift tax liability; 2. The reporting and disclosure requirements from the law are also open and so Sloan can give very little assurance to the contributors that he can comfort."

H - "What about the possibility of getting the money in now with the understanding that we would reimburse them for the gift tax: argue reduce the amount by the amount of the gift tax."

Dean - "Ottinger family paid three quarters of one million dollars in gift tax."

Dean - "Sloan creating committees with 200 chairmen and bank supplies the treasurer."

Dean - "We will have to look into the question of agreement to reimburse on the gift tax point as well as the question of the possibility of putting some of the 10 in pledges in municipal bonds to prevent federal tax liability."

Dean - "Evans, Nunn and Sloan have raised the surplus funds question."

H - "Forget this!"

"No, the surplus funds are not to go into 1701 - there is no need for cash in the 1701."

Dean - "What about the milk money? Our current thinking is to keep it totally separate and not even use the same bank."

H - "Agree"

Dean - "What should the milk money be used for?"

H - "The Citizens Committee can submit a budget at the appropriate time and in the meantime, the money can sit in the bank."

Dean - "Salaries at the Citizens Committee are currently being paid through a Kalmbach Trustee Account, so it is surplus money."

H - Fleming should not have access to the Kalmbach surplus money nor the 70 surplus money.

H - Strachan is to discover the source of the original 35 given to fleming and cover with Kalmbach that he is not to move any of the surplus money without express approval from H and no such approval has been given.

Dean pointed out that the expenses of the Citizens Committee would be approximately 35-40 thousand per month.

Dean - Why can't the current mailing be a cover for the other available money? Since presumably the amount received from the mailing will not be sufficient to cover the operating expenses.

H - Why can't the milk money be funneled into committees and into 1701 to pay operating expenses?

Dean, it is my understanding that the White House is to be completely hands off the milk money.

H - Agree

H - The milk money can pay for the 1701 activities up to the campaign.

Dean summarized the remaining open questions:

1. Whether to be a reporting or non-reporting committee.

   H - Why report?

2. No surplus money is to be extended ever.
3. The direct mailing is a go and expenditures should come out of what is raised.
4. The milk money is to pay for operating expenses.

H - The operating people need not know the source of the money: The operating people should merely submit a budget and budget revisions for expenditures which they incur. They need not know the mechanism for covering the expenditures.

H - Any tap of Kalmbach or reserve funds must be cleared by H.

EXHIBIT NO. 34-27

July 21, 1971

CONFIDENTIAL/EYES ONLY

MEMORANDUM FOR: HERB KALMBACH

FROM: JOHN DEAN

Attached is a bill from Gleason's lawyer representing him in the Common Cause law suit. I have requested that Gordon Strachan clear this with Haldeman, although it is a minor expenditure, and that you reimburse Gleason for the expenditure. I would suggest that you deal directly with Gleason on this matter and get in touch with me regarding Haldeman's reaction, if I have not already informed you of his approval.

Please give me a call if you have any questions.

cc: Gordon Strachan

LAW OFFICES
WILNER, SCHEINER & GREELEY
2021 L STREET, N.W.
WASHINGTON, D.C. 20036

Mr. Jack A. Gleason
The Washington Consulting Group
3524 K Street, N.W.
Washington, D. C. 20007

July 1, 1971

Legal Services, June, 1971: Telephone and personal conferences, correspondence and research; negotiation, preparation and filing of stipulation suspending effectiveness of subpoena	$780.00
Out-of-Pocket Disbursements (Photocopies-$31.70; Cabs-$2.00)	33.70
	$813.70

EXHIBIT No. 34-28

THE WHITE HOUSE

WASHINGTON

1/2/73

TO: John Dean

FROM: Charles Colson

Now what the hell do I do?

HOWARD HUNT

December 31, 1972

By Hand

Hon. Charles W. Colson
Special Counsel to the President
The White House
Washington, D. C.

Dear Chuck:

The children and myself were touched by your letters, and we deeply appreciate your sympathy. I am unable to reconcile myself to Dorothy's death, much less accept it.

For years I was aware that I depended upon Dorothy, but only now do I realize how profound that dependence was.

Her death, of course, changes my personal equation entirely, and I believe that my paramount duty now and in the future is to my children, particularly to my 9-year-old son who was unusually dependent upon his mother, particularly since last June's tumult began.

I had understood you to say that you would be willing to see my attorney, Bill Bittman, at any time. After my wife's death I asked him to see you, but his efforts were unavailing. And though I believe I understand the delicacy of your overt position, I nevertheless feel myself even more isolated than before. My wife's death, the imminent trial, my present mental depression, and my inability to get any relief from my present situation, all contribute to a sense of abandonment by friends on whom I had in good faith relied. I can't tell you how important it is, under the circumstances, for Bill Bittman to have the opportunity to meet with you, and I trust that you will do me that favor.

There is a limit to the endurance of any man trapped in a hostile situation and mine was reached on December 8th. I do believe in God - not necessarily a Just God but in the governance of a Divine Being. His Will, however, is often enacted through human hands, and human adversaries are arraigned against me.

Sincerely, and in friendship,

Howard

EXHIBIT NO. 34-29

ADDRESSED TO MR JOHN CAULFIELD

POSTMARKED ROCKVILLE MD. DEC 28, 72 PM

REC'D DEC. 29, 72

DEAR JACK

I'M SORRY TO HAVE TO WRITE YOU THIS LETTER, BUT FELT YOU HAD TO KNOW.

"IF HELMS GOES AND THE WATERGATE OPERATION IS LAID AT CIA'S FEET, WHERE IT DOES NOT BELONG, EVERY TREE IN THE FOREST WILL FALL.

IT WILL BE A SCORCHED DESERT. THE WHOLE MATTER IS AT THE PRECIPE NOW,

JUST PASS THE MESSAGE THAT IF THEY WANT IT TO BLOW, THEY ARE ON EXACTLY THE RIGHT COURSE.

I'M SORRY THAT YOU WILL GET HURT IN THE FALLOUT.

EXHIBIT NO. 34-30

I. Relevancy of Intercepted Communications

1. My call to the Chilean Embassy on Oct 10 1972 was relevant in that the Watergate case was discussed.

2. Justice Douglas on July 29 1972 in a hearing on the application for stay in the Ellsberg Case, said:

> " We (the Supreme Court) held in Alderman v. U.S. , 394 U.S. 165, 182 (1968) that the issue of relevancy should not be resolved in camera, but in an adversary proceeding. Alderman would be greatly undercut if the issue of relevancy could be resolved in camera, and if the trial court ruled against the defendants on the merits and then determined that they had no " standing" to complain."
>
> (Pet for Writ of Cert. to U S Court of App. #72-307 US Sup Ct)

II Mandated Disclosure of Impermissably Intercepted Conversations

The Organized Crime Control Act of 1970 provides in the pertinent part (84 Stat 935, 18 USC 3504)

" Litigation concerning sources of evidence.

(a) In any trial , hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body or other authority of the United States -

(1) upon a claim by a party aggrieved that evidence is inadmissible because it is the primary product of an unlawful act or because it was obtained by the exploitation of an unlawful act, the opponent of the claim shall affirm or deny the occurrence of the alleged unlawful act;

(b) As used in this section " unlawful act " means any act the use of any electronic, mechanical, or other device (as defined in section 2510(5) of this title) in violation of the Constitution or laws of the United States or any regulation or standard promulgated pursuant thereto".

In the Ellsberg Case, on Jan 24 1972 the defense during pre-trial proceedings moved for discovery of electronic surveillance information with respect to the petitioners , their attorneys and legal consultants. They had no reason to believe that such information would necessarily be used as evidence against them, but made the motion under the provision of the Org Crime Control Act of 1970. The govt was forced to disclose such impermissably intercepted conversations, to wit, two phone calls intercepted of the defense attorney, one of which was to the Chilean Embassy in Washington DC.

(p 3 Ellsberg Writs of Cert 72-307 U S Supreme Court)

In the Omnibus Crime Control Bill of 1968, and the Organized Crime Control Bill of 1970, Congress mandated disclosure, on motion from a defense attorney, of ALL IMPERMISSABLY INTERCEPTED CONVERSATIONS - not just those relevant to a case, or intended to be introduced into evidence. The Senate report on the Omnibus Crime Control Bill of 1968 sets forth clearly that Congressional intent, and the fact that it was incorporated into law as a protection for the defendant.

The impermissably intercepted conversations of McCord's included:

1. A long-distance call from Chile to McCord's office phone in the Spring of 1972.

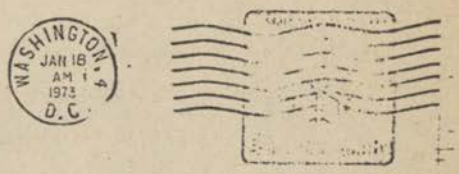
2. Local calls from McCord's office phone in the Spring of 1972 to the Chilean Military attache's residence and office phone in the Washington area.

3. Calls by McCord from his residence phone to the following Embassies:

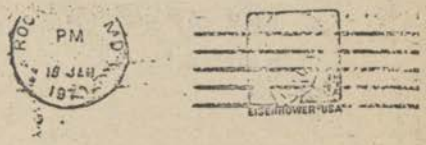
   September 21, 1972 to the Israeli Embassy 8:35 am from 762-8720

   October 10, 1972 to the Chilean Embassy 4:50 pm from 762-8720

4. Agencies involved: FBI, NSA, and CIA



Jack Caulfield
5205 Concordia
Fairfax, Virginia



Jack Caulfield
5205 Concordia
Fairfax, Virginia

EXHIBIT NO. 34-31

Message given by Saundra Greene to
Mr. Gordon Liddy -

January 4, 1972
5:15 P.M.

Hello Gordon - (Mr. Liddy)

I've talked with Bud and he really regrets he can't talked to you at this time because of the confirmation hearings coming up. But he hopes you would not talk to Mr. Sutcliffe in light of the impending case. Bud believes that Sutclife does not expect a return call from you.

Saudra: This should be sum total of your remarks. Be kind, solicitous, happy to hear his voice, etc. But do not get in to a protracted discussion with him on any subject.

Saundra made call to Mr. Liddy at 5:08 P.M. After repeating the verbatim message above to Mr. Liddy, Mr. Liddy said:

"OK. Thank you very much."

This was all Mr. Liddy said on the phone. Saundra reached him at 659-9010, which is the number of a law firm. Saundra reported that Mr. Liddy sounded subdued, but not depressed.

EXHIBIT NO. 34-32

December 13, 1972

MEMORANDUM FOR THE PRESIDENT

FROM: JOHN W. DEAN

SUBJECT: Congressional Hearings regarding Watergate - (Meeting with Sen. Jackson)

Hard information on the prospects of Congressional hearings on the Watergate, Segretti, etc., is virtually unavailable because the Democrats are not willing to talk about it. There has been some information, however, indicating that the Senate Democratic Policy Committee has taken a position on the matter. Senator Jackson is a member of that Committee and may have some hard information on this question.

I would like to recomment that if an opportunity arises in your conversation with Senator Jackson this afternoon you might ask him if there are going to be such hearings - and when and which Committee.

A TRUE COPY

EXHIBIT NO. 34-33

THE WHITE HOUSE

WASHINGTON

February 9, 1973

Eyes Only

MEMORANDUM FOR : JOHN DEAN

FROM : H.R. HALDEMAN H.

Obviously the key on the Ervin Committee is the minority staff and more importantly, the minority counsel. We've got to be sure we get a real tiger, not an old man or a soft-head, and although we let the committee membership slip out of our grasp, we've got to find a way to be sure we get the very best man we can for counsel.

Also, you should go ahead and have Kleindienst order the FBI project on the 1968 bugging so as to gather the data on that and get the fullest possible information.

Also, Mitchell should probably have Kendall call DeLoach in and say that if this project turns up anything that DeLoach hasn't covered with us, he will, of course, have to fire him.

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL

February 10, 1973

MEMORANDUM FOR : JOHN DEÁN

FROM : L. HIGBY

As I'm sure Bob's probably mentioned to you, we need to get a thorough itemization as quickly as possible of all the disruptions that occurred in the campaign. We'll need this for our Watergate tactics with the Ervin Committee. That is, the Democratic planned activities at the Century Plaza together with pictures, indications of violence and Communist activity and all that sort of thing - the violence in San Francisco - the headquarters burning in Phoenix and other areas - the demonstrations at the Statue of Liberty, etc.

96-296 O - 73 - 22

February 10, 1973

MEMORANDUM FOR : JOHN DEAN

FROM : H.R. HALDEMAN

We need to get our people to put out the story on the foreign or Communist money that was used in support of demonstrations against the President in 1972. We should tie all 1972 demonstrations to McGovern and thus to the Democrats as part of the peace movement.

The investigation should be brought to include the peace movement which leads directly to McGovern and Teddy Kennedy. This is a good counteroffensive to be developed. In this connection we need to itemize all the disruptions such as the Century Plaza, San Francisco, Statue of Liberty, and so on.

You should definitely order Gray to go ahead on the FBI investigation against those who tapped Nixon and Agnew in 1968.

We need to develop the plan on to what extent the Democrats were responsible for the demonstrations that lead to violence or disruption.

There's also the question of whether we should let out the Fort Wayne story now - that we ran a clean campaign compared to theirs of libel and slander such as against Rebozo, etc.

We could let Evans and Novak put it out and then be asked about it to make the point that we knew and the President said it was not to be used any under circumstances. In any event, we have to play a very hard game on this whole thing and get our investigations going as a counter move.

EXHIBIT NO. 34-34

AGENDA

Matters to be discussed and resolved:

(1) Baker meeting with President:

-- Baker requested secret meeting re Watergate hearings.
-- Baker told Timmons he wants guidance, but to maintain his purity in the Senate he doesn't want anyone to know of meeting with the President.
-- Timmons believes that Baker wants to help.
-- Timmons does not feel Baker would object if there was staff present during meeting, so long as fact of meeting never gets out.
-- Meeting would be excellent chance to find out what Baker plans to do and set up channel to work with him.

(2) Sending Stans up for Confirmation:

-- We don't know if Stans wants to do this, but we do know he wants to be rehabilitated and isn't afraid to tell his story publicly.
-- Confirmation hearings would help defuse Watergate hearings, and the more of this we get to the public, the less impact the Watergate hearings per se will have.
-- This should be resolved quickly, because it will only be helpful if it occurs prior to Watergate hearings. (Stans has requested to see Dean on Feb. 28th -- upon his return from Jamaica.)

(3) What to do with Magruder:

-- Jeb wants to return to White House (Bicentennial project).
-- May be vulnerable (Sloan) until Senate hearings are completed.
-- Jeb personally is prepared to withstand confirmation hearings.

(4) Use of Buchanan as Observer/Spokesman to keep press coverage honest:

-- Watergate press coverage to date has been dishonest and libelous. Pat could call them to task.
-- The hearings are going to be partisan. Pat could make certain that the public understands this.

-- Teddy Kennedy is a moving force behind the hearings -- this can and should be documented. Pat could do this well.
-- The public does not percieve Buchanan as being that close to the President. The basic question is whether the White House is going to sit quietly and take the unwarranted abuse that is bound to come from hearings. We can't run a secret counter PR effort so why not do it openly and respectfully -- Pat can do that.
-- Buchanan's rôle will eliminate much of the heat that Ziegler will otherwise recieve and Ziegler could even have Pat brief from time to time.

(5) Getting the A. G. back on the reservation:

-- A. G. is merely biding his time until he returns to private sector.
-- A. G. is extremely loyal to the President and if asked to take an active concern in these hearings (and their fall out) would do so -- otherwise he will probably do what is best for his own self interest.
-- A. G. should be asked to remain in office at least one full year from this date (i. e., until hearings have passed) because hearings may well result in request for additional action by DOJ. A. G. can get Henry Petersen -- who has the greatest loyalty for the A. G. -- to handle sensitive problems with ease. We can't afford bitterness in the DOJ nor can we risk a new A. G. being able to grappel with some of the potential problems.

EXHIBIT NO. 34-35

Potential Matters for Discussion with Sen. Baker

Meeting to be totally off the record
Time: 30-45 Min.
Staff: T~~immons and Dean~~

General

-- Take Baker's pulse and find out how much he wants to help keep this from becoming a political circus.

-- Baker can be assured that no one in the White House had any knowledge that there was going to be a break in and bugging of the DNC.

-- If Baker appears to be truly desirous of cooperating -- and the fact he is seeking guidance may so indicate -- he might be told that there are matters unrelated to the bugging incident per se (e.g., Segretti, Kalmbach) that could be embarrassing and tarnish good people whose motives were the highest. Surely he can appreciate that things which occur at the White House have a degree of sensitivity that occur no where else in government.

1968 Bugging

-- Tell Baker that J. Edgar Hoover personally informed the President shortly after taking office that his campaign had been bugged. Presently seeking to obtain documentation and evidence of the 1968 incidents.

Appearances of White House Staff Members before Senate Committee

-- Statement coming out shortly on the matter of Executive privilege. (Draft attached)

-- Cannot state at this time if such witnesses will be provided to Committee. Must wait to determine how the issue develops.

-- A possible resolution of the problem may be that when the Committee believes a White House staff member is essential as a witness, we can compromise and agree upon a sworn written interrogation.

General Guidance

-- Seek to get hearings over as quickly as possible because they really are a potential witch hunt. The President can note that hearings of this type damage all government officials and the institutions of government. The public wants to believe the worst about all politicians and hearings of this type are going to damage all elected officials.

-- Committee procedures should protect the rights of minority members to information, calling its own witnesses, notice of meetings, etc.

-- Minority Counsel should be tough, aware of the way things operate in Washington, and able to handle a fellow like Sam Dash who has been selected as Majority Counsel. Dash is a partisan.

Communication with White House

-- Wally Johnson should be initial contact point, but if Baker feels he wants to raise something that he chooses not to discuss with Wally, then arrangements can be made to meet with Dean. (NOTE: Frankly, the naming of Dean as the man who deals with the President on such matters preserves our posture on Executive privilege should Dean be called as a witness.)

Note:

Have just learned that Baker has publicly announced the appointment of Fred Thompson as Chief Minority Counsel. Timmons has recommended George Webster as our candidate.

EXHIBIT NO. 34-36

THE WHITE HOUSE

WASHINGTON

February 22, 1973

MEMORANDUM FOR: H. R. HALDEMAN

FROM: JOHN DEAN

I did not use the prescribed format because I understand that you do not want this to pass into the channels.

Talking Points for Meeting with the Attorney General

Background:

-- Kleindienst is biding his time until he returns to private law practice. He has discussed joining several law firms, and has a particularly attractive offer from one that he would probably like to accept.

-- Kleindienst is less than enthusiastic about helping to solve some of the tough problems related to the forthcoming Watergate hearings. He doesn't want to get himself involved in any controversy at this time.

-- The morale at the Department of Justice is low because they are extremely loyal to Kleindienst, but think the White House is trying to force him out.

-- Kleindienst is extremely loyal to the President and will do anything asked of him by the President.

Recommendations:

-- Kleindienst should be asked to remain in office at least one full year from this date (i.e., until after the Watergate hearings have passed), because the hearings may well result in a request for additional action by the Department of Justice. We can't afford bitterness at Justice nor can we risk a new Attorney General being able to handle some of the potential problems.

-- Kleindienst should be asked to follow the hearings closely and keep us apprised of any potential problems from a Department of Justice standpoint.

-- Kleindienst should be given the feeling that he is an important member of the team and it is not merely because of these hearings that he is being asked to stay on.

EXHIBIT NO. 34-37

THE WHITE HOUSE

WASHINGTON

February 28, 1973

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: LARRY HIGBY
JOHN DEAN

FROM: JERRY JONES

SUBJECT: Options for Jeb Magruder

Listed below are nine possible options for Jeb. Some will break more china to secure than others; where there are problems, I have so noted them.

1. Assistant to the Secretary, or Deputy Under Secretary of Commerce for Policy Development, PA, Level IV. Would replace current Special Assistant to the Secretary of Commerce, Schedule C, Level V, authorized by E.O. 11510. Dent is interested and we are sending Jeb's resume over.

2. Assistant Secretary - Comptroller of HEW, PA, Level V. Would require cancellation of E.O. 11251 and reissuance of an E.O. to make the position a PA. The position has never been designated in terms of its appointment authority, but is currently filled by Bruce Cardwell on a career basis (by fiat). Even if the position were made a PA, Cardwell would still have career rights to the job. He must be promoted elsewhere and is being considered for social security position.

3. Deputy Under Secretary of HEW for Management Operations, PA, Level IV. Would have reporting to him the Assistant Secretaries for Administration (career, AP, Level V) and Comptroller (AP, Level V). Would require E.O. and Level IV position from pool. Could utilize one of two HEW pool levels being cancelled; Counsellor to the Secretary (E.O. 11550) which is vacant, or Special Assistant to the Secretary for Health Policy (E.O. 11604) currently occupied by Roger Egeberg (D-Calif.) who was "bumped" into that created position from his post of Assistant Secretary for Health and

Scientific Affairs. This option would have to be approved by Malek and Weinberger and is not presently planned as an organizational move. An additional problem would be that Marik, who is going into the Administration job would probably have difficulties in being layered with Magruder.

4. Special Representative to the Canal Zone Negotiations, Level II, PA, carrying the rank of Ambassador. Anderson feels that State would put up strong resistance to Magruder for this position based on experience required and the delicate nature of the current negotiations. We should only undertake this option if we're willing to cause an uproar with Rogers.

5. Director, Bureau of Outdoor Recreation, Department of Interior, PA, Level IV. Would require cancellation of E.O. 11262 and a new one issued in its place. The position is currently a Schedule C, Level V and is vacant.

6. Associate Director of USIA for Research and Assessment, Schedule C, Level V. Could issue an E.O. making the position a PA. Currently vacant. Keogh would resist placing Magruder alongside Strachan on the grounds of not wanting to load his office with "Watergate problems."

7. Deputy Director of SBA, Schedule C, Level IV. Could publish E.O. making position PA. Currently occupied by Tony Chase who would be a top flight General Counsel for a large Department or a Federal Judge. We do not now have a General Counsel position for Chase although the Commerce job will probably be open within the next three or four months.

8. National Director, U. S. Savings Bond Program, Department of Treasury, PA, Level IV or V. Would require E.O. and level from pool. The position is currently a NEA, GS-18 and is vacant. I doubt Jeb would take this job.

9. Deputy Chairman and/or Executive Director of the National Endowment for the Humanities, PA, Level IV. Would require E.O. and level IV or V from pool. Chairman is a Level III and does not have a Deputy Chairman/Top Staff Executive. In the twin National Endowment for the Arts the Chairman (Level III) does have an NEA, GS-18, Deputy Chairman who serves as the top staff executive. I doubt Jeb would take this position.

In summary, my top two recommendations would be the Commerce planning job or the Comptroller job at HEW. All the others would create difficulties of one kind or another were we to place Jeb into them.

EXHIBIT NO. 34-38

THE WHITE HOUSE

WASHINGTON

March 5, 1973

MEMORANDUM FOR THE FILES

FROM: JOHN DEAN

SUBJECT: Call from Secretary Dent
Re Jeb Magruder

Secretary Dent called this date to inquire about hiring Jeb. He asked if there was any unreasonable risk in hiring Jeb.

I responded that I thought Jeb could do an outstanding job for him. That Jeb had discussed several positions in government with the White House, but had selected the position at Commerce as the one he was most interested in. I told him that it was possible that Jeb could get some bad publicity in coming weeks, but it should not be long lived.

Dent said he didn't want to make this move blindly, without my checking. I told him that Bob Haldeman and I had discussed the matter and that we thought Jeb could do a good job at Commerce.

EXHIBIT NO. 34-39

DRAFT

Dear Mr. Chairman:

As you know, in his statement of March 12, 1973, and in his press conference of March 15, 1973, the President has reiterated his policy that members of the White House staff will cooperate fully with Committees of the Congress, and will stand ready to supply relevant information requested by such committees, all in accordance with the President's constitutional responsibility to preserve the separation of powers.

Pursuant to the President's policy, in my letter of March 14 I offered to provide the committee with any information it might seek from me relevant to the nomination of Mr. Gray to be Director of the F.B.I. To date, there has been no response to that offer. However, since individual members of your committee have made public statements on the floor of the Senate and on national television requesting that I supply certain information, the President has instructed me to respond voluntarily to those public requests without waiting for a formal action by the committee. Specifically, I refer to statements made by Senator Ervin on a national network television program (Face the Nation, Sunday, March 18, 1973.) and the statements made by Senator Robert Byrd in the Senate (Congressional Record, March 14, 1973.)

Accordingly, I am happy to give to the committee the benefit of all the facts I know concerning the matters which these gentlemen have publicly raised.

First, it has been suggested that the White House was uncooperative and sought to make the investigation difficult for the F.B.I. This is not true and no one has ever shown any evidence to support that allegation.. The White House sought to fully and completely cooperate with the F.B.I., the U. S. Attorney's Office and the Grand Jury investigations of the so-called Watergate case. All information and witnesses were furnished as quickly as possible. All witnesses were told to answer all questions asked of them by the investigators. I know of no effort to withhold any information requested from any individual.

Second, it has been suggested that the fact that I conducted an investigation of this matter at the direction of the President made it inappropriate for me to obtain F.B.I. information relative to their investigation. To the contrary, in an investigation of this importance it was incumbent on me to obtain all available information from every appropriate investigative resource, and I would have been derelict indeed if I had not requested information from the F.B.I.

Third, it has been alleged that I in some way influenced Mr. Gray's conduct of the investigation of the so-called Watergate case. To the contrary, Mr. Gray informed me that he had given instructions to have the most complete and thorough investigation that the FBI could undertake. I advised Mr. Gray that the President wanted such an investigation and the White House was prepared to cooperate in any way possible.

Fourth, Mr. Gray has been criticized for permitting me to be present during FBI agent interviews of persons at the White House. It should be understood that at no time, during any of the interviews, can I recall ever injecting myself into the interview by cutting off questions, or instructing an interviewee not to answer. I was present at these interviews because in virtually every case the person being interviewed requested that I be present and in no case did any object. On this question, I note that Mr. Gray testified that in each of the 61 interviews of employees of the Democratic National Committee one Committee lawyer was present at the Committee's insistence.

Fifth, it has been alleged that I showed FBI interviews to Mr. Donald Segretti. This is a totally false allegation. I did not show Mr. Segretti FBI materials at any time. I should add that the materials Mr. Gray provided me never left my custody and control, and therefore no one else could have shown Mr. Segretti the materials I was given by Mr. Gray.

Sixth, it has been alleged that the materials Mr. Gray provided me were shown to persons at the Committee for the Re-Election of the President in connection with the FBI interviews of Mrs. Hoback. This is also totally false and without foundation. The fact of the matter is that I did not even possess such information at the time it is alleged I did. Also, I understand that the persons who discussed the fact of Mrs. Hoback's interviews with her have publicly stated that they learned that Mrs. Hoback had confidential interviews with the FBI from colleagues of Mrs. Hoback at the Re-Election Committee.

Seventh, it has been alleged that my relationship with Mr. Gordon Liddy should have made me "suspect" to the FBI insofar as supplying me with information. This charge appears to be an effort to create guilt by association. The facts, I believe, speak for themselves. The Committee for the Re-Election of the President needed a general counsel and could not continually rely on volunteer lawyers. I was asked by Mr. Magruder, Deputy Campaign Director, if I would give up my own deputy to serve as General Counsel for the Committee. When I informed him I needed by deputy, he requested that I assist in finding him a counsel. I agreed to assist. Mr. Liddy was recommended to me as a fine lawyer and I passed this recommendation on to

Mr. Magruder. Once Mr. Liddy was hired, my staff and I provided him with background information regarding the relevant campaign laws that the Committee would have to comply with and on a few occasions my staff and I had discussions with Mr. Liddy on matters relating to election law compliance. I might add that I have recommended countless other lawyers for positions in and out of government and I also recommended the man who replaced Mr. Liddy as counsel to the Finance Committee. In short, my relationship to Mr. Liddy was limited to problems involving campaign law compliance, and I frankly cannot recall the matter that Mr. Magruder has testified about regarding discussion of Mr. Liddy's FBI background and its possible usefulness in intelligence gathering at the time Mr. Magruder interviewed Mr. Liddy for the job of General Counsel.

Eighth, I can state flatly that everything that was found in Mr. Hunt's office and safe and sent to my office was turned over to the FBI expeditiously.

Finally, some questions have been raised regarding my working relationship with Mr. Colson, who was then a member of the White House staff. I am somewhat at a loss to determine the relevancy of this question. Mr. Colson has stated under oath

that he had no knowledge of or involvement in the so-called Watergate affair. I have had no special working relationship with Mr. Colson; rather my office's dealings with him have been as with other White House offices.

Mr. Chairman, in this letter I have been responsive to the questions which have been publicly raised by members of your Committee not only on the Senate Floor, but on national television. For those who honestly seek information, I have sought to give them the facts as I know them. For those who want a political side show I suspect my candor will be ignored and the show will go on. Nevertheless, in accordance with the President's desire, and consistent with his stated policy, ~~I remain fully willing to respond to any further questions the Committee~~ you may count on my continued willingness to supply any relevant information the Committee may request.

Respectfully submitted,

John W. Dean, III
Counsel to the President

OATH

The foregoing statements are true to the best of my knowledge, so help me God.

_____

96-296 O - 73 - 23

DEAN: Is he in, John Dean calling.
MAGRUDER: Hello.
DEAN: Hi, Jeb.
MAGRUDER: Hello.
DEAN: How are you doing?
MAGRUDER: I'm doing fine; how are you doing?
DEAN: Pretty well, incredible.
MAGRUDER: Is it?
DEAN: Just incredible.
MAGRUDER: Well the L.A. Times, God, we got splashed all over that one, let me tell you.
DEAN: Is that right?
MAGRUDER: I haven't seen it yet but my friend called me, said Christ you take up the whole front page.
DEAN: Is that right?
MAGRUDER: Yea, you and I, pictures, the whole works.
DEAN: I'm taking a bum rap, Jeb.
MAGRUDER: Well I know that.
DEAN: That's the incredible thing.
MAGRUDER: We've got to figure—John, I think we gotta just figure out how we can handle this. I don't know what we—I mean I don't know what we can do right now, I don't know if there is anything we can do right now.
DEAN: We'll just have to take the heat right now until the thing sorts itself out. I can't conceive of how McCord could have that impression.
MAGRUDER: Now I'll tell you what—John, can we talk here?
DEAN: Yea.
MAGRUDER: Okay. Here's what I figure has happened. And I'm positive of this. One, John, there is absolutely no substantive evidence that McCord could possibly have in any way, shape or form that could connect anyone other than the seven of us. Okay.
DEAN: Yes.
MAGRUDER: I'm positive of that. Now I've gone right—you know I just went back through the process, was there anything at all that even could remotely imply any connection. Okay.
DEAN: Yes.
MAGRUDER: So there is no evidence of what I call documentation. Now what he probably may have, John, is that when Liddy probably was working up numbers for his own benefit, and doing that kind of work, he probably used McCord to do that, because McCord bought all his equipment according to Silberts.
DEAN: But Liddy knows damn good and well that the last time that I, for example, had any conversation with him on that thing was when we walked out of that office and I told him I could not talk to him about it any further and he never—he— he never once ever raised it.
MAGRUDER: I'm sure he must have raised—I'm sure thought when he talked to his friend McCord——
DEAN: He was a name dropper.
MAGRUDER: He's a name dropper. And I'm sure he said that well you know I don't really trust this idiot Magruder but Mitchell and Dean and Haldeman are all behind it and Gordon Strachan, I'm sure that obviously Mitchell's name will come up and I would take a guess if he still said "others" if you noticed, which is pure——
DEAN: That's right, that's right.
MAGRUDER: So he is going to be talking probably about Mitchell and I would take a guess either Gordon Strachan or Colson. That would be my guess.
DEAN: Just incredible.
MAGRUDER: So, one, he had no substantive evidence, I'm positive of that; two, what he is probably referring to is simply discussions that Liddy had with him as they sat around drinking at the Watergate. You know—and only that. McCord never met with either myself or anyone else at our committee.

DEAN: Yes.

MAGRUDER: Never, so there is no personal discussion he would have of any kind.

DEAN: Well I thought maybe I was losing my mind. But I know—I know what I know and I know that one, I tried to turn the damn thing off.

MAGRUDER: Right.

DEAN: I know that I'd told Haldeman after that meeting that it had to be turned off. Now what happened in the interim I don't have any idea, I don't want to know, I can only opine and speculate.

MAGRUDER. I would hope so, John, of course on that meeting that I have testified that that meeting that we've had with Liddy and Mitchell was simply on the general counsel's job and so on.

DEAN. I understand.

MAGRUDER. I mean that's important I think, you know for Mitchell's and my——

DEAN. Well I don't plan to go out and talk in any forum.

MAGRUDER. You know, if we ever get to the grand jury stage, I think they—I have testified that that meeting that you and I had was one meeting, not two, and that we had a meeting with Mitchell that just went over—since you had been helping me as a counsel—that we just went over the general framework of the job and the new law and those kind of problems, the typical cursory sort of post-employment meeting. That that was the extent of it.

DEAN. Well I was just trying to get straight in my own mind, you know, in case a guy like Liddy goes and starts giving his side of the story and——

MAGRUDER. Well, if he did, of course what he would say is ———. You know that's one thing I would hope we'd be working on and that part is Liddy.

DEAN. Yea.

MAGRUDER. But McCord's information would only be hearsay, it would only have been from Liddy.

DEAN. Okay, Jeb, well all we can do is sit tight right now.

MAGRUDER. A couple of other points, John, let me ask you. Parkinson wants to sit down with me and is going to represent me and as far as I'm concerned that's appropriate.

DEAN. I think that that's a personal decision of yours, by yourself, and that you know he's knowledgable and I think that's quite a good idea.

MAGRUDER. Well I mean, you know, from my standpoint, it would seem that somebody who is well aware of the situation and it would look funny it would seem to me if I changed attorneys.

DEAN. I agree, I think that's a good idea for you.

MAGRUDER. And he is certainly qualified.

DEAN. And I do think you ought to have counsel too.

MAGRUDER. What?

DEAN. I do think you ought to have a lawyer who's representing you per se.

MAGRUDER. Well that would be what he would—you mean another one?

DEAN. Well I mean no—I mean like Parkinson.

MAGRUDER. Right, well that's what I thought because I think for sure we're going to have to—I'm going to have to rely on you or whatever when we have to go down to the grand jury.

DEAN. I would imagine that day is coming.

MAGRUDER. That's right. Of course, I think we have a hell of a case on the bond and who placed the bond for him and the written statement, how well it was done and why he waited until the last day. To me that makes it very clear.

DEAN. I don't, I'm not aware of what you are talking about.

MAGRUDER. McCord. In other words, where did McCord get his bond. You know, he got it from a Democratic lawyer. He's got a new lawyer. He's obviously made a deal and a person in that position obviously is panicked facing 8 years or whatever he is facing. And he'll throw out names all over the place, John.

DEAN. I suspect that's true.

MAGRUDER. Just because he knows that's what they want to hear. If you read his letter, his letter is a perfect letter obviously not written by an individual but by a lawyer.

DEAN. I wonder if he drafted it?

MAGRUDER. And he's talking about fifth amendment, sixth amendments rights, all sorts of things that ———.

DEAN. Yea, okay, just hang in.

MAGRUDER. Yea, well that's what I planned on doing and I just wanted to check with you from your standpoint. But I'm positive there's no substantive evidence of any kind.

DEAN. Okay.

CAMP DAVID

CONVERSATION WITH JEB.
3/26/73 - AM

TAPE MADE ON IBM Executary

FOR MR. DASH'S RECORDS

EXHIBIT No. 34–41

Statement of charges against W/H and CREP officials.

Remarks putting charges in perspective—Items which RN has been subject to—and things he is aware of from a life in politics.

Rebuttal of charges from information that has been reported to him and statements made by others who have been charged.

Politics of the present situation—

—Press is publicly charging people on hearsay
—Senate committee has prejudged situation
—FBI has been falsely charged
—DOJ is said to be less than diligent

No man is above the law, but no man can get a fair hearing in the present situation. Men are being charged with crimes, when I know they have not committed them.

The public is entitled to the facts, and the men who have been alleged to be involved are entitled to fair and just treatment. Accordingly I have today convened an independent panel that will have an unprecedented power to examine the charges and mete out justice.

(1) Every individual who has been charged with involvement in connection with the Watergate affair has agreed to submit to interrogation of the panel—and, upon request of the panel on the individual—to submit to a polygraph test.

(2) These people have also agreed to waive any right to trial by jury, 5th Amend., etc. in that the panel is impowered to cause removal from fed. employment, levy fines, and if the facts warrant—impose personal sanctions.

(3) The same offer shall be available to the 7 persons who have been indicted, tried & pleaded guilty in the Watergate case. If they choose to submit themselves to the jurisdiction of the panel—and I am hopeful they will—they shall be treated as others. If they do not, all information they have provided or plan to provide, will be considered by the panel in its deliberation of the whole situation.

(4) No judgments will be made by the panel until it has received all the facts it deems necessary and it may call upon any federal investigative agency for assistance in assembling such facts.

(5) This panel shall make a full public report of its findings and the reasons for its actions with regard to such individual submitting to its jurisdiction.

NOTE: This printed matter is from handwritten notes by Mr. Dean which were not legible enough for photography. The original copy is retained in committee files.

EXHIBIT NO. 34-42

March 29, 1973

MEMORANDUM FOR THE FILE

At approximately 4:00 P.M. on Thursday, March 29, 1973, Mr. Peter Maroulis spoke with Mr. John Dean over the telephone from this office. Mr. Maroulis stated that in response to a request from Mr. Dean for a statement under oath from Mr. Maroulis' client, G. Gordon Liddy, as to the non-involvement of Mr. John Dean in the Watergate matter, that he, Mr. Maroulis, had advised his client that such a statement would not be appropriate at this time for the following reasons:

1. That if Mr. Liddy were to make such a statement, it was conceivable that it could later be construed against Mr. Liddy to the extent that a selective speaking out on the subject waived his Fifth Amendment privilege.

2. That to give a statement as to one specific individual only could be detrimental to other individuals who were not mentioned.

3. Mr. Maroulis also stated that his client wished to convey to Mr. Dean his personal desire to be helpful in this matter and to assure him that his decision reached at this time was predicated on the legal advice of his counsel.

P.L.O'B.

gk

EXHIBIT No. 34–43

Pre June 17th

(I) White House involvement and Knowledge of Liddy's Intelligence Operation at CREP.

During the entire first four years of the administration the President had been subjected to mass demonstrations relating to the war in Vietnam. I do not remember exactly when, but believe it was in June or July of 1971, that HRH asked me to make a recommendation as to how the Re-Election Committee should handle the problem of demonstrators. HRH raised this with me, because one of my White House responsibilities has been to keep informed regarding potential demonstrations that might affect the President. I had been involved in this area while at the DOJ and when I went to the White House my office served as a liaison office for metropolitan police/FBI/DOJ and SS intelligence regarding demonstrations.

Haldeman and Ehrlichman have always been critical of the insufficiency and weakness in the intelligence that has been provided to the White House by various federal agencies regarding demonstration activities. The intelligence always seemed to be too little and too late. While the evidence would appear that the demonstrations were well orchestrated and well financed, no one could every [sic] find hard information as to who was behind it and what motivation might exist other than the obvious anti-war theme.

The demonstrations were having a dual impact on the President. First, it made the atmosphere of public opinion much more difficult for the President to negotiate an honorable peace in Vietnam and secondly, when the government dealt firmly with the demonstrators we would be charged with oppressive tactics even though the demonstrators were seeking to tie the government into knots.

There were several efforts to improve the government's ability to gather intelligence regarding demonstrations, but these efforts really never accomplished much. For example, before I came to the White House, a study group headed by Tom Huston had re-examined the entire structure of the domestic intelligence security operation, but the plan that was ultimately developed by the study group was vetoed by Hoover because of the fact that it would have involved the FBI assuming less than a dominant position in the intelligence community. A compromise arrangement was worked out with Hoover to establish within the Department of Justice a coordinating team of all the domestic intelligence agencies but the product was less than satisfactory and often the newspapers appeared to have more information than the intelligence gatherers.

When Haldeman would read the reports regarding demonstrations he would—and rightly so—express continual dissatisfaction. I assume it was because of the weaknesses of the government system that Haldeman urged that consideration be given to the campaign committee developing its own capability to deal with demonstrators in the forthcoming Presidential campaign. Not only did we expect problems for Presidential appearances, but it was also felt that the demonstrators would seek to cause extremely serious problems for the Republican 1972 Convention with the aim of creating a similar situation as that which occurred at the 1968 Democratic Convention in Chicago.

It was suggested that the person who head up this operation be a lawyer who could also serve as general counsel to the Committee and it was not anticipated that the intelligence operation would be a particularly consuming activity. Jeb Magruder indicated to me that he would like to have my Deputy Counsel, Mr. Fred Fielding, assume the position of General Counsel and the man to be concerned with demonstrations and security. I discussed the matter with Fielding, but we agreed that it would handicap my office's operations greatly if he were to leave the office during the chaos of a campaign year. I informed Magruder that I could not let Fielding go, because I couldn't get along without him. Magruder then asked if I would recommend some other lawyer who could fill the function.

I next discussed this with Bud Krogh because Bud is a lawyer and had had responsibility for demonstrations prior to my arrival at the White House. I suggested that David Young, who worked for Bud, might make an excellent

man for the job, but Krogh informed me that it was not feasible because Young was too busy on the declassification project. Krogh did, however, suggest Gordon Liddy as a man who could do the job. He told me that Liddy was a fine lawyer, had prepared some excellent legal documents for him and that he was a fast study on the law, and he was quite confident that he would quickly grasp the campaign laws. Krogh also told me that Liddy had an FBI background and assumed that his background with the FBI would qualify him for dealing with the demonstration problems during the campaign. Krogh informed me that he would have to check with Ehrlichman before he signed off on his recommendation which he did and after that I informed Mitcheell [sic] and Magruder that I had a recommendation.

I frankly do not recall if I explained the job to Liddy or if Bud Krogh explained the job to Liddy. However, I do recall that I informed Liddy that one phase of the position would involve his tracking on domestic intelligence regarding demonstrations and the threat of demonstrators to the Republican Convention. I informed him that I was not an expert in intelligence and did not have any idea how such operations were conducted, but he assured me that he was familiar with intelligence gathering and would be able to handle the post. I arranged for John Mitchell to meet with Gordon Liddy on November 24, 1971, for a job interview. I attended the meeting and attached is a agenda that Liddy had prepared for the meeting and passed out at the meeting. As I recall the meeting, it was a normal job interview type meeting in which Mitchell asked Liddy about his background and his knowledge of the election laws. I had already informed Liddy that I would do everything possible to assist him in becoming familiar with the election laws, including the new election law, the passage of which was imminent.

Liddy thought I could be very helpful to him in getting geared up with regard to the election laws, that they were complex, that they must be followed to the letter. I do not recall any discussion of intelligence operations at this meeting other than the fact that Liddy said he would put together the plan for Mr. Mitchell's approval. The interview also involved discussions in some detail regarding salary and title, which were agreed upon but I am unable to recall the specific salary although I do recall Mitchell agreed that Liddy should be called the General Counsel.

After this meeting, I recall that Magruder requested that I bring Liddy over for an interview with him in that Mitchell had said to him that he would have the final say as to whether or not Liddy was acceptable to him because he was the person who would have the working relationship with Liddy. I explained this to Liddy and Magruder asked that we come over on Friday, December 8, 1972(?) at which time Magruder interviewed Liddy also. Again, there was no discussion of Liddy's intelligence responsibilities other than Jeb's expressed concern regarding the demonstration threat to the Convention. Liddy indicated that he thought he could be helpful in getting information regarding demonstrators for Magruder and that he would draw up a plan. At that meeting Magruder agreed to hire Liddy and asked him to start as quickly as possible.

The next contact that I had with Liddy was through a man in my office, David Wilson, who I had instructed to provide Liddy with all background material on the election laws and to tell Liddy some of the areas that he should have particular concern with.

On January —, 1972, Magruder requested that I attend a meeting in Mitchell's office with Gordon Liddy. At the time I went to the meeting, I had no idea of the subject matter to be discussed, but when we were going over to the meeting together, I learned that Gordon was going to present his proposal for an intelligence operation. Liddy had prepared a series of charts to explain his plan but I frankly had some trouble following it as Mitchell later told me he did, because all of the operations were in unusual code names. However, I do recall some of the items that were in the plan. I recall that it called for a $1 million budget, and included such recommended capacities as the ability to kidnap demonstration leaders in an effort to throw the demonstrators into disarray, strong arm teams, teams to infiltrate operations with demonstrators, and the ability to conduct, what Liddy called the most sophisticated electronic surveillance in the world. The plan also set forth how convention security could be handled, and general security for other aspects of the campaign to deal with demonstrators.

As the plan was unfolded I felt sorry for Liddy because he thought he was providing the answers for the intelligence needs, but I knew that John Mitchell would never agree to any such proposal or plan. I didn't know how Mitchell would turn it off, but knowing John Mitchell, I knew he would not blast Liddy

out of the room, rather would subtly tell him that this was not what he had in mind. In fact, the meeting terminated with Mitchell telling Liddy that this is not what he had in mind, that it was a little exhorbitant, and more extensive than anything that would be needed. Liddy said that he understood and would provide another plan.

After the meeting, I talked with both Mitchell and Haldeman and Magruder and informed them that such a plan was disaster. I advised Jeb that he had better guide Liddy before the matter goes further.

On January —, 1972, Jeb requested I attend another meeting with Mitchell and Liddy and himself. I had not at any time discussed this plan further with him, although I do recall him telling me that he was going to totally revise it. I arrived at this second meeting very late and Liddy was in the process of presenting his revised plan.

After sitting in the meeting for approximately 15 or so minutes and hearing the same sort of things starting to come out again, as have been contained in the earlier plan, I could see that Mitchell was very upset, but trying to maintain his composure. I must also say that I was frankly quite upset and decided that I had best interject myself into the matter in an effort to cut it off from any further discussion. I told Liddy and the others that the things that were being discussed here could not be discussed with a man who is the Attorney General of the United States and if there was going to be any intelligence operation, it would have to be taken up at another time. I felt that I got Mitchell off the spot without embarrassing Liddy who agreed that this would be discussed sometime after Mitchell had come over to the Re-Election Committee. Again, I felt sorry for Liddy, and I felt no one had given him any guidance as to what was or was not expected of him, but I did not believe it was my role to get any further involved other than to attempt to stop what it saw developing.

After the meeting, I informed Liddy that I could never discuss his intelligence operation with him further, and that he should not look for me for any guidance on the matter. I informed him that our dealings would have to be limited strictly to matters of election law and Liddy said he would honor that request. I never discussed the subject with Gordon Liddy again.

Also, after that meeting, I informed Haldeman of what had transpired in Mitchell's office and the fact that I had interjected myself into the meeting in an effort to cut it off. I told Haldeman that I had informed Liddy that I would not discuss this subject with him further, and that if anything like this was developing in the White House, I had to stay totally out of it. Haldeman fully agreed and told me that I should not become involved in any way with the Re-Election Committee intelligence operation and I never did.

I never received any intelligence from the Re-Election Committee and I cannot recall ever providing the government intelligence regarding demonstrations to the Re-Election Committee, rather, I provided all such information directly to Haldeman via Strachan. I have no knowledge before the incident which occurred on June 17th, as to what was or was not done regarding Liddy's intelligence gathering functions. And I never discussed this subject with any other person at the Re-Election Committee before June 17th.

POST June 17th

(1) The Dean Investigation

I landed in San Francisco on June 18th, having been out of the country to give a speech on drug law enforcement. I called Fred Fielding of my office to check in and he informed me of the news story regarding the break in at the DNC headquarters.

I arrived in Washington, D. C. late in the afternoon of June 18th and Fielding informed me that one of the men arrested had a letter with a check signed by Howard Hunt in his possession. I realized at that point that I would be asked to assemble all of the facts so that the White House could be fully informed as to what had transpired and how it might affect the President. Having been on an airplane for approximately 25 hours, I did nothing further than evening.

On Monday morning, after reading all the news accounts of the incident, I spoke with John E. who instructed me to get the facts together and report to him. I called the A.G. to ask him what facts he knew and he said that both the metropolitan police and the FBI were investigating. He also told me that Gordon Liddy and Powell Moore had tracked him down on Sunday, June 18th, at Burning Tree CC and Liddy had said he must talk with him about the man who had been arrested at the DNC. The A.G. said he refused to talk with Liddy about the matter.

I then called Liddy and requested he come to my office. When he came over I suggested we take a walk. I asked him what he knew about the incident which had occurred at the DNC and he told me that this was his operation that had gone bad. He told me that he had been pushed into doing it, when he did not want to do it. He said that they had been in the DNC before and the bug they had placed in the DNC was not transmitting properly, so they were seeking to correct it. He also said that they had observed what appeared to be stolen classified documents in the DNC and had been instructed to make copies of them.

I asked Liddy if anyone at the White House was involved and he told me no. I did not ask him who pushed him to do this, but he intimated it was Magruder. I did not question him further about the incident.

Liddy also expressed concern for those who had been apprehended and I told him there was nothing I could do. He said he understood. He told me that he deeply regretted that the matter had occurred and he planned to remain totally silent. As we parted I remember he said you can count on me to be a soldier. I told him that I was trying to ascertain the seriousness of the problem—in that it was obviously a political bomb shell—and that I would not have any further contact with him. He said he understood and we parted.

During the days and weeks that followed I discussed the incident with everyone who I thought might have any knowledge or involvement. Set forth below are the findings from these conversations.

Chuck Colson

Because of Colson's relationship with Hunt, I thought he may have either knowledge or involvement in the matter, but Colson assured and reassured me that he had no involvement whatsoever.

Colson told me that he was aware of the fact that Hunt was working with Liddy. He said that in late January—early February (?), 1972, Hunt and Liddy came by his office late one afternoon to visit him. He said that it was a casual "stop-by" type visit and during the course of their conversation Hunt and Liddy mentioned to Colson that they had an intelligence operation plan, but they could not get anyone at CREP to focus on it and sign off. Colson says that they emplored upon him to call CREP to see if he could get some action. Colson stated that he called Magruder and told Magruder that he did know what Hunt and Liddy had for a plan, but they should not be left hanging. Someone should focus on it and make a decision one way or the other.

Colson told me that the only time he requested Hunt to do anything for him after that was during the ITT hearings, when he requested Hunt to go to Denver to interview Dita Beard. Colson states that he wanted to know if Beard had really written the famous memo and decided to sent Hunt to find out. When Hunt was in Colson's office, Colson asked him how he was going to pay for the trip. Hunt then telephoned someone and said he needed $1,000 and solved the problem.

Magruder has intimated to me that Colson had more involvement than Colson says. Magruder says that they let Liddy and Hunt proceed with their intelligence operation because Magruder was concerned that Colson might try to take over the operation himself and they did not want Colson involved. However, Magruder feels that Colson was aware of everything Hunt and Liddy did and that Colson, in fact, gave Hunt assignments from time to time. Magruder says that the Brigham Young student—Gregory—was working for Hunt to get scheduling information for Colson. Magruder says he had no use for such information, but Colson did.

Magruder also says that he received more than one call from Colson telling him to approve the Hunt and Liddy intelligence operation, and it was Colson who was pushing to get something done. Colson denies this.

Colson received a letter from Howard Hunt on _____ (Attachment _____. This letter would appear to indicate that Hunt is saying that Colson was not involved in the incident at the DNC headquarters.

Colson received a telephone call from Howard Hunt on _____. During the course of that conversation Hunt states that Colson had nothing to do with the incident at the DNC headquarters. Colson recorded the conversation. (Attachment _____.)

Colson has stated under oath on two occasions that he was not involved in the incident. These statements were contained in depositions—one for the federal grand jury investigation and the other (Attachment _____) in connection with the civil lawsuit filed by the DNC.

JE

I found that E had absolutely no knowledge regarding the intelligence operations at the CREP. Bud Krogh had discussed with E that he was recommending Liddy to serve as General Counsel at the CREP and the fact that Liddy might also be given responsibilities for intelligence regarding demonstrations that would affect the campaign. However, E had, to the best of my inquiries, no knowledge of anything Liddy was engaged in after his departure from the Domestic Council staff. I also found that E had only incidental dealings with Liddy while he was on the Domestic Counsel staff and knew of his work in the area of gun control, narcotics, and that he worked for David Young and Bud Krogh on the problem of leaks and matters relating to national security.

E only recalls one occasion meeting with Howard Hunt, in connection with an interview Hunt had conducted with a former CIA operative and relating to a matter of national security. E was aware of the fact that Hunt had been placed on the White House staff as a consultant. Colson had recommended retaining Hunt in connection with the Pentagon Papers matter and E—according to Colson—told Colson to place him on his (Colson's) staff.

Bud Krogh

Krogh has testified twice under oath regarding his relationship with Liddy and Hunt. Once before the federal grand jury investigating the incident at the DNC headquarters, and once at his confirmation hearings (Attachment _____). My independent inquiry confirmed that Krogh had absolutely no knowledge regarding any activities of Hunt or Liddy once they departed from the White House. When Krogh recommended Liddy to me as a person who would make an excellent General Counsel and as a person who could assist the CREP in keeping abreast of the problems that demonstrations might cause, the campaign, he told me that Liddy has an outstanding legal mind. He cited several examples of legal briefs Liddy had prepared and told me that he was confident that Liddy could quickly and thoroughly grasp the campaign laws.

Pre [ ] June 17th

(I) general concern at WH re demonstrators intelligence
(II) personal knowledge re Liddy's activities at CREP

Post June 17th

(I) THE DEAN INVESTIGATION
(II) WORKING WITH CREP
(III) THE BLACK MAIL PROBLEM
(IV) including FBI REPORTS
(V) TURNING OVER TO FBI MATERIALS FROM PRATS OFFICE
(VI) Relationship between WH & DOJ
- Gray
- A.G.
- Petersen
- Silbert

Dean's personal vs methods

N.G. when questioned by gov. re my working

Liddy call to Krogh
McCord letter to Caulfield
#

The Plumbers

The Segretti Matter

re Jul 17

involvement of DOD in Demonstration & securing intelligence

DOJ
- STUDIED FBI / DOJ INTELLIGENCE REPTS re DEMO
- CHIEF NEGOTIATOR with PEACE GROUPS - REP. BACK TO ADG WHM.
- involved in every major demonstration

W/H
- received all reports of Demonstrations
- during demos kept informed of what was going on via DOJ (mayor / chief wilson / SS
[Staff: Fielding / Wilson]

HRH / JE always critical of insufficient intelligence re Demonstrators activities - what they were planning, who was behind them formally - and because of the lack of intelligence - the ability of the government to deal effectively with the situation.

The Demonstrations were having a bad impact on the P: (1) making it difficult from him to negotiate an honorable peace in VN (2) making it appear that the Gov. was repressive in dealing with those who sought to tie up Gov. in the name of peace demonstrations.

They were several efforts to improve the ~~of~~ gov. domestic intelligence - but they really were accomplished much.
(A) Before I came to WH there was a study group headed by Tom Houston to restructure the domestic intelligence - operation - it was vetoed by Hoover
(B) Pres. inter agency group was established in DOJ

to coordinate the best available intelligence of all the intelligence agencies, but the president was less than satisfied in that the newspapers often had more info.

When HAH would read info in novel — and rightly so — express continued dissatisfaction because it was apparent that opponents of the President were using the peace demonstrators to cause him political problems.

In ____ (June/July) 1972 HAH discussed the fact with me that the demonstrators would inevitably cause the P a serious problem during his reelection campaign and suggested that the campaign committee develope its own capacity to deal with demonstrations. Not only did we expect problems for P appearances, but we felt confident that the demonstrators would seek to cause the 1972 convention the same problem that had been faced in 68 Democratic convention. I told HAH that we could push the Fed. intelligence agencies to keep us informed, but I doubted if we would get much intelligence ~~[illegible]~~ that would be from the Hill. In short, it was instructed to assist the reelection effort in preparing itself for expected violent demonstrations.

I discussed this matter with Mr. Hoover — approx. ____, and he agreed that we would have a problem, that the FBI would help, but that the resolution among the should disclose it our capability to gather such intelligence. He offered to provide some of foreign agents that might be of assistance, but I never asked him for such views.

I assume that WRH and TPM discussed this matter also, because both continued to ask me for my recommendations.

~~I noted~~ Having no background or experience in the intelligence field other that years been on the receiving end of intelligence reports, I discussed this matter with Jack Cantelfield. He informed me that he had already given this matter some thought and had been considering leaving Army to form a private corporation along this kind of interest. I asked him to prepare his recommendations for consideration.
[insert discussion of Scandlesoft]

This plan was discussed with Mr. Hoover, TPM and we agreed that it wasn't what we had in mind.

It was then determined by JM/PRH/JE and I fully agreed, that this operation should be directed & controlled by a lawyer, with an intelligence background. That if anything crossed the boundaries of the law, that the problems would be serious.

I was then asked to recommend such a lawyer. Fine requests were coming from JEB at this time, in that he had gone on to 1701J. JEB wanted FFF, but I refused. Then I suggested Dave Gray, but JE & Krogh said no. Krogh suggested Liddy, but said he needed continual guidance lest he could get out of control. I passed this recommendation on to JM & JEB.

JM, JED & Liddy met on Nov. 24th. Typical intrigue situation. Only thing that came up was that G.L. would put together his recommended plan.

JEB met Liddy on ____. Plan. Only discussion was that Liddy said that he had developed a plan.

At no time did I discuss with G.L. what his plan should or should not include. I merely told him that this wasn't my job and that it would be his responsibility to develop

a plan acceptable to JM & JEB. I have no knowledge of what G.L. did re his plan.

My dealing with G.L. were to get him fully briefed on the Election law. – provided him material re issue, discussed the development of the new law, the problem it would create for compliance, etc.

On Jan — 1972, JEB requested that I attend a meeting in JM's office because G.L. was going to present his intelligence plan. At that meeting G.L. set forth his proposal, which I frankly did not fully understand because it was in extraordinary code names for operations. I do know it called for a $1 million budget and included such things as kidnapping teams, burglary teams, electronic surveillance operations, wiretaps, tapes and psychos to influence the demonstrators. [Committee Security.]

As the plan was ~~[illegible]~~ presented I felt sorry for Liddy, who thought he was doing providing the citizens in the intelligence needs, but had already prepared a plan that JM would never agree.

One has to know JM to know why he didn't throw G.L. out of his office. His point is not that type of man, but I could tell he was upset and distressed at what was going

I appreciated his concern with me, that I was trying to determine the seriousness of the problem, and that I would not have any further contact with him. He said he appreciate the fact that it could have, to be that way he would be a scholar.

Called to meeting in JE's office with Colson. Colson said E HH probably had files at the WH, which could be political disaster.
[Sidney J. Gene learned that that may have called Colson to tell him to take care of his files]
At this meeting I was instructed — during the meeting to call Liddy and tell him to tell that to get out of the country, which I did. Later during the meeting — after discussion the implications of that call — I was instructed to call Liddy again & reverse that call. I did that also.]

HH to cc consensus

Colson concerned JE that Hunt's files could be a problem. ~~and that I~~ Bruce Kehrli was called in to determine where Hunt's office was located and how the contents could be obtained. JE instructed Bruce to have the safe opened, but that Bruce — or someone from his office should take possession of the contents.

I had learned the office for home by the time. He had made arrangements for G.S.A. to open the safe. He called Fields to arrange

Est June 17th

Landed in San F on the 17th – called FFF – he informed me of front page story re break in & bugging attempt.

Returned D.C. Sunday 18th and received word that check re E Hill found with Cuban. I relayed at that point that the P would have to be notified. I called Ford at

Monday evening called Lisby – requested he come to my office. He came & I suggested we take a walk. He told me that this was the operation that had gone bad. That he had been pressed into doing it when he didn't want to do it; that his budget had been cut to a point where he had to take great risks to provide the info. I asked him if anyone from the WH was involved in any way and he said no. I did not question him further about the matter. He expressed his concern for those who had been apprehended and I told him there was nothing I could do. He told me that he regretted the matter having occurred during time that he promised to stay out of any investigative persons. I told him that obviously this was a political bomb shell and that the Republicans will attempt to pin the blame on the WH. He protested but I told him that

Approved
11

(II) Reporting results of investigation

(II) Lands. Office matters

suggested. The meeting terminated with JM telling Lodge that ~~[illegible]~~ the plan was not what he had in mind. ~~and he [illegible]~~ At that time he did not tell him what he did have in mind, but told Lodge he was most concerned about what Lindsay might do to disrupt the campaign & the convention. He also said that he could not support the Resolution committee's whole-hog needs resolution. $1 million dollars. Lodge agreed that if that is not what he wanted he would get together another plan.

~~[illegible]~~ After the meeting I talked with both JM/~~[illegible]~~ and JB and informed them that that a plan like that was out of the question and that we really seem to have started another to collate whole-hog. ~~[illegible]~~ I advise JB that he had better guide Lodge before ~~[illegible]~~ the matter goes further.

On ___ 1922 JB requested that I meet again with JM/JB & Lodge. I had not at any time discussed Lodge's plan prior with him, except ~~[illegible]~~ I can recall his saying that he was drawing it steadily. I arrived at the second meeting while Lodge was showing his plan to JM. I sat there for 15-20 minutes and heard

a scaled down version of his original plan. I could see he was very upset, but trying to maintain composure. I also was disturbed so I injected my self into the matter in an effort to assist as tactfully as possible. I told Lidely that the dispute that he was developing could not be discussed with a man who was A.G. of the U.S., that if there was going to be an inter-agency operation it would have to be discussed elsewhere, but that as the A.G. cannot be asked to come within the matter in the plan.

I felt sorry for Lidely, in that I felt he had given his position. I did not believe it was my role to give him an opinion, but I did feel I believe it was my role to stop what I saw developing.

After the meeting I informed Lydon that I had made down his instructions — Lydon with him and that he should look to me for any review, advice, or action connected in this matter.

I told him that our dealings would be limited to discussion of claims laws and Lidely requested that regard. I now discussed this subject with Jordan Lidely again.

Also after that meeting I informed Hitt of what I had heard discussed, that he got part I had terminated the discussion, and that if these things were going on that no one in the W.H. should be involved. I told him that I had informed Lackey that I would not discuss this subject with him and I felt confident Lackey would agree. ~~I assumed from both of~~ Hitt fully agreed and told me I should not become involved in any way in the 1701 intelligence operations and I never did.

~~# [illegible]~~

I received no intelligence from 1701 and I can not recall been providing any information re demonstrations, etc. to 1701 ~~prior to June 1970~~ from that source. ~~When I provided all reports I received to Hitt via Strachan.~~

I have no ~~[illegible]~~ knowledge (pre June 17th) as to what or who or was not done regarding Liddy's intelligence gathering capacity.

I never discussed this subject with anyone at 1701, the W.H. or elsewhere at anytime before June 17th

I met Howard Hunt once in Ehrlichman's office, ~~but~~ it was a casual introduction meeting in his office. I never recall work with Hunt or discussed anything being done with him at any time.

I have never met Tomas McLaud, but I can not recall for certain.

[Hold] recall Liddy's burnt hand incident. Told me held it over a candle to prove his strength. I called Magruder & told him. What I had heard & that I didn't know why G.L. had done this, but I thought he should keep an eye on G.L.]

[Told me Liddy as lawyer — Shaw, Hl, Slane, etc. gave me good reports — thought he was performing very well.]

96-296 8028

55%

PRE JUNE 17TH

(I) WHITE HOUSE INVOLVEMENT AND KNOWLEDGE OF LIDDY'S INTELLIGENCE ~~plans~~ OPERATION AT CREP

During the entire first four years of the Administration the President had been subjected to mass demonstrations relating to the war in V.N. ~~He had as I can recall, in late spring or early fall of 1971, HRH asked me to begin thinking about what the demonstrators~~ might have on the President's reelection campaign and how the Government could improve its ability to

I cannot remember exactly when, but believe it was in June or July of 1971, that HRH asked me to make a recommendation as to how the reelection committee should handle the problem of demonstrations. HRH raised this with me, because one of my White House responsibilities has been to keep informed regarding potential demonstrations that might affect the President. I had ~~first~~ been involved in this area while at the DOJ and ~~a~~ when I went to the White House my office served as a liaison office for FBI/DOJ and SS intelligence regarding demonstrations.
metropolitan police

[Begin tape]

( ) THE BLACK MAIL SITUATION: Money

I became aware shortly after the incident that John Mitchell and others were being blackmailed by the individuals who were involved in the incident at the DNC headquarters. It is impossible for me to recall specific dates and situations, as I found this a distressing situation and sought to forget it or ignore it as best possible. Nevertheless, I can remember with generability what occurred that I was made aware of and have sought to set it forth below to the best of my recollection.

The first I became aware of the situation was when Mitchell was given the information that the men who had been arrested were looking for (Hunt's lawyer) assistance to make their bonds. I believe these requests for money came from Mrs. Howard Hunt, through William Bittman and to Kenneth Parkinson. Parkinson passed them on to Mitchell and Fred La Rue. The requests for money were accompanied with the threat that individuals involved in the incident would cause general havoc if they were not helped.

It is impossible for me to catalogue all the threats, but they grew in intensity and went far beyond the incident at the DNC headquarters ~~[illegible] occasions when threats were made against other persons. [illegible] are unknown~~ and ultimately appeared to be blackmail efforts to

blackmail extra [illegible] for the sake of political embarrassment

Before discussing the usually situation these threats created and how they were dealt with, it might be helpful to understand the channels they travelled through. After Parkinson was placed in the situation of having been given such a threat and expected to respond, he informed Mitchell that he was passing the matter along, but did not want to be involved and avoided any further involvement here after. As a result of Parkinson's feelings, Bittman developed contact with Paul O'Brien to pass along such messages. I knew that O'Brien was unhappy being in this position, but he represented men who were being subjected to the blackmail and I can only assume felt it his responsibility to not ignore the situation. O'Brien would report the threats that were being transmitted through Bittman to Mitchell, Fred La Rue and me. I, in turn, would pass them on to anyone in the WH who was affected.

Sometime after Mitchell had received the initial threat he requested that I discuss the situation with Hunt and JE and advise them that Herb Kalmbach should be called upon to raise some $70,000 in cash that was necessary to meet the demand. I raised this with JE and Hunt, who authorized me to contact Kalmbach.

Kalmbach, who never asks any questions except whether E and H want him to do something — proceeded to collect the money and deliver it on instructions from Fred La Rue. I have never discussed the details of this matter with Kalmbach and he merely told me that it was done.

The next time I became aware of the continuing nature of the blackmail situation was when another threat came to the committee, but there was no money available to meet the demand. Stans, Mitchell, La Rue and their counsel were aware of the fact that before April 7th, 1972 $350,000 in cash had been sent to the White House for private issue polling. They were also aware of the fact that the White House had not spent the money and, in fact, the White House wanted to refund the funds.

There were two problems in refunding the money. The money had been delivered by Sloane and Kalmbach to Gordon Strachan. Strachan, had made arrangements for its safe keeping and only he, with His approval, could touch the money. When it came time to figure out how to refund the entire amount, it was realized that there had been an expenditure of some 22,000 — for what purpose I do not know. Thus there was discussion about how to make the fund whole and Stans said he could provide the money necessary to make the funds whole. This was done. The second problem was how to get the funds out of the White House without making some big deal out of it in the press. If the funds were returned to the finance committee they would have to be reported as having come from the White House — and, being a hostile press would have placed some strained interpretation on the transaction. Thus the funds sit in Strachan's safe

while we tried to determine how to get rid of them in a manner that was legal, but didn't compound ~~our~~ problems.

Mitchell requested that I asked HRH for funds from the $350,000 for next two days pending delivery that it would be replenished later. I conveyed this to HRH, told him that it was a bad situation growing worse, but I could not offer any alternative suggestions. I recall that we delayed for some time making any decision and finally either Lee Rice or O'Brien advised me that it was at the crisis stage. I informed HRH, and he said that I should have Strachan give them the money, but we should get it back as soon as possible.

This same basic situation repeated itself again and then again. Finally HRH said let's get all the gold damn money out of here and have them give us a receipt. They Strachan delivered all the money on the last request, but was never given a receipt.

While I am not ~~[illegible]~~ aware of the full extent of the threats made against Frosch at CRP, I am aware of two instances where back-mail threats were made to people at the White House.

On _____, Mrs. Stewart that called Chuck Colson ~~first~~ month Mr. Colson's secretary, Joan Hall, ~~[illegible]~~ who ~~[illegible]~~ he call at her home. There was a variety of that Colson should do something to resolve the money demands. Colson, to the best of my knowledge had no idea what this was all about, and he referred the matter to me. I told him to advise his secretary not to receive any further calls from Mrs. Stewart. I advised Colson of the matter and told him I planned to do nothing to get in touch with Mrs. Stewart, nor was I going to let anyone at the White House contact her.

On March —, 1973 Paul O'Brien came to my office and reported that Hunt had insisted on meeting with him — he prior For. March —, 1973. O'Brien reported that Hunt had sent a message directly to me — to tell me that he wanted $ 72,000. for personal reimbursement plus $ 50,000. for attorney's fees. If he did not receive the funds he would "reconsider his options" and also he would disclose "some of the scary things he had done for JE and Bud Krogh." I asked O'Brien why Hunt had sent that message to me and O'Brien said he asked Hunt the same question, to which Hunt said I just want you to pass that message to Dean.

I discussed this with JE of this threat and JE asked if I had discussed this with Mitchell and Colson. I told him I had not and he requested that I do so — and I did with Mitchell but not with Colson. When this matter came up in a meeting with Mitchell / JE / Hall and myself on Thursday, March —, 1973 Mitchell indicated he didn't believe there would be a problem. I am personally not aware of what was done in this instance and how it was resolved.

I have never been in a position to fully evaluate the fact that we were being subjected to blackmail. We were wanted to get involved in this, but all were concerned that there could result in some dire impact if the White House did not provide help. No one, to this day, really knows what substance there is to the threats, but when you bring blackmail, you seem to magnify the worst. Thus, in fact the White House did provide the committee with funds to deal with the blackmail ~~the~~ demands.

THE BLACKMAIL SITUATION: CLEMENCY

At some time shortly before the trial, O'Brien informed me that Bittman had been asked by Hunt to meet with Colson to discuss ~~clemency~~ the potential of clemency. Bittman had informed O'Brien that because of the death of Hunt's wife, Hunt was not capable of standing trial and planned to negotiate a plea of guilty. ~~I~~ ~~[illegible]~~ if he could receive some assurance that he would not be in jail the rest of his life. If not, Hunt was going to seek immunity and "tell all", whatever that was. I passed this on to JE and Colson. JE felt Hunt Colson should meet with Bittman and hear him out. Colson did meet with Bittman ~~and~~ ~~[illegible]~~ him in his office. After the meeting he reported that JE

and I meet with him. Colson ~~[illegible]~~ reported that he believed it was essential that that be given some assurances of clemency. E agreed and told Colson to give him a careful response – i.e. an assurance of something, but no hard or definite commitment.

Colson talked with Bittman again and told him that he couldn't give a hard and fixed commitment, but that as Hunt's friend he would do everything he could to assist that in getting clemency in approximately a year. Colson noted to Bittman that consideration time is when the bulk of the clemency actions are taken.

Later word came from Bittman to O'Brien that this satisfied Hunt.

Wheeler

him to my office & take the contents. After opening the safe BK & FFF sorted the contents & sent them to BK's office for safe keeping. Two boxes were delivered to my office but never opened.

DEM / INX ext.

DEM & FFF went through the material. There were three items that I considered very damaging (1) Electron Eq—l. (2) Pol. progressive memos dealing relating to the WSF. (3) the first hot piece was a gun & bullets

in the head of concern

I reported what was found in the safe to JE & Colson. It was suggested that I "deep-six" the material, but I said I was unwilling to do that. I express concern for our keeping with the situation and that we should really hold it in my office because no one had requested it. I discussed this with FFF & they agreed ~~[illegible]~~ & said I would be easy to destroy such a. Accordingly the contents were kept in my office. No inventory was made, but my office is secure so I just left it in boxes, except for classified docs which I had stored in a safe.

On Dec 22, 1972 the FBI interrogated Colson. Colson was told I be present. [Insert re EHH office & agents]

Insert re Mitchell to FBI

As Colson assured the FBI that he was not involved, he assured me, also. He told me that he was not aware of the fact that Hunt had gone to work with Liddy, that despite their alleged close relationship, they had never really discussed his activities with CREEP.

- Chuck did inform me that on one occasion that Hunt & Liddy stopped by his office and informed him that they were unable to get approval for their question. Colson said they employees complained upon him to call the police and tell them to come fish in that bait. Chuck said he made the call, but he had no idea of the full dimensions of the call.

- Colson also told me that he had asked Hunt to travel to Europe to interview Otto Brand during the 1972 campaign. At that time Colson said he did not know that Hunt had developed a working relationship with someone at CREEP. Because when Colson asked Hunt how he would pay for it, Hunt produced his own chequing and said he would pay $1000 & gave it.

* It has been said that there was a delay in turning over material to the FBI and that some material was missing. If there was any delay, which I don't believe there was, it was because the FBI was really asked for the material from White's office, before I told them after that the Bureau instructed that I would provide them with the material found in the office. There was, as mentioned, the desire on the part of some to destroy material found in that safe which I refused to do. Accordingly I, ~~[illegible]~~ advised FBI to segregate the sensitive documents and there then beginning were to be brought. I then took the sensitive documents to JE's office and told him that Pat Gray should be called over and given the documents personally. JE called Gray, who came over and was given the documents. I never personally released the documents that were so given to Gray, ~~[illegible]~~ and only knew Gray knew he sealed envelopes. Gray was informed that the documents were totally irrelevant to the investigation involved, but if released would be potentially embarrassing. He was told ~~[illegible]~~ JE to see his best judgment in dealing with them but felt ~~[illegible]~~ ~~[illegible]~~ if they leaked that would cause an embarrassment.

The only other person who is aware of this the handling of these documents is Harry Peterson. It became necessary for me to tell Peterson when I was being interrogated by Silbert regarding potential testimony he was asking questions regarding his taking of material over to the FBI. I refused to answer to protect my self under any circumstances and I knew if I raised this matter it would create problems. Accordingly, I discussed my matters with Silbert, informed Peterson why, and departed. Because he was awake and up during the trial, my testimony was unnecessary. I might added, however, that I am only aware that everything found in that office was turned over to the FBI. I have no personal knowledge of a missing "orange" note book or other address book.

The other possible reason explaining the fact that the materials were in my office for some six days is that I was being cautious as to which I had actually to give over to Peterson and which in Peter's sole opinion was very necessary i.e. the electronic equipment. After discussing this matter in detail hypothetical terms with Harry Peterson at dinner, I decided it was not for me to judge if nothing he informed me of had been given to the FBI.

EXHIBIT NO. 34-44

I am summarizing in this memorandum the results of my separate investigation of the so-called Segretti case, particularly as it relates to members of the White House staff.

I think this report is important at this time because of the increasing tendency in the public media

to use the term Watergate as an umbrella covering a variety of unrelated campaign activities, including activit participated in by members of the Administration and White House staff. Because the Watergate involved proven criminal activity, ~~itthus~~ the word thus becomes a tool for establishing guilt by association. This technique has been used with particular effect in connection with the Segretti case.

The fact is, of course, that neither Segretti nor his activities had any connection with the Watergate. This is a conclusion not only of the FBI, but it appears to have been the conclusion of the grand jury and the United States Attorney. It is also the clear conclusion which I have reached as the result of my own investigation.

In view of the forthcoming hearings of the Ervin Committee with the attendant media coverage, I thought it appropriate to submit this separate report on the Segretti matter at this time.

The only two members of the White House Staff who have had any contact with Donald Segretti since your Administration came into office are Dwight Chapin, former Deputy Assistant to the President and Gordon Strachan, former Staff Assistant.

Both Chapin and Strachan had been close friends of Segretti when all three were undergraduates at U.S.C. some twelve years ago, and all three were active in campus politics as members of a "reform" group. Their more recent contact with Segretti stemmed from their conclusion, based primarily on Chapin's experience in earlier campaigns, that in 1972 your candidacy would be subject to the kind of political tricks, harassment and intelligence activities which seem to have been a part of the American political process for more than a century. (For example, history records that Abraham Lincoln's nomination in 1860 might not have been brought about except for the circulation of thousands of bogus tickets to the Convention Hall in Chicago, which enabled the Lincoln supporters to pack the galleries and stampede the Convention with cries of "We want Abe.") More recently the most celebrated practitioner of these political tactics has been Dick Tuck, whose clandestine activities plagued not only your campaigns but other Republican campaigns since 1960. The records filed with the office of the

Comptroller General pursuant to the new campaign statutes reveal that Mr. Tuck was officially on the payroll of the McGovern campaign committee for at least part of the primary period during 1972. Nowever, the activities for which he was paid have never surfaced.

In any event, it was Mr. Tuck who inspired Chapin and Strachan to contact Mr. Segretti, and the narrative of their connection with him is as follows:

1. Chapin and Strachan recall that during the period of May or June, 1971 they had had conversations in which they concluded that this time around it would be wise and proper for the Republican campaign organization to have a "Dick Tuck" of its own. At about this time, Strachan heard by mail or phone from Segretti that he had returned from Army service in Vietnam and was soon to return to civilian life. Segretti inquired of Strachan whether there might be an employment opportunity for him in the Government

or in the forthcoming political campaign. Strachan discussed this matter with Chapin and both agreed that Segretti, whom they knew to be imaginative and energetic from their days in college, would be an ideal candidate for the role they had in mind.

2. Shortly thereafter, Chapin telephoned Segretti and suggested he meet with Chapin and Strachan in Washington. They did meet in Washington in late June or early July, 1971, and Chapin and Strachan discussed with Segretti the kind of role they had in mind. They made reference to Dick Tuck and cited the kind of harassment of the campaign activities of opposition candidates which Tuck has engaged in over the years. At one point, Strachan described the type of activity as "black advance", a term used in political campaigning to describe the planning of measures to harass the opposition or to detect and guard against harassment by the opposition.

3. In this discussion and in at least one other subsequent discussion, Chapin and/or Strachan advised Segretti that once he undertook this employment he would travel about on his own and would make his own decisions as to the activities he might engage in.

It is my conclusion that this is the way Segretti did in fact operate, and neither Chapin or Strachan "directed" anything he may have undertaken or done.

4. On this occasion, and on at least one other occasion, Chapin and Strachan reminded Segretti, a lawyer, that he should not engage in any activity that could be considered illegal in any way.

5. Segretti stated that he would think the matter over, and about two weeks later, he telephoned either Chapin or Strachan to say that he was interested in going ahead. At about this point in time, Strachan talked with W. and suggested that the Republicans would need a person who could engage in covert activities and intelligence, and described the proposed role as a Republican Dick Tuck. Strachan stated that he and Chapin had a qualified candidate for the assignment, an old college friend who had engaged in campus politics with them at U.S.C. W. agreed with the proposal and told Strachan that he and Chapin should go ahead and implement it. W. was not given the name or identity of Segretti, never met or communicated with Segretti or received any reports from that point on.

Strachan told Chapin that their proposal had received a go-ahead from W.

6. At about this time, Herbert Kalmbach met with Strachan, and Strachan advised him of the plan to hire a young lawyer. Strachan did not describe the proposed duties except to indicate there would be considerable travel involved. Strachan and Kalmbach concluded that an appropriate salary for a lawyer of this age and experience would be at a rate of $16,000 per year.

Shortly thereafter, Chapin telephoned Kalmbach, who had returned to California, gave Kalmbach Segretti's name and phone number, and requested Kalmbach to work out the arrangements for compensation. Chapin did not know what those arrangements would be. Kalmbach did telephone Segretti who came to Kalmbach's office in Newport Beach. They agreed on $16,000 plus expenses.

7. Kalmbach states that he made several payments to Segretti, most of them in cash, that these payments were made during the period from September, 1971 to March, 1972 and the total amount representing both

salary and expenses was between thirty and forty thousand dollars. Kalmbach states that the source of these funds was contributions received prior to the enactment of the election law which became effective April 7, 1972. Kalmbach has stated that he recalls meeting Segretti in person only twice.

8. Shortly thereafter, Chapin was in California and met Segretti for lunch. Segretti asked how he should get started, and Chapin suggested that "to get a feel" of the subject he visit primary states and learn what he could about the political process and about the campaign activities of the primary candidates. Chapin then recited to Segretti the list of primary states and there was a general discussion of political strategy.

Shortly thereafter, Segretti began his travels which continued through June of 1972. During that ten or eleven month period, Chapin saw him in person two times in Washington and once in Portland, Oregon. The Oregon meeting had been suggested by Chapin because the President was making a visit to Portland, and it was expected

that there would be hostile demonstrations, and there were. It was Chapin's view that it would be helpful for Segretti to see first hand how advance plans are implemented and how logistic and crowd problems are handled.

As to other communication with Segretti, Chapin has stated that he heard from him not more than every two or three weeks, usually a note or an envelope containing a clipping referring to some humorous campaign incident. There was an occasional phone call, but more often than not, Chapin was out of his office or twoo busy to take it.

9. It was in the fall of 1971 when the President designated Chapin to be in charge of the arrangements for the President's visit to the Peoples Republic of China, and to head the team which would make two advance trips there and later accompany the President. In order to prepare for the trips, Chapin moved into an office in the air raid shelter in the sub-basement and was relieved of other duties. His three trips to China took place _____ _____ and _____.

10. Upon the completion of the Presidential trip to Pekin, the President designated Chapin to perform

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the same function in connection with the President's trip to Moscow, Iran and Poland, with a stop-over in Austria. Making these plans became a time consuming occupation. He led an advance trip _____ and accompanied the President May _____ to May _____. Chapin states that during most of the active primary season in the first half of 1972 he was either out of the country, or far too occupied to be able to direct of have meaningful communication with Segretti, even if he desired to do so, which he did not.

11. During these same ten or eleven months, Mr. Strachan was almost totally out of touch with Segretti. During 1972, he recalls no communication at all until after June 17 when Segretti telephoned Strachan to tell him that he had had a request from the FBI for an interview.

12. Following that phone call, Segretti came to Washington and met with Strachan and me. I advised Segretti to return to California, contact the FBI, and arrange to be interviewed by them. This was the first time I had ever seen Segretti, and I was

unaware of his existence until Strachan advised me of his phone call and of his desire to meet with me.

In August, just before the Republican National Convention at Miami Beach, I received a phone call from Segretti who advised me that he had now been subpoenaed to appear before the grand jury which was investigating the Watergate case. At his request, I met with him very briefly and advised him that he should answer all questions asked by the grand jury, and answer them truthfully. I never showed him any FBI reports or any other documents.

13. FBI reports which had been furnished to me never were out of my custody, so I can also state that none was shown to Segretti by any other member of the White House staff.

CONCLUSIONS:

1. Neither Segretti nor any of the activities he is alleged to have engaged in had any connection with the Watergate case.

2. Neither Chapin nor Strachan engaged in any illegal activity.

3. Chapin and Strachan were responsible for the hiring of Segretti and they arranged for him to receive a salary and expense money.

4. Neither Chapin nor Strachan "directed" Segretti's activities, and their information as to what his actual activities were, was fragmentary and infrequent. In the initial phase, however, they provided him guidance as to the kind of activity he might engage in, namely, the type of harassment of rival candidates which, for better or worse, has long been a part of the American political campaigns and which is exemplified by the type of activity conducted against Republican candidates by persons like Dick Tu

5. Chapin gave Segretti suggestions and guidance as to what states he should visit and specifically urged him to visit New Hampshire, Florida and California.

6. Chapin and/or Strachan did say to Segretti that one objective of his activity should be to create such confusion among the primary candidates that it would be difficult for the Democratic Party to come back together after the Convention.

7. In their original discussions Chapin and Strachan suggested to Segretti it would sometimes be advisable to recruit local assistance, either on volunteer or paid basis. If Segretti did recruit any persons to assist him, this was not reported by Segretti to either Chapin or Strachen.

8. There is no evidence that the so-called Canuck letter about Senator Muskie was inspired directly or indirectly by Segretti. Contrary to the report in the Washington Post, Deputy Press Secretary Ken Clawson had no connection whatever with the letter and no advance knowledge of it.

9. Kalmbach had no connection with Segretti or his activities other than to make the payments to Segretti which he described in his statements to the FBI.

10. W. gave his approval in principle to the proposition that the Republican side should have a "Dick Tuck" of its own, but he did not know who that person was to be, and had no knowledge of his subsequent activities.

11. Beginning in early 1972, Segretti had contact with E. Howard Hunt and may have had some relationship with him in Segretti's activities in the field. This contact with Hunt had nothing whatever to do with the fact that Hunt was separately involved in the burglary and wiretapping at the Watergate. Neither Chapin nor Strachan had any contact with Hunt at any time.

12. The concern of Chapin and Strachan that hostile activities would be conducted against the President in his campaign appearances proved to be well founded. In every campaign stop, Mr. Nixon was confronted with organized hecklers, hostile or obscene

signs, and consistent attempts to drown out his voice so that his audience could not hear him. In San Francisco, his appearance was greeted by organized violence which caused extensive damage in and around the hotel where the President was speaking. And, at the Republican Convention, the unlawful disturbances in the streets of Miami Beach were serious and highly organized.

EXHIBIT NO. 34-45

MEMORANDUM FOR THE FILES April 12, 1973

Re: Meeting with John Mitchell
Washington, D. C. Law Office
Time: 1:00 - 2:20 PM
April 10, 1973

Mitchell had called the day before requesting that I meet with him in Washington. E and H both told me I should meet with him to tell him that I would be going before the grand jury. Accordingly, I agreed to the meeting, after having so advised my counsel.

The meeting began at approximately 1:00 PM and after an exchange of pleasantries about N. Y. vs. Washington weather, I told Mitchell that I thought it would be inappropriate to discuss testimony as it might relate to my appearance before the grand jury.

I told him that I was aware of the fact that he hoped that I would not appear before the grand jury, but my options were limited.

I then told him my potential options.

-- Take the 5th Amendment. I told him I thought this would not only hurt me personally, but that it would also hurt the President. I also said that the government would undoubtedly immunize me and force my testimony.

-- I told him that I had fully explored the lawyer-client privilege and that it just would not hold water. In fact, I thought it would create more problems than it might resolve. Also, I said that Sirica has already rejected it in this case twice and would undoubtedly do it again should I invoke it.

-- I told him that executive privilege could only be invoked by the President and he had already announced that he would not invoke it with regard to White House staff appearing before the grand jury. Mitchell suggested that I invoke it myself and refuse to testify. I told him that such action would put me in contempt of court, and I preferred the basement of the Senate (with bean soup) to the D. C. jail. Mitchell seemed to express some hope that the President might invoke executive privilege on me alone -- to be consistent with his position on me vis-a-vis the Congress.

-- I told him the present thinking at the White House was that I should testify before the grand jury. I said I appreciate that my testimony could cause him problems, and because of my personal feeling toward him I found this a dreaded situation.

Mitchell asked me to review once again the sequence of meetings in his Department of Justice office in January and February, which I did. He indicated that there may have been discussion at those meetings of election laws. I did not respond.

Mitchell also asked me what I would say about the post June 17th activities and I related two matters to him, i.e., the fact that he requested me to arrange with E and H to use Kalmbach and his several requests that I have H authorize the use of the $350,000. He made no comment on this at all.

I also expressed to Mitchell that I felt this entire matter was most damaging to the P and that it had to end. I told him that it was personally ruining my own life, and I was somewhat unhappy being in the middle of something I had tried to prevent from occurring in the first instance. I told him that I thought the truth was going to emerge and I personally was not concerned about the truth. I also told him that I had learned that Liddy had had some limited off-the-record conversations with the U. S. Attorney's office, but I did not know the substance of the conversations.

I told Mitchell that I hope that my testimony would not start some sort of "pissing match" between former committee people and the White House -- or within the White House. I explained that I have always been the man in the middle of this nightmare, and that I meant no harm to anyone, but I had to start protecting myself. I told him I only know what I know, and even to this day I don't know how or why the Watergate incident occurred. I reminded him that I have never asked he or Jeb -- flat out -- to explain their involvement. I told him I did not want to know even now.

I told him that I had been selfless in my trying to assist with this matter during the campaign, but I now had to protect myself from becoming everybody's scapegoat for things I was not responsible for. Mitchell agreed that I had been selfless and should not have to suffer for others.

Mitchell indicated that he had met with Magruder earlier that day and Magruder was going to take the same position he had taken all along. Mitchell said that one of the things that Magruder had mentioned to him was that Liddy had told Magruder that I advised Liddy that he was to have a $1 million budget. I told Mitchell that I could not recall ever having told Liddy what his budget would be and If Liddy in fact said or believed that, he had a totally false impression or recollection.

Mitchell also told me he planned to "stone wall" the charges against him. Mitchell asked me if I would advise him of my testimony after I might appear before the grand jury. I told him I did not know if rule 6E restricted this, but I told him I would raise it with my lawyers. At this time, and for the first I think anyone has suggested it, I told him that he should have a lawyer and our lawyers could talk about such matters. I got no reaction from Mitchell on this suggestion.

I also at one point in the meeting told Mitchell that I could always take the "chicken-shit" route and disappear. I said if I weren't around to testify, I wouldn't cause anyone any problems. Mitchell said "tell me where you are planning on going" as he might like to join me. I told him I wouldn't go without my wife, and he laughed at that -- (implication being that life with Martha is difficult).

Mitchell during the meeting sought to impress upon me that my testimony might be very embarrassing to the President and for that reason I might reconsider any appearance at all. I told him I thought the people at the White House were fully aware of the implications of my testimony.

The meeting ended when he received a phone call.

I feel that he was left with the impression that I would be testifying, although the options of my not appearing were still under consideration -- but not much consideration.

EXHIBIT NO. 34-46

MEMORANDUM FOR THE FILES

Meeting with Fred LaRue
Friday, April 13, 1973
3:30 - 3:45 PM EOB 106

Fred LaRue called this AM to request a meeting with me. After consulting with counsel, I agreed to see him.

LaRue advised me that he expected to be called before the grand jury and was aware of the fact (presumably via O'Brien) that I also would be called shortly. LaRue wanted to know what I was going to say about Kalmbach and the $350,000.

I advised him that I was certain I would be asked by the grand jury who I had talked with recently about these matters and therefore I did not wish to discuss my testimony -- other than to say that I was going to answer all questions asked me to the best of my knowledge.

LaRue said he was very concerned about this whole matter and the affect it was having on the President. He said he was prepared to tell the grand jury what he knew, but he honestly couldn't remember how he first became involved, or what all he had done. He said he didn't want to cause O'Brien or Parkinson any problems.

He asked me if I had made any decisions on money, and I told him no I had not, I merely passed messages along. He said that he had assumed that to be the case and asked how I was going to handle that. I told him again that I was going to withhold nothing from the grand jury and if asked I would respond.

I asked him what Mitchell was going to do and he said Mitchell told him he was going to fight it out. He said that he was extremely close to and fond of Mitchell, but a lot of innocent people were getting hurt because of Mitchell (inference to protect Mitchell). He said that Magruder was really in a bad way because of his loyalty to Mitchell.

LaRue said he needed some legal advice, as to whether he had been involved in an obstruction of justice. I told him that he should get a lawyer, because I did not have any first hand knowledge of the full extent of his activities, but that the federal statutes were very broad with regard to what could be considered obstruction.

EXHIBIT NO. 34-47

PRE	MITCHELL	
	MACGRUDER	
	STRACHAN ?	
POST	H	
	E	
✓	JUDD	
✓	LA RUE	
✓	MARDIAN ?	POTENTIAL O/J
✓	O'BRIAN	$371 5/$10
✓	PARKINSON ?	$1503 5/$5
	COLSON ?	
	BITTMAN ?	
	KALMBACH / TONY (?) / SOURCE	
	STANS ?	

EXHIBIT No. 34–48

Message to the P
8:15

Sun April 15th

To Higby from H—to P
also inform E

(1) I hope you understand that my actions are motivated by total loyalty to you & the Presidency. If that is not clear now, I believe it will become clear.

(2) E has requested to meet with me tonite, but I believe it is inappropriate for me to meet with him at this time.

(3) I am ready & willing to meet with you at any time to discuss the matter.

(4) You should take your counsel from Henry Petersen who I assure you doesn't want the Presidency hurt.

NOTE.—This is printed from handwritten notes which were not legible enough for photographing. The original copy is retained in committee files.

EXHIBIT No. 34-49

THE WHITE HOUSE

WASHINGTON

April 16, 1973

Dear Mr. President:

As a result of my involvement in the Watergate matter, which we discussed last night and today, I tender to you my resignation effective at once.

Sincerely,

The President
The White House
Washington, D. C.

THE WHITE HOUSE

WASHINGTON

April 16, 1973

Dear Mr. President:

In view of my increasing involvement in the Watergate matter, my impending appearance before the grand jury and the probability of its action, I request an immediate and indefinite leave of absence from my position on your staff.

Sincerely,

The President
The White House
Washington, D. C.

EXHIBIT NO. 34-50

THE WHITE HOUSE

WASHINGTON

April 16, 1973

Dear Mr. President:

You have informed me that Bob Haldeman and John Ehrlichman have verbally tendered their requests to be given an immediate and indefinite leave of absence from your staff. By this letter I also wish to confirm my similar request that I be given such a leave of absence from the staff.

Sincerely,

John W. Dean, III
Counsel to the President

Honorable Richard Nixon
The President of the United States
The White House
Washington, D. C. 20500

EXHIBIT NO. 34-51

Draft Statement
4/16/73

As a result of information broguth to the attention of my staff in the past few days, I requested this past weekend that Attorney General Kleindienst and Assistant Attorney General Petersen inform me of the grand jury's progress in its investigation of the facts surrounding the Watergate break-in and other matters. As a result of my meetings, I have taken several steps to insure that all the facts are fully developed.

(1) I have directed that Assistant Attorney General Henry Petersen, a man who has served in the Department of Justice through several Administrations, take full and personal charge of all aspects of the Department of Justice's role in the matter.

(2) I have personally instructed Mr. Petersen that the investigation is to leave no stone unturned.

(3) I have today received requests from Mr. H. R. Haldeman, Mr. John Ehrlichman and Mr. John Dean to be placed on an immediate leave of absence. This action results from discussions I have had with these men over this past weekend (April 14, 15, 1973) and today (yesterday).

In accepting their requests I strongly caution against public speculation. I will not comment on this action at this time, and I have instructed others who are aware of my decision not to comment on the matter. I do want it to be known, however, that this action should not -- and cannot -- be construed as impugning misfeasance or malfeasance on any man, rather each man has requested the

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action as a result of the discussion I have had with him.

(Alternate Paragraph (3))

I have advised all members of the White House staff who will be called before the grand jury that, effective immediately, they will be on administrative leave until such time as the grand jury completes its inquiry. In this connection, I have not even spared from this decision my closest staff advisers and included in this action are H.R. Haldeman, Assistant to the President, John Ehrlichman, Assistant to the President for Domestic Affairs, and John Dean, Counsel to the President. I want to caution that this action should not -- and cannot -- be construed as impugning wrongdoing on the part of any individual and to speculate otherwise is unfounded and unfair.

I have repeatedly stated that the grand jury is the appropriate forum for the development of these facts and I again want to assure the American people of my continued full cooperation in resolving this matter. There have been many unanswered questions relating to this matter, and I am going to make certain that all these unanswered questions are fully answered.

EXHIBIT No. 35

TOP SECRET
HANDLE VIA COMINT CHANNELS ONLY

OPERATIONAL RESTRAINTS ON INTELLIGENCE COLLECTION

B. Electronic Surveillances and Penetrations. (pp. 26-28)

Recommendation:

Present procedures should be changed to permit intensification of coverage of individuals and groups in the United States who pose a major threat to the internal security.

Rationale:

At the present time, less than 65 electronic penetrations are operative. This includes coverage of the CPUSA and organized crime targets, with only a few authorized against subjects of pressing internal security interest.

TOP SECRET

5/15/73

Mr. Hoover's statement that the FBI would not oppose other agencies seeking approval for and operating electronic surveillances is gratutious since no other agencies have the capability.

Everyone knowledgable in the field, with the exception of Mr. Hoover, concurs that existing coverage is grossly inadequate.

C. Mail Coverage (pp. 29-31)

Recommendation:

Restrictions on legal coverage should be removed.

Rationale:

There is no valid argument against use of legal mail covers except Mr. Hoover's concern that the civil liberties people may become upset. This risk is surely an acceptable one and hardly serious enough to justify denying ourselves a valuable and legal intelligence tool.

Covert coverage is illegal and there are serious risks involved. However, the advantages to be derived from its use outweigh the risks. This technique is particularl valuable in identifying espionage agents and other contact of foreign intelligence services.

D. Surreptitious Entry (pp. 32-33)

Recommendation:

ALSO, present restrictions should be modified to permit selective use of this technique against other urgent and high priority internal security targets.

5/15/73
EJC

Rationale:

Use of this technique is clearly illegal: it amounts to burglary. It is also highly risky and could result in great embarrassment if exposed. However, it is also the most fruitful tool and can produce the type of intelligence which cannot be obtained in any other fashion.

The FBI, in ~~the~~ Mr. Hoover's younger days, used to conduct such operations with great success and with no exposure. The information secured was invaluable.

Surreptitious entry of facilities occupied by subversive elements can turn up information about identities, methods of operation, and other invaluable investigative information which is not otherwise obtainable. This technique would be particularly helpful if used against the Weathermen and Black Panthers.

E. Development of Campus Sources (pp. 34-36)

Recommendation:

Present restrictions should be relaxed to permit expanded coverage of violence-prone campus and student-related groups.

ALSO, CIA coverage of American students (and others) traveling or living abroad should be increased.

5/15/73

Rationale:

The FBI does not currently recruit any campus sources among individuals below 21 years of age. This dramatically reduces the pool from which sources may be drawn. Mr. Hoover is afraid of a young student surfacing in the press as an FBI source, although the reaction in the past to such events has been minimal. After all, everyone assumes the FBI has such sources.

The campus is the battle-ground of the revolutionary protest movement. It is impossible to gather effective intelligence about the movement unless we have campus sources. The risk of exposure is minimal, and where exposure occurs the adverse publicity is moderate and short-lived. It is a price we must be willing to pay for effective coverage of the campus scene. The intelligence community, with the exception of Mr. Hoover, feels strongly that it is imperative the we increase the number of campus sources this fall in order to forestall widespread violence.

CIA claims there are no existing restraints on its coverage of over-seas activities of US nationals. However, this coverage has been grossly inadequate since 1965 and an explicit directive to increase coverage is required.

F. Use of Military Undercover Agents (pp. 37-39)

Recommendation:

Present restrictions should be retained.

Rationale:

The intelligence community is agreed that the risks of lifting these restraints are greater than the value of any possible intelligence which could be acquired by doing so.

5/15/73

TOP SECRET
HANDLE VIA COMINT CHANNELS ONLY

BUDGET AND MANPOWER RESTRICTIONS
(pp. 40-41)

Recommendation:

Each agency should submit a detailed estimate as to projected manpower needs and other costs in the event the various investigative restraints herein are lifted.

Rationale:

In the event that the above recommendations are concurred in, it will be necessary to modify existing budgets to provide the money and manpower necessary for their implementation. The intelligence community has been badly hit in the budget squeeze (I suspect the foreign intelligence operations are in the same shape) and it may ~~to~~ will be necessary to make some modifications. The projected figures should be reasonable, but will be subject to individual review if this recommendation is accepted.

MEASURES TO IMPROVE DOMESTIC INTELLIGENCE OPERATIONS
(pp. 42-43)

Recommendation:

A permanent committee consisting of the FBI, CIA, NSA, DIA, and the military counterintelligence agencies should be appointed to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, and carry out the other objectives specified in the report.

Rationale:

The need for increased coordination, joint estimates, and responsiveness to the White House is obvious to the intelligence community. There are a number of operational problems which need to be worked out since Mr. Hoover is fearful of any mechanism which might jeopardize his autonomy. CIA would prefer an ad hoc committee to see how the system works, but other members believe that this would merely delay the establishment of effective coordination and joint operations. The value of lifting intelligence collection restraints is proportional to the availability of joint operations and evaluation, and the establishment of this inter-agency group is considered imperative.

5/15/73

TOP SECRET

EXHIBIT NO. 36

July 14, 1970

TOP SECRET

MEMORANDUM FOR: MR. HUSTON

SUBJECT: Domestic Intelligence Review

The recommendations you have proposed as a result of the review have been approved by the President.

He does not, however, want to follow the procedure you outlined on page 4 of your memorandum regarding implementation. He would prefer that the thing simply be put into motion on the basis of this approval.

The formal official memorandum should, of course, be prepared and that should be the device by which to carry it out.

I realize this is contrary to your feeling as to the best way to get this done. If you feel very strongly that this procedure won't work you had better let me know and we'll take another stab at it. Otherwise let's go ahead.

H. R. HALDEMAN

TOP SECRET

EXHIBIT No. 37

THE WHITE HOUSE

WASHINGTON

August 5, 1970

TOP SECRET
HANDLE VIA COMINT CHANNELS ONLY

EYES ONLY

MEMORANDUM FOR H. R. HALDEMAN

FROM: TOM CHARLES HUSTON

SUBJECT: DOMESTIC INTELLIGENCE

In anticipation of your meeting with Mr. Hoover and the Attorney General, I would like to pass on these thoughts:

1. More than the FBI is involved in this operation. NSA, DIA, CIA, and the military services all have a great stake and a great interest. All of these agencies supported the options selected by the President. For your private information, so did all the members of Mr. Hoover's staff who worked on the report (he'd fire them if he knew this.)

3. We are not getting the type of hard intelligence we need at the White House. We will not get it until greater effort is made through community-wide coordination to dig out the information by using all the resources potentially available. It is, of course, a matter of balancing the obvious risks against the desired results. I thought we balanced these risks rather objectively in the report, and Hoover is escalating the risks in order to cloak his determination to continue to do business as usual.

4. At some point, Hoover has to be told who is President. He has become totally unreasonable and his conduct is detrimental to our domestic intelligence operations. In the past two weeks, he has terminated all FBI liaison with NSA, DIA, the military services, Secret Service -- everyone except the White House. He terminated liaison with CIA in May. This is bound to have a crippling effect upon the entire community and is contrary to his public assurance to the President at the meeting that there was close and effective coordination and cooperation within the intelligence community. It is important to remember that the entire intelligence community knows that the President made a positive decision to go ahead and Hoover has now succeeded in forcing a review. If he gets his way it is going to look like he is more powerful than the President. He had his say in the footnotes and RN decided against him. That should close the matter and I can't understand why the AG is a party to reopening it. All of us are going to look damn silly in the eyes of Helms, Gayler, Bennett, and the military chiefs if Hoover can unilaterally reverse a Presidential decision based on a report that many people worked their asses off to prepare and which, on its merits, was a first-rate, objective job.

5. The biggest risk we could take, in my opinion, is to continue to regard the violence on the campus and in the cities as a temporary phenomenon which will simply go away as soon as the Scranton Commission files its report. The one statement that Rennie Davis made at HEW which I thought made sense was that the Attorney

General was kidding himself when he said the campuses would be quiet this fall. Davis predicted that at least 30 would be closed down in September. I don't like to make predictions, but I am not at all convinced, on the basis of the intelligence I have seen, that we are anyway near over the hump on this problem, and I am convinced that the potential for even greater violence is present, and we have a positive obligation to take every step within our power to prevent it.

6. Hoover can be expected to raise the following points in your meeting:

(a) "Our present efforts are adequate." The answer is bullshit! This is particularly true with regard to FBI campus coverage.

(b) "The risks are too great; these folks are going to get the President into trouble and RN had better listen to me." The answer is that we have considered the risks, we believe they are acceptable and justified under the circumstances. We are willing to weigh each exceptionally sensitive operation on its merits, but the Director of the FBI is paid to take risks where the security of the country is at stake. Nothing we propose to do has not been done in the past -- and in the past it was always done successfully.

(c) "I don't have the personnel to do the job the President wants done." The answer is (1) he has the people and/or (2) he can get them.

(d) "I don't object to NSA conducting surreptitious entry if they want to." The answer is that NSA doesn't have the people, can't get them, has no authority to get them, and shouldn't have to get them. It is an FBI job.

(e) "If we do these things the 'jackels of the press' and the ACLU will find out; we can't avoid leaks." Answer: We can avoid leaks by using trained, trusted agents and restricting knowledge of sensitive operations on a strict need to know basis. We do this on other sensitive operations every day.

(f) "If I have to do these things, the Attorney General will have to approve them in writing." This is up to the AG, but I would tell Hoover that he has been instructed to do them by the President and he is to do them on that authority. He needn't look for a scape goat. He has his authority from the President and he doesn't need a written memo from the AG. To maintain security, we should avoid written communications in this area.

(g) "We don't need an Inter-Agency Committee on Intelligence Operations because (1) we're doing fine right now -- good coordination, etc. -- and (2) there are other existing groups which can handle this assignment." The answer is that we are doing lousy right now and there aren't other groups which can do the job we have in mind because: (1) they don't meet; (2) they don't have the people on them we want or have some people we don't want; (3) they don't have the author ity to do what we want done; (4) ultimately this new operation will replace them; and (5) they aren't linked to the White House staff.

There are doubtless another dozen or so specious arguments that Hoover will raise, but they will be of similar quality. I hope that you will be able to convince the AG of the importance and necessity of getting Hoover to go along. We have worked for nearly a year to reach this point; others have worked far longer and had abandoned hope. I believe we are talking about the future of this country, for surely domestic violence and disorder threaten the very fabric of our society. Intelligence is not the cure, but it can provide the diagnosis that makes a cure possible. More importantly, it can provide us with the means to prevent the

deterioration of the situation. Perhaps lowered voices and peace in Vietnam will defuse the tense situation we face, but I wouldn't want to rely on it exclusively.

There is this final point. For eighteen months we have watched people in this government ignore the President's orders, take actions to embarrass him, promote themselves at his expense, and generally make his job more difficult. It makes me fighting mad, and what Hoover is doing here is putting himself above the President. If he thought the Attorney General's advice should be solicited, he should have done so before the report was sent to the President. After all, Hoover was chairman of the committee and he could have asked the AG for his comments. But no, he didn't do so for it never occurred to him that the President would not agree with his footnoted objections. He thought all he had to do was put in a footnote and the matter was settled. He had absolutely no interest in the views of NSA, CIA, DIA, and the military services, and obviously he has little interest in our views, or apparently even in the decisions of the President. I don't see how we can tolerate this, but being a fatalist, if not a realist, I am prepared to accept the fact that we may have to do so.

Tom

TOM CHARLES HUSTON

EXHIBIT NO. 38

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

CONFIDENTIAL

August 7, 1970

MEMORANDUM FOR H. R. HALDEMAN

SUBJECT: DOMESTIC INTELLIGENCE REVIEW

Mr. Hoover has departed for the West Coast where he plans to vacation for three weeks. If you wait until his return to clear up the problems surrounding our Domestic Intelligence operations, we will be into the new school year without any preparation.

The situation in Portland is beginning to look very tense -- the American Legion Convention could become the first battleground for a new wave of youthful violence. Coming just as the school year begins, it could serve as a catalyst for widespread campus disorders.

I recommend that you meet with the Attorney General and secure his support for the President's decisions, that the Director be informed that the decisions will stand, and that all intelligence agencies are to proceed to implement them at once.

Tom

TOM CHARLES HUSTON

CONFIDENTIAL

EXHIBIT NO. 39

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

August 25, 1970

MEMORANDUM FOR H. R. HALDEMAN

SUBJECT: SUBVERSIVE ACTIVITIES CONTROL BOARD

On Monday, August 24, the Senate approved the budget for the SACB by a vote of 44 to 28. The principal objection -- as might be expected -- was that the Board has nothing to do to justify the $400,000 a year budgeted. Among those supporting Senator Proxmire in this argument were John Williams, Peter Dominick, and Len Jordan -- conservatives all.

In defending the appropriation, Senator McClellan for the majority and Senator Hruska for the minority argued that the Administration intends to make effective use of the Board. Senator McClellan was quite specific in his opinion that the current internal security threat requires prompt and effective action from the Administration.

The appropriations measure should come down for the President's signature later this week. I believe that we should now proceed to fill the two vacancies on the Board and give serious consideration to the Executive Order expanding the powers of the Board.

I have recommended to Harry Flemming that we reappoint John Mahan as Chairman and Otto Otepka as member of the Board. Mahan is under the patronage of Mike Mansfield whose support is crucial. Moreover, he is a competent enough fellow who is a team player and will cooperate with us completely. Otepka's reappointment strikes me as imperative.

There is some question whether we should appoint a Republican as Board chairman. Normally, I would think so, but I believe the unique circumstances we face with this Board suggest otherwise. Otepka is too controversial to be chairman, Paul O'Neal is too impetuous, and John Patterson is too old. We can work well with Mahan and I see no reason for replacing him as chairman. The fact that he is a Democrat and close to Mansfield is a plus in my opinion.

As soon as a decision is made on these nominations, I plan to meet with John Ashbrook and Dick Ichord to discuss some of the legislative proposals pending before the House Internal Security Committee which pertain to the activities of the Board. Once we get a feel for what these people believe we should do, we will be in a position to re-evaluate the alternatives open to us. The point, however, which we need to keep in mind is that we cannot afford to let the Board sit idle or content itself with investigating old line Communist fronts which are largely irrelevant to our current problem.

After the bombing at Madison, I suspect that the public is fully prepared to accept the concept that the Federal Government ought to take an active interest in the activities of violent-action organizations, as we propose in the Executive Order.

TOM CHARLES HUSTON

EXHIBIT NO. 40

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

September 10, 1970

MEMORANDUM FOR H. R. HALDEMAN

I understand that in the course of Peter Flanigan's meeting on steps to minimize the risk of future air hijackings the question of increased use of intelligence information arose and that the Bureau is to submit recommendations in this regard.

It strikes me that this exercise will ámount to nothing more than a retracing of the steps we took in June to no avail. This is but one more example of the crying need for inter-community coordination on a systematic and formal basis. In this area, for example, there are resources yet untapped, i.e., Customs, the military services, etc., which will remain untapped so long as Mr. Hoover runs a one-man show.

I don't know the extent of Peter's experience in intelligence matters, but he should be aware that paper plans don't always translate into effective action.

I might add that we haven't seen anything yet. If this incident in the Mideast poses problems, wait until some of our home-grown fedayeen decide to emulate their peers.

TOM CHARLES HUSTON

96-296 O - 73 - 28

EXHIBIT NO. 41

OFFICE OF
THE ATTORNEY GENERAL

March 3, 1972

To: John W. Dean, III

The attached memorandum turned up in our housecleaning operation and is being returned to you for whatever disposition you wish to make of it.

Sol Lindenbaum

THE WHITE HOUSE

WASHINGTON

September 18, 1970

TOP SECRET

OFFICE OF THE ATTORNEY GENERAL
RECEIVED
SEP 24 1970

MEMORANDUM FOR

THE ATTORNEY GENERAL

Pursuant to our conversation yesterday, September 17, 1970, I suggest the following procedures to commence our domestic intelligence operation as quickly as possible.

1. Interagency Domestic Intelligence Unit. A key to the entire operation will be the creation of a interagency intelligence unit for both operational and evaluation purposes. Obviously, the selection of persons to this unit will be of vital importance to the success of the mission. As we discussed, the selection of the personnel for this unit is an appropriate first step for several reasons. First, effective coordination of the different agencies must be developed at an early stage through the establishment of the unit. Second, Hoover has indicated a strong opposition to the creation of such a unit and, to bring the FBI fully on board, this seems an appropriate first step to guarantee their proper and full participation in the program. Third, the unit can serve to make appropriate recommendations for the type of intelligence that should be immediately pursued by the various agencies. In regard to this third point, I believe we agreed that it would be inappropriate to have any blanket removal of restrictions; rather, the most appropriate procedure would be to decide on the type of intelligence we need, based on an assessment of the recommendations of this unit, and then to proceed to remove the restraints as necessary to obtain such intelligence.

To proceed to create the interagency intelligence unit, particularly the evaluation group or committee, I recommend that we request the names of four nominees from each of the intelligence agencies involved. While the precise composition of the unit may vary as we gain experience, I think that two members should be appointed initially from each agency in addition to your personal representative who should also be involved in the proceedings. Because of the interagency aspects of this request, it would probably be best if the request came from the White House. If you agree, I will make such a request of the agency

heads; however, I feel that it is essential that you work this out with Hoover before I have any dealings with him directly.

2. Housing. We discussed the appropriate housing of this operation and, upon reflection, I believe that rather than a White House staffer looking for suitable space, that a professional intelligence person should be assigned the task of locating such space. Accordingly, I would suggest that a request be made that Mr. Hoover assign an agent to this task. In connection with the housing problem, I think serious consideration must be given to the appropriate Justice Department cover for the domestic intelligence operation. We discussed yesterday using IDIU as a cover and as I indicated I believe that that is a most appropriate cover. I believe that it is generally felt that IDIU is already a far more extensive intelligence operation than has been mentioned publicly, and that the IDIU operation cover would eliminate the problem of discovering a new intelligence operation in the Department of Justice. However, I have reservations about the personnel in IDIU and its present operation activities and would suggest that they either be given a minor function within the new intelligence operation or that the staff be completely removed. I have had only incidental dealings with the personnel, other than Jim Devine, and cannot speak to their discretion and loyalty for such an operation. I do not believe that Jim Devine is capable of any major position within the new intelligence operation. However, I do believe that he could help perpetuate the cover and he has evidenced a loyalty to you, the Deputy and other key people in the Department of Justice, despite his strong links with the prior Administration. I would defer to your judgement, of course, on any recommendation regarding Jim Devine's continued presence in such an intelligence operation.

3. Assistant to Attorney General. We also discussed the need for you to have a right hand man to assist in running this operation. It would seem that what is needed is a man with administrative skills, a sensitivity to the implications of the current radical and subversive movements within the United States, and preferably, some background in intelligence work. To maintain the cover, I would think it appropriate for the man to have a law degree in that he will be a part of the Department of Justice. You suggested the possibility of using a prosecutor who had had experience with cases of this type. Accordingly, I have spoken with Harlington Wood to ask him to submit the names of five Assistant U. S. Attorneys who have had experience in dealing with demonstrations or riot type cases and who are mature individuals that might be appropriately given a sensitive

assignment in the Department of Justice. I did not discuss the matter in any further detail with Wood other than to request the submission of some nominees. I would also like to suggest that we request names from the various intelligence agencies involved for personnel that might be appropriately involved in this activity or who might serve as your assistant.

In summary, I recommend the following immediate action:

(1) You meet with Hoover, explain what must be done, and request his nominees for the interagency unit.

(2) You request that Hoover assign an agent to the task of locating appropriate housing for the operations.

(3) I request that other involved intelligence agencies submit nominees for the interagency unit.

(4) I request from the agencies names of appropriate personnel for assignment to the operation.

Finally, I would suggest that you call weekly meetings to monitor the problems as they emerge and to make certain that we are moving this program into implementation as quickly as possible.

JOHN DEAN

N.B. Bob Haldeman has suggested to me that if you would like him to join you in a meeting with Hoover he will be happy to do so.

TOP SECRET

EXHIBIT NO. 42

Dean 9

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

September 21, 1970

MEMORANDUM FOR: H. R. HALDEMAN

SUBJECT: IRS & Ideological Organizations

I am attaching a copy of a report from the IRS on the activities of its "Special Service Group" which is supposed to monitor the activities of ideological organizations [e.g., Jerry Rubin Fund, Black Panthers, etc.] and take appropriate action when violations of IRS regulations turn up. You will note that the report is long on words and short on substance.

Nearly 18 months ago, the President indicated a desire for IRS to move against leftist organizations taking advantage of tax shelters. I have been pressing IRS since that time to no avail.

What we cannot do in a courtroom via criminal prosecutions to curtail the activities of some of these groups, IRS could do by administrative action. Moreover, valuable intelligence-type information could be turned up by IRS as a result of their field audits.

TH

TOM CHARLES HUSTON

Attachment

August 14, 1970

MEMORANDUM FOR: ROGER V. BARTH
ASSISTANT TO THE COMMISSIONER, IRS

SUBJECT: IDEOLOGICAL ORGANIZATIONS

Could you give a progress report on the activities of the Compliance Division: in reviewing the operations of Ideological Organizations?

I would be interested in knowing what progress has been made since July 1, 1969, when we first expressed our interest in this matter.

Thank you.

/s/

TOM CHARLES HUSTON

Commissioner
Internal Revenue Service
Washington, DC 20224
SEP 19 1970

MEMORANDUM FOR: Honorable Tom Charles Huston
The White House

FROM: Commissioner of Internal Revenue

In response to your memorandum dated August 14, 1970, we have prepared the attached status report on the Special Service Group. I would stress that knowledge of the existence and operations of this Group should be carefully limited.

Randolph W. Thrower

Randolph W. Thrower

Attachment

Status Report On
Special Service Group

In August 1969 the Senate Committee on Government Operations held open hearings on several controversial organizations, including the Black Panther Party, Student National Coordinating Committee, Republic of New Africa, and Students for Democratic Society. Information developed during these hearings established that various organizations, categorized as extremists on the right or left, presented problems to the Internal Revenue Service in that the organizations and individuals involved in the organizations were not in compliance with Internal Revenue laws. Information developed in these hearings indicated that extremist organizations were receiving financial support from various sources. Some of the individuals involved in the forefront of these organizations filed tax returns reflecting very nominal income, or did not file at all, although they were obviously expending substantial amounts of funds.

Recognizing the responsibilities of the Internal Revenue Service to administer taxing statutes without regard to the social or political objectives of individuals or organizations, a decision was made to establish

a method of accumulating and disseminating information on all activist groups to insure that the organizations and the leaders of the organizations are complying with Internal Revenue laws.

In the National Office of the Internal Revenue Service, functioning under the Assistant Commissioner (Compliance), a special compliance group was established to receive and analyze all available information on organizations and individuals promoting extremist views and philosophies. The identification of organizations and individuals included in the program is without regard to the philosophy of political posture involved; rather, it is directed to the notoriety of the individual or organization and the probability of publicity that might result from their activities and the likelihood that this notoriety would lead to inquiries regarding their tax status. Another important consideration was the degree of probability that the individuals might be deliberately avoiding their tax responsibilities.

The staff responsible for this activity was first designated as the Activist Organizations Group, but it recently was changed to "Special Service Group" to avoid any erroneous impression of its objectives. The function of the

Special Service Group is to obtain, consolidate and disseminate any information on individuals or organizations (including major financial sponsors of the individuals or organizations) that would have tax implications under the Internal Revenue laws. Liaison has been established with all investigative and law enforcement agencies and with Senate and House Investigating Committees. The Group also subscribes to various underground publications as a source of information on matters involving taxable income of individuals, activities of organizations having or seeking tax exempt status, and identity of individuals or exempt organizations providing financial support to activist groups. In the case of "financial support" our interest is to be able to determine that donors do not receive tax benefit from the financial assistance where such benefit is not clearly allowable by law.

As information is accumulated on the activities or financial support of particular organizations or taxable income of individuals it is referred to the appropriate field office of the Internal Revenue Service for enforcement action. Field offices may be asked to investigate the activities of organizations which have been held to be

exempt as charitable organizations; they may be asked to investigate the income tax liability of individuals who have openly expended substantial sums of money without obvious means of support or they may be asked to investigate alleged violations of the firearms statutes falling within the jurisdiction of the Alcohol, Tobacco and Firearms Division.

It is important to note that although various types of information about organizations or individuals is obtained by the Service from cooperating agencies, only that information relating to tax status is recorded and disseminated to field offices. The sole objective of the Special Service Group is to provide a greater degree of assurance of maximum compliance with the Internal Revenue laws by those involved in extremist activities and those providing financial support to these activities.

To date the efforts of the Special Service Group has been confined to manual compilation and consolidation of information on approximately 1,025 organizations and 4,300 individuals. Data on 26 organizations and 43 individuals has been referred to the field for enforcement action.

While it is still too early to have completed many of the field investigations, criminal investigations are under way on 4 individuals and 1 organization. Delinquent tax returns have been obtained from 2 organizations with combined tax liability of $29,559. On the basis of information furnished by this "group" application for exempt status has been denied to 8 organizations. It is the view of officials of the Internal Revenue Service that this "intelligence" activity and field enforcement is necessary to avoid allegation that extremist organizations ignore taxing statutes with immunity.