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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

HEARINGS

BEFORE THE

SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES

OF THE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 31, AUGUST 1, AND 2, 1973

Book 8

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

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

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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
PHASE I: WATERGATE INVESTIGATION

TUESDAY, JULY 31, 1973

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

The Select Committee met, pursuant to recess, at 9:40 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 Select Committee will come to order, and the counsel will proceed to question the witness.

Mr. DASH. Mr. Haldeman, I think your statement was quite lengthy and it covered much of the ground which our questions are going to be aimed at but to go over again, and I think you mentioned how you started your political activities with the President. Could you tell us how and when you first met President Nixon?

TESTIMONY OF HARRY ROBINS HALDEMAN, ACCOMPANIED BY JOHN J. WILSON AND FRANK H. STRICKLER, COUNSELS—Resumed

Mr. HALDEMAN. We met only very briefly on first impression in 1951, I believe, when he was a U.S. Senator from California and I was in Washington on a visit, and paid a courtesy call on the Senator's office. I had no continuing contact with him from this time on until 1956 when I actually started——

Mr. DASH. How did it come about that you started to work with him politically?

Mr. HALDEMAN. I volunteered to serve in the 1956 campaign and my services were accepted.

Mr. DASH. And during this 1968 campaign what was your role in that campaign?

Mr. HALDEMAN. In the 1968 Presidential campaign I was chief of staff for Mr. Nixon.

Mr. DASH. After that campaign when President Nixon was elected, you became assistant to the President and staff director, is that not true?

Mr. HALDEMAN. Staff director was not part of the title but it was part of the function.

Mr. DASH. All right.

Now, could you tell us as clearly as you can what that function was, as staff director?

Mr. HALDEMAN. Well, I described in my statement the initial intention that we had in staffing the White House to have four or five principal assistants to the President with general responsibilities and no specific areas of responsibility. Those intentions had to be abandoned as we moved into specific areas, and my responsibility became that of White House Chief of Staff, as it had been personal chief of staff for Mr. Nixon during the campaign.

That included the administrative responsibility for the operation of the White House office, the planning and implementation of the President's schedule, the overseeing of the process of paperwork coming to the President and going out from the President, and the functions that are required within the White House office with relation to the flow of paperwork to and from the President, and the general coordinating function amongst the various segments of the White House staff.

Mr. DASH. I take it that it would be fair to say that under the President you were, in fact, the boss of the White House, was that not so?

Mr. HALDEMAN. Administratively, yes; substantively or from a policy viewpoint, no.

Mr. DASH. Could you explain that?

Mr. HALDEMAN. Yes.

I had the administrative responsibility for the operation of the office. I had the supervision of the White House office budget, for instance, but I did not exercise policy or substantive responsibility or authority over the assistants to the President who had those responsibilities. As I tried to delineate in my statement, Dr. Kissinger in the area of foreign policy and Mr. Ehrlichman in the area of domestic policy, others in the areas of congressional relations, press relations, communications with the executive branch, general consultation to the President, and that sort of thing did not report to me on the substance of their responsibilities but if they needed more office space or more staff facilities we had to work that out within the White House budget and the available space and that came under my office's responsibilities. It was generally handled by the staff secretary.

Mr. DASH. Mr. Haldeman, without limiting it to the question of who reported to whom or how maybe the hierarchical chart would look, as a matter of fact, your close relationship with the President,

and your activities as chief of staff did not limit itself to just the administrative functions. As a matter of fact, even in Mr. Ehrlichman's role you would, from time to time, be asked by the President and would make expressions with regard to policy; would you not?

Mr. HALDEMAN. Not to any great extent on policy, Mr. Dash. I would on procedure or the question of whether everything that should be available was available to the President in a policy decision matter, but not an opinion as to whether this was the policy we should pursue or should not pursue.

Mr. DASH. Would you be asked from time to time by the President concerning your views on various policy issues?

Mr. HALDEMAN. I am sure from time to time, but not as a regular process, and I would not want to imply that I was a part of the policy-making process in terms of substance. I was in terms of procedure.

Mr. DASH. You spent quite a bit of time with the President in your working day; did you not?

Mr. HALDEMAN. Yes, I did.

Mr. DASH. As a matter of fact, you traveled with the President, and spent more time with the President than perhaps anyone else other than Mr. Ehrlichman; would that be true?

Mr. HALDEMAN. That is correct.

Mr. DASH. Now, could you tell us what your direct staff did that aided you in carrying out your administrative functions?

Mr. HALDEMAN. My direct personal staff consisted of one or two, depending on the period of time, one or two administrative assistants, and several secretaries, and that was it. The administrative staff in the White House was supervised by the staff secretary, and he had responsibility for the operations of the mechanics of the White House, the support units and that sort of thing. Then as Mr. Butterfield has described to you, as my deputy, he had responsibility for a number of specific areas of White House operations. I don't know if you want me to get into details on that or not.

Mr. DASH. You mentioned Gordon Strachan. What was Gordon Strachan's position with you?

Mr. HALDEMAN. He was a staff assistant to me.

Mr. DASH. When did he become a staff assistant to you?

Mr. HALDEMAN. Probably in 1970.

Mr. DASH. And also what was Mr. Higby's role with you?

Mr. HALDEMAN. He also was staff assistant or administrative assistant.

Mr. DASH. Now, could you distinguish between the two roles, Mr. Strachan's role and Mr. Higby's role?

Mr. HALDEMAN. Yes. Mr. Higby had been in that position with me during the campaign, in fact he had been with me in private business before I joined the campaign, and——

Mr. DASH. Was this the advertising business you testified to?

Mr. HALDEMAN. Yes, sir, yes.

He was my principal assistant, if you want to describe it that way, and was thoroughly familiar with all of the operations of my office, backed me up, handled phone calls and correspondence for me, oversaw the operation of my office, and handled contact for me with a number of the other administrative offices in the White House.

Mr. Strachan came in later, as I have indicated, as a second staff assistant, and was responsible for handling paperwork in my office, in and out of correspondence and papers, as I think he has described, and had the responsibility for the political area, and for liaison with the Committee To Re-Elect the President when it was formed.

Mr. DASH. Now, Mr. Ehrlichman testified to the fact, I think, that you were at the same university together.

Mr. HALDEMAN. Yes, for a couple of years we both attended UCLA.

Mr. DASH. Were you instrumental in bringing Mr. Ehrlichman to the White House staff?

Mr. HALDEMAN. Not really to the White House staff. I was instrumental in bringing Mr. Ehrlichman into the Nixon campaign of 1960, and his association with Mr. Nixon at that time and in subsequent campaigns, those of 1962 and 1968, resulted in the President bringing him into the White House staff.

Mr. DASH. And I take it that you enjoyed both a personal relationship with Mr. Ehrlichman as well as a business relationship with Mr. Ehrlichman?

Mr. HALDEMEN. That is correct.

Mr. DASH. What was your actual working relationship in the White House with Mr. Ehrlichman?

Mr. HALDEMAN. It was one of two equals with different areas of responsibility. Mr. Ehrlichman's in the area of domestic policy, mine in the area that I have described. We met with the senior assistants, the other senior assistants in the White House on a regular basis each morning to review the day's work, and met from time to time during the working day, some days, and some days not, on specific matters that might come up that would involve both of us. But he operated quite independently from me, and I from him.

Mr. DASH. But basically would it be fair to say that on almost a daily basis you kept each other informed as to important matters that were going on?

Mr. HALDEMAN. We kept—the entire staff did. That was the purpose of the 8:15 a.m. staff meeting, I don't mean the entire staff but the four or five senior staff members did so in a 15 minute to half hour meeting every morning.

Mr. DASH. Now, what was your working relationship to Mr. John Dean?

Mr. HALDEMAN. It was the relationship of, in conjunction with his function as counsel to the President. He was a member of the staff with a specific area of responsibility, legal matters, relationships with the Justice Department and other agencies related to legal matters.

Mr. DASH. Under what circumstances would he report to you?

Mr. HALDEMAN. He would report to me administratively, again if he needed more people in his office or if he needed more office space, something of that sort. He received assignments from me or via me from the President in things that needed to be taken care of that the President initiated. He had a reporting responsibility, I guess you would say, to me, in the sense of his general responsibility as counsel in terms of reviewing documents for the President's signature and general, if it is not downgrading the profession, general legal housekeeping. But

he also reported to a number of other people on the staff directly as he was called upon by them for substantive assistance in their areas.

Mr. DASH. As Chief of Staff, Mr. Haldeman, could you tell us how tight a ship you ran in the White House?

Mr. HALDEMAN. Well, it has been amply reported here as being a tight ship, and I tried to run a tight ship, and I think successfully most of the time.

Mr. DASH. And would it be fair to say that you were a hard taskmaster and often cracked the whip?

Mr. HALDEMAN. I don't know. I didn't feel I was a hard taskmaster. I felt I was a just taskmaster but I guess some who didn't rise to the task felt that the whip was cracked sometimes. We operated of necessity on a basis of very extensive delegation of authority and of expecting people to get done what they were told to get done, to handle the responsibilities that they were understood to be handling and to do them without making any mistakes. We did throughout the White House operation operate on a what is known in some views as a zero defect system. We attempted to do everything right.

Mr. DASH. How close to zero did you get?

Mr. HALDEMAN. I am not sure. That is hard to evaluate.

Mr. DASH. Well, therefore, would it not be also true that in your job especially in making recommendations to the President or being able to make decisions, that you certainly wanted to be on top of the important facts you needed to make those decisions?

Mr. HALDEMAN. I didn't have to make decisions for the President.

Mr. DASH. I said in making recommendations or in any decisions that you had to make in the White House.

Mr. HALDEMAN. Yes, but let me—I was not making recommendations even to the President for decisions. I did take the responsibility—have the responsibility, for getting the material to the President for making decisions, and I did review the material before it went to the President to be sure it was complete. But I did not make the recommendation. The recommendation was made by the staff member or administration official responsible for the area in which the decision rested.

Mr. DASH. Well, then, to carry out this function to see to it that the President had the information he needed, you saw to it that you were on top of the facts.

Mr. HALDEMAN. I saw to it that the facts were available. I did not attempt to stay on top of all the facts on any given matter. We had other people far more able than I in any given subject area who maintained the knowledge of the facts.

All I did was raise the question if it appeared that the facts weren't complete or that one side had not been presented adequately or that the views, opposing views had not been included.

Mr. DASH. Well, but at any time when you needed the facts, you could be able to get them very quickly, or at least you expected to be able to get them very quickly?

Mr. HALDEMAN. That is correct.

Mr. DASH. Now, moving forward to the establishment of the Committee for the Re-Election of the President. We have had testimony on this but we would like your testimony on what you know about how

the Committee for the Re-Election of the President got started for the 1972 campaign.

Mr. HALDEMAN. The committee—the concept of the committee was a result of a desire on the part of the President, and the rest of us, that the campaign for reelection be handled outside of the White House and by people not on the White House staff but assigned to general White House duties and the organization or means of doing this was the Committee To Re-Elect the President.

It was set up—you have better information than my recollection on this—but it was set up in 1971 and started on a gradual basis and built as the election time for the campaign time drew closer in terms of staff and activity at a fairly substantial rate.

We looked to the Committee To Re-Elect to handle the mechanics and operations of the political campaign. We expected and had close liaison and communication back and forth with the committee, or the people at the committee, at a lot of levels—in the White House, from the White House to the committee, and from the departments in the Government to the committee, and Government appointees. As you know, we had an intensive surrogate program, for instance, of speakers that were out.

Mr. DASH. Why, Mr. Haldeman, was it necessary to set up this separate entity, the Committee To Re-Elect the President, when there was a national Republican Committee and a political entity in the Republican Party for the campaign of 1972?

Mr. HALDEMAN. Well, very simply because the national committee is the official body of the Republican Party. It has the responsibility for mobilizing the Republican vote and turning out the Republican vote, for developing and supporting candidates, Republican candidates for office at all levels, State and Federal, and the campaign for President required beyond the Republican Party the effort to reach out to independent voters and to Democrat voters to make an appeal to them for support, as well as to mobilize the Republican troops that the national committee had the responsibility for. So there was quite naturally a need for an organization beyond the Republican National Committee.

As you know, after the convention there was a further organization set up of Democrats for Nixon, which was directly involved in an effort to develop Democratic support specifically.

Mr. DASH. But as set up, did not this Committee To Re-Elect the President really constitute a form of alter ego to the White House and the administration? In other words, the political branch?

Mr. HALDEMAN. Well, no, I do not believe so. I think it was set up so that the White House would not be totally involved in the business of preparing for it, conducting a political campaign. But——

Mr. DASH. Is it not——

Mr. HALDEMAN. Excuse me, go ahead.

Mr. DASH. I was just going to say that is it not true at the time it was set up that a number of White House staff people did move over and take a position in the Committee for the Re-Election of the President?

Mr. HALDEMAN. Some White House staff did. Some people from other departments and some people from outside.

Mr. DASH. And it is true that Mr. Mitchell, the Attorney General, had been designated to actually run the campaign when he left his office as Attorney General in March. Is that right?

Mr. HALDEMAN. Yes.

Mr. DASH. Now, what particular role did you play in either staff assignments or the moving of staff from the White House to the com-

Mr. DASH. Did you receive quite a few memorandums from the Re-Election of the President?

Mr. HALDEMAN. I played a role in the sense of an understanding with the committee that if they were going to talk to people in the White House about moving over to the committee, and they did, as you have indicated, take a number of people from the White House, that it would be done with our concurrence at the White House, that they would not move in and there were some problems in this regard from time to time, where there was somebody they wanted who was also needed at the White House and it posed a conflict that we wanted to resolve. There was also a problem at several points in time of the committee running people into jobs at higher salary levels than they had been receiving at the White House and this was a matter of concern to me. I did not like people being persuaded to leave the White House and join the election committee for the purpose of making more money, and so I was involved in the question of compensation to that extent.

I was consulted, I would say, on the senior people that moved from the White House, or middle level people. There were a number of people from the White House that moved over to the committee that I had no involvement at all.

Mr. DASH. Now, were you also consulted with regard to major decisions that the committee was making?

Mr. HALDEMAN. Some; but not on a consistent basis. We had—rather than being consulted on major decisions—we had a close working relationship with the committee that was implemented in the campaign period by the twice-weekly meetings in Mr. Ehrlichman's office with the campaign committee people and senior White House people, and we—in order to maintain continuing coordination, the campaign director, Mr. Mitchell, and later Mr. MacGregor, sat in the regular morning White House staff meetings, so that the campaign people, or the campaign director, at least, would know what the ongoing business at the White House was, issue positions, and that sort of thing, and vice versa, so that he could keep us posted at the White House as to what was developing in the campaign.

Mr. DASH. Did you receive quite a few memorandums from the committee?

Mr. HALDEMAN. Yes, sir, I think you are referring to Strachan's political memorandums. I did not receive memorandums directly from the committee. Gordon Strachan, as my staff man with that area of responsibility, received all.

Mr. DASH. Just what was his area of responsibility? What was he supposed to do?

Mr. HALDEMAN. He was supposed to handle the liaison between my office and the campaign committee.

Mr. DASH. And——

Mr. HALDEMAN. To keep him—I can expand on that a little bit.

Mr. DASH. Yes, please.

Mr. HALDEMAN. To keep himself basically fully posted on the campaign, on what was going on, to keep me posted as I needed to be, for information for the President, and to be available to answer questions or follow up on matters that might be raised by the President and, from time to time, others in the White House with relation to the campaign.

Mr. DASH. Now, were you consulted in any way at times on budgets or matters involving the financing of the committee?

Mr. HALDEMAN. Only on a very general basis. As I indicated in my statement, I did receive overall budgets, I believe, from time to time and I did receive information in more specific nature on advertising budgets because that was an area in which I was more directly concerned, and I reviewed the advertising budgets primarily for—with relation to the question of timing, of intensity of advertising, and to some degree regional concentration. I did not get into the details of the budgets and I did not believe that I had any responsibility for budget authority or approval.

Mr. DASH. I would like to show you, Mr. Haldeman, a memorandum of February 3, 1972, from Mr. Bruce Kehrli to you concerning Committee for Re-Election support which discusses general budget items.

Do you remember that memorandum? Have you seen it before?

Mr. HALDEMAN. I would have to look at it first, Mr. Dash.

Mr. DASH. Look at it and tell me whether or not——

Mr. HALDEMAN. Can I take a second?

Mr. DASH. Yes. Please.

Mr. HALDEMAN. Yes. Without—I had better look at the whole thing. I was going to give you a general——

Mr. DASH. Take your time, Mr. Haldeman.

Mr. HALDEMAN. I can't read part of this on the bottom of page 2. It is a bad copy.

Mr. DASH. Very bad photocopy. It is the only one we have received.

Mr. HALDEMAN. It doesn't appear to be a significant area, though.

Mr. DASH. I didn't intend to ask you anything about that bottom area.

Do you recall that this particular memorandum, which has "administratively confidential" on it, deals with the question of the Presidential and first family travel budget and then it has items for preconvention, convention, and postnomination budget. Then on the second page, there is some reference to staff and also there is a reference to Mr. Colson, and a statement of $900,000 for the Colson office which consists of $660,000 for mailing and information retrieval, $150,000 to expand his mailing list, and about $90,000 for "black" projects, black in quotes.

Do you recall those items and why they were being presented to you in memorandum?

Mr. HALDEMAN. This overall memorandum, as it indicates, is for financial support for the White House from the Committee for the Re-Election of the President. As I think I indicated, the committee provided financial support for activities that were not deemed to be governmental activities but that were conducted by the White House,

the principals of these being, of course, the travel of the President when he was on a purely political trip. At any time during the campaign period that the President or any member of his family made a trip, they were required, of course, by security regulations to travel on Government aircraft and with Government security, but the committee reimbursed the Government for the cost of all such trips at all times so that there would be no cost to the taxpayer for the purely political activity of the President.

This same would apply to other activities that were carried out by other staff members. The item I had filed as staff and reimbursement of specific staff members, I would assume, had to do with their travels and expenses incurred in speaking tours and that sort of thing on behalf of the election campaign as constrasted to their duties in the Government.

The Colson office question appears to be primarily for mailings and Mr. Colson's office was the point of contact with groups and organizations outside of Government, labor organizations, business organizations, veterans' organizations, other particular interest groups, and I am sure that at his instance there were a number of mailings designed for these specific groups, and that this was to cover support for those mailings.

Mr. DASH. Do you know what the reference to "black" projects means?

Mr. HALDEMAN. I am not sure.

Mr. DASH. We have had testimony before on black advance projects. Do you know what that means?

Mr. HALDEMAN. I have heard that testimony. I would not think that this would relate to black advance projects as such because Mr. Colson was not concerned with advance work or campaign travel at all that I am aware of.

Mr. DASH. Well, then there is one item that says: "This budget does not include White House polling expense which I understand will be handled in another way."

Is that a reference to what later did happen—the transmittal of $350,000 from the committee to the White House for polling purposes?

Mr. HALDEMAN. I think that probably is; yes. I am not positive but it would appear to be.

Mr. DASH. Well, at least to this extent, would this cover this area you were saying you were advised of general budget matters?

Mr. HALDEMAN. No, not at all. I was speaking of the campaign budget rather than the—this is what I would call campaign support for White House budget. I also saw from time to time or at times the overall campaign budget, the big spread sheets that spread out the planned expenditures on a month-by-month basis for the various campaign activities.

Mr. DASH. Now, I think in your statement you also said that——

Mr. HALDEMAN. Could I interject to say——

Mr. DASH. Yes.

Mr. HALDEMAN. Going back to this one: This, you haven't indicated but this is a memorandum that I approved, and on the last page it indicates my approval. It sought my approval. It sought my approval from the staff secretary of the White House to submit a budget that the White House estimated would be its expenses that would be prop-

erly allocable to the reelection committee rather than covered by the White House budget.

Mr. DASH. You may also want to read the note that you wrote after your approval.

Mr. HALDEMAN. Sure. I wrote, I initialed the approval and then said, "Unless AG wants whole budget, if so, give it to him with understanding it is a very rough guess." My point being the recommendation here was that we submit only the preconvention budget in February, in other words, the budget for the time up to August 20, and my point there was that there was—I was recommending we submit only that unless he wanted the entire thing. It would be difficult to estimate the postconvention budget at that time.

Mr. DASH. Mr. Chairman may we have this memorandum put into the record as an exhibit?

Senator ERVIN. The reporter will mark it with the appropriate exhibit number.

[The document referred to was marked exhibit No. 110.*]

Mr. DASH. Now, what was your relationship with Mr. Mitchell in the Committee for the Re-Election of the President?

Mr. HALDEMAN. It was one of very close communication and cooperation, not on a very frequent basis but he kept me posted on what was going on and what problems he had, if any, in the campaign, and he had problems from time to time with the White House in cooperation and he was seeking for information that he would raise with me, and I passed on to him complaints and information and suggestions from the White House, other people in the White House, and from the President.

Mr. DASH. How did you communicate? Did you meet frequently or did you do it by telephone or in what way?

Mr. HALDEMAN. A little bit of each. To start with he was in the morning staff meeting so there was a chance to communicate there. We, during the campaign period, had the twice weekly meetings in Mr. Ehrlichman's office and that was for the purpose of just exactly this kind of communication. If anything came up that needed to be covered on a quick basis it was covered by telephone.

We met from time to time not with any great regularity or frequency. By that I mean in other meetings than the ones I have, the regular staff meetings that I have indicated.

Mr. DASH. In the summer or the fall of 1970, Mr. Haldeman, were you not concerned about the existing program of intelligence gathering with regard to either domestic dissent or security?

Mr. HALDEMAN. You said in 1970.

Mr. DASH. 1970.

Mr. HALDEMAN. 1970 is that—let me—I forget which programs went into effect in which years; 1970 was the time of the concern on domestic security.

Mr. DASH. How did this concern arise?

Mr. HALDEMAN. May I read from the President's May 22 statement where he outlined this?

Mr. DASH. I think we have that. Why don't we have your testimony on it?

*See p. 3313.

Mr. HALDEMAN. All right. My testimony would be in exact accord with that.

Mr. DASH. Did you help prepare the President's statement?

Mr. HALDEMAN. No, sir, I did not. But I would say that that delineates in a few words the extent and nature of the problem as it existed at that time. The reason for the White House concern and the reason for attempting to take some action.

Mr. DASH. I still would like rather than your reading the President's statement——

Mr. HALDEMAN. I haven't read it, I didn't read it.

Mr. DASH. I know, I said would you just give us as briefly as you can your own recollection——

Mr. HALDEMAN. Sure.

Mr. DASH [continuing]. Of what that purpose was, what the problem was?

Mr. HALDEMAN. The problem was, and I have indicated this in my statement also, I believe, was the wave of violence, bombings, arson, trashing, and other sorts of activities of damaging property, some of them killing people, that were sweeping across the country at that time.

Mr. DASH. And this led to what we have now been referring to as the Huston plan, did it not?

Mr. HALDEMAN. Yes, it did.

Mr. DASH. And I take it you were aware of all of the facets of the Huston plan, what the recommendations were that were being made and as it finally went up to the President.

Mr. HALDEMAN. Not in any detail. The inception of the so-called Huston plan was a meeting that the President called—first, Mr. Huston, as a staff man, had done some preliminary work on analysis of the problem, and analysis of the efforts to deal with the problem, and of the shortcomings that appeared to be in existence at that time with relation to the problem and the efforts to deal with it as a result of which the President called a meeting of the heads of the various security agencies, the FBI, the NSA, the CIA, and the DIA. I sat in that meeting, as did Mr. Huston. The President discussed with these agency heads the nature of the problem, the shortcomings of domestic intelligence, the concern that some of these activities that were underway or being threatened during that period of time were possibly, at least, and I think demonstrably, as I recall, connected with foreign activities. Some of the organizations that were declaring themselves out to destroy institutions and in some cases the Government, were doing their training in foreign countries and were studying under foreign dissident organizations, and there was a feeling that there was a crossover here that needed to be dealt with in terms of better intelligence, that we didn't know who was causing these things, who was directing them, who was financing them, nor did we know what they were going to be directed to.

Mr. DASH. How did you receive specific evidence of these events? You didn't know, you say, who was doing what, but obviously you were concerned that the events occurred. What evidence occurred as to who might be involved?

Mr. HALDEMAN. There was evidence in terms of the people who were

carrying some of them out, at least, in self-declared, both intentions and in backing, and the reasons for what they were doing.

There was some intelligence—there was some FBI intelligence in this area, there was some Secret Service intelligence in this area as it related to Presidential threats and security. And there was some investigative reporting by the press going on as to the background of some of these activities, and all of these I think would add together to be the sources at that time of what we did have.

Mr. DASH. But is it your statement that you were not fully aware of the specifics of the Huston plan?

Mr. HALDEMAN. I was not—let me get into how that was set up. In the meeting with the President and the heads of the security agencies the problem was outlined and the President made it very clear that he expected some cooperation, which there did not—which did not exist at that time between these agencies, in getting better information, evaluating the information more effectively, and disseminating it so that action could be taken if there was action indicated, or at least awareness—there would be awareness of what was happening or what was going to happen.

The group assembled in his office at that time was designated by the President as a task force to prepare recommendations for him as to what ought to be done, what steps should be taken to meet the problem and carry out the request that the President made of this group.

It is my understanding that that—those agency heads themselves or by designation of members of their staff did set up such a task force under the chairmanship of Director Hoover which prepared an extensive set of recommendations. Mr. Huston worked with them, I understand on this, or at least they transmitted these recommendations to him upon their preparation, and those recommendations were submitted to the President. They were submitted, as was customary procedure to Mr. Huston, the staff man assigned to that project, through Mr. Huston to me and through me to the President.

Mr. DASH. Mr. Huston actually reported to you?

Mr. HALDEMAN. He reported through me in this particular area. He was—well, I do not know where he was assigned at that time. He was sometimes—part of the time he was at the White House he was on the staff of the counsel and part of the time he was on Mr. Buchanan's staff.

Mr. DASH. Well, in reporting to you or through you, you saw all of the papers that were being reviewed, did you not?

Mr. HALDEMAN. I saw all the papers—not all the working papers of the committee. I saw the recommendations that went to the President.

Mr. DASH. All right. Did you read the recommendations that went to the President?

Mr. HALDEMAN. I am not sure I did or not. If I did it was not in any detail. I had an idea it was a proposal for an expanded intelligence activity.

Mr. DASH. Were you aware in that proposal there was a recommendation for both national and internal security. that there be an increased use of wiretapping and surreptitious entry or break-in?

Mr. HALDEMAN. I am not sure whether I was or not. I may very well have been.

Mr. DASH. Were you aware that Mr. Hoover, Director of the FBI, opposed, at least entered his opposition to most of the recommendations in that plan?

Mr. HALDEMAN. I knew that—I think in the recommendation itself which was signed by Director Hoover as chairman of the committee, he had indicated in the various recommendations his disagreement with some of them in spite of the fact that they were the committee recommendation.

He was transmitting them as the committee recommendation with his dissent.

Mr. DASH. Well, now, did Mr. Huston seek to get your assistance in overriding Mr. Hoover's objections?

Mr. HALDEMAN. Yes; I think he did.

Mr. DASH. And did he send a series of memorandums to you with regard to that?

Mr. HALDEMAN. I have seen the memorandums that have been put into exhibit and reprinted in the papers and they would indicate that he did, yes.

Mr. DASH. Well, did you just see them as they were reprinted in the papers or do you actually recall receiving those memorandums and reading them?

Mr. HALDEMAN. I have a general recollection. I cannot identify having seen or acted upon any specific memorandum without looking at it and reviewing it. I do know that there was a definite concern on Mr. Huston's part and on the other side, on the President's part, that there was—we knew there was a problem going into this. One of the reasons for bringing this group together was the fact that communication between the FBI and other intelligence agencies was at best minimal.

Mr. DASH. Let me just show you one memorandum and I think this has already gone into the record. See at least if you can recollect it. It is a memorandum dated August 5, 1970, from Mr. Huston to you, subject, "Domestic Intelligence"*, which is primarily dealing with the problem of Mr. Hoover's objections and indicating that the program ought to move forward and asking your assistance. I ask you to take a look at it, see if you do recall it and if you do, would you comment on it?

Mr. WILSON. May we keep this, Mr. Dash?

Mr. DASH. It is my only copy at the moment. We can make a Xerox copy for you. Unfortunately, our Xerox machine is broken down. That is why members of our committee do not have copies.

This has been entered in the record at a prior time.

Mr. HALDEMAN. I cannot positively, without any doubt, say I read that memorandum at the time it was sent to me but I have a very clear recollection of the general content of the problem that existed at that time and I probably did read this memorandum.

Mr. DASH. Would it be fair to characterize that memorandum as Mr. Huston being considerably upset over Mr. Hoover's obstinacy in opposing the plan and——

Mr. HALDEMAN. Yes.

Mr. DASH [continuing]. And indicating that it was quite urgent that the plan go forward and seeking your assistance?

Mr. HALDEMAN. Yes.

*See Book 3, exhibit No. 37, p. 1325.

Mr. DASH. Do you know why Mr. Hoover opposed the plan?

Mr. HALDEMAN. I am not sure. I do not recall whether this memorandum outlined the nature of his objections or not.

Mr. DASH. Now, are you aware after the plan was submitted to the President, that this plan was in fact approved by the President?

Mr. HALDEMAN. Yes.

Mr. DASH. After that approval, was the plan implemented?

Mr. HALDEMAN. No; it was not. As I understand it, the approval was rescinded, I believe it was 5 days later by notification to the agency head and that, therefore, in effect, the plan was not implemented.

Mr. DASH. Why was it rescinded?

Mr. HALDEMAN. Again, as I understand it, because of Director Hoover's objection to a number of parts of the plan.

Mr. DASH. Did you know that Mr. Mitchell opposed this plan, the Attorney General?

Mr. HALDEMAN. I am not sure that I knew that he did or that he did not.

Mr. DASH. Well, he has testified here before this committee that he was not in on the original planning of the plan but when he first learned about it, I think he says to Mr. DeLoach of the FBI, that he went to see you and the President and strongly opposed it and then the plan was not implemented. He assumed that it was partly on the basis of his objection. Do you recall that?

Mr. HALDEMAN. I do not; but that is not necessarily—I certainly would not deny that. If Mr. Mitchell does feel that is the case, I do not recall—I do recall the plan not being put into effect. I recall considerable discussion back and forth as to whether it would be or not, and the ultimate decision first, to approve and then to rescind.

Mr. DASH. Did you become aware of an in-house White House effort for that special investigative unit after the Huston plan was rescinded?

Mr. HALDEMAN. Well, the step following the rescission of the Huston plan as it is now called, was the formulation of an intelligence evaluation committee that was another interagency and interdepartmental group. It was not an in-house White House group, although there was a White House representative, I believe Mr. Dean, on that intelligence evaluation committee and its purpose was—one of the purposes of the Huston plan, coordination between the various intelligence agencies and an attempt to share and evaluate intelligence.

Mr. DASH. And who was supervising this?

Mr. HALDEMAN. I am not sure. It was set up—it was not an in-house White House unit, as I said, it was an interagency unit. I believe John Dean was the White House representative on it and I am not sure how it was structured.

Mr. DASH. Would it be true that it was Mr. John Dean's role to be liaison for the White House on intelligence programs like this?

Mr. HALDEMAN. Yes; it would be.

Mr. DASH. Now, did there come a time when there was an in-house White House special investigative unit?

Mr. HALDEMAN. You are leading—the question relates, I assume, to this special investigations unit that was set up in 1971.

Mr. DASH. Yes.

Mr. HALDEMAN. I was aware that such a unit was set up, at the President's request, yes.

Mr. DASH. And did you know who was put in charge of that?

Mr. HALDEMAN. I think that David Young of the National Security Council staff and Bud Krogh of the Domestic Council staff were the principal men assigned to that work.

Mr. DASH. Mr. Wilson, if we can have that memo back, we will make a Xerox copy for you.

You say Mr. Krogh was taking general supervision with Mr. Young in that area?

Mr. HALDEMAN. I knew that Krogh and Young were assigned to this responsibility. I do not believe I know, or knew at the time, who was over whom.

Mr. DASH. Did you know that Mr. Hunt and Liddy took a part in the role of the so-called Plumbers?

Mr. HALDEMAN. I guess so; it is hard, now knowing it so thoroughly through testimony here, to know whether I specifically knew they were, as those two names were involved in this assignment at that time or not.

Mr. DASH. Well, is it your testimony, Mr. Haldeman, that in your role as chief of staff, where you certainly had administrative responsibilities over everything that was going on in the White House, office space, and where the telephones would be set up and things like that, that an operation of this kind, a special investigative unit would not come to your attention, so you would know who was involved, who the staff people would be, who would be working, who would be on its payroll?

Mr. HALDEMAN. No; I would know that such a unit existed but this unit was set up as an internal unit using as the two principal staff people, people that were already on staff. This wasn't an addition to staff. This was a reassignment of people, one on Dr. Kissinger's staff and one on Mr. Ehrlichman's staff, to a special project. That was done very frequently and probably most of the time without my knowledge because these were assignments that would come and go.

Mr. DASH. Well, if new people were brought on the staff like Mr. Hunt or Mr. Liddy, wouldn't you have to know about that as the Staff Director?

Mr. HALDEMAN. Not necessarily by name. If they were brought on without an existing budget, each division within the White House—the White House budget was broken down by divisions within the White House and each division had an individual responsibility for it. In addition—I don't know if this was true at that time but at some point in time the domestic council, Mr. Ehrlichman's area, had a separate budget, funded separately by the Congress, not from the White House budget. So any activities of the domestic council or conducted within the domestic council budget I would very frequently not be aware of at all.

Mr. DASH. Well, you knew at least Ehrlichman.

Mr. HALDEMAN. The same would be true of the National Security Council budget which was also separate.

Mr. DASH. You know the reason why this separate investigating unit was set up, do you not?

Mr. HALDEMAN. Yes; I knew the approximate cause was the Pentagon Papers leak and that it was set up for the purpose of looking into that and other national security leaks at that time.

Mr. DASH. And you were personally also, when I say personally, certainly in your role as the chief of staff of the White House, and your personal role, interested in seeing that such things did not occur. You were concerned about such leaks, were you not?

Mr. HALDEMAN. I was personally concerned about them, yes.

Mr. DASH. Did you discuss with Mr. Ehrlichman at any time, not in any official reporting role, the work of the special investigating unit—what it was doing about looking for these leaks?

Mr. HALDEMAN. No; I do not think so, other than the fact there was such a unit and they were working on this. We may have from time to time, talked about whether they were making any progress or we were getting any information.

Mr. DASH. Did this come up in the senior staff meetings when you had senior staff meetings to keep on top of what was going on at the White House?

Mr. HALDEMAN. It may have. I do not recall any specific reference to it.

Mr. DASH. Did it come to your attention?

Mr. HALDEMAN. The subject of leaks came up often, of course.

Mr. DASH. Oh, yes; as a matter of fact, I think in your own statement, at one point, there was a plan by which you yourself have indicated the President dubbed you the Lord High Executioner——

Mr. HALDEMAN. Yes, sir.

Mr. DASH. For leaks.

Mr. HALDEMAN. That, however, was on a broad basis not specifically related to any individual leak or to the—necessarily the area of national security or domestic security.

Mr. DASH. I understand.

Mr. HALDEMAN. It was the whole leak problem.

Mr. DASH. Now, did you learn in discussions with Mr. Ehrlichman or at your senior staff meetings in the mornings, about the focusing in on Mr. Ellsberg as a suspect, not only as a suspect but as an effort to get more information about him?

Mr. HALDEMAN. I do not think so; not through those means. Ellsberg was, of course, a figure in the public reporting of it, so I assume he was at that time, and whatever was in the press I was aware of.

Mr. DASH. Did you know there was an effort to get a psychiatric profile on Mr. Ellsberg?

Mr. HALDEMAN. No, sir.

Mr. DASH. Did you know that a group had been sent out to California to seek, through covert activity, access to Dr. Fielding's records?

Mr. HALDEMAN. No; I did not.

Mr. DASH. The psychoanalysis of Mr. Ellsberg?

Mr. HALDEMAN. I did not.

Mr. DASH. Mr. Ehrlichman at no time would be discussing this with you?

Mr. HALDEMAN. He did not discuss it with me.

Mr. DASH. Now, I take it you were also aware of the Sandwedge plan which Mr. Caulfield presented?

Mr. HALDEMAN. Yes.

Mr. DASH. And that also was a proposed intelligence plan; was it not?

Mr. HALDEMAN. Yes; it was.

Mr. DASH. Are you aware of what occurred on that?

Mr. HALDEMAN. Of what occurred to it?

Mr. DASH. That plan.

Mr. HALDEMAN. It was dropped.

Mr. DASH. Did you have any role in seeing to it that it was dropped?

Mr. HALDEMAN. I do not believe I did. I think that it sort of dropped of its own weight.

Mr. DASH. Well, somebody had to say no. Who said no on this plan?

Mr. HALDEMAN. It is my impression that nobody ever got around to saying no. Nobody ever said yes and so it never happened.

Mr. DASH. Did you know Tony Ulasewicz?

Mr. HALDEMAN. No; I did not.

Mr. DASH. Never met him?

Mr. HALDEMAN. No.

Mr. DASH. Did you know that he was working for certain White House projects?

Mr. HALDEMAN. I knew there was a man employed outside on certain White House projects. I, at some point, knew his name but at that point did not know how to pronounce it.

Mr. DASH. Did you know it as a different name? Did you ever hear of a Mr. Rivers?

Mr. HALDEMAN. No.

Mr. DASH. When Mr. Magruder was playing a very active role in the Committee for the Re-Election of the President, certainly in the fall of 1971, were you aware in the communications that you were probably getting from Mr. Strachan that there was a concern in the oncoming campaign of demonstrations and violence that might take place?

Mr. HALDEMAN. Yes; that was a matter that was discussed from time to time and I was very much aware of it.

Mr. DASH. Were you aware of the fact that there was a feeling, that there was a need to develop an intelligence capacity to determine who might be involved in this kind of activity and how to prevent it?

Mr. HALDEMAN. I do not recall a discussion of intelligence capacity in that sense. There was definitely discussion of the problem and of needing to know what the nature of the problem was. It was most intensive in relation to the convention site, and the potential problem that was rumored to be building at San Diego and we did have intelligence on that. We had Secret Service intelligence.

Mr. DASH. That is right. But, did not Mr. Magruder talk to you directly or by memorandums concerning the need for the committee to have its own in-house capabilities for intelligence with regard to the campaign?

Mr. HALDEMAN. He may have.

Mr. DASH. Did you become aware that Mr. Gordon Liddy was employed by the Committee for the Re-Election of the President?

Mr. HALDEMAN. At some point I did, yes.

Mr. DASH. When was the first time you became aware?

Mr. HALDEMAN. I am not sure.

Mr. DASH. Did you become aware during the late period of 1971, November or December?

Mr. HALDEMAN. I am really not sure, Mr. Dash, when I knew. I do not know for sure when he did become employed.

Mr. DASH. Let me ask you this, were you aware prior to the June 17 break-in?

Mr. HALDEMAN. That Mr. Liddy was at the committee, yes.

Mr. DASH. Did you have anything to do when he was employed? You said when certain senior people would be employed, they would have to have some clearance on your part. Now, he was employed as counsel for the committee. Did his name come by your desk for approval?

Mr. HALDEMAN. His name came by my desk at some point in connection with his salary. That was one of the cases where I think a salary was going to be paid that was higher than what he had been getting at the White House or was out of line with some other salary and there was some discussion of the salary question in that connection.

Mr. DASH. You do not recall anything further about that?

Mr. HALDEMAN. No.

Mr. DASH. That is the only recollection you have of Mr. Liddy's employment and your role in the employment?

Mr. HALDEMAN. Yes, I believe it is.

Mr. DASH. Did you learn at a point in time of a meeting in Mr. Mitchell's office, one on January 27, 1972, and then another meeting on February 4, 1972, attended not only by Mr. Mitchell but by Mr. Dean, Mr. Liddy, and Mr. Magruder?

Mr. HALDEMAN. Yes, I did.

Mr. DASH. How did you learn of that meeting?

Mr. HALDEMAN. Well, I am not positive. I learned of it in recent months and probably also in the summer of 1972 by way of Mr. Dean recounting to me the fact, or his assertion that there had been these two meetings, as I recall, he told me that they had been in December and January of 1971–72, and that he had attended the two meetings that he had come to me after the second meeting and had reported to me that at that meeting there had been presented an intelligence plan that was totally inconceivable and absurd, he characterized it in some colorful phrase, I think, of that kind, and said that he had turned the plan off, that Mitchell had concurred with him in turning this plan off, that he felt that there should be no further discussions of this kind of an intelligence program, and he intended to participate in no such discussions, and that he recommended the White House not participate if there were any such further discussions and that there should not be any and that I agreed with him.

Mr. DASH. Now, this discussion you are now testifying to that you had with Mr. Dean is in the summer of 1972, is that after the June 17 break-in that this took place?

Mr. HALDEMAN. Yes, yes, it is, and I am not positive—it is a general recollection that this took place in the summer. It is a clear recollection that it also took place in March of this year.

Mr. DASH. Yes.

Now, you say in the discussion you had with Mr. Dean, that Mr. Dean told you that right after the February 4 meeting in 1972, he came to you and I think you have already described how he described this meeting and he said the White House or something should not be

involved and be turned off and you agreed. Do you recall his doing that?

Mr. HALDEMAN. I do not recall it with any clear recollection but I was willing to accept Mr. Dean's very specific and very positive recounting to me of what had happened. I did not find it incomprehensible, and I do want to make one point that arises in this, that I have only recently become aware of though, because my recollection very clearly is that Mr. Dean told me that these meetings took place in December and January of 1971–72, and that he reported to me after the second meeting. I do not have any recollection of his ever saying to me what the specific dates were of the meetings.

I, when we got into the March period of this year and started an intensive checking of facts and figures and logs and so forth, checked my log to see whether, in fact, I had met with John Dean at any point early in 1972 that could have been the meeting that he had described to me, and I found that there had been such a meeting on February 1. That I assumed was the meeting to which he referred and was, in the back of my mind, a general confirmation that he probably had come and told me about the situation and that February 1 was the time that he had done so.

Mr. DASH. All right.

Mr. HALDEMAN. I did not realize, Mr. Dash, until watching these hearings that the two meetings were held on January 27 and February 4, and if, in fact, Mr. Dean met with me on February 1, then our meeting—well, Mr. Dean did meet with me on February 1. If our meeting on February 1 was the meeting at which he told me about an intelligence plan, it apparently was between the two meetings, rather than after the second meeting, and that may be the reason—well, I do not want to speculate, but I will say that I have checked my log also to determine whether there was any other meeting with Mr. Dean during that period of time and I find no meeting in the months of January or February except the meeting on February 1.

Mr. DASH. Mr. Haldeman, we have received copies of your log.

Mr. HALDEMAN. Yes, sir.

Mr. DASH. Would you say that your log and the log you kept were accurate in the sense that every meeting that you would have had with Mr. Dean would appear on the log?

Mr. HALDEMAN. I think they would in that—do you want me to describe the genesis of that log so you know what its basis is?

Mr. DASH. Yes. I think that might be helpful.

Mr. HALDEMAN. All right.

This was not a date book. This was not an appointment book and I didn't maintain any appointment book because I didn't maintain any predetermined schedule.

This log that you have was maintained by my secretary whose desk was immediately outside the only door to which there was access to my office, and she recorded in this log every person coming into my office and the time he came in and every person leaving my office and the time that he left.

That part of the log is very accurate and was very accurately kept in that it was firsthand knowledge of the secretary at the desk of people coming in and out. That desk was always, or virtually always,

manned when I was in the office. If my principal secretary wasn't there, another girl would fill in while she left the desk.

The log does have some potential inaccuracies in the effort to record my participation in meetings outside of my office because then she was only aware that I had left the office and was not always aware where I had gone or with whom I had met.

Mr. DASH. Well, then, leaving aside any report that Mr. Dean made to you of these meetings, were you not informed by Mr. Strachan through a political matters memorandum of a sophisticated intelligence system that the Committee for the Re-Election of the President had developed for the approval of Mr. Mitchell sometime shortly after March 30?

Mr. HALDEMAN. I don't recall Dean so informed but I don't recall any of the other 30 or 29 decision items that were apparently also covered in that memorandum and it is not surprising that I wouldn't.

Mr. DASH. Would a political matters memorandum dealing with a sophisticated intelligence plan for the committee at a budget of $300,000 strike your attention?

Mr. HALDEMAN. As Mr. Strachan has described it, a three-line item in a rather thick political matters memorandum dealing with, among other things, apparently 30 decisions that had been made by Mr. Mitchell at the Key Biscayne meeting, would not strike my attention; no.

Mr. DASH. Well, do you recall asking or having Mr. Strachan prepare a talking paper that covered a number of these items and including the intelligence plan?

Mr. HALDEMAN. No; and that wouldn't be the normal process Mr. Dash. You are referring to, I assume, the talking paper that he referred to——

Mr. DASH. Yes.

Mr. HALDEMAN [continuing]. In terms of the——

Mr. DASH. That is right.

Mr. HALDEMAN [continuing]. Meeting I was to have sometime shortly after that——

Mr. DASH. The April 4 meeting.

Mr. HALDEMAN [continuing]. With Mr. Mitchell. And Mr. Strachan, when he knew that I was having a meeting with Mr. Mitchell or having a meeting with anyone else with regard to the campaign or the committee, on his own initiative and within his area of responsibility prepared for me a talking paper listing those items of discussion that he assumed would be useful or desirable to discuss at that meeting. The talking papers were not drawn up jointly by the two of us and I did not tell him what to put on them. I knew what I wanted to talk about. What he was doing was trying to jog me by way of a talking paper on items that I might not think about that he thought might be useful to discuss.

Mr. DASH. Now, when you received a political matters memorandum and read the item, how did you indicate that you had noted the item or read it?

Mr. HALDEMAN. Varying ways. I sometimes made margin notes, I sometimes made checks by items, and I sometimes made no mark at all.

Mr. DASH. And if you had read it and made a check that would appear on them, I take it?

Mr. HALDEMAN. That is correct.

Mr. DASH. And if there was a talking paper for a meeting with Mr. Mitchell on April 4, that would be part of that political matters file, would it not?

Mr. HALDEMAN. I don't know.

Mr. DASH. I am asking the question if there were such, it would be part of the file, would it not?

Mr. HALDEMAN. I don't know that it would be. I am not——

Mr. DASH. A number——

Mr. HALDEMAN [continuing]. I am not sure I understand what you mean.

Mr. DASH. Are there a number of political matters memorandums you received—you say you received a number.

Do you recall how many political matters memorandums Mr. Strachan sent you?

Mr. HALDEMAN. Over the 2 years?

Mr. DASH. No; during the period, say, from January 1972, through June 17, 1972.

Mr. HALDEMAN. I don't recall a number. I would have to guess.

Mr. DASH. All right.

Mr. HALDEMAN. Probably in that sort of a period it would be 10, something like that.

Mr. DASH. All right; his testimony is that this particular political matters memorandum was numbered No. 18 and if you wanted to find out what was included in political matters memorandum No. 18 to refresh your recollection right now, where would you go?

Mr. HALDEMAN. I would go to Mr. Strachan.

Mr. DASH. Mr. Strachan doesn't have the document, I take it. Would the document be at the White House?

Mr. HALDEMAN. Well, I understand from Mr. Strachan's testimony that he destroyed the document, so I presume it wouldn't be.

Mr. DASH. It is not at the White House?

Mr. HALDEMAN. I don't know whether it is or not, Mr. Dash.

Mr. DASH. Have you gone to the White House in preparation for your testimony?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. To look at papers of yours?

Mr. HALDEMAN. I have looked at my notes, yes.

Mr. DASH. Your notes. Have you looked at any of the political matters memorandum?

Mr. HALDEMAN. No; I haven't.

Mr. DASH. You heard Mr. Strachan's testimony prior to your testimony here. Did you go to the White House to see if there was a political matters memorandum No. 18 at the White House?

Mr. HALDEMAN. No, sir.

Mr. DASH. Now Mr. Strachan has testified that he did present to you, shortly after the break-in when you returned to Washington, this particular political matters memorandum No. 18, which included the reference to the sophisticated intelligence plan at $300,000 and the talking paper and I think some other matters, and that you said, and this is his testimony, you said that the file should be clean after

he had indicated that this particular file might link you by some way to the break-in or the activity of the break-in. Do you recall that conversation with Mr. Strachan?

Mr. HALDEMAN. I don't recall the conversation. I don't recall the testimony as being quite as you have described it. And as I said in my statement, I don't recall Mr. Strachan or my giving Mr. Strachan such an instruction.

Mr. DASH. Such an instruction to see that the file would be clean?

Mr. HALDEMAN. That is correct.

Mr. DASH. You didn't use that expression.

Mr. HALDEMAN. I don't remember using it, no, sir.

Mr. DASH. Do you have any explanation as to why, after that meeting, Mr. Strachan would go out and shred that political matters memorandum No. 18?

Mr. HALDEMAN. Well, by Mr. Strachan's statement, which is the only really source I can use for knowing why, he indicates that he destroyed what he considered to be politically embarrassing material and as I recall under direct questioning he quite specifically said that he did not think he was destroying anything that contained any evidence of illegal activities.

Mr. DASH. But on the direct questioning he said that he did it not on his own initiative but on your instructions.

Mr. HALDEMAN. He said that in his statement, I believe.

Mr. DASH. Yes.

Mr. HALDEMAN. No. I guess that is right. It was not in his statement. It was questioning.

Mr. DASH. Yes. Now, do you recall after receiving the political matters memorandum—you don't actually recall receiving that political matters memorandum—do you recall telling Mr. Strachan in April, sometime shortly after the meeting with Mr. Mitchell, that he should contact Mr. Liddy and tell Mr. Liddy to transfer his capabilities from Mr. Muskie to Mr. McGovern with special emphasis on the relationship to Senator Kennedy?

Mr. HALDEMAN. No, I don't.

Mr. DASH. You don't recall giving him that instruction?

Mr. HALDEMAN. No, sir.

Mr. DASH. Do you have any idea why Mr. Strachan would testify under oath here that he received that instruction from you?

Mr. HALDEMAN. Mr. Dash, I think that my attempt to determine why someone else does something is something that I should not get into.

Mr. DASH. All right.

Mr. HALDEMAN. I sincerely feel that in this whole thing we have bogged down so much into opinion of what one person thinks some other person might have done rather than what that person knows he did or didn't do.

Mr. DASH. Well, you say that Mr. Strachan worked for you from 1970 on.

Mr. HALDEMAN. That is correct.

Mr. DASH. Did you during that period of time develop an opinion concerning his loyalty, concerning his character for veracity?

Mr. HALDEMAN. Yes. I had a very high opinion of both his loyalty and his thoroughness and his veracity.

Mr. DASH. Now, Mr. Haldeman, when and how did you learn of the break-in on June 17, 1972?

Mr. HALDEMAN. That seems to be the crucial question and I have to give I guess the most incredible possible answer. I don't know, Mr. Dash. I simply don't remember how I learned about it or precisely when or from whom. But let me explain that at that time, that weekend, I was in Key Biscayne. The President was out at Walkers Cay and I was at the Key Biscayne Hotel and I am sure that some time during that weekend somebody told me that the Democratic National Committee had been broken into. I am not sure who or when.

Mr. DASH. Now, what did you do when you learned that, when or whoever told you?

Mr. HALDEMAN. Nothing.

Mr. DASH. Nothing?

Mr. HALDEMAN. No.

Mr. DASH. While you were at Key Biscayne, did you have any information that somebody connected with the Committee To Re-Elect the President was involved?

Mr. HALDEMAN. I think I did and I think that came in a phone conversation with Jeb Magruder on the 18th, on Sunday, which it has always been my impression was placed by him to me, but I understand he says it was placed by me to him and I am not sure which is which. But there was—the point of that phone conversation, the purpose of it was to review a statement that the committee was planning to release, and it was releasing it in conjunction with the earlier publicized, or assumed about to be publicized, fact that Mr. McCord, who did have a connection with the committee, had been one of those arrested at the scene of the break-in.

Mr. DASH. What came through your mind when you learned that Mr. McCord—did you know, by the way, who Mr. McCord was?

Mr. HALDEMAN. I don't believe I did. He probably told me at that time who he was.

Mr. DASH. I take it you did learn that he was the security chief of the Committee To Re-Elect the President.

Mr. HALDEMAN. Yes.

Mr. DASH. Did it occur to you that this might be an embarrassing matter for the campaign?

Mr. HALDEMAN. Yes.

Mr. DASH. When did you get back to Washington after the break-in?

Mr. HALDEMAN. I think on the evening of—on Monday evening, which would be the 19th.

Mr. DASH. Is that when you had a meeting with Mr. Dean? Did Mr. Dean report to you then about what he had learned about the break-in?

Mr. HALDEMAN. I am not—I don't believe so. I am not sure that I had a meeting with Mr. Dean at that point. I believe we probably got back late Monday evening and that I went home.

Mr. DASH. When did you meet with Mr. Dean after you got back?

Mr. HALDEMAN. I think, and I have got sort of a capsule of my record here that is subject to correction by the details, but I think there was a meeting the morning of the 20th, in which I was present with Mr. Mitchell and Mr. Ehrlichman, and that Dean was, Mr. Dean was, in part of that meeting and Attorney General Kleindienst was there part of that meeting.

Mr. DASH. At that meeting do you recall that there was a general discussion as to what happened, what information was current concerning the break-in and the relationship with the committee?

Mr. HALDEMAN. I have no specific recollection of the contents of that meeting but I am sure, that given the time situation, that it must have been in regard to the Watergate break-in.

Mr. DASH. Now, it is true, if you look at your record that during that period right after you get back there are about two or three meetings on different days.

Mr. HALDEMAN. Yes.

Mr. DASH. I think you met with him on the 20th, on the 23d, and on the 26th. Does your record show that?

Mr. HALDEMAN. I show—there is an example now of my log of June 20 that does not show a meeting with those people that I have identified, that I have got in my summary here as a result of information from other sources. What my log shows is a meeting in John Ehrlichman's office which is all my secretary would know. She didn't know who was in the meeting.

Mr. DASH. Right.

Mr. HALDEMAN. I am sorry then you were going——

Mr. DASH. I was saying do you have a record of a meeting with Mr. Dean on the 23d and again on the 26th after the meeting with him on the 20th?

Mr. HALDEMAN. Not in the log, no. The 23d?

Mr. DASH. Yes.

Mr. HALDEMAN. It doesn't show me I don't believe.

Mr. DASH. Do you have it in the summary that you have received from other sources?

Mr. HALDEMAN. No; that doesn't show a meeting with Dean, either. I think I talked with Dean on the phone that day, that morning. I don't believe I met with him but I am not sure.

Mr. DASH. You indicated in your earlier testimony that Mr. Dean did give you a report of what happened and told you at that time that he had told you earlier about telling you after one of the meetings.

Could you place in any one of those meetings when he told you?

Mr. HALDEMAN. No; I can't.

Mr. DASH. Would it be your recollection that it would be during that week when you got back?

Mr. HALDEMAN. Not necessarily, no. As I say, the only meeting that I see with Dean during that week was the meeting in Mr. Ehrlichman's office on the 20th apparently.

Mr. DASH. Did the President either communicate with you or did you have a meeting with the President prior, shortly prior, to June 23, 1972?

Mr. HALDEMAN. I am sure I did. Do you want me to check?

Mr. DASH. You met frequently with the President so you——

Mr. HALDEMAN. Yes, sir.

Mr. DASH. So you are pretty sure you can find such a meeting?

Do you recall prior to that meeting on June 23, the President having a discussion with you concerning the investigation that would be ongoing with regard to the Watergate break-in and a concern he had that such an investigation by the FBI might include the work of the special investigating unit in the White House and also the CIA?

Mr. HALDEMAN. Not prior to the 23d. I do recall such on the 23d.

Mr. DASH. On the 23d?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. Was that on the 23d itself?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. Is that what prompted your having a meeting with Mr. Helms and Mr. Walters on the 23d?

Mr. HALDEMAN. Yes.

Mr. DASH. And Mr. Haldeman, could you tell us what was the purpose of that meeting with Mr. Helms and Mr. Walters; what you said and what they said?

Mr. HALDEMAN. OK.

Mr. DASH. To the best of your recollection.

Mr. HALDEMAN. I have covered that in my statement and I—I don't know how much detail you want to get into on that. I have made a more detailed statement before another Senate committee that is looking into this matter in considerable detail and I would be glad to read that statement or put it into your record.

Mr. DASH. Let me just ask you this question because I think we do have your statement.

Mr. HALDEMAN. Yes, sir.

Mr. DASH. And I think we also have your more detailed statement that has been submitted to us.

Mr. HALDEMAN. OK.

Mr. DASH. Mr. Helms and Mr. Walters have recounted their recollection of the meeting and Mr. Walters has testified, and provided memorandums indicating that at that meeting he was, in effect, ordered by you to go to see Mr. Gray and tell Mr. Gray that an investigation of the Watergate matters might uncover CIA activities and, therefore, to restrict the investigation to such an extent as not to do that.

Do you recall that such a conversation took place?

Mr. HALDEMAN. Well, without—I am not sure of the accuracy and I don't think you want to get into the specifics of Mr. Walters' testimony. I think you are asking for my recollection of that conversation.

Mr. DASH. Yes.

Mr. HALDEMAN. So without commenting on either of the accuracy of Mr. Walters' recollection or your recitation of it, because he has given a number of different statements and depositions in this thing that make it rather complex, but the meeting, one of the purposes of the meeting, as assigned to me by the President on the morning of the 23d when he told me to have, to have me and Ehrlichman to meet with Director Helms and Deputy Director Walters, in addition to ascertaining whether there was any CIA involvement, whether there was any CIA concern about earlier activities of people who had been arrested at the Watergate, was to tell the CIA Directors that the FBI had expressed concern that as to whether there was CIA involvement or any impingement.

Mr. DASH. Did you know at that time Mr. Helms had actually told Mr. Gray the day before, on the 22d, that there was no CIA involvement?

Mr. HALDEMAN. I did not know that prior to our meeting with Mr. Helms and Mr. Walters.

Mr. DASH. Did he tell you at the meeting?

Mr. HALDEMAN. Mr. Helms told me at the meeting there was—had no CIA involvement in the Watergate operation and he had so informed Director Gray, so I learned that at that meeting. I didn't know it prior to the meeting.

Mr. DASH. Why was Mr. Walters asked to go back to Mr. Gray and discuss CIA problems?

Mr. HALDEMAN. Because—and there seems to be a very difficult point to get across—but because there were other items of concern. The matter, the question raised was not solely the question of whether the CIA had been involved in the Watergate break-in but also whether the investigation of the Watergate break-in, which was to be thorough and total, could possibly impinge upon the activities totally unrelated to Watergate and related to national security or to covert CIA operations, the activities of some of the individuals who had also been involved in the Watergate and had been arrested at the Watergate.

Mr. DASH. But didn't this involve the concern over the Mexican checks which had come through the committee and took a route through Mexico and back to the committee through cash and ultimately some of that money ending up in the possession of some of the burglars?

Mr. HALDEMAN. That—I don't recall the state of knowledge about that whole circuit of activity at the time of the June 23 meeting.

Mr. DASH. Do you recall discussing at that meeting that one of their concerns was that the CIA might want to have an investigation by the FBI with regard to the Mexican money?

Mr. HALDEMAN. No; I do not.

Mr. DASH. Mexican relationship?

Mr. HALDEMAN. I don't recall the Mexican question being raised either by the President that morning in his instructions to me to hold the meeting or by me in the meeting.

Mr. DASH. All right now. Were you aware, by the way, there was any followup by Mr. Dean with Mr. Walters concerning these same concerns that you have testified to?

Mr. HALDEMAN. I was not at the time. It was not until this all was under investigation by the other Senate committee.

Mr. WILSON. Mr. Chairman, may I interrupt to ask Mr. Dash—he referred to having copies of the appearance, transcript of the appearance, of Mr. Haldeman before another committee. I would like to ask if he has copies of the transcript of Mr. Haldeman's appearance before the grand jury?

Mr. DASH. No.

Mr. WILSON. Or a summary of it from the district attorney's office?

Mr. DASH. No; we have not sought such information, and I think the committee's position has been that under rule 6(d) of the Federal Rules of Criminal Procedure that this committee is not entitled to it, Mr. Wilson.

Mr. WILSON. Thank you.

Mr. DASH. I think we have asked Mr. Haldeman in our interviews as to his testimony before the grand jury, which rule 6(d) does permit him to give us, and I won't ask him now because I think we have had that information.

Now, were you aware, Mr. Haldeman, that during this period after the break-in during the latter part of June through July and in August there actually were daily meetings between Mr. Dean, Mr. Mitchell, Mr. Mardian, Mr. LaRue, and frequently Mr. Magruder, and at such meetings the discussion of Mr. Magruder's involvement came up and a plan developed for Mr. Magruder to tell a false story before the grand jury?

Mr. HALDEMAN. No, sir.

Mr. DASH. Mr. Dean has testified——

Mr. HALDEMAN. Not in, anywhere in, that period of time.

Mr. DASH. I am talking about that period of time.

Mr. HALDEMAN. Not until recently.

Mr. DASH. I know you have more recent information, I am really directing you now to that period of time.

Mr. HALDEMAN. I did not.

Mr. DASH. Mr. Dean has testified he was serving merely as a liaison. The reason he was over at these meetings over at the committee was that he was there to report back to you and Mr. Ehrlichman what was going on, and that he, in fact, did report back and inform you explicitly about Mr. Magruder's problem, that Mr. Magruder was involved and that it would be a serious question as to whether he could get through the grand jury. Do you recall Mr. Dean making such reports to you?

Mr. HALDEMAN. He did not so inform me.

Mr. DASH. Did you ever have any information that led you to be concerned about Mr. Magruder's involvement in the break-in of the Democratic National Committee headquarters at the Watergate?

Mr. HALDEMAN. At that time?

Mr. DASH. At that time.

Mr. HALDEMAN. I do not believe so. The only way I would have other than Dean telling me, which I do not think he did, would be if there were press reports and again, it is hard to remember what was said when, but there were various allegations at various times as to someone's——

Mr. DASH. You are responding concerning Mr. Dean's responding to you——

Mr. HALDEMAN. Right.

Mr. DASH. Because that was the testimony before the committee.

Now, do you recall any meeting with Mr. Mitchell? Mr. Mitchell has testified before this committee that he learned for the first time on June 21 after being debriefed by Mr. Mardian and Mr. LaRue when they spoke to Mr. Liddy, about Liddy's operation which not only included the break-in at the Democratic National Committee headquarters, but his Plumbers operation which included the Ellsberg break-in, the forged Diem cables and some other things and Mr. Mitchell characterized these things as White House horrors. He further testified that shortly after learning of these things, he reported them to you and to Mr. Ehrlichman for the purpose of discussing the need to keep the lid on these things, that they should not get revealed to the public.

Do you recall Mr. Mitchell reporting what he learned from Mr. Mardian and Mr. LaRue in these areas?

Mr. HALDEMAN. No, sir, if I could expand on that——

Mr. DASH. Yes. Please do not rest on a no or a yes answer. You are giving me more of those than I got from Mr. Ehrlichman [laughter] and we will be very pleased to have your expanded remarks.

Mr. HALDEMAN. Well—excuse me. Did the vice chairman have——

Senator BAKER. I was just about to say, Mr. Chairman, I have no criticism of side remarks. I have made my share in this hearing. But to say we get more yes or no answers from him than we did from Mr. Ehrlichman may not be significant to the record but it seems to me not particularly in assistance to our inquiry of this witness.

Mr. Chairman, might I make one other request at this time? I am having trouble following some of this testimony, not only in terms of available exhibits but in terms of reference to previous transcript pages. When, as in this case, Mr. Mitchell testified so and so, it would be very helpful if counsel, both counsel, that is, minority and majority counsel, would annotate their notes so that they know what reference they are speaking of, and if it is in a statement that a witness has made as in the case of Mr. Strachan, if they could annotate it for the purposes of that statement, it would be helpful.

I do not expect that we can change horses in the middle of the stream and do it today, but if we could, say, beginning this afternoon or tomorrow——

Mr. DASH. Tomorrow.

Senator BAKER. That would be very helpful.

Mr. DASH. Senator Baker, in the interview that has been provided to all Senators, the various references to Mr. Magruder's testimony as it related to Mr. Haldeman or Mr. Strachan's or Mr. Mitchell's testimony, do have various page references to the transcript noted.

Senator BAKER. I am not talking about that, Mr. Dash. I am talking about your questions to the witness. That is what I am having trouble keeping up with.

Mr. HALDEMAN. I have not been interviewed, though, Mr. Dash, since——

Mr. DASH. I am not talking about——

Mr. HALDEMAN [continuing]. Since Mr. Mitchell and Mr. Strachan have testified.

Mr. DASH. No. I am talking about a summary of the interview which has been prepared in advance for the committee's use——

Mr. HALDEMAN. I see.

Mr. DASH [continuing]. Which does have cross references to the various transcripts.

Mr. WILSON. Mr. Chairman——

Mr. THOMPSON. If I may, Mr. Chairman, I think the point being that when you do go into a statement of what another witness said, the summary, of course, is a summary and hopefully accurate but it is not verbatim and one word or an emphasis, particular emphasis, is particularly important. So I personally plan to abide by that and think it is a good procedure.

Mr. WILSON. Mr. Chairman, I want to say very frankly that on one occasion in reference to Mr. Strachan this morning, Mr. Dash made an unfaithful paraphrase of the testimony.

Mr. DASH. Can you refer to that?

Mr. WILSON. Yes. I will give it to you.

Senator ERVIN. Let's don't get into a controversy about that. We have not got enough daylight to burn as it is and I think that if counsel can comply with the request of Senator Baker it would be well, but I have to say I think it would be very difficult to examine the witness if you have to stop and annotate the basis of each part of the question.

Senator BAKER. Mr. Dash, just a minute. Just so the record is entirely clear on the subject, I am not suggesting that counsel should reference, in their question, transcript numbers. I am simply saying it should be available so if we want to know, we can. I do not suggest that to members of the committee but under our new procedures whereby members of the committee are going to severely limit their examination, counsel would carry a greater burden of the examination. What I am saying and what I am indicating as a new procedure, I certainly would not call for today. I simply ask that when counsel propound questions that assume something, they have available on their notes the transcript so I can privately ask where it comes from.

Senator ERVIN. I think that would be very helpful to the members of the committee.

Mr. DASH. On this particular question as it appears in the summary that has been given to every member of this committee, Mr. Chairman, dealing with the question of White House horrors, the summary does provide that this refers to the Select Committee transcript, pages 3692 to 3693, and also pages 3735, 3697, and 3698, Mr. Mitchell's testimony. This is part of a summary that has been provided for each member of the committee. But I will have that available for you, Senator Baker.

Senator BAKER. And supply it as often as you conveniently can, Mr. Dash, so we do not have to ask for it.

Mr. HALDEMAN. Mr. Dash, I was going to expand on the "no" answer to that question, if I could.

Mr. DASH. Yes, sorry.

Mr. HALDEMAN. Not the "no" answer, but the "no" in answer to the question.

Mr. DASH. Right.

Mr. HALDEMAN. The reason I say that is that I did not know of any of the items that I can recall reading in the newspaper or hearing Mr. Mitchell testify to under the category of White House horrors at this time last year. I learned of some of them in March and April of this year and others of them in the course of these hearings, but I did not know of the items that have been enumerated in—if you have Mr. Mitchell's testimony there or if you have something where you could list those specific things which he cataloged——

Mr. DASH. The things he described——

Mr. HALDEMAN [continuing]. Which he cataloged as White House horrors, I believe I did not know of the existence.

Mr. DASH. I will give you some examples, but the ones—and I do not believe I am misparaphrasing the testimony—he spoke of the Ellsberg break-in.

Mr. HALDEMAN. I did not know of that.

Mr. DASH. The Diem cable.

Mr. HALDEMAN. I did not know of that.

Mr. DASH. The spiriting out of Miss Dita Beard from town.

Mr. HALDEMAN. I did not know that.

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Mr. DASH. And certain wiretaps that had been taking place for certain security purposes.

Mr. HALDEMAN. I did know of security wiretaps.

Mr. DASH. Now, when did it come to your attention, Mr. Haldeman, that certain funds were being raised to pay for the legal fees of the defendants?

Mr. HALDEMAN. Sometime in the period shortly after the Watergate break-in and I am not sure again of any specific date or occasion on which I became aware of that, but I was told at some time in that period and I was told at other times subsequently, I am sure by John Dean, and I think possibly also by John Mitchell, that there was an effort by the committee to raise funds to pay for the legal fees and for family support of the defendants who had been arrested in the Watergate burglary.

Mr. DASH. Now, when you received that information from Mr. Dean and/or Mr. Mitchell, did you raise any question? Did you ask why Mr. Mitchell, who was heading up the campaign, and Mr. Dean, who was counsel to the President, would be involved in raising funds to pay for legal fees and families of burglars and wiretappers?

Mr. HALDEMAN. No; I did not. This was incidental information that I received and dismissed. I did not pursue it in any way.

Mr. DASH. Well, did you consider that if that became public that it might be a matter of embarrassment to the campaign?

Mr. HALDEMAN. No; I did not consider that.

Mr. DASH. Why not?

Mr. HALDEMAN. I am not sure that one is able to explain why he did not think something, but I did not. The reason—let me say that as a partial explanation—I have had a general awareness that there was a public effort to raise funds for the Watergate defendants and I do not know that I knew that these efforts were different than the public effort.

Mr. DASH. Do you know what——

Mr. HALDEMAN. There was a reference to the Cuban fund.

Mr. DASH. Do you know whether it was a public effort to raise funds for Mr. Liddy, Mr. Hunt, Mr. McCord?

Mr. HALDEMAN. No; and I never heard any discussion of this in my contacts other than as a group, the defendants. There was no discussion of individuals by name.

Mr. DASH. You say you did not consider it, but I can at least ask the question: Is it your view that persons who had high positions in administering the President's reelection campaign and certainly the President's counsel, had any business participating in raising funds for the paying of legal fees for burglars, wiretappers, or conspirators?

Mr. HALDEMAN. This is not a question that occurred to me, Mr. Dash, and I did not ask it of myself or any of them.

Mr. DASH. You formed no moral judgment on it at all?

Mr. HALDEMAN. No, sir.

Mr. DASH. By listening to passing reference, is it your recollection that you condoned it?

Mr. HALDEMAN. Well, I do not think I was called upon to condone or condemn. I think I received information and that was that.

Mr. DASH. Well, when Mr. Dean gave you information of that kind,

I take it, he expected that if you guys agreed with that action you would tell him so.

Mr. HALDEMAN. Not necessarily. I do not think it was submitted to me for approval. I think it was transmitted to me as information.

Mr. DASH. Just a point of information.

Mr. HALDEMAN. Yes, sir.

Mr. DASH. Now, there came a time, and I think we referred to this briefly when you looked at that memorandum, that you learned that a large sum of money, $350,000, had come from the Committee To Re-Elect the President to the White House.

Mr. HALDEMAN. Well, I did not learn that it had come from them. I caused it to come.

Mr. DASH. You asked for it?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. And I think your statement indicates that it was for polling purposes.

Mr. HALDEMAN. Yes.

Mr. DASH. As a matter of fact, it was not used for polling purposes, was it?

Mr. HALDEMAN. That is correct, it was not.

Mr. DASH. Then you learned, and I think it is your testimony, it went back to the committee.

Mr. HALDEMAN. That is correct.

Mr. DASH. And is it your statement that you saw or knew of no connection between the money going back, the $350,000 or whatever amount went back to the committee, that you were aware of no connection between that money going back and the need for more funds to pay the legal defense fees and family support fees of these Watergate defendants?

Mr. HALDEMAN. Let me very specifically refer to my statement and to the development of events in that regard. I can repeat the statement if you want to.

Mr. DASH. I do not want you to repeat the statement.

Mr. HALDEMAN. OK.

Mr. DASH. If you could just briefly answer the question whether or not you knew of a connection between the money going back and the need for it for a defense fund.

Mr. HALDEMAN. As I said in my statement, I was asked by Mr. Strachan after the election what should be done with the cash fund that he had been custodian of. I told him that it should be returned or not returned but turned over to the Committee To Re-Elect and that he should work out the means of doing that with John Dean.

Subsequently, I was told that there was a problem in doing that. Subsequently to that, I was told by John Dean again as I had been told earlier, that there was a continuing need for legal fund, legal fees, for the Watergate defendants and at that time, following this sequence of events, I then said we have a desire to deliver funds to the committee. The committee apparently has a desire for funds and I suggested that Dean try to carry out both of those two objectives, which he subsequently did.

Mr. DASH. All right. Now you knew, at least that this $350,000 represented campaign funds, did you not?

Mr. HALDEMAN. No; they did not in my understanding represent campaign funds. The $350,000 came from, as I indicated in my statement, the, what is known now, I think, as the 1968 primary surplus fund.

Mr. DASH. When I say campaign funds, I am not just referring to the 1972 campaign funds. This was money that had been collected from contributors for the election of President Nixon.

Mr. HALDEMAN. I did not know by what means this money had been collected or for what purpose. I knew, as I have testified, that Mr. Kalmbach was custodian of a very substantial cash fund after the 1968 election. I have heard it testified to here that that fund was generated as—or came into being as—a surplus from funds raised in the 1968 primaries.

Mr. DASH. Well, I guess you knew that the money was certainly in the control or in the possession of the Committee for the Re-Election of the President, the $350,000 initially?

Mr. HALDEMAN. No; I learned that subsequently also. It was my understanding that the money was under the control and in the possession of Mr. Kalmbach.

Mr. DASH. All right.

Now when you asked for the $350,000 you asked for $350,000 of what money?

Mr. HALDEMAN. Of the money that was in the control and possession of Mr. Kalmbach and which we had been using during the period from 1968 to 1972, among other purposes, had been using for polling.

Mr. DASH. All right.

Mr. HALDEMAN. We had used a substantial amount of it for polling during that period, and my point was, it was my understanding that that money was going, whatever was left of that money was going, to be turned into the campaign committee and would be considered part of the cash on hand or whatever when they started the reporting period April 7. Prior to the start of that reporting period I made the request and it was discussed with Mr. Mitchell and Mr. Stans, and I am sure also with Mr. Kalmbach, either at the same time or different time, my request that $350,000 of that remaining fund be set aside and not turned over to the committee and not therefore be made part of the campaign funds. I subsequently learned that—I thought the money was to be picked up from Mr. Kalmbach, I thought it was in his possession. I subsequently learned that the money had already apparently been commingled in some way with other funds that did relate to the 1972 campaign but I don't know when.

Mr. DASH. All right.

You knew how Mr. Kalmbach and why Mr. Kalmbach was raising funds, did you not? The funds that came into Mr. Kalmbach's control, did you know that these funds had something to do with political campaigns?

Mr. HALDEMAN. With political campaigns, yes.

Mr. DASH. Yes.

Mr. HALDEMAN. But not necessarily with the 1972 Presidential campaign.

Mr. DASH. That was my question and I stated I was not concerned at this point with what campaign the money was related to, that it

was money at least under Mr. Kalmbach's control which had been raised for political campaign purposes.

Mr. HALDEMAN. I am sorry, you said it came from campaign funds and since this inquiry is dealing with the 1972 campaign I made the misassumption you meant 1972 campaign funds.

Mr. DASH. All right. So knowing the money Mr. Kalmbach had control over was political campaign funds, from whatever campaign, you also then knew after it was being sent back to the committee and therefore approved of its use, this campaign fund money was being used for paying legal defense fees and support fees of criminal defendants.

Mr. HALDEMAN. I did not specifically know that any or all of this money would be used nor do I know now that any of it or all of it has been used for that purpose.

Mr. DASH. I thought your testimony was that at the time it went over you also learned of the need, and you also approved of the need of using the money for this purpose or you did not approve?

Mr. HALDEMAN. No, sir; I did not approve of the need for money. I did know of the need and I was not in a position to approve of the need for the money for that purpose, and my interest at that time was in delivering the money to the committee.

Mr. DASH. All right.

Mr. HALDEMAN. My interest was not—my motive, in other words—was not for the purpose of whatever the committee was going to do with the money. My motive was that my potential use for the funds had no longer existed and I did not want the responsibility of maintaining custody of the funds.

Mr. DASH. Let's leave it at the fact that you knew that the money was going to be used for defense purposes.

Mr. HALDEMAN. No, sir, I am sorry.

Mr. DASH. You knew that.

Mr. HALDEMAN. I can't leave it at that.

Mr. DASH. Well, I am reading from your statement at page 36.

Mr. HALDEMAN. All right.

Mr. DASH [reading]:

> At a later time Dean mentioned to me the committee's need for funds for legal and family support for the Watergate defendants, and I suggested to Dean that he try to work out a way of solving both problems by our desire to deliver funds to the committee and the committee's need for funds.

Mr. HALDEMAN. That is correct, but I did not know, Mr. Dash, what was to be done with the funds that were delivered. I didn't know whether any or all of them were to be used for that purpose. I did not know that they were not.

Mr. DASH. Let me put it another way, did you instruct them when the money went over that it would be highly improper to use campaign funds for paying for the legal defense for the Watergate defendants?

Mr. HALDEMAN. I made no instructions as to the use of the funds at all.

Mr. DASH. Did you feel that you should have made any?

Mr. HALDEMAN. I felt that the funds were no longer appropriately kept under my control and authority and that they should be turned over to the Committee To Re-Elect, and handled by them.

Mr. DASH. And were you not concerned at how the Committee To Re-Elect the President conducted its business in a way that might embarrass the President of the United States?

Mr. HALDEMAN. Had I thought that the committee was going to conduct its business in a way that would embarrass the President I would have raised that question.

Mr. DASH. Well, I guess and I will just end with this question on this issue: Do you believe that spending political compaign funds to pay for the defense of criminal defendants could embarrass the President?

Mr. HALDEMAN. I don't know. I don't know what—it depends on the circumstances and situation, I think.

Mr. DASH. What about these circumstances and this situation involving the Watergate?

Mr. HALDEMAN. I don't know that I can make a judgment on that. I again don't know clearly yet what the circumstances actually are. What was done and for what purpose.

Mr. DASH. Is it your view there have been no embarrassing, or there has been no embarrassment as a result of this incident?

Mr. HALDEMAN. It's very clear that there has been enormous embarrassment as a result of the overall situation, yes, sir.

Mr. DASH. I am not going into the particular meeting of September 15 which you have already testified to, and I think you have referred to the fact that this September 15 meeting was with the President and Mr. Dean. But I think the committee is interested and some questions were put to you concerning your access to the tapes. I think your testimony was, and your statement was, that you did review these tapes and that you had access to these tapes actually in this very month of July 1973; is that true?

Mr. HALDEMAN. That is correct, not to all the tapes.

Mr. DASH. No; I am talking about the tape dealing with the meeting on September 15.

Mr. HALDEMAN. That is correct. The tape for the meeting of September 15, I did listen to——

Mr. DASH. Yes.

Mr. HALDEMAN [continuing]. In July of this year.

Mr. DASH. With a little more detail, could you tell us who initiated the request for your listening to that tape?

Mr. HALDEMAN. I am not sure whether I did or whether the President did in a message to me, but it was one way or the other on the basis that it ended up being that I should listen to it and give him a report as to its content.

Mr. DASH. Do you know when in July you actually received that tape?

Mr. HALDEMAN. It was—I do have a calendar, I was here, this was after I moved to California, and I came back to Washington for a several-day period that I believe was July 9, 10, and 11, or in approximately that time and it would have been during that trip.

Mr. DASH. Was it prior to Mr. Butterfields' testimony to this committee concerning the tapes?

Mr. HALDEMAN. Oh, yes; there was no question about that.

Mr. DASH. Now, could you tell us, in what form was the tape, was it a cassette, was it a reel, and how did you get the tape?

Mr. HALDEMAN. Was it what?

Mr. DASH. Was it a cassette or a reel? What physical form was the tape in?

Mr. HALDEMAN. It is a reel. It is on a regular tape, round tape reel in a box.

Mr. DASH. And you say you listened to this in your home?

Mr. HALDEMAN. That is correct.

Mr. DASH. Here in Washington?

Mr. HALDEMAN. That is correct.

Mr. DASH. Was it delivered to you or did you go and obtain it?

Mr. HALDEMAN. It was delivered to me at the EOB in a guest office that I was using, the reason I was back here was to spend some time reviewing notes in the files that I can't take out, and those are in the EOB up in the attic and I was over there, and they had provided me with an office to work in when I wasn't up in the file, and the tape was delivered to me at that office.

Mr. DASH. Why did you select at this time this particular tape?

Mr. HALDEMAN. Well, let's see, I am not sure. I had already heard, as I indicated, the March 21 tape. The President, as he has said, had already listened to some of the other tapes. This was a tape that he had not listened to and a tape that I had not listened to and it was obviously of a meeting of considerable importance, the testimony regarding which was contradictory to both my recollection and the President's.

Mr. DASH. And Mr. Dean's concerning the meeting on September 15 you are referring to?

Mr. HALDEMAN. That is correct; yes, sir.

Mr. DASH. At that point did you ask or request to listen to any other tapes besides the September 15 one?

Mr. HALDEMAN. I am not sure whether I asked or whether, again I don't know which side the point came up on but there was a suggestion of listening to some other tapes also but I did not do it.

Mr. DASH. Why?

Mr. HALDEMAN. Because they concerned meetings that apparently also the President had not reviewed and that I had not reviewed, of course, because I had listened to only the March 21st one prior to this time but they were meetings in which I was not present at all, and I had made the decision myself that it would not be appropriate for me to be in the position of listening to tapes of meetings, at this point in time at least, of listening to tapes of meetings at which I had not been present.

Mr. DASH. But in late April you listened to a tape of March 21 of Mr. Dean and the President when you were not present at that meeting.

Mr. HALDEMAN. I was present at a substantial portion of it.

Mr. DASH. Substantial portion of it, but you did listen to the full tape?

Mr. HALDEMAN. That is right.

Mr. DASH. Now that you had a very rare opportunity to get access to the tapes, I take it if you had asked for it, you could have had access to all of the relevant tapes that were testified to the conversations by Mr. Dean.

Mr. HALDEMAN. I don't know that as the case, Mr. Dash.

Mr. DASH. You have indicated that you yourself placed a control on yourself and didn't ask for it but the President asked you to review this one and give a report?

Mr. HALDEMAN. Had the President asked me to review others I would have had access to them to review them, yes. I would not have had access on my own authority to any tape.

Mr. DASH. Not on your own authority, but if you had requested, do you have any reason to believe you would not have been shown a tape of a meeting with Mr. Dean on February 28 or with the President, or with Mr. Dean and the President on March 13 as well as the one on March 21?

Mr. HALDEMAN. I have no reason to believe that I would have been given access or that I would not have been. I don't know.

Mr. DASH. You say this was delivered to you at the EOB office and you took it to your own home?

Mr. HALDEMAN. That is correct.

Mr. DASH. And you listened to it alone?

Mr. HALDEMAN. That is correct.

Mr. DASH. Did you return it personally to the EOB office?

Mr. HALDEMAN. Yes.

Mr. DASH. Did you make notes?

Mr. HALDEMAN. Yes.

Mr. DASH. Of the tape? Did you retain those notes?

Mr. HALDEMAN. I retained them at that time and then turned them over to the President later.

Mr. DASH. And you kept no copy of it?

Mr. HALDEMAN. No, sir.

Mr. DASH. Did you show those notes to your counsel?

Mr. HALDEMAN. No, I did not.

Mr. DASH. Did you discuss with anybody else besides the President the contents of that tape?

Mr. HALDEMAN. I reported the general——

Mr. DASH. I am sorry.

Mr. HALDEMAN. I reported the general content or let's say I confirmed to the President via, I believe, Mr. Buzhardt, by phone call from California, my confirmation that the President's and my recollection of that meeting or our recollection that Mr. Dean's testimony was inaccurate regarding that meeting, that our recollection was correct. His testimony was inaccurate. I did not report in any detail on the contents of the tapes.

Mr. DASH. To whom did you report this?

Mr. HALDEMAN. I believe to Mr. Buzhardt by telephone.

Mr. DASH. When you returned——

Mr. HALDEMAN. That was to Mr. Buzhardt for transmission to the President. It may have—I think it was to Mr. Buzhardt, it may have been to someone else on the President's immediate staff.

Mr. DASH. Do you know when and where and to whom you returned the tape?

Mr. HALDEMAN. Steve Bull was the man by whom, through whom I acquired the tape and returned the tape.

Mr. DASH. Now, we had——

Mr. HALDEMAN. I should explain that, as Mr. Butterfield indicated, he was the man in charge of this thing during the time he was there.

Mr. Bull replaced Mr. Butterfield in that role and in the office that Mr. Butterfield had occupied when Mr. Butterfield had left the White House and Mr. Bull was fully aware of this operation and means of carrying it out and so forth, the taping activity and it was—he was, as Mr. Butterfield indicated there weren't very many people who knew about this and Mr. Bull was the one man on the staff who did.

Mr. DASH. Of course, you knew about it during the time you were on the staff?

Mr. HALDEMAN. Yes, I did.

Mr. DASH. Did you meet with the President after listening to that tape and make a report to him?

Mr. HALDEMAN. No; I did not.

Mr. DASH. Did you make any written report to him?

Mr. HALDEMAN. Pardon me?

Mr. DASH. Did you make any written report to the President?

Mr. HALDEMAN. Only by turning the notes over to him, I did not expand on the notes.

Mr. DASH. Now, this committee has a subpena which was a continuing subpena to you to turn over such things as tapes, notes, or things of that matter.

Why did you not turn over your notes or the tapes to this committee which were in your possession? The subpena specifically called for you to turn over tapes that were in your custody or possession and you had that tape in your custody or possession and did not turn it over.

Mr. HALDEMAN. I did not consider it to be in my custody. It was handed to me to listen to for the President and report back to the President which I did.

Mr. DASH. And you had it in your hands?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. You had it in your home?

Mr. HALDEMAN. Yes, sir.

Mr. DASH. Subpenas are issued to people who have such things although they don't own them and they are required to honor them, but I won't argue the law with you but you did not, at least based on our subpena, turn that tape over to us on our subpena.

Mr. HALDEMAN. I was not aware that I was under any such obligation. Perhaps counsel can advise me as to whether I was.

Mr. WILSON. Mr. Chairman, I would like the gentleman to point out where there is any continuing subpena.

Mr. DASH. The subpena calls for the witness to turn over to this committee all items that he has in his possession.

Mr. WILSON. Where there is this—read the subpena, Mr. Dash. Do not paraphrase it like you have other things this morning.

Mr. DASH. You have the subpena now.

Mr. WILSON. I have the subpena and it is issued to produce on May 4 "all materials and documents listed on the attached sheet in your possession, custody, or control." Did we have any further subpena?

Mr. DASH. No, you did not.

Mr. WILSON. Is this a continuing subpena?

Mr. DASH. Yes; Mr. Haldeman has been under continuing subpena to appear here.

Mr. WILSON. Is this subpena a continuing subpena?

Mr. DASH. I think we can argue the law.

Mr. WILSON. You know it is not.

Senator ERVIN. I will say that the subpena says documents and I would say that the President says these tapes are documents. He says that himself.

Mr. WILSON. Mr. Chairman, we are not concerned with subject matter. We are concerned with time——

Senator ERVIN. Well, I was just——

Mr. WILSON [continuing]. And what kind of subpena this is and it is unfair of Mr. Dash to give the impression that there is a continuing subpena on this. There is not.

Mr. DASH. Well, I do not think——

Mr. WILSON. I request that you withdraw it.

Senator ERVIN. Mr. Wilson, every witness who has been subpenaed has understood his subpena continues until this investigation is——

Mr. DASH. Mr. Chairman——

Mr. WILSON. That is not the law, sir, of either the Congress of the United States or of the courts.

Senator ERVIN. Well, I say that is the understanding.

Mr. WILSON. It is not the understanding with me.

Senator ERVIN. Well, I am not responsible for your understanding. [Laughter.]

Senator BAKER. Mr. Chairman, I would like to see a copy of the subpena. It is my understanding the issue in controversy is not whether there is a continuing requirement for the witness to appear before the committee, which I think there is until he is released and discharged, but rather whether there is a continuing responsibility to supply documents past the return date which I understand to be May 4. I am not depending or suggesting one course of action or the other but there is a substantial difference between the continuing nature of the responsibility of a witness to appear and of subpena duces tecum to produce certain documents on a given date. I do not have the subpena and I, too, am not going to argue the law but I really recommend that we get on to something else.

Mr. DASH. Now, Mr. Haldeman, when did it first come to your attention that there was an issue of Executive clemency being either requested or being discussed concerning any one of the defendants?

Mr. HALDEMAN. I am not sure I understand what you mean, that there was an issue of clemency being discussed.

Mr. DASH. Well, did you ever hear, and tell us the first time you heard, that there was discussion or concern about giving Executive clemency to these defendants, either requested by the defendants or considered by people of the Committee for the Re-Election of the President to give this or assert this for the defendants?

Mr. HALDEMAN. The first specific recollection I have of any reference to clemency in this context was in March of this year when we started looking into all of these allegations. There was, I think, some reference to clemency or promises of clemency earlier in press allegations or other discussion, but I do not recall any—if you are referring to internal discussions of the issue of clemency, there was none until it was raised as a point in reporting to the President.

Mr. DASH. In early January 1973 you heard internally no reference to any Executive clemency issue?

Mr. HALDEMAN. I do not recall any such. You are referring, I assume, to the discussion that other people have had with——

Mr. DASH. Yes.

Mr. HALDEMAN. Regarding Hunt's offer and I did hear about—I mean, regarding Colson's contacts or communication with——

Mr. DASH. Did you hear about it at that time?

Mr. HALDEMAN. I do not believe so.

Mr. DASH. I am only asking about your recollection at that time.

Mr. HALDEMAN. I understand.

Mr. DASH. And what you heard from the testimony or anything like that?

Mr. HALDEMAN. It is hard to sort it out sometimes.

Mr. DASH. I know.

Mr. HALDEMAN. I am sorry.

Mr. DASH. Did you hear about any blackmail attempt by Mr. Hunt for funds, for more funds?

Mr. HALDEMAN. March 21.

Mr. DASH. And how did that come to your attention?

Mr. HALDEMAN. In the meeting with the President when Mr. Dean raised it. He had already raised it with the President before I came into the meeting but it was—I should not say Mr. Dean raised it. He had obviously reported on it to the President before I came into the meeting. When I came into the meeting it was again discussed.

Mr. DASH. Now, were you aware of the fact that actually large sums of money in March had been paid to Mr. Hunt in response to the demand?

Mr. HALDEMAN. No, sir.

Mr. DASH. Were you aware that Mr. LaRue was playing a role in transmitting those funds to Mr. Hunt or Mr. Bittman?

Mr. HALDEMAN. Mr. Dean said so at the——

Mr. DASH. Meeting of the 21st?

Mr. HALDEMAN. I am not sure. I do not believe he said that when I was in the meeting of March 21, but he told me that on—in the phone call of March 26 when he spun out to me quite a long recitation of various problem areas, one of them being the blackmail question, and then he got into the money and——

Mr. DASH. Is that the long phone call you stated when he was at Camp David?

Mr. HALDEMAN. That is correct, yes.

Mr. DASH. Well, at pages 2259 to 2260 of the transcript of Mr. Dean's testimony, he testified that he reported these demands to you and Mr. Ehrlichman in December 1972. You do not recall that?

Mr. HALDEMAN. No, sir.

Mr. DASH. Now, moving on to the La Costa meeting on February 10, I think you have given us in your statement a description of that meeting and its purpose. Mr. Ehrlichman in his testimony to us stated that, and quite candidly, that a good part of the meeting was for the purpose of developing either dilatory particulars or any other efforts to prevent this committee even from holding hearings, if possible.

Mr. HALDEMAN. I do not—I do not recall Mr. Ehrlichman saying that and I certainly do not recall any discussion of preventing the committee from holding hearings. I do recall a great deal of discussion regarding how to deal with the committee's hearings and as I have

covered in my statement, some areas of concern that arose in our mind in connection with the committee's dealing—holding hearings.

Mr. DASH. Well, do you recall, as Mr. Ehrlichman testified, a discussion at La Costa concerning the need for perhaps supplying additional defense funds in the criminal case because the fact that the criminal cases would be pending would be a basis for preventing this committee from holding hearings? Strategy?

Mr. HALDEMAN. I recall Mr. Ehrlichman's testimony the other day to that effect. As I said in my statement, I do not recall any discussion of money at the La Costa meeting and I am absolutely certain that if there were any such discussion it would have to have been an incidental one because while I was in and out of the meeting to some extent I did not miss any major portion of the meeting and if there had been a major discussion I would be—I would recall it. I do not.

Mr. DASH. Do you recall that the meeting dealt with the question of evaluating the various members of this committee and an attempt, if possible, to have some impact on selecting minority counsel of the committee?

Mr. HALDEMAN. Yes; there was some discussion of that.

Mr. DASH. And was there any implementation of or, a follow-through on that?

Mr. HALDEMAN. I do not know that there was. I am not sure.

Mr. DASH. Well——

Mr. HALDEMAN. I have a feeling that that was, as far as minority counsel, for instance, was after the fact because he had already been selected.

Mr. DASH. I take it, you were aware of the so-called agenda items that Mr. Dean has testified to which went to the President with regard to his meeting with Senator Baker.

Mr. HALDEMAN. Yes; I covered those one-by-one in quite detail in my statement.

Mr. DASH. Was that a followup of the La Costa meeting?

Mr. HALDEMAN. I do not believe it was. Any event that happened subsequent to another event in some degree may be a followup on the earlier event but I do not think this was solely designed as a followup to La Costa.

Mr. DASH. Now Mr. Magruder testified that in January he met with you during the pendency actually of the Watergate trial, and that at that meeting he unloaded—he said he told everything about the Watergate matter and indicated even that he would be committing perjury. Do you recall that testimony?

Mr. HALDEMAN. I recall the testimony, yes.

Mr. DASH. All right. Now, do you recall having such a meeting with Mr. Magruder and his giving you that information?

Mr. HALDEMAN. As I covered in considerable detail in my statement, Mr. Dash, I do not recall such a meeting and I am sure you recall our meeting with the staff on the evening of the day that Mr. Magruder had given his testimony and my total inability to sort out that in my mind.

At that time I asked the staff if you could provide me by contacting Mr. Magruder, with any more information as to when and what regarding that meeting and if you have any of that it might be helpful in trying to——

Mr. DASH. Let me put the question this way. Without reference to the particular date, did you have any meeting around that time in January with Mr. Magruder or did Mr. Magruder in that early part of the year, January or February, tell you all about his involvement in the Watergate?

Mr. HALDEMAN. Well, that is a two-part question and let me take the first part. Did I have a meeting with Mr. Magruder at any time during that part of the year? I was not raising the question of date because I was trying to hang on that I did not meet with him on a certain date. I was asking him the date he feels he met with me in order that I could check back and see if there was any way I could substantiate that.

On the second point, did he ever make these statements, give me this information? As I said in my statement categorically, he did not. He did not in January, and he did not in February at the meeting we held on February 14, and he did not on March 2 at the meeting we had at that time.

Mr. DASH. All right. Now, turning to the March 21 meeting that Mr. Dean had with the President that you were involved in to some extent. Mr. Ehrlichman also—again, I am not going to go into that meeting——

Mr. HALDEMAN. I am sorry, I missed the date.

Mr. DASH. March 21.

Mr. HALDEMAN. Thank you.

Mr. DASH. I am not going into that meeting because I think we had plenty of testimony. I think your statement covered it quite adequately. I am interested in the fact that in April when you were still in the White House you did listen to that tape.

Can you give us the specific details as to how it came about that you listened to that tape? Who did you go to? How did you get the tape? Why did you get the tape?

Mr. HALDEMAN. The President asked me to listen to the tape and report to him on the contents, specifically questions that he had in his mind on it, and I got the tape also from Steve Bull. I listened to it in my office, in a little anteroom to my office.

Mr. DASH. And was that in preparation of anything the President was doing at that time?

Mr. HALDEMAN. I do not believe so, other than the President, as I have indicated, was very much involved in trying to uncover the Watergate thing. He was dealing daily, I think, meeting daily with Assistant Attorney General Petersen, who was in charge of the case at the Justice Department, and he was spending a considerable amount of time and thought on matters relating to Watergate.

Mr. DASH. I think that——

Mr. HALDEMAN. That meeting, you see, was the meeting—that meeting was the meeting at which John Dean had supposedly laid out to him all the facts of the Watergate. We are now to the point where on April 14 John Ehrlichman has given him his theory of the Watergate based on the interviews that he had had and then on the 15th, the Attorney General and Assistant Attorney General have given him their reports based on the interviews that the prosecuting attorneys had had with Mr. Dean and Mr. Magruder. And at that point the Presi-

dent had quite a bit of information, some of it conflicting and some of it corroborating.

Mr. DASH. Was that when he asked you to listen to the March 21 tape?

Mr. HALDEMAN. Yes. It was after that.

Mr. DASH. After the April 15 meeting with Attorney General——

Mr. HALDEMAN. Yes.

Mr. DASH [continuing]. Petersen?

Mr. HALDEMAN. I am sure it was.

Mr. DASH. Was it before his statement of April 17?

Mr. HALDEMAN. I do not believe so but I am not sure.

Mr. DASH. Did you have any role in the preparation of that statement of April 17?

Mr. HALDEMAN. No. I do not think I did. I did not normally have a role in the preparation of statements.

Mr. DASH. You knew that the tapes were there. You are one of the few people at the White House who knew of the system. By the way, have you heard or reviewed Mr. Butterfield's testimony concerning his description of that system?

Mr. HALDEMAN. I heard it at the time he was here. I have not had an opportunity to review it.

Mr. DASH. To your knowledge, was that a fairly accurate statement of the system? I would rather not get into the time of asking you to restate it.

Mr. HALDEMAN. In a general sense regarding the operation of it, yes. I think he was wrong in timing it. I think he so indicated that he might——

Mr. DASH. Oh, yes, when it started.

Mr. HALDEMAN. I am not sure it was all put into effect on the same day. I think some parts——

Mr. DASH. Right.

Mr. HALDEMAN [continuing]. Were added later or something, but the nature of the operation was accurately described by Mr. Butterfield.

Mr. DASH. Well, during this whole period you say that when the President was really trying to get at the facts and you knew yourself there were certain meetings, is this the only time that you were asked while you were at the White House, to look at a tape? Was it only the March 21 tape?

Mr. HALDEMAN. Yes, and I think it was because the March 21st one was the one where John Dean had in some detail spelled out specifics regarding the Watergate. The earlier meetings were on other subjects apparently, or matters that did not get into specifics which was what the President was trying to find out at that time.

Mr. DASH. By the way, did Mr. Dean ever show you in April, a list of persons who would be involved in the Watergate which included your name on it?

Mr. HALDEMAN. I certainly do not recall that at all.

Mr. DASH. I take it from your testimony that you were not involved in any way in the break-in? You did not have any of the information in advance that would lead you to know that there would be any kind of intelligence of this kind. You were not aware of any of the activities which other witnesses testified to, or some witnesses testified, of a cover-up nature such as having Mr. Magruder commit perjury, although you

were aware of certain money being used for a defense fund, that it never was your view or opinion that this was improper or illegal. Why, Mr. Haldeman, did it become necessary for you to resign your position as the second man, really, to the President of the United States?

Mr. HALDEMAN. I think I described that in my statement. It became necessary or, at least in my view, became proper for me to do so because, in particularly the latter 2 weeks of April, the intensity of charges, inferences, and implications regarding the Watergate and regarding my possible involvement in it, the allegations made or feeling expressed that the President should clean out the White House and all that sort of stuff, was building up to a very heavy crescendo and the necessity had become apparent that I was going to prepare to appear before the grand jury and give them as much information as I could, and it became clear that I would be appearing before the Senate committee, and as all of these things came to a point, it became obvious, and it was not hard to determine that I was not able to carry out my regular duties effectively. I was concentrating a great deal of time on the things that were coming up day-to-day in relation to Watergate, and the operation of the White House and the Office of the President is such that I felt it was very damaging to the operation of the Office for anybody in the sensitive position that I was in to be distracted at all, and I had been distracted for some time and I was very concerned about it.

Mr. DASH. Well, how long——

Mr. HALDEMAN. And I felt the proper way for me to deal with that distraction was either to take a leave of absence until the whole matter was cleared up or to resign my position and get the matter cleared up and devote my time and attention to doing that, and after discussion of those two alternatives, I concluded that the latter was the better one and the proper one and I submitted my resignation.

Mr. DASH. How long after April 30 then did you maintain an office at the White House?

Mr. HALDEMAN. I used the office that I had occupied for some days after that, and then a substitute replacement—I should say substitute. A replacement was designated for my position, and that was only a matter of several days, I think, and I urged that he move immediately into my office, I felt it was symbolically important that he do so, and I moved out of the office at that time.

Mr. DASH. Did you continue to visit the White House or maintain office space there thereafter?

Mr. HALDEMAN. I didn't maintain office space, I did continue to visit the White House, not on a regular basis but I did continue to visit the White House after that for several reasons: One, and again without trying to overstate it, but the position that I had there was a focal point for a lot of things, and it was not the kind of situation where you could announce on Monday that you were resigning and walk away and have everything take care of itself. I spent considerable time trying to be of assistance to others in the White House and to my successor in taking over my duties, my non-Watergate duties, and to work with him on that.

I also spent some time at that time reviewing my notes that were, by the day I resigned, they were impounded and put under security of the Secret Service.

Mr. DASH. All right, Mr. Haldeman, just one final question and perhaps a request; and I have asked this of Mr. Ehrlichman.

The President has indicated that there may be certain papers, if we could describe them with specificity, he may be in a position to turn over to us.

Would you be willing to look at some of the papers that relate to your involvement during this period of time, of your relationship, and assist the committee in identifying those papers so the committee could describe them to the President in a request to see them?

Mr. HALDEMAN. I would be certainly willing to pursue the appropriateness of that. I am not sure what is involved in that request. I will——

Mr. DASH. We will take it up with counsel and we can perhaps pursue this later with you.

I have no further questions.

Senator ERVIN. I would just like to make one further observation about the subpena.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. I was under the impression that the witness was appearing under the original subpena which was a subpena duces tecum which was dated May 2 and required him to appear on May 4 but I find he is appearing here under his second subpena which was issued on July 10.

Consequently, the theory that I had that the original subpena, which is a subpena duces tecum, was continuing I think it has been superseded by the last subpena and, therefore, I think that Mr. Haldeman, since he didn't have the tape in his possession on May 4, at any time between May 2 and May 4, that he was not required to produce the tapes before this committee.

Mr. HALDEMAN. Thank you, Mr. Chairman.

Senator ERVIN. And I will also concede the position which you took, since there were two subpenas instead of one and the second superseded the first, that your legal position is right.

Mr. WILSON. Thank you, Mr. Chairman.

May we make both subpenas a part of this record?

Senator ERVIN. Yes. The reporter will mark them with the appropriate exhibit numbers.

[The subpenas referred to were marked exhibits Nos. 111 and 112.*]

Mr. DASH. Do you have the date, Mr. Haldeman, as to when you actually had in your possession the tape in July?

Mr. HALDEMAN. No, sir; I am not sure what day it was.

Mr. DASH. Do you know whether it was the early part of July or the middle of July?

Mr. HALDEMAN. As I told you it was sometime during the period that I was here, the week of July 9.

Mr. DASH. You can confirm that date, can you not?

Mr. HALDEMAN. I don't know how I can.

Mr. DASH. Did you sign a receipt for that tape?

Mr. HALDEMAN. No.

Mr. WILSON. What's the relevancy of that, Mr. Chairman?

*See pp. 3316, 3318.

Mr. DASH. If the tape was in his possession at the time he was served the second subpena that calls for the turning over of those tapes at that time.

Mr. WILSON. I beg your pardon, the second subpena is ad testificandum and the chairman made that clear just now. I think that is a very serious misstatement. I don't understand Mr. Dash doing a thing like that.

Senator ERVIN. Mr. Wilson, I think that is sort of what would be called a tempest in a teapot, and I certainly agree that Mr. Haldeman, and I expect if I had been in his position and I was loaned this tape by the President of the United States who says he has sole control over it, I think I would have returned it under the circumstances. I also certainly would have advised him like you advised him since the second subpena was a subpena ad testificandum and not a subpena duces tecum he was under no obligation to produce the tape here and now.

Mr. Thompson.

Mr. HALDEMAN. Mr. Chairman, may I say I don't understand any of those Latin words but I would want it clearly understood that my counsel did not advise me to return the tape, or not to return the tape, or to turn it over to the committee. My counsel did not know that I listened to the tape.

Senator ERVIN. That is the reason I think that the thing is all right and I think that it is a tempest in a teapot and so we will proceed with the examination of the witness.

Mr. THOMPSON. May I proceed, Mr. Chairman?

Senator ERVIN. Having been a lawyer myself, I can sympathize or rather understand why lawyers will sometimes raise a tempest in a teapot.

Mr. THOMPSON. Mr. Chairman, should I go ahead right now?

Senator ERVIN. Yes.

Mr. THOMPSON. Thank you.

Mr. Wilson, was the point you were referring to a moment ago, about your difference of recollection about what was stated to be the previous testimony of Mr. Strachan, the statement by Mr. Dash that Mr. Strachan testified that Mr. Haldeman told him to destroy documents?

Mr. WILSON. Yes.

Mr. THOMPSON. Was that what you were referring to?

Mr. WILSON. Yes.

Mr. THOMPSON. I think in all fairness we might go ahead and clear that matter up now. I do have the transcript of the page of Mr. Strachan's testimony and I was questioning him and I said, "You said that he—and I believe I am quoting your words—said to make sure that the files were clean. Are those words that he used as best you can recall?" And he says, "Pretty close." I said, "Were you operating strictly on his words to make sure the files are clean?" and he says, "That is correct."

Also on page 5119 of the transcript Mr. Strachan says, "He told me to make sure the files are clean." Also on page 5156 of the transcript, "He told me to make sure the files were clean and I went and destroyed them."

I believe the record does show that he did not use the words that he told him to destroy any files but to make sure the files were clean. I

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don't think we are quibbling over words because Mr. Strachan also testified that in using the phrase "make sure the files were clean" on page 5066, "Looking back now it could be given a double meaning," so I understand your concern and wanted to clear that up.

Mr. WILSON. Thank you.

Mr. DASH. Mr. Thompson, in order to clear up my question, I never did intend to imply or suggest that Mr. Strachan testified that you indicated he destroyed the files and he used the word "clean" and the question I put was that he said he destroyed the tapes and the question put by me to him was did he destroy them on his own initiative.

Senator GURNEY. What are we talking about—tapes?

Mr. DASH. I said files, not tapes.

Mr. WILSON. We will have the transcript tomorrow morning and——

Senator ERVIN. I would suggest we let each lawyer phrase his own questions in his own way.

Mr. THOMPSON. Mr. Haldeman, let me ask you about a few things before lunch, if we can. I want to ask you first of all about this June 23 meeting with Mr. Helms, and Mr. Walters, and Mr. Ehrlichman. You have alluded to that and you have addressed yourself to that in your statement.

What first caused you to believe that perhaps there was some CIA involvement or CIA exposure which resulted in this particular meeting?

Mr. HALDEMAN. I at no time believed there was CIA involvement or CIA exposure, and I was not operating as a principal in this matter on the basis of any belief that I held.

What first instigated the—or what started the process that led to this meeting was a report to me by Mr. John Dean on, either late the evening of the 22d or early the morning of the 23d, that in his communications with the FBI, the FBI was concerned as to whether there might be some CIA involvement or whether their investigation was in danger of impinging upon or compromising any CIA activity.

Mr. THOMPSON. Was it Mr. Gray then who first brought up the subject that this possibly could be, or that he might be concerned about it?

Mr. HALDEMAN. It was Mr. Dean who first brought the subject up to me. I have never discussed this subject with Mr. Gray, I didn't that day and I have not since.

Mr. THOMPSON. Did he state he was basing his discussion or his concern on conversations with the FBI or with Mr. Gray specifically?

Mr. HALDEMAN. Mr. Dean said that, yes, sir.

Mr. THOMPSON. Yes, sir. What I am getting at is why the President directed you to have such a meeting, and my understanding was that Mr. Gray or someone in the FBI had first raised this point that it was not you, it was not the President, but someone in the Bureau.

Mr. HALDEMAN. Mr. Dean reported this to me, said there is this concern and I believe that he said, "I think we ought to have General Walters get over and work this out with Pat Gray."

In any event when I met with the President that morning, as was my custom, I had a number of items to go through with him that had come to my attention or that he had requested me to do something about that I was reporting back on. One of those items was this report from Dean and the suggestion, I believe a suggestion from Dean, that

there be some communication set up between the two agencies, and the President, in response or reaction to my giving him this information said very quickly, and this was not a major official edict by the President of the United States signed on parchment paper. This was a very fast conversation or a fast item in a series of items in a fast conversation where the President said, "You and Ehrlichman get together with Helms and Walters and make sure they coordinate with the FBI, have Walters go over and talk to Gray and be sure that there isn't any problem here. Also find out if the CIA was involved and find out if the CIA has any concern about the Bay of Pigs question being reraised." Because of the fact that some of these people had been involved, in the Bay of Pigs activity of the CIA and also to cover the point that he had some concern—the President—about the possibility of the investigation of Watergate being extended beyond Watergate itself into matters unrelated to Watergate, that covered national security areas, and it came about that fast, probably faster because he is more articulate than I am, and I jotted that down.

I did it. The meeting was held the afternoon of the 23d, according to the President's instructions as I understood them. Mr. Walters at the meeting agreed that he would meet with Director Gray, and that was the end of it as far as I was concerned. My responsibility was to bring these matters to the attention of Director Helms and General Walters and to request General Walters to meet with Pat Gray and that was the extent of my interest in the matter and the extent of my activity in it.

Mr. THOMPSON. Were you really basing it on two basic questions: one, CIA involvement, and two, other possible CIA exposure, if you can use that broad phrase.

Mr. HALDEMAN. Yes; plus also the question of—well, OK, the other CIA exposure could also cover——

Mr. THOMPSON. Watergate——

Mr. HALDEMAN. It could cover the question of investigation expanding into CIA, CIA covert activities. You specified it. I tried to be as precise as I can because there has been so much question back and forth as to what did bring this about.

Mr. THOMPSON. All right.

When you asked, and I assume you asked then, Mr. Helms and Mr. Walters whether there was not in fact CIA involvement——

Mr. HALDEMAN. That is correct.

Mr. THOMPSON. And did they respond to you at that time?

Mr. HALDEMAN. Yes; Mr. Helms said that there was no CIA involvement in the Watergate at all and he had so informed Pat Gray.

Mr. THOMPSON. All right. He told that on the 23d?

Mr. HALDEMAN. Yes.

Mr. THOMPSON. What about the question about other possible CIA activities that might be exposed, did they respond to that?

Mr. HALDEMAN. Not in any detail, no. The only area where there was a response to that, and it was in my interpretation sort of a curious response, was on the CIA problem, question of whether there was a CIA problem with relation to the Bay of Pigs, and on that one Mr. Helms jumped very rapidly and very defensively to say, "That is of no concern at all. We don't want to get into that at all." It was a sort of little different reaction than the flat and calm reaction that there

had been no CIA involvement in the Watergate. There was—well, it's not germane.

Mr. THOMPSON. Were you satisfied with his response to your second inquiry?

Did you leave that meeting satisfied that there was no possibility of uncovering other possible CIA activities?

Mr. HALDEMAN. Not completely, so, no; but I wasn't concerned about whether there was or not. The job that I was to carry out was to request the CIA to meet with the FBI and work out the question whether there was any such problem.

Mr. THOMPSON. Were you aware of the fact that John Dean met again with Walters on June 26?

Mr. HALDEMAN. No.

Mr. THOMPSON. You did not tell Dean to meet with Walters any more and follow this up in any way?

Mr. HALDEMAN. No; the extent of my communications with Dean in this whole subject area, to the best of my recollection, was a very brief confirmation back to him that we had had the meeting with Walters and Helms and that Walters was going to be meeting with Gray. I don't think I went into any more detail than that because that really—the point was to get the two of them together to work out whether there would be any problem or not.

Mr. THOMPSON. Was it Dean's responsibility to follow up or your responsibility?

Mr. HALDEMAN. I didn't see it as either Dean's or my responsibility to follow up. I saw it as Walters' and Gray's responsibility to follow up.

Mr. THOMPSON. Did you report back to the President?

Mr. HALDEMAN. I don't specifically recall doing so but I would surmise that I did, and again, in the same sense that I did to Dean simply saying that we had held the meeting and that there was no CIA problem as far as Watergate was concerned and that they were meeting to go into the other areas.

Mr. THOMPSON. Did you become aware of the fact that Acting Director Gray had called the President on July 6?

Mr. HALDEMAN. I don't believe—I am aware of it now, certainly. I don't believe I was aware of it at the time.

Mr. THOMPSON. All right.

Let's go on to this March 21 conversation. I believe the first hour of the conversation was between Mr. Dean and the President, and then you came in and the three of you met for 40 minutes; is that correct?

Mr. HALDEMAN. Yes.

Mr. THOMPSON. And you have listened to the tapes of the entire conversation, the part in which you were present and also the part when you were not present. I would like to explore with you a little bit more in detail some of these points that you bring out in your statement.

You say, for example, that Dean reiterated or mentioned more than once something to the effect that these were matters which were new to the President.

Could you elaborate on that? Did he state it flatly in that way or did he by some indication imply that?

Mr. HALDEMAN. Yes. As I recall he——

Senator WEICKER. Mr. Chairman, I would like to raise a point of order here.

Senator IRVIN. Yes.

Senator WEICKER. As I understand it, minority counsel is now asking of the witness testimony based on these Presidential tapes; is that correct?

Mr. THOMPSON. His own recollection plus his refreshing of that recollection by listening to the tapes; that is correct.

Senator WEICKER. Well, the point of order that I raise, Mr. Chairman, is that as you well know the committee has not had access to these tapes but that is immaterial for the time being.

The fact is no other witness has had access to these tapes and very frankly—and I don't cite any great privilege theory and I am not a great constitutional lawyer—but I think I understand the concepts of fairness in the American way, and to me it is grossly unfair to any witness who is before this committee, and testifies on the basis of something which has been given to him, and to him alone, and I raise this as a point of order that I intend to raise, not only as to the March 21 meeting but also as to the September 15 meeting, that this committee should not hear from this particular witness information which has been solely accorded to him and which has been denied to anyone else in the United States of America.

Senator ERVIN. Well, I ruled yesterday that executive privilege didn't apply. Of course, I will have to say the letter from Mr. Buzhardt reminds me of the lady in Shakespeare who said she would never consent but she said that while she was consenting.

This is, I think, a little planned action in which the White House allows Mr. Haldeman to use the tape which the White House denies to this committee, and then lets Mr. Haldeman make the interpretation of the tapes for this committee, and then sends down through the counsel a three paragraph letter, the third paragraph protesting in a feeble way the coverage of executive privilege, at the same time having it foreordained, as far as the White House counsel was concerned, that the committee would overrule this claim. I share the feeling of the Senator from Connecticut about the President of the United States denying this committee the original tape, and if this was a court of law this would never have been admitted in evidence because the ruling is that only the best evidence can be received. This evidence really, with all due respect to it, is hearsay since the original tape is up in the White House in the exclusive possession of the President, and this is just some kind of a post facsimile of it. I think it is counterfeit evidence but I am going to admit it because it is the best we can get.

Senator WEICKER. Mr. Chairman, I abide by the ruling of the Chair but I just want to point out: My concern all along has not been as to a constitutional confrontation as between this committee and the President of the United States in regard to the tapes; it has been the fact that there was always the possibility that citizens of this country could be denied their rights under the sixth amendment to the Constitution by the President of the United States, specifically the right to witnesses to prove their innocence or guilt, as the case may be.

And here we have a case, very, very clearly in point, as to what has always been my concern, where, in fact, this information has been denied individuals, never mind the committee, individuals, who may

or may not be indicted, who may or may not go free depending on the information contained in those tapes and yet one individual, one private citizen, does have a right to them and, as I say, just on the basis of fairness I don't have any special doctrine to put forth before this committee but on the basis of fairness—it certainly doesn't seem to me to be the way we do things either in the Congress or in our daily lives here.

Senator BAKER. Mr. Chairman, might I say a word in this respect? Surely no one doubts that I feel strongly about the availability of the tapes. I think surely the fact that this committee has taken a position authorizing litigation over the availability of the tapes and the subpena speaks for itself. I too have some concern, as I first had when I first read Mr. Haldeman's statement, about the disclosure of this information to this witness without access to this committee when this committee is involved in a lawsuit or about to be involved in a lawsuit over the same subject.

I entirely agree with my chairman that it is a strange situation, and I must say that we were in a position where we probably had no other reasonable alternative except to overrule the objection and to direct the witness to answer, which he did with the addendum to his testimony on yesterday. It seems to me that the forces set in motion led us inexorably to that. I haven't quite figured out why yet, and I gaze deeply into Mr. Wilson's eyes and wonder, but some day I will know why.

But anyway, we have crossed that bridge and it seems to me that the alternative question is: What would we do if we did not ask now that we have got into the matter?

So, having reached that point, I must say that I share with Senator Weicker his concern for fairness but, by the same token, I can't resist the temptation to find out all we can find out and I guess that is where we are right now.

Senator ERVIN. Well, I would designate that this method of getting tapes to the committee is what I would call a leak in the tapes and I do not seem to be quite as much concerned about certain calamities of leaking things as I confessed to be in times past.

Senator BAKER. I must say, Mr. Chairman, that one of the direct byproducts of this situation where we have in effect had testimony now about tapes by Mr. Haldeman, one of the byproducts inevitably is to even increase further the need that this committee has for those tapes. And I am not going to take a lot time to argue that point. I think it, too, is self-evident, but if there is any way, Mr. Wilson, that you can help us get those tapes, in assistance to the credibility or the value of your client's testimony, then may I implore you to do so.

Senator ERVIN. I might say——

Senator WEICKER. And may I. Mr. Chairman, implore the President of the United States, not Mr. Wilson, to do so. That is who is responsible.

Senator ERVIN. Since we are giving interpretations of things, I will give my interpretation of the letter the President wrote to me on July 23, 1973, and I think he sustains our desire, the necessity of us having the tapes. He says:

However, as in any verbatim recording of informal conversations, they contain comments that persons with different perspectives and motivations would inevitably interpret in different ways.

And since the President assures us that the committee might interpret the tapes in quite a different way from the way Mr. Haldeman has interpreted them, I am going to have to confess that I am going to be rather scrupulous in considering whether I should accept Mr. Haldeman's interpretation.

Senator BAKER. Mr. Chairman, I think what you have said is what I struggled to say and that is, we are past the point of admissibility. Now we are in the business of weighing the value of the testimony and it would be of great assistance if we had the original data and information which I have spoken to previously.

Mr. Chairman, this is a good time for lunch.

Senator ERVIN. The committee will stand in recess.

Mr. WILSON. What time do we come back?

Senator ERVIN. Two o'clock.

[Whereupon, at 12:27 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION, TUESDAY, JULY 31, 1973

Senator ERVIN. The committee will come to order, and counsel will resume interrogation of the witness.

Mr. THOMPSON. Thank you, Mr. Chairman.

Mr. Haldeman, I was beginning to ask you about the March 21 conversation and I think it might be helpful if we separate that part of the conversation which you participated in directly and that part of the conversation which you did not participate in and which you listened to on the tapes.

First of all, we have your ability to recall your own conversations, and your credibility, in the first category, and, in the second category, your interpretation of other conversations which may or may not be just as good as someone else's interpretations, so let us just deal with that first category first of all, if we might, the part that you participated in, the part of the March 21 conversation with President Nixon and Mr. Dean in which you participated.

First of all, I would like to ask you to what extent your listening to the tape refreshed your memory?

Mr. HALDEMAN. I would say that it confirmed my memory. I do not believe it added a great deal.

Mr. THOMPSON. Let me ask you specifically with regard to some of the points that you have mentioned and ask you to elaborate on them, if you will, and raise any other points if you have not, if they exist and you have not set them forth in your statement.

First of all, you mentioned in your statement that there was a discussion regarding the Hunt threat, the President again explored in considerable depth the various options and tried to draw Dean out on his recommendation. This is part of the conversation in which you personally participated?

Mr. HALDEMAN. Yes.

Mr. THOMPSON. Exactly what was discussed with regard to the Hunt threat and how did the President try to draw him out?

Mr. HALDEMAN. It was very much, as I described, what I heard on the tape later as having taken place in the earlier part of the conversation. Either the President or Mr. Dean, when I came in, turned to that sub-

ject and said that there had been a threat by Mr. Hunt just right at that point in time—that he was demanding $120,000 and that if he did not get it he would reveal the seamy things he had done for Ehrlichman, and then the President went through a line of questioning——

Mr. THOMPSON. First of all, did he relate to whom that threat was communicated or by whom?

Mr. HALDEMAN. I am not sure that he did in that portion of the conversation. In other words, when I was there, I think so, and whether it was then or earlier what he said was, and what he said to me later in the same regard was, that it had been relayed directly to him, to John Dean by Mr. Bittman who was Hunt's counsel.

Mr. THOMPSON. Was the figure of $1 million mentioned in your presence?

Mr. HALDEMAN. Yes. The point was made that this kind of thing, if it were extended on into a period of time could go to as much as $1 million.

Mr. THOMPSON. All right. Elaborate on that discussion a little bit, who said that?

Mr. HALDEMAN. Dean said it in answer to the President saying—well, I believe in answer to the President—saying, "Well, how much is this going to involve?" It is possible at that point that the President said it, saying that Dean had told him it could amount to as much as $1 million.

Mr. THOMPSON. Frankly, I get from looking at your statement, that the discussion of $1 million from your addendum, occurred before you entered the room.

Mr. HALDEMAN. There is no question that this whole discussion of the Hunt blackmail, so-called, was—had been, it was clear when I came in—eliminating my knowledge now of what happened before from the tape—it was clear, when I came in, to me that they had already discussed this matter and that the point that was being discussed and the questions and so on, that were being raised had been discussed before, the President was pursuing it further in interrogating John Dean.

Mr. THOMPSON. All right. But you don't specifically mention in your addendum that the $1 million was discussed. I assume there are probably several things that were discussed that you don't have in your addendum. That is one of the things I am trying to find out.

Mr. HALDEMAN. Well, if I may, I prepared two addenda depending on what the ruling of the committee would be as to the restriction that had been placed on me by the White House, and in the effort to get all of these materials ready we left out—and it's my fault, not the typists—left out part of what should have been in the addendum that I submitted that was in the addendum that I didn't submit regarding the conversation after I came into the room.

Mr. THOMPSON. Do you have that?

Mr. HALDEMAN. If I could read just a pertinent paragraph which should have been in this addendum I would like to.

Mr. THOMPSON. All right. I think it probably is appropriate if you make that available to us now; if you only have one copy you go ahead and read it if that is the best way to proceed.

Mr. HALDEMAN. We only have one copy. I will read it and then submit it.

Mr. THOMPSON. Go ahead and read it.

Senator ERVIN. I would request after you read the copy you make it available to the committee so we can Xerox it and give members and counsel copies.

Mr. WILSON. I may have one.

Mr. HALDEMAN. We may have another one. I won't read the whole thing because it's redundant except for the portion that should have been included in both and wasn't, regarding the time I came in.

Mr. THOMPSON. Instead of doing it piecemeal, if you think it will be helpful and if there are other matters, go ahead and read the entire addendum.

Mr. HALDEMAN. I think verbatim in most cases because this only covers a portion of what the other one covers but there was a part left out in timing.

Mr. THOMPSON. All right.

Senator WEICKER. Verbatim of what?

Mr. THOMPSON. Are you saying the same as the addendum which you have already submitted?

Mr. HALDEMAN. That is right. I will submit the entire thing and you can——

Mr. THOMPSON. Right

Mr. HALDEMAN. I will be glad to read it all if you would like me to.

Mr. THOMPSON. Just read the portions you desire right now and we will take a look at it and we may ask you to read other portions.

Mr. HALDEMAN. OK.

I say that to the best of my recollection when I entered the meeting there was a discussion regarding a Hunt threat that he be given $120,000 or else he would tell about things he had done for Ehrlichman. It was clear this had also been discussed earlier in the meeting. The President asked Dean some leading questions about what he would recommend, how such a payment could be made and so on.

There was a reference to a long-term need for as much as $1 million. Dean described a process of transferring and delivering the funds and this is when Dean said next time he would be more knowledgeable, at which I laughed. That reference is why I realized I had left this out in the addendum omitted because in the conclusion I made the point on impressions that his statement that he would be more knowledgeable next time and my laughing at that is also an event that he says took place in the March 13 meeting but in fact took place on March 21.

Then I think it picks up from the addendum that I already have. It is that one paragraph that was left out.

Mr. THOMPSON. You say in the addendum which you have already submitted that, "The President tried to draw Dean out on his recommendation." That is obviously a conclusion on your part, in what manner did he draw him out?

Mr. HALDEMAN. By asking a number of questions about what, how you would get some, this kind of money which Dean said was hard to do and then the President responded it wasn't hard to do to get it but the question was then what do you do with it, how do you deliver it, what has been done in the past with it, what are the processes involved, and that kind of, what I would call, leading questions.

Mr. THOMPSON. In the part of the conversation in which you participated, in what part did this particular point arise, in the first——

Mr. HALDEMAN. Yes.

Mr. THOMPSON [continuing]. Part.

Mr. HALDEMAN. Yes; I believe that was the first matter that came up, the first matter that came up when I was in the meeting.

Mr. THOMPSON. What makes you think, from what you have testified to, that the President was trying to draw Dean out? What do you mean by saying draw Dean out?

Mr. HALDEMAN. I think he was asking the kind of question that was designed to try to find out, try to get the information for himself as to what really was involved in all of this, and what Dean knew about it.

Mr. THOMPSON. Do you think there was a question in the President's mind at that time as to Dean's personal involvement in the matter?

Mr. HALDEMAN. I don't know. That is something I am not prepared to——

Mr. THOMPSON. Why would the President ask, you know, what do you do with it when you get it, things of this nature?

Mr. HALDEMAN. He was trying to find out what the process was. Dean had described this—I am back to what he had done earlier, but he had described it as a, one of the examples of the things that had been happening and it was a thing the President was pursuing.

Mr. THOMPSON. Going back into the other category a minute, the tape that you listened to of conversation between the President and Dean before you arrived. Had this same dialog taken place, substantially the same dialog?

Mr. HALDEMAN. Yes, in more detail.

Mr. THOMPSON. In more detail?

Mr. HALDEMAN. More extensively.

Mr. THOMPSON. Do you know why or did anyone express to you, either then or later, as to why the same conversation was gone into again, the same dialog in your presence if they had already carried on this conversation? Why was it repeated in your presence?

Mr. HALDEMAN. No; I don't know why.

Mr. THOMPSON. What I am wondering is exactly why the President would ask these questions. Was he really interested in whether or not $1 million could be raised for this?

Mr. HALDEMAN. No, no; I do not think he was—the questions he was asking were not in the direction of a—whether $1 million could be raised but rather in the direction of what this process was that Dean was describing of blackmail and what was done about it.

Mr. THOMPSON. Why would he want to know the process, do you think?

Mr. HALDEMAN. I think he was trying to find out what was going on.

Mr. THOMPSON. What do you mean, what was going on? Who exactly was trying to do the blackmail, exactly how they were trying to carry it out?

Mr. HALDEMAN. He had already been told who was doing it. He was trying to find out how it was being carried out, how would it——

Mr. THOMPSON. Did he ask Dean's participation in case they went about that method of raising money?

Mr. HALDEMAN. I am not sure that he did. I think he was asking him in a more—he was not asking in a specific sense. He did not say what do you do, what does so and so do? He asked what would be done,

what would happen? He was—they were open kind of questions, as I recall it.

Mr. THOMPSON. This was——

Mr. HALDEMAN. I have made the point as I have indicated in the earlier session, he would—would lead them one way and then he would lead them the other way. In other words, he would ask: Do you do this? Is this your recommendation? Is this what we need to do? Is this what ought to be done? That was what you are saying.

Then, he would go the other way and say, but you cannot do that. In other words, we can raise that kind of money but it would be wrong to do it.

Mr. THOMPSON. I am asking for a conclusion from you. Why would he ask Dean if this was his recommendation to him, if in his own mind he was not going to consider it, unless he was suspicious of Dean and wanted to know Dean's own involvement in the matter or to what extent Dean would possibly go in order to raise this money?

Mr. HALDEMAN. I think he was at a point where he had—well, it is very difficult for me to characterize the motives except that he was trying—it was clear he was trying to get information.

Now, why he was trying to get the information is not clear to me. Certainly, I would say it was not clear to me then. I think that he had heard a number of things in that meeting and this was, I think, the most shocking thing to him, the one that was of most concern to him, and was the one he was exploring in most depth.

Mr. THOMPSON. You stated previously—I believe it is in your addendum—that in the first part of the conversation, where you were not present, the President said something to the effect that it was wrong.

Mr. HALDEMAN. Yes.

Mr. THOMPSON. I take it he did not say that in your presence.

Mr. HALDEMAN. I do not recall that he did but it is—it is very hard on something like this, as I am sure you understand, to say affirmatively that something was not done because I am going on recollection of what I can—exactly what was done.

Mr. THOMPSON. Continuing on with the points that were discussed in your presence, did you state that they discussed Ehrlichman's suggestion that everyone in the White House should go to the grand jury?

Mr. HALDEMAN. That is right. There apparently had been a meeting of the President and Mr. Ehrlichman that morning prior to the meeting with Mr. Dean at which this suggestion had been raised by Mr. Ehrlichman.

Mr. THOMPSON. Well, how was this suggestion raised? Who raised this suggestion?

Mr. HALDEMAN. I believe the President did in saying that—how do we deal with—he is looking now at the total situation, that there now appears to be this—various problems that Dean has enumerated, facts regarding this whole thing that the President had not been until that time aware of, and then the question—he started exploring, what do you do about it.

Mr. THOMPSON. Was he trying this out on Dean, so to speak, to see how Dean would react to it?

Mr. HALDEMAN. That is certainly possible. I think he was seeing how I would react to it, too.

Mr. THOMPSON. How did you react to it?

Mr. HALDEMAN. My reaction, I think—either at that meeting or at a meeting later—was that the way to get this thing uncovered and out was to put out a White House statement. That was my view on the thing at that time, that we should try to put the whole—all the facts together, put them into a definitive statement of those facts and release it and that was my view as contrasted, I believe at that time, to Ehrlichman's view that a way to get all this established and in a proper forum and recognizing—see, I didn't understand the legal problems involved and the points of rights of defendants and all that which were of concern to the others and which were apparently an impediment to my idea. It wasn't my sole idea but the idea I was espousing of putting out an overall statement on the subject.

Mr. THOMPSON. Of course, you are not a lawyer. Did you realize at this time that the grand jury testimony was taken in secret?

Mr. HALDEMAN. I know a lot more about grand juries today than I did then, and I did not know, and I think again in this period, I didn't know how a grand jury worked but I suggested at one point or raised the question—I didn't know whether it was in that meeting or some other meeting—that the grand jury sounded like a good idea if we could then release the grand jury testimony. I didn't know that you couldn't release grand jury testimony and I thought maybe that was an approach, in other words, make a record at the grand jury and they release the record. I now know the grand jury can't do that, but I also know now that the people who testified at the grand jury can do that. So, in effect we could have followed that road.

Mr. THOMPSON. Mr. Haldeman, what was Dean's reaction to the suggestion that you go before the grand jury?

Mr. HALDEMAN. His suggestion or his reaction—I don't know that he reacted to it at that meeting. He may have.

Mr. THOMPSON. There has been other testimony on that subject. What was his general feeling in that regard from what you know of conversations which you personally have had with him?

Mr. HALDEMAN. Well, it did come up in the afternoon meeting that same day.

Mr. THOMPSON. The 21st?

Mr. HALDEMAN. I believe so. And it came up several times in the period of that week. Mr. Dean's position on the grand jury idea was that it would be a good idea to have everybody go to the grand jury but with immunity, and that that was the best way to get out the truth, as if everybody were granted immunity. Now, again, he should have known as a lawyer—I didn't know at that time that one acquires immunity only by first invoking the fifth amendment and had I known that, I would have strenuously objected to that approach as John Ehrlichman did object, not on the ground of the fifth as I recall it but on the ground that it just—it didn't make any sense.

Mr. THOMPSON. Did anyone ask him why he felt that either he or the others in the White House needed immunity?

Mr. HALDEMAN. I didn't hear you, I am sorry.

Mr. THOMPSON. Did you ever ask Dean why he felt that he or others in the White House would need immunity?

Mr. HALDEMAN. I am not sure. I think that——

Mr. THOMPSON. In other words, if not wrong there would be no need for immunity.

Mr. HALDEMAN. Well, he had indicated at that point, at least to the President and at later points when this was discussed he had indicated, he had told me, that he felt there was a potential problem and that it extended—in his view it extended certainly to himself and possibly to me and possibly to Ehrlichman, Kalmbach, Mitchell, and Magruder.

Mr. THOMPSON. All right.

Some of these matters were discussed between the President and Mr. Dean before you arrived on the 21st, is that correct?

Mr. HALDEMAN. That is right.

Mr. THOMPSON. Well, we will get to those in a minute. Let's continue with the part in which you participated.

You stated in your addendum that Dean said that he was aware that he was presenting things to the President that the President had not previously known. How did this come up? In what manner did he state it? What was the President's reaction?

Mr. HALDEMAN. He—I recall one, because it is in the notes, one specific thing where, as they were discussing one of these items, Dean—the President was asking some questions that I don't think the questions were quite making sense to Dean and he said, well, Mr. President, I know that I am covering things with you here that you have known nothing about. It was a clear and flat statement to that effect.

Mr. THOMPSON. Mr. Haldeman, did you ever discuss this conversation on the 21st with the President at any subsequent time or discuss at any subsequent time the same matters that you discussed on the 21st?

Mr. HALDEMAN. I am not sure what you mean.

Mr. THOMPSON. Well, you refer in your addendum also to the fact that the President said on later occasions he had no intention of doing anything about money.

Mr. HALDEMAN. I see what you mean.

Mr. THOMPSON. And he did not know anything about the coverup. When did that conversation take place and what was discussed in that conversation?

Mr. HALDEMAN. I am not sure. That—I can't pin the specific conversation on that. This was in going back and going over these steps. From that point on, from March 21 on, the President became very much involved in seeking information about some of these things and talking about them with various people. As you know, he put Mr. Ehrlichman into the fact-gathering business on March 30. While we were in Key Biscayne over the weekend on the 23d he raised a number of questions that came out of his sorting through what he had been told by John Dean on the 21st, and I am not sure at what particular time he would have said this but it is very clear that he had made that point.

Mr. THOMPSON. All right.

Now, does this pretty well exhaust all the subjects, all of the major points of the conversation of the 21st in which you participated?

Mr. HALDEMAN. Well, then, the point that the President wanted Dean to meet with Mr. Mitchell, Mr. Ehrlichman, and me and there

was some discussion about that, when that should be, how we should do that, or something to that effect, and such a meeting was set up for the next morning.

Mr. THOMPSON. All right.

Now, let's go into the other category, the part of the conversation between the President and Mr. Dean when you were not present. You mentioned first of all that Dean told the President that there was no White House involvement with regard to the break-in of the DNC and that he had gotten his information from Liddy, is that correct?

Mr. HALDEMAN. Yes; we went through, I believe, some of the details of how the break-in had been engineered and brought about, based on, I think, the testimony that had been provided to it, at the trial, and so on, and then said, however, that he had talked with Liddy right after the break-in and Liddy had told him that there had been nobody in the White House involved.

Mr. THOMPSON. Let us separate that into two categories, the break-in, on the one hand, and the so-called coverup on the other hand. What did he say concerning who might have known about the break-in, who might have been involved in the planning of the break-in, and so forth?

Mr. HALDEMAN. He said that Liddy, of course, had been that he, I am almost sure that at this time he was not certain but his opinion was that Magruder had been involved in the planning and knowledge of the break-in, and he indicated that he was not sure whether Mr. Mitchell had known about it or not.

Mr. THOMPSON. Did he say anything about you?

Mr. HALDEMAN. No. In regard to the break-in? Or knowledge of the break-in? You say you were dividing it into two parts.

Mr. THOMPSON. Yes, yes, sir, I am. I was asking specifically with regard to the fruits that he felt you might have seen which might have been some indication of that. As far as I can remember that was the only part that he mentioned.

Mr. HALDEMAN. He said as far as—at that time the terminology was pre-June 17 and post-June 17, and his, he divided his report into pre-June 17 and post-June 17, and regarding pre-June 17 he said Liddy had told him that no one in the White House was involved, his own—he described his meetings with the Attorney General and Liddy and Mr. Magruder at which there had been intelligence plans discussed. I do not believe that he indicated, I am virtually certain he did not indicate, any thought that these meetings had specifically related to the break-in at the Democratic National Committee but had been general, perhaps for general intelligence programs but with totally inconceivable kinds of activities. I believe he told the President that he had reported to me on those meetings, after the second of those meetings, and that he had told, had recommended to me that this be turned over and he be not involved in, at all in any such things.

Mr. THOMPSON. Is that a meeting that you do not remember?

Mr. HALDEMAN. That is correct. The meeting which I do not recall—I have no specific recollection——

Mr. THOMPSON. Alleged meeting is a better way to put it.

Mr. HALDEMAN [continuing]. That he described, but I very definitely recall his recounting his assertion of this meeting to me at later points in time.

Mr. THOMPSON. And he told that to the President, too, as best you can remember?

Mr. HALDEMAN. Yes, I think he did.

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

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

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

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

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

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

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

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

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

Mr. THOMPSON. What about post-June 17?

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

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

Mr. HALDEMAN. Well, there was in the sense that on March 23 when I got to Key Biscayne, the President had gone down the day before, the President called me over to his house and he then having read the McCord letter—he had not read it but had been given, had been told of the reading of the McCord letter, and the allegations that were contained in that, had raised the point with me that here we were with new ongoing developments on the Watergate and the White

House was still not moving ahead to get this thing cleared up, and he had picked up facts from Dean and he had information from Dean that he was concerned about, and he specifically asked me to call Colson and to ask him about this question of whether he had offered clemency or had any conversation regarding clemency with Hunt.

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

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

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

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

Mr. THOMPSON. From the tape?

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

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

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

Mr. THOMPSON. Yes, sir.

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

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

Mr. HALDEMAN. I am sorry, about what?

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

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

Mr. THOMPSON. All right.

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

Mr. HALDEMAN. Yes, sir.

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

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

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

Mr. THOMPSON. But only what you have related.

What did you hear on the tape concerning the Ellsberg matter?

Mr. HALDEMAN. That, I think, was only a passing reference as he was talking about other possible areas of concern. His principal areas of concern, post-June 17—well, I have already described it, were money and clemency, pre-June 17 were the phone call and the fruits, and then he said there are other possible related problems that may come out, and among them are, I am not trying to cite a conversation because I think some of these came up, these weren't presented as a list of other problems, they came up in relation to other things he was talking about, but he, in the course of the conversation, referred to the Ellsberg doctor break-in which was the first time I had heard any reference to that, I mean when he talked about this later was the first time I had heard any reference to it.

I made—I am sure I heard it before I heard the tape because I think it was discussed during the Camp David period, but the Ellsberg break-in, something about, something at the Brookings Institution, the Segretti matter, Kalmbach's general money raising and expenditures.

Mr. THOMPSON. Chappaquiddick?

Mr. HALDEMAN. That is right. The Colson investigation of Chappaquiddick, there was a reference to that.

Mr. THOMPSON. Did the President indicate he was familiar with any or all of these potential problems that Dean raised?

Mr. HALDEMAN. No; I don't believe he did. I think they were sort of—these were not, I don't recall any of these being gone into in any detail. They were raised as other potential problems.

Mr. THOMPSON. Mr. Ehrlichman—Mr. Haldeman, I would—you know it is bound to happen, I guess.

Mr. HALDEMAN. I knew it was bound to happen, I was waiting to see who would be the initiator.

Mr THOMPSON. You realize, of course, that about all we have to go on as far as this tape part is your own recollection credibility.

Mr. HALDEMAN. Yes.

Mr. THOMPSON. And has it ocurred to you that these tapes might be made public as a result of a court determination on potential lawsuits?

Mr. HALDEMAN. I am very much aware of that and I am very much aware that my accuracy in attempting to describe the contents of those tapes is subject to verification, possible verification, and I would not want to imply that I am making any greater than normal attempt to be accurate, but I assure you, I am making every possible attempt to be as accurate as I can.

Mr. THOMPSON. Mr. Haldeman, let me ask you about another point.

Did you have discussions with Dean from time to time about your own personal involvement, what vulnerability you might have with regard to post-June 17 activities?

Mr. HALDEMAN. John raised the question of possible vulnerability with me during our series of phone conversations while he was at Camp David and I was at Key Biscayne or perhaps after I was back in Washington—he was still at Camp David—generally in terms not of legal vulnerability, and he generally spelled it out that way. It would come up as he was describing what he was finding and what the problems were. He said, "There is a possibility of a problem for you here in the question of the $350,000" and that would arise if it were determined or felt or alleged that this money were used for defend-

ants' silence or something of that sort, and whenever he raised that point, which he did several times, I recounted my understanding from him that that was not the purpose of this money.

Mr. THOMPSON. But in your face-to-face conversations with him did he ever raise any other point that might make you legally vulnerable to raise some appearance of impropriety?

Mr. HALDEMAN. Well, in the March period again, he did at times raise the point that another possible vulnerability on my part would be my having OK'd Kalmbach raising funds, but at other times he cited that only as John Ehrlichman's vulnerability, in other words, that he had only checked with John Ehrlichman.

In other words, that didn't always come through the same way. Sometimes it was that he had checked with John Ehrlichman and me before he asked Kalmbach to raise money and at other times he said he had only talked to John Ehrlichman.

Mr. THOMPSON. Do you recall when the last time you discussed this matter with him was—the last time he mentioned your possible problems?

Mr. HALDEMAN. The last time I mentioned my possible problem.

Mr. THOMPSON. Then he mentioned your possible problems to you in your Camp David conversations when he was there; I believe he went there on March 23, did he not?

Mr. HALDEMAN. March 23, came back on the 28th—no, I am sure, because we had continuing discussions on through the period up to April, I guess up to mid-April so I would guess that this question would have arisen during the course of those discussions at some point.

Mr. THOMPSON. Now, of course, from his testimony before this committee and from newspaper stories that leaked out at various periods of time, there have been many other statements made concerning your activities starting back as early as June 1972. When did you first get an indication that he was going to state that you were implicated in other ways besides the two ways that you have mentioned?

Mr. HALDEMAN. I guess from the newspaper stories that were reporting what he was supposedly going to tell this committee.

Mr. THOMPSON. Well, were you talking to him during the period of time when his attorney was talking to the assistant U.S. attorneys about his involvement?

Mr. HALDEMAN. Yes. Well, I was during the period—during the week of April 8—April 1—during the time we were in San Clemente, and he was in Washington, and he told me that his attorneys had met with the U.S. attorneys in informal sessions, two such sessions in that—during that week in April, and he told me what the nature of—general nature, at least, of their discussions had been and he told me, as I said in my statement, that the U.S. attorneys had told his attorneys that they were not concerned with any post-June 17 questions and that they were only concerned with the pre-June 17 problems and that in that area they were not seeking Dean as a principal nor as a target, as apparently they put it, but were seeking him as a witness and that they had indicated to him that they probably would not be seeking me as a witness, even, and had no interest in me as a principal, or target.

Mr. THOMPSON. On April 14 Ehrlichman made his report to the President, is that correct?

Mr. HALDEMAN. Yes.

Mr. THOMPSON. And Petersen made his report to the President—his findings.

Mr. HALDEMAN. Yes.

Mr. THOMPSON. On April 17 the President made his statement about major developments having come about, no one in the White House would have immunity, something to that affect, and on April 19 Mr. Dean issued his famous scapegoat statement. What did you take that to mean at the time?

Mr. HALDEMAN. I did not know.

Mr. THOMPSON. Was this any indication——

Mr. HALDEMAN. At that time there was no—I did not know why he would feel compelled to make a scapegoat or that he—a statement that he would not be a scapegoat.

Mr. THOMPSON. Did he up until that time give you any indication that he was going to make any allegations against you except those two matters with regard to the money?

Mr. HALDEMAN. No, and he did not indicate those as allegations he would make to me. He indicated that he was talking with me on a very cooperative basis as to what he considered to be potential problems, and in the nature, at the time that we were talking about them, of being embarrassments rather than legal problems. But he did say that this could even get to the point of being a legal problem if it developed into a circumstantial chain of, I think he put it, a circumstantial chain of evidence leading to this.

Mr. THOMPSON. Mr. Haldeman, let me ask you one more line of questions. You have in your statement on page 28 the following paragraph where you make some allegations yourself. You say—

> Moreover, the pranksterism that was envisioned would have specifically excluded such actions as the following: violent demonstrations and disruptions, heckling or shouting down of speakers, burning or bombing campaign headquarters, physical damage or trashing of headquarters and other buildings, harassment of candidates' wives and families by obscenities, disruption of the national convention by splattering dinner guests with eggs and tomatoes, indecent exposure, rock throwing, assaults on delegates, slashing bus tires, smashing windows, setting trash fires under the gas tank of a bus, knocking policemen from their motorcycles.

Do you have any basis for these allegations?

Mr. HALDEMAN. These have all, as I understand it, been documented as specific events and this is not an attempt to make a complete list. It says "such as," and there were a number of others——

Mr. THOMPSON. Did you personally——

Mr. HALDEMAN. Including one I would have loved to put in here but my lawyers made me take it out for the tender mercies of the television audience, but all of these I have been told are documented incidents that took place. Some of them are incidents which I personally observed so——

Mr. THOMPSON. Go down the list, if you will and tell us about the ones of which you have personal knowledge.

Mr. HALDEMAN. Well, the violent demonstrations and disruption I have substantial knowledge of because there was a fairly extensive program of violent demonstration and disruption during President Nixon's campaign at a number of campaign stops. That one of the

more notable examples was in San Francisco at a luncheon appearance at the Palace Hotel, I believe it was, where the violence and activity was such that the entire block in which the Palace Hotel is situated had had to be cordoned off by police and with mounted police. It was in a state of complete siege with men with guns and I believe bayonets, and mounted policemen wearing gas masks. It was quite a scene. I had been widely reported as a movie fan and I took some movies of that because it was sort of a remarkable situation.

During that time there was a considerable amount—I understand a considerable amount of property damage by the demonstrators, breaking windows and that sort of thing, in the general area of the hotel, and I believe that was the time that one of them stabbed a policeman with a knife.

There was almost invariably heckling or shouting down of speakers and specifically the President of the United States, at virtually every public campaign rally during the campaign. There was also an organized group of demonstrators with very unpleasant signs and very vocal lungs that would try to shout down the President as he spoke.

A prime example of that, there was sort of, I felt, a tragedy. That was one that took place on the grounds of the Statue of Liberty. This was not a campaign appearance. It was a dedication of an immigration museum on that island where the Statue of Liberty is located and there were demonstrators that had situated themselves, obviously for the benefit of television, right in front of the President and between the President and the television cameras, and they attempted to shout him down and did so quite effectively because they were so close to the microphones that the same microphones he was speaking into, were picking up their shouts and you might remember the newscast of that event because the President, one of the rare times that he did so, directly referred to the demonstrators and made the point that he hoped that the television cameras would include the thousands of people that had gathered there for this ceremony who were there for a constructive purpose instead of just focusing on this small group of people who were trying to disrupt it.

The burning and bombing of campaign headquarters, I have no personal knowledge of, in that I have never been in one that was burned or bombed but there have been a number of news reports and I think official investigations of those and I do not think there is any question of the fact that Nixon headquarters, one of them in Arizona, I believe in Phoenix, was burned down and one in Hollywood on Fairfax Avenue was blown up by a bomb. As a matter of fact, I think that is one where one of the people who brought the bomb in was killed in the explosion.

Physical damage, trashing of headquarters and other buildings, there was a considerable amount of that.

The harassment of candidates' wives and families by obscenities. Mrs. Nixon and Tricia and Julia were subjected to such harassment in very crude form in a number of their public appearances. As you know, they traveled on independent schedules, campaigning on behalf of the President's reelection, and all of these incidents have been, I understand, put together in a documented form and this question—I referred to some of these things at the time I met with the committee staff the first time and I was asked at that time, by the staff, to provide

more information than the general comments that I had to make, and I indicated that I would do so. I requested that this be done and I assume that it has and that the committee—I trust that the staff has received some documentation.

Mr. THOMPSON. Mr. Haldeman, I think we have what we need available. I wanted to know what you knew from personal knowledge and recollection and you are one witness who can address this subject matter. Obviously it is relevant.

Mr. HALDEMAN. I didn't cover the national convention things but I can testify to that, too, as can any of the people who were at the Republican Convention and remember the problems that delegates had in getting to the convention hall because of the slashing of bus tires, threats of violence to delegates, the trash fires under—these were mostly covered, most of them covered on television, so I don't think they are events that are unfamiliar with the American people.

Mr. THOMPSON. You make the statement on page 29, "So far there has been no investigation of these activities and very little publicizing of them." You are in error on the first part. They are being investigated.

Mr. HALDEMAN. I am happy to hear that I am in error and welcome being corrected.

Mr. THOMPSON. You say some of these instances took place with the clear knowledge and consent of the opposing candidates in the last election. Do you have any basis for that statement?

Mr. HALDEMAN. I understand there is some in the documentation. The one specific that comes immediately to mind on that is the occasion of a trip to Los Angeles to the Century Plaza Hotel at which there was a very large demonstration staged out in front. The handbills to notify people of this demonstration, of this planned demonstration, where to be, at what time, and that sort of thing, were handed out by the McGovern headquarters and I understand there was a phone call program set up in the McGovern headquarters there for calling people to urge them to come and attend this demonstration.

Mr. THOMPSON. Mr. Haldeman, thank you.

Mr. Chairman, I will reserve any further questions I have until after members of the committee have questioned the witness. Thank you.

Senator ERVIN. Were you at the McGovern headquarters?

Mr. HALDEMAN. Pardon me, sir?

Senator ERVIN. Were you at the McGovern headquarters at that time?

Mr. HALDEMAN. No, I was not. This was reported in the newspapers and the manager or one of the officials of the McGovern headquarters issued an apology, an acknowledgment and an apology for that having been done.

Senator ERVIN. Did he acknowledge that he had instigated it?

Mr. HALDEMAN. The manager had?

Senator ERVIN. Yes.

Mr. HALDEMAN. I don't know that he had.

Senator ERVIN. That is the thing. You know, we have had a little demonstration or so here but I haven't consciously staged it.

Now, when did you last see this tape?

Mr. HALDEMAN. Which tape, sir?

Senator ERVIN. Which one was it you saw in July?

Mr. HALDEMAN. The tape of the September 15 meeting.

Senator ERVIN. And when did you see the other one?

Mr. HALDEMAN. I saw the other one or listened to the other one in April, the latter part of April.

Senator ERVIN. Now, the President consented for you to put in your interpretation of these tapes in your statement.

Mr. HALDEMAN. The President authorized me to testify as to my recollection of meetings in which I was present.

Senator ERVIN. Did the President give you consent to put your interpretation of these two tapes in your statement? That is my question.

Mr. HALDEMAN. No sir, not—he specifically gave—authorized me to give my recollection, obviously aided by having listened to the tapes.

Senator ERVIN. Wasn't there a little bit of collaboration between you and attorneys for the White House in the preparation of this statement?

Mr. HALDEMAN. I don't know what you mean, Mr. Chairman.

Senator ERVIN. Collaboration. Don't you know what the word collaboration means?

Mr. HALDEMAN. Yes, sir, but I don't know what you mean by collaboration between me——

Senator ERVIN. Didn't the attorneys for the President know what was in your statement?

Mr. HALDEMAN. No, sir.

Senator ERVIN. Well, will you please tell me why they put this third paragraph in this letter of July 30, 1973, that, if asked to testify as to facts which he learned about meetings or portions of meetings which he did not attend, but of which he learned solely by listening to a tape recording of such meeting, the President has requested that you inform the committee that Mr. Haldeman has been instructed by the President to decline to testify to such matters, and that the President, in so instructing Mr. Haldeman, is doing so pursuant to the constitutional doctrine of separation of powers.

Mr. WILSON. Mr. Chairman——

Senator ERVIN. Wait a minute. I am asking your witness a question, Mr. Wilson. This is no question of law.

I am asking you why the attorneys for the President wrote such a letter as this and gave it to your lawyer instead of this committee.

Mr. HALDEMAN. I don't know how they knew it. I represented to my attorneys my concern that in preparing my statement I was obviously, of necessity, dealing with matters that covered events, the knowledge of which I had as a result of listening to the tapes, and I asked my attorneys to ascertain for me what requirements I would be under in terms of separation of powers restrictions as to my testimony in that regard.

Senator ERVIN. Isn't the inference irresistible that the attorneys for the White House knew that you had in your statement references to your interpretation of these tapes?

Mr. HALDEMAN. At the time I raised the question I did not have them in my statement, Mr. Chairman. I was trying to determine what to put in my statement and on the other hand what not to put in.

Senator ERVIN. Do you mean to tell me, Mr. Haldeman, that you had no communication in any fashion with attorneys for the White House

about what you had put in your statement or contemplated putting in your statement?

Mr. HALDEMAN. I had no specific discussion.

Senator ERVIN. I am not asking about specific. Any kind.

Mr. HALDEMAN. No, no; I haven't discussed with them what I was putting in my statement. I have discussed with them the knowledge on my part that this was an area in which I would have to testify. I wasn't sure——

Senator ERVIN. You have told me just exactly what I have been asking you. You do say that you informed the attorneys for the White House of the area you were going to have to testify and that included the tapes.

Mr. HALDEMAN. No, sir; I am sorry. If I gave that impression I didn't mean to. I informed via my attorneys.

Senator ERVIN. Well, you——

Mr. HALDEMAN. Attorneys.

Senator ERVIN. Do you know if your attorneys consulted with the White House attorneys?

Mr. HALDEMAN. I understand they did, yes, sir.

Senator ERVIN. Yes, sir.

So instead of sending the letter to the White House attorneys about what they objected to from the committee, they gave it to your lawyer to communicate to the committee.

Mr. WILSON. What is wrong with that, Mr. Chairman?

Senator ERVIN. I am not saying anything is wrong. It just shows there has been a little, what we call in North Carolina, "connegling together."

Mr. WILSON. Well, let me answer you now, sir. I can answer you on that.

Senator ERVIN. Yes, sir.

Mr. WILSON. Mr. Strickler and I had discussions with Mr. Buzhardt on a simple principle and that was to what extent they would permit us to disclose these tapes without discussing in what manner they would be proposed, and so far as I know, not until Mr. Haldeman took the stand yesterday afternoon did the White House have a copy of his statement nor any ideas what the inferences were to be.

Senator ERVIN. Well, I practiced law a long time, Mr. Wilson.

Mr. WILSON. So have I.

Senator ERVIN. And I know that lawyers don't ordinarily do things like this without the consent of their clients.

Mr. WILSON. Yes, sir; but I will tell you again that the White House did not know what the contents of those statements were going to be.

Senator ERVIN. Well, the White House has stated according to the tapes "which have been under my sole personal control and will remain so, none has been transcribed or made public and none will be," and yet despite that fact, here a witness appears and makes them public just a few days after that and it raises this inference in my mind, Mr. Haldeman—I will be glad to have your response—should we infer that the private word of the White House becomes inoperative a few days after it is given?

Mr. HALDEMAN. No, sir; I think that it is quite clear that because the White House had made that statement—the President had made that statement—I was faced with a question as to what I was to do

with knowledge that I had when I appear here with the requirement and the desire to transmit all of the knowledge that I have as best I can, and I, faced with that dilemma, asked my attorneys how to deal with it in the terms of what I was permitted to testify to and what I was restricted from testifying to, and in that regard, the White House's response as I understand it, and this I can't give you a legal analysis of, but from a layman's viewpoint, it would appear to me that the White House's response to my question as to what I am supposed to do was that they obviously could not restrict me from testifying as to knowledge I had as a result of my having been in attendance at a meeting, but they did place upon me the restriction that I must not testify to information which I had gained solely from the process of listening to the tape.

Senator ERVIN. When did the White House lawyers learn that you contemplated using your interpretation of these tapes?

Mr. HALDEMAN. No, sir, that was not the point I raised.

Senator ERVIN. I am asking you a question. I am not asking you about the point you raise. When did the White House lawyers learn that?

Mr. HALDEMAN. You will have to talk—to ask Mr. Wilson because I raised the question with Mr. Wilson.

Senator ERVIN. When did Mr. Wilson tell you—if it's not a confidential communication?

Mr. HALDEMAN. I don't understand.

Mr. WILSON. What did you say, Mr. Chairman?

Senator ERVIN. My question is very simple.

Mr. WILSON. What was that last observation of yours about a confidential——

Senator ERVIN. I asked when did the White House lawyers find out that Mr. Haldeman was contemplating divulging to the public his interpretation of the tapes which he, unlike this committee, had been permitted by the President to hear?

Mr. WILSON. May I answer that?

Senator ERVIN. Yes, sir.

Mr. WILSON. Last weekend.

Senator ERVIN. Last weekend?

Mr. WILSON. Yes, sir.

Senator ERVIN. Well, what day?

Mr. WILSON. Sunday.

Mr. HALDEMAN. Sunday, I think.

Senator ERVIN. When?

Mr. WILSON. Sunday.

Senator ERVIN. Monday of last week?

Mr. WILSON. Sunday of last week.

Senator ERVIN. Mr. Haldeman, did after this Sunday, did the President communicate with you and give you any communication on this subject?

Mr. HALDEMAN. No, sir.

Senator ERVIN. Well, if his lawyers didn't convey their information to him they were somewhat deficient in the performance of their professional task in my judgment. So they have had 48 hours.

Mr. WILSON. Which lawyers?

Senator ERVIN. I am talking about the White House lawyers.

Mr. WILSON. Yes, I hope you didn't include me in that fee of deficiency.

Senator ERVIN. Now, when the privilege of executive privilege belongs to the White House, and it ought to have been asserted by the White House lawyers, why did they have your lawyer to call the matter to the attention of this committee and ask for a ruling?

Mr. HALDEMAN. I will have to defer to my counsel, Mr. Chairman. I don't understand the legal processes here.

Mr. WILSON. We did the same thing with respect to the document that I think you have determined not to put in evidence. You have a letter involving the same principal, dated July 23.

Senator ERVIN. I don't know any document anybody has refused to put in evidence.

Mr. WILSON. I didn't say you refused to do anything. I said you didn't put it in evidence.

Senator ERVIN. We have got a lot of documents we haven't put in evidence. Well the fact is here——

Mr. WILSON. Do you want me to describe this in more detail?

Senator ERVIN. No sir, no sir.

The fact apparent here is that the President of the United States stated on July 23 that in effect he had sole control of the tapes, and that none would be made public. Here is the man next to him in the White House who appears before this commitee this week and puts his interpretation in evidence, makes it public, and it appears here there has been conferences between his counsel and counsel to the White House by which a mode of procedure would be devised whereby the White House counsel instead of appearing and making the objection themselves, as would be the normal thing, they give the letter to the counsel for the witness to present to the committee.

Mr. HALDEMAN. Mr. Chairman, may I——

Senator ERVIN. So I would say that the clear indication is that the White House's counsel wanted Mr. Haldeman to reveal his interpretation of the tapes to the public. Notwithstanding——

Mr. WILSON. The same procedure, Mr. Chairman, was used on July 23 with almost the identical third paragraph. And you accepted it and it was addressed to me just as this one is. I see no impropriety in writing the letter to me. You didn't raise——

Senator ERVIN. Mr. Wilson, there was nobody's interpretation of the tapes involved at that time.

Mr. WILSON. Mr. Chairman, you have a perfect right to rule out these interpretations if you want to.

Senator ERVIN. No——

Mr. WILSON. We are imposing them upon you.

Senator ERVIN. No, I am not because I just think it's very peculiar for you to be interposing an objection which, in the nature of things, should have been interposed by the White House lawyers. I think that this is susceptible to interpretation that this was an effort on the part of the White House lawyers to join Mr. Haldeman in making his, Mr. Haldeman's, interpretation of these tapes, which the President withholds from this committee, public.

Mr. HALDEMAN. Mr. Chairman——

Senator ERVIN. My time is up.

Mr. HALDEMAN. If I could simply say that it's—anything that I have discussed regarding information I gained solely from the tapes I have so spoken here after the Chair overruled the objection of the White House to my doing so.

Senator ERVIN. Yes, this was what I would call a powderpuff objection. If they had really meant the objection to be sustained, they would have been right here raising Cain about it themselves.

Mr. WILSON. They weren't here on the 23d on the other one.

Senator ERVIN. This has got nothing to do with the tapes, Mr. Wilson.

Mr. WILSON. Yes, it does.

Senator ERVIN. My time has expired so, Senator Baker.

Senator BAKER. Thank you very much, Mr. Chairman.

Senator ERVIN. I will go to vote.

Senator BAKER. Why don't you wait just for a minute.

I don't want to take very much time on this but just as a preamble, Mr. Chairman, just as a preamble, nobody is mad, I trust, and we are going to get to the facts and we are going to draw inferences from them; we are going to state conclusions, and finally we are going to write a report. Now, we can do that as we go along or we can do that when we finish. I was always fearful of a jury that tried to give a verdict before the proof was in and I, for my part, and I impose this on no one else, I don't intend to do that, but I would like to clear up one point to make sure I fully understand it.

Do I understand, Mr. Haldeman, your testimony to be that you prepared your statement together with your counsel, and not in collaboration with the White House?

Mr. HALDEMAN. That is absolutely correct, Senator Baker.

Senator BAKER. But that on the matter of the legal issue, that might or might not be of interest to this committee relative to the admissibility of certain information used by you from the tapes to refresh your recollection, as you put it, on that issue, and it's a pretty hot issue. You know, we have got a lawsuit that is pending now with Mr. Cox, on the one hand, and this committee preparing to file suit, having authorized it, on the other hand, on a matter of some considerable sensitivity, a legal principle that, as I have indicated before, has never before been really defined or determined by the highest court of the land. Your attorney contacted counsel for the White House to discuss what strictures or restrictions would be placed on you in that respect.

Now, is that susceptible to comment by you and if Mr. Wilson cares to comment on that, I would be glad to hear either of you in that respect.

Mr. HALDEMAN. I would say your description is correct and the reason it might——

Senator BAKER. And, Mr. Wilson, I am sorry.

Mr. HALDEMAN. And the reason my counsel inquired of the White House was because I asked my counsel what to do in this, what I considered to be a very sensitive and difficult situation and I sought advice, and I sought it of counsel.

Senator BAKER. And, as a result of that, Mr. Wilson, you did contact the attorneys for the White House?

Mr. WILSON. Yes. Mr. Strickler and I both had separate conversations on Sunday about it and your description, lest it appear that I evaded an answer, your description is correct.

Senator BAKER. And in response to your query to the White House lawyers about what their position would be they gave you a letter dated July 30, addressed to you?

Mr. WILSON. That is right.

Senator BAKER. Answering your question or your query?

Mr. WILSON. That is right, yes.

Senator BAKER. And it was signed by Mr. Buzhardt who designates himself as special counsel to the President and reads as follows:

> If asked to testify as to facts which he learned about meetings or portions of meetings which he did not attend but of which he learned solely by listening to a tape recording of such meeting, the President has requested that you inform the Committee that Mr. Haldeman has been instructed by the President to decline to testify to such matters and that the President, in so instructing Mr. Haldeman, is doing so pursuant to the Constitutional doctrine of separation of powers.

Did you conceive that letter addressed to you, Mr. Wilson, to be responsive to the question put by you?

Mr. WILSON. Yes, sir.

Senator BAKER. And you passed that information on in the form of a statement to this committee, on yesterday, that there was a portion of the testimony which the committee might or might not want to compel the witness to testify to.

Mr. WILSON. Yes, sir.

Senator BAKER. Does that fairly represent the factual situation?

Mr. WILSON. It certainly does.

Senator BAKER. Mr. Wilson or Mr. Haldeman, I practiced law for 17 years before I came to the Senate, and I remember many times that a client of mine on cross-examination by opposing counsel would be asked, "Did you ever talk to anybody about your testimony?" and before I could look up they would say, "No, I never did." You know it is almost a standard technique, but I am going to ask one more time just to make sure we have it in perspective. Mr. Haldeman, did you first prepare your testimony in coordination with the White House?

Mr. HALDEMAN. No, sir.

Senator BAKER. Did you advise the White House of the substance, the detail or any substantial part of your testimony before you came here?

Mr. HALDEMAN. No, sir.

Senator BAKER. But did you advise them of the one issue we have already covered, that is your information derived from those tapes?

Mr. HALDEMAN. I did not advise them of the information. I advised them of the question that I had.

Senator BAKER. And you did that through counsel?

Mr. HALDEMAN. Yes; that is correct.

Senator BAKER. All right. So much for that.

Let me move on to another matter.

Mr. HALDEMAN. Mr. Vice Chairman——

Senator BAKER. I am sorry.

Mr. HALDEMAN. Just to be sure I am absolutely correct; I have reported to the President on the contents of the tapes that I listened to, as a report to the President, not in the context of giving and not in the

time of the preparation of my statement, nor have I indicated that—what of that content would be in my statement.

Senator BAKER. All right, fine.

For fear my time runs out, and Rufus back here calls the clock on me before there is anybody else to ask questions, but let me move on to an entirely different subject now that we have got past the situation of the moment. I must say, Mr. Haldeman, that what I am about to say next is based partly on my personal observation and my information about the way you ran a tight ship at the White House. I think you did run a pretty tight ship, and the next question I am going to put to you is fairly subjective, but I would care for your comment.

How in the world could you run such a tight ship and still on the morning of June 17, 1972, have the papers emblazoned with the charge that 5 defendants, later 7, had been caught in the Democratic National Committee headquarters at the Watergate, followed on closely with the identification of one of them as the security officer of the Committee To Re-Elect the President, soon involving the general counsel for the Committee To Re-Elect the President, soon involving the transaction of funds, the number of other things that this record is burdened with now for many weeks; how could you run a tight ship and know all these things and not suspect that something was going on.

Mr. HALDEMAN. There is no intimation on my part, I don't believe—well, I will speak for myself, there is no intimation of my part that I didn't suspect that something had gone on. I knew that something had gone on. I didn't know what. I still don't know what exactly in terms of who did what, when, and how.

Senator BAKER. You have given us a pretty clear statement of what you learned and when you learned it, and that statement, of course, Mr. Haldeman, will be tested against the testimony of other witnesses, documentary evidence. Hopefully some day these tapes, and the documents that the committee seeks, and the circumstances, the probability and the improbability of the statement, will be weighed in the balances as the testimony of every other witness is weighed in the balances and some day I will have to arrive at a conclusion because some day I will have to help write a report from this committee.

The one thing that keeps recurring to me, and the one thing I have tried to put to every witness who has unique information in addition to their own personal information and knowledge is, "What did the President know and when did he first know it?" You were closer to the President of the United States more often than probably any other person in the world outside his immediate family. I want to know what you can tell me in that respect, what did the President know and when did he know it?

Mr. HALDEMAN. I have tried to tell that in the recounting of my statement; but what the President knew about the Watergate, again if we can divide to pre-June 17 and post-June 17, what he knew was basically what has been clearly established here. There doesn't seem to be much contention about what he knew and when on the pre-June 17 activities, as I see it.

He knew through the normal channels that the events had occurred, he knew, as ongoing developments in the course of the investigation and prosecution took place, that specific individuals were charged, tried,

and convicted. He was informed and acted on the basis of the information given him that the information that was made known was the complete information. He was told, as I think as has been recounted here several times, the only one in which I believe I was present was an occasion which perhaps the vice chairman was also present, which was a breakfast of the Cabinet and the—some of the Republican leadership in the Congress, and the senior members of the White House staff in September, I believe, on September 12, 1972.

Senator BAKER. I was—just for the record I was in Tennessee campaigning for my political survival at that time on that day.

Mr. HALDEMAN. All right, sir, a number of your colleagues were present at that breakfast meeting and the purpose of it was to review the upcoming campaign, a number of these people were going to be out campaigning for the President and so on, and the course of the meeting covered campaign issues and questions and answers on various things that the speakers would want to know.

In the process of that, the Attorney General of the United States spoke on the subject of the Watergate, and reported to this group that the facts of the investigation of the Watergate, including the statistics of numbers of interviews and all the facts that have been gathered and so forth, and then reported to this group, and the President, as he had reported earlier, that the indictments would be brought down in the next few days, and that they would complete the investigation, the investigation had been completed, and that there—it was clear to him and to the investigators and prosecutors that the guilt for the commission of the crimes at the Democratic National Committee was limited to those people who would be indicted, that it does not rise further in the membership of the staff of the Committee To Re-Elect the President or the White House.

Senator BAKER. Let me pick up one or two stitches and, by the way, let me say for the record, there is a vote in progress which I have now already missed. There is nobody else on the committee here and I am going to continue past my 10 minutes and yield a commensurate amount out of my next round to equalize things, but let me continue in this way. Rather than put a rather rhetorical question, which I did, what did the President know and when did he know, which he alliterates pretty much but does not elicit a response, let me ask you two or three things which are of interest to me. What did the President say to you when he found out that Liddy and McCord, two officials of the CRP, and important officials, were caught in the Watergate or in connection with the Watergate situation, can you tell us that?

Mr. HALDEMAN. No, he expressed at any time that you got—the discussion turned on the question of the break-in at the Democratic committee, just utter incomprehension as to how such a thing could have happened and why such a thing would have happened.

Senator BAKER. Did he ever ask to talk to McCord or to Liddy?

Mr. HALDEMAN. No; I do not believe so.

Senator BAKER. Was it ever discussed?

Mr. HALDEMAN. Not to my knowledge, no.

Senator BAKER. Did anyone ever suggest it to him?

Mr. HALDEMAN. I do not believe so.

Senator BAKER. Did you ever talk to McCord or Liddy?

Mr. HALDEMAN. No, sir.

Senator BAKER. I see Senator Inouye has returned now and I am past my time, and if I may, I will ask one more question before I yield to him. You know this tape situation has gotten to be a pretty celebrated affair.

Mr. HALDEMAN. Yes, sir; I understand that.

Senator BAKER. And you understand that I made the motion to institute litigation to test the privilege of the President to withhold that information from us, and that I feel very strongly about this subject. As I have indicated earlier, I think my concern in that respect is heightened by your testimony and your reference to portions of that tape. I also remarked, parenthetically to Mr. Wilson, that I gazed deep into his eyes and could not divine quite what was going on and I still cannot and I am going to continue to tantalize him a little with that. What I want to point out to you is that one statement in your addendum seems to me to be of extraordinary importance and I want to test the accuracy of your recollection and the quality of your note-taking from those tapes, and I am referring to the last, next to the last, no, the third from the last sentence on page 2, which reads, "The President said there is no problem in raising $1 million. We can do that but it would be wrong."

Now, if the period were to follow after "We can do that," it would be a most damning statement. If, in fact, the tapes clearly show he said "but it would be wrong," it is an entirely different context. Now, how sure are you, Mr. Haldeman, that those tapes, in fact say that?

Mr. HALDEMAN. I am absolutely positive that the tapes——

Senator BAKER. Did you hear it with your own voice?

Mr. HALDEMAN. With my own ears, yes.

Senator BAKER. I mean with your own ears. Was there any distortion in the quality of the tape in that respect?

Mr. HALDEMAN. No; I do not believe so.

Senator BAKER. Mr. Haldeman, my final question as a follow-on to that is do you have any idea whether or not any other witnesses who were present at other Presidential conversations that relate to the mandate of this committee to inquire, might also be entitled to hear those tapes as they relate to their conversations in order to refresh their recollection?

Mr. HALDEMAN. I do not know, Senator. But I—it is my understanding that no one would. In the first place, almost—I do not think anybody that has appeared or will appear before this committee knew of the existence of the tapes.

Senator BAKER. What about John Dean? He knows now.

Mr. HALDEMAN. He knows now.

Senator BAKER. Do you have any idea that Mr. Dean would be permitted to go to the White House and listen to those tapes?

Mr. HALDEMAN. No, sir, it is my understanding that no one has been nor will be.

Senator BAKER. Is the rationale for your utilization of them that it is an aid to the refreshing of your recollection for reporting to the President as a former staff member?

Mr. HALDEMAN. Yes.

Senator BAKER. Would not that precisely exact situation apply to John Dean?

Mr. HALDEMAN. Not at this point in time, no.

Senator BAKER. Would you be agreeable, Mr. Haldeman, if it could be negotiated otherwise, to bringing those tapes up here, those two tapes and playing them?

Mr. HALDEMAN. Well, Senator, you are asking me to take a position on a legal issue——

Senator BAKER. No; I am not.

Mr. HALDEMAN [continuing]. Contrary to the position that the White House has taken.

Senator BAKER. No; you are perfectly free to confer with your counsel if you wish. I am not asking, will you ask the President to do it. I am not asking you if you think we violate the doctrine of separation of powers. I am simply saying would Haldeman, a witness before this committee, be agreeable as an individual, if we can otherwise procure the tapes, to them being brought here and being played in public?

Mr. HALDEMAN [after conferring with counsel]. Having been advised by counsel that in his opinion I am not creating a legal problem by the answer that I would give, and that I would want to give without even talking to counsel, is that I would welcome that opportunity because they would confirm what I have told you.

Senator BAKER. Thank you.

Senator Talmadge.

Senator TALMADGE. Mr. Haldeman, following up Senator Baker's line of interrogation, why were you, and you alone, to the exclusion of every other witness who has been before this committee, permitted to listen to the tapes?

Mr. HALDEMAN. I was not permitted to listen in my capacity as a witness before this committee. I was asked to listen in my capacity or former capacity as a staff assistant to the President and as the assistant to the President who knew of the existence of the tapes.

Senator TALMADGE. Mr. Ehrlichman was not permitted to listen to them, was he?

Mr. HALDEMAN. Mr. Ehrlichman, I do not believe, was aware of the existence of them.

Senator TALMADGE. Now, you listened, I believe, once in April, that was before you left the White House.

Mr. HALDEMAN. That is correct; I listened to one of the tapes at that time.

Senator TALMADGE. And subsequent thereto in July after you became a private citizen?

Mr. HALDEMAN. That is correct.

Senator TALMADGE. Why would a private citizen be more entitled to listen to those tapes than a Senate committee of the Congress of the United States?

Mr. HALDEMAN. That is a question that I cannot answer, Senator. Except that I did it as a means of reporting to the President.

Senator TALMADGE. You are aware that the President has stated that he himself has listened to the tapes, and that he is satisfied that they sustain his point of view, although he stated that someone else might get a different interpretation. Now, you have listened to the tapes. In your judgment, is there any way you could get a different interpretation other than what the President of the United States said about it?

Mr. HALDEMAN. Senator Talmadge I think that the President's statement was that the tapes would sustain the position that he has taken with regard to matters here. I do not believe that, and I may be wrong but I do not believe that he said that that would be subject to interpretation by other people. I believe he said that the tapes contained commentary and discussion that would be or could be susceptible to interpretation. In my opinion, if you are asking my opinion, it would be that any reasonable person who listened to the tape, as I did, would come up with the same conclusion that I have and that the President has on an overall basis.

Senator TALMADGE. My recollection is that the President wrote this committee that he himself, after listening to the tapes, was satisfied that they sustained his viewpoint but that they could be subject to some other interpretation, and I read the letter from the President,

> I personally listened to a number of them. The tapes are entirely consistent with what I know to be the truth and what I have stated to be the truth. However, as in any verbatim recording of informal conversations they contain comments that persons with different perspectives and motivations would inevitably interpret in different ways.

That is a letter addressed to the chairman of this committee dated July 23.

Mr. HALDEMAN. I believe that is consistent with my answer to your question, Senator, which I would take to say that his conclusion and his belief is that the conclusion would be as he stated but that there were also comments in the tapes subject to various interpretation.

Senator TALMADGE. Let us get into another area briefly, please, Mr. Haldeman. I believe you requested $350,000 be sent in cash, be made available to your discretion at the White House, is that correct?

Mr. HALDEMAN. Yes, sir.

Senator TALMADGE. And that money was so sent?

Mr. HALDEMAN. Yes. It was not in the White House but it was available.

Senator TALMADGE. Available at your discretion?

Mr. HALDEMAN. That is right.

Senator TALMADGE. And it was money left over from the 1968 campaign?

Mr. HALDEMAN. Yes, sir. That was my understanding.

Senator TALMADGE. Did not that money ultimately wind up in the hands of lawyers to defend criminals, and criminals to pay the bail bond, to support and sustain their families?

Mr. HALDEMAN. I do not know that it did, Senator. I only know that it ended up being delivered to Mr. LaRue of the Committee To Re-Elect the President.

Senator TALMADGE. Mr. LaRue has testified before this committee how he spent the money. Most of it, I think, wound up in the hands of lawyers and families to sustain themselves while their husbands were in jail and being prosecuted for various crimes.

My question is this: That contribution was made to friends of the President for political purposes, to elect him. Do you not think it a violation of trusteeship to spend that money to pay for the support of criminals and lawyers for criminals?

Mr. HALDEMAN. I do not attempt to judge the reason for the defense funds that were set up. I did not attempt to judge it at the time they were set up and I do not know now.

Senator TALMADGE. Under your control, was it not?

Mr. HALDEMAN. What the impression was of it now?

No, sir; it was not under my control. It was moved from under my control to the control of the committee.

Senator TALMADGE. You sent it to the Committee for the Re-Election of the President at their request?

Mr. HALDEMAN. Not at their request. I sent it at——

Senator TALMADGE. At your request?

Mr. HALDEMAN. At my request.

Senator TALMADGE. You knew what they were going to do with it?

Mr. HALDEMAN. I did not know for sure what they were going to do with it or in fact they were going to do anything.

Senator TALMADGE. You had a pretty good idea, did you not?

Mr. HALDEMAN. I knew they had at the same time a need for these funds, for defense funds.

Senator TALMADGE. Suppose you were a candidate for public office, I was one of your admirers and wanted to see you elected. I wrote out a check and mailed it to you in furtherance of your campaign efforts to get elected to public office. Would you not think it would be a violation of the public trust if that money I sent to you ultimately wound up to defend criminals?

Mr. HALDEMAN. It would depend, I would have to say, Senator, on the circumstances of the individual situation to which—the hypothetical case or actual case. I am not fully familiar and I am not able to make the judgment.

Senator TALMADGE. Now let us get into another area. On page 25 of your statement to the committee, "I requested or approved use of these funds for such purposes as the continuing polling that we did during that period, for campaign support to a candidate for Governor in Alabama," and then skip over to page 26. "The Alabama campaign funds were in support of the candidate for the Democratic nomination for Governor who was opposing former Governor Wallace."

Now, that also was money contributing to the further political efforts of the President, was it not?

Mr. HALDEMAN. I assume it was, Senator Talmadge.

Senator TALMADGE. Do you not think it was a violation of the trust to take that from the President's political efforts and spend it in the Democratic primary in the State of Alabama?

Mr. HALDEMAN. No, I do not believe so. As I said here it was the belief of the President's advisers on the southern political scene that this was a sound political move on behalf of the President.

Senator TALMADGE. How much money was sent to Alabama?

Mr. HALDEMAN. I am not sure. The testimony has been, I believe—counsel? Mr. Dash?

Senator TALMADGE. About $400,000.

Mr. HALDEMAN. $400,000.

Senator TALMADGE. Who transmitted that money?

Mr. HALDEMAN. I do not know.

Senator TALMADGE. Mr. Kalmbach testified that he himself handled two secret funds in different hotels, that it was given to people un-

known to him, a total of about $400,000, and he understood that it was to go for political purposes in Alabama. He did not even know the name of the individual to whom he gave it, who they were, had never seen them before. Would you verify that statement?

Mr. HALDEMAN. I cannot verify it. I have heard the statement by Mr. Kalmbach.

Senator TALMADGE. Well, how did you handle this money? You requested it, then. You stated in your own statement, money to go to the Governor's race in Alabama.

Mr. HALDEMAN. That is right. I requested that the money be allocated for this purpose. I did not—I was not directly involved in the process of making the transfer of the funds.

Senator TALMADGE. Now, in this so-called investigation of the coverup, the entire investigation was left to John Dean, was it not?

Mr. HALDEMAN. The investigation of the coverup?

Senator TALMADGE. Yes. Whatever was taking place in the White House.

Mr. HALDEMAN. I am not sure.

Senator TALMADGE. There has been a lot of testimony that John Dean was requested to make an investigation. Do you know anything about that investigation?

Mr. HALDEMAN. An investigation of the Watergate, yes, sir.

Senator TALMADGE. All right. Whatever it was. No one else was involved in the investigation at that time?

Mr. HALDEMAN. No one at the White House, no. There were hundreds of other people involved in the investigation in the administration, the executive branch.

Senator TALMADGE. Well, this was a matter where specific charges were being made almost daily in the news media, was that not true?

Mr. HALDEMAN. No, sir, it was not with nearly that frequency but there were indeed charges made from time to time.

Senator TALMADGE. And even using the President being involved and the highest associates around him; is that not true?

Mr. HALDEMAN. I do not believe so.

Senator TALMADGE. You recall the facts that occurred daily in the news media in the country, do you not?

Mr. HALDEMAN. I do not believe any charges——

Senator TALMADGE. Speculation.

Mr. HALDEMAN. I do not believe there were charges that the President was involved, Senator Talmadge.

Senator TALMADGE. My question is this: Why, considering the serious nature of those charges and you, the President's closest confidential associate, Mr. Ehrlichman next closest to you and the President, was it left solely to the discretion of Mr. Dean and no one else?

Mr. HALDEMAN. Well, it was not in any way left solely to the discretion of Mr. Dean. It was under the supervision of the Justice Department and the Federal Bureau of Investigation and it was an investigation of unprecedented scope.

Senator TALMADGE. I thought all that came much later.

Mr. HALDEMAN. No, sir.

Senator TALMADGE. All of them were going on simultaneously?

Mr. HALDEMAN. Yes, indeed. The FBI investigation started immediately, as I understand it.

Senator TALMADGE. You and Mr. Dean were not doing the investigation at the same time, were you?

Mr. HALDEMAN. Pardon me?

Senator TALMADGE. You and Mr. Dean were not doing the investigation at the same time, were you?

Mr. HALDEMAN. I was not doing any investigation at all, Senator.

Senator TALMADGE. You finally got into it at a later date, did you not?

Mr. HALDEMAN. No, sir.

Senator TALMADGE. Mr. Ehrlichman got into it.

Mr. HALDEMAN. Mr. Ehrlichman was asked by the President on March 30 of this year to make an effort to assemble what facts were available and any other information he could get at that time.

Senator TALMADGE. There has been a lot of testimony on these demands for money. That caused trouble for the White House. How could any of the Watergate defendants cause trouble for anyone at the White House considered sufficient to consider demand for Executive clemency?

Mr. HALDEMAN. I do not know.

Senator TALMADGE. You never did get into the area of Executive clemency, no discussions with anyone at any time?

Mr. HALDEMAN. Not until March of this year, when it was raised in Mr. Dean's report to the President.

Senator TALMADGE. On April 17 of this year the President announced that on March 21 he began an extensive new investigation into Watergate as a result of startling new information which he had received on that date. Who conducted that investigation?

Mr. HALDEMAN. At the outset Mr. Dean, subsequently—well, let us see. You are talking about a statement he made on what date?

Senator TALMADGE. April 17, that he had discovered startling new information.

Mr. HALDEMAN. All right. He had discovered the information on March 21 and from the time of March 21 through——

Senator TALMADGE. That is correct.

Mr. HALDEMAN [continuing]. Through the—on, for about a week, it was Mr. Dean who was supposed to be giving him a full report and then starting March 30 he asked Mr. Ehrlichman to assemble the facts for him and try to give him a full report on it as he saw it.

Now, at the same time it is my impression, and if I—I would like to avoid impressions as much as possible, but I think this one is very much to the point that you are raising. I think that the President was investigating the thing himself also. He spent considerable time on this. He asked me from time to time to make phone calls, as I testified this morning. He talked with people and he asked questions that I think were a part of a personal effort on his part to gain information firsthand, although no attempt to make an overt personal investigation because that was something that just would not be possible for him to do.

Senator TALMADGE. To your knowledge, did the President believe that you were involved on March 2, 1973, when Mr. Dean implicated you?

Mr. HALDEMAN. On March 2?

Senator TALMADGE. Yes—March 21, I believe, is the correct date.

Mr. HALDEMAN. March 21.

Senator TALMADGE. Yes.

Mr. HALDEMAN. I don't believe that Mr. Dean implicated me on March 21 except to say that there was a potential problem that could develop in connection with the transference of the $350,000.

Senator TALMADGE. Did he question you about it extensively? The President?

Mr. HALDEMAN. The President? He asked me about the matter of the $350,000; yes, sir.

Senator TALMADGE. Mr. Ehrlichman testified that Mr. Petersen had pressed the President to fire you on April 15 because of the implications of the matter. Mr. Ehrlichman said that he voluntarily resigned under no pressure from the President. How about you? Did the President ask you to resign?

Mr. HALDEMAN. No, sir. The President and I discussed, as I testified this morning to the—to this committee, that at that time it became apparent to me, and I am sure it was apparent to the President, that I was not in a position to carry out my duties effectively and properly, and the question was discussed in terms—during the period of the last couple of weeks of April—in terms of a leave of absence or a resignation and ultimately decided on my part that a resignation was the proper course. The President agreed with that.

Senator TALMADGE. Now, you have been implicated by both Mr. Dean and the Assistant Attorney General, Mr. Petersen, and you were not asked to resign. That is your testimony, is it?

Mr. HALDEMAN. I don't believe that I had been implicated, Senator.

Senator TALMADGE. I am talking about what others have said.

Mr. HALDEMAN. Yes, sir, but I mean——

Senator TALMADGE. Dean so testified. I understand the Assistant Attorney General had urged the President to fire you on April 15. Do you know anything about that?

Mr. HALDEMAN. Well, you are basing that, as I understand it now, on Mr. Ehrlichman's testimony. My recollection is slightly different but——

Senator TALMADGE. You disagree with Mr. Ehrlichman at this point.

Mr. HALDEMAN. No, sir. I would like to explain my point. My recollection is slightly different and perhaps not substantially different in that it was my understanding that Mr. Petersen's recommendation was that the President place us on leaves of absence because the testimony, the information that he had, concerned or contained matters that would be embarrassing to us in terms of our continuing in our position. He specifically, as I understand it, informed the President that he did not have anything that legally implicated us on that basis and the President, it is my understanding, asked him—said that he would not take action to place us on leaves of absence in the absence of specific charges or information that did implicate us which Mr. Petersen, as I understand it, never produced.

Senator TALMADGE. Thank you, Mr. Haldeman. My time has expired and I must go to the floor to cast a vote also.

Senator Gurney.

Senator GURNEY. Thank you.

Mr. Haldeman, your statement was very full and comprehensive and so were the questions by counsel today.

I have more—mostly bits and pieces of information I would like to ask you about to sort of fill in.

On this business with Mr. Strachan, cleaning up the files, and his later shredding, I think he testified, as I recall, that later on during an airplane trip on Air Force One he brought up this question with you. Do you recall that?

Mr. HALDEMAN. No, sir. As I said, I don't recall a report from him. I don't recall requesting him to do—to clean up the files nor do I recall a report that he had done so.

Senator GURNEY. Did you ever discuss with Mr. Mitchell anything about the break-in or the coverup of Watergate? And now I am—of course, I know you did late this year, in March, but I am talking about earlier, after the break-in, or during 1972?

Mr. HALDEMAN. After the break-in I am sure there were discussions—there were discussions regarding the break-in and the ongoing developments in the Watergate case and I am certain that Mr. Mitchell was in some of those discussions. So the answer regarding the break-in would be yes.

Senator GURNEY. I should have phrased my question a little better. Did you ever discuss any matters with him that indicated to you that there was a coverup, is what I really intended to ask.

Mr. HALDEMAN. No, sir; I attempted in my statement to try to draw a distinction between what now is termed coverup, which I feel is a loose term, that is not maybe defined in each person's mind the same as in each other person's, and it has so generally come to mean the illegal acts that have been made forth here, that when you say coverup, if by coverup you mean any of the illegal actions that were or have been alleged to have been taken, then my answer would be very clearly no.

Senator GURNEY. I did intend that. I did intend to refine it to include the illegal actions.

Mr. Magruder worked for you as a staff man in the White House; did he not?

Mr. HALDEMAN. He did for a short period of time. He came in to the White House as a special assistant under my direct responsibility as a project man and continued in that role for approximately 4 months, I believe, at which time he moved over to Herb Klein's office as Deputy Director of Communications, which was a post he held for a year, over a year I believe, before he went to the reelection committee.

Senator GURNEY. Were you at all close to him during this period of time in the White House? Were you close personal friends, see a lot of each other?

Mr. HALDEMAN. No. He was a member of my staff. During the time he was a member of my staff and I saw him fairly frequently on a business basis but I had no social relationship with him.

Senator GURNEY. Did he do any reporting to you when he was in his capacity of the Committee To Re-Elect the President as deputy campaign director?

Mr. HALDEMAN. Some, yes; but he primarily reported to Mr. Mitchell and I dealt primarily with Mr. Mitchell on matters relating to the reelection committee.

Senator GURNEY. Again in any conversations that you had with Mr. Magruder in the year 1972, did you discuss any of the illegal aspects of the coverup of Watergate?

Mr. HALDEMAN. No, sir.

Senator GURNEY. One of the questions or issues brought up at the La Costa meeting in California was this business of raising money, and I know you testified about it in your statement. My recollection was that you did not recall that the issue was discussed; is that correct?

Mr. HALDEMAN. I have no recollection of the discussion of money in that meeting.

Senator GURNEY. Of course, out of that meeting arose the dispatch of Mr. Moore on the mission to New York to talk to Mr. Mitchell about raising more money but you have no recollection of that at all?

Mr. HALDEMAN. It is my understanding from Mr. Moore's testimony that he went to New York to talk to Mr. Mitchell about a number of things.

Senator GURNEY. Well, that is true. There were other things at the meeting.

Mr. HALDEMAN. And among them was the question of raising money. I have no recollection of that having been brought up. As I said this morning, I was in, I believe, most of the meetings or I was in the room most of the time that the meetings in La Costa were underway and I simply have no recollection of the discussion of money. As I said in my statement, if there was one, I am virtually certain that it would have been in the context of the type that Mr. Moore described which was very incidental to the meeting. That was not a principal subject under discussion at that time. It may have been a matter that came up peripherally.

Senator GURNEY. Mr. Dean stated—either in his testimony or—really I think both in testimony before the committee and also in discussions with committee staff prior to his appearance here, that he reported to you several days after the meetings with Mr. Mitchell on the Liddy plan that involved Dean, Mitchell, Magruder, and Liddy—reported to you about this Liddy plan.

Do you have any such recollection?

Mr. HALDEMAN. As I have stated, I don't have a recollection of the instance of his reporting that to me. I have a general recollection of his telling me that there had been such an occasion and I have a very clear recollection of his telling me last summer some time and a very clear recollection of his telling me in March of this year in considerable detail and several times of such a meeting. I also mentioned earlier that there is a date question there which raises some puzzlement in my mind as to what actually happened there. I had been willing to accept Mr. Dean's recollection, recounting to me of this meeting on the basis of the check of my log which had indicated that there had been such a—that I had had a meeting with Mr. Dean on February 1. That was in March when I was back looking through logs.

Then in June or July as these hearings got underway and I discovered that the two planning meetings were not in December and January as Dean had told me but were in fact on January 27 and February 4, I now find a question in my mind.

Senator GURNEY. And your best recollection is that he did not report to you in February of 1972?

Mr. HALDEMAN. I would have to put it that I don't recall his doing so. He has told me about it so many times that I have heard the story fairly frequently.

Senator GURNEY. Did I understand you to say that your logs do not show that you had a meeting with Dean in February?

Mr. HALDEMAN. My log does show that I did have a meeting with Dean on February 1 and that that was the only meeting I had with Dean in either February or January——

Senator GURNEY. I see.

Mr. HALDEMAN [continuing]. Of 1972.

Senator GURNEY. Do you recall what that meeting on February 1 involved?

Mr. HALDEMAN. No, sir.

Senator GURNEY. One of the points of controversy here which has become important is the so-called Dean investigation in June, July, and August following the break-in. Mr. Dean's testimony, of course, was he never conducted such investigation. What is your recollection?

Mr. HALDEMAN. My recollection is absolutely clear, totally unequivocal, and without any shade of doubt in any way, shape, or form, and that is that Mr. Dean was conducting an investigation, that everybody who would be in a position to be interested or concerned with it knew that he was, and that Mr. Dean knew that he was. I included in my statement some quotes from exhibit 34–43* which to my view, at least, confirmed that Mr. Dean knew he was and if I could take just a second, because I didn't put it in there, I would like to read—I think it is two sentences from exhibit, I believe 34–39** which Mr. Dean also put into evidence before this committee——

Senator GURNEY. Go right ahead.

Mr. HALDEMAN. And in which this—incidentally, 34–39 is the draft of a proposed letter or affidavit to be submitted by Mr. Dean to the Senate Judiciary Committee in response to its request that he appear before that committee with regard to matters in connection with the Gray confirmation hearings, and this draft which Mr. Dean put into evidence shows on its last page a line for sworn, you know, I swear that this is the truth or something of that sort, which would indicate that it was his intention to make this a sworn statement to the committee.

Senator GURNEY. This, I suppose, was contemplated in response to the Judiciary Committee wanting Dean to come before it——

Mr. HALDEMAN. That is correct.

Senator GURNEY [continuing]. To testify in connection with his FBI reports that he obtained from the Justice Department.

Mr. HALDEMAN. That is right, and in the process of that, on page 2 of exhibit 34–39 at the bottom, he enumerates facts that he would like to give to the committee concerning the matters which have been publicly raised and the second of those facts that he says he would like to give to the committee I would like to quote:

> 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 FBI 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 FBI.

*See Book 3, p. 1263.
**See Book 3, p. 1252.

That is in this draft that Mr. Dean himself has placed into evidence. And I say that one of the major puzzles in my mind in this whole case at this point in time is how John Dean possibly could contend or feel that he did not conduct an investigation, that he was not being looked to for conducting an investigation in the sense of being—of White House involvement and of being aware of all of the facets of the ongoing investigation by other agencies.

Now he was certainly not called in and commissioned "Chief Special Investigator for Watergate" and put in charge of all investigating activities that were being conducted in the Watergate matter, but he was the man at the White House who was investigating White House or potential White House involvement in Watergate and who was maintaining White House coordination with the other governmental agencies that were conducting the overall investigation of Watergate.

That is, I believe, absolutely clear.

Senator GURNEY. In other words, this affidavit which was never used before the Judiciary Committee prepared by him, states in effect that he was making an investigation?

Mr. HALDEMAN. Well, it would appear so, Senator Gurney. I can't verify the document. I accept it as something that the committee has in evidence.

Senator GURNEY. I think my 10 minutes have run out but let me ask just one other question.

You know, March 13 has been a vital date in the Dean testimony.

Mr. HALDEMAN. Yes.

Senator GURNEY. That is, the meeting with the President on March 13. And he stated in that meeting, of course, the President brought up Executive clemency as well as the $1 million. I am curious. Why wasn't that tape listened to? Do you have any idea why the President didn't instruct you to listen to that tape as well as the one on the 21st and September 15?

Mr. HALDEMAN. I don't know. For one thing, that was a meeting in which I was not present except for a few minutes.

Senator GURNEY. Yes.

Mr. HALDEMAN. It was—that may have been one of the meetings—of the tapes that the President listened to himself—also. As the President has indicated, he has listened to some of the tapes himself.

Senator GURNEY. Thank you, Mr. Haldeman.

My time has elapsed and I yield, Mr. Chairman.

Senator ERVIN. Senator Inouye.

Senator INOUYE. Thank you, Mr. Chairman.

Mr. Haldeman, I am certain you have seen the letter of the President dated July 23, 1973, addressed to the chairman of this committee. If not——

Mr. HALDEMAN. Is that the letter that was read earlier, Senator?

Senator INOUYE. I believe so. I will just read part of the first paragraph.

Mr. HALDEMAN. Thank you.

Senator INOUYE [reading].

Indeed, the special nature of tape recordings of private conversations is such that these principles apply with even greater force to tapes of private Presidential conversations than to Presidential papers.

And in your opening statement on page 19, the third paragraph, you say:

> I have had access under the supervision of a Secret Service agent to my handwritten notes regarding conversations with the President which are in the President's files.

I presume from this that the Secret Service agent was with you at all times.

Mr. HALDEMAN. When I was in the files; yes, sir.

Senator INOUYE. Do you recall the testimony of Mr. Alexander Butterfield?

Mr. HALDEMAN. Yes, I do.

Senator INOUYE. I am certain you recall that in response to an inquiry, Mr. Butterfield testified that these tapes were in the exclusive custody of a Secret Service agent at all times.

Mr. HALDEMAN. I don't recall that but I am sure that was his understanding.

Senator INOUYE. How, can you explain how this tape, the tape of September 21, was placed in your custody and permitted to take home and listen to in your living room or your den or wherever it was, at your leisure and I presume it was kept in your custody for nearly 24 hours, was it not?

Mr. HALDEMAN. Yes; I am sure it was.

Senator INOUYE. How would you explain that, sir? Here the President says that the tapes are much more important than Presidential Papers. You have indicated that when you were looking at your papers you had a Secret Service agent at all times and yet you were permitted to take this tape home.

Mr. HALDEMAN. That is correct. First of all, I believe you said September 21.

Senator INOUYE. March 15.

Mr. HALDEMAN. No; this is the tape of September 15.

Senator INOUYE. I stand corrected.

Mr. HALDEMAN. Is the one—I just wanted to be sure we are talking about the right tape. But at the time that I took the tape home and listened to it, the existence of the tapes was not known to anyone other than the limited people that Mr. Butterfield identified, and it was not contemplated, I do not believe, that its existence would ever be known to people, and it was a request to review material for the President which he knew I was familiar with and concerning a meeting in which I had been in attendance. Now, I should—let me also say just so the record is completely open on this, that I also had several other tapes in my possession at that time of other meetings which it had also been suggested or requested that I review but which I did not listen to because I believe they involved, I think all of them involved meetings at which I had not been in attendance at any time, any part of the meeting. In the September 15 meeting I had been in attendance for the entire meeting, and I decided not to listen to the tapes of the meetings to which I had not been—at which I had not been present—and I returned them without listening to them.

Senator INOUYE. Are you suggesting that the special label of top secret is placed on these secrets after Mr. Butterfield made it known to

us, that prior to that it was all right for private citizens to have access to it?

Mr. HALDEMAN. No, sir. I think that the access here was not in the capacity as private citizen but in a capacity as a former assistant to the President who was aware of the existence of the tape and was able, and had been present at the meeting, was able to review the tape for the President and report to him on its content.

Senator INOUYE. I gather from your opening remarks that you admire the President very much, sir.

Mr. HALDEMAN. Yes, sir.

Senator INOUYE. And that you have at no time knowingly disobeyed any of his lawful instructions?

Mr. HALDEMAN. I, in all honesty, would not be able to say that but wherever I have disobeyed any of his instructions knowingly I have informed him.

Senator INOUYE. We have here a letter dated July 30 addressed to your attorney, Mr. Wilson, and it says in part, "The President has requested that you inform the committee that Mr. Haldeman has been instructed by the President to decline to testify to such matters." And yet, unless my recollection is wrong, you appear to some of us as being overly eager to testify on this. In fact, you had your addendum ready.

Mr. HALDEMAN. Senator, I had two addenda ready because I wanted to be prepared for whatever the ruling might be. I have put the other addendum also into the committee record, which would have been the addendum I would have read had the committee not ruled that I was required to testify as to the earlier meeting.

Senator INOUYE. I am certainly aware at the time of your testimony this tape in particular and a few others were rather controversial.

Mr. HALDEMAN. Yes, sir.

Senator INOUYE. And the outcome of whether these tapes would be made public or not would have to be eventually determined by the courts.

Mr. HALDEMAN. Yes, sir.

Senator INOUYE. And the President so indicated that that should be the route?

Mr. HALDEMAN. Yes, sir.

Senator INOUYE. Why did you not join the President in that route?

Mr. HALDEMAN. Pardon me?

Senator INOUYE. Why did you not obey the President's instruction?

Mr. HALDEMAN. Why did I?

Senator INOUYE. Why did you not obey it?

Mr. HALDEMAN. I did not because the chairman ordered me not to.

Senator INOUYE. Were you prepared——

Mr. HALDEMAN. The committee, as I understand it, instructed me that I must testify, I must not abide by the instruction of the President to withhold information gained solely from the tapes.

Senator INOUYE. Will you abide by every wish——

Mr. HALDEMAN. Every wish.

Senator INOUYE. Any order of this committee?

Mr. HALDEMAN. Every lawful order of this committee properly made, certainly.

Senator INOUYE. We have a few things we would like to get from you, Mr. Haldeman, at some later time. [Laughter.]

Senator ERVIN. No, no, you have 2 more minutes.

Senator INOUYE. If I may, Mr. Haldeman, I would like to go through your statement, sir.

Mr. HALDEMAN. Sir?

Senator INOUYE. This is on page 23 where you discuss the establishment of the special investigations unit which later became known as the Plumbers, and the supervisor was Mr. Ehrlichman and two principal staff members, Mr. Krogh and Mr. Young.

Mr. HALDEMAN. Yes, sir.

Senator INOUYE. We have the CIA, the FBI, the National Security Agency, the Defense Intelligence Agency, and all of these agencies, I have been told, have competent people. Why did you find it necessary to form this special investigations unit?

Mr. HALDEMAN. I did not find it necessary to form this unit, and I——

Senator INOUYE. Somebody did.

Mr. HALDEMAN. Yes, sir; the President formed the unit.

Senator INOUYE. Why do you think the President found it necessary?

Mr. HALDEMAN. I think the President is the one that has got to explain that and I think he has in his statement of May 22.

Senator INOUYE. Did the statement suggest that the CIA, the FBI and the other agencies were inadequate in performing their duties?

Mr. HALDEMAN. The statement said and I am quoting, "It created a situation" the leak of the Pentagon Papers, "in which the ability of Government to carry on foreign relations even in the best of circumstances could have been seriously compromised. Other governments no longer knew whether they could deal with the United States in confidence. Against the background of the delicate negotiations the United States was then involved in on a number of fronts with regard to Vietnam, China, the Middle East, nuclear war arms limitations, U.S.-Soviet relations and others in which the utmost degree of confidentiality was vital, it posed a threat so grave as to require extraordinary actions. Therefore, during the week following the Pentagon Papers publication," the President, "approved the creation of a special investigations unit within the White House."

Senator INOUYE. Is the President suggesting there that he could not trust the CIA?

Mr. HALDEMAN. Senator, I am not the one to question on that. I was not involved in the creation of the unit. I was aware of it but I do not have firsthand knowledge as to reasons or the problems involved therein.

Senator INOUYE. May we go to page 25, it is in the middle of the page, in discussing the substantial fund, of large cash fund, and you have indicated, as Mr. Kalmbach has indicated, "He looked to me as well as to other people from time to time, for direction or approval, et cetera, disbursements of the funds."

Mr. HALDEMAN. Yes, sir.

Senator INOUYE. Who were the other people?

Mr. HALDEMAN. I am not sure. Apparently Mr. Ehrlichman, at least, in connection with the Ulasewicz payments, and there may have been others, I do not know. Mr. Kalmbach, I was picking that up from Mr. Kalmbach. I said, as he indicated, he looked to me as well as to other

people from time to time. I stated that as acquired from Mr. Kalmbach's testimony here.

Senator INOUYE. My final question during my 10 minutes, on that same page you say, "I requested or approved use of these funds for such purposes, et cetera, for campaign support to the candidate for Governor in Alabama." Just for the record, who was this candidate, sir? You approved $400,000.

Mr. HALDEMAN. I am not sure what his name was. He was the man who opposed Governor Wallace in the primary for the nomination for Governor.

Senator INOUYE. Was this candidate aware of this support?

Mr. HALDEMAN. I do not know if he was aware of the source of the support. I am sure he was aware of the support.

Senator INOUYE. Was he aware of the nature of the support?

Mr. HALDEMAN. I do not know. I had nothing to do with the dealings with the candidate or his campaign people and I do not know what the arrangements were.

Senator INOUYE. You had the job of approving the $400,000 expenditure and you were not curious as to how it was spent?

Mr. HALDEMAN. No, sir, because this was worked out by other people who were advising the President on the political situation in the South.

Senator INOUYE. Are you satisfied that these $400,000 went to the purpose that you had intended?

Mr. HALDEMAN. As to whether they did or whether they did not. I do not know.

Senator INOUYE. And as one in charge you were not concerned?

Mr. HALDEMAN. I was not in charge of the funds, Senator. Mr. Kalmbach was.

Senator INOUYE. But you requested or approved the use of this fund.

Mr. HALDEMAN. That is correct. A request was made for this admittedly very major allocation of funds for this purpose.

Senator INOUYE. I ask this because in your opening remarks in the area of advertisements and material you had to give the final OK.

Mr. HALDEMAN. That is because those related to Presidential policy. When you run an ad that states, makes a statement, it becomes a statement by the President, and I wanted to be sure that the White House had the final authorization in that process.

Senator INOUYE. So you were concerned about the minute details of those ads but not as to the expenditure of $400,000?

Mr. HALDEMAN. That is correct.

Senator INOUYE. I thank you, sir.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Haldeman, I would like to for a few more minutes relate to your, the acquisition of these tapes. As I understand it you listened to the tape of March 21 in April, and you listened to the tape of September 15 in the early part of July. Is that correct?

Mr. HALDEMAN. Yes, sir.

Senator WEICKER. And I would have to get the transcript, which isn't in my hands now, as to the testimony that you gave earlier this afternoon, but did I hear you say that you were put into a dilemma by the White House relative to those tapes?

Mr. HALDEMAN. No, sir.

Senator WEICKER. Well, let me ask you a question then: Do you think that you were put into a dilemma by the letter of July 23 from the President of the United States to this committee?

Mr. HALDEMAN. I am not sure that I would say that put me in a dilemma. I think that I found myself in a dilemma as I was preparing this statement and realized that I would be testifying as to my knowledge of the content of those two meetings, and that there was the—that I had heard the tapes as well as having been present at both meetings and there was the additional factor of my having heard the tape of that part of the March 21 meeting, at which I was not present, and this clearly posed a problem.

Senator WEICKER. Well, that is exactly what I am referring to. In other words, clearly, as you were preparing to come before this committee, did it not give cause for concern when you read the sentence in that Presidential letter which said:

> Accordingly the tapes which have been under my sole personal control will remain so. None has been transcribed or made public and none will be.

Is this what posed a problem to you?

Mr. HALDEMAN. That—yes, it would be. The question of—the problem was really posed before that in my own mind, I think in the sense that I knew there was a problem.

Senator WEICKER. What was the nature of the problem?

Mr. HALDEMAN. The nature of the problem was that I had knowledge of two meetings which I had attended, and which I was going to testify to, but that I also had had my recollection of those meetings refreshed by having heard more recently the tapes of those meetings and that I had heard the portion of the March 21 meeting in which I was not in attendance.

Now that, in itself, puts me in, I think Senator Baker described it quite well, a rather difficult situation. But with this statement I have the further problem of the President stating that these tapes will not be made public, and yet my testimony as to that part of the March 21 meeting which I was not in attendance was, in effect, a violation of the nonpublicizing of the tapes. I did not feel that my testimony, as to the other parts of that, of the March 21 meeting or as to the totality of the September 15 meeting, posed that same problem. For that reason I requested my counsel to get a determination from the White House as to how I should deal with the situation.

Senator WEICKER. Is not the problem then that you knew what you had done in regard to these tapes, specifically that you had heard two of them, that in the case of one of them, at least, you took notes which may or may not be interpreted as transcribing?

Mr. HALDEMAN. I took notes in both of them.

Senator WEICKER. Or took notes of both of them which may, or may not, be interpreted as transcribing, but this, what you knew that you did, and here comes a Presidential letter after these actions of yours in which the statement is made or the impression is given that nobody else but the President has had these tapes. Isn't that the essence of the problem?

Mr. HALDEMAN. No, because the President knew that I had heard the tapes.

Senator WEICKER. But clearly the impression is given to the public, to the committee in the letter to the committee, and certainly to the

public, that nobody, other than the President, had these tapes or listened to these tapes. I mean wasn't that the concern in your mind?

Mr. HALDEMAN. No, it wasn't. The concern in my mind was how I would deal with my situation concerning my testimony before this committee.

Senator WEICKER. Well, would you describe that sentence then as being accurate in light of the fact that you had access to the tapes?

Mr. HALDEMAN. I think——

Senator WEICKER. And that you had listened to the tapes?

Mr. HALDEMAN. Would you read me the sentence again.

Senator WEICKER [reading]:

> Accordingly, the tapes which have been under my sole personal control will remain so. None has been transcribed or made public and none will be.

Mr. HALDEMAN. I would say that that was accurate at the time it was written because they had been under the President's control; he had directed me to listen to them and report to him on them. I was acting on his behalf in doing so, and the——

Senator WEICKER. In what capacity were you acting on the President's behalf? I now refer specifically to the September 15 tape which you heard in early July, the 9th, 10th, 11th of July. As I understand it, you certainly were not an employee of the U.S. Government.

Mr. HALDEMAN. I was not but I was a former employee of the Government, former assistant to the President who was one of the few people who had knowledge of the existence of the tape and who had firsthand knowledge of the contents of the meeting having been present at the meeting.

Senator WEICKER. But what is the element of control? I don't understand the elements of control as between you and the President. How does he control you; you are a private citizen? You are not his employee.

Mr. HALDEMAN. Well, I am not his employee but I assure you that I will, as a private citizen, carry out the instructions of the President as effectively and diligently as I would as an employee. I am sure he would consider that to be the case.

Senator WEICKER. How could the President have been in control of these tapes while they were in your house?

Mr. HALDEMAN. I think that is—I think he was in control of them; he knew that I had them. He had asked me to listen to them. He knew I was going to report to him on the contents of them and return them to him.

Senator WEICKER. All right, the rest of that sentence reads, "None has been transcribed." Did you go ahead and transcribe any portion of these tapes?

Mr. HALDEMAN. No, sir.

Senator WEICKER. What did you do?

Mr. HALDEMAN. I made notes.

Senator WEICKER. And you do not consider that transcribing?

Mr. HALDEMAN. No, I do not. I would make—I made notes in the same sense that I would make notes if I were, if I had made notes in a meeting and transcribing would be to expand those or to—in the case of a tape, a transcribing would be, in my view, a literal reproduction in writing of the sound on the tape.

Senator WEICKER. Could the President control—could the President control what you did with these tapes while you had them? Could the President control that?

Mr. HALDEMAN. Not physically; no.

Senator WEICKER. The sentence reads, part of that sentence, "None has been transcribed or made public."

Do you feel that when the President turns something over to a private citizen that, in effect, it has now gone outside of Government channels and it is in the public's hands?

Mr. HALDEMAN. I do not feel at the time he said that it had been made public in the sense that I do not feel having me listen to the tape in order for me to report to him on it was a matter of making the tape public, no. I think he had every reason to believe he could rely on my confidentiality.

Senator WEICKER. In other words, because of your definition, very precise definition of these words in the letter of July 23 from the President to this committee, you do not feel that there is any inaccuracy to that statement relative to the fact that you had had access to the tapes at an earlier date and had listened to them.

Mr. HALDEMAN. I do not believe so. I believe the President considered my access to be totally under his control.

Senator WEICKER. Well, we have an awful lot of things then on our heads, you know, in the last couple of months, and I realize that both in numbers and in quality it almost puts us into a state of shellshock, but when I read a sentence, and this is the way I took it when we got the letter here on the committee, "Accordingly, the tapes which have been under my sole personal control remain so and none has been transcribed or made public and none will be." I think probably I got the same impression the rest of the American people got which was the fact that nobody else had gone ahead and either had the possession of those tapes or had listened to those tapes.

Now, we have your explanation, as I said, in very narrow terms as to this particular sentence but as a matter of common sense, as I have said earlier, it would seem to me any way that the dilemma that you found yourself in was a dilemma created as between the words of the President in his letter and your deeds of an earlier date.

Now, in your questioning by Senator Inouye, you made a statement, and this is the area that I would like to concentrate on in the few minutes that you have when you said it was not contemplated that the existence of these tapes would ever be known.

How did you contemplate withholding the existence of these tapes from this committee and the U.S. attorneys or the special prosecutor?

Mr. HALDEMAN. I never contemplated the existence of them being known. These were tapes that were produced with the knowledge of a very limited number of people. They were for a very limited purpose, and it was my understanding that their existence would not become known.

Senator WEICKER. Well, let's get out then to the start of your statement here before the committee today where you give the appearance of an individual, and as one part of a branch of government that is most anxious to get all the truth before the American people, and on page 3 of your opening statement you state as follows:

One of the great tragedies of our time is that, for the moment at least, a cloud hangs over the accomplishments of the past 4 years and the promise of the next 4 years because of Watergate, its aftermath, and related matters. This has spawned an unceasing barrage of charges, countercharges, allegations, innuendo, hearsay, rumor, speculation, hypothesis, which I devoutly hope these hearings and the concurrent work of the Justice Department and the special prosecutor will bring to an early and definite conclusion so the Nation and its leadership can again turn their thoughts and their efforts to more productive enterprise.

And you further state on page 2 of your opening statement the following:

I have full confidence when the entire truth is known it will be clear to the American people that President Nixon had no knowledge of or involvement in either the Watergate affair itself or the subsequent efforts of a "coverup" of the Watergate.

Now, Mr. Haldeman, with reference to the above two statements, what steps have you taken on your own initiative to clear up this matter and to assist in seeing to it that the full truth regarding the Watergate and the coverup be made known to the American people, which steps, I might add, if I can just qualify it, was not in response to the press, to this committee, or to some other congressional committee or arm of the judicial branch of Government. What have you done and what has this administration done on its own initiative to bring the truth before the American people?

Mr. HALDEMAN. What I have done, I have done nothing before the press because, as I said here, I felt it was more appropriate for me to try to do whatever I would do before the proper legislative and judicial bodies. I have attempted to cooperate as fully as I can with your staff in several long meetings, and I have looked to the opportunity to do so before the full committee which I am now doing. I have told the grand jury everything that I could tell them. I have tried to meet with the U.S. attorneys and review the thing with them. I did in a short meeting give a very full deposition on the matters germane to their lawsuit to the attorneys representing the Democratic National Committee and their associates.

As far as what the administration has done, it is my understanding that the administration conducted through its appropriate arms, the FBI, and the Justice Department, an enormously extensive investigation, and enormously thorough prosecution, and I have raised the question with principally John Dean who was our contact with that investigation, sometimes at my own instance and sometimes at the instance of the President, as to why or whether we can't get all these facts and get them put together and get them out and get them known.

I did not ever succeed in getting that done, although there were minor steps taken along the way.

I now, today, see reasons for that failure that I didn't see at the time and, as I said in my statement, I still don't feel that I know what actually did happen or who actually did it.

Senator WEICKER. Well, how do you—first of all, let me say this, that as I read your statement, every one of the actions which you indicate to me was a reaction rather than an action, a reaction to this committee or the prosecutor or whatever arm of Government is moving forward, but how do you jibe making a statement before the committee, on the one hand, or to me, that you advocated putting out the truth, getting out the complete statement, with the statement you

make to Senator Inouye where you go ahead it was not contemplated that the existence of these tapes would ever be known.

Certainly is there a greater repository of the truth in this matter than these particular tapes?

Mr. HALDEMAN. Yes, sir, I think there is. I think there is a much greater repository in the testimony of firsthand witnesses. The tapes relate only to several meetings with the President. The problems of the Watergate and the things we were trying to get out over a long period of time until March 21 or if you want to go back to February 27 didn't relate to meetings with the President at all, and I think that the facts need to be brought out, and will be brought out, are being brought out, and I don't think that in that connection, the tapes are the essential matter at all.

Senator WEICKER. But who is going to do this, who is going to bring these facts out, that is the essence of my question to you. Is the President going to bring the facts out?

Mr. HALDEMAN. I would think that the place ultimately that the facts will be brought out and the appropriate action taken with regard to those facts is through the judicial process which I have full confidence in and feel is the proper place to deal with criminal acts.

Senator WEICKER. So the American people are going to know the truth not by the leadership of their executive branch of Government but by the leadership of the judicial and legislative branches of Government, is that you answer?

Mr. HALDEMAN. My answer is that when you are dealing with criminal acts, and dealing with the questions of, the fine questions of law which I certainly am not qualified to comment upon, that the place for them to be dealt with, the forum for them to be handled in, is the judicial process.

Senator WEICKER. Well, I have just gotten the word from the bell-ringer that the time is up but I would suggest to you in my closing statement, and we will have additional time here, Mr. Haldeman. In times ahead as you are all sitting there in La Costa trying to figure out what to do about this committee and how to go ahead and slow it down or handle it or whatever term you want to use, that maybe the best way to have put this committee totally out of business would have been for the executive branch of the Government of the United States to have stood forth and told the entire story, and that would have been by far and away the best, the cleanest, the most above-board way of putting Senator Ervin and all the rest of my colleagues here right out of this room.

Mr. HALDEMAN. As I indicated in my statement, that was one of the principal purposes of this La Costa meeting.

Senator WEICKER. And it never happened?

Mr. HALDEMAN. That is right.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. Thank you, Mr. Chairman.

Mr. Haldeman, when you took the September 15 tape to your home, I believe you indicated that you played it in your home?

Mr. HALDEMAN. Yes, sir.

Senator MONTOYA. What kind of a tape player do you have?

Mr. HALDEMAN. I don't have a tape player for this; I was supplied

with a tape player by Mr. Bull, with a machine for listening to the tape.

Senator MONTOYA. What kind of a machine was it?

Mr. HALDEMAN. I don't know, sir. It was a battery-operated portable tape recording device.

Senator MONTOYA. It was a regular portable machine then?

Mr. HALDEMAN. Yes, sir.

Senator MONTOYA. And how many times did you play this?

Mr. HALDEMAN. Once.

Senator MONTOYA. Did you have a recording device on this machine?

Mr. HALDEMAN. No, sir.

Senator MONTOYA. It was just a straight tape player?

Mr. HALDEMAN. Well, there is, as you probably know, it is a tape machine that both records, the machine is capable of recording or of playing tape. It can only do one thing at a time; and at the time I was using it, it was playing, not recording.

Senator MONTOYA. So you played the tape from the beginning to the end, is that it?

Mr. HALDEMAN. The tape of that part of the—that part of the—tape that concerned the September 15 meeting.

Senator MONTOYA. All right. You only played one side then?

Mr. HALDEMAN. Yes, and I didn't play the entire side because these tapes cover an extended period of time, and the portion that I played was only that portion relating to the meeting with Mr. Dean. I had to skip a little bit and listen, actually September 15 was an afternoon in which I was meeting with the President all afternoon, I listened to little bits to find where the Dean meeting started. As soon as the Dean meeting started, I listened to that in its entirety and then turned it over.

Senator MONTOYA. Were all the reels uniform that you used for taping purposes in the White House?

Mr. HALDEMAN. I don't know, Senator, because I have not reviewed them.

Senator MONTOYA. What size of a reel was this, more or less?

Mr. HALDEMAN. Seven inches, maybe.

Senator MONTOYA. About 7½ inches. That is standard.

Mr. HALDEMAN. All right. If 7½ is standard, I would assume it was a 7½-inch reel.

Senator MONTOYA. Yes. And the March 21 tape, would you say that was about the same size?

Mr. HALDEMAN. Yes, sir; on the same size reel.

Senator MONTOYA. And what did you play that in?

Mr. HALDEMAN. I am sorry?

Senator MONTOYA. What did you play the tape of the March 21 meeting in? What kind of a tape recorder?

Mr. HALDEMAN. Either the same one or similar one to the one I used for the September 15 tape.

Senator MONTOYA. You only ran the tape once and you stopped it occasionally and made notes, is that about it?

Mr. HALDEMAN. That is correct; yes, sir.

Senator MONTOYA. All right. Now, how long did it take you to transcribe these notes?

Mr. HALDEMAN. I did not transcribe the notes, Senator.

Senator MONTOYA. How long did it take you to play this tape, and how long did it take you to make notes from these tapes?

Mr. HALDEMAN. I am not sure. I did not time it.

Senator MONTOYA. Well, will you estimate the time with respect to the March 21 date?

Mr. HALDEMAN. That is difficult to do because I am not sure.

Senator MONTOYA. All right. Now, did the March 21 tape have the conversation and dialog between the President and Mr. Dean as well as the dialog in which you participated after the President and Mr. Dean had met?

Mr. HALDEMAN. What I listened to was the entire content of the President's meeting with Mr. Dean in which I was present for the final 40 minutes.

Senator MONTOYA. All right. Did you listen to yourself, too?

Mr. HALDEMAN. The 40 minutes in which I was present?

Senator MONTOYA. Yes.

Mr. HALDEMAN. Yes, sir.

Senator MONTOYA. And that was on the same tape?

Mr. HALDEMAN. Yes, sir.

Senator MONTOYA. All right. Now, if it was a 7½ tape, and I am going to show you one, you only listened to one side, this would be only about 30 minutes.

Mr. HALDEMAN. It depends on the speed of the tape, Senator. The tape recording machine had—in fact, I had a problem with that because the machine has a number of settings for how fast you run the tape.

Senator MONTOYA. All right. What was the speed of the tape?

Mr. HALDEMAN. I do not know. There were, I think, four different settings, and when I first started it, I got that noise you are familiar with of a tape that is running too fast, and I moved it down to the lowest speed that the tape recording machine operated at and that provided the sound at the proper level.

Senator MONTOYA. Well, that is why I asked you how long it took you to play the tape. Can you estimate the time?

Mr. HALDEMAN. No, sir. The meeting took an hour—I mean, 105 minutes, 60 minutes—65 minutes after I came in, a total of 105 minutes.

Senator MONTOYA. And would you say that the tape ran 1 hour and 40 minutes?

Mr. HALDEMAN. Well, 105 minutes, yes; 1 hour, 45 minutes.

Senator MONTOYA. An hour and 45 minutes?

Mr. HALDEMAN. Yes.

Senator MONTOYA. Are you sure about that?

Mr. HALDEMAN. Yes. I am reasonably sure. As I say, I did not time it when I listened to it.

Senator MONTOYA. I just want to know the facts, what kind of a tape you had and——

Mr. HALDEMAN. I can find out for you, Senator. I can get——

Senator MONTOYA. And what kind of a speed the tape had. I think that is very relevant.

Mr. HALDEMAN. I see that it is and it is easily—well, I assume it is easily obtained. It is a matter of fact and I am sure can be ascer-

tained. I know that they recorded these tapes at the slowest possible speed so as to get the most amount of material onto an individual reel, because as you can imagine, this was producing quite a lot of tape.

Senator MONTOYA. Well, who would change these tapes when the tapes ran out?

Mr. HALDEMAN. It is my understanding that this was handled entirely by the—by several staff members of the Technical Security Division of the Secret Service.

Senator MONTOYA. All right.

Now, let us go into another subject matter. I believe you stated that the President did not get interested in trying to unravel the possible involvement of the White House until after the March 21 meeting when he announced that he wanted an intensive investigation. Is that correct?

Mr. HALDEMAN. He did not make an announcement after the March 21 meeting.

Senator MONTOYA. Well, he announced on April 17 that on March 21 he had determined that he would conduct and begin an intensive investigation into the Watergate affair.

Mr. HALDEMAN. Which he had done.

Senator MONTOYA. All right.

Mr. HALDEMAN. He was announcing a month later that he had done so.

Senator MONTOYA. Why did he not do this before and why did you and Mr. Ehrlichman—why did not both of you initiate investigations of your own?

Mr. HALDEMAN. Senator, I can speak for myself. I did not initiate an investigation of my own in this or any other matter simply because I was not the person to initiate investigations or conduct investigations and particularly in this matter which was the subject of, as I understood it, the most intensive or one of the most intensive investigations in American history.

Senator MONTOYA. Well, I believe you stated that both you and Mr. Ehrlichman relied on what Mr. Dean was doing and relied on the information which he was bringing to you, and that is why you did not manifest greater concern or go to the President or words to that effect.

Mr. HALDEMAN. Well, we relied on what the Federal Bureau of Investigation and the Justice Department were doing as reported to you by Mr. Dean.

Senator MONTOYA. And as a result of the——

Mr. HALDEMAN. And from time to time, by the Attorney General and others.

Senator MONTOYA. And as a result of the information which you were receiving from the Federal Bureau of Investigation, the information which you were receiving from Mr. Dean, you felt that there was no need to implement those investigations and start on your own under White House auspices or under Mr. Ehrlichman or yourself?

Mr. HALDEMAN. That is correct, with one minor exception, which is that I wasn't receiving any information from the FBI. I was receiving—Mr. Dean was and I was receiving information from Mr. Dean.

Senator MONTOYA. Was he imparting it to anybody who might have taken it to the President?

Mr. HALDEMAN. Imparting what, sir?

Senator MONTOYA. The FBI information.

Mr. HALDEMAN. He was not imparting any detailed FBI information to any of us, at least, not to me.

Senator MONTOYA. All right.

Mr. HALDEMAN. What information he was imparting to us was in summary form and verbal and was to the point that there had been nobody in the White House involved in the Watergate matter, which was the area of his specific concern and responsibility.

Senator MONTOYA. All right. Now, in the Washington Post on October 10 appeared a story to the following effect: "FBI agents have established that the Watergate bugging incidents stem from a massive campaign of political spying and sabotage conducted on behalf of President Nixon's reelection and directed by officials of the White House and the Committee for the Re-Election of the President." And the article continues.

Now, did this not excite the concern of those people in the White House, the Chief of Staff specifically, and the Assistant to the President for Domestic Affairs, Mr. Ehrlichman? Did not this story excite some kind of concern?

Mr. HALDEMAN. To a degree, but there had been a number of stories, many of them with some degree of accuracy and many of them with no accuracy whatsoever. So a story is one step in raising a question on that, but certainly not definitive.

Senator MONTOYA. Then there was——

Mr. HALDEMAN. May I say, Senator, that the allegation—I do not have that story before me but the allegation there, as I recall it, attempted to tie a number of what I believed to be at the time unrelated events together into a massive plot of—however it was defined there, espionage and sabotage.

Senator MONTOYA. Mr. Chairman, if you will permit me to finish my question——

Senator ERVIN. OK.

Senator MONTOYA. Now, on October 16 there was another story linking Mr. Kalmbach as attorney for the President with Mr. Segretti. Then on—in the Evening Star of Monday, October 23, there was a story linking Mr. Magruder, the Assistant Director of the CRP. Then on October 25 in the Washington Post there was another story linking Mr. Chapin, Mr. Strachan, who were employees of the White House. Then on October 25, 1972, there was a story in the Washington Post linking Mr. Dwight Chapin and Mr. Strachan and also another story later on linking Mr. Mitchell, Mr. Hunt, and Mr. Colson and reciting an article in Time magazine.

Did not all these things and other stories excite the concern of those people who had the administrative responsibility to inform the President as to what was going on from the outside?

Mr. HALDEMAN. Well, they certainly did in that sense, Senator, and the President, of course, was fully aware of those stories too, and asked questions. We did not have to excite the attention of the President to those——

Senator MONTOYA. Do you mean to tell me that he——

Senator ERVIN. I want to be fair. If I am going to enforce the 10-minute rule on other Senators I expect I will have to enforce it on you and myself.

Senator MONTOYA. All right. I just want an answer——

Senator ERVIN. You can come back to him and you have another turn but if I do not hold each Senator to the 10-minute rule I am in trouble and if I treat them all impartially I am not in quite so much trouble.

Senator MONTOYA. All right, Mr. Chairman.

Senator ERVIN. When I said that your interpretation of the tapes was released to the public through this committee, that it was what we call "connegling" in North Carolina, I was paying a compliment to the legal dexterity. You were forbidden by the President to testify about your interpretation of the tapes?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. Notwithstanding, you prepared a statement giving your interpretation of the tapes, and brought it down before the committee?

Mr. HALDEMAN. I prepared that as one alternative and another statement not giving my version as the other alternative——

Senator ERVIN. Yes.

Mr. HALDEMAN. Pending the decision of the committee as to how to deal with it. I wanted to be prepared for either eventuality.

Senator ERVIN. Then the lawyers for the President didn't advise the committee in any way by letter or by personal appearance that the President had any objection to your testifying about your interpretation of the tapes. And then instead of doing so, they entrusted the lawyer of the client who had prepared the statement giving his interpretation of the tapes to raise the objection to them and——

Mr. HALDEMAN. Well, Mr. Chairman——

Senator ERVIN. And I would have to say that not only is that what we would call very skillful legal dexterity, connegling in North Carolina, but if the writer of the Book of Ecclesiastes had been here he wouldn't have been able to say right that "there is nothing new under the sun." And that's the genuine truth.

Mr. HALDEMAN. Mr. Chairman, I can affirm that this act was indeed nothing new under the sun because this is the procedure we have been following in this matter ever since I retained counsel and since I have appeared before a number of committees of the Senate, the House of Representatives, before the grand jury, and before the U.S. attorneys.

Whenever any question arose relating to White House restriction, Presidential restriction on my testimony, whether it was in the early days of this process pure executive privilege at which time I was foreclosed from testifying as to anything relating to a conversation with the President, or whether it was a question of national security which was imposed upon my testimony in some other areas, or whether as it has been in recent days a question of separation of powers, in each case where such a question arose or a period that it was going to arise——

Senator ERVIN. I believe——

Mr. HALDEMAN. I asked my counsel to request advice from the White House as to how we were to deal with this. Counsel received that advice in the form of a letter from the counsel at the White House and such letter was delivered in the case to your staff regarding executive privilege and to the grand jury, the U.S. attorneys in regard to executive privilege, and so on.

So, this was not a new process that was dreamed up as of the arrival of the tapes on the scene.

Senator ERVIN. Well, it is rather unusual for your lawyers to interpose an objection but I will bypass that.

Mr. WILSON. What did you say was unusual?

Senator ERVIN. I think it is unusual procedure. It may be familiar to Mr. Haldeman but to me it is very unusual for attorneys for a client to trust an attorney who has a diverse interest to interpose their objection.

Mr. HALDEMAN. Well, that is the process that has been followed in this case since the day I left the White House and started the trial of testifying, Mr. Chairman.

Senator ERVIN. I don't want all my 10 minutes to be used up.

Mr. WILSON. I don't quite understand you. Is that criticism of me?

Senator ERVIN. No, sir. It is just praise for the legal dexterity of the attorneys for the White House that they can get another lawyer to do their work for them without drawing their salaries.

Mr. WILSON. Thank you, sir.

Senator ERVIN. Now, Mr. Haldeman——

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. Mr. Dean testified he had a talk with the President on March 13.

Were you present at that time?

Mr. HALDEMAN. As I said in my statement, Mr. Chairman, I do not recall being present at that meeting but the President's log does show that I was in for the first 12 minutes of it or for 12 minutes after the start of it.

Senator ERVIN. You haven't heard the tape of that meeting?

Mr. HALDEMAN. No, sir.

Senator ERVIN. And you don't know what Mr. Dean said during the time you were not present?

Mr. HALDEMAN. No, sir, and I don't recall anything he said during the time I was present.

Senator ERVIN. Let's see.

On this meeting, the tape showed that Mr. Dean told the President in this that you had gotten the fruits of the bugging from Strachan.

Mr. HALDEMAN. I am sorry. When——

Senator ERVIN. Mr. Dean told the President that you had gotten the fruits of the bugging from Strachan, didn't he?

Mr. HALDEMAN. In the March 21 meeting.

Senator ERVIN. Yes.

Mr. HALDEMAN. He told me that I may have. It was his understanding that Strachan had gotten the fruits of the bugging.

Senator ERVIN. Yes, and he stated also that you had OK'd the return of the $350,000 which Strachan had gotten from one of his friends to store, in cash.

Mr. HALDEMAN. It was not a friend of Strachan's but it was funds that Strachan had held in custody during the campaign period.

Senator ERVIN. Well, he told you that you had OK'd the return to the committee from the $350,000, didn't he?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. He told the President in addition that part of those

funds had been used by LaRue to pay the lawyers for the defendants in the Watergate case.

Mr. HALDEMAN. I am not sure that he did.

Senator ERVIN. Well, didn't he say that one of the things was the fact that you had used these Kalmbach funds?

Mr. HALDEMAN. No. That I had authorized the return of them to the committee. I don't know that he went to the next step. I don't recall that he did.

Senator ERVIN. Didn't he tell about the Segretti affair and say you had used funds for Segretti and you had authorized Kalmbach to pay funds for Segretti for the dirty tricks?

Mr. HALDEMAN. I have the feeling, Mr. Chairman, that he had already—that he had already described the Segretti activity to the President at some earlier point and that he simply alluded to it in this March 21 meeting.

Senator ERVIN. Well, you did authorize Kalmbach to pay the money to pay Segretti, didn't you?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And he also told the President that Colson, while he said that nobody in the White House was involved, he was talking about the bugging and the burglary, wasn't he?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And then he proceeded to say in these respects, that I mentioned, in which he said they could claim that you were involved.

Mr. HALDEMAN. With regard to the fruits.

Senator ERVIN. Yes, and then he said that it might involve Colson because he had urged expedition of the Liddy proposal.

Mr. HALDEMAN. That is correct.

Senator ERVIN. And then he also said that Colson could be involved because he allegedly had said something to Hunt about Executive clemency.

Mr. HALDEMAN. To Hunt or to Bittman, yes, sir.

Senator ERVIN. And also he said Colson could be involved because he had suggested the bombing of the Brookings Institution.

Mr. HALDEMAN. No, sir. I don't believe there was any reference to an individual in connection with the Brookings thing and I——

Senator ERVIN. He did say the White House could be allegedly involved on account of the proposal to bomb the Brookings Institution, didn't he?

Mr. HALDEMAN. No, sir.

Senator ERVIN. Did he mention the Brookings Institution?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. Well, what did he say there about it?

Mr. HALDEMAN. He said there was some problem regarding the Brookings Institution as I recall it.

I don't believe—my recollection—I don't know whether it is in that meeting or in another meeting but the way he referred to it was a second-story job at the Brookings.

Senator ERVIN. What is a second-story job?

Mr. HALDEMAN. I don't know what a second-story job is. I assume it is a burglary. But in any event, whatever it was wasn't carried out. I had not heard the story about the allegation of bombing of Brookings until it appeared in the press.

Senator ERVIN. Now, in addition to the emphasis on break-in, on burglary, he said he told the President that Magruder was certainly involved.

Mr. HALDEMAN. That he felt he was, yes.

Senator ERVIN. And he said there is a possibility or probability that Mitchell was involved in the break-in burglary.

Mr. HALDEMAN. He said he didn't know whether Mitchell was or not.

Senator ERVIN. Yes.

Then he also told the President that Hunt was demanding more money and that he told the President that Kalmbach had raised money to pay the lawyer fees for the defendants in the case.

Mr. HALDEMAN. That is correct.

Senator ERVIN. Yes, and also that he told him that Hunt was attempting to get $120,000 more by blackmail and that Hunt threatened that if he didn't get the $120,000 that he would tell the seamy things he had done for Ehrlichman.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And then the President got to discussing with him how much it would take to satisfy the demands of the blackmailers.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And he said $1 million or suggested that figure.

Mr. HALDEMAN. He said it could go—over a period of years it could go to $1 million, yes, sir.

Senator ERVIN. Then the tape said that the President said that there was no problem raising $1 million.

Mr. HALDEMAN. Well, I should put that the way it really came, Mr. Chairman, which was that Dean said, when the President said how much money are you talking about here, and Dean said over a period of years probably $1 million, but it would be very hard—it is very hard to raise that money. And the President said it is not hard to raise it. We can raise $1 million. And then got into the question of—in the one case before I came into the meeting making statements that it would be wrong and in other exploration of this getting into the—trying to find out what Dean was talking about in terms of $1 million.

Senator ERVIN. Are you familiar with the testimony Dean gave about his conversations on the 13th and the 21st of March with the President?

Mr. HALDEMAN. I am generally familiar with it, yes, sir.

Senator ERVIN. Well, this tape corroborates virtually everything he said except that he said that the President said there would be no difficulty about raising the money, and you say the only difference in the tape is that the President also added, but that would be wrong.

Mr. HALDEMAN. And there was considerable other discussion about what you do, what Dean would recommend, what should be done, how—what this process is and this sort of thing. It was a very—there was considerable exploration in the area.

Senator ERVIN. The tape recorded that, did it not? And also Dean testified about the discussion between Ehrlichman and him as to how they would bring this matter out before the grand jury?

Mr. HALDEMAN. I do not understand the reference to Dean's discussion with Ehrlichman.

Senator ERVIN. Well, just like you say here in your statement, that they discussed the question how to bring this out and Ehrlichman suggested everybody go before the grand jury.

Mr. HALDEMAN. Oh, I see.

Senator ERVIN. And then Dean suggested they go before the grand jury with immunity.

Now, can you point out any other differences except that about the President saying that would be wrong and what Dean testified?

Mr. HALDEMAN. Yes. I think that the differences in the appearance in the Dean testimony, at least, as I would understand it, that Dean said it will take $1 million and the President said that is no problem and that was no problem and that was the end of the matter, and that was not the end of the matter. I think that is a terribly important difference, Mr. Chairman.

Senator ERVIN. The original tape would be about the best way to determine whether what Dean said or whether your version is right, would it not?

Mr. HALDEMAN. I guess so, yes.

Senator ERVIN. Well, my time is up.

Senator Baker.

Senator BAKER. Thank you, Mr. Chairman.

Mr. Haldeman, let us talk about the money for a minute. I would like to talk about the excess of funds that you say you understood were left over from the 1968 campaign and also about the $350,000.

Mr. HALDEMAN. All right.

Senator BAKER. Do you have any information about how those 1968 funds were raised, who did it?

Mr. HALDEMAN. No, sir.

Senator BAKER. Whether it was in cash or on deposit?

Mr. HALDEMAN. Well, it was my understanding that—I think it was my original understanding and probably through this entire interim period that whatever funds it was Kalmbach had were all in cash. I understand from the testimony that has been given here that there was a certain amount in cash and an additional amount in bank deposits of some kind.

Senator BAKER. I am talking now about the 1968 campaign surplus.

Mr. HALDEMAN. So am I. If I understand it, the testimony that has been given here, and I should not be trying to characterize it, but my recollection is that you have been told that there was $1 million, a little over $1,100,000 or something like that, in cash.

Senator BAKER. Left over from the 1968 campaign?

Mr. HALDEMAN. That was my understanding, and about $600,000 or $700,000 in bank accounts.

Senator BAKER. You mean a total of $1,700,000 or $1,800,000?

Mr. HALDEMAN. That was my understanding of the testimony and it would be in accordance with my general understanding of the amount of money that Mr.—of which Mr. Kalmbach was custodian.

Senator BAKER. Over $1 million you understand was in cash and the balance was in accounts.

Mr. HALDEMAN. At the time, as I say, I thought it was all in cash.

Senator BAKER. Do you know why it was in cash?

Mr. HALDEMAN. No, sir.

Senator BAKER. Or how it came to be in cash?

Mr. HALDEMAN. No, sir. I would have assumed it was contributed in cash.

Senator BAKER. Do you know what happened to the fund at some subsequent time?

Mr. HALDEMAN. Well, as I have indicated in my statement, the fund was put into Mr. Kalmbach's custody. I knew following the 1968 election that Mr. Kalmbach did have a very substantial cash fund and that it was available for use on request and discussion with Mr. Kalmbach and I used, or asked for the use of, a substantial amount of those funds for polling during the 4 years from 1968 to 1972.

Senator BAKER. How on earth do you use cash for polling? Did you actually pay in cash?

Mr. HALDEMAN. I did not but I believe it was paid for in cash. And it was done because these were—these were polls that were taken at the White House request for White House use only, really for the President's information only, and we did not want the—either the knowledge of the polling or the results of the polling to be generally known outside of the——

Senator BAKER. In any event, there was, according to your understanding, over $1 million in cash that was turned over to Kalmbach who held it until, and this is the point I am getting to, it was turned over or was it turned over to the Committee for the Re-Election of the President?

Mr. HALDEMAN. Well, you have to start through a subtracting process because a lot of it, if not all of it, was used during the period from 1968 to April 7, 1972. I can account—I understand that there was about $400,000 used for polling. It has been testified here that $400,000 was used for the Alabama governorship campaign. I forget how much has been testified here was used for Segretti, but you have that figure. And I forget how much was used for Ulasewicz, but you have that figure. It is my understanding that all of those things came out of this fund.

Senator BAKER. Did the $350,000 in cash come from that fund?

Mr. HALDEMAN. That is my understanding; yes, sir. Now, I am not totally clear, as I indicated in my statement, as to the precise sources and allocations and disbursements of the fund Mr. Kalmbach—of which Mr. Kalmbach was custodian, and only Mr. Kalmbach can give you that information in that he was custodian of this surplus 1968 fund. He also undertook to raise funds in 1970 from supporters of the President for support of candidates for the House and Senate. And it is my understanding there were funds left over from that endeavor also, and then Mr. Kalmbach in 1971 undertook to raise a very substantial startup fund for the 1972 campaign.

Senator BAKER. Mr. Haldeman, what I am trying to reach really, is whether or not the $350,000 was a part of the $1 million or more in cash that was accumulated after the 1968 campaign, and apparently your testimony is that it was, according to your understanding.

Mr. HALDEMAN. That is exactly right. My understanding——

Senator BAKER. I am sorry, sir.

Mr. HALDEMAN. Yes, sir.

Senator BAKER. Did you request the transfer of that $350,000 in cash to the White House? That is, was it your request that produced that transfer?

Mr. HALDEMAN. Yes, in discussion with, I believe, Mr. Mitchell, Mr. Stans, and Mr. Kalmbach.

Senator BAKER. Did you ever discuss that with the President?

Mr. HALDEMAN. The President knew that we had a fund available. I do not know that I discussed the specific amount.

Senator BAKER. Did he know that $350,000 in cash was coming to the White House?

Mr. HALDEMAN. As I say, I do not know about the specific amount, but he knew that I would have available a fund for private polling.

Senator BAKER. According to my notes, that transfer was made between Hugh Sloan and Strachan on April 6, 1972. Does that accord with your understanding?

Mr. HALDEMAN. That is my understanding. I think there has been testimony somewhat different from that but not importantly so.

Senator BAKER. And you have already testified, I believe, that money was not in fact used for polling.

Mr. HALDEMAN. That is correct.

Senator BAKER. But rather as paid by check, I believe, from one of the other accounts of the Committee To Re-Elect the President or the finance committee.

Mr. HALDEMAN. Apparently so, at the end of the campaign. I did not realize that.

Senator BAKER. There is some testimony in the record, Mr. Haldeman, about a mining—mining of the Haiphong Harbor advertisement that was run in the newspaper, paid for out of this account. Did you direct the payment of that account?

Mr. HALDEMAN. As I said in my statement, Senator Baker, I was told by Strachan that $22,000 had been removed from the $350,000 to pay for advertising. I do not know that I—that he has ever told me or that I know what the purpose of the advertising was, but I have heard from somebody at some point that it was in relation to Vietnam support advertising.

Senator BAKER. The point I am trying to reach here is, did you authorize the payment from this fund of the cost of that advertising?

Mr. HALDEMAN. Mr. Strachan says he checked with me before he delivered or took the $22,000 out, had it delivered to the advertising people, and I do not recall his having done so, but that is what he had to open it.

Senator BAKER. And that was in cash, Mr. Haldeman.

Mr. HALDEMAN. Yes. At least that is my understanding. I did not—I was not directly involved in the transaction.

Senator BAKER. Is it also your understanding that the ad did not cost $22,000 and that there was some amount which I believe is variously stated at $15,000 or —$15,200 or $7,800 or some such amount that was left over. There seems to be some dispute in the record on that point. Were you aware of that?

Mr. HALDEMAN. Not until I heard it on television here.

Senator BAKER. Do you know—well, you do not know if that is the first you heard of it. I was about to ask, do you know who retained custody of the excess of that money?

Mr. HALDEMAN. I am not familiar with it. It was my understanding that the $22,000—I believe I was told that the $22,000—had been delivered to the advertising agency.

Senator BAKER. Do you have a firm recollection on that?

Mr. HALDEMAN. No, I do not. That is my——

Senator BAKER. Do you know the name of the advertising agency?

Mr. HALDEMAN. My recollection is—I was told, I believe it is Baroody Associates or something—has Baroody in the name.

Senator BAKER. Do you know where they are located?

Mr. HALDEMAN. I believe they are here in Washington, and they were I think, placing an ad for the "Tell It To Hanoi Committee" or some group of that sort.

Senator BAKER. Mr. Haldeman, did you experience—did you actually supervise the use of this cash for polling between 1968 and 1972?

Mr. HALDEMAN. I requested or instructed that polls be taken, that polling be done, and that instruction was implemented by either Mr. Strachan or Mr. Higby of my office directly with the polling organization, and they then made the arrangements, and I am not sure whether—which one of the two it was or perhaps both of them at different points in time, made the arrangements for Mr. Kalmbach to make payments to the polling company.

Senator BAKER. But Kalmbach actually made the payments?

Mr. HALDEMAN. I believe so.

Senator BAKER. Physically transferred the funds.

Mr. HALDEMAN. I believe so. I am not sure, but that is my understanding.

Senator BAKER. Do you know the name of the polling companies?

Mr. HALDEMAN. They used a number of polling companies.

Senator BAKER. Could you give us according to your best recollection, the names of those companies?

Mr. HALDEMAN. Opinion Research—I am not sure whether—I do not think any of those—probably principally Opinion Research. There were other polls taken by the Harris organization and by—there is another, Michigan Opinion Research, I think, and then a polling firm in California, but I am not sure that—whether any of those were taken from this source or whether all from this source were——

Senator BAKER. What was its average billing, approximately? What would a poll of this sort cost—$15,000, $20,000?

Mr. HALDEMAN. I am not sure. It would depend on the nature of the polls. We took a number of different kinds of polls, many of them telephone polls and some of them personal interview polls.

Senator BAKER. What I am reaching for is who actually gathered up a bundle of $100 bills, if that was the case, and physically delivered it to the polling organization? Would that have been Mr. Kalmbach?

Mr. HALDEMAN. That is my understanding; yes, sir.

Senator BAKER. But you do not have any personal knowledge.

Mr. HALDEMAN. No, sir.

Senator BAKER. Did you in fact—I am told my time is up. Let me finish this one question.

Did you in fact recommend the employment of Mr. Ulasewicz?

Mr. HALDEMAN. No, sir.

Senator BAKER. Did you discuss his employment?

Mr. HALDEMAN. I do not believe so. I was aware that there was such a person.

Senator BAKER. What was the extent of your knowledge of the proposed operations of Mr. Ulasewicz?

Mr. HALDEMAN. That is about it. He was a man that was working through Mr. Ehrlichman on special investigations.

Senator BAKER. What role did you play in the payment or authorization of payments to Mr. Ulasewicz?

Mr. HALDEMAN. I do not believe any.

Senator BAKER. Senator Inouye.

Senator INOUYE. Thank you very much, Senator.

I have another question on the tapes, Mr. Haldeman.

I would like to ask a question which I believe is in the minds of many people.

On July 9, 10, or 11, you are not certain, but on one of these 3 days, you were presented with several tapes and a tape recording machine in the Executive Office Building. You took this machine and the tapes home somewhere in Bethesda, and that evening you played the tape which you have testified was a recording of the conversations had in the oval office on September 15.

Mr. HALDEMAN. Yes, sir.

Senator INOUYE. My question is, can you from your knowledge, assure us that this tape that you listened to was in fact a faithful recording of the conversation which was held in the office on September 15?

Mr. HALDEMAN. I cannot of my own knowledge. I can say that the tape was delivered to me as such. It was in a box identified by that date, and it was very clear that the voices that I heard were those of the President, Mr. Dean, and myself.

Senator INOUYE. After you finished with the tape recording, what did you do with the tape?

Mr. HALDEMAN. I rewound it, put it back in the box, and put the box in the case that it had come in with the tape recording machine.

Senator INOUYE. And what time was that, sir?

Mr. HALDEMAN. It was in the evening. I do not know what time.

Senator INOUYE. When did you return this tape?

Mr. HALDEMAN. Well, as I told you, I had some other tape, and I think that I left the tape machine and the tape at my residence when I left the next day, and I think the following day was when I picked up the additional tapes which were of other meetings and which I then also took home the following evening and then did not listen to, and then I think I returned——

Senator INOUYE. Did you testify——

Mr. HALDEMAN. I think I then returned the whole—all the tapes and the machine. I took the tapes out of the envelope that they had been delivered to me in and put them in the case also and delivered all of them back on the following day.

Senator INOUYE. So your testimony is that the so-called September 15 tape recording was in your possession for 2 days.

Mr. HALDEMAN. I think it probably was.

Senator INOUYE. Who was in that house during that time?

Mr. HALDEMAN. No one. My family had moved to California, and there was nobody else using the residence at all.

Senator INOUYE. Can you assure this committee that no one else got hold of the tapes during that absence?

Mr. HALDEMAN. I can to the best of my knowledge, Senator, assure you of that in the sense that the tapes, the machine, and the tape itself were put in the suitcase and left in the closest of my study in my house. The house was locked when I left, and there was no evidence when I returned that anybody had been in the house, and when I took the case—the carrying case—out, no evidence that anybody had moved it or opened it.

Senator INOUYE. Can you assure this committee from your direct knowledge that the tape of September 15, which you returned 2 days later, is the same tape which is presently in the tape library in the White House?

Mr. HALDEMAN. I can assure this committee that I returned all of the materials that I—machine and all of the tapes, and I don't know what happened to them from there on. So I don't know what is in the files.

Senator INOUYE. This is the question that the people are asking: Is it possible that this tape during those 48 hours could have been doctored?

Mr. HALDEMAN. I don't consider it to be possible.

Senator INOUYE. You are not certain that the tape you listened to—that is now the tape in the library.

Mr. HALDEMAN. I firmly believe that it is. You asked if I could testify as to my personal knowledge. I have not gone back to the tape storageroom and relistened to the tape to ascertain whether in fact it is the one that I listened to.

Senator INOUYE. Thank you.

Now, I would like to get to the section on some of the activities which you attribute to opponents of the President. You have mentioned burning of campaign headquarters, damage to headquarters, splattering of dinner guests with eggs and tomatoes, slashing of bus tires: Can you testify to this committee that the people who were responsible for these criminal acts were on the payroll of the Democratic National Committee, or Mr. Wallace, Mr. Humphrey, Mr. Muskie, Mr. Jackson, Mr. McGovern?

Mr. HALDEMAN. I can't to my own personal knowledge make that statement; no, sir. I have, as I indicated to the minority counsel this morning, I believe in your absence or possibly you were here, said that it is my understanding that as much documentation as is available has been turned over to the staff for investigation into these incidents.

Senator INOUYE. Do you have any documentary evidence in your possession at this time?

Mr. HALDEMAN. Any documentary evidence?

Senator INOUYE. Yes.

Mr. HALDEMAN. No, sir. Now, wait. Excuse me, correction. I do have, I believe, what is probably a copy of the report that was turned over to the committee, at my home in California. I don't have it with me here.

Senator INOUYE. And this evidence will link members on the staff of these candidates in their involvement in these illegal activities?

Mr. HALDEMAN. In some of them. I have carefully indicated here that some of these took place with the clear knowledge and consent of agents of the opposing candidate. Others were acts of people who

were clearly unsympathetic, but may not have had direct orders from the opposing camps.

Senator INOUYE. Were you aware of the former Assistant Attorney General, Mr. Mardian, who testified here just a few days ago?

Mr. HALDEMAN. I heard some of it.

Senator INOUYE. At that time——

Mr. HALDEMAN. I have not read it.

Senator INOUYE. At that time Mr. Mardian was in charge of internal security and under oath he testified that no information was ever brought to his attention that "Anybody in the Democratic Party posed any threat at all in the form of violence or otherwise to the Republican Party or the security of the United States." Do you disagree with that statement, sir?

Mr. HALDEMAN. I would disagree—I don't disagree that any was brought to his attention, I don't know what was brought to his attention, but I have the distinct feeling from this information that there were such acts carried out.

Senator INOUYE. Mr. Haldeman, are you aware that on May 24 of this year, this Select Committee requested of the Department of Justice any evidence that they may have concerning links between violence or disruption and the Democrats?

Mr. HALDEMAN. I was not aware of that; no, sir.

Senator INOUYE. And we have received no official report or evidence to date. Can you explain why the Department of Justice cannot produce such evidence at this time?

Mr. HALDEMAN. I don't know that they cannot. I would assume that they should be able to, and as I say what evidence I have had brought to my attention I think has been turned over.

Mr. DASH. I would like to clear it because, Mr. Wilson, we have received from you a documentation of this kind.

Mr. HALDEMAN. It was not received from me, Mr. Dash. It was sent from, I believe, Ken Khachigian, K-h-a-c-h-i-g-i-a-n.

Senator BAKER. On that definitive piece of testimony the floor is yielding to Senator Gurney.

Mr. HALDEMAN. I don't vouch for the accuracy of that spelling, Mr. Reporter.

Senator GURNEY. In the interest of trying to expedite the hearings, I only want to ask one question at this moment.

One of the important pieces of testimony and something that was supposed to have occurred at the September 15 meeting—this was a statement by John Dean when he was here that that is when he first thought that the President knew about Watergate and about the coverup and, as I recall, he gained that assumption on this statement: He said to the President after there was some talk about Watergate "I don't think Watergate can continue to be contained." Now you were at the meeting, Mr. Haldeman, and also you reviewed the tape. Do you recall that any such statement was made by John Dean as to the President like that?

Mr. HALDEMAN. No, I don't, and I don't recall hearing it in the tape when I listened to it recently. There was a discussion, as I think I indicated in my statement, of Dean saying that the indictments that had been brought down meant the end of the investigation by the grand

jury but that now there would be other investigations, and that the GAO audit was underway. I think, at that time and that that was—I don't think it related to Watergate, but he was talking more in general campaign terms, and then there was considerable discussion of the Patman Committee inquiry that was, I guess, proposed at that time or was, in fact, underway, I am not sure which, and he said that something to the effect that nothing would come out to surprise us, which I took to mean that whatever facts there were that we already knew them, and that they were, as he had represented them.

Senator GURNEY. There was no offering of any facts by Mr. Dean about this Kalmbach raising of money and carrying money around by Mr. Ulasewicz?

Mr. HALDEMAN. No.

Senator GURNEY. And leaving it here and there and paying people off.

Mr. HALDEMAN. No.

Senator GURNEY. None of that discussion?

Mr. HALDEMAN. No.

Senator GURNEY. As far as you can recollect, you have reviewed the tape of this meeting, he, Mr. Dean, never made any such statement "That I don't think Watergate can continue to be contained" to the President?

Mr. HALDEMAN. I don't believe so.

Senator GURNEY. As I say in the interest of time I am going to yield at this point, Mr. Chairman.

Senator BAKER. Senator Montoya.

Senator MONTOYA. Following up our previous dialog, Mr. Haldeman——

Mr. HALDEMAN. Yes, sir

Senator MONTOYA. I laid the foundation about the statements which had appeared in the press and which certainly must have come to the attention of the President and people at the White House, especially you and Mr. Ehrlichman with respect to possible involvement of White House personnel as well as CRP personnel.

Now did he ever discuss these articles with the President or did anyone else?

Mr. HALDEMAN. Yes, the President was quite a thorough reader of the news and was very much aware of those articles at the time they appeared, and he initiated discussions, I would not call them discussions, he would raise the question of it, you know "What's the story on this or what's this thing about?"

Senator MONTOYA. Well, would he raise these matters with you or with Mr. Ehrlichman?

Mr. HALDEMAN. At varying times, I would imagine, probably both of us, each of us.

Senator MONTOYA. Well, what information did you have to adequately inform him on these things?

Mr. HALDEMAN. It would depend on the particular story that had arisen.

Senator MONTOYA. Well, I told you about the stories that had arisen?

Mr. HALDEMAN. Yes, but each of them referred to different matters. For instance, if it was the story on the Segretti matter, I had fairly

specific information to give him. If it was a broad-scale allegation of an espionage, I did not have any information to give him.

Senator MONTOYA. Well, what about the stories with respect to Mr. Kalmbach giving out money to Mr. Segretti? You stated that you called that to his attention, informed him as to the facts; what about Mr. Magruder, the story of Mr. Magruder that you might have been involved before June 17 in the Watergate affair. Did you inform him of that?

Mr. HALDEMAN. I don't remember the nature of that story and it was something that I think was denied at the time.

Senator MONTOYA. Now what about—there must have been some discussion if you people denied it?

Mr. HALDEMAN. We people did not deny, Senator.

Senator MONTOYA. Who denied it?

Mr. HALDEMAN. I assume Mr. Magruder did. That would be the logical place for denial.

Senator MONTOYA. And this was discussed with the President?

Mr. HALDEMAN. I don't recall a discussion with the President of that particular matter. I don't know that it was not.

Senator MONTOYA. Would you not say that he would be concerned with respect to the assistant director of the Committee To Re-Elect the President?

Mr. HALDEMAN. He would be concerned if it were proven that or there were a supportive allegation that he had done something of that sort, yes.

Senator MONTOYA. What about the story where—which relates to the FBI agents reports indicating that there was political spying and sabotage conducted by people in the President's Re-Election Committee and also directed by officials of the White House?

Mr. HALDEMAN. Senator, I don't know that story was—as I said there were a number of stories during that time. Some of them had some basis in fact, some of them didn't, and our reaction was, in terms of a newspaper story by those who had knowledge of the event that was under coverage, to try to determine what the facts were and make sure that if the story were correct that it be allowed to ride but if it were not correct or contained some areas of error that those be cleared up and corrected.

Senator MONTOYA. These stories were appearing in the press every day, in the Evening Star, in the Washington Post, in Time magazine, and in the press across the country, and you mean to tell me that the President did not ask you or Mr. Ehrlichman to try to complement the investigation that Mr. Dean was conducting at the time?

Mr. HALDEMAN. That is correct. He did not ask us to do so. He was fully aware that there was an investigation underway. He was equally aware, Senator Montoya, that there was a political campaign underway.

Senator MONTOYA. Then besides these stories that were appearing in the press every day Mr. Dean informed the President on March 21 about possible involvement on the part of White House personnel, and personnel at the CRP, and then on March 22, Mr. Mitchell came in to see the President, and I believe you and Mr. Ehrlichman and Mr. Dean were present at that meeting.

Now, did not the President ask Mr. Mitchell about any possible involvement on the part of people working for the CRP?

Mr. HALDEMAN. No, sir; he did not.

Senator MONTOYA. He did not direct any questions to Mr. Mitchell at that time with respect to any possible involvement before June 17 or after with respect to the coverup?

Mr. HALDEMAN. No, sir.

Senator MONTOYA. Did he ever ask Mr. Mitchell at any subsequent date with respect to these things, to your knowledge?

Mr. HALDEMAN. Not to my knowledge. As Mr. Ehrlichman has testified he did ask Mr. Ehrlichman to talk over this subject with Mr. Mitchell and Mr. Ehrlichman did so.

Senator MONTOYA. Don't you think this was very unusual because the President had trusted Mr. Mitchell implicitly, had appointed him head of his own campaign. He had been his Attorney General and his confidant and friend, don't you think it unusual for the President not to ask Mr. Mitchell about these things?

Mr. HALDEMAN. No, sir. I think that what the President would have done is what the President did do, which is to try to find out the fact rather than to confront a man with what in the President's hands at that time were unsubstantiated and very general in the case of Mr. Mitchell, very general allegations.

Senator MONTOYA. Doesn't a man when he is trying to elicit facts with respect to anything that connects him, go to one of his close friends if he knows that it is within the power of one of his close friends to disclose some facts or shed some light on those possible involvements?

Mr. HALDEMAN. Well, Mr. Mitchell had said that he had no involvement, and that statement was well known to the President.

Senator MONTOYA. No, but Mr. Mitchell also testified here that if the President had asked him that he would have cited chapter and verse about all these things, and still the President did not ask Mr. Mitchell, did he? That is your testimony.

Mr. HALDEMAN. To my knowledge, he did not.

Senator MONTOYA. That is all, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Did you have any personal contact, Mr. Haldeman, with Henry Petersen either before, before the Watergate break-in?

Mr. HALDEMAN. No, sir.

Senator WEICKER. After the Watergate break-in?

Mr. HALDEMAN. No.

Senator WEICKER. You have never met with Mr. Petersen?

Mr. HALDEMAN. No.

Senator WEICKER. You have never had occasion at any time to talk with him or meet with him?

Mr. HALDEMAN. That is correct.

Senator WEICKER. At any time up until your departure from the White House?

Mr. HALDEMAN. Or since. I don't believe I have ever met Mr. Petersen.

Senator WEICKER. Now, you state in your opening statement—

In the selection of his personal White House staff, the President emphasized the qualities of integrity, intelligence, and initiative. He urged that we bring in young people, men and women with great energy, enthusiasm of youth to provide those qualities, along with the wisdom and experience of the more senior members of his administration.

Now, who would you categorize as being the ultimate person that the President would look to insofar as personnel matters within the White House were concerned?

Mr. HALDEMAN. It would depend on the area in the White House.

Senator WEICKER. Well, let's talk about the White House staff.

Mr. HALDEMAN. Pardon me.

Senator WEICKER. The White House staff.

Mr. HALDEMAN. It would depend on which part of the White House staff.

Senator WEICKER. Aside from Dr. Kissinger's operations.

Mr. HALDEMAN. In the domestic area, Mr. Ehrlichman.

Senator WEICKER. Insofar as other persons are concerned. In other words, you didn't look upon your own role in any way, in other words, as having any charge of personnel, either at the White House or——

Mr. HALDEMAN. Oh, yes, indeed.

Senator WEICKER. All right.

Mr. HALDEMAN. But not the total charge of personnel.

Senator WEICKER, What areas were you in charge of?

Mr. HALDEMAN. White House operations, the staff secretary, the support units within the White House.

Senator WEICKER. What do you mean by support units?

Mr. HALDEMAN. Well, the speech writing and research group, the people who prepared the news summary and did that kind of activity for the President, the legal counsel's office from the administrative viewpoint, the special assistants that worked on projects from time to time. People came and went depending on the need at various times.

Senator WEICKER. And in the selection of personnel, whether by you or by Mr. Ehrlichman, the President emphasized the quality of integrity, intelligence, and initiative?

Mr. HALDEMAN. Yes, sir.

Senator WEICKER. Now, to what extent did you play a role in the staffing of the Committee To Re-Elect the President?

Mr. HALDEMAN. I have already discussed that in some detail. The role that I played was one of consultation in the area of moving White House staff people over there in connection with whether they were people that could and should be diverted from the White House to the committee; some questions of compensation because of balance between the White House and the committee.

Senator WEICKER. I am a little bit confused by your opening statement as to exactly what your relationship is. You say that you did not function as the White House liaison but you say that "the President looked to me as his basic contact with the campaign organizations."

Mr. HALDEMAN. As his basic contact.

Senator WEICKER. All right.

Now, you say you maintained communication with John Mitchell in this regard until July of 1972, and then with Clark MacGregor. All right.

And you say that "Gordon Strachan on my staff handled the day-to-day liaison with the committee for me in virtually all my contact with the committee."

Mr. HALDEMAN. That is right.

Senator WEICKER. Well, in view of your initial statement here about the qualities of integrity, intelligence, and initiative, what is your reaction, what is your reaction to the fact that several of these young men who were hired both by the White House and the Committee To Re-Elect the President, come before this committee and have admitted to being parties to the payment of hush money, perjury, subornation of perjury, and other illegal and unethical conduct and who sets the example since I can only assume from what you said when they came into the White House and came into the Committee To Re-Elect the President they had the qualities of integrity, intelligence, and initiative.

Mr. HALDEMAN. They were certainly selected with the hope that they had those qualities. And I believe that virtually all of them did, and do.

Senator WEICKER. Well, would you consider Mr. Magruder at the outset to have been someone whom you had confidence in?

Mr. HALDEMAN. Yes, he was.

Senator WEICKER. Is this one of the reasons why he went to the Committee To Re-Elect the President?

Mr. HALDEMAN. It was one of the reasons, yes.

Senator WEICKER. Well, now, we have had Mr. Magruder before this committee testifying as to certain things that he did.

Are these matters that you feel that you should share responsibility for?

Mr. HALDEMAN. No, sir. I don't feel that I should share responsibilities for them. I was not a part of his doing them. I feel a deep sense of sorrow, if in fact what has been discussed here is what happened. Because I think it is a very tragic thing. But I feel no sense of responsibility in those areas because I was not involved in those areas.

Senator WEICKER. Mr. Strachan, did you go ahead and have a responsibility for his hiring?

Mr. HALDEMAN. Not originally, I don't believe. I think he was already on the staff when I came to know him.

Senator WEICKER. I think it is fair to say though he was one of your assistants that you had some responsibility for?

Mr. HALDEMAN. I had the responsibility for his coming into my office, absolutely, but I don't believe I had the responsibility or even knowledge of his original coming on to the White House staff.

Senator WEICKER. All right.

But nevertheless you had the responsibility of naming him as one of your assistants, specifically your liaison with the committee.

Mr. HALDEMAN. That is right, yes, yes.

Senator WEICKER. Now, here it is July 31, 1973, and your statement, on more than one occasion you take the testimony of Mr. Strachan and blow him, Mr. Strachan, out of the water, to use a modern expression, is that right?

Mr. HALDEMAN. I don't believe so.

Senator WEICKER. Well, you certainly indicate you disagree rather thoroughly with what his recollection of the facts is.

Mr. HALDEMAN. On a couple of points I do.

Senator WEICKER. I would say rather important points.

Mr. HALDEMAN. Yes, sir, they are, but I have tried to indicate that I—he has said that certain things were said or certain things were done which I am not aware of.

Senator WEICKER. Mr. Dean, did you have any contact with Mr. Dean's coming to the—or any involvement with Mr. Dean's coming to the White House?

Mr. HALDEMAN. Yes, sir; I did.

[Conferring with counsel.]

Senator WEICKER. Do you feel you share any responsibility for the things which Mr. Dean testified to before this committee?

Mr. HALDEMAN. No, I certainly do not.

Senator WEICKER. Do you feel that your contacts with Director Helms of the CIA have enhanced his reputation since the matters of your meetings with him have come to public attention?

Mr. HALDEMAN. You are using the plural, Senator, I had one meeting with Director Helms in this regard, and I had that meeting with him at the direction of the President, did what I was told to do by the President, and I feel that it was completely proper and in the national interest to do so.

Senator WEICKER. Mr. Gray, did you have any contact with Mr. Gray or any——

Mr. HALDEMAN. Virtually none.

Senator WEICKER. Or any ivolvement with his being selected or considered as a Director of the FBI?

Mr. HALDEMAN. Not really, no.

Senator WEICKER. I just wonder, I realize my time is running out and I have many questions which I will get to tomorrow, but I just wonder in light of your statement where the President emphasized the qualities of integrity, intelligence, and initiative, and I have seen so many young people come before this particular committee in the capacity of, in their various capacities, with the Committee To Re-Elect the President, and I have seen other persons of a more mature age, who had various functions to perform in Government, and I have seen so many lives just so completely shattered, if you will, on the very quality which you emphasize or you said you emphasize in selecting people, who set the example for what happened.

Mr. HALDEMAN. I do not believe that anyone has to have set the example, and I think that there are probably many explanations for what happened, and I am not sure that any of us really knows what the true explanation is. But I cannot, Senator, if I could be permitted a moment, I cannot let this line of inquiry and the point that you are making, which is a very understandable point, simply lie there because you are referring to six or eight, maybe young people, and you are referring to six or eight as you have described them, more mature people for whom great problems have arisen, in some of the cases at least because of their acts.

In other of those cases perhaps because they have been falsely accused or have been brought into something that was not in any way of their doing. But in any event, take all of those people, and then

look at the rest of the people that have not been brought before this committee, and that will not be because they had in no way any involvement in any of this matter, and who have performed in outstanding fashion for the President and for this country, and I still have a very great sense of pride in the caliber and the performance and the proven record of the many young men and women and the many older men and women that I had a part in bringing into this administration in one way or another, and that others in the administration had a part in bringing in, and overall that President Nixon attracted to the service of this Government, and to the service of his administration and who, in my mind, judging by the results, and looking at it in the total context, not just in this microcosm of Watergate and the few people who have become enmeshed in it, some by their own doing and some inadvertently and some probably wrongly, some certainly wrongly, I would hate to see a sweeping conclusion drawn that there was something wrong with the people or the selection of the people, that have served this administration in the past and that are serving it now, and that will serve it in the future because I still stand four square behind the statement that I made in my opening statement that this was the most outstanding, most dedicated, and most able group of people with whom I have ever been associated and with whom I ever hope to be associated.

Senator WEICKER. Well, I am afraid that we had best review maybe exactly what this track record consists of.

Mr. HALDEMAN. I tried to give you the accomplishments of the administration.

Senator WEICKER. The Attorney General of the United States in whose office matters are discussed, which matters come to your attention, and which matters certainly in no way can be categorized as representing integrity or intelligence—initiative, yes.

A Secretary of Commerce, again whose associations with the Committee To Re-Elect the President, whose associations with this administration are now under question, and I have gone down and I can continue to list the names of those who have appeared, of those who have appeared before this committee, but Mr. Haldeman, I think that in light of the facts that are coming out, both you and I would agree that this went far beyond just a few men breaking into the Watergate but rather it's revealed, it has revealed a situation both within the Committee To Re-Elect the President and within the White House, whereupon everything that was touched was corroded.

Mr. HALDEMAN. No, sir, I will not in any way, shape, or form ever accept that allegation or contention. There is no way that any man in this country can make and establish the case that everything in the White House, everything that the White House touched was corroded and I think that does a grave disservice to the country even to state it and I apologize immediately for having responded with that amount of vigor.

Senator WEICKER. No.

Mr. HALDEMAN. Because you touched off a spark that I should have quenched in and responded with a little more patience and care, but, Senator, that is just a thing that is not true and it is a tragic thing that anybody could even think that it might be true,

Senator WEICKER. Well, I see this every day as I sit here when these people come before us and I would only say this, that the real problem is that your definition as to who does a disservice to the country has always been far too broad a definition.

Senator ERVIN. I would like to put in the record a copy of a letter to Mr. Wilson from Mr. J. Fred Buzhardt, and in view of some of the testimony of Mr. Haldeman, I would like to state that by direction of the committee, the chief counsel wrote a letter to the U.S. Department of Justice asking what information they had in the Internal Security Division or Federal Bureau of Investigation, concerning the action of Democratic candidates, and they got this reply on June 8, 1973; that is, the action during the 1972 election:

This is in response to your letter to me of May 24, 1973, requesting any "information received by the Internal Security Division, Department of Justice, which indicates or alludes to any criminal act or conspiracy perpetrated, or planned by or involving in any way any Democratic Presidential Candidate, including Senator Muskie or Senator Humphrey, or the Democratic National Committee, in connection with any violence group or disruption group carrying out or conspiring to commit any unlawful or disruptive act."

A thorough search of the files of the former Internal Security Division reflects no information of the kind which you requested. In addition, I inquired of the Federal Bureau of Investigation whether any information of the type you requested was ever furnished to the Internal Security Division by the FBI. I have been informed by the FBI that a search of their files "disclosed no information relating to the Committee's request."

The letter will be printed in the record.

[The documents referred to were marked exhibits Nos. 113 and 114.*]

Mr. HALDEMAN. Mr. Chairman, may I say that letter confirms recently what I said in my statement that your minority counsel said I was in error on, which I said there has been no investigation of these allegations, and the fact that these agencies have searched their files and found nothing would confirm that there has been no investigation.

Senator ERVIN. Yes, but wouldn't it be reasonable to suppose that if any such acts occurred as you stated that there would have been an investigation?

Mr. HALDEMAN. I don't think so.

Mr. WILSON. Mr. Chairman——

Senator ERVIN. Well, did you make any complaint?

Mr. HALDEMAN. Pardon me?

Senator ERVIN. Did you make any complaint?

Mr. HALDEMAN. I didn't. I don't know whether complaints were made or not.

Senator ERVIN. Yes.

Mr. THOMPSON. Pardon me, sir.

Senator ERVIN. Well, they say they have no information.

Mr. HALDEMAN. In their files.

Senator ERVIN. In their files, and——

Mr. HALDEMAN. They did not have any information in their files on the Watergate either, which was one of the problems.

*See pp. 3320, 3321.

Senator ERVIN. No, but there was plenty of reason for that. [Laughter.]

Mr. HALDEMAN. That may be for this, too.

Senator ERVIN. Well, I would think that the FBI and the Department of Justice are under the control of the administration, and I would have thought that it was the duty of the administration to have made a complaint to them if any such thing had occurred as you delineated.

Mr. WILSON. Mr. Chairman, what has your committee done to investigate this situation?

Senator ERVIN. We have had to spend a lot of time in investigating Watergate and haven't had any leisure to investigate anything else.

Mr. WILSON. I suspected that.

Mr. THOMPSON. Mr. Chairman, pardon me, sir, may I address that just briefly? I believe we have——

Senator ERVIN. We have some subpenas out, I understand.

Mr. THOMPSON. Yes, sir, and some interviews are in the process of being conducted. It appears to me that part of the reason for forming this committee is to investigate these types of activities. The resolution under which we are operating applies to campaign activities of 1972 and, of course, applies to Democratic activities as well as Republican activities. As to whether or not at some time previous the Justice Department had any indication of any wrongdoing, this would be relevant, but I certainly would not think it would be determinative.

I, for one, assure this witness and everyone else that I consider it part of our duty to explore these matters and they will be thoroughly explored, and if these matters come to light, it will be across the table and not in the newspapers; you pointed out that they have not been reported and may never be reported until these witnesses testify here.

Mr. HALDEMAN. Some have been and some have not.

Mr. THOMPSON. Right.

Senator ERVIN. I would say if Mr. Haldeman has any reliable information that any individual candidate or any person working for a candidate for the nomination or for the election, he ought to transfer it to this committee. This committee will investigate it.

Mr. DASH. Mr. Chairman——

Senator ERVIN. From the description, I just got an idea the country must have been in a state of insurrection during the last election.

Mr. HALDEMAN. Had you traveled with us, Mr. Chairman, you would have at times had that impression because it was indeed created at some times during the campaign.

Mr. DASH. Mr. Chairman, our staff is in the process of making such investigation and is in the process of looking at these matters whether it be involving the Democrats or Republicans. This set of hearings deals with the Watergate situation, and that is why such testimony has not come out but another series of hearings will be held which will involve that investigation.

Mr. HALDEMAN. That was my understanding, Mr. Dash, and certainly is my hope.

Senator ERVIN. Well, if there is no objection from any source, the committee will stand in recess until 9:30 a.m. tomorrow.

[Whereupon, at 5:50 p.m., the committee recessed, to reconvene at] 9:30 a.m., Wednesday, August 1, 1973.]

WEDNESDAY, AUGUST 1, 1973

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

The Select Committee met, pursuant to recess, at 9:30 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.

At a meeting of the committee this morning it was decided that the committee will call the following witnesses: Mr. Helms, General Walters, Assistant Attorney General Petersen, former Attorney General Kleindienst, former Acting Director of the FBI Gray, and General Cushman, and then recess.

Since the Senator from Georgia has been compelled to be absent from the committee during a good part of the recent examination of this witness, in order to handle the agricultural bill on the floor of the Senate and for that reason, since he has had no opportunity to interrogate the witness, without objection the Chair will recognize him first for that purpose.

Senator TALMADGE. Thank you very much, Mr. Chairman, and I shall attempt to be as brief as possible inasmuch as I must preside over an executive session of the committee very shortly.

Mr. Haldeman, we have had evidence here before this committee from witnesses and exhibits inserted in the record about various memorandums concerning White House requests for audits into individuals' tax returns.

Will you comment on that?

Mr. HALDEMAN. I can only comment to the extent, Senator, that there have been, over the time that I was in the White House, a number of inquiries made or pieces of information brought to the attention of various people within the White House, from time to time, that there were potential questions that should be investigated regarding business or financial activities of individuals, and there was a concern or a feeling that the IRS had been—during the time of our administration being out of office and subsequently even during the time that this administration came into office—there had been considerably more zeal shown by the IRS in looking into potential questions of those who were supporters of this administration than zeal shown in looking into inquiries that were directed or raised regarding those who were known and vocal opponents of the administration, and these factors would be brought to the attention of various people at the White House from time to time with a query as to why there wasn't some kind of investigation into the dealings of some particular person with regard to some matter and those would be referred to the IRS. That would be the context in which I recall the question being raised.

Senator TALMADGE. Here, I believe, is a talking paper prepared for you to use with Secretary Walters, who was then Secretary of the—or Director of the IRS, and here is paragraph (c), "H. R. Haldeman" or "H.R.H.," I assume that means you, "should tell the Secretary, Walters, that he must be more responsive in two key areas, personnel and political actions. First, Walters should make personnel changes to make IRS responsive to the President, Walters should work with Fred Malek immediately to accomplish this goal. (Note: there will be an opening for General Counsel IRS in the near future. This should be the first test of Walters' cooperation.)"

Did you use this talking paper?

Mr. HALDEMAN. Could I see it, please, Senator?

Senator TALMADGE. Certainly. Do we have another copy of this? I will show it to you and then ask you to return it to me.

Mr. HALDEMAN. This doesn't indicate to whom, by whom it was prepared, or to whom it was directed. I agree with you it does refer to "H.R.H. should tell the Secretary." I don't recall seeing it.

Some of the items in discussion or referred to in here—it doesn't seem to be dated either. Is there any further identification of this paper?

Senator TALMADGE. That was one of the exhibits that Mr. Dean placed in the record when he testified here, and I think that was reported to be a talking paper for you to use in discussions with the Secretary of the Treasury to try to make the Bureau of Internal Revenue Service more responsive politically and more responsive to the requests from the White House about audits of foes of the White House tax returns.

Mr. WILSON. Senator Talmadge, I am sure you would not ask any question which isn't relevant. Would you mind indicating the time factor here, the relevancy of this within your resolution, if the Chairman will permit it?

Senator TALMADGE. It all has relevance, I think, to the 1972 election. Apparently that is what it was geared up for and it is within the pur-

view of our committee if it relates to that. I would certainly think that if you have a paper relating to trying to make the Internal Revenue Service more politically responsive that it certainly would be within the purview of this resolution that created this committee.

Mr. WILSON. I was concerned about the date of it. If it had been back in 1969 or 1970 I would doubt it.

Senator TALMADGE. When was Walters revenue commissioner, do we have the dates here before the committee somewhere, some member of the staff? Perhaps Mr. Haldeman would know.

Mr. HALDEMAN. I haven't any idea.

Mr. DASH. It was after 1970 because Mr. Thrower was before him and there were some documents relating to Mr. Thrower in 1970 and Mr. Walters came in after Mr. Thrower.

Senator TALMADGE. One of the portions of that document does relate to Mr. Thrower, I believe.

Did you ever have any conversations at any time with the Secretary of the Treasury or anyone else about making the Internal Revenue Service more politically responsive?

Mr. HALDEMAN. Only in this—I don't recall any specific conversations with the Secretary of the Treasury. If I had any or I was a participant in any such conversations, they would have been in the context that I referred to earlier, Senator, which was the question of—well, as Mr. Dean indicated that the IRS bureaucracy at the lower levels was very strongly staffed with people or at least it was the feeling that it was—I don't know anything about it because firsthand I have made no investigation into this, this was the allegation—with people whose positions were due to previous administrations and whose interests were in the policies and philosophy of previous administrations, and that the diligence with which they pursued cases that had been referred to them relating to potential misdoings by opponents of this administration were not pursued with the diligence that they were pursuing matters relating to supporters of this administration. This had been the case when we were out of office and continued to be the case even after we had been in office for several years, and there was discussion of that question, and that, in that context, I may have had—I know I have been in discussions where that kind of feeling was under—was a topic under discussion.

I have not, I don't believe, ever met any Commissioner of the IRS other than Mr. Cohen who was Commissioner before we came in and who is now the attorney for the Democratic National Committee for their lawsuit and took a deposition from me some weeks ago.

Senator TALMADGE. Did you or anyone, to your knowledge, within the White House ever request the White House to make a political—an audit of any taxpayer?

Mr. HALDEMAN. In the sense of referring information that had come to our attention or information that appeared to indicate a reason for an audit, it is quite possible that that was done. I recall no specific such request.

Senator TALMADGE. Now, would they be foes of the administration or friends of the administration?

Mr. HALDEMAN. These would be inquiries or information that would come in from friends of the administration regarding foes of the administration. Or those who were considered to be.

Senator TALMADGE. Do you remember a particular effort to "get," so-called get Clark Clifford?

Mr. HALDEMAN. No, I don't.

Senator TALMADGE. You don't recall that?

Mr. HALDEMAN. I know that there was considerable—now wait a minute, Clark Clifford.

Senator TALMADGE. He is a prominent Washington attorney, as you know.

Mr. HALDEMAN. I am sorry; I was thinking of a different person.

Senator TALMADGE. Do you recall any effort to quash an audit of any friendly taxpayer?

Mr. HALDEMAN. To quash an audit?

Senator TALMADGE. Or to stop an audit, or to stop an investigation.

Mr. HALDEMAN. No. I do recall, as I say, the concern here of the balance between the zeal that was applied to inquiries into supporters as contrasted with inquiries——

Senator TALMADGE. See if I am understanding your statement now, it was the feeling of some in the White House that perhaps officials in the IRS were more zealous in their audits of friends of the administration than they were foes, is that your statement.

Mr. HALDEMAN. That was the contention that was raised, yes.

Senator TALMADGE. Let me say this, Mr. Haldeman. I am the second ranking member of the Senate Finance Committee, and our jurisdiction is the Internal Revenue Service among others, as you know. We have tried our dead level best to keep that totally nonpolitical and nonpartisan, totally objective, without favor, without fear to any taxpayer in the United States, and I certainly hope we can continue to keep it that way.

Mr. HALDEMAN. I am sure, sir, that you have attempted to do so, and I hope that you have been successful.

Senator TALMADGE. Thank you. I believe my time has expired, Mr. Chairman. Please return that exhibit.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. Now, Mr. Haldeman, can you tell us what day in July of this year you saw the tape of the September 15 meeting?

Mr. HALDEMAN. It was July 9, 10, or 11, Senator.

Senator ERVIN. Now, when did that meeting occur?

Mr. HALDEMAN. Meeting?

Senator ERVIN. Yes. That meeting did occur?

Mr. HALDEMAN. What meeting, sir?

Senator ERVIN. The 15th, and you were present and Dean was present and the President was present.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And it occurred in what is called the Oval Room?

Mr. HALDEMAN. That is correct.

Senator ERVIN. And you knew that this conversation the President held in the Oval Room or conversations held in his office in the Executive Office Building during the spring of 1971 down to a few days ago were recorded, did you not?

Mr. HALDEMAN. Yes, sir. I am not sure of the precise date when it started, but it was in that general area.

Senator ERVIN. And you also knew that the telephone calls received by the President in those two offices were recorded?

Mr. HALDEMAN. On that one particular phone; yes, sir.

Senator ERVIN. So the President undoubtedly has the tape in his possession of the September 15 meeting.

Mr. HALDEMAN. That is my understanding.

Senator ERVIN. Now, that was the day that the indictments were handed down.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And the people indicted were McCord and E. Howard Hunt, who at the time of the break-in was still on the White House payroll and had an office in the Executive Office Building.

Mr. HALDEMAN. Excuse me, sir. I do not believe that is correct. It is my understanding he was not on the White House payroll. It is——

Senator ERVIN. Well, you are not certain about that, are you?

Mr. HALDEMAN. No, sir; but it is my understanding that he was terminated at the White House some months prior to that.

Senator ERVIN. Yes, sir; but do you not know that he had an office in the Executive Office Building until after this, and some of his personal belongings and some of the things he had been working on, the papers, were still in his office at the Executive Office Building at the time of the break-in?

Mr. HALDEMAN. I am not aware of his office setup. I know there were materials of his still in the office at EOB, yes.

Senator ERVIN. And he had been a consultant to the White House?

Mr. HALDEMAN. Yes, I understand he had.

Senator ERVIN. When did you learn about the break-in of Ellsberg's psychiatrist's office?

Mr. HALDEMAN. I am not sure. Sometime in March or April of this year.

Senator ERVIN. Well, the evidence here is that it occurred in September 1971. So this man who some people would claim and I would claim was an accessory before the fact of burglary was on the White House payroll for a long period of time after that.

Now, were you responsible in any way for that fact?

Mr. HALDEMAN. I was neither responsible for it nor aware of the fact of the earlier action.

Senator ERVIN. Now, at that time did you not know that Hunt was also doing some work for the Committee To Re-Elect the President?

Mr. HALDEMAN. I do not know that I did, Mr. Chairman. I do know that now, yes.

Senator ERVIN. Yes. Another man indicted was E. Gordon Liddy, who was at the time of the break-in the chief legal adviser to Secretary Stans' Finance Committee To Re-Elect the President.

Mr. HALDEMAN. Yes. I knew he was the general counsel at the finance committee.

Senator ERVIN. And James W. McCord, Jr., who was indicted, and he was the chief security officer of Mitchell's Committee To Re-Elect the President.

Mr. HALDEMAN. I learned that after the break-in, yes.

Senator ERVIN. And the other four indicted were Cuban Americans from Miami, Fla. So three of the people indicted were connected with the Committee To Re-Elect the President; had been at the time of the break-in.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. Now, you, of course, read the newspapers, did you not?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And if you had read the newspapers, do you not know the newspapers on July 31 broke the story that $89,000 in campaign funds had been routed in the form of Mexican checks to the bank account of Bernard L. Barker, one of the Cuban Americans who was one of the men caught redhanded in an act of burglary?

Mr. HALDEMAN. I am sure I read that when that was printed, yes.

Senator ERVIN. And did it not appear about the same time that in addition to that, the $25,000 check which had been contributed to the Finance Committee To Re-Elect the President was also involved in a deposit with the Mexican checks totaling $89,000, making a total deposit of $114,000 in the bank account in Miami of Bernard L. Barker, one of the burglars?

Mr. HALDEMAN. Mr. Chairman, I cannot confirm all those facts. If you are quoting from newspapers at the time, I am sure you read those in the newspapers at the time.

Senator ERVIN. Well, I can assure you they appeared in the Washington Post on the——

Mr. HALDEMAN. OK.

Senator ERVIN [continuing]. On the dates these things appeared—and also it appeared on August 22 that the Committee To Re-Elect the President had purchased electronic gear. Are you familiar with that?

Mr. HALDEMAN. No. I do not remember—oh, that was their security system.

Senator ERVIN. Yes.

Mr. HALDEMAN. Equipment.

Senator ERVIN. Well, anyway, when the meeting was held on the 15th day of September, those facts had all appeared in the newspaper.

Mr. HALDEMAN. I am sure they had.

Senator ERVIN. And did you ever discuss any of these facts with the President?

Mr. HALDEMAN. As they appeared, I am sure that I did, yes, or that he discussed them with me.

Senator ERVIN. Well, since these campaign funds had been in the hands of the Finance Committee To Re-Elect the President and the expenditure had been controlled by the Committee To Re-Elect the President, did that not engender in your mind a reasonable suspicion that something was wrong with the Committees To Re-Elect the President?

Mr. HALDEMAN. Absolutely. There was no question, Mr. Chairman.

Senator ERVIN. Yes.

Mr. HALDEMAN. There was something wrong.

The question was who was wrong, how far up did the level of wrongness go, and who specifically was involved?

Senator ERVIN. And from your discussion with the President, you know the President was aware of those facts?

Mr. HALDEMAN. In a general sense, yes.

Senator ERVIN. And all prior to the 15th day of September.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. 1972.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. Now, that was the day they handed down the indictments of the seven men and none of the high officials in the Finance Committee To Re-Elect the President, or the Committee To Re-Elect the President, except the chief counsel, G. Gordon Liddy, was included in the indictments.

Mr. HALDEMAN. That is right.

Senator ERVIN. Now, Dean has testified in substance that on that day he was called to the Oval Office of the President and had a conversation in which, after the indictments were handed down, and no high official, that is, neither Magruder nor Mitchell nor Stans had been indicted, and he was called to the Office of the President and the President told him in the meeting you had told of the fine work he had done on Watergate about it, is that not so? He said that, and is that not true?

Mr. HALDEMAN. I do not have Dean's testimony before me, Mr. Chairman.

Senator ERVIN. Well, you were there. Did the President call Dean into the Oval Office?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. Did he congratulate Dean on the fine job he had done in connection with the Watergate affair?

Mr. HALDEMAN. No, sir. He did not make—as I have said, he did not make the statement that Mr. Dean said he made and he did not open the meeting by congratulating Mr. Dean either.

Senator ERVIN. Well, did he commend his action in any respect?

Mr. HALDEMAN. Only as I indicated at a later point in the meeting.

Senator ERVIN. You said the President thought it was time to commend him, did you not, in your statement, or something to that effect?

Mr. HALDEMAN. Gave him a pat on the back because he had been working hard on the matters.

Senator ERVIN. What is the difference between a congratulation and a commendation?

Mr. HALDEMAN. It is a question of how it is put and for what purpose.

Senator ERVIN. But he did commend him?

Mr. HALDEMAN. He at a later point in the meeting, not at the opening as Mr. Dean indicated, at a later point in the meeting made a comment, Mr. Dean had done a fine job, had worked hard on it. Dean made the point at the opening of the meeting that it had been a tough 3 months.

Senator ERVIN. Yes. What had he done to your knowledge, other than to sit when the FBI was interrogating witnesses and hear the witnesses on the Committee To Re-Elect the President and any White House aide may have said to the FBI?

Mr. HALDEMAN. In addition to that he, as he had said in his own Camp David report and in his intended affidavit for the Judiciary Committee, had met with and talked with everybody that he thought might have any involvement in this thing. He had been consistently called upon to respond or provide information regarding each of these various newspaper stories, some of which you have just referred to, that came up from time to time, as to what the facts were. He was maintaining a very close liaison with the Justice Department, the

Assistant Attorney General, and the U.S. attorneys, and was spending an enormous amount of time and a lot of effort trying to run down what at that time appeared to be a very complex case because he was trying to determine the validity of various charges that were made.

Senator ERVIN. And he reported to you everything he did in that connection?

Mr. HALDEMAN. He obviously didn't report everything he did, no, sir.

Senator ERVIN. He reported everything he found out?

Mr. HALDEMAN. I don't believe he did that. I, at the time thought he was reporting in general everything. He did not report any details to me, Mr. Chairman.

Senator ERVIN. Mr. Haldeman, don't you know that when you have a man who is counsel for the President, sitting and monitoring interviews of witnesses by the FBI that that has a tendency, natural tendency, to inhibit those witnesses making a full disclosure?

Mr. HALDEMAN. No, sir, I don't know that. It is my understanding that is not an unusual procedure, and that, in fact, the counsel for the Democratic National Committee sat in all of the FBI interviews with the members of the Democratic committee staff. I think that was the procedure that was being followed in that investigation.

Senator ERVIN. Don't you think it has a tendency to keep a witness from disclosing anything that he thinks might be unpleasant news to the person sitting there?

Mr. HALDEMAN. I shouldn't think so, no.

Senator ERVIN. Well, our understanding of human psychology might differ slightly on that. Each one of us is entitled to his own opinion. My 10 minutes are up.

Senator Gurney.

Senator GURNEY. Mr. Haldeman, yesterday we got into the April 13—March 13, 1972, meeting between Dean and the President very briefly. I know your testimony is that you were in there only a short time and that you didn't hear any discussion of Watergate. But there were serious allegations made by Mr. Dean in his recount of this meeting to the committee and I want to ask you specific questions on that.

While you were present at the meeting did you hear any discussion between Mr. Dean and the President about Executive clemency?

Mr. HALDEMAN. I don't believe so. I don't have any recollection of any of the conversation on the March 13 meeting and, as I said, I have no notes on that meeting so I have nothing to establish what the conversation was at all while I was in the office.

Senator GURNEY. Mr. Dean also said that there was a discussion about the money demands being made by the defendants, and he also stated that it was during this discussion of the money demands that you walked into the office. The President asked him—so Dean said—what it would cost in terms of money and Dean said "Oh, probably about a million dollars." Again I am going to ask you this because I want a specific answer. Do you recall any conversation like that between the President and Mr. Dean?

Mr. HALDEMAN. No, sir, I don't, and if I could make a comment in that regard, on the 13th Mr. Dean's testimony, as I recall it, and apparently you have it there and can verify this, was that the meeting was

principally—the 13th meeting was principally for another purpose, I believe, regarding executive privilege or—no; I think that was the day that the Judiciary Committee had requested that Mr. Dean appear to testify before that committee, and that I believe Mr. Dean's testimony was that the principal matter under discussion with the President in the March 13 meeting was that question of Dean's appearance before the Judiciary Committee and, of course, the executive privilege and lawyer-client privilege questions that arose from that. He testified, as I recall that that occupied the major portion of the meeting but that toward the end of the meeting the discussion turned to a—to this matter of Watergate and specifically the questions of clemency and the money demands.

Now the log shows, Senator, that I was in the meeting during the first 12 minutes of the meeting, not at the end of the meeting. Therefore, if the discussion as Mr. Dean has testified turned to these matters at the end of the meeting this would indicate it turned to those matters at a time I was not in the meeting and, therefore, I cannot, if he is right on that part, I can't confirm or deny what was said. If he is right on or if he—if his contention is that I was in the meeting at the time this was said, then it must have been said at the beginning of the meeting rather than at the end which is unlikely since the purpose of the meeting was something else.

Senator GURNEY. Yes.

Mr. HALDEMAN. And I would further substantiate my belief that those matters, clemency and money demands, were not discussed at the March 13 meeting because they were, in fact, discussed at the March 21 meeting in such a way as not to seem at least that they had been discussed earlier. They seemed to be coming out for the first time at that time.

He also mentioned—excuse me.

Senator GURNEY. Go on.

Mr. HALDEMAN. Well, he also mentioned that at the March 13 meeting was the time that he made some allusion to, in the process of handling this money, and saying that he had learned things that he had never known and that next time around he would be more knowledgeable which he was saying in the way of a quip and at which I laughed. That happened on the March, in the March 21 meeting. I can't imagine that I would laugh at the same joke a week later that he had used a week earlier.

Senator GURNEY. What you are saying is he might have been confused about the date of the meetings that these matters came up.

Mr. HALDEMAN. I think that is right.

Senator GURNEY. Now, just one or two more specific questions because I do want to pin this down on the matter of Executive clemency; he said that the President said that he had discussed this matter with Ehrlichman, and that he had also discussed it with Colson.

Do you recall any such discussion while you were present?

Mr. HALDEMAN. Not at the March 13 meeting nor at any other time in that context.

Senator GURNEY. Just one other question.

These, of course, are highly critical matters. If they had occurred then both you and the President would have been, at least as of that

date, knowledgeable that a coverup was going on and that possible serious criminal activities were going on; is that correct?

Mr. HALDEMAN. Yes, it would be.

Senator GURNEY. So then my question is: It would be pretty unlikely that you would forget those things if indeed you had been present when they had been discussed?

Mr. HALDEMAN. I think that is correct, although I have to say, Senator, that this was a period when the President was starting to acquire information and consequently I was getting information that I had not had before; and once we get up to March 21 and into the time after that, I do find it difficult to recall what items came to my attention and thus into my knowledge at which points in time except by reference to those things where I have notes, and I do not have notes on the March 13 meeting. That would indicate, incidentally, that there was no discussion while I was in the March 13 meeting that was of sufficient importance that I would feel compelled to make a note on it.

Senator GURNEY. The President—has the President ever discussed with you at some later date after March 13 that he had discussed these matters we have been talking about with Dean on March 13?

Mr. HALDEMAN. No, sir. My—no.

Senator GURNEY. Let's turn to the March 21 meeting. There is discrepancy in the testimony there, too—March 21 meeting. For example, Dean testified that he said at that meeting that Haldeman and Ehrlichman could be linked to the coverup.

Do you recall any such statement?

Mr. HALDEMAN. I recall in the period of the meeting at which I was not present in his review of all the various potential problems relating to the Watergate matter his reference to a problem that he felt Ehrlichman might have with regard to the Hunt situation, and a problem that I might have with regard to the matter of the $350,000. I don't recall any direct statement that Haldeman and Ehrlichman have these problems in the sense that you have just said them.

Senator GURNEY. Do you recall any direct statement by Dean that it was his opinion that Haldeman, Ehrlichman, and Dean were indictable?

Mr. HALDEMAN. No, sir.

Senator GURNEY. In connection with the Watergate?

Mr. HALDEMAN. No, sir.

Senator GURNEY. Do you recall anything in that meeting about the President stating that his reference to the million dollars on March 13 was a joke? That he really didn't mean what he said?

Mr. HALDEMAN. No.

Senator GURNEY. Do you recall any discussion by Dean about Magruder's false testimony before the grand jury?

Mr. HALDEMAN. There was a reference to his feeling that Magruder had known about the Watergate planning and break-in ahead of it, in other words, that he was aware of what had gone on at Watergate. I don't believe there was any reference to Magruder committing perjury.

Senator GURNEY. I am talking about, and I am sure you know from your listening to the testimony, and probably reading excerpts of testimony, that Dean and Magruder conferred about Magruder's testimony before the grand jury prior to his appearance?

Mr. HALDEMAN. Dean at some time, and it may have been at that meeting but I cannot firmly establish that, did refer to his having met with Magruder prior to his grand jury appearance. He made it quite clear that he had not coached him on what to say, or anything of that sort, but had worked with him in the way that I understand an attorney works with a client preparing for a questioning, by giving him the kind of questions, asking him the kind of questions that he might expect the grand jury to ask him and allowing him to answer.

Senator GURNEY. But you have no recollection about coaching on perjured testimony?

Mr. HALDEMAN. No, sir.

Senator GURNEY. Dean stated that he gave a written report in November about Watergate to you and to Ehrlichman. Can you tell us anything about that?

Mr. HALDEMAN. I think it was in December, wasn't it?

Senator GURNEY. Well, it was either November or December.

Mr. HALDEMAN. Is that one that he has put into evidence here?

Senator GURNEY. I don't recall. I haven't seen it if it is in evidence. Counsel is not here.

The point is——

Mr. HALDEMAN. Counsel is right behind you, Senator.

Senator GURNEY. Mr. Dash.

Mr. DASH. Yes, sir.

Senator GURNEY. My question was this: Dean testified that he did give a written report in either November or December of 1972 on Watergate to Mr. Haldeman and Mr. Ehrlichman. Has that ever been put in evidence before us? I am not talking about the Camp David report.

Mr. DASH. No. I don't recall, and as a matter of fact, he did say that he had drafted something and then I think his testimony was that it was considered not a viable report. That was, to my recollection, not one of the exhibits that he submitted to us, Senator Gurney.

Senator GURNEY. My recollection is he said he gave copies to Mr. Haldeman and Mr. Ehrlichman.

Mr. DASH. He either gave it to them or discussed it with them as to what it would include and then he decided not to go with it.

Senator GURNEY. Can you give us any recollection like that?

Mr. HALDEMAN. I really am not, like you, very clear on it, and the only thing I can say is that there were discussions at various points in time of the effort to try to get a report put together and put out as to what had happened at the Watergate, at least as far as the White House was involved or as far as the White House knew, and this I can only surmise, might be a draft of such an effort which was offered, discussed, and rejected for some reason. I believe there were other such efforts, I don't know if they ever reached draft stage but they were certainly in discussion stage at several points, and I think Mr. Ehrlichman referred to one at the convention time. That there was a hope that we could get the story fully cleared up at that time.

Senator GURNEY. But back in November or December do you recall a written draft given to you or shown to you by Mr. Dean on Watergate?

Mr. HALDEMAN. I have no specific recollection of such a draft; no.

Senator GURNEY. Do you have any recollection of a discussion at that time?

Mr. HALDEMAN. Not a specific discussion. I have, as I have indicated, a recollection of discussions from time to time on this subject.

Senator GURNEY. Mr. Chairman, I think my time is up. I yield the floor.

Senator ERVIN. Senator Inouye.

Senator INOUYE. Thank you very much, Mr. Chairman.

Mr. Haldeman, I am certain you are acquainted with Mr. Alexander P. Butterfield?

Mr. HALDEMAN. Yes, sir.

Senator INOUYE. When was the last time you ever met with Mr. Butterfield or communicated with him?

Mr. HALDEMAN. I am not sure of the date, Senator. It would have been sometime prior to his departure from the White House and the record could be established as to when that was. I am not sure.

Senator INOUYE. Was it in February of this year, March of this year, April, May, June, or July?

Mr. HALDEMAN. Well, it was certainly not in June or July. I doubt—it was not in May, June, or July. I doubt that it was in April and I am not sure when—at what earlier point it would have been.

Senator INOUYE. And since that time you have never spoken to him or communicated with him?

Mr. HALDEMAN. I do not believe so.

Senator INOUYE. Was Mr. Butterfield aware of your listening to the March 21 tape?

Mr. HALDEMAN. No.

Senator INOUYE. I have here a copy of a memorandum dated January 20, 1970, labeled "Administratively Confidential," for Mr. Haldeman from Mr. Butterfield, relating to Mr. A. Ernest Fitzgerald. I would just like to read the first three paragraphs and ask for your comments, sir.

Mr. HALDEMAN. Could I see a copy of it, Senator?

Senator INOUYE. Would you like to study this before I read this?

Mr. HALDEMAN. Either before or after. I would like to see it.

Mr. WILSON. Mr. Chairman, may I ask the Senator from Hawaii if he would be kind enough to indicate the relevancy of this document which is dated January 20, 1970?

Senator INOUYE. Would you care to read the third paragraph? I would like to know if that is the attitude of the people at the White House.

Mr. WILSON. At that time?

Senator INOUYE. The third paragraph, sir. And I think it is very relevant to the interrogation here. Or would you care to have me read it, sir?

Mr. WILSON. If I can pick out the third paragraph, which appears to be an indented paragraph——

Senator INOUYE. Yes, sir.

Mr. WILSON. It does not help me much.

Senator INOUYE. I will read it for you, sir. [Reading:]

I may be beating a dead horse at this late date but it was only a few days ago that Alan(?) Wood(?) called to ask if we had arrived at any particular

Administration line regarding Mr. A. E. Fitzgerald and someone else asked the same question at about the same time. You will recall that I relayed to you my personal comments while you were at San Clemente but let me cite, then, once again partly for the record and partly because some of you with more political horse sense than I will probably want to review the matter prior to next Monday's press conference.

And the third paragraph, sir:

Fitzgerald is no doubt a top notch cost expert but he must be given very low marks in loyalty, and after all, loyalty is the name of the game.

Was this the top priority in the White House, sir?

Mr. WILSON. Excuse me a minute, Senator Inouye.

Senator INOUYE. Yes.

Mr. WILSON. I am still in the dark on relevancy to this investigation.

Senator ERVIN. Mr. Wilson, I would say I am not familiar with that entire document but you and I as trial lawyers will recall that testimony is also admissible to show the attitude of a witness, and this witness has testified about his interpretation of the tapes entrusted to him by the President and I think that his attitude about loyalty to the President is admissible on the question to test the validity of his interpretation of the tapes. I think that would be admissible in a court of law for that purpose.

Mr. WILSON. If I were in a court of law I would take an exception to that, Mr. Chairman.

Senator ERVIN. Yes, well, we will note your exception and admit the evidence. [Laughter.]

Senator INOUYE. Mr. Haldeman, was loyalty the name of the game at the White House and was loyalty much more important than the truth?

Mr. HALDEMAN. I would not say that either of those was the case. I would say that loyalty was important. I would say that the truth is overridingly important.

Senator INOUYE. Then the recommendation from Mr. Butterfield was, even after admitting that he is a topnotch cost expert, "We should let him bleed for a while, at least."

Mr. HALDEMAN. There were a number of intervening recommendations there, too, I believe, Senator.

Senator INOUYE. Yes. You are accusing him of blowing the whistle on the Air Force.

Mr. HALDEMAN. No. I am not accusing him of anything. I did not write that memo, sir.

Senator INOUYE. This memo was——

Mr. HALDEMAN. The memorandum accuses him.

Senator INOUYE. And it is quite critical of someone who was attempting to expose to full public view the truth.

Mr. HALDEMAN. Well, Senator, I do not know any of the ins and outs of Fitz—is it Fitzgerald?

Senator INOUYE. Yes, sir.

Mr. HALDEMAN. Mr. Butterfield was a retired Air Force officer who obviously had strong personal views and had strong lines of communication and contact with others who had strong personal views in the Fitzgerald matter. I am not qualified to comment on the facts in the Fitzgerald case. I can only say that in answer to your question as to attitude of this witness, that loyalty did not override truth.

Senator INOUYE. Thank you, sir.

On page 30 of your opening statement, the last paragraph says:

> If, as alleged, he or those under his direction were responsible for the letter which falsely defamed Senators Muskie and Humphrey, then on behalf of everyone associated with the Nixon campaign, I would like to and do apologize to both of these men.

Did you have any purpose in leaving out Senator Jackson?

Mr. HALDEMAN. Absolutely not. If Senator Jackson was also defamed in that letter, I would very much want to correct my omission as being unintentional and to extend my apology very definitely to include Senator Jackson.

Senator INOUYE. I just wanted the record to be clear because his name was glaringly omitted.

Mr. HALDEMAN. I appreciate that. It was not intentionally so and I appreciate the opportunity to correct it.

Senator INOUYE. Thank you.

On page 31 of your opening statement you said:

> The President looked to me as his basic contact with the campaign organization and I maintained communication with John Mitchell in this regard until July 1972, then with Clark MacGregor.

Mr. Haldeman, would you say that in the campaign organization the matter of fundraising and the spending of such funds would occupy a high priority in consideration?

Mr. HALDEMAN. In my consideration?

Senator INOUYE. Yes.

Mr. HALDEMAN. No, sir.

Senator INOUYE. Would fundraising be considered important in a campaign?

Mr. HALDEMAN. It is important in a campaign. It was not an important factor in my consideration with the campaign.

Senator INOUYE. During your contact with Mr. Mitchell and Mr. MacGregor, were you aware of the balance sheet as to how much you had available and how much was being spent?

Mr. HALDEMAN. I had a general awareness of the campaign budget overall and at one or two points in the campaign I was approached by Mr. Stans who was functioning as the finance chairman with an expression of concern that too much money was being allocated in some areas.

Senator INOUYE. Then would I be correct in assuming that at the end of the year 1972 you were aware that the campaign committee had a surplus of over $3 million?

Mr. HALDEMAN. I was aware, I would say by the end of 1972—at some point there I was aware that there was a very substantial surplus; yes.

Senator INOUYE. Now, if you considered the raising of funds for the Watergate defendants to be legal, moral, an obligation, proper, humanitarian, why didn't you use these campaign funds? You had a surplus of over $3 million.

Mr. HALDEMAN. First of all, Senator, I didn't consider it either to be any of those things or the opposite of any of those things. I did not weigh it in its context of legality, morality, or necessity. I simply accepted what I was told, which was that these funds were being raised for the purpose of legal fees for the defendants.

As to the question of why I didn't use those funds, I didn't have the control of those funds or the position to use those funds.

Senator INOUYE. You were the President's representative, the chief of staff of the White House. Couldn't you have suggested this?

Mr. HALDEMAN. I could have suggested it, yes.

Senator INOUYE. But you decided not to.

Mr. HALDEMAN. It didn't occur to me to.

Senator INOUYE. Was this special fundraising necessary because the use of the money was illegal?

Mr. HALDEMAN. Not to my knowledge.

Senator INOUYE. If it wasn't to your knowledge, I find it quite difficult to understand why the available $3 million—incidentally, it is now over $5 million—was not spent.

Is my time up, sir?

Senator ERVIN. It just is.

Senator INOUYE. Thank you very much.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Haldeman, last night I took your opening statement after the hearings were over and I read it and I reread it and there was something about it that bothered me and I think I finally put my finger on what it was. It was that section which you labeled Segretti.

Mr. HALDEMAN. Yes.

Senator WEICKER. And what bothered me was the fact that under the title of Segretti you listed various and sundry acts, violent in nature, illegal acts, and then left the intimation that these acts belonged to Senator McGovern, the Democratic Party, et cetera.

Now, I know that it not exactly the way it reads if you read it very carefully but that is the impression that is given; and this is what bothered me, the impression that even now in your statement you are trying to give the same image to the opposite candidate and the opposite party, that it is my contention and which I intend to prove here this morning that you tried to give during the course of the campaign, specifically—specifically that the opposition party and the opposition candidate are soft on communism and soft on law and order.

You say in your opening statement, and let me read it:

> Moreover, the pranksterism that was envisioned would have specifically excluded such acts as the following: violent demonstrations and disruption, heckling or shouting down speakers, burning or bombing campaign headquarters, physical damage or trashing of headquarters and other buildings, harassment of candidates' wives and families by obscenities, disruption of the national convention by splattering dinner guests with eggs and tomatoes, indecent exposure, rock throwing, assaults on delegates, slashing bus tires, smashing windows, setting trash fires under the gas tank of a bus, knocking policemen from their motorcycles.
>
> I know that this Committee and most Americans would agree that such activities cannot be tolerated in a political campaign.

Mr. Haldeman, I would first of all point out it is not a question as to whether these activities could be tolerated. These activities which you listed are clearly illegal and they are not a question of whether we agree on it or not. In most cases there are specific laws that are meant to be enforced against such activities, which enforcement, of course, is in the hands of various judicial local, State, and Federal officials.

But unfortunately the activities I have described are all activities which took place in 1972 against the campaign of the President of the United States by his opponents.

By his opponents.

Now, do you mean by that word "opponents" in your statement at that point of your statement the Democratic Party or Senator McGovern?

Mr. HALDEMAN. Senator, that question would be answered should it arise in any one's mind at that point in the statement, the following sentence says——

Senator WEICKER. Let me get to the——

Mr. HALDEMAN. May I read it, please?

"Some of them took place with the clear knowledge and consent of agents of the opposing candidate in the last election."

Senator WEICKER. Yes.

Mr. HALDEMAN. And "others"——

Please, Senator, may I finish?

Senator WEICKER. I want you to answer the point at——

Mr. HALDEMAN. I am answering it.

Senator WEICKER. You are moving on to my next question. At that point in your statement where are listed all these activities. This is the way you phrase your statement. I didn't phrase it, "against the campaign of the President of the United States by his opponents."

Mr. HALDEMAN. And then I immediately went on to say, and I quote from the next following sentence in my statement:

Some of them took place with the clear knowledge and consent of agents of the opposing candidate in the last election. Others were acts of people who were clearly unsympathetic to the President but may not have had direct order from the opposing camp.

In the following paragraph when I referred to the fact that there had been no investigation and little publicizing, I again characterized the two different possibilities by saying: "Either those which were directly attributable to our opponent or those which certainly served our opponent's interest but did not have his sanction," clearly recognizing, Senator, the precise point that you are making here, and I do recognize it.

Senator WEICKER. The precise point that I am making is I want you to clearly tell me exactly which of these acts, rather than commingling the two, and giving an impression, I want you to tell me which of these illegal acts you ascribe to Senator McGovern and/or the Democratic Party.

Mr. HALDEMAN. I am not able to do that at this time, Senator. I have indicated to the committee yesterday that the documentation on these is available, it was my understanding that the committee had it. I find apparently it does not and I will make sure it gets it and that that verification can be made item by item and I would emphasize that this is a—such a list. There are a number of items, other items, and this is put in general terms such as burning or bombing campaign headquarters. The material that will be furnished, or that I thought had been furnished, cites the specific headquarters, the specific dates, the specific incidents that took place, the nature and extent of the damage that the bomb did, and that sort of thing.

Senator WEICKER. Well, now, isn't it actually true, Mr. Haldeman—let's cite here the next paragraph:

So far there has been no investigation of these activities and very little publicizing of them, either those which were directly attributable to our opponent or those which certainly served our opponents' interests but did not have his sanction.

Now, isn't it true that the acts which you list there didn't serve your opponents' interests, that they did on occasion serve your candidate's interests?

Mr. HALDEMAN. If they did I can't conceive of how they did, sir.

Senator WEICKER. All right.

I would like to submit to you a document on White House stationery, memorandum for Mr. H. R. Haldeman from Ronald H. Walker.

Mr. DASH. I think all members of the committee have copies.

Senator WEICKER. I think all members of the panel have a copy and I submit this copy to you.

At the same time I would like to submit for your inspection and your counsel's inspection a document dated February 10, 1973, memorandum for John Dean from H. R. Haldeman.

All right now, let's discuss the first memorandum which I presented to you. [Reading:]

The White House, Washington, October 14, 1971, 5 p.m.
Memorandum for: Mr. H. R. Haldeman
From: Ronald H. Walker
Re: Charlotte, North Carolina—Demonstrations

1. The most recent intelligence that has been received from the Advanceman Bill Henkel and the USSS [United States Secret Service] is that we will have demonstrators in Charlotte tomorrow. The number is running between 100 and 200; the Advanceman's gut reaction is between 150 and 200. They will be violent—

with a penciled underlining of "violent." "They will have extremely obscene signs," underlining "obscene" and next to the word "obscene" penciled in writing which to me, and you will have to confirm this, seems to be the same as the writing below your initialing, appears to be yours, if not, I want you to say so, saying "Good."

Is that your writing there where it says "good"?

Mr. HALDEMAN. I believe it is; yes, sir.

Senator WEICKER. "As has been indicated by their handbills. It will not only be directed toward the President, but also toward Billy Graham." Underlining "also toward Billy Graham" where you penciled in "great." [Laughter.]

Mr. WILSON. Mr. Chairman, I thought the silence was to be enforced here in this hearing.

Senator ERVIN. Mr. Wilson, I wish you would tell me some way I can keep people from laughing. I don't approve of it, and I wish they would restrain themselves and I have tried to restrain them but I don't know; I have been told that the only thing that distinguishes humanity from a lofty attitude of disdain called a brute creation, is the fact that man laughs and brute creation does not, but I am going to request everybody to try to restrain their laughter, and it will help us to proceed in a more orderly fashion.

While I am on this, I hate to hear all of this about things like this supposed to be happening in the Garden of Eden, North Carolina, and nobody must laugh at that [laughter] because I believe that.

Senator WEICKER. I would also request, along with the chairman, the fact that order is kept in this room. This is an extremely serious matter, a document which is now being presented and the one to follow I think probably get to the very heart of this entire investigation.

Senator ERVIN. And Senator, I might state I can testify about that because I went down to Charlotte on that occasion with the President and I saw my constituent, Billy Graham, and I can testify there were about a handful of students or young people with some placards there that really didn't interfere with anybody.

Senator WEICKER [reading]:

According to Henkel and the USSS, and it is also indicated on the handbills being distributed by the demonstrators, the Charlotte police department is extremely tough and will probably use force to prevent any possible disruption of the motorcade or the President's movements.

And again the penciling "good" next to that.

Then, No. 3—I had better read the whole exhibit:

My instructions to Henkel are to control the demonstrators outside the Coliseum as much as he can with the help of the USSS and the police department, from the city of Charlotte. He is to set up as fine a screening system as possible. There are 8,000 seats in the Coliseum and we have printed up 25,000 tickets. It is a known fact that there are demonstrators who have tickets. Therefore it will be necessary for us to set up a screening system to eliminate anyone that has a false or fake ticket. We will set up our normal checkpoints, using 25 Veterans of Foreign Wars and between 50 and 60 ushers that are being provided by the local Republican Party. There will also be a volunteer lawyer corps to handle any legal questions that might arise, as far as us denying entrance on the grounds of a phony ticket.

The thing that bothers me is that we are for the most part paralleling the system that we had designed for the Wright-Patterson Air Force Museum dedication in Dayton, Ohio. Realizing the attention that was drawn to the techniques used there, and the concern that has since been expressed by Ziegler, Warren, and most vehemently by Pat Buchanan, the feeling is that the Press Corps, especially the liberals, are very much aware of how the demonstrators are being handled, and although the White House has not been identified with these processes, we are very much suspect. Buchanan maintains that they will be the lookout for demonstrators and how they are being handled, and it is his feeling that this could be extremely damaging to the President's posture, even if the White House is only indirectly involved. The Billy Graham people have been of great help but they've got their own problems with citizens' organizations sponsoring the Billy Graham Day, and have pretty well backed off from any of the arrangements with the exception of crowd building. Therefore, we have got very little support in handling demonstrators in the hall.

Question: Should we continue with our plan to prevent demonstrators from entering the Coliseum?

Under "Yes" the initial "H," and the pencil notation, "As long as it is local police and local volunteers doing it, not our people."

My question specifically relates to what mentality it is in the White House that goes ahead and indicates "good" when the word "violence" is mentioned, when "obscene" is mentioned, at which violence and which obscenity is to be directed against the President of the United States. How in any way can that be good?

Mr. HALDEMAN. Senator, I can explain that I think very easily.

The problem that we had during the campaign of violence, of demonstrations, of obscene signs, of efforts to heckle and shout down the President when he was delivering a speech, were very great. They were not recognized as being very great and there was an attempt made in the coverage of many of these events to present this as a totally off-

the-cuff reaction of certain people in the audience who were just there and disagreed with what the President said and were expressing their disagreement in a proper exercise of their right to do so as contrasted to planned organizations that were put together for the purpose of creating violence and creating these things in the way that the intelligence indicated this one was going to be handled.

The reason for reacting to the indication that they would be violent, obscene, and directed toward Billy Graham as good was that if, in fact, they were going to do this in this way it would be seen that they were doing so clearly. Sometimes they weren't that ineffective. They did a better job of disguising their true intents and their true method of operation, and the reaction of "good" to those indications was very much in that sense.

Let me point out that the whole point of the memo very strongly confirms my feeling that this sort of activity was not to our benefit in showing the extremes that, steps that were planned, in order to try to avoid these people having the opportunity to carry out their violence and their obscenity and directing it toward the President and Billy Graham, at least in the hall. We had no real practical means of doing much outside the hall and, in fact, as I recall that meeting, there were some demonstrations outside but there was reasonably good control and the Charlotte police force, I think, was extremely tough, and I think they did do a good job, including, as I recall, at that occasion some local police forces did—you have to use force in order to restrain the activities that were attempted. That happened in this case. But as you can see here there were strong efforts made by our advance men to try to avoid incidents and this kind of problem. We had the intelligence that there were going to be this group there, that they would be violent and have obscene signs. That at least would show up with the public there and the press there and in a place like North Carolina where the people are wise enough not to feel that that is a very good thing to do, that it would put this in its true perspective.

Senator WEICKER. To be continued.

I have been informed that my 10 minutes are up so I say that will be continued.

Senator ERVIN. I can't resist the temptation to say I was at that meeting and it was one of the most orderly meetings I ever attended. There was no disturbance inside the hall; the President made a very well deserved tribute to Billy Graham, and Billy Graham made some very complimentary remarks about the President. There were some people outside with placards that were excluded from the hall by the police and, incidentally, I read in the paper where the Federal judge down in Charlotte held these young people had been unfairly excluded from the meeting, their constitutional rights——

Mr. HALDEMAN. Mr. Chairman, that is what we were dealing with, the question is: How do you properly exclude or include people in a meeting of that sort?

Senator ERVIN. I appreciate your tribute to the people of North Carolina and I affirm they well deserve it.

Senator Montoya.

Senator MONOTYA. Thank you, Mr. Chairman.

Mr. Haldeman, you indicated in your previous testimony that Mr. Larry Higby was your administrative assistant, so to speak.

Mr. HALDEMAN. Yes, sir.

Senator MONTOYA. And that Mr. Alex Butterfield was a staff assistant working under you and under Mr. Higby.

Mr. HALDEMAN. No, sir. Mr. Butterfield was Deputy Assistant to the President and was a deputy to me and would have been considered senior to Mr. Higby.

Senator MONTOYA. All right.

Now, did both report to you?

Mr. HALDEMAN. Yes.

Senator MONTOYA. Did they report to you on important matters? Did they report every time on important matters?

Mr. HALDEMAN. I cannot verify that they reported every time. They had areas of responsibility, Senator, that they carried out without the necessity of reporting to me.

Senator MONTOYA. Well, was it the requirement with respect to their duties that if anything unusual was going on in the White House and they were involved in it that they had to report to you?

Mr. HALDEMAN. No, sir, not if they were able to deal with it on their own. Instructions had been just the opposite. As was our policy and our standard procedure, any man in the staff was—had the clear understanding he should deal with all matters that came under his responsibility as best he could and should not refer them upward unless there was a necessity for it.

Senator MONTOYA. Did you have staff conferences with them on occasion?

Mr. HALDEMAN. Yes.

Senator MONTOYA. Was Mr. Strachan also included in the staff conferences?

Mr. HALDEMAN. Yes. There were several different procedures at different times and I am not able to establish which procedure was in effect at which time. There was a period at which, during which, I attempted to hold a twice-weekly meeting of a group that included Mr. Butterfield, Mr. Higby, Mr. Strachan, also Mr. Kehrli, Ray Price, John Dean, and several others, who for the purpose of coordinating their work in somewhat the same sense that we held the senior staff meeting each morning. But this procedure, because of the time of day that we tried to do it, did not work out very well because I was not able to attend many of those meetings and, therefore, we dropped it.

Senator MONTOYA. I notice Mr. Strachan would present you with memorandums on different occasions with respect to activities going on in the White House and also at the CRP. Was he the one who would transmit what was going on in the offices of Mr. Higby and Mr. Butterfield or did you obtain independent information from them?

Mr. HALDEMAN. I obtained—I worked directly with Mr. Butterfield on matters that he felt he needed to bring to me and directly with Mr. Higby on a much more frequent basis on matters he felt he needed to bring to me.

Senator MONTOYA. Are you acquainted with the project which was launched in the White House to develop an enemies list?

Mr. HALDEMAN. I am aware of the existence of enemy lists or opponents lists, yes, sir.

Senator MONTOYA. What do you know about it?

Mr. HALDEMAN. I know that from time to time we received from within the White House and from outside the White House, from supporters of the administration, both in the Congress and from the general public, complaints that people in and out of Government were being treated by the White House in ways that people that were opposed to administration policies, and specifically who were vocally expressing public opposition to administration policies, and this would most frequently relate to the position on the war in Vietnam because that was the policy most thoroughly under discussion.

People who were expressing vocal opposition were at the same time being extended extraordinary courtesies by the White House in the form of invitations to social events and other functions at the White House, appointments to honorary boards and commissions, inclusion on delegations to events, and that sort of thing.

Senator MONTOYA. I am talking about enemies, not friends.

Mr. HALDEMAN. No, sir; that is what I am talking about—people. I am talking about complaints by friends that people who were opponents and were vocally expressing their opposition were being, in the view of our friends, treated like friends in the sense of receiving these special courtesies from the White House.

Senator MONTOYA. And you were compiling a list of these people?

Mr. HALDEMAN. And as a result of the concern by our friends that we were in their view unwisely extending these courtesies to the people who were opposing administration policies, and on some occasions people who, after receiving an invitation to the White House and being at the White House used that as a platform for getting extraordinary publicity for their expression of opposition, that as a result of these complaints there was a program of drawing up a list of those who, in prominent public positions, were believed to be expressing opposition to administration policies, and who, therefore, should not be receiving these courtesies. This was in the same context as a list of those who were supporting such policies and who should be extended such courtesies and who many times were not.

Senator MONTOYA. Have you seen exhibit 50, which has been introduced by Mr. Dean in evidence here?

Mr. HALDEMAN. I am not sure that I have. I would like to see it.

Senator MONTOYA. Or exhibit 10, and I will read you some names. What did these people have to do with the Vietnam war?

Mr. HALDEMAN. Excuse me, sir, but could I have copies of those?

Senator MONTOYA. Yes, sir; let me just read them and then you can comment on them: Mr. Eugene Carson Blake, Mr. Leonard Bernstein, Arnold Picker, Ed Guthman, Maxwell Dane, Charles Dyson, Howard Stein, Allard Lowenstein, Morton Halperin, Leonard Woodcock, Dan Schorr, Mary McGrory, Lloyd Cutler, Thomas Watson, Tom Wicker, Clark Clifford. That is the list. Do you want to see——

Mr. HALDEMAN. No, sir; I do not need to see it. I would think that the public record of the time would indicate that a number of those people were, in fact, quite vocally and publicly opposing administration positions on the war.

Senator MONTOYA. Why did you label them as enemies, then? Did they not have a right to comment on the war?

Mr. HALDEMAN. Why, certainly they did; but they did not have a

right to be extended the courtesy of the President's hospitality in order to express their opposition.

Senator MONTOYA. Well, are you in effect telling me that this enemies list was compiled so that it would serve as an exclusion list for the White House?

Mr. HALDEMAN. In effect, yes.

Senator MONTOYA. Why was so much time wasted in the White House with memos and communications between staff members in trying to compile this list, then?

Mr. HALDEMAN. First of all, I don't believe a great deal of time was wasted in doing so. The time that was expended in doing it was for the purpose that I have indicated, and was a part of carrying out the effort of the White House to extend our policies to carry out the policies of the administration rather than to provide a forum for the expression of opposition.

Senator MONTOYA. Well, if your objective was, as you have stated it, why was it an effort to involve IRS in auditing some of these people and why were there orders from the White House to the FBI to check on some of these people?

Mr. HALDEMAN. I would like to know what those orders were and perhaps I can respond to them.

Senator MONTOYA. All right.

Mr. Higby, who was your administrative assistant, has given information to this committee that while he was in the Grand Tetons with the President and you, he was asked by you to call Mr. Hoover and get a complete background on Daniel Schorr; and Mr. Higby did this, and he has submitted testimony to this committee in secret to that effect.

Now, would you deny that?

Mr. HALDEMAN. No, sir.

Senator MONTOYA. Did you do that?

Mr. HALDEMAN. I requested a background report on Mr. Schorr, or asked Mr. Higby to request one, not in connection with the enemies list and I am not sure in what connection it was, but I am sure there was something that arose at the time that this request was made and I don't know in what context, but there had been, as has been indicated here in earlier testimony, concern from time to time about statements that were made and the reasons for them in terms of national security questions and I don't know that this was in such a context because I simply don't recall what the reason was for it.

Senator MONTOYA. Why would you order a check in that context? Was Mr. Schorr being considered for an appointment?

Mr. HALDEMAN. No, sir; he was not.

Senator MONTOYA. Why would you check on him, then?

Mr. HALDEMAN. The check was made—I don't know why, but the check was made.

Senator MONTOYA. You ordered it?

Mr. HALDEMAN. The request for the check was in connection with something apparently—I assume that arose at that time that generated a request for the background report on Mr. Schorr. The request I would like to emphasize, Senator, was not a request for an investigation of Mr. Schorr and at the time that the request was made it was for the

background file which the FBI has on individuals, that is, a summary report on their activities and background.

Senator MONTOYA. Wouldn't you call it an investigation when the FBI goes out to try to get the background on an individual?

Mr. HALDEMAN. When they go out to do it, I would; but the request was not that they go out to do it. The request was for the file—what happened——

Senator MONTOYA. What file? Do you have a file in the White House on Mr. Schorr?

Mr. HALDEMAN. No, sir. The FBI did, or may have.

Senator MONTOYA. How did you know they have?

Mr. HALDEMAN. They have a file on most people who are known publicly and the request was for whatever file they have.

Senator MONTOYA. You mean the FBI has a file on every American that is known publicly?

Mr. HALDEMAN. I think they probably do. I have not been through their files so I can't verify that.

Senator MONTOYA. Well, you just stated that——

Mr. HALDEMAN. I said, I think they did.

Senator MONTOYA. Now, assuming that Mr. Schorr is one case, now I will give you an instance where you ordered FBI checks on eight other individuals.

Did you do that?

Mr. HALDEMAN. I don't know. I would like to hear what they are.

Senator MONTOYA. Well, Mr. Butterfield has so testified that you did.

Mr. HALDEMAN. Could I hear them, please?

Senator MONTOYA. Yes. The testimony of Mr. Butterfield is as follows. It is on page 10 of his interview before the committee, and this is his testimony: "Haldeman and occasionally Ehrlichman had requested an FBI check on nonappointees." To Butterfield's recollection—this is a memorandum of his testimony—to Butterfield's recollection there may have been eight such requests. Among them were Frank Sinatra, Daniel Schorr, Helen Hayes.

Now, what do you have to say to that?

Mr. HALDEMAN. In the case——

Senator MONTOYA. Was Helen Hayes being considered for an appointment? [Laughter.]

Mr. HALDEMAN. Quite possibly so. Helen Hayes had helped Presidential appointments and commissions at a number of times and that is quite possible.

Senator MONTOYA. Was Frank Sinatra being considered for an appointment?

Mr. HALDEMAN. No, sir. Frank Sinatra was being considered as an entertainer at the White House and was an entertainer at the White House.

Senator MONTOYA. And was Daniel Schorr being considered for entertainment at the White House? [Laughter.]

Mr. HALDEMAN. No, sir. I have already covered the Daniel Schorr appointment.

Senator MONTOYA. That is all, Mr. Chairman.

Mr. HALDEMAN. Mr. Chairman, could I——

Senator ERVIN. Your time is up.

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Mr. HALDEMAN. You stopped me at a comma rather than a period.

Senator ERVIN. Yes. You can finish the sentence or paragraph or whatever it is.

Mr. HALDEMAN. Thank you, sir.

I would simply like to say in the case of any entertainer at the White House and for that matter I believe any guest at the White House there is automatically a check made of his FBI file to determine whether he poses any security threat or any potential embarrassment in any other sense and this is not—it is unfortunate that those particular names have been raised and singled out in this forum because I would not like the record to imply that there was any allegation of wrongdoing on the part of any of those three people, any of the other five that were apparently on the list of eight that have not been named or any of the others of hundreds of people who have been so checked. And since this question has come up, I would also like to say that it has become popularly referred to here as the enemies list, and I would like to plead guilty to a certain indelicacy, if that is what it was referred to in our administration, because in reading one of the books by one of the learned scholars who served in the Johnson administration, I saw that at their time, this list was referred to as the anathema list and I must say that is a much more delicate term for it.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much. Yesterday, while I was conducting the examination of Mr. Haldeman, I ran substantially over my 10 minutes because nobody else was here. But today I intended to abbreviate this portion of my questioning to try to make up for it.

Mr. Haldeman, did you or did you not in June of 1972 arrange directly or through John Dean or anyone else for a 24-hour surveillance of Senator Kennedy?

Mr. HALDEMAN. I don't recall making such an arrangement. I know that it has been testified that such a request was made and was not carried out and I am not familiar with the specifics of the reason for the request but there were times when there was a very definite interest in the activities of Senator Kennedy, some political and some not political at all, but in relation to trips that he made with regard to early release of POW's and matters dealing with the North Vietnamese and the peace settlement efforts that were underway.

Senator BAKER. What I am trying to develop is whether or not you authorized such surveillance or observation or investigation of Senator Kennedy.

Mr. HALDEMAN. I do not recall ordering any surveillance of Senator Kennedy but I do want to emphasize that there were questions raised about Senator Kennedy's activities in various regards from time to time, and such a question could have come up.

Senator BAKER. Do you recall or do you have any knowledge of any surveillance of Senator Kennedy relating to Mr. Caulfield in 1970 or 1971?

Mr. HALDEMAN. Surveillance of Senator Kennedy?

Senator BAKER. Yes, sir.

Mr. HALDEMAN. No, sir; I do not.

Senator BAKER. In which Mr. Caulfield might have been involved?

Mr. HALDEMAN. I do not recall that but I was not familiar with Mr. Caulfield's activities.

Senator BAKER. Do you recall any surveillance of Senator Kennedy in 1969 in which Mr. Ulasewicz may have been involved?

Mr. HALDEMAN. No, sir.

Senator BAKER. Do you have any information about Mr. Ulasewicz' observation, investigation, or surveillance of Senator Kennedy at any time, Mr. Haldeman?

Mr. HALDEMAN. I have no familiarity at all with Mr. Ulasewicz' operations with regard to any individual. I was not familiar with what he was doing or with what his objectives were or what his results were.

Senator BAKER. Did you read the Washington Post this morning?

Mr. HALDEMAN. Are you referring to the article at the top of the page? I did see it.

Senator BAKER. Did you read it?

Mr. HALDEMAN. I read through it quickly. I cannot say that I am fully familiar with its contents. I skimmed through it in the car on the way down.

Senator BAKER. Did you have any information about that? Can you tell us whether or not Mr. Ulasewicz did in fact maintain facilities in New York City to try to gain information about the so-called Chappaquiddick situation?

Mr. HALDEMAN. No, sir.

Senator BAKER. Did you have any involvement in that?

Mr. HALDEMAN. No, sir.

Senator BAKER. Do you know who did?

Mr. HALDEMAN. No, sir.

Senator BAKER. Do you know whether it happened or not?

Mr. HALDEMAN. No, sir.

Senator BAKER. Mr. Haldeman, in this abbreviated round of questioning I am going to ask a question you may want to think about and I will come back to later, if there is another round and I think there will be another round.

In previous examination I asked you whether or not as the closest man to the President, except for his own family, running a taut ship as his chief of staff, you knew or should have known that something was going on based on newspaper accounts or information that you might have gained, and otherwise, and you indicated, I believe, that you still do not know what went on; but that in retrospect you do see road signs or indications that maybe you would interpret differently now than you did then. Is that essentially a correct summation of your reply?

Mr. HALDEMAN. I do not believe I said that I saw road signs that I would now interpret differently. I may have. My feeling is that with the knowledge or at least the information that I have now, I can probably force myself back and relate it to things that at the time they occurred appeared totally differently to me. But I would like to emphasize in relation to the White House, which was my area of concern and my area of responsibility, other than whatever was undertaken by Mr. Dean, and I do not profess to, nor do I allege, that anything was or was not undertaken by him, only going by what has

been said here, that that was the area in which I was not familiar and was the only area that I am aware of today in the White House where there is any reason to, even with the information I now have, any reason to feel that something was overlooked.

Senator BAKER. Mr. Haldeman, I have repeated often in these hearings that I intend to save my conclusions for later and not state them as I go along and I will continue not to state them as we go along, but I am going to restate a concern that I have also uttered from time to time.

What is there about the White House operation, in this or any previous administration with which you are familiar, what is there about the Presidency or the isolation of the Presidency, and I do not say that in a critical way and you can think of it in terms of the nature of the Presidency or requirements for, as you say, time to think about important things; you can think of it even in terms of the safety of the Presidency because this country has lost fine Presidents at the hand of assassins—but what is there about the nature of the Presidency and the staffing of the Presidential system that would either fail to ascertain that something was going on or interpret it in such a way as to lead in a different direction?

Now, you may or may not accept my premise, but as I said yesterday, how can you read the newspapers, how can you listen to the television, how can you hear that Hunt and Liddy and McCord were involved with—or at least Liddy and McCord—were involved in official positions in the Committee To Re-Elect the President; how can all these things come to your attention, if you assume they did; and even if you start with the assumption that the charges and allegations are without foundation in fact, and that is the American way of doing it, to assume that every person is innocent, but how can you do that and run an operation and still not initiate some sort of intense inquiry at the earliest possible moment? What is there about the system, what is there about your operation or the Presidential operation, what is there about the White House that would keep you from picking up the telephone on June 17 and saying: "Where is this fellow McCord and what in the world is going on?"

Now, that is a mouthful of a question, but do you understand what I am driving at? What is there about the institutional arrangement at the White House that would not inevitably lead you into a quick, urgent inquiry of what in the world happened down there, if nothing else on the basis of newspaper accounts?

Mr. HALDEMAN. Senator, you, in the early stages of that question, said that I might not accept the premise and that is, I believe, where I would have to start because I do not believe I can accept the premise which is that such an inquiry was not undertaken or that interest was not shown or that something was not done, and that simply is not the case. The most intensive inquiry ever conducted and certainly in proportion to the nature of the crime, the inquiry was beyond the scope of imagination—almost. There was such an inquiry but I must go back, and the fact that you are compelled to ask the question, and I understand completely your motivation for doing so, distresses me because it indicates to me that what I have tried to say has not effectively been said because I have not made the point clearly to you that first of all,

there was such an inquiry. Second, that as far as the White House was concerned, the total assurance was that nobody there had been involved. It was clear that there were people at the committee involved. It was not clear who they were, at first at least. It became apparently clear as to who they were. There were still some questions but they were questions that were hard to answer, and there were a lot of able people spending inordinate hours trying to determine the answers to those questions as I understood it. And I was not an investigator. I didn't instigate investigations into other things except when I was ordered to. In this case, there was so much underway that anything I would have done beyond that would have been a drop in the bucket, and I didn't have the capability or the time to go into that kind of a thing and as I said in my opening remarks, this is an enormously important matter today.

Senator BAKER. Mr. Haldeman.

Mr. HALDEMAN. And it has become so but it wasn't at that time.

Senator BAKER. I understand that and I understand your testimony, I believe, and I accept your testimony at face value for purposes of the moment. As I indicated to you earlier, when we have heard all of the proof, and not before as far as I am concerned, but when we have heard all of the proof, then I will take your testimony and the testimony of other witnesses and try to reconcile it. If I can't reconcile it I will decide where the truth lies. That is my responsibility. That is not what I am driving at. I take the facts as I find them, but let me give you an analogy and maybe that will help. And this really isn't meant to be a self-serving statement. I only use it because it is an analogy known to me.

Had I in my campaign for the U.S. Senate in 1972 read in the Nashville newspapers that someone on my campaign staff had done thus and so and had been arrested for it, it wouldn't have been 30 seconds until I picked up the phone and would say what in the world is going on? Now, I am not asking you to compare the merit of those reactions. I am not asking you even to comment on what I think my reaction would have been. God knows what it would have been, but I am not asking for that.

What I am asking is any insight you can give me on why a situation in Nashville, Tenn., is different from a situation that you might expect from the White House in Washington. Is there something about the isolation, about the majesty, about the mystique, about the isolation of the Presidency or the staff arrangement that causes a different reaction other than that which I think you know I think might have occurred in other circumstances?

Mr. HALDEMAN. I don't think in the mystique or any of those kinds of characteristics that there is, Senator Baker, but I think that in the first place, the President did have such a reaction as you would have had in your senatorial campaign and did ask that these things be done, but as the areas of responsibility and assignment of a man expand, the necessity for delegation also expand, and having been involved in some earlier campaigns of Richard Nixon, I can tell you from personal knowledge that years ago he would have been on top of this with all fours and would have been pursuing it personally with great diligence.

Senator BAKER. Even in 1968?

Mr. HALDEMAN. No, I do not think so in 1968, because in 1968 he delegated strongly the managements of his campaign and the responsibility for the management of his campaign, and he, by great self-discipline, kept himself away from the operations of the campaign and, as President of the United States, exercised an even greater degree of self-discipline in that regard, and did require of himself this delegation, and while he raised these questions he looked to other people to carry out the responsibility of developing the answers to them, and he thought that that is what was being done.

Senator BAKER. Do you think it could have been done otherwise? Do you think he could have been on all fours, as you say, on top of this thing?

Mr. HALDEMAN. I think he would have been if he had been willing to give up the Vietnam negotiations, and follow up on the domestic initiative plans that he was trying to get underway prior to the election to offer as voter choices, and if he had been willing to suspend the preparation of the budget for the next fiscal year and that sort of thing but I do not think he possibly could have done so unless he had been willing to do that.

Senator BAKER. I am going to do as I do with all of the other testimony we receive, and most of the advice we receive in the committee, I am going to receive it at face value, I am not going to promise you that is where I am going to come down when we finish, but at some point I want to examine with you more why the Presidency operates as it does, why it may or may not be necessary for it to do that vis-a-vis politics and campaign?

Mr. HALDEMAN. I would welcome that opportunity.

Senator BAKER. Thank you, Mr. Chairman.

Senator ERVIN. Mr. Haldeman, it appears from your answers to my previous questions, that prior to September 15, five burglars were caught in the Watergate in the office of the Democratic national headquarters, with campaign funds belonging to the Nixon committee in their pockets. A short time thereafter a former White House consultant, E. Howard Hunt, and G. Gordon Liddy, the chief legal officer of the Stans committee, were also arrested and charged with procuring these five burglars to do the burglarizing.

Now, certainly, President Nixon had some control over his committee. Did he at any time, to your knowledge, summon John Mitchell, the director of the committee to procure his reelection, or Jeb Stuart Magruder, the deputy director of that committee, or Maurice Stans, the head of the finance committee for his reelection, or Hugh W. Sloan, Jr., the treasurer of that committee, or Robert Mardian, or any other person, into the White House and demand of them how it happened that burglars were caught in the headquarters of the opposition political party with funds donated for his reelection in their pockets?

Mr. HALDEMAN. He did not call any of those people in and demand that. He had been told——

Senator ERVIN. Told by whom?

Mr. HALDEMAN. That we have reiterated a number of times; he had been told by Mr. Mitchell, as Mr. Mitchell said——

Senator ERVIN. Mr. Mitchell said he did not tell him and the President did not ask him.

Mr. HALDEMAN. I believe Mr. Mitchell said that he had met with the President shortly after the Watergate and had talked with him about it at that time.

Senator ERVIN. But Mr. Mitchell testified with the most absolute positiveness that he never told the President about any of these things and that the President at no time asked him about it, notwithstanding the fact that he met with the President on many occasions in reference to the campaign.

Mr. HALDEMAN. But, Mr. Chairman, we are dealing with two different things here. One is the fact of the Watergate burglary, which is the point that you have cited, and that, as I understand it, Mr. Mitchell did talk with the President about shortly after the burglary.

Senator ERVIN. He called him up and told him he was sorry that matters had got out of hand, and he had not exercised as much supervision but he also testified the President did not ask him any questions about what he was talking about, as I recall the testimony.

Mr. HALDEMAN. Well, at that point I believe the President had been told what the facts were as they were known at that time. I do not believe he had anything to question him about other than what Mr. Mitchell talked with him about. The things that developed from that time on the President was not aware were developing, the stories and things that went back related to the earlier event.

Senator ERVIN. Mr. Haldeman, we haven't got a particle of testimony so far that the President himself personally took any active interest in any time between June 17, 1972, and March 1973, except to make inquiries allegedly through Dean as to how this all happened.

Mr. HALDEMAN. Through Dean, through Ehrlichman, and through me.

He made inquiries at various times, as John Ehrlichman has testified and as I have and as John Dean has.

Senator ERVIN. What did you and Ehrlichman do about it?

Mr. HALDEMAN. We referred them to John Dean who was the man responsible for dealing with them.

Senator ERVIN. Oh, John Dean was the only man in the White House who was asked to take any concern of finding out how it was that these burglars were caught in the Watergate with the President's campaign funds in their pockets?

Mr. HALDEMAN. This is absolutely correct, Mr. Chairman; he was the only man in the White House asked to do that because there were hundreds of people outside of the White House in the executive branch doing precisely that.

Senator ERVIN. Well, didn't Dean get from the FBI in the early stages of the investigation reports of interviews of the FBI?

Mr. HALDEMAN. He got some of them; yes.

Senator ERVIN. Did you see any of those reports yourself?

Mr. HALDEMAN. No, sir.

Senator ERVIN. Didn't anybody in the White House that you know of have any concern about the President's welfare to see the reports other than Dean?

Mr. HALDEMAN. Not to my knowledge, no.

Senator ERVIN. Now, we have had a good deal of questioning here about what was said in the meeting of March 13, 1973, which you attended for only 10 minutes, I believe you said.

Now, you undertook to express an opinion or to draw an inference that Dean did not say to the President certain things which allegedly occurred in your absence by reason of your interpretation of the record for March 21?

Mr. HALDEMAN. Excuse me, sir; it is my understanding that the allegation by Mr. Dean was that they took place in my presence. Not in my absence.

Senator ERVIN. Well, you were there 10 minutes.

Mr. HALDEMAN. That is correct.

Senator ERVIN. Yes.

Mr. HALDEMAN. Twelve minutes.

Senator ERVIN. Now, isn't the best evidence that you know on the face of this earth of what actually transpired at that meeting the tape recording made of the meeting?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And you have been questioned at length about actual or supposed discrepancies between the versions that you gave of the 21st meeting and those of Mr. Dean; isn't the best evidence that you know of on this earth as to what actually was said by the President and by Dean or by anybody else on that occasion the tape recording of the conversations?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And you have also testified about your interpretation of the September 15 meeting and your personal recollection of what happened; isn't the best evidence known to you on the face of this earth concerning what was actually said at that meeting the tape recording of that meeting?

Mr. HALDEMAN. Yes, it is.

Senator ERVIN. Yes.

Now, the President released or rather permitted you to hear the tapes of the meeting of March 21, 1973, and the meeting of September 15, 1973, didn't he?

Mr. HALDEMAN. 1972; yes, sir.

Senator ERVIN. 1972, yes.

Mr. HALDEMAN. Yes.

Senator ERVIN. Did you have those tape recordings with you when you prepared your statement giving your interpretation?

Mr. HALDEMAN. No, I did not.

Senator ERVIN. And what did you have in the way of documentary evidence at the time you prepared your statement giving your interpretation of what occurred at the meeting of September 15, 1972, and March 21, 1973?

Mr. HALDEMAN. I had no documentary evidence. I had only my recollection.

Senator ERVIN. I am frank to concede you impress me as a very highly intelligent man, but do you not concede that your memory may be somewhat fallible like that of other human beings?

Mr. HALDEMAN. I do readily concede that, Mr. Chairman.

Senator ERVIN. Don't you think that the best way to check these alleged discrepancies is for this committee to have access to those tapes?

Mr. HALDEMAN. In the context that you put the question, I agree with you, sir.

Senator ERVIN. And the President gave you access to the tapes, and you have come down and testified before this committee as to your interpretation of the tapes, and the Presidency had not been destroyed and the Constitution hasn't collapsed and the heavens haven't fallen, have they?

Mr. HALDEMAN. I am sorry, are you asking me a question, sir?

Senator ERVIN. Yes, that is a question. I intended to put a question mark after it.

Mr. HALDEMAN. I am not sure what the question was, I thought you were making a statement.

Senator ERVIN. I will ask you again.

I said, notwithstanding the fact that the President gave you access to these tapes, and notwithstanding the fact that you have testified publicly as to your interpretation of what the tapes meant, the Presidency has not been destroyed, and the Constitution has not collapsed, and the heavens haven't fallen? Now, there is a question mark there.

Mr. HALDEMAN. I don't know whether to answer yes or no, but I agree that the heavens have not fallen.

Senator ERVIN. But you don't know about the Constitution and the Presidency?

Mr. HALDEMAN. The Constitution and the Presidency also still stand.

Senator ERVIN. Well, good. I am glad. I expect I have used up about my 10 minutes or near about. I do have more questions later.

Senator Gurney, I believe you are next.

Senator GURNEY. Mr. Haldeman, the resignation of John Mitchell, as chairman of the Committee To Re-Elect, was certainly a major event in 1972 in this whole Watergate affair.

Could you tell us what you know about that? Did you discuss this with the President, and what were the discussions held between you about Mitchell's resignation?

Mr. HALDEMAN. I did discuss it with the President, I discussed it with Mr. Mitchell, and I can say that that resignation or the decision by Mr. Mitchell that it would be imperative that he resign, developed over a period of some days prior to the time that he actually did submit his resignation. He came reluctantly but irrevocably to the conclusion during those days that there was no other course that he could follow for the personal reasons that are no longer very personal, I guess, he was having a very serious problem and he has indicated that that was the case, and he so indicated to me at the time, and he felt that there was no way that he could handle that except by relieving himself of the responsibilities as the President's campaign director, and he, when he arrived—I had advised the President of this developing view on Mr. Mitchell's part during the time that he was expressing it to me, and when we met for lunch on June 30, I think that is the correct date—yes, when we met for lunch on June 30, the President, Mr. Mitchell, and I, it was understood by all three of us that was the purpose of the luncheon and it was, that purpose was, carried out at that luncheon.

Senator GURNEY. Obviously, I don't want to get into the personal response behind Mr. Mitchell's resignation, but I must say that my own reaction when all this business occurred was like this: As I recall I think Mrs. Mitchell had been campaigning for the President, that is,

making speeches and appearances prior to the Watergate break-in; do you recall if that is a fact?

Mr. HALDEMAN. I don't, Senator Gurney. I am not sure whether he had been or not. I would imagine that he had been making some but he——

Senator GURNEY. I am talking about Mrs. Mitchell.

Mr. HALDEMAN. That Mrs. Mitchell had been?

Senator GURNEY. Yes, not Mr. Mitchell.

Mr. HALDEMAN. At an earlier time she had been doing some, I believe; yes.

Senator GURNEY. Well, that was my recollection, and I must say that, now this is my own personal reaction from reading about the resignation of Mr. Mitchell in the paper when the event occurred, and the reason for it, the personal reason, it struck me as rather strange, and I must say also it struck me as though it might be an excuse to conveniently get rid of a liability, and that is really why I am asking the question.

Mr. HALDEMAN. I can only say in response to that concern that you apparently have that in no way, as I understand it, was the case. That that concern, I must say, Senator, was expressed by Mr. Mitchell, that that appearance could well arise from the fact that he felt he had to take and that was a matter that he was concerned about—it was felt.

Senator GURNEY. I was not the only one.

Mr. HALDEMAN. In spite of that concern he felt there was nothing that he could do, and he was reluctant to give up this responsibility. He believed very deeply in the President's reelection and wanted to help and as I believe he has indicated he did continue to help to the maximum degree that he could in the time after he left office as campaign director officially. But he just felt that given the circumstances it was not possibile for him to continue to carry the overall responsibility for the day-to-day operation of the campaign. That he could be available at times, but there were other times that he simply couldn't be available and that during that time had been the case, there were times when he was able to be available.

Senator GURNEY. Well, you touched upon my next observation and question. Certainly from the testimony that we have had here before the committee, Mr. Mitchell spent a great deal of time following his resignation directly on the campaign. I can't recall now all of the meetings but there were regular meetings, as I recall, of the so-called group, that is the top people that were planning the campaign, and there is almost the appearance that while he wasn't campaign director, and I would assume that he didn't spend 100 percent of the time on it, that nonetheless he spent a great deal, and there is the appearance that perhaps the change was more in name than in fact.

Mr. HALDEMAN. No, it was not more in name than in fact. It was very much in fact and there is a vast difference between the responsibility that one feels, if you are a conscientious man, if you are the responsible executive officer of an organization, and responsible for the management and running of its day-to-day operations as contrasted to being a consultant available for that organization to be of whatever help that you can on your time availability. When you take on a job as a campaign manager, and I am sure your campaign man-

agers have felt the same responsibility, you take on a 24-hour, 7-day-a-week job, and you work at it on that basis and you—that is one of the problems of political life is that you must pretty much discard any other responsibilities and any other demands on your time, especially during the period of the campaign, and that was the problem that Mr. Mitchell was facing was that the total demands of the responsibility of managing the campaign versus the really zero demands but still continuing opportunity to participate and be of help in whatever way he could following his relief from responsibility.

Senator GURNEY. Well now let me put the direct question: In these conversations which you had with the President and Mr. Mitchell prior to his resignation, was there any discussion that he ought to resign because he had knowledge of the Watergate break-in?

Mr. HALDEMAN. No, sir.

Senator GURNEY. And because, after that he participated in the coverup?

Mr. HALDEMAN. Absolutely not.

Senator GURNEY. No discussion of this at any time?

Mr. HALDEMAN. No.

Senator GURNEY. John Dean worked directly under you, did he not, Mr. Haldeman, in the White House?

Mr. HALDEMAN. Administratively, yes. Substantively, he worked under other people depending on the nature of the particular task he was engrossed in.

Senator GURNEY. Did he report to you regularly?

Mr. HALDEMAN. No, sir.

Senator GURNEY. Would he report to you on pretty important matters; keep you advised?

Mr. HALDEMAN. No, not on substantive matters because he would report to the person responsible for that area.

Senator GURNEY. There was one statement that Mr. Dean made about his recollection of the March 21 meeting that struck me as being bizarre, to say the least. That was a statement that the President at some time during the meeting, and I am paraphrasing now, said: "I am impressed with your knowledge about this Watergate affair, Mr. Dean. I think you ought to brief the Cabinet on it."

Do you recall any such statement as that?

Mr. HALDEMAN. I think I do. I think it was in that meeting and I do recall a suggestion that he should do so.

Senator GURNEY. Well, that struck me as strange, and I remember asking, I think, Mr. Dean, at the time, that if he had apprised the President of all the details about Watergate, that he, John Dean, knew at that particular time the break-in, the talks, of course, in Mr. Mitchell's office, the Liddy plans, and also the great involvement in the coverup, why in the world anybody would want the Cabinet briefed on that, because it was a total recount of something that obviously was very illegal.

Mr. HALDEMAN. Would you like me to speculate on a reason?

Senator GURNEY. Yes.

Mr. HALDEMAN. That is all I really can do. But I think as the President had done himself on a number of occasions and had sought to have done by others was not talking in terms of trying to brief the Cabinet on each of these possible problem areas that Mr. Dean had

laid out for him, which had to be dealt with, but rather to brief the Cabinet on the noninvolvement of the White House which Mr. Dean had again reaffirmed and to assure the Cabinet that there had been—there was still continuing investigation and that it still did not show any White House involvement in the Watergate and to provide that assurance.

Now, that was one of the areas that not just the Cabinet but that the President wanted the people to understand. At that point there was no certainty as to what the problems were at the reelection committee. There was a new uncertainty, let us say, and there were also new problems. I do not believe that the President intended that Mr. Dean brief the Cabinet on all of those—that range of problems.

Senator GURNEY. Around about this March 21 meeting and I honestly do not recall now, and I have not examined the transcript to find out exactly what meeting it happened in, I think it is the one that was held between you and Ehrlichman and Dean after you had talked with the President—anyway, the point of the matter was—was there any discussion at that meeting I just referred to or any other in and around this time about having John Mitchell step forward, I think that term was used—I might use this term—take the rap for Watergate?

Mr. HALDEMAN. I do not think at that time. There was in the—that second week in April a developing view on both John Dean's and John Ehrlichman's part that, as they were getting additional information from various people, actually pretty much from the same people, that there was a real possibility, at least, growing in their mind that John Mitchell had been aware of the Watergate break-in, and so forth, and that if that were the case, and if he would decide to say so, that that would be a major step in opening up the problems of what really had happened in the Watergate case.

It was not discussed in terms of scapegoatism or someone taking the rap, and it was not discussed in terms of putting the pressure on Mr. Mitchell to do this. It was discussed in the terms if this were the case and if it happened that would certainly be a major step in the direction of trying to unravel this whole thing. And that unfortunately now as it gets talked about, gets misplayed, and it gets as frequently as happened in these hearings through no fault of the hearings but just inherent in the process—something that one person says somebody else told him that someone else thought becomes a statement of fact by the party testifying at the time here and that is unfortunate but I am afraid probably inevitable.

The only thing that happened in the time of the March 21 meeting that would in any way relate to the point that you are raising was the incident that I recall happening after the meeting that John Dean, I think, recounted as happening before the meeting and for some reason I have a physical picture of this one. We were standing on the top of the steps of the EOB, John Ehrlichman, John Dean, and I, after the meeting with the President, before we went down the steps and across the street, and Dean was kind of looking out over the landscape and sort of musing to himself and said, you know, maybe the way to deal with this whole thing now is to draw the wagons around the White House and let the chips fall where they may outside because nobody in the White House is going to be hurt by a full disclosure process, but the problem with doing that is the question of what it does to

Magruder and Mitchell. And he was not saying it in the sense that he knew what it would do to Magruder and Mitchell but that he was—that that is where the problem would arise, he felt.

Senator GURNEY. In any of your meetings with Mitchell or in any phone calls that you had with him in this time frame, March–April, did you ever say, "Now, look, John, didn't you really know about this break-in and weren't you deeply involved in this coverup and don't you think it is time to take the lead and unravel all this?"

Mr. HALDEMAN. I did not. That was, I believe, the essence of John Ehrlichman's meeting with Mr. Mitchell on April 14.

Senator GURNEY. My time has elapsed.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Mr. Chairman, I yield back my time.

Senator ERVIN. Senator Inouye.

Senator INOUYE. Thank you very much, Mr. Chairman.

Mr. Haldeman, have you ever been cited by any court in the United States for illegal or unethical campaign activities?

Mr. HALDEMAN. I am not sure what "cited" means, Senator. My name was included, although I was not a defendant, in a suit relating to the 1952, 1962 campaigns for Governor of California.

Senator INOUYE. In a judgment rendered on November 2, 1964, the court did cite you and others for carrying out illegal and unethical campaign activities and did enjoin you from ever using such tactics again, and the case was never appealed. Isn't that so?

Mr. HALDEMAN. I have not seen that judgment. I have seen press references to that that said that I was, I guess "cited" is the correct term, as having had knowledge of the matter that was under discussion. I don't know what the proper term is—under judgment there.

Senator INOUYE. On September 5, 1963, you gave a deposition in California. If I may, I would like to read the questions and answers:

Did you review this Exhibit E, the post card poll, with Mr. Nixon?

Your answer:

No, I don't think so. I think again I posted him on the fact that we were going into this project on the same basis that I did with Weinberger and Martin, which would have been my practice when in this kind of thing.

Question: Did you tell him the contents of Exhibit E, the post card poll?

Answer: Perhaps in general terms, not on any specific basis. I don't know.

Question: Did you show him the draft?

Answer: I don't think so.

Question: How many conversations did you have with him?

Answer: I am sure only one.

Then on January 8, 1964, a deposition was taken of Miss Leone Baxter. I believe she was retained by your organization to carry out public relations activities. And in this deposition it says:

Yes, if this conversation with Mr. Nixon in Los Angles took place approximately on August 25, 1962, when was your next meeting with Mr. Nixon concerning the campaign?

Answer: I don't think I had another meeting with him until I went over the copy with him and with Mr. Haldeman.

Question: About what date was that?

Answer: All of this seems to have transpired along about in the same timing, very concentrated in late August, early September, as I recall of these meetings and conversations.

Question: Where did the meeting take place?

Answer: Now, which meeting?

Question: The one with you and Mr. Nixon and Mr. Haldeman to go over the copy.

Answer. At Mr. Nixon's home.

Question:——

Mr. WILSON. Mr. Chairman—excuse me, Senator, I have not seen this inquiry predicated on a question. I have not interfered up to this point with respect to the question of relevancy. I think it stands out in bold relief. I would like to say that I think this is outside the scope of your resolution.

Senator INOUYE. Mr. Chairman, may I respond to that, sir?

Senator ERVIN. Well, it may be relevant but I believe it would be advisable, I hate to say this, but to refrain from interrogating that far back.

Senator INOUYE. May I respond, sir, Mr. Chairman?

Senator ERVIN. Yes, sir.

Senator INOUYE. I believe it is relevant to the investigation to have some understanding of Mr. Haldeman's approach to political campaigning, and, second, Mr. Chairman, these hearings began on May 17, 1973, and since then I believe we have had 32 days of intensive questioning of witnesses and we have had before us men and women of high standing in our community, men and women supposedly with unimpeachable characters, and to the confusion of all of us here, Mr. Chairman, many of these witnesses have time and again contradicted other witnesses, in other words, suggesting that one witness was faulty in his recollection or committed outright perjury, and I think it is relevant to this investigation to determine a witness' credibility.

For example, when Mr. Dean was before us, no one objected to a question posed about reasons for his dismissal from his first job and I believe this touched upon his credibility.

Senator ERVIN. Well, Senator, I would approximate this to the rule in criminal cases, though we are not trying a criminal case, but it is a good guide to follow. I do think you can ask the witness about his attitude but I do not believe we ought to go back that far to ask him about specific acts just like trying a man for one thing and then proving he did some other things. If we do this with Mr. Haldeman, then anybody in the committee would be entitled to recall every witness here and do the same thing, go back into their past actions and things, and I just think it is unwise to open the door and——

Senator INOUYE. I shall abide by the Chair's rulings. I just wanted to compare these two depositions, one which says——

Mr. WILSON. I object to discussion of the deposition.

Senator ERVIN. Well, I do not know very well how I could keep you from saying something that was within the sphere of your responsibilities even though I thought it was wrong or do the same for the Senator from Hawaii the same way.

Mr. WILSON. A description of these depositions is to let in the very thing I say is irrelevant.

Senator ERVIN. Well, I have ruled that the Senator will not——

Senator INOUYE. I will not ask the question, Mr. Chairman. I thought it might be a good opportunity for Mr. Haldeman to provide some clarification. These depositions are a matter of record. Anybody can pick this up and quote from this.

Senator ERVIN. Yes; but they are res inter alia acta, something like that. [Laughter.] So I think we had better desist at this point.

Senator BAKER. Mr. Chairman, would the Senator yield just for a moment?

Senator INOUYE. Yes, sir.

Senator BAKER. Mr. Chairman, I have received word that the Federal aid to highways bill is now pending on the floor of the Senate. It is a $20 billion authorization and I am the senior Republican on the jurisdictional committee and I would like to be excused from these proceedings until the Senate acts on that matter.

Senator ERVIN. Well, that is understandable. That is a very important bill and you have been a very interested member and after 75 or 80 conferences getting a compromise bill, and since your views on the bill are almost the same as mine, I will excuse you. [Laughter.]

Senator Weicker.

Senator WEICKER. Now, Mr. Haldeman, I had presented to you two documents. You briefly went over the first. Now, I would like to ask you whether or not you——

Mr. HALDEMAN. Excuse me, sir.

Senator WEICKER [continuing]. Recognize the second dcoument?

Mr. HALDEMAN. I only have one.

Senator WEICKER. I asked that both be given to you at that time.

Mr. HALDEMAN. Here it comes, I guess.

Mr. WILSON. May I have a copy, please? The Senator wanted me to have a copy, too.

Mr. HALDEMAN. Is the second document dated February 10?

Senator WEICKER. Memorandum from John Dean to H. Haldeman.

Mr. HALDEMAN. Thank you.

Mr. WILSON. I would like another copy.

Senator WEICKER. You do not have the February 10 document?

Mr. WILSON. I do not.

Senator WEICKER. Does Mr. Haldeman have the February 10——

Mr. HALDEMAN. He just gave me one. Mr. Wilson was asking for another copy.

Senator WEICKER. Can the committee provide Mr. Wilson another one?

Mr. HALDEMAN. All right, sir; I have read it.

Senator WEICKER. Mr. Haldeman, do you recognize this?

Mr. HALDEMAN. Yes.

Senator WEICKER. Let me read it. Dated February 10, 1973. Memorandum for John Dean from H. R. Haldeman. [Reading:]

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 taped 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, libel and slander such as against Rebozo, et cetera.

And lastly—I beg pardon, reading directly—

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 under any circumstance.

In any event, we have to play a very hard game on this whole thing and get our investigations going as a countermove.

Is that what the document states?

Mr. HALDEMAN. That is what this document states.

Senator WEICKER. And this document states it is a memorandum from you to John Dean. Is that a memorandum that you prepared?

Mr. HALDEMAN. I will accept responsibility for the memorandum, although because of some bad English and other problems in it, I would point out that it is not initialed by me, which it would have been had I written the memorandum and sent it. I believe that this was a memorandum prepared from notes or from telephonic instructions to a staff member who then wrote it up and sent it out over my name. Having said that, I am disclaiming responsibility for the English and typos, and accepting overall responsibility for the memorandum.

Senator WEICKER. In other words, accepting responsibility for the thrust of the memorandum, if not the actual words used?

Mr. HALDEMAN. Yes, sir.

Senator WEICKER. Well, I guess the first thing to ask here is I would like to get your version as to what this first paragraph means:

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.

Mr. HALDEMAN. I think there was, or I know that there was, some information, I don't know how good it was that there was foreign money used to support the financing of demonstrations. The point here was to develop the story that that had been the case, develop the facts on it.

Skipping down to the fourth paragraph it does say, "We need to develop the plan on to what extent," this is the bad English again "but to what extent the Democrats were responsible for the demonstrations that lead to violence or disruption."

In other words, this was to determine the facts and get out the story with the objective of tying, where the facts did so, tying those demonstrations to those who were responsible for them.

Senator WEICKER. Well now, are you tying the Democratic Party, or let me ask you, what are you tying the Democratic Party to? Let's be specific.

Mr. HALDEMAN. I am asking to develop a plan on to what extent the Democrats were responsible for demonstrations that led to violence or disruption.

Senator WEICKER. You say:

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.

This is one paragraph here, the head of this memorandum.

Mr. HALDEMAN. That is right, I am reading——

Senator WEICKER. Are you trying to tie the Democratic Party to Communist money or foreign money?

Mr. HALDEMAN. I am trying to tie the demonstration that is—were instigated by McGovern or McGovern campaign people to those people. I am trying to get out the story of what the facts were in regard to the instigation of and financing of demonstrations.

Senator WEICKER. Well now, this is dated February 10, 1973. And interestingly enough I have made my own notes and I go back to your opening statement before this committee and I expressed myself as to the image that you were trying to portray here, being rather clever with words, as to these matters being linked to the Democratic candidate, to the Democratic Party, and I didn't receive or I didn't get this particular memorandum until after I had made my own impression as to what thoughts you were trying to convey in your opening statement, so, in other words, I had my impression of your opening statement in trying to tie the Democratic Party and George McGovern to the image of being soft on communism and being soft on law and order and all of a sudden this memorandum appears and here you are suggesting as a counteroffensive that these entities, this individual, and this party be tied in with foreign and Communist money and that it be tied into the demonstrations. Is this what you—let me ask you—is this what you believed during the course of the campaign of 1972? Was this to be the thrust of the attack?

Mr. HALDEMAN. Let me—I don't understand your references to soft on communism and soft on law and order. Is there something that I have said that leads to that?

Senator WEICKER. Well, I think that you're definitely trying to make a linkup here. I just have your own memorandum before me on that point.

Mr. HALDEMAN. My own memorandum makes no reference to McGovern being soft on communism.

Senator WEICKER. No, it just tries to go ahead to link Mr. McGovern to demonstrations and to communism; is that right?

Mr. HALDEMAN. Tries to link Mr. McGovern or the McGovern campaign to——

Senator WEICKER. And the Democrats.

Mr. HALDEMAN. And the Democrats and the peace movement to the demonstrations and to the point that I understood there was backing on, or information on, that there was foreign or Communist money used in support of demonstrations. If, in fact, those were the facts, it was my feeling that they should be known.

Senator WEICKER. No, you say, you don't want to develop the fact, "We need to get our people to put out the story on the foreign or Communist money that was used," in the last election.

Mr. HALDEMAN. He says that was the case.

Senator WEICKER. Do you mean to tell me that as a man closest to the President of the United States, you issued a directive linking the Democratic Party and the Democratic candidate to Communist money, to demonstrations, because you thought that was the case, that you are willing to go ahead and do that as the man closest to the President of the United States, you were willing to throw that party and that name around in that fashion?

Mr. HALDEMAN. Only if it is the case, Senator, and only——

Senator WEICKER. Isn't it your job before you issue a memorandum to make sure that it either is or is not the case?

Mr. HALDEMAN. Isn't that——

Senator WEICKER. Isn't that what this country is about?

Mr. HALDEMAN. That is why the memorandum was directed to the counsel to the President who had the facts, as I understood it, on this case.

Senator WEICKER. "We need to get our people to put out the story," this is not a request for an investigation. If it were a request for an investigation, wouldn't this be the type of thing which certainly we should put into the hands of our law enforcement branches here in the United States, either the FBI, CIA, the National Security group, or any valid law enforcement branch? This isn't a request for an investigation of these facts. This is to put out the story.

Mr. HALDEMAN. It was my understanding that there were facts that led to these points.

Senator WEICKER. What are the facts?

Mr. HALDEMAN. I don't know. I have stated what my understanding was. Mr. Dean was the one I understood had the facts.

Senator WEICKER. I think I have come close to my time now, Mr. Chairman. I am going to be candid with you, and I am going to continue on this subject every 10 minutes until we get this right out on the table. But I want you to know this, that if I am emotionally wrought up at this point in time it is because these things have been imputed or an attempt has been made, and I think we have stopped here, to impute these matters and other matters here to your party and to your candidate.

I am going to tell you, my job is to go ahead and beat Democrats and I have done a pretty good job, quite frankly, and I am agin you, and quite frankly go into the record and find out who made some of the sharpest attacks on Mr. McGovern, attacks based on facts that were in the record, fair enough. But this type of business here when it emanates from the highest councils in the land, I think is a disgrace, and I think, quite frankly, the tactics, this is February 10, 1973, I don't think there has been any change in tactics from the election campaign of 1972 as to when you sit before this committee right now, Mr. Haldeman.

Senator ERVIN. Senator Montoya, I believe it is your turn.

Senator MONTOYA. I just have two short questions, Mr. Chairman.

Mr. Haldeman, following the questioning of my previous turn, I want to ask you since you said that checks of people were routinely made by the FBI, why did you personally request FBI background checks on certain persons?

Mr. HALDEMAN. I am not sure without knowing what the specific circumstances were in each instance, Senator.

Senator MONTOYA. Well, you indicated that checks were being made routinely about some of these persons and they were routinely made by the FBI, so why was there a need for you to request checks on these persons other than for the purposes that were outside of the scope about which your testimony alluded?

Mr. HALDEMAN. I don't know that I did request any checks outside that scope.

Senator MONTOYA. Well, we went into the check on Mr. Schorr, and Mr. Butterfield testified that there were approximately eight persons on which you had ordered checks, to his knowledge, and he mentioned three, I don't know of the other five, but I understand that you did order checks on many individuals.

Mr. HALDEMAN. Where do you understand that, Senator, and who were they?

Senator MONTOYA. I understood Mr. Butterfield to say that you had ordered checks on different individuals but he knew of eight checks that you had ordered and he was only able to mention three.

Mr. HALDEMAN. And that as I recall from what you read from your staff report which I have not seen, included requests from both Mr. Ehrlichman and from me.

Senator MONTOYA. Now, why did you have to order these checks on certain individuals if the FBI was doing this routinely? That is the question I am asking.

Mr. HALDEMAN. Without knowing the specific circumstance and the specific individual I couldn't tell you, sir; but I would submit that there are, it is not unusual or unlikely that if, for instance, a pending invitation to entertain at the White House or a pending invitation to participate on a delegation or something of that sort were being considered that it might well be a step taken to make a prior check before that was pursued in any way that could become embarrassing to the individual if, in fact, the check proved unsatisfactory. We found in a number of cases that people who were under consideration did have problems, that did show up in their FBI files or as a result of FBI checks that resulted in a decision not to make the appointment or issue the invitation on a very proper basis because, to avoid embarrassments to the White House and to avoid embarrassments to the individual.

Senator MONTOYA. Well, who was in the business of ordering IRS checks at the White House on individuals?

Mr. HALDEMAN. It would depend again on the situation. I can't answer when on a broad basis.

Senator MONTOYA. What individuals had that authority?

Mr. HALDEMAN. I am not sure. It would depend on the specific situation.

Senator MONTOYA. Well, you were chief of staff there, don't you know—don't you know of somebody who had the central responsibility to approve these requests by personnel at the White House?

Mr. HALDEMAN. The general procedure would have been for such requests to be made through the counsel's office. But there, I am sure, were exceptions.

Senator MONTOYA. Do you know whether Mr. Colson made any checks?

Mr. HALDEMAN. I don't know.

Senator MONTOYA. Do you know whether Mr. Caulfield requested any of these, any of this information?

Mr. HALDEMAN. I don't know but he was, of course, in the counsel's office so——

Senator MONTOYA. Now, I want to ask you one final question. The other day I asked a question of Mr. Strachan who worked for you, who was very dedicated in following your orders, and who expressed

great concern that right after the Watergate break-in that he might not have enough information and he impressed this committee that he was almost shaking in his boots because he didn't have enough information to adequately inform you at the White House upon your return from some trip.

Now, I asked him a question which you know about already, and the question revolved around what advice, in view of his experience he would have for the people, for the young people, of this country with respect to public service, and very dramatically he answered, "Stay away."

Now, I am trying to elicit from you, Mr. Haldeman, you knowing this young man so well, and he having impressed me with his testimony and his sincerity and his soldierly dedication to duty, I want you to tell me from your knowledge of this young man what might have inspired him to make such an answer from his experience and background?

Mr. HALDEMAN. Well, Senator Montoya, let me say that when he gave that answer I found it to be one of the saddest moments of this hearing because it is an answer that I would certainly give in exactly the opposite direction and I would have hoped that Mr. Strachan would have answered in exactly the opposite way from the way that he did. You have asked my opinion.

Senator MONTOYA. I am going to ask you what is your advice to the young people of this country because we are in public service, and I feel that we should put this matter in proper context. To me public service is a trust, public service is an honor, and I am sure that you can shed light on this in view of your previous connection at the White House as the No. 1 man next to the President; what advice do you have?

Mr. HALDEMAN. My advice, Senator, to any young man or young woman who feels that he or she has the ability, and the interest to serve this country in any way in the Government or in any other way, that he should pursue that or she should, that interest, to the fullest of his or her ability. I think it would be tragic, and maybe the greatest of all tragedies that seem to be flowing out of this whole situation, if it would result in any individual who had decided at some point or who had been thinking at some point of coming into the Government to serve in elective office, in appointive office, or as a staff member to a Member of Congress or in the White House or any of the Government agencies, if that decision were changed as a result of what has gone on here, that would be, in my mind, an overriding tragedy.

I would like to say that one of the proudest things that I have in the back of my mind is the intention of my oldest son to enter Government service when he completes his college work, which he is in the middle of now, and his intention to go to law school following that, and I hope to God that he enters Government service in some way.

Senator MONTOYA. Well, I would like to add to that advice and that would be this: I hope that all young men who come into the Government service and who have the splendid opportunity that those men who have appeared before this committee have, that they will at all times be alert and careful and avoid a Watergate pit.

Would you agree with me on that?

Mr. HALDEMAN. With all my heart, sir.

Senator MONTOYA. Thank you.

Senator ERVIN. There is a vote on. The committee will stand in recess until 1:30 unless there is objection.

[Whereupon at 12 noon, the committee recessed, to reconvene at 1:30 p.m., the same day.]

AFTERNOON SESSION, WEDNESDAY, AUGUST 1, 1973

Senator ERVIN. The committee will come to order.

There have been a number of inquiries as to whether the committee would have a Saturday session, and since I am the only person, among all of the inhabitants of this country, who still believes people ought to work at least to noon Saturday, there will be no Saturday session of the committee because I am afraid nobody would be here except myself. [Laughter.]

Mr. Haldeman, the Presidential aides in the White House had a habit of writing memorandums to one another, did they not?

Mr. HALDEMAN. They did write memorandums; yes, sir.

Senator ERVIN. And is it reasonable to assume that most of the matters that had been discussed in the White House during 1972 and 1973 evolved in a sense in written memorandums and are still in the White House unless they have been shredded or destroyed; would that not be true?

Mr. HALDEMAN. No; I would not believe that is true; a great deal was discussed which was not reduced to memorandums.

Senator ERVIN. But a great deal was reduced to memorandums was it not?

Mr. HALDEMAN. Some were, not anywhere near a large proportion of what was discussed.

Senator ERVIN. For example, this memorandum that Senator Weicker was asking you about from you to John Dean dated February 10, 1973, would have been preserved in the White House, would it not?

Mr. HALDEMAN. I am not sure. I imagine it would be.

Senator ERVIN. Yes.

Now, I am asking you if this memorandum was not made as a result of the meeting out in La Costa, Calif.

Mr. HALDEMAN. I do not see how it could be since it is dated the same day that the meeting started.

Senator ERVIN. Well, were you out at that meeting?

Mr. HALDEMAN. In La Costa; yes, sir.

Senator ERVIN. And if you made it on the same day the meeting started, it must have been made as a result either before the meeting occurred or after it occurred, which was it?

Mr. HALDEMAN. I cannot tell you. As I said to Senator Weicker, I do not believe that I dictated this memorandum. I think it was written from notes or a phone conversation, and I do not know that it had any connection with the La Costa meeting.

Senator ERVIN. Well, you say on page 13 of your statement that in your role as the President's chief of staff: "I concentrated my attention and activities each day on those matters on which the President was concentrating his attention and activities."

The President was not concentrating his attention and activity in matters mentioned in this memorandum which purports to be from H. R. Haldeman to John Dean, was he?

Mr. HALDEMAN. I do not believe he was.

Senator ERVIN. Yes. Now, as a matter of fact, this was a memorandum that was made, and was not the meeting of La Costa held as a result of the creation of this committee by the Senate?

Mr. HALDEMAN. Yes, sir, it was.

Senator ERVIN. And does it not reflect a purpose, if there was a coverup, does it not reflect a purpose to cover up the coverup?

Mr. HALDEMAN. I do not believe so.

Senator ERVIN. By that I mean, you were discussing the way in which to try to forestall this committee's action by developing a counteroffensive.

Mr. HALDEMAN. I would not say that anything in this memorandum had any relationship to forestalling this committee's action.

Senator ERVIN. Well, let us see. "The investigation should be brought to include the peace movement which leads directly to McGovern and Teddy Kennedy." What investigation?

Mr. HALDEMAN. Of the demonstrations against the President in 1972.

Senator ERVIN. Well, the memorandum starts out and says:

> 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 Democrats as a part of the peace movement.

Now, what does that mean? This was after the election and had nothing to do with the election.

Mr. HALDEMAN. It had to do with the aftermath of the election. I do not believe it has any direct relationship to the activity of this committee, however, because this was not in reference to the committee.

Senator ERVIN. Well, was it just a newspaper offensive that was to be started in which a charge was going to be made that the Democrats were allied or rather had received money from the Communists and foreign sources?

Mr. HALDEMAN. I think that it was, yes; as a measure of counterattack.

Senator ERVIN. Well, there is a memo on February 10, the same day, 1973 from Higby to John Dean:

> As I am sure Bob's probably mentioned to you, we need to get a thorough itemization as quickly as possible for all disruptions that occurred in the campaign. We'll need this for our Watergate tactics with the Ervin Committee.

Mr. HALDEMAN. Right, but I don't see that as a means of disrupting or turning off the activity of the committee. I see it as a counterattack to the material that would be developed.

Senator ERVIN. You said first a while ago, if I recall correctly, that this memorandum that purports to be from H.R. Haldeman to John Dean had no reference to this committee.

Mr. HALDEMAN. I don't believe it did.

Senator ERVIN. Well, this memorandum from Higby to John Dean, which is the same date, does refer specifically, "We'll need this for our Watergate tactics with the Ervin committee."

Mr. HALDEMAN. Yes, I see that it does.

Senator ERVIN. Yes. Now, Higby was your assistant, wasn't he?

Mr. HALDEMAN. Yes, sir; yes, he was.

Senator ERVIN. I am not going to question you at length on this, but I do say you refer to something about the Fort Wayne story, maybe you ought to let that out now. Also a 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, and so forth.
>
> We could let Evans and Novak put it out and then be asked about it to break the point that we knew and the President said it was not to be used under any circumstances.

Now isn't that an effort to manufacture something retroactively?

Mr. HALDEMAN. It wasn't to manufacture something, and the reason that I don't believe I dictated this memorandum is that Mr. Dean didn't, had no knowledge, I don't believe, of what I was referring to in the Fort Wayne story, and I would not have sent any such reference to him.

Senator ERVIN. Well, do you think somebody was forging your name on this document? Is that what you are saying?

Mr. HALDEMAN. No, I indicated to Senator Weicker that I took the responsibility for the document but not for the dictation of it. It is not signed by me and when I send a memorandum of this sort, that I dictated and read myself, I initialed it by my name.

Senator ERVIN. What are the initials on this?

Mr. HALDEMAN. I don't know what that is in the upper right-hand corner but that isn't——

Senator ERVIN. Isn't that for Haldeman file; isn't that what that "H.F." is for?

Mr. HALDEMAN. I don't know, Mr. Chairman. My guess would be since there is a date of February 16 it is for followup on the 16th.

Senator ERVIN. Well, whoever wrote this document addressed it to the man who was supposed to be looking after the White House's affairs rather exclusively, I think, John Dean, didn't he?

Mr. HALDEMAN. In regard to the Watergate, yes.

Senator ERVIN. Yes.

Mr. HALDEMAN. But he also was involved in the analysis of demonstration intelligence, too.

Senator ERVIN. So the point is made, "We could let Evans and Novak put it out," they are two columnists, aren't they, who ran a column in this country's papers and after it says, "And then be asked about it to make the point that we knew and the President said it was not to be used under any circumstances."

Now, isn't that a statement that after it is put out in a column by Evans and Novak, that you all would be asked about it and you would all say you knew about it all the time but the President in past campaigns had directed that it not be put out under any circumstances?

Mr. HALDEMAN. And that is precisely the case.

Senator ERVIN. Why didn't you say so?

Mr. HALDEMAN. I did say so.

Senator ERVIN. So the President knew about it?

Mr. HALDEMAN. The President knew about this particular story, yes.

Senator ERVIN. And he told you not to use it under any circumstances?

Mr. HALDEMAN. That is correct. And it wasn't.

Senator ERVIN. And you knowing that while you deny authorship of this? Do you deny authorship of this?

Mr. HALDEMAN. I deny dictating this memorandum, but I have accepted responsibility for its contents, Mr. Chairman.

Senator ERVIN. I will come back. Wait a minute, Mr. Strachan was your liaison between you and the Committee To Re-Elect the President, was he not?

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. And he brought you memorandums and documents?

Mr. HALDEMAN. He sent them to me, yes.

Senator ERVIN. And he testified that he brought you a memorandum which stated at Key Biscayne on the 30th of March, John Mitchell had approved of what he called a sophisticated intelligence plan and that you put a mark indicating that you had read that. You say he did not bring you that or do you say you just do not have any recollection of it?

Mr. HALDEMAN. I said I did not have any recollection of that specific item or of that memorandum in the clear specific sense. I have no question that I was sent political memorandum No. 18 to which he referred. I do not think itwas quite as specific as you just made the reference to the thing. As I recall Mr. Strachan's testimony, which is the only thing I can go on, he said that among the other 30 items that he reported from that meeting was one saying the committee now has a sophisticated intelligence operation budgeted at $300,000.

Senator ERVIN. Now, did Mr. Strachan have a custom of preparing what I call talking papers for you when you were going to have interviews with people?

Mr. HALDEMAN. When I was having meetings with Mr. Mitchell.

Senator ERVIN. Right after the Key Biscayne meeting of March 30, 1972, Mr. Mitchell had an appointment with you, did he not, in the White House?

Mr. HALDEMAN. We met on April 4.

Senator ERVIN. April 4. And Mr. Strachan has testified here that he prepared for you a talking paper mentioning this same subject as something you should make inquiry of Mr. Mitchell about. Now, do you recall that talking paper?

Mr. HALDEMAN. No, I do not in any—not specifically, but Mr. Strachan had a practice of preparing the—a paper that would include his suggestion of items that might—that I might want to raise in meetings with Mr. Mitchell.

Senator ERVIN. Now, I take it you are not denying that he furnished you such a talking paper but you merely state you have no recollection of having seen it. Is that correct?

Mr. HALDEMAN. That is correct.

Senator ERVIN. Senator Gurney.

Mr. HALDEMAN. I might, if I could, Mr. Chairman, just on that same point, however, follow up with the point that in that meeting with Mr. Mitchell, Mr. Strachan in his own testimony said he had no knowledge of what was discussed, that those talking papers were his suggestion of things he thought I might want to raise with Mr. Mitchell. He has no knowledge that I did raise any of them with him, and I do not believe that that was discussed at the meeting of April 4 with

Mr. Mitchell, because that meeting was in conjunction with the meeting Mr. Mitchell and I had with the President the same day at which other matters were discussed relating to the ITT meeetings, and the plans that Mr. Mitchell was making for assigning regional campaign responsibility to individuals that he reviewed with the President.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Thank you, Mr. Chairman.

I am sure there are many more questions that could be asked of the witness on various phases in this whole Watergate affair but as I understand this phase, it is restricted to the break-in and the coverup. I think the witness has testified very fully on that. Frankly, I cannot think of any other questions that I could ask him that would shed any more light on those two issues. I think that the central theme of what we are trying to get at in this phase is the involvement or noninvolvement of the President of the United States in the break-in and the coverup, and as I say, I cannot think of a single question to ask the witness on this.

The committee has agreed, I think—we have discussed it in executive session—that it is important to expedite this phase of the hearings so we can get them over, hopefully, next week. My own personal view is that I think these hearings are damaging this Government seriously, the Nation, and also its relations in the world abroad. Therefore, I do not intend to ask any more questions of this witness.

Senator ERVIN. Senator Inouye.

Senator INOUYE. Thank you very much, sir.

Mr. Haldeman, just for the record, since there are a few unanswered questions relating to the tapes, will you tell the committee as to who knew about the existence of the recording system in the White House?

Mr. HALDEMAN. Other than the members of the Technical Security Division of the Secret Service, and I do not know who in that organization knew of it, but it was the smallest number of people feasible within the requirements they had technically to conduct the preparation of the tapes and the storage of them.

The only other people that I am aware of that knew of the existence of the tapes at the time I was at the White House were the President, myself, Alex Butterfield, and Mr. Higby. I did not know Mr. Butterfield's secretary was aware of them but I understand he has so testified. I do not believe anyone else did and I do not recall whether Mr. Butterfield has indicated that anyone else did. If he has and if you want to check those names with me, I can confirm my knowledge as to their knowledge.

Senator INOUYE. The Director of the Federal Bureau of Investigation—was he aware of this?

Mr. HALDEMAN. Not to my knowledge.

Senator INOUYE. Was the Director of the Central Intelligence Agency aware of this?

Mr. HALDEMAN. Not to my knowledge.

Senator INOUYE. Did you have a room that was secure, with no recording devices, where Mr. Helms could discuss highly sensitive matters with the President of the United States?

Mr. HALDEMAN. Well, there were only two rooms—excuse me, three, because the Cabinet room also had this capability on a switched-on-and-off basis. The only two rooms which were covered by this taping

were the Oval Office of the President in the White House and the other office, the alternate office of the President in the Executive Office Building, and then as I said, the Cabinet room which was on a switch. The others were automatic.

Senator INOUYE. Are you aware if the CIA Director ever discussed highly sensitive matters with the President and had the discussion recorded?

Mr. HALDEMAN. I do not know.

Senator INOUYE. I am just bringing this up because I believe there are laws that would prohibit this, the compromising of the Central Intelligence Agency, but that is not our concern.

What in your mind was the purpose of recording these conversations?

Mr. HALDEMAN. So that the President would have for his own use and reference on a historical basis an accurate and precise record of everything that was said by him and by other people with whom he was conferring.

Senator INOUYE. Was it the intention of the President to eventually release all of the tapes?

Mr. HALDEMAN. No, sir. It is my understanding that it was he—his intention was not ever to release the tapes.

Senator INOUYE. Then, how would you account for the historical aspect of the tapes?

Mr. HALDEMAN. For his own use.

Senator INOUYE. Now, on July 9, 10, or 11 you were given the tape of September 15, sir?

Mr. HALDEMAN. Yes.

Senator INOUYE. And I believe you also indicated that you were given other tapes?

Mr. HALDEMAN. Yes. I believe——

Senator INOUYE. Can you recall the dates of these tapes, sir?

Mr. HALDEMAN. I am not sure. They were of other meetings during the March-April period and I am not sure which ones.

Senator INOUYE. Meetings involving what people?

Mr. HALDEMAN. The President, Mr. Dean, and myself, but—no, they didn't involve me. The President and Mr. Dean.

Senator INOUYE. In your response to Mr. Montoya's inquiry you suggested that you were not acquainted with the mechanism of the taping device, the tape machine. In fact you weren't aware that they had different speeds.

Mr. HALDEMAN. I believe I indicated that I was aware. I wasn't aware of what speed to set this at and I had to experiment with the switch in order to set it at the proper speed for these tapes.

Senator INOUYE. To start and stop did you have to experiment also?

Mr. HALDEMAN. No. There is a button on it that indicates start and stop, I think. I should say really yes, I did have to experiment with it. I had to determine how to do it but it was not difficult to do.

Senator INOUYE. And you testified that you heard it once?

Mr. HALDEMAN. That is correct.

Senator INOUYE. You didn't replay it?

Mr. HALDEMAN. I did not replay it; that is correct.

Senator INOUYE. Is it possible that in the pressing of your buttons you may have accidentally erased portions of it?

Mr. HALDEMAN. It is my understanding that that is not possible unless you push the record button which has an erasing feature on it which I did not do. I can assure you, Senator Inouye, that I did not make any effort to erase or in any other way alter the tapes that I listened to in any form.

Senator INOUYE. If I may ask a final question on the tapes; it has been suggested that there is some connection between July 9, 10, 11, and 13, and I will draw the picture for you, sir. On the 9th, 10th, and 11th, on one of those dates you listened to this tape of September 15. On July 13 Mr. Butterfield in his interview advised the committee of the existence of the recording devices and that is why earlier this morning I asked you if you had any conversation with Mr. Butterfield. Is there any connection between these tapes?

Mr. HALDEMAN. Absolutely none, Senator. I did not have any conversation with Mr. Butterfield. I did not know on July 13 or, in fact, until it became publicly known that Mr. Butterfield had informed the committee.

Senator INOUYE. Thank you very much, sir.

I believe my time is up.

Do we have a vote, sir?

Senator BAKER. Yes, we do have a vote and since there are no other members of the committee present I will take the next sequence of examination.

Mr. Haldeman, I think you and I may have joined the issue on the wrong subject when we had our philosophical dissertation on the nature of the Presidency or the staffing arrangement there.

Let me pick up and try from a different tack. And my usual preamble that I have come to give but which is not diminished in its sincerity by the fact I give it repeatedly is that I am not trying to lead you into the criticism of the staff arrangement, nor of the President, but rather simply to probe into the nature of things.

It is interesting to me that you indicate that in previous campaigns, in your judgment, the President would have been on top of the campaign, so to speak, which implies to me that he would have been in charge of at least the major decisions or in control of the decisions on the major developments. I classify the matters that we have spoken of as a major development. As I understand your testimony, you have indicated that you think that would not have been the case in 1968 because the President, at that time a candidate for President, had already come to delegate a great deal of authority for the campaign and clearly that was not the case in 1972. Citing as you did his concern for the international situation and for the several domestic initiatives that were underway.

I don't know that I can get much closer to the situation except maybe to refine and reframe my question. That is, what is there about the arrangement, what is there about the demands of the Presidency or this man who is President, who is my friend and is your friend, what is there about this or preceding administrations that creates a situation where a President—let's take just the incumbent President and 1972—is not involved in the major decisionmaking situation. What is there about it that compels that or if it doesn't compel that, where was the judgment made or was it possible to have an alternative judgment? Think for a moment, if you will, about the testimony of John Mitchell.

John Mitchell testified—I hope this is not unfair to him or the committee—that, no, he didn't know about the break-in before it happened, but, yes, as soon as he found out he devoted the rest of his time to keeping the President from knowing. That is obviously an oversimplification but that is, I believe, close to what John Mitchell testified.

And now take your testimony that, no, you didn't know about the break-in and you didn't know about the coverup, but that the arrangement and circumstances were such that you don t know that you should have known under those circumstances. I believe in your statement you say the question is not what did the President know but how could the President have known. I think that is essentially what you said.

That might be a good place, as the preachers say, to take our text. Let's take that part of your statement. Have you got your statement before you?

Mr. HALDEMAN. Yes, sir.

Senator BAKER. That part. Could you read that section of your statement?

Mr. HALDEMAN. Do you know what page it is?

Senator BAKER. No, I am sure I don't. I can't even find a copy of it up here. But—here is a copy.

Mr. HALDEMAN. I have found it. Page 49.

Senator BAKER. Page 49, the second paragraph, the question is asked how could the President not have known, and your answer is to reverse the question, how could the President have known. Well that is a pretty good way to approach it.

You understand my concern; I am concerned for any situation that would keep the President from knowing. I am concerned with an analysis of the staffing arrangement at the White House in this or previous administrations, or the nature of the Presidency or the demands of foreign policy or domestic initiative that would prevent the President from knowing and would lead you to ask how could the President have known. You underscore the word "have" and I am concerned for the arrangements, the relationships that may have come into being over many administrations that would create a situation where the query is made how on earth could the President have known because here we are dealing with a matter that has turned out to be one of extraordinary importance.

Now let's examine just for the minute: The President read newspapers as the chairman is fond of saying and I am sure he watched television, he got his daily news summary, he had an extremely energetic, dedicated, and loyal staff. They were aware. They weren't isolated. I use the word "isolated" from time to time but not in that context. They were aware of what was going on around them but what was it that caused you or them or anyone that you know of to decide this wasn't a matter of sufficient urgency that you could go walking into the Oval Office and say, "Mr. President, there are two major figures in the Committee To Re-Elect the President that got caught in the Watergate down there. We don't know what happened," because, as you say, "We didn't have any prior knowledge of it but what in the world are we going to do?" A key and operative phrase there is: "What are we going to do?" thereby giving the President the opportunity to decide.

Now describe for me in more detail how that did happen or how that might be avoided in the future.

Mr. HALDEMAN. You have given me a big task, by the way.

Senator BAKER. Yes, it is a big task.

Mr. HALDEMAN. A wide range of questions.

Senator BAKER. But you are the world's leading expert on that event in that respect, so let's see what we can do with it.

Mr. HALDEMAN. First, in order to try to—do I get time for my answer or did he use up the 10 minutes of his question?

Senator BAKER. Go ahead, sir.

Mr. HALDEMAN. I think that I have got to, first of all, divide and then attempt to concur.

Senator BAKER. Why don't we settle for divide and then attempt to explain. [Laughter.]

Mr. HALDEMAN. All right. Divide into Watergate or pre-June 17 and post-June 17, because the section of my statement to which you have referred and which we have been quoting from is the section regarding the so-called coverup which I had earlier in that section defined as the illegal acts being taken if, in fact, they were, to cover up the information regarding the criminal activities that took place at the Watergate Hotel or Watergate office building.

Now, then you put your question in the other sense of these two people who were caught, who were connected with the committee, why didn't something happen?

Now, the President did know——

Senator BAKER. Would you hold for just a minute. Go ahead, sir, the chairman was pointing out we have only 5 minutes left to vote on final passage on the highway conference report, and I will take advantage of my colleagues here and of the television audience to say that I made my speech on it and I have worked on it for 8 months and if everybody doesn't know how I feel on the highway bill it is too late to change, but I am more interested in this right now, so if you would go ahead I would appreciate it.

Mr. HALDEMAN. All right.

The question then was put why didn't he do something about the two people from the election committee who had been arrested at the Watergate and I submit that he did in the sense of using the facilities that were available to him, the FBI, the Justice Department, and so on.

Senator BAKER. Was that a fairly casual way to handle a situation of extraordinary notoriety at that time?

Mr. HALDEMAN. I certainly don't think so. I don't believe it was handled in a casual way at all.

Senator BAKER. Let's stop just for a second and think about it, conjure up in your mind's eye a situation where on June 17 the television and newspapers were full of the allegation that burglars had been caught in the Democratic National Committee and either on the 17th or 18th that McCord and Liddy were involved. Now tell me what happened at the White House when that information was received so that we can judge how casual or how frantic the activity was.

Mr. HALDEMAN. The information, I don't know how the information was received at the White House. The President was in Walker's Cay

and I was in Key Biscayne at the time that this took place. I don't believe that the papers on the 17th or even the 18th were quite as festooned with this as you have described. I have seen it alluded to, that it appeared at the bottom of page 36 in the New York Times.

Senator BAKER. It got off that though.

Mr. HALDEMAN. In later days it certainly moved forward and up.

The question of Mr. Liddy being involved, I think, arose later rather than at that time, so I am—that is to characterize the situation as it was right at that weekend. I don't know what there was at the White House in this. Mr. Ehrlichman has testified that he was the only guy in town at the time and that he was in contact with various people in regard to this information as it was coming in from the Secret Service apparently via the Metropolitan Police.

Senator BAKER. Can I interrupt you for a moment there?

Mr. HALDEMAN. Sure.

Senator BAKER. Let's examine that nook and cranny just for a second. Let's assume you were aware, and I assume you were, that the President had delegated virtually all of his political campaign responsibility to other people as you say to free him for other concerns. Would that not have heightened your sense of responsibility to look into political matters as a result of his withdrawal from political decisions and the monitoring of political events?

Mr. HALDEMAN. Not mine personally as long as I was satisfied that other people were doing so, and on a satisfactory basis and that I was so satisfied.

Senator BAKER. Were you still satisfied in the days following June 17?

Mr. HALDEMAN. Yes, I was satisfied that the effort was being made. It wasn't a fully successful effort and there were questions that remained and new questions that arose but as questions remained and as new questions arose those were pursued also.

Senator BAKER. Let's adopt the lightning bug syndrome or, I guess better said, the lightning bug theorem that the chairman alluded to in the most colorful terms. As you know the lightning bug illuminates from behind and has a better view in retrospect than he does about where he is going. I don't know where we are going but looking at it in retrospect, could you devise a situation for us, or can you conjure up a set of affairs where a President would be more keenly in tune with the political consequences of a situation and still not neglect his foreign policy and domestic initiative? Can you see how it might have been handled differently?

Mr. HALDEMAN. Yes, sir. But—well, that is accepting that he wasn't attuned to the political contest. I think he was.

Senator BAKER. All right, let's make one thing perfectly clear. [Laughter.] And that is that by these questions I am not implying a criticism, indictment, or finding against the President nor of the staff system. I am trying to look now into the future to see how these interrelationships existed and how they might exist in the future.

Can you give us some advice on how the staffing arrangement or how the political undertaking might have been done differently so that it would have reacted in a different way for instance, more quickly, say, to the Watergate situation?

How could you do that and still be President? I think you could do that but I would be interested in your view about how that might be done.

Mr. HALDEMAN. I am sure there are probably countless ways and each President of the United States from the first to the present one has had a different staff system than any of the others, and each of them, I am sure, has found his staff system to be suited to his way of operation, and I am sure that each of them has found failings in his staff system, including the incumbent.

I don't think you can lay out a formula, Senator Baker, that is a way that a President's office should be staffed or conducted that will solve the problems that might arise. I think that has to be worked on in the terms of the man who holds the office, the way he wants to work, and if you look at just our recent Presidents, the ones that you and I are personally familiar with, in terms of their operation there were vast differences in the way each of those men personally worked and vast differences in the way the White House staff was structured to work with that man and I would submit that a White House staff, the reason that a White House staff, the principal staff as contrasted to support staff of the White House, the reason that it changes completely in its totality when there is a change of President, is exactly that. Each man, it is a uniquely personal office.

Senator BAKER. It really is and I agree we probably cannot lay out, in what is left of my 10 minutes, a different modus operandi. Moreover, we probably cannot describe how the staffing arrangements vis-a-vis the political undertaking, vis-a-vis the President's personal preferences can be redesigned, but let us see if we can draw any inferences from it. This is patently overphilosophical but would this suggest to you that politics and the Presidency are so intertwined that you cannot separate them? That a President must continue to be a political President?

Mr. HALDEMAN. There is no question about that and I do not think there is any question but that this President was a political President, is a political President. I think every President must be.

Senator BAKER. I am disturbed about the impression I have that I guess one of our most political Presidents, in effect, withdrew from the political scene to the point where——

Mr. HALDEMAN. Oh, no; I would not say that he withdrew from the political scene. I would say he withdrew from the mechanics of the operation of his political campaign. There is quite a difference.

Senator BAKER. Are we about to draw the inference that maybe it is necessary for a President to be more involved in the nitty-gritty of politics in a campaign?

Mr. HALDEMAN. No, I would not draw that inference even with the ghastly evolvement of what has developed from a mistake that was made in, at some point by some people within that campaign. I do not think that that mistake by its commitment would indicate that it would be desirable for a President to get into the mechanics of a campaign. I would submit if I were managing your campaign for Senator that it would not be desirable for you to get into the mechanics of that campaign. I think you are better off, any candidate is better off, conducting his personal part of the campaign, stating the issues, debat-

ing his opponent, leading the charge, and leaving the mechanics of the operation up to his campaign managers but I realize that that again, is a uniquely personal question that must be dealt with in the terms of the way the individual candidate chooses to act.

Senator BAKER. OK. My time has expired but if we get another round I am going to continue with this so you might think about how you would have gone about designing a system that would have prevented this.

Thank you, Mr. Chairman.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. Mr. Haldeman, going back to your memorandum of February 10, your version of it still puzzles me. Let us see if we can put this in proper context and give the main thrust of the memorandum at the same time. I believe the pertinent sentences in this memorandum are the following:

> 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. We should tie all 1972 demonstrations to McGovern and thus to the Democrats.

And the following paragraph:

> This is a good counteroffensive to be developed.

Then, in the last paragraph:

> 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 under any circumstances.

Now, this was a plan which evolved on February 10, a few months after the election of 1972. So it is patently clear from the germane sentences which I have read, that you people were trying to fabricate a situation and not develop the facts, otherwise you would not have used the phrase "to put out the story," otherwise you would not have said:

> We could let Evans and Novak put it out and then we would be asked about it and we would say at the White House we knew about it but the President said it was not to be used under any circumstances.

Would you say that that is the contents, import and meaning of this memorandum?

Mr. HALDEMAN. No, sir.

Senator MONTOYA. Well, what do these words mean, then?

Mr. HALDEMAN. I think I have got to point out that the last paragraph referring to Evans-Novak which you have read is in conjunction with the preceding paragraph regarding the Fort Wayne story. Those two go together and do not relate to the earlier paragraph, the first paragraph, regarding the demonstrations. They are two totally separate matters. I can support that. The reason is that either Evans or Novak was aware of what is referred to here as the Fort Wayne story and that has nothing to do with demonstrations or the matters referred to in the earlier part of the memorandum.

Senator MONTOYA. How can you support this statement on February 10 retroactively to the campaign?

> We should tie all 1972 demonstrations to McGovern and thus to the Democrats.

Now, could you say in all sincerity that all demonstrations could be tied to McGovern?

Mr. HALDEMAN. No, I could not.

Senator MONTOYA. Well, why did you say that in this sentence?

Mr. HALDEMAN. Because it is not well put together and I certainly admit that. The point there, as is indicated in a further paragraph, is to develop the plan on to what—this language is terrible—to what extent the Democrats were responsible for the demonstrations that led to violence or disruption.

Senator MONTOYA. Now, I see in this a pattern of going back retroactively to develop or to use the FBI, to use the other investigatorial resources of the administration, to bring in a story before the American people to show the complicity of the McGovern campaign in something that they were not responsible for.

Mr. HALDEMAN. No, sir. Let me quickly correct a misapprehension or misunderstanding on the use of the FBI to which you alluded. One paragraph in which you said you should "definitely order Gray to go ahead on the FBI investigation against those who tapped Nixon and Agnew in 1968," again has nothing to do with demonstrations. That has to do with a point that had been raised by the President at an earlier time that he had been informed that his campaign, and he himself had been tapped. Wiretapped, by the FBI on order of the White House during the 1968 campaign and because at this time in February there was a resurgence and review of the 1972 campaign and discussion of things that were alleged to have been done by our campaign committee, or people working with them, and because we were dealing with the Watergate and the wiretapping matter, the question had come up as to whether or not this was a time to confer and put out the story behind this report of wiretapping of Mr. Nixon and Mr. Agnew during the 1968 campaign.

Senator MONTOYA. What made you so sure that Evans and Novak would put out anything that you gave them?

Mr. HALDEMAN. I was not sure of that and as I have tried to indicate, the reference to Evans and Novak is in connection with the Fort Wayne story, not in connection with any of the preceding matters in this memorandum.

Senator MONTOYA. Well, I am sorry, but I see that pattern in this memorandum and if that is true, then I fear for the authenticity of the tapes at the White House in the event that the court should order that we have them.

Mr. HALDEMAN. Well, I can assure you, Senator Montoya, that it is not true and that you need not fear for that authenticity as far as I am concerned or as far as I was involved with them.

Senator MONTOYA. That is all, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. I would just like to make one very simple point so that it does not go or get flown past us on answering. I do not think I or any of my Republican colleagues on the Senate floor or in the course of my politics in the last several years in any manner, shape, or form attribute bombings or demonstrations or lawlessness or Communist money, et cetera, to the Democratic Party or Senator McGovern. I want to make very clear that this is Mr. Haldeman's opinion of the Republicans that I circulate with. And quite frankly, insofar as a counterattack on this committee is concerned, I think it again important to point out that the U.S. Senate voted 77 to nothing, every

Republican, every Democrat, to go ahead and authorize this investigation. So I think just in a partisan sense it is important that we understand these impressions of what the candidate of the Democratic Party was or what the Democrats as a party were up to were Mr. Haldeman's impressions and they are not the impressions of the Republican Party.

Now, Mr. Haldeman, I am going to have given to you—first of all, Mr. Chairman, before I forget, could I make the memorandum of October 14, 1971, that is—specifically it is the letter or the memorandum to Mr. Haldeman from Mr. Walker; could that be made an exhibit?

Senator ERVIN. Let the record show it will be marked appropriately as an exhibit and admitted as such.

[The document referred to was marked exhibit No. 115.*]

Senator WEICKER. Now, Mr. Haldeman, I am having given to you a letter dated July 7, 1971, from Hugh W. Sloan, Jr., to John Mitchell and, Mr. Chairman, I would like to have this entered as an exhibit.

Senator ERVIN. That will be marked as an exhibit and admitted as such.

[The document referred to was marked exhibit No. 116.**]

Senator WEICKER. This letter from Hugh Sloan to the Attorney General:

JULY 7, 1971.

Personal and confidential.
The Honorable JOHN MITCHELL,
The Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: Jeb Magruder has apprised me of your request to have an accounting of the $2,000 that Bob Haldeman's office requested be made available to Ron Walker.

The breakdown enclosed is intentionally sketchy since he preferred not to list names of recipients or detail their activities unless we insist, as he feels that this is a highly sensitive subject and one which should not be committed to writing.

You will note that there is a cash balance on hand of $900 from the original $2,000 which Ron is holding in his safe until needed. This, of course, raises the question of whether we should retrieve this sum and, in the future, make disbursements only on a case by case basis rather than make available lump sum allocations for discretionary use.

I would appreciate your guidance in this instance.

Sincerely yours,

HUGH W. SLOAN, Jr.

Now, Mr. Haldeman, I wonder if you could give this committee information in exactly as to what it is that is being referred to here in the way of these activities where it says:

The breakdown enclosed is intentionally sketchy since he preferred not to list names of recipients or detail their activities unless we insist.

Could you give to the committee any information as to what it is that is being talked about here?

Mr. HALDEMAN. I do not——

Mr. WILSON. Mr. Chairman, may I interrupt the Senator? Senator, I feel about you as I did about some of the others. I do not think you would ask an irrelevant question.

Senator WEICKER. That is right.

Mr. WILSON. Would you mind telling me how this becomes relevant?

*See p. 3322.
**See p. 3324.

Senator WEICKER. Yes, because, do not forget I already have given to Mr. Haldeman an earlier memorandum of October in which there appears to be some sort of a connection between Mr. Haldeman and Mr. Walker. That memorandum related to the Charlotte, N.C., demonstrations. That was October 1971. This letter is July 1971, and I was wondering whether or not the matters discussed in Mr. Sloan's letter related to the advance type of work that Mr. Walker obviously was involved with, and whether or not there might be certain activities in the course of that advance work which were best not discussed or which were sensitive as Mr. Sloan describes. That is the connection.

Mr. WILSON. Could you develop first, if you please, that it relates to the subject matter of this committee's authority?

Senator ERVIN. I think that matter has been gone into before partially by Senator Weicker, and also with Mr. Haldeman, and also by myself. That is the Charlotte thing.

Mr. DASH. Also, Mr. Chairman, Mr. Sloan was treasurer of the Committee To Re-Elect the President. The letter is on the letterhead and the address of the committee and the money of the Committee To Re-Elect the President and it is addressed to Mr. Mitchell in his capacity as the director of the Committee To Re-Elect the President.

Mr. WILSON. Thank you. Excuse me for interrupting you.

Senator WEICKER. Not at all.

Now, Mr. Haldeman, can you indicate to me as to what activities were being discussed or recipients are being discussed here?

Apparently it relates to your office.

Mr. HALDEMAN. I can't except to say that Ron Walker was the chief advanceman. He was responsible for the advance work for the President's trips, foreign and domestic, and including campaign trips, and that this apparently relates to some activity on the part of Mr. Walker or members of his advance group that related to campaign activities as contrasted to governmental, and whenever there was an activity, a trip or any use of advancemen for campaign rather than official purposes, their expenses and costs were taken care of by the reelection committee.

Senator WEICKER. Well, there is nothing to be ashamed of in the way of advance work. All of us that have been candidates, from the President on down, certainly have men who do this preparatory work. Why would this be highly sensitive?

Mr. HALDEMAN. I don't know, and if you have anything that goes beyond what is in this letter that would indicate why it would be, I would be happy to try to respond to it.

Senator WEICKER. Well, unfortunately, of course, they are referring to the matter in relation to your office, so I am trying to ask as to whether or not you would have that kind of knowledge. If you don't, then certainly I don't intend to pursue the question.

Mr. HALDEMAN. My office requested that the money be made available to Mr. Walker.

Senator WEICKER. It would not in any way have anything to do with paid demonstrators. Is this something that you ever came across in the course of your dealings at the White House?

Mr. HALDEMAN. No, sir. Paid demonstrators—paid by us, you mean?

Senator WEICKER. That is right.

Mr. HALDEMAN. No.

Senator WEICKER. To your knowledge there were never any demonstrators paid to specifically demonstrate against the President?

Mr. HALDEMAN. No.

Senator WEICKER. Now, to move on to some testimony which you gave yesterday, on page 6428 of yesterday's transcript the following dialog took place between yourself and me:

Senator WEICKER. Well, would you consider Mr. Magruder at the outset to have been someone whom you had confidence in?

Mr. HALDEMAN. Yes, he was.

Senator WEICKER. Is this one of the reasons why he went to the Committee To Re-Elect the President?

Mr. HALDEMAN. It was one of the reasons; yes.

Senator WEICKER. Well, now, we have had Mr. Magruder before this committee testifying as to certain things that he did.

Are these matters that you feel that you should share responsibility for?

Mr. HALDEMAN. No, sir. I don't feel that I should share responsibilities for them. I was not a part of his doing them. I feel a deep sense of sorrow, if, in fact, what has been discussed here is what happened. Because I think it is a very tragic thing. But I feel no sense of responsibility in those areas because I was not involved in those areas.

During the course of yesterday's questioning I tried to find out or tried to solicit from you a statement as to who was responsible for these persons of integrity, which is a word you applied to them when they first came to the White House, having fallen into their present state of affairs. And then I came across the following memorandum which I will now have presented to you which I think might supply part of the answer.

If you have anything to add to it, I want you to comment.

This was a memorandum of January 21, 1970, "Administratively Confidential; Memorandum for Mr. Haldeman from Jeb Magruder. Re: Monitoring System."

Senator ERVIN. Have the reporter mark it as an exhibit.

[The document referred to was marked exhibit No. 117.*]

Senator WEICKER. Now, let me point out that the system, without reading the entire memorandum—this is entirely—I would consider it legal and proper monitoring. It is relative to monitoring the news by Mr. Magruder, and so forth.

Nothing wrong, nothing improper. But it is interesting to note at the bottom where it says to "approve, disapprove, comment," a statement is made in your handwriting which I wonder couldn't best describe the reason for everything that we have had said before us here during the course of these hearings because where it says "approve, disapprove, comment," your handwriting is, "I'll approve whatever will work and I am concerned with results—not methods," with an "H".

Don't you feel that might not have been psychology that led to the excesses which we have had described to this committee?

Mr. HALDEMAN. No; I certainly don't.

Senator WEICKER. The results——

Mr. HALDEMAN. I would—since you referred to the memorandum, could I read the memorandum?

Senator WEICKER. You sure can.

Mr. HALDEMAN. It is a long, dull memorandum but I think we are on a subject now——

*See p. 3325.

Senator WEICKER. I have stated——

Mr. HALDEMAN. One set of things without——

Senator WEICKER. I could be wrong.

Mr. HALDEMAN. Without talking about what my comment related to.

Senator WEICKER. Let me put down, Mr. Haldeman, I said it was proper and it was legal.

Mr. HALDEMAN. I know it, but I think it ought to be understood. This is a long memorandum from Magruder to me in January of 1970, which was a time when Magruder was on the White House staff working in Herb Klein's office as director—deputy director of communications for the executive branch. And it is—the subject is "Monitoring System" and the memorandum says, "Recently you have had a number—" I am going to read this fast because it is dull but I think it ought to be in the record:

Recently you have had a number of comments regarding the effectiveness of our monitoring system. I have indicated to you that this system is not, at this point in time, working effectively and that I planned to act on it when I moved over to Herb Klein's office. Rather than wait until I move—

Excuse me. This is before he moved over, apparently

—I thought it might be better to give you my thoughts on why it is not operating effectively and what options we have to solve this problem.

As the system is set up now, we have a number of people here and in the RNC who are supposed to monitor the media—

That I monitor what is reported in the media.

These individuals are to call in daily regarding the media but, because they are spread out and do not feel this is a priority situation, relatively little information flows in.

This was monitoring in local areas of media coverage in those local areas.

This was true during the period of time Alex Butterfield handled it and it continues to be true. My feeling is that this problem exists because it is spread out and has not become a priority situation. There are two groups in the White House who are basically set up to do this type of work and probably they would be more effective.

Pat Buchanan already summarizes the reports from these sources in his commentary. He basically monitors them at the present time, but it seems to me he could be asked to do an official monitoring report as he summarizes each of the media. This could then be used for immediate counteraction by the Communications Department. The advantage of this is that the monitor has no relation with the press and will give us a very unbiased opinion as to what is happenening with the media.

The second group is the Communications Department itself. They basically review the news and are watching these same media on a regular basis. This group could indicate the coverage by the media and then initiate counteraction. The problem with this approach is that the Communications Department, because it relates directly with the press, has a tendency to want to get along with them rather than initiate counteraction. Although it is true that I would be there and could probably force the situation, it might not be as successful as it would be if the report came over from Buchanan and periodically had comments, etc., from people like yourself. It is my personal opinion that the Communications Department would then do a better job in counteracting what has been reported.

It is that memorandum which I was asked to approve or disapprove and which I did not approve or disapprove but put a question mark because I didn't understand where what he outlined here would work any better than what was happening or not, and I explained my ques-

tion mark with the handwritten note, "I'll approve whatever will work—and am concerned with results—not methods."

That is in terms of this memorandum and I submit that it is in terms of this memorandum and should not be extrapolated to cover a statement or an authorization or a nonauthorization of anything other than the matters covered in this memorandum.

Senator WEICKER. Well, of course, Watergate again was a question of truth without concern for methods, was it not?

Mr. HALDEMAN. Not on my part.

Senator WEICKER. No, but certainly not on the part of anyone other than the Committee To Re-Elect the President; is that correct?

Mr. HALDEMAN. It was on the part of somebody at the Committee To Re-Elect the President.

Senator WEICKER. And when we get into the governmental sense in the Ellsberg matter again results without concern for methods. Would that not be an accurate description?

Mr. HALDEMAN. The Ellsberg matter I am not commenting on at all.

Senator WEICKER. I am talking about the break-in.

Mr. HALDEMAN. I am talking about the break-in.

Senator WEICKER. Do you not think the method is very important? Let us, first of all, talk in a constitutional sense. Do you not think it is very important as to how we arrive at a rule in this country?

Mr. HALDEMAN. In some cases method is extremely important. In this particular case the method, the staff system, or the procedure by which he did this was at least to me not important. What was important is that they set up some kind of a procedure that would get results. What I am saying here, in effect, is you figure out the method; you are responsible to me for the results in this matter. [Confer with counsel.]

Senator WEICKER. Do you think it is important as to the methods that we use insofar as the election of a President of the United States is concerned, Mr. Haldeman?

Mr. HALDEMAN. I am sorry, Senator, I did not hear.

Senator WEICKER. Do you think it is important, insofar as the methods we use to elect a President of the United States, that methods are important?

Mr. HALDEMAN. I certainly do.

Senator WEICKER. Do you think we ought to elect Presidents on the basis of Watergate-type activities?

Mr. HALDEMAN. No, sir.

Senator WEICKER. Do you think that we ought to elect Presidents on the basis of the digging up of all the personal political dirt we can on their opponents?

Mr. HALDEMAN. Putting it into digging up all the political dirt it puts it in a terminology that makes it sound bad. I would say that it is very important to know the facts about an opponent in a political campaign, whatever they may be.

Senator WEICKER. And then, lastly, do you think that in terms of your memorandum on the Charlotte demonstrations, do you think maybe that rather than to intentionally expose the President to dangerous situations, that it is important that we protect him in every way rather than to go ahead and actually approve of violence and of obscenity so that he gets put into an underdog role?

Mr. HALDEMAN. Senator, I was not approving the violence. I was commenting on the fact that it was going to be apparent this time apparently, that there was a plan for violence and obscenity where that had been covered up in other times. The rest of the memorandum goes on to quite painstaking and detailed activities designed to bring about the results that the chairman has described which was that there were, in fact, no violent demonstrators or as I recall, any hecklers or any other problems in the coliseum itself but there were some outside.

Senator WEICKER. We are not here——

Mr. HALDEMAN. He went to a lot of work, as you can see, and got into the question the chairman has indicated the result of it, some sort of lawsuit as to whether people had been illegally excluded from that meeting, that exclusion process was an effort to attempt to avoid the kind of confrontation that we did not want.

Senator WEICKER. Well, we are not here as a committee, let me assure you, because Richard Nixon was elected President. That is not why this committee sits. This committee sits not because of the results but because of the methods.

Mr. HALDEMAN. I understand that.

Senator ERVIN. Mr. Haldeman, I invite your attention on the bottom of page 36 and top of page 37 of your statement. Now, the way I interpret that statement is that sometime in the neighborhood of November and December and January, that you had the problem of returning to the committee the $328,000 that remained out of the $350,000 fund, and that Dean informed you that the committee needed funds so it could finance needed funds for legal and family requirements for the Watergate defendants. You suggested to Dean that he try to work out a method of solving both the problems, that is, the return of the money to the committee and the funds to satisfy the needs of the committee for funds for legal and family support for the Watergate defendants. And that the funds were returned and Dean told you that $40,000 of the funds had been used and been given to LaRue for use for legal and family support of Watergate defendants; is that correct?

Mr. HALDEMAN. No, sir; it is not correct. Only the final point that you made is not correct, which is Dean did not tell me that $40,000 had been given to LaRue for that purpose.

Senator ERVIN. But you told Dean that if he and Strachan could arrange for the return of the funds it would solve both problems, the return of the funds problem and also the need of money by the committee for legal and family support.

Mr. HALDEMAN. It appeared at that point to be self-evident, my having previously raised one problem.

Senator ERVIN. In other words——

Mr. HALDEMAN. The problem that I had, Mr. Chairman, was the problem or that my agents had, Mr. Strachan and assisted by Mr. Dean, the problem that I had submitted to them was the problem of turning the funds that remained in our custody over to the Committee To Re-Elect. That was my problem.

Senator ERVIN. Yes. But you told Dean he could solve both your problems and as far as you were concerned, it could solve both your problem of getting the funds back and the committee's problem for getting some money for these purposes.

Mr. HALDEMAN. That is correct, but one of those was my problem.

Senator ERVIN. In other words, you gave or at least acquiesced in the use of some of those funds by the committee after the return to the committee, for legal and family support for the Watergate defendants.

Mr. HALDEMAN. I acquiesced in the use of any or all of those funds for whatever purpose the committee desired to use them for.

Senator ERVIN. Yes.

And at the time you were informed they needed some of them for that purpose.

Mr. HALDEMAN. After I had asked that they be returned, yes.

Senator ERVIN. Yes.

Mr. HALDEMAN. Turned over.

Senator ERVIN. I think that you established you acquiesced in the future use of those funds for that purpose and there is other testimony before this committee to the effect that $40,000 of it was given to LaRue and he used them for that precise purpose.

So you at least consented them to be used for that purpose.

Now, here is the situation.

Mr. HALDEMAN. Mr. Chairman, before you move to the situation, I did not consent that they be used for that purpose.

Senator ERVIN. Well, sir——

Mr. HALDEMAN. I did—I was aware of the need that Dean had reported to me of the committee for funds. I was, before that, aware of my request to Mr. Strachan or instructions to Mr. Strachan that the funds I had or had in my custody or in his custody, be turned over to the committee.

Senator ERVIN. Well, I will just read your statement in the record and let the statement be interpreted by anybody who wants to place an interpretation on it.

Mr. HALDEMAN. All right, sir.

Senator ERVIN [reading]:

> At a later time, Dean mentioned to me the committee's need for funds for legal and family support for the Watergate defendants. I suggested to Dean that he try to work out a way of solving both the problem of our desire to deliver funds to the committee and the committee's needs for funds.
>
> Dean later told me that he had worked this out and that part of the cash, I believe $40,000, could be delivered immediately to the committee via Fred LaRue. He had Strachan do this, I am told, and several days thereafter, Dean had Strachan deliver the balance to LaRue.

Now, you can place your interpretation on that but I interpret that Dean told you they needed money for this purpose, and you said he could solve that problem as well as your problem of getting back the funds by turning them over to the committee?

Mr. HALDEMAN. Could I put the next two paragraphs in the record concurrently with that, Mr. Chairman?

Senator ERVIN. Yes, sir.

Mr. HALDEMAN. Do I need to read them or can I just request that they also be put in? I will read them, the next paragraph says:

> To sum up, after my original instruction to Strachan to transfer the money to the committee, my involvement in the transfer of funds was entirely through John Dean. He told me of the problem in transferring the $350,000 to the committee. He told me he had worked out the problem. He told Strachan how, when and to whom to make the transfer. He told me the transfer had been made.
>
> He did not, at any time, in this sequence advise me or imply that the transfer itself or the purpose of the transfer was to buy the Watergate defendants' silence or that it was in any way illegal or improper.

Senator ERVIN. But he did tell you that he wanted some money to pay the legal fees and family support for the Watergate defendants?

Mr. HALDEMAN. The purpose of the transfer was——

Senator ERVIN. Yes.

Mr. HALDEMAN. I was aware that was a need of the committee.

Senator ERVIN. And he told you this was to give them family support and pay legal fees but was not to buy their silence?

Mr. HALDEMAN. He did not tell me it was not to buy their silence.

Senator ERVIN [reading]:

> Well, he did not at any time in this sequence advise me to imply that the transfer itself or the purpose of the transfer was to buy the Watergate defendants' silence or that it was in any way illegal or improper.

Mr. HALDEMAN. That is precisely correct, Mr. Chairman. But he also did not tell me in the other direction that it was not to buy silence. The question of buying silence never arose positively, negatively, or in between.

Senator ERVIN. Well the only construction I can put on it is Dean came to you, told you the committee needed some money to pay lawyer fees and family support for the seven Watergate defendants, that you told him you had this problem of which Dean was already conscious of getting the money transferred back to the commitee and you say he could arrange with Strachan for you to accomplish both purposes, that is the purpose of getting the money retransferred to the committee and the purpose of the committee to get funds to pay legal fees and family support for the Watergate defendants. Now, that took us a long time to get to that very simple interpretation.

Now, on the basis of that, I would say the evidence tends to show that you consented that the use of funds for payment to the families and legal fees.

The evidence in this case shows that seven men were indicted for burglarizing and bugging the Watergate, including three employees of the Committee To Re-Elect the President. After the arrest of these men they made demands upon the Committee To Re-Elect the President through the counsel of that committee for funds for their defense and for the support of their families; that thereupon about $450,000 derived from funds which had been contributed for the political use of President Nixon's committees or President Nixon, were paid to these seven, their lawyers, and their families, with the consent of certain officials of the White House and certain officials of the Committee To Re-Elect the President.

Now, you made some distinction yesterday when you were interrogated by Mr. Dash, between campaign funds and some raised in the primary of 1968. Now all of these funds were contributed by individuals to advance the political activities and political interests of President Nixon in one way or another.

I would like to ask you how you can justify the use of funds contributed to advance the political interests of President Nixon, either as a candidate in 1968 or in 1972, with defraying the defense and the support of seven persons charged with burglarizing or bugging the Democratic National headquarters.

Mr. HALDEMAN. I would not attempt to justify that. I don't know that the funds—I don't know what the source of the funds were or what the purpose of the funds was.

Senator ERVIN. I thought you said that many of these funds had been raised by Mr. Kalmbach in connection with the primary of 1968.

Mr. HALDEMAN. I don't believe they were—I don't know by whom they were raised. I only know that they were funds that remained after the 1968 campaign that were turned over to Mr. Kalmbach's custody for use for other purposes.

Senator ERVIN. Mr. Haldeman, let's don't quibble about it. The evidence is that all of these funds were funds which had been raised sometime either, they were raised to advance the political interests of President Nixon and there is not a scintilla of evidence that a single penny of them came from any other source. If you know of any evidence that it came from any other source I would be glad to have it here now. But my question is——

Mr. HALDEMAN. I don't know about the sources of the money. Other people have testified and are your proper sources for that.

Senator ERVIN. Everybody has testified including yourself that all the funds we have been talking about came from these donations or contributions, everybody. But assuming they were, can you justify the use of funds contributed for political purposes to pay for the defense costs of burglars and buggers?

Mr. HALDEMAN. I was not in a position so to justify. This was a decision, whatever decision was made, for paying legal fees or reimbursements was made by people at the committee and people who were in charge of dealing with this situation.

Senator ERVIN. Well, I will ask you to review in hindsight and you have given your opinion about many things in hindsight.

Can you justify in the light of the information you have the use of politically raised funds to pay or defray the defense costs of persons charged with burglarizing and bugging the Democratic national headquarters in the Watergate.

Mr. HALDEMAN. On my own I can't make that justification. I don't know what basis the justification or reasoning was on the part of those who did make that decision.

Senator ERVIN. Unfortunately I was not born yesterday and I have observed the political organizations a long time, and I have never yet seen a political organization which was an eleemosynary institution. But assuming that the Committee To Re-Elect the President were eleemosynary institutions, can you tell this committee why it was when it picked out the objects of their eleemosynary concern that they didn't select anybody except seven men who were accused of complicity in burglarizing and bugging the headquarters of the opposition political party?

Mr. HALDEMAN. Mr. Chairman, as I have said, I can't speak to the reasons or factors in the decisions that were played by other people.

Senator ERVIN. Well, I think you and I both reach the same incapacity to justify or explain either one of those things so if my time is not up, I will yield back the balance.

Senator Baker.

Senator BAKER. Thank you, Mr. Chairman. I think we have done pretty well with our 10-minute rule, Mr. Chairman. I think it has expedited things very materially. But I think in the course of things Mr. Haldeman has not had a chance to think much about what I asked

him to think about, if he remembers what I asked him to think about. How would you prevent this?

Mr. HALDEMAN. You asked me a lot of things to think about, Senator Baker.

Senator BAKER. I know it; what I ended with and you can start with is the idea that something went on that shouldn't have gone on. We haven't quite figured out what in its entirety, nor how certainly, nor who was responsible, nor when they knew about it; those things are things I will write about when I get ready to write my part of the report. But without trying to solve those things now, we can start with the irreducible minimum. I think that somebody ought not to have broken into the Democratic National Committee headquarters and they certainly should not have been responsible officials of the Republican Party; and what I am asking you is: How on earth can we reinject Presidential presence from the political standpoint or a staff rearrangement so if this thing were ever to come up again, someone would zap it before it got out of hand. That is what I am asking your advice about.

Mr. HALDEMAN. My view of that would still be that it is not a matter of restructuring the President or the Office of the President. It is a matter of restructuring the campaign structure, the organization within which the problem took place and probably the overview of that organization from the President's office.

Senator BAKER. What would you do?

Mr. HALDEMAN. I don't know. You said you are going to be doing some writing on this. I plan to do some thinking and some writing on the same subject. But I want to do some thinking before I do the writing.

Senator BAKER. That is usually a good idea. [Laughter.]

I usually try to think before I talk but I am not always successful in that respect.

Mr. Chairman, we have had the witness for some time and I have asked a lot of questions and in the interest of time I will pass at this point.

Senator ERVIN. Senator Inouye.

Senator INOUYE. Thank you, Mr. Chairman, sir.

Mr. Haldeman, on page 48 you describe the efforts of coverup. If I may read to you:

> This coverup appears to have involved illegal and improper activities such as perjury, payments to defendants for their silence, promises of Executive clemency, destruction of evidence, and other acts in an effort to conceal the truth regarding the planning and commission of crimes at the Watergate.

Would you agree that these efforts were, in fact, carried out?

Mr. HALDEMAN. I would agree that there has been, as I said at the start of that paragraph, "On the basis of testimony before this committee," that there is substantial evidence that I guess each of these has been carried out.

Senator INOUYE. Do you now know from information that you have received that these activities did, in fact, occur?

Mr. HALDEMAN. Not on the basis of information I have received other than what I have heard at these hearings, plus some information in hearsay form that I received in the latter part of March—early part of April of this year while I was still at the White House.

Senator INOUYE. Now, you have described these activities as "coverup." You also used another word, "containment." How would you describe "containment"?

Mr. HALDEMAN. I would, as I did here, describe it as actions—well, let me read the paragraph:

> The containment effort, as I would use the term, did not contemplate or involve any act in obstruction of justice. On the contrary, while hoping to contain the Watergate inquiry to the facts of Watergate there was a concurrent effort to try to get the true facts of Watergate and get them out to the public.

I am sorry, it is the preceding paragraph that describes it or one up earlier where I describe a number of steps that were taken to contain the Watergate case in several perfectly legal and proper aspects. One was to avoid the investigation going beyond the facts. Watergate and even to other nonrelated activities in the area of national security. Another was to attempt to reduce or avoid the adverse political and publicity fallout from false charges, hearsay, and so on arising from activities in connection with the Watergate, such as the various investigations and so on. I emphasize false charges as contrasted to the true ones.

A third was concern for distortion or fabrication of facts in the heat of a political campaign that would unjustly condemn the innocent or prevent discovery of the guilty.

Its acts in those areas in an attempt now—I don't know whether the terminology is good in either case—in an attempt to try to separate in terms of discussion containment from coverup, "coverup" having become an omnibus term that included—includes not only the illegal activity that everybody automatically assigns to the terminology now in "coverup," but also activities that were not illegal or improper and were, in fact, activities that were the logical steps, I would believe, to take in trying to deal with an adverse political situation.

Senator INOUYE. Did containment involve the effort to influence the composition of the membership of this committee?

Mr. HALDEMAN. I couldn't hear your question, sir.

Senator INOUYE. In your scheme of containment, was an effort made to influence the composition of this committee?

Mr. HALDEMAN. I don't believe to influence—well, there was discussion of the composition of the committee; yes.

Senator INOUYE. Was an effort made to influence the composition?

Mr. HALDEMAN. I don't know that an effort was ever made. I know that there was discussion of the composition of the committee in the context of concern that this had the potential of becoming, and it was discussed in the press as having a potential of becoming a partisan political forum rather than an objective search for the facts.

Senator INOUYE. Did your containment efforts also include the selection of the counsel to this committee?

Mr. HALDEMAN. There was discussion also of the question of selection of counsel raised; yes.

Senator INOUYE. Did it go?

Mr. HALDEMAN. I don't know that you could put that in the containment effort. This committee activity really comes later than that in time.

Senator INOUYE. Did containment also involve influencing the Patman committee?

Mr. HALDEMAN. I don't know that it covered influencing the Patman committee. I think it related to—covered the concern as to what the effects of the Patman committee investigation might be in the middle of an election campaign.

Senator INOUYE. I am certain you are aware of testimony we have received relating to the Patman committee with suggestions that efforts were made by officials in the White House to stop the proceedings of the Patman committee. Were any efforts made to stop the proceedings of the Patman committee?

Mr. HALDEMAN. I am not sure any efforts were made. I know there was discussion regarding the problem of what an investigation—public investigation—of the Watergate matter in the middle or in the climax, really, the political campaign; what that effect might be.

Senator INOUYE. Did containment also include discrediting members of this committee?

Mr. HALDEMAN. No, sir.

Senator INOUYE. I have here a copy of an article which appeared in the Charlotte Observer dated May 17, 1973, and the headline reads, "Did Haldeman Go After Ervin"?

Have you seen this article, sir?

Mr. HALDEMAN. Yes, I have; but I would like to see it again because I haven't recently.

Senator INOUYE. It says:

> The White House made an attempt two months ago to enlist North Carolina Republicans in a campaign to discredit Senator Sam J. Ervin, Jr., reliable sources have told the Observer. High officials in the North Carolina Republican Party confirmed Wednesday that H. R. "Bob" Haldeman, at that time President Nixon's Chief of Staff, made two attempts to get local party officials to "dig up something to discredit Ervin and blast him with it."

Mr. HALDEMAN. I am not sure what—there has been some followup stories to this.

Do you have the others?

Senator INOUYE. No. This is the only one I have.

Mr. HALDEMAN. And the chairman I know——

Senator INOUYE. My only question is: Did you make two calls to local party officials in North Carolina in an attempt to "dig up something to discredit Ervin and blast him with it"?

Mr. HALDEMAN. No, I did not; and I think that this refers to a totally different—I think it is a distorted report, I would put it, of a totally different question that arose. There was at one point a suggestion raised which I discussed I believe with Harry Dent as to whether the Republican Party in North Carolina could not develop and put into the field a viable candidate to oppose Senator Ervin in the—in his reelection effort on the basis that the administration would—it would be a good thing for the administration to have a spokesman on the Republican side in the campaign taking that position as contrasted to Senator Ervin's position on certain issues.

Now, the thought here, I must say, was not that there was any hope that such an effort would be successful in defeating him but merely that the view of this side would be represented. I don't believe that there were any calls regarding any effort to dig up something to discredit Senator Ervin.

Senator INOUYE. Was a discussion of an effort to—"dig up" is not a very good word—to develop a candidate to oppose Senator Ervin?

You said you don't believe that there were any calls. Is there a possibility that calls were made?

Mr. HALDEMAN. Not by me.

Senator INOUYE. And it is your testimony that at no time did you discuss with Mr. Dent or with any North Carolinian to make an effort to discredit the chairman of this committee?

Mr. HALDEMAN. To discredit him, no, sir. This article goes on to say that people referred to—Dent denied that Haldeman had contacted him, Rouse, the State chairman who again was supposed to have contacted, declined to comment. Republican sources confirm the story while emphasizing there had been no attempt on their part to attack Ervin in his role as the Senate's chief Watergate investigator.

That is—again, I think it is a rather tenuous story. I think the chairman spoke to this story at an earlier time in these hearings and expressed his viewpoints on what had or hadn't taken place.

Senator INOUYE. Thank you very much, sir. Thank you, Mr. Chairman.

Senator ERVIN. I said at that time that I had reached the unhappy state where all of my indiscretions were barred by the statute of limitation and I was incapable of committing any further indiscretions. [Laughter.]

Senator Gurney.

Senator GURNEY. No.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. I have no questions.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Just as an addendum to the questioning of Senator Inouye; did Mr. Higby make any calls to North Carolina?

Mr. HALDEMAN. Not to my knowledge. He may have been the one who called Dent on the question of the candidate to oppose Senator Ervin.

Senator WEICKER. Had you ever been involved in any conversations relative to actions against members of this committee?

Mr. HALDEMAN. To what do you refer, sir?

Senator WEICKER. Well, to try to embarrass members of the committee?

Mr. HALDEMAN. I don't believe so. I am not sure what you mean.

Senator WEICKER. Well, that is why I am asking the question.

Mr. HALDEMAN. I have answered the question.

Senator WEICKER. You have answered the question that at no time were you involved in any conversations with Mr. Higby or Mr. Dent, which conversations would relate to getting information that might be embarrassing to members of the committee?

Mr. HALDEMAN. May I surmise as to the intent of your question?

Senator WEICKER. I am just asking the question. Please answer it, surely——

Mr. HALDEMAN. OK, because I have seen the press reports in this area and I would be happy to comment on them.

If I am correct in the assumption that what you are talking about is the question of campaign contributions to your campaign in 1970.

Senator WEICKER. Well, would you like to answer that question?

Mr. HALDEMAN. I will be glad to comment on the point there.

Senator WEICKER. Sure.

Mr. HALDEMAN. I don't have a question to answer, but at some point it was my understanding that a comment had been made, and I believe by you, Senator Weicker, to the effect that there was all this cash floating around in this campaign and Republican candidates certainly didn't get any of this cash, and in reacting to that statement, I asked Mr. Higby to determine whether or not the funds that Mr. Kalmbach had raised for support of candidates for the Senate and House in 1970, whether there had not been a substantial contribution to your campaign in Connecticut at that time, and in fact whether there had not been a substantial cash contribution to your campaign.

Senator WEICKER. All right. Then what happened?

Mr. HALDEMAN. I was told by Mr. Higby that he was—that it was confirmed to him by one individual that there had been a contribution by another that he was not able to give him the information as to whether there had been or whether it had in fact been in cash or not.

Senator WEICKER. Now, first of all, do you have the statement that I made as to the fact that Republican candidates in 1970 did not get any help from the administration? Do you have that?

Mr. HALDEMAN. No.

Senator WEICKER. Well, of course, there was no such statement by me. Any reference was made to the campaign of 1972, which I am going to get into in a short time anyway.

Was there an attempt—in other words, was information sought as to whether or not these contributions were reported or not?

Mr. HALDEMAN. I do not believe so. The question that I was interested in was whether there had been a cash contribution or not.

Senator WEICKER. In other words, you were not interested in any way embarrassing this member of the committee?

Mr. HALDEMAN. I was interested in finding out whether there was a cash distribution as a reaction to——

Senator WEICKER. Did you work with Mr. Higby on this?

Mr. HALDEMAN. I talked to Mr. Higby about it. I think Mr. Higby made the phone calls.

Senator WEICKER. And who did he talk to?

Mr. HALDEMAN. I am not sure.

Senator WEICKER. Mr. Dent?

Mr. HALDEMAN. I believe so, but I am not sure.

Senator WEICKER. Was Colson contacted on this matter?

Mr. HALDEMAN. I do not know.

Senator WEICKER. Let me just very briefly here now go over this set of papers which I think maybe we lost sight of even though all of them have been entered as exhibits, starting with the February 9, 1973, memorandum to John Dean from H. R. Haldeman, initialed by you.

Mr. HALDEMAN. Do I have that one?

Senator WEICKER. February 9, 1973. If you do not, I should certainly want you to have it.

Mr. HALDEMAN. I have February 10, Senator.

Senator WEICKER. I think you ought to have the February 9 one.

February 9, 1973, memorandum to John Dean from H. R. Haldeman. Would you see that Mr. Haldeman gets a copy of it, and also, Mr. Chairman, if it has not been already entered—has it been entered as an exhibit? Could counsel guide me on that one?

Mr. DASH. February 9? Yes.

Senator WEICKER. February 9 memorandum.

Mr. DASH. Yes.

Senator WEICKER. It is part of the series, February 9 and two February 10 memorandums.*

Now, this memorandum for John Dean from H. R. Haldeman, "Eyes Only," initialed "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 I can attest to the fact that we did have a real tiger.

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.

I have not concentrated on that since. What does that mean: "and although we let the committee membership slip out of our grasp"? What happened there?

Mr. HALDEMAN. I do not know. [Laughter.]

Senator WEICKER [reading]:

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—

Is that Deek DeLoach?

Mr. HALDEMAN. Yes.

Senator WEICKER [reading]:

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.

What does that—I really do not know what that means at all. What is being referred to there?

Mr. HALDEMAN. That is referring to the 1968 bugging of Mr. Nixon and Mr. Agnew and apparently, others in the campaign or in connection with that campaign which took place at a time that Mr. DeLoach was a—I am not sure of his title but a high official in the FBI and with which it was presumed Mr. DeLoach was familiar.

Senator WEICKER. Well, how do you presume, just out of curiosity, to indicate that if Mr. DeLoach is not forthcoming that Mr. Kendall should fire him? Mr. Kendall is not employed by the Government, is he in—is this the gentleman who is the head of Pepsico, is that right?

Mr. HALDEMAN. That is correct.

Senator WEICKER. And Mr. DeLoach, I gather, is an employee of Pepsico, is that right?

Mr. HALDEMAN. Yes, he is now.

Senator WEICKER. I see. Well——

Mr. HALDEMAN. He was——

Senator WEICKER. I do not understand how you issue a memorandum indicating that if this individual does not cooperate Mr. Kendall should have him fired. Did you have some hold or did Mr. Mitchell have some hold over Mr. Kendall?

Mr. HALDEMAN. Mr. Mitchell had a personal relationship with Mr. Kendall and I think Mr. Mitchell had been in touch with Mr. Kendall

*The documents referred to were previously entered as exhibit No. 34–33. See Book 3, p. 1240.

or Mr. DeLoach or both regarding this matter and had not gotten the information that he was seeking and this was a question of applying additional pressure to attempt to get the information from Mr. DeLoach that they had not received.

Senator WEICKER. Oh, I see. In other words, we now have the White House reaching down in the person of you and I gather saying to citizens of this country that if they do not do what is asked of them, they will be fired. I do not see any other interpretation on that. Is that correct?

Mr. HALDEMAN. That is the suggestion that is there. [Laughter.] Obviously, there was no ability on our part to carry it out.

Senator WEICKER. You took a good swing at the pitch, I will say that.

Mr. HALDEMAN. Pardon me?

Senator WEICKER. You took a good swing at the pitch, I will say that.

Then the memorandum of February 10, from the White House, Washington, February 10, 1973, memorandum for John Dean from Larry Higby. Do you have that memorandum?

Mr. HALDEMAN. From Dean to Higby, on the 10th, no.

Senator WEICKER. All right. I have to—would somebody please give——

Mr. HALDEMAN. Excuse me. We do have it, Senator.

Senator WEICKER. This one is confidential, February 10, memorandum for John Dean from Larry Higby. [Reading:]

> As I am 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 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, et cetera.

You know, I saw that memorandum and had sort of a very familiar ring to it when I saw the memorandum dated February 10, 1973. This pretty much, if I am not mistaken, is the wording of the testimony that you gave to this committee today, was it not?

Mr. HALDEMAN. It relates to several of the same incidents, yes. They are incidents—they were the incidents that come immediately to mind of those—of the kind of thing we were talking about.

Senator WEICKER. Certainly, I do not think either of us could consider these tactics to get the truth to the Ervin committee without violating the constitutional concepts of executive privilege or separation of powers.

Mr. HALDEMAN. This was not in relation to getting truth to the Ervin committee. This was in relation to getting the truth regarding activity by the opposition out to the American people.

Senator WEICKER. As far as I am concerned, everything I have heard so far in the way of these memorandums and what is going on behind the scene was to bomb the Ervin committee right out of the water rather than go ahead and get the truth to it.

Then, we do know the second memorandum of February 10, 1973, which you and I have discussed this morning. This is the one; "We need to get our people to put out the story on the foreign or Communist money that was used in support of the demonstrations against the

President in 1972. We should tie all 1972 demonstrations to McGovern and the Democrats as part of the peace movement."

It is funny how the word "Communist" keeps popping up in Higby's memorandum and now the memorandum from you to Dean. Let me read you some testimony that was given to this committee:

I have the greatest respect for Mr. McGovern as a Senator and as a Presidential candidate. I disagree personally with the kind of philosophy I saw in a similar circumstance turn Cuba into a Communist state.

Senator INOUYE. However, you are willing to place Mr. McGovern in jeopardy, did you not, to injure him?

ANSWER. If we were successful in obtaining documents that implicated a foreign government of Cuba in the operation, if this hurt Mr. McGovern it would be the nature of the evidence, not I. Mr. McGovern, to me, is as impersonal in that aspect as it would be when I was a bombardier in the Second World War in Germany and bombed a town. I have nothing—I do not know Mr. McGovern personally or any of these people. There is no personal grudge in anything, as I interpreted it.

Do you know who said that?

Mr. HALDEMAN. No, I do not.

Senator WEICKER. That is Bernard Barker. He is in jail. And I do not quite—I see also—I have got a paragraph there and then let me repeat this paragraph.

We need to get our people to put the story on the foreign or Communist money that was used in support of the demonstrations against the President in 1972.

Is there some connection, is there something this committee has missed in its investigations whereby you feel that, in fact, there is a connection between Mr. McGovern's candidacy and Communist money just as apparently Mr. Barker operated on that same basis in his break-in at the Watergate?

Mr. HALDEMAN. The point I made in my statement was precisely that I hope the committee will investigate that possibility and determine whether there was or not and I do hope that the committee will do so. I understand that you will.

Senator WEICKER. Yes, but, of course, at the time you wrote this memorandum you had the full force of all the law enforcement agencies in the Federal Government to find out if such a serious allegation existed, was it not your job at that time, the job of the executive branch of Government to investigate rather than to go ahead and put stories out? I mean, you know Mr. Barker is in jail today because somebody sold him that story. Now, that is what I am talking about. Mr. Barker is in jail today because somebody sold him the story of the connection, if you will, between Mr. McGovern's candidacy and communism in Cuba. That is the reason why he went into the Watergate as he explained it to this committee and he is sitting up in Danbury, Conn., right now.

Now, I see a paragraph here again in the memorandum which you wrote to John Dean, "We need to get our people to put out the story on the foreign or Communist money that was used in support of the demonstrations against the President in 1972."

How many more Americans were supposed to believe this if you had put out the story? This was not a memorandum to the committee, memorandum to investigate on the part of law enforcement agencies but to put out a story.

Mr. HALDEMAN. It was a memorandum to the counsel. John Dean did not put out stories. The point here was to get the information for a story. If the information did not exist there would not be any story.

Senator WEICKER. I know my time is up, Mr. Chairman.

Senator ERVIN. After the discussion on the question of whether the President has power to suspend the fourth amendment, in what he claims to be national security cases, which occurred on the committee between Mr. Ehrlichman and Mr. Wilson on the one hand and myself on the other. I received a letter from Hans Linde, professor of law, school of law, University of Oregon, setting forth his opinion that in the case of *Abel* v. *United States*, 362 U.S. 217, it shows that the entire Court in that case reached a conclusion that the Federal Government has no right to search the premises of a foreign agent supposedly guilty of espionage without procuring a warrant as required by the fourth amendment. The case went off on a different point but my reading the case makes me adopt Mr. Linde's suggestion that all nine judges agreed on that point, although the case was decided on other grounds.

Mr. WILSON. Mr. Chairman, may I say I have got at least 50 letters saying I am right.

Senator ERVIN. Yes, sir. Well, the only thing I am going to put in is Mr. Linde's letter, if there is no objection.

[The letter referred to was marked exhibit No. 118.*]

Senator ERVIN. Also put in the decision he refers to and let it be printed in the record for the future study of this committee.

[The document referred to was marked exhibit No. 119.**]

Senator ERVIN. I have no further questions.

Senator BAKER. I have no questions, Mr. Chairman.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. I have no further questions, Mr. Chairman.

Senator ERVIN. Senator Gurney.

Senator GURNEY. I have no further questions.

Senator ERVIN. Senator Inouye.

Senator INOUYE. I have no further questions.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. No further questions, Mr. Chairman.

Mr. DASH. Mr. Haldeman, since your testimony yesterday, have you checked your calendar or any other record to be able to tell this committee what day specifically you were in Washington in July of this year to hear the September 15, 1972, tape?

Mr. HALDEMAN. I don't have a calendar, Mr. Dash, to check.

Mr. DASH. Or any record I said.

Mr. HALDEMAN. Let me see. I believe I came to Washington on—I have not checked this since yesterday, to answer your question directly.

Mr. DASH. Well, I take it there would be some record you could check, either an airline coupon, a check or something that could be able to provide a date that you can give this committee. Would you do that?

Mr. HALDEMAN. I could check the airplane thing and supply it to you.

Mr. DASH. Would you supply the committee that date?

*See p. 3327.
**See p. 3329.

Mr. HALDEMAN. Surely. It was though, I am virtually certain that I was here, that I believe I came to Washington on Saturday, July 7.

Mr. WILSON. Mr. Vice Chairman, what is the relevancy of this inquiry?

Senator BAKER. Mr. Dash.

Mr. DASH. The relevance of this inquiry is we are trying to see when Mr. Haldeman did have access to the tape. I don't think every date we ask has to be supported by relevancy, within the area.

Mr. WILSON. He told you one of three dates. What difference does it make to you? Do you want to have him out of town on those dates?

Mr. DASH. No, Mr. Wilson. I hope you don't have to be so defensive. I have asked you——

Mr. WILSON. You hope I won't be what?

Mr. DASH. So defensive.

Mr. WILSON. I am not defensive.

Mr. DASH. I asked your client for an answer, your client is answering, he doesn't need a lawyer.

Mr. WILSON. If you are trying to say I am offensive——

Senator BAKER. Mr. Wilson, I think we will really get to the relevancy of it quicker if we let Mr. Dash proceed. If it turns out not to be relevant we can pass on that point. I understand they are preliminary questions. He is simply trying to establish the time frame in which these events may have occurred. Is that essentially correct?

Mr. DASH. That is right and I have asked if Mr. Haldeman would be willing to provide us with that record.

Mr. HALDEMAN. I can find out when I was in Washington, yes, sir.

Mr. DASH. I am not sure the record is still clear as to who got in touch with whom to arrange for you to have the specific tapes at that time.

Mr. HALDEMAN. I talked with Steve Bull.

Mr. DASH. Fine.

Did Steve Bull tell you that the President wanted you to have the tapes, is he the one who conveyed that message?

Mr. HALDEMAN. I am not sure whether he did or whether this was in an earlier phone conversation with Mr. Buzhardt; it would have been with Mr. Buzhardt.

Mr. DASH. Did you at any time have a specific call with the President with regard to the tapes?

Mr. HALDEMAN. Not with regard to the September 15 tape.

Mr. DASH. All right. It would either be with Fred Buzhardt or Mr. Bull who conveyed to you the desire of the President that you listen to this tape and give him a report, is that true?

Mr. HALDEMAN. Yes, sir. I believe that is correct. I can't, I don't think it was anyone else. There would be the other possibility of General Haig but I don't believe it was.

Mr. DASH. Did you come to Washington specifically for that purpose?

Mr. HALDEMAN. No; I was going to be in Washington anyway.

Mr. DASH. While you were in Washington you made contact with the White House, is that——

Mr. HALDEMAN. Yes.

Mr. DASH. It was at that time you had such a communication.

Mr. HALDEMAN. Yes.

Mr. DASH. Now, why was it necessary, Mr. Haldeman, to take the

tapes to your house? Why could you not hear them at the Executive Office of the President?

Mr. HALDEMAN. I could have but I was—I had, I was using a guest office that was in an open office suite, it would have been difficult and a little awkward to do and that is the reason I took it home.

Mr. DASH. Now, besides the particular September 15, 1972, tape, you mentioned that you had other tapes. Would you tell us what dates those tapes referred to?

Mr. HALDEMAN. I am not sure. I was asked that this morning and I am not sure what dates they were. They were dates within that sequence of meetings in the period from February 27 through April.

Mr. DASH. You testified that you listened only to the September 15 tape but you did not listen to the others, and I think——

Mr. HALDEMAN. That is correct.

Mr. DASH. I think you indicated you were not a party to those conversations.

Mr. HALDEMAN. That is correct.

Mr. DASH. You had listened to the March 21 tape, that part of it which you were not a party when Mr. Dean was with the President. Why, when you had the tapes over a period of time now we know, overnight, and had time to do so; actually what prevented you, why did you not listen to the tapes?

Mr. HALDEMAN. I simply decided not to because I had not attended the meetings and I didn't feel comfortable listening to those tapes.

Mr. DASH. But you were under no instruction not to, were you not? There was no instruction you shouldn't listen to the tapes.

Mr. HALDEMAN. That is correct. This was not conveyed to me.

Mr. DASH. Because you were actually given those tapes.

Mr. HALDEMAN. The tapes were given to me.

Mr. DASH. And for the purpose of, I take it, to hear.

Mr. HALDEMAN. That is correct.

Mr. DASH. And you made your own decision then not to listen to them.

Mr. HALDEMAN. That is correct.

Mr. DASH. Now——

Senator BAKER. Before you go on, just so I am clear in my own mind, do we have for the record the tapes that the witness did have in his possession?

Mr. DASH. No; he doesn't recall, I take it.

Mr. HALDEMAN. I am not sure which ones they were.

Senator BAKER. How many were there?

Mr. HALDEMAN. I think there were three.

Senator BAKER. Three rolls of tape.

Mr. HALDEMAN. Three dates which would be three reels.

Senator BAKER. Three dates.

Mr. HALDEMAN. I should also point out I was given, which I don't believe I have indicated earlier, I was also at the same time in each of these cases given the telephone tapes that covered the same dates. In other words, the request apparently to the custodian of the tapes was for the tape for that date, and telephone conversations are recorded on different reels than the conversations in the office, so I did have both in April when I listened to the March 21 tape and in July when I

listened to the September 15 tape, I had the telephone tapes for that day also available. I did not listen to any telephone tapes.

Senator BAKER. Thank you, Mr. Dash.

Mr. DASH. Do you recall whether or not you listened to the March 13 tape?

Mr. HALDEMAN. I have not listened to any tape, Mr. Dash, except September 15 and March 21.

Mr. DASH. Did you recall whether you had the March 13 tape?

Mr. HALDEMAN. That may have been one but I am not sure.

Mr. DASH. All right. Now with regard to your listening and your testimony concerning the September 15, 1972, meeting with the President's taped conversation, can you give us a little more detail, if you can recall, of the discussion on the tape that appears in your statement with regard to Mr. Dean's mentioning of Judge Richey in the civil suit?

Mr. HALDEMAN. I covered that, I tried to cover it in the statement as much as I could recall.

Mr. DASH. Your statement is your complete recollection of what that was.

Mr. HALDEMAN. I would say so.

Mr. DASH. Did you recall whether the President had any specific response when Mr. Dean mentioned that he would, according to your statement, keep Rhomer McPhee abreast of what was happening?

Mr. HALDEMAN. I don't recall any response.

Mr. DASH. Do you recall whether Mr. Dean talked in terms of "containing" the situation at the meeting?

Mr. HALDEMAN. By using quotes you are asking if I recall that specific word.

Mr. DASH. In using the word that he was trying to contain the situation or had been containing it.

Mr. HALDEMAN. I don't recall the use of that word.

Mr. DASH. Do you recall whether Mr. Dean raised the facts that there were several other hurdles that would have to be leaped before these events would come to rest?

Mr. HALDEMAN. Well, as I have indicated, I don't recall the terminology, "several other hurdles." I did say that he said there would be other—that the grand jury activity was concluded but that there would be other investigatory processes underway such as the GAO audit and congressional inquiries.

Mr. DASH. Do you recall whether he stated that he couldn't guarantee that the matter would not unravel, using the word "unravel."

Mr. HALDEMAN. I don't recall the use of the word "unravel." As I said I do recall his saying that he felt in these ongoing inquiries nothing would come out to surprise us, in other words there was nothing that we didn't already know.

Mr. DASH. Do you recall whether the President told Mr. Dean at that time, in that conversation, to keep a list of people who were giving them trouble for his later use?

Mr. HALDEMAN. Dean referred in that meeting to the fact that he was keeping a list or keeping track of people that were clearly not our friends that had emerged out of this work in this process. There was, as I recall—I shouldn't anticipate you—but as I recall Dean's testimony he said that the President told him to keep a list of the people

in the press who were opposing us. I don't recall any reference to press. I recall this as a statement initiated by Dean that he was keeping track of people who were clearly not our friends, and the President saying something about "That is good," or something, "You should."

Mr. DASH. Do you recall whether the President stated that Mr. Timmons should get on top of the Patman hearings during this conversation?

Mr. HALDEMAN. I don't recall it. It is so logical that he would—that it is easy to assume it without—I have to say I don't have a specific recollection of a reference to Mr. Timmons.

Mr. DASH. I am only asking for your recollection.

Mr. HALDEMAN. I know it.

Mr. DASH. Now with regard to the March 21 meeting which you heard some time in April, do you recall whether Mr. Dean began the conversation by explaining that to continue the coverup it would be necessary to have perjury and more demands for money and more perjury. Do you recall that?

Mr. HALDEMAN. No.

Mr. DASH. With regard to that same date, do you recall at that meeting, the listening to that tape, Mr. Dean beginning the conversation by explaining to the President that there was "a cancer on the Presidency."

Mr. HALDEMAN. Yes.

Mr. DASH. He used that term.

Mr. HALDEMAN. Yes.

Mr. DASH. Do you recall whether Mr. Dean also indicated to the President that he would just give a broad, a very broad picture and let the President ask any questions as to areas he wished more information on?

Mr. HALDEMAN. No.

Mr. DASH. By the way, during that meeting did the President want grand jury appearances discussed with Mr. Mitchell?

Mr. HALDEMAN. Yes, in the sense that he, at the latter part of the meeting he said that he wanted Dean to get together with Mitchell, Mr. Mitchell, Mr. Ehrlichman, and me and in that same portion of the meeting he referred to Mr. Ehrlichman's suggestion. One way of dealing with that suggestion at that point would be for everyone to voluntarily go to the grand jury.

Mr. DASH. And when you say that your recollection is on the tape that the President said it was wrong to pay $1 million, was that intended also to smoke out Dean?

Mr. HALDEMAN. No; well, I don't know.

Mr. DASH. That would not be.

Mr. HALDEMAN. It is hard to tell.

Mr. DASH. It was your interpretation, I think, that the conversation was to sort of—I think it was your term—to sort of "smoke out" Dean.

Mr. HALDEMAN. It may have been. I don't recall a comment in response to it. I would not be able to characterize it, I don't think either way.

Mr. DASH. During that conversation were Mr. LaRue's name and Mr. Kalmbach's name mentioned?

Mr. HALDEMAN. Yes.

Mr. DASH. Do you know with what respect?

Mr. HALDEMAN. LaRue in connection with the recitation of examples of blackmail or money demands, and Mr. Kalmbach in connection with the fact that he had raised funds for legal fees.

Mr. DASH. Now, Mr. Haldeman, just one last series of questions on the tapes and then just a few other questions. There have been questions by some members of the committee raised yesterday concerning whether you applied a strategy, I think, in revealing what you had heard on the tapes before the committee. Let me just make one or two statements and then see if you agree: From your testimony, and correct me if I misstate your testimony, your testimony makes it very clear, I believe, that you are completely loyal to the President, and fully support the President's position. Would that be a correct statement?

Mr. HALDEMAN. Yes.

Mr. DASH. And I take it you are also aware that the President has refused to honor the subpena issued by this committee for tapes and including specifically these two tapes, one the September 15 tape and the March 21 tape. I take it you are aware of that.

Mr. HALDEMAN. I am aware of that, yes.

Mr. DASH. And his reason for doing so has been on executive privilege and separation of powers reasons?

Mr. HALDEMAN. Yes.

Mr. DASH. And that at the present time the issue will be going to the courts?

Mr. HALDEMAN. I understand that.

Mr. DASH. Now, in Mr. Buzhardt's letter to your counsel, Mr. Buzhardt states that the President had instructed you not to reveal the contents of the March 21 tape to the committee for the same reason, on the basis of executive privilege. You are aware that that was there, if you were asked questions concerning that.

Mr. HALDEMAN. Concerning the portion.

Mr. DASH. The portion.

Mr. HALDEMAN. Concerning any matters, I can't quote it, but my understanding of its intent was the prohibition was against testimony concerning any matters which I learn solely from listening to the tape.

Mr. DASH. That is what I am referring to.

Mr. HALDEMAN. Which would, in effect, as given the facts we are faced with, would in effect mean that portion of the March 21 tape that covered the meeting prior to my joining it.

Mr. DASH. Well, the question I have, which, at least puzzles me, is that since the President has refused to honor our subpena, and the issue of law is to be determined by the courts, why did you not follow the President's example and refuse to honor the chairman's order and obey the President's instructions and await the court's decision on the law?

Mr. HALDEMAN. I will defer to counsel. I acted on advice of counsel.

Mr. WILSON. Do you want to know what counsel's advice was?

Mr. DASH. I take it he acted on advice of counsel?

Mr. WILSON. Yes.

Mr. DASH. And I would appreciate hearing that, yes, if counsel is willing to give it.

Mr. WILSON. Sure. I said if the committee ordered the disclosure of this information he should obey the order of the committee rather than to go into contempt is what I said. What would you have said?

Mr. DASH. I would preserve that answer to when I was counsel for Mr. Haldeman rather than as chief counsel to this committee.

Now, Mr. Haldeman, on page 13 of your statement you characterized your role, toward the bottom of the statement and leading on to page 14 on the top, "Take in my role as the President's chief of staff I concentrated my attention and activities each day on those matters on which the President was concentrating his attention and activity. I did not maintain an independent schedule of appointments or activities on my own."

I think there has already been some testimony concerning the enemies list. Did you consider your role as chief of staff to participate in developing or supervising or being involved in an enemies, political enemies project?

Mr. HALDEMAN. I certainly didn't consider it as a principal part of my role but I was fully aware of this project.

Mr. DASH. Right.

I think you indicated primarily that the political enemies' role was one for the purpose of making decisions as to whether certain persons who were on that list would be given the privileges of the White House.

May I show you a memorandum for John Dean from Gordon Strachan of October 26, 1971?

I think members of the committee have all been given copies of that memorandum. You will notice, Mr. Haldeman, that actually the memorandum of October 26 is a memorandum from Mr. Strachan to Mr. Dean which picks up on an accompanying memorandum of October 19, 1971, "eyes only" from Mr. Lyn Nofziger to you with reference to Chet Huntley.

Mr. HALDEMAN. Yes.

Mr. DASH. And the memorandum says:

> The State Chairman of Montana tells me Huntley claims to be a Republican and will support and work for whatever Republican runs against Senator Metcalf next year.
>
> John Whitaker has ordered the Department of Agriculture to quit dragging its heels on "Big Sky," probably without any knowledge of the above or of my own project.
>
> I believe we should (check one):
>
> 1. Give Mr. Huntley all the help we can with a clear understanding that he reciprocates with help to us in Montana.
>
> 2. Continue along the course we have been following since Mr. Huntley's intemperate remarks.
>
> 3. Same as #2 until we see how Mr. Huntley performs.

And then this is sent on by your assistant, Mr. Gordon Strachan, to John Dean, and in that memorandum he says:

> Lyn Nofziger sent the attached information on Chet Huntley to Bob Haldeman. Since you have the action on the political enemies project would you make a determination on what should happen, advise Nofziger, and mention your decision to me.

Then to go back to October 19 there appears to be a preference, a line drawn on No. 3, "Same as No. 2 until we see how Mr. Huntley performs" and some indication so informed, L.N., probably Lyn Nofziger.

What would be No. 2, "Continue along the course we have been following since Mr. Huntley's intemperate remarks."

Do you recall the course you were following with Mr. Huntley because of so-called intemperate remarks?

Mr. HALDEMAN. No, I don't, Mr. Dash. This isn't my writing on this memorandum.

Mr. DASH. No, I think the writing probably is Mr. Dean's who received this memorandum from Gordon Strachan to make additions and report back to him which, I would take it, Mr. Strachan would be reporting back to you.

Mr. HALDEMAN. I don't recall this. I don't know that he did.

Mr. DASH. All right. But in any event, this deals with political enemies, and would you say that this memorandum dealing with political enemies has anything to do with extending White House privileges?

Mr. HALDEMAN. No, not in this case.

Mr. DASH. The testimony has indicated that in the break-in of the Democratic National Committee headquarters Mr. Lawrence O'Brien, the chairman of the Democratic National Committee, as one of the targets. Mr. Dean has testified before this committee that Mr. O'Brien had been a White House target for a period of time prior to the break-in. Were you aware, Mr. Haldeman, that Mr. O'Brien was the subject of investigation by White House staff, for instance for the purpose of uncovering embarrassing information about him?

Mr. HALDEMAN. As was the case with a number of major political figures we received or there was received, I didn't, information from time to time that, suggestions as to what Mr. O'Brien or other people were doing, where their business interests, activities lay, and that sort of thing, and the suggestion was we would be provided from out in the field, from people who knew him in other areas that we ought to be checking into this or that, that kind of question did arise.

Mr. DASH. Well, as a matter of fact, in January, specifically on January 28, 1971, were you not aware of an inquiry that was made concerning Mr. O'Brien and did you not issue a memorandum to Mr. Dean suggesting that information be leaked to the newspapers?

Mr. HALDEMAN. If I could see the memorandum I would be glad to respond to it.

Mr. DASH. Yes.

Mr. HALDEMAN. Without going into the backup memorandum this would be the kind of thing I was talking about.

Mr. DASH. And let me read the memorandum, January 28, 1971, memorandum for John Dean from H. R. Haldeman, subject Hughes Retainer of Larry O'Brien. [Reading:]

You should continue to keep in contact with Bob Bennett as well as looking for other sources of information on this subject. Once Bennett gets back to you with his final report, you and Chuck Colson should get together and come up with a way to leak the appropriate information. Frankly, I can't see any way to handle this without involving Hughes so the problem of "embarrassing" him seems to be a matter of degree. However, we should keep Bob Bennett and Bebe out of it at all costs. Please keep me advised of your progress on this and any plans you decide on.

I think the backup memorandum has to do with the fact of Hughes' retainer when Mr. O'Brien was involved in a certain consulting firm, is that not true?

Mr. HALDEMAN. I haven't looked at the backup memorandum. That is the subject thing and I will look at it if you want me to.

Mr. DASH. You may and I certainly don't want to give you anything without your reading it.

Mr. WILSON. Is there a pending question?

Mr. DASH. I asked whether or not the backup memorandum supplied the information which supported this memorandum to Mr. Dean that this information should appropriately be leaked.

Mr. HALDEMAN. Well, it supplies information that—I will read the whole thing if you want me to, it is an awfully long detail information.

Mr. DASH. No.

Mr. HALDEMAN. But it obviously supplies information regarding Larry O'Brien's relationship with the Hughes organization in some way, that they had offered him a piece of the Hughes action in Las Vegas or something, is what it says.

Mr. DASH. Did you consider that something that might be politically advantageous to have released if Mr. O'Brien had that particular retainer?

Mr. HALDEMAN. Yes.

Mr. DASH. And——

Mr. HALDEMAN. That would appear to be the case. At least those who were providing the information considered it so.

Mr. DASH. That was also in your role as the President's chief of staff where you concentrated your attention on activities each day to those matters on which the President was concentrating his attention and activities?

Mr. HALDEMAN. Mr. Dash, something like this is a very incidental memorandum, and was not part of my general concentration on the President's activities, obviously.

Mr. WILSON. Mr. Chairman, I would like to inquire whether all of these documents shown the witness will be made part of the record of this case in haec verba.

Mr. DASH. I intend after I am through with the questioning to ask the chairman to have them marked.

Senator ERVIN. Some of them have already been admitted in the record when Mr. Dean was testifying but I am certain all of them will be put in the record, marked exhibits and put in the record as counsel inquiries of the witness about them.

Mr. WILSON. Thank you.

Mr. DASH. By the way, I am not sure again from reading the record whether I asked you when I was talking to you about the Plumbers operation, whether you were aware that Mr. Hunt was employed as part of the Plumbers operation.

Mr. HALDEMAN. I think I probably was.

Mr. DASH. Do you know how you first came to meet Mr. Hunt?

Mr. HALDEMAN. I have never met Mr. Hunt.

Mr. DASH. Do you know who first brought Mr. Hunt to your attention? Did anybody bring Mr. Hunt to your attention?

Mr. HALDEMAN. No. It was my understanding—again, I do not know when I knew it—that Mr. Hunt was brought into the White House as a result of his—of Mr. Colson's having known him outside.

Mr. DASH. Do you recall Mr. Colson's ever talking to you about Mr.

Hunt and recommending him to you as a person the White House really ought to have working for it?

Mr. HALDEMAN. He may have, but only on the basis—not on any basis of my knowledge of Mr. Hunt.

Mr. DASH. Now, in your statement on page 8 in speaking of the President's decisionmaking, you state that he insisted that when a matter was brought to him for decision, the full range of options and the full range of viewpoints regarding those options be presented to him rather than just arguments of the exponents of every particular side. He saw the staff's responsibility of being that of insuring that this was always the case.

Now, as chief of staff, Mr. Haldeman, did you consider it your responsibility to provide the President with all the information you had involving an important matter requiring a decision that the President would have to make?

Mr. HALDEMAN. The information that I had regarding a matter——

Mr. DASH. That would be related——

Mr. HALDEMAN [continuing]. On which he was making a decision?

Mr. DASH. Yes. And by the way, I think you may have given us this testimony. Mr. Colson's role in the White House was what?

Mr. WILSON. Are there two questions pending now?

Mr. DASH. No, he has answered my last question. Now I am asking him what Mr. Colson's role in the White House was. The last question to Mr. Wilson.

Mr. HALDEMAN. Mr. Colson was special counsel to the President. He had a range of responsibilities and it varied over a period of time. His principal responsibility was liaison and contact with outside organizations and groups of people, labor, business, agriculture, education, religion, and so forth.

Mr. DASH. Now, if Mr. Colson transmitted information to you relating to a matter that might be pending with the President for Presidential decision or action; would you transmit that information to the President?

Mr. HALDEMAN. That would be my usual procedure.

Mr. DASH. Now, on page 41 of your statement, when the question was put to you concerning an April 4 meeting with Mr. Mitchell, relative to Mr. Strachan's testimony that he understood that you were meeting with Mr. Mitchell on a talking paper concerning the intelligence plan, your notes taken at that meeting with the President indicate the discussion covered the ITT-Kleindienst hearings and a review of Mitchell's plans for assigning regional campaign responsibilities.

Now, I would like to show you a memorandum, Mr. Haldeman, of March 30, 1972, which was 5 days prior to that meeting with the President, from Mr. Colson to you—subject: ITT.

Mr. HALDEMAN. OK.

Mr. DASH. I am going to refer to a particular part of it, but if you would like to read the entire memorandum first, please take the time to do so.

Mr. HALDEMAN. I guess I had better. I have not seen this.

Mr. DASH. Yes. I should ask you, do you recall the memorandum?

Mr. HALDEMAN. Not so far. Let me look at it.

Mr. DASH. Well, why do you not take the time to read it?

Mr. WILSON. Mr. Chairman, while Mr. Haldeman is examining that, Mr. Strickler called my attention to the fact that the memorandum from Mr. Haldeman to Mr. Dean, subject, Hughes' retainer of Larry O'Brien has attached to it two pages of a document dated January 26, 1971. Obviously, it is not a complete attachment since there is an incomplete sentence at the bottom of the second page. Are there other pages, Mr. Dash?

Mr. DASH. I do not have the other pages, Mr. Wilson. The particular memorandum that I was specifically referring to that I wanted Mr. Haldeman to answer was the January 28, 1971, memorandum, and I think there is sufficient information on the January 26 memorandum to at least give you an idea of the subject matter.

Mr. WILSON. Yes, but the question is what is on the third page?

Mr. DASH. I do not know but I do not think it is really relevant to the question I asked.

Mr. WILSON. Have you seen the third page?

Mr. DASH. I have not seen it.

Mr. WILSON. How do you know?

Mr. DASH. This was an exhibit. As I suggested to you that the question I asked dealt with the January 28, 1971, memorandum and not the attachment.

Mr. WILSON. I understand that but you did make an attachment of an incomplete document.

Mr. DASH. They came together. They came as they were.

Senator ERVIN. That is all the committee got. Now, if you get access to the White House papers, you can get the third page. We cannot.

Mr. DASH. My point, Mr. Wilson, was I was not asking any questions concerning the attached document.

Mr. WILSON. It is my natural curiosity to know what would be on the third page.

Mr. DASH. No efforts——

Mr. WILSON. Might be extremely interesting.

Mr. DASH. Might be. I think we both perhaps would like to read it.

Mr. WILSON. This is incomplete, then, is it not?

Mr. DASH. That is what we have.

Mr. WILSON. This is incomplete, is it not?

Mr. DASH. I said yes. It does have—maybe actually, two more pages.

Mr. WILSON. Sir?

Mr. DASH. There may be additional pages.

Mr. WILSON. Yes. Three or more.

Senator ERVIN. I just suggest perhaps those who have access to the White House tapes might find some way of having access to the papers.

Mr. WILSON. I do not think that is good an answer as the question, is the committee using incomplete documents here?

Senator ERVIN. Well, that is the only kind of document that Mr. Dean could get out of the White House. [Laughter.]

Mr. DASH. Again, I think the record——

Senator ERVIN. That is all we have.

Mr. DASH. Again, I think the record should show——

Mr. WILSON. As I have said before, if this were a court of law that could not go in.

Mr. DASH. Well——

Senator ERVIN. I think it could, unless you thought it had been suppressed by the one offering it. We do not know whether there was any third page. A third page may have been detached on account of having something to do with national security.

Mr. DASH. Mr. Wilson, again, the only question to your client had to do with a complete memorandum of January 28, 1971. There was no reference or any questions on the accompanying——

Mr. WILSON. For what it is worth, I do not accept the explanation of either the chairman or Mr. Dash. This may be unimportant to both of you but I do not want this to go by without saying I do not think that is a proper document.

Mr. DASH. Have you read the memorandum, Mr. Haldeman?

Mr. HALDEMAN. Yes, not——

Mr. DASH. Sorry the discussion perhaps has interrupted your reading.

Mr. HALDEMAN. Yes, and I have not tried to read it comprehensively because it is long and general. I have a general feel of it.

Mr. DASH. It deals obviously as you read it concerning Mr. Colson's concerns about matters that might be coming before the hearing that was the confirmation of Mr. Kliendienst as Attorney General. And I am just going to refer actually, to two paragraphs.

On page 3 of the first part of the memorandum, the last paragraph says:

> Neither Kleindienst, Mitchell nor Mardian know of the potential dangers. I have deliberately not told Kleindienst or Mitchell, since both may be recalled as witnesses and Mardian does not understand the problem. Only Fred Fielding, myself and Ehrlichman have fully examined all the documents and/or information that could yet come out. A summary of some of these is attached.

Now, I am referring now to the attached summary. Could you look at the very next page and paragraph 2 at the bottom:

> There is a Klein to Haldeman memo dated June 30, 1971, which, of course, precedes the date of the ITT settlement, setting forth the $400,000 arrangement with ITT. Copies were addressed to Magruder, Mitchell and Timmons. This memo put the AG—

The AG here in the memo—

> on constructive notice at least of the ITT commitment at that time and before the settlement, facts which he has denied under oath. We don't know whether we have recovered all the copies. If known, this would be considerably more damaging than Rieneke's statement. Magruder believes it is possible, the AG transmitted his copy to Magruder. Magruder doesn't have the copy he received; he only has a Xerox of the copy. In short, despite a search, this memo could be lying around anywhere at 1701.

No. 1701 being the Committee for the Re-Election of the President.

Now, that, I take it, was the kind of explosive information to come into your possession on March 30, 1972, 5 days before you met with the President and which you said your notes showed that the discussion was ITT and the Kleindienst confirmation. Did you bring that matter to the attention of the President?

Mr. HALDEMAN. I do not know. I do not think so. I do not think that I received or read this memorandum. It is not familiar to me. Certainly, the attachment is not. There was discussion of the problems of the Kleindienst nomination and as he has spelled out here, apparently there had been a meeting that morning with Clark MacGregor and Walt Johnson, who were the congressional liaison people

at that time and Colson felt that there were matters that they disagreed with me on the analysis of the Kleindienst nomination. I do not know what that was.

Mr. WILSON. Mr. Chairman, may I interrupt again to say I thought I received information from you this morning from the list of witnesses, Mr. Colson is not going to be called as a witness?

Senator ERVIN. Not until after the recess.

Mr. DASH. The question is whether or not you recall the memorandum and ever receiving that information.

Mr. HALDEMAN. I do not recall—I recall a lot of problems and a lot of information that conflicted on the problems of the nomination and the maneuvering that was going on to block the nomination. I was not—again as in almost any of these cases—was not a principal as this memo really indicates in the effort to work out the problems of the nomination and I do not recall reading of the information in the backup memorandum. I do not recall any of it.

I have a general recollection of the whole area of discussion of that.

Mr. DASH. When you say you do not recall, obviously, we are referring back to March 30, 1972, which is over a year ago. It is not your testimony, I take it, that you did not in fact receive this or read this memo. It is your testimony I take it, that you do not recall.

Mr. HALDEMAN. That is my testimony.

Mr. DASH. And if you had in fact received this memorandum, which would have given you information that the Attorney General may have committed perjury in the Kleindienst confirmation hearings, would this not be a matter that you would have taken up with the President?

Mr. HALDEMAN. I would have either taken it up with the President or ascertained—taken it up with someone who had direct knowledge of the situation to take it up with the President, yes.

Mr. DASH. Mr. Haldeman——

Senator GURNEY. Mr. Chairman, at this point I would like to comment when we had our executive session meeting this morning, which, of course, was devoted solely to whether Mr. Colson would appear as a witness, there was no giving of information to any of the committee that this matter was going to be gone into or this memorandum. This came as a total surprise to us during the day here.

Mr. DASH. This memorandum was just received by me.

Senator GURNEY. I would have thought it would have been much fairer had we had this before us when we were discussing whether Mr. Colson was going to appear as a witness or to put it in another way, since we had decided that he would not appear as a witness, it seems to me it is highly unfair and highly irregular to bring this matter up now. We should have waited until Mr. Colson came before us.

Mr. DASH. Well, Mr. Chairman, the memorandum came to our attention just this morning. Our staff interviewed a secretary last night and received the memorandum and I was just given it shortly before giving it to the members of the committee, and Mr. Haldeman is here as a witness and it is a memorandum to Mr. Haldeman on a matter in which he does refer in his statement, that his notes show that he had a particular meeting with the President on the ITT-Kleindienst matter 5 days after this memorandum.

Senator GURNEY. Mr. Chairman, I would like to make a further statement and request that we have Mr. Colson before us as a witness.

As you know, the vice chairman and myself felt very strongly we should have him here as a witness because he has always been considered as one of the principal witnesses along with Mr. Haldeman, Mr. Ehrlichman, since the very beginning of this hearing, but, of course, we have had some extremely important pieces of evidence. There was the Dean evidence that Colson told Dean that Colson had a meeting with the President of the United States in which the matter of Executive clemency was discussed. There was the evidence that Colson made a phone call to Magruder pressuring him to go on with the Liddy plan. There was the very important evidence that there was a meeting between Mr. Haldeman and Mr. Ehrlichman and Mr. Colson and Mr. Dean. I am not sure whether Haldeman was there or not but Ehrlichman, Colson, and Dean, concerning the discussion of what they ought to do about talking to Hunt's lawyer.

These are all extremely important pieces of evidence to this main case of whether the President of the United States was involved or not, and for the life of me I think it is totally unfair that Mr. Colson is not brought here as a witness in these main proceedings. Now, we have this matter here which we knew nothing about at all and this is more reason why we should have him here, and incidentally, I understand that both Mr. Colson and his lawyer are very anxious to come before the hearings at this particular time. I am further advised that his lawyer is not going to be available at a later date. He is going to be tied up with a very important case in court. And I would urge again that the committee reconsider and have Mr. Colson before us.

Mr. WILSON. May I add to that?

Senator ERVIN. Wait a minute. The Senate has twice voted to adopt a list of witnesses they thought they could finish in a reasonable time and the committee voted the last time this morning, and I just do not believe the committee will reconsider the matter and vote a third time, but, of course, if the Senator from Florida wants the committee to reconvene to do that I will be glad to reconvene.

Mr. WILSON. Mr. Chairman——

Senator ERVIN. Wait a minute. I do not mean to be short. As I construe the questions of the counsel to Mr. Haldeman, they relate to what knowledge Mr. Haldeman had about the matters and what he did on the basis of that knowledge.

Now, Mr. Wilson, if you——

Mr. WILSON. Mr. Chairman, I would only supplement Senator Gurney's description of evidence here by saying that in the course of Mr. Ehrlichman's testimony, there was referred to and perhaps put in evidence a taped conversation between Mr. Colson and Mr. Hunt in which a clear blackmail attempt was made and——

Senator ERVIN. Well, Mr. Wilson, the committee has to be guided by a majority of the committee and we cannot take all of the evidence that is available between now and any reasonable time and the committee has voted twice on the witnesses that would be called and I propose, until the committee overrules me, to adhere to the committee rules. It would be very desirable if we could get all the witnesses here at one time and get through with the thing, but the easiest way to solve the question of the President's involvement is for the President to bring the tapes down here and then we would not have to bother a whole lot of other witnesses.

Senator GURNEY. I must say, Mr. Chairman, I cannot understand why the majority members on the committee do not want this extremely important evidence brought before this committee and this Nation now as to the President's involvement, which is the main issue we have before us.

Senator ERVIN. Well, the committee has considered it twice and has voted to the contrary twice. That is, they voted what witnesses would be called no later than this morning, and I do not know any way you can run a committee except by majority vote.

Senator GURNEY. I might say, too, that the main reason appears to be that perhaps it will delay our proceedings too long. I, as one member, am very willing to stay here just as long as it takes to get the main evidence as to the President's involvement or not and I do think, too, that on these little pieces of evidence we are talking about, it should not take very long. We do not have to go into the dirty tricks department or anything like that, but simply the main issue of whether or not the President of the United States is involved.

Senator ERVIN. Well, there is nobody here except you and myself and the committee has voted twice to the contrary. No later than this morning they voted what witnesses to call twice, and that is the agenda before the committee until it is reversed.

Senator GURNEY. But the only time we ever voted on Mr. Colson as an issue was this morning. We did not vote twice on him.

Senator ERVIN. We voted twice on the question of what witnesses would be called and Mr. Colson was not included either time.

I suggest the counsel proceed with the questioning. We can call another meeting of the committee.

Mr. DASH. I am just about completed, Mr. Chairman, and just have really one question.

Mr. WILSON. Is Mr. Colson ever going to be called?

Mr. DASH. Yes.

Senator ERVIN. I hope so and I hope we get the tapes, too. [Laughter.]

We could cut off this investigation, really, we could cut off this investigation very shortly if the President would make the tapes which he says are in his exclusive control, open to the committee.

Mr. DASH. Mr. Haldeman, really just one last question.

In your testimony in its entirety, it is true, is it not, that you consistently denied any prior knowledge of the break-in at the Democratic National Committee headquarters at the Watergate on the early morning of June 17, 1972, or any participation in the coverup thereafter?

Mr. HALDEMAN. That is correct. In the coverup as I have described it, illegal or improper actions.

Mr. DASH. Yes. As you described them.

That about completes my questioning Mr. Chairman, but I would like to have the two memorandums—the one for John Dean from Mr. Haldeman concerning the Hughes retainer of Larry O'Brien, and also the ITT memorandum of March 30, with the attachments—entered as committee exhibits.

Senator ERVIN. Without objection they will be entered as such.

[The documents referred to were marked exhibits Nos. 120 and 121.*]

*See pp. 3369, 3372.

Senator ERVIN. I am going to have to adjourn or take a recess and get over to vote.

Mr. DASH. While you are still here—well——

Senator ERVIN. I am not sure your question and answer will keep me from voting.

[Recess.]

Senator BAKER [presiding]. The committee will come to order. Senator Ervin and other members of the committee are on their way to the Senate floor to answer this rollcall and the chairman asked me to reconvene the hearings and to proceed.

Mr. Dash.

Mr. DASH. This will be very short because you answered the question I was putting which is that your testimony in its entirety does deny any participation in the break-in before or on June 17, 1972, or in the coverup as you have defined it afterward.

My last concluding statement, which does not really call for you to reply because I do not wish you to attempt to draw distinctions between other persons' evidence. I think you have properly declined to do so but for the committee to believe your testimony would require it to disbelieve important parts of the testimony of Mr. Dean, Mr. Mitchell, Mr. Magruder, Mr. Strachan, and the sworn testimony in other forms of Mr. Helms and Mr. Walters who will also be brought forth to testify to what they have testified before in this proceeding.

Now, of course, that does not call for any comments on your part. You have given your testimony but it is a statement to the committee that it has to do with other witnesses, in balancing the credibility of witnesses, it has its responsibility.

I have no further questions, Mr. Chairman.

Mr. HALDEMAN. Mr. Vice Chairman, if I could respond very briefly to Mr. Dash's very brief summary, there is a substantial question of interpretation as well as questions of fact in the discrepancies that you cited between my testimony and that of other witnesses that you have cited. I will not attempt to characterize any individual, other witnesses' testimony, in terms of either its discrepancies from mine in terms of facts or its discrepancies from mine in terms of interpretation or implication or inference. I would simply not want, however, your statement to rest with the impression that in all these cases, all the differences are clear differences of fact because in fact they are not.

Mr. DASH. I will take your statement, Mr. Haldeman, and I do not think it is appropriate to go into, as you have not gone into, an attempt to make those distinctions. This is a responsibility the committee will have to deal with, and I have no further questions, Mr. Chairman.

Senator BAKER. Thank you very much.

Mr. Thompson.

Mr. THOMPSON. Mr. Haldeman, you have testified that you were one of the few people who were aware of the taping system at the White House.

Mr. HALDEMAN. Yes, sir.

Mr. THOMPSON. According to your understanding, when was the taping system installed in the EOB and Oval Office?

Mr. HALDEMAN. I have to go on the basis of the information supplied the committee by other people on that and the best information

would be that that you have received from the Treasury Department or Secret Service or the Technical Security Division. Whatever they have told you I am sure would be the most accurate source. My recollection is that it was in 1971 but I am not sure.

Mr. THOMPSON. So, from 1968 to 1971 there was no taping system? As far as you know?

Mr. HALDEMAN. I will correct that on a minor basis. From 1969, January 20, until 1971, there was one—there was none that I know of. I understand there was prior to January 20, 1969.

Mr. THOMPSON. What do you base that understanding on?

Mr. HALDEMAN. The comments of others that indicated to me that there was such a capability available.

Mr. THOMPSON. Hearsay is not preferable but we would be——

Mr. HALDEMAN. That is correct.

Mr. THOMPSON [continuing]. We would be out of business if we did not accept it, unfortunately.

Mr. HALDEMAN. I would urge that that also is a question that can be determined by far more—with far greater validity from the people who would be familiar with it, such as the Technical Security Division of the Secret Service because any installation of any kind in the President's office would have to be done with the knowledge of, if not by, the actions of the Secret Service.

Mr. THOMPSON. Do you know anyone besides the Secret Service who might be a source of knowledge in that regard?

Mr. HALDEMAN. I would think that possibly principal members of the former President's staff.

Mr. THOMPSON. Did you ever have any discussions with any of them about this matter or similar matters?

Mr. HALDEMAN. In a general sense, and I would prefer not to try to characterize now a recollection of a conversation or conversations with other individuals, and I think we are into an area that is not relevant to this discussion and should be handled in some other forum.

Mr. THOMPSON. Could you make any recommendations as to who we might ask about these matters?

Mr. HALDEMAN. Yes, but I would prefer to do it in an executive session basis or a private basis so that I would not improperly bring in a name that I should not.

Mr. THOMPSON. Would you be willing to do that?

Mr. HALDEMAN. I would be willing to do that on any basis to the members or counsel.

Mr. THOMPSON. Would you tell us who suggested that the taping system be installed in the Oval Office and the EOB office of the President?

Mr. HALDEMAN. I am not sure whether it was my suggestion or the President's suggestion. It grew out of a conversation between the two of us regarding the problem of accuracy of record of conversations the President was holding in his office that were not, meetings and conversations that were not attended by third parties, or by third parties on his immediate staff, who could make records for him.

Mr. THOMPSON. Do you know of your personal knowledge who was in charge of the tapes at the time you were at the White House?

Mr. HALDEMAN. You mean physical custody of the tapes?

Mr. THOMPSON. Yes.

Mr. HALDEMAN. I do not know of my personal knowledge. My understanding was and is they were in the custody of the technical security division.

Mr. THOMPSON. All right.

Mr. Haldeman, you have been asked about the so-called Dean investigation and, on the one hand, you have been asked why you didn't launch your own investigation and why you relied on Dean—I think that is a proper inquiry—and, on the other hand, with regard to other political matters you have been asked why you investigated and why you did not rely on the FBI.

Mr. HALDEMAN. I noticed that.

Mr. THOMPSON. The only conclusion I can draw, and you correct me if I am wrong, is that there were some matters which the White House staff deemed it advisable or appropriate or necessary to look into and some where it did not, at least to an extent. Could you give us some indication of what type of questionable, illegal—if not illegal, questionable—activities you or the White House staff or the President considered appropriate yourself to look into yourself and what type matters would summarily be sent over to the Justice Department?

Mr. HALDEMAN. I should say not only in the case of investigating but really almost any other kind of matter that the White House would not and should not become directly involved unless or until it had developed that whoever was supposed to be handling it had not or was not handling it appropriately, adequately, and sufficiently thoroughly. That ultimately became the case in the Watergate matter, but not until later. It ultimately became the case at a far higher degree of priority in terms of monumental leaks of just critically important national security information at a time when that information, some of it, was related to the war in which this Nation was currently engaged, and the necessity for moving fast and the necessity for moving thoroughly in that kind of a situation, a matter involving the very reality, certainly the foreign policy and the integrity of the Nation and perhaps ultimately the survival of the Nation, didn't allow for any temporizing or any delay, and those investigations that were undertaken, and there weren't very many although they have been built up and by reputation over the last few weeks made to seem as if they were something that was about the only thing that was happening in town during those 3 years, they were of a different level of problem and a different level of importance. They regard the Nation's security.

Mr. THOMPSON. I wonder sometimes myself, in dealing with these matters and having done so for several months now so intensely, if I can put things in a practical framework; I know it is hard to look back. Obviously as a starting point it was the FBI's job to investigate this matter.

Mr. HALDEMAN. This is correct.

Mr. THOMPSON. And the question is how much more above that you should do or that you could do. At that time, going back to June of 1972, did you have any reason to expect that the FBI would not do a thorough job of investigating the matter?

Mr. HALDEMAN. None whatsoever.

Mr. THOMPSON. Were there ever any restraints placed on them, so far as you know, in the Bureau with regard to this particular investigation?

Mr. HALDEMAN. None, except in the very limited sense that I have talked about and in a limited period of time with regard to the national security considerations.

Mr. THOMPSON. At that particular time did the White House staff, so far as you know, or the President——

Mr. HALDEMAN. Let me go back. I am sorry, Mr. Thompson, just a second. Those were not limitations to the Watergate investigation, they were limitations ongoing beyond that into other areas.

Mr. THOMPSON. At that time as of June, and the following months in 1972, did you or any of your fellow staffers at the White House and the President, so far as you know, have any reason to expect anything less than a competent job from either the Attorney General or the Acting Director of the FBI?

Mr. HALDEMAN. Absolutely not.

Mr. THOMPSON. In retrospect, of course, the Bureau has taken a lot of criticism because of the job that was done, a lot of talk has been made about the extent of the investigation, and how many agents were put on the investigation, and how many interviews were conducted, and so forth, but the fact does remain that other developments have come about since their original findings, I think we have to conclude that.

Mr. HALDEMAN. That is right.

Mr. THOMPSON. I am trying to get back to the time this thing was developing, in the latter part of 1972.

Mr. HALDEMAN. I wouldn't limit it either to the FBI. There was also a Federal grand jury sitting and hearing witnesses and there were——

Mr. THOMPSON. Of course, basically what they deal with is information supplied to them as a result of FBI investigation but that is——

Mr. HALDEMAN. No, I wouldn't accept that at all. If that is all they did they wouldn't call witnesses, they would see and read reports all day. I think the grand jury, and I was in that grand jury room, and it is a stuffy little black room, and those poor people on that grand jury I have a great sympathy for, because they have sat there for a long, long time now hearing for hours and hours and hours on end the questioning of very, very many people who might be able to give them any information about the Watergate, and they were giving it to them under oath and under interrogation from the senior assistant U.S. attorney and two other assistant U.S. attorneys and all 23 members of the grand jury. So I would not say in any way the investigation or the determination of facts was limited to the FBI. The grand jury was very thoroughly pursuing this process and there was a trial in Federal court, with a very diligent Federal judge who pursued the process of trying to determine the facts also.

Mr. THOMPSON. I think the question is probably raised in some people's minds and I think perhaps the implication from some of the questioning, as to whether or not the lack of thoroughness, if there was one, in retrospect was due to political reasons. Some people concluded there was a bad investigation with regard to the Watergate. A docu-

ment was introduced yesterday indicating that at least the Internal Security Division had no information about illegal Democratic activities, and I assume that was submitted to show that that was a thorough investigation so, you know, we are trying to analyze investigations from hindsight as to why one investigation would be good and another one would not be good and I think that raises a political question.

Mr. HALDEMAN. Yes, sir.

Mr. THOMPSON. What do you know about the political composition of the Bureau as an institution? Obviously, the Director is appointed by the President. What about going down from there, what do you know about the FBI as an institution, how it is composed?

Mr. HALDEMAN. I know very little that isn't known by probably the average U.S. citizen, maybe not as much. I have no reason to believe that the FBI is or was at that time in any way politically influenced.

Mr. THOMPSON. I am not talking about influence. I am talking about the structure. Is there a massive change?

Mr. HALDEMAN. Certainly not the structure.

Mr. THOMPSON. Is there a massive change of agents? For example, when a new administration comes in are the agents fired? I think you and I probably know a little bit more than the average citizen about that particular point but I think it needs to be discussed.

Mr. HALDEMAN. In some departments where a number of the people are political or Presidential appointees, there is a substantial change in personnel, starting at the White House where there is a total change in the noncareer personnel, and this goes to a greater or lesser degree through the departments. At the Federal Bureau of Investigation, there was, to my knowledge, no change of personnel at the time that this administration took office, and no major change in personnel during the time that this administration was in office up to the time of the death of the Director, when of course, there was the necessity to appoint an Acting Director and start the process of selection of a new Director. I don't believe that even at that time there were any wholesale changes. There were some changes in personnel, of course, but no wholesale changes.

Mr. THOMPSON. Of course, the Director had been there through several administrations.

Mr. HALDEMAN. Quite true.

Mr. THOMPSON. Do you know whether his chief assistants were new, whether or not they had been there through prior administrations?

Mr. HALDEMAN. I don't know for a certainty because I don't know any of them, and I don't know what the administrative structure of the Bureau is, but it is my understanding that there were not many changes. That the men who were there were men who were there for a long time.

Mr. THOMPSON. All right. Mr. Haldeman, I have no further questions, thank you.

Senator ERVIN. Mr. Haldeman, the staff thinks that you haven't fully complied with the subpena duces tecum, and I haven't had an opportunity to investigate the matter, so I am going to suggest that the staff notify you wherein they think that you may have failed to comply with it, by letter, and then you can consult your attorney and get his advice and take whatever course of action you see fit.

Mr. HALDEMAN. Yes, sir.

Senator ERVIN. I don't think we can straighten it here now, and it may be an inadvertence that could be corrected. So I will ask the staff to write you a letter.

Mr. WILSON. Does this conclude the examination today of this witness?

Senator ERVIN. Yes, sir.

Mr. WILSON. May I make a statement?

Senator ERVIN. Well——

Mr. WILSON. I want to make a motion, and I would like to have, if possible, all the members of the committee present, but particularly Senator Inouye, because I am going to address my remarks to and about him.

Senator ERVIN. Mr. Wilson, the rules do not permit that, and the rules just allow you to advise your client and to object to the competency of evidence.

Mr. WILSON. This is a law point.

Senator ERVIN. Sir?

Mr. WILSON. This is a law point.

Senator ERVIN. Well, we are not passing right now on law points, Mr. Wilson.

Mr. WILSON. Well, whatever you call them up here then.

Senator ERVIN. If your client wants to make a concluding statement, he is entitled to make one.

Mr. DASH. Under our rules, Mr. Haldeman, you are entitled to make a concluding statement as well as an opening statement. If you wish to address the committee and make a concluding statement, you certainly may.

Mr. HALDEMAN. I understand the rules. I made an attempt to cover in my opening statement everything that I felt I could bring before this committee to be of help to it in its inquiry. I have attempted during the time I have been here with the committee to be fully responsive to the questions put to me and to help in any way further that I could in its inquiry, and I will continue to assist any appropriate legislative or judicial body in their efforts to reach the facts, to ascertain and make known the truth in the Watergate case, and, as a final comment, I would simply like to reiterate my pride in having served as an assistant to President Nixon for the first 4 years that he served this Nation as President of the United States.

It is, and I know that it will be, the high point of my life, and I want to express appreciation to all of the people with whom I served in that White House during those 4 years, who have given so much and worked so hard to meet the standards that all of us believed were set before us by the President and by ourselves, and I express my deep regret and sorrow that in a few instances there was a failure in that regard. I am not sure where that failure was yet, and I don't think this committee is sure where that failure was, and I don't think the people are sure where that failure was. I hope that that will be determined, because only when it is will it also be known where the failure wasn't, and the one thing I am absolutely certain of from the bottom of my heart is that that failure wasn't on the part of the vast majority of fine men and women who have served and are serving with President Nixon in his efforts to lead this Nation.

Senator ERVIN. Mr. Haldeman, I want to thank you on behalf of the committee for your testimony and also commend the manner in which you answered questions. You answered questions and then stopped, and your answers were responsive to the questions, and that is the reason, I think, we were able to finish your examination in 3 days. And I want to commend you on the manner in which you have answered questions.

Mr. Wilson, we don't ordinarily entertain motions, but if you will indicate the nature of your motion, I will be glad to take it up with the committee.

Mr. WILSON. Well, I wish Senator Inouye had been present because he has injured my client, John Ehrlichman——

Mr. HALDEMAN. Now, you did it. [Laughter.]

Mr. WILSON. I am so pent up about this I don't believe I can be so articulate.

Senator Inouye has injured my client, John Ehrlichman, on one occasion, and this morning he injured this client of mine by what I think was a blow below the belt, and I wanted to discuss both of them.

Senator ERVIN. I would suggest that you take this up with Senator Inouye and see if you all can reach a satisfactory adjustment in the matter.

Mr. WILSON. I don't think it is possible we can do so.

Senator ERVIN. We can't do it in his absence, I don't believe.

Mr. WILSON. Would you like to hear the grounds, sir?

Senator ERVIN. No, sir. I don't believe the committee will pass on criticism about committee members.

Mr. WILSON. This is in defense of my client in this very room.

Senator BAKER. Mr. Chairman, can I make a suggestion? We have called on Mr. Haldeman to respond to certain questions, I believe, more or less legal or technical questions, with regard to the response to the subpena duces tecum. Since obviously Mr. Wilson's motion, or whatever it is, relates to Senator Inouye, and since under any circumstances this committee would have to consider where that motion would lie, rather than before we got to the matter of the motion itself, might I suggest, Mr. Chairman, and to you, Mr. Wilson, that if you do, in fact, have a motion to make in this respect, we will be glad to hear what you have to say, but would you make it at the same time that you make your response, or Mr. Haldeman will make, to the request from the staff on the sufficiency of the response to the subpena duces tecum.

It seems patently obvious that you feel very strongly about it. It seems just as obvious that it would not be fair to go forward with that without Senator Inouye here, and I think we ought to get a first look at the thing in writing before we try to come to terms with it.

Mr. WILSON. Mr. Vice Chairman, one of my motions, and I am not going to mention what it is, has to do with expunging from the record certain things. I think you may have been out of the room, and the record will be typed up by tomorrow morning and it will be in there, and to me it is important that I get my motion before you before the record is typed up.

Senator ERVIN. The record we make is tentative and we will give you a chance to designate those portions after the record is typed up. The record is typed up immediately. It does not become the permanent

record and so we will give you an opportunity to designate those parts and we will take it up in the committee and in executive session.

Mr. WILSON. But, sir, the things that were said, the questions that were asked, which were highly irrelevant, and you ruled they were, are going out to the world as a part of the record of this case, and this comes from a man who also called my client, John Ehrlichman, a liar over national television, and I think——

Senator ERVIN. Well, you can deal with that, national television is not on the committee.

Senator BAKER. Mr. Chairman, I think we have a good way to handle this. If, in fact, Mr. Wilson will submit his position, I am sure the committee will consider it. And if it appears necessary, Mr. Chairman, for Mr. Haldeman or Mr. Ehrlichman to return, in conjunction with Mr. Wilson's motion, we can take that up later; but I really suggest to Mr. Wilson, and I would be bold enough to suggest to the chairman, that we see what he has in mind and reserve the right to treat it either in public session or in executive session as the facts and merits may indicate.

Senator ERVIN. Yes, I think that would be the wise course of action.

The committee will stand in recess until 9:30 in the morning.

[Whereupon, at 4:35 p.m., the committee recessed, to reconvene at 9:30 a.m., Thursday, August 2, 1973.]

THURSDAY, AUGUST 2, 1973

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

The Select Committee met, pursuant to recess, at 9:35 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; John Walz, publications clerk.

Senator ERVIN. The committee will come to order.

I am constrained to make some remarks concerning a member of this committee, Senator Danny Inouye of Hawaii. Senator Inouye is an American, native-born American of Japanese ancestry. I do not know a finer American. He showed his devotion to our country by fighting under its flag, not only for the liberty of our country, but for the liberty of the free world in the Second World War. He suffered severe wounds which necessitated the amputation of his right arm. He was decorated with the Distinguished Service Cross for extraordinary heroism in action with an armed enemy of the United States. And he has proved himself in the latter days as one of the most dedicated Americans this country has ever known, and I feel that events of yesterday make it appropriate for me to make these remarks concerning a member of this committee who has proved himself one of the most gallant of all Americans in the history of this Republic.

Senator BAKER. Mr. Chairman.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, may I say that I have known Danny Inouye since I have been in the Senate. There is no man who is more

loyal or dedicated to his country. I do not know anyone on this committee who has made a greater contribution to its efforts than Senator Inouye. I have a great affection for him as well as a great admiration for him. We are in a tension-filled atmosphere and it is unfortunate that things of this sort occur.

I think a mark of Senator Inouye's greatness is that I am sure it will not affect his further consideration of matters that are brought to our attention, and I am sorry that the events of the last several days have occurred. I hope and think that it will not affect the objectivity and the efficiency, the effectiveness, of this committee, and I commend you, Mr. Chairman, for bringing that matter to the attention of the official record, I believe now that it is behind us and we can get on with the business at hand.

Thank you, sir.

Senator ERVIN. If there are no further comments, the counsel will call the first witness.

Mr. DASH. Former Director Helms.

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

Mr. HELMS. I do.

Senator ERVIN. You might state your full name and present address for the purposes of the record.

TESTIMONY OF RICHARD M. HELMS, AMBASSADOR TO IRAN

Mr. HELMS. My name is Richard Helms, and I am presently Ambassador to Iran, resident in Teheran.

Senator BAKER. Mr. Chairman, could we suspend for just a moment?

[Discussion off the record.]

Mr. DASH. Mr. Helms, I should have addressed you as Ambassador Helms, and Mr. Chairman, Ambassador Helms will be questioned initially by Mr. David Dorsen, assistant chief counsel.

Senator BAKER. Mr. Chairman, I do not believe the witness has been sworn.

Senator ERVIN. Yes.

Senator BAKER. Was he sworn?

Senator ERVIN. Yes.

Mr. DORSEN. Ambassador Helms, how long have you held your present position?

Mr. HELMS. I have been in Teheran since the middle of March of this year.

Mr. DORSEN. And prior to that, were you the Director of the Central Intelligence Agency?

Mr. HELMS. Yes, I was, Director of Central Intelligence was my title.

Mr. DORSEN. How long were you Director?

Mr. HELMS. Approximately 6½ years. I believe I was sworn in on June 30, 1966, and I left office when Mr. Schlesinger became Director on February 2, 1973.

Mr. DORSEN. How long have you been or were you with the Central Intelligence Agency?

Mr. HELMS. From the day its doors opened in 1947.

Mr. DORSEN. Did you learn, Ambassador Helms, in July of 1971, that E. Howard Hunt had been made a consultant to the White House?

Mr. HELMS. I was informed of this.

Mr. DORSEN. And do you recall how you were informed?

Mr. HELMS. Not specifically any longer. I just remember being told that he had gone to work for the White House, but precisely under what circumstances I was told and on what specific date I do not recall.

Mr. DORSEN. Did you have a conversation with General Cushman concerning Howard Hunt in the summer of 1971?

Mr. HELMS. Yes. I recall that General Cushman informed me that he had authorized giving to Howard Hunt a tape recorder and a camera, and I asked for what purpose and he said he wanted to conduct a one-time interview, and that he had been properly authenticated by the White House and that he was working at their behest.

Mr. DORSEN. How long have you known Howard Hunt?

Mr. HELMS. I had known him over the years when he worked for the Agency.

Mr. DORSEN. And do you recall approximately how long he worked for the Agency?

Mr. HELMS. He must have worked for almost somewhere over 15 years anyway.

Mr. DORSEN. And what was General Cushman's position at that time?

Mr. HELMS. In July 1971?

Mr. DORSEN. That is correct.

Mr. HELMS. He was the Deputy Director of Central Intelligence.

Mr. DORSEN. To your knowledge, was the tape recorder and the camera given to Mr. Hunt?

Mr. HELMS. I was informed that it was, and my preoccupation at the time was to find out whether these were normal pieces of equipment, and by "normal", I mean simply available in any store in downtown Washington that carried this kind of equipment, or whether there was something tricky about them and I was assured they were purely routine, straightforward pieces of equipment.

I might say parenthetically within the last couple of days, in talking with some of the gentlemen at Special Prosecutor Cox's office, there is some memorandum there about a clandestine camera having been given to Howard Hunt. I frankly don't know, sir, what a clandestine camera is. The camera takes pictures or it doesn't, that is all it was.

Mr. DORSEN. Could you describe the camera a little bit more?

Mr. HELMS. I have never seen it.

Mr. DORSEN. Do you know whether it was a camera that was concealed in some way?

Mr. HELMS. I was told it was put in a tobacco pouch, carried in a tobacco pouch.

Mr. DORSEN. Were you advised of any further requests by Mr. Hunt for assistance?

Mr. HELMS. Subsequent to this conversation of which I have just been speaking I learned, I believe in a memorandum, that Mr. Hunt asked to have a secretary who was stationed with the CIA in Paris brought back from Paris and assigned to him in the White House. He also wanted this to be done secretly and he didn't want anybody to know about it. That, to me, was unacceptable. I saw no reason for

this. It seemed to me that the Agency was being used, if it was being asked to have somebody brought back to Paris and assigned to a man doing unidentified chores at the White House, so I got hold of General Cushman and told him that I thought this was totally unacceptable and I wouldn't stand for it. I don't recall whether it was then or a few days later but at some point the various additional requests which Hunt was making of the Agency seemed to be totally unacceptable, and I asked General Cushman to call Mr. Ehrlichman and tell him that we just weren't going to do this anymore.

Mr. DORSEN. Now you have indicated that in your conversation with General Cushman that you indicated to General Cushman that John Ehrlichman should be called. Why was it that John Ehrlichman was to be called?

Mr. HELMS. Because it was my distinct impression that he was the one who had arranged with General Cushman to have Hunt get these pieces of equipment.

Mr. DORSEN. When for the first time did you learn of the burglary of Dr. Louis Fielding's office; that is, Dr. Daniel Ellsberg's psychiatrist's office?

Mr. HELMS. I forget which weekend in May it was, I think the second weekend of May this year, 1973. I was in Shiraz, and I picked up on Sunday an English language newspaper and saw on the first page of it there had been a burglary in the office of a psychiatrist in California and the burglary had been done, it was said in the newspaper story, with the assistance of CIA equipment. That was the first time I had ever heard of Dr. Fielding, a burglar, or the fact that Dr. Ellsberg had had a psychiatrist.

Mr. DORSEN. Do you know of your own knowledge whether any equipment was used in the burglary that was the property of the CIA?

Mr. HELMS. I have been assured by members of the Agency, and this assurance was given me when I was back here in May testifying before four other congressional committees, that the equipment that was given to Hunt was not used in the burglary of Dr. Ellsberg's office, that actually Mr. Hunt was physically not at the office, he was staked out at Dr. Fielding's residence, and that since he wasn't given any burglary equipment by the Agency I have always wondered how it was that he used that equipment in the break-in, so this is one of the things that seem to have been perpetuated as one of the myths around here that he somehow got burglary equipment from the Agency which helped him to break into places and I am not aware of any burglary equipment he ever got from the Agency.

Mr. DORSEN. During the summer of 1971, did you learn of a request by a member of the White House staff for the Central Intelligence Agency to do a psychological or psychiatric profile of Dr. Ellsberg?

Mr. HELMS. Yes; I was familiar with this request. Sometime before this Mr. David Young, who was one of the assistants at the White House, had originally been on Dr. Kissinger's staff, informed me that he was being transferred to Mr. Ehrlichman's staff, in other words, he was going to work for Mr. Ehrlichman, and that he had been given duties in connection with general security procedures in the Government, classification of documents, investigation of leaks, and a clutch of other such matters.

Subsequent to that he called me and said that he wanted to get into these things, he wanted to find out how the Agency and the intelligence community handled the classification of documents, and other security procedures, and I said I thought that under the circumstances that the best thing for me to do would be for me to put him in touch with the Agency's Director of Security, a gentleman named Howard Osborne, who would then be able to talk with him and be as responsive to his requests as the Agency could be.

It was apparent to Mr. Osborne that Mr. Young originally made the request for a profile on Mr. Ellsberg. Mr. Osborne then brought this request to me.

Mr. DORSEN. Excuse me. Could you briefly summarize at the present time what this profile is?

Mr. HELMS. There had been—well, I guess—I am sort of searching for a word here, but in any event, over a period of some years the Agency had developed a technique for putting together a lot of information about a foreigner, maybe a foreign statesman or a foreign dignitary, and then attempting to analyze what sort of a human being he was. These things were called variously, I think, psychological profiles, is as good a title as any, psychological study. The idea was to give insights into what motivated some of these individuals, why they did things the way they did, and so forth.

David Young knew that the Agency wrote papers such as this because he had seen them when he was on Dr. Kissinger's staff. So, he then said that he wanted the Agency to do this and he remonstrated with him. I said we have nothing—we know nothing about Dr. Ellsberg. I have never laid eyes on him in my life. We have no records on him. We know nothing about him and I think this is an imposition to ask us to do this.

He pleaded with me. He said that this was very important, that the White House was very much interested in getting this material sorted out, that Mr. Ehrlichman regarded it as highest priority, so did Dr. Kissinger, that we should help that, we were the only ones they knew in town that did things of this kind, had practice in doing them, and please, would we do so.

I want to say here that the Agency has a charge under the statute—the National Security Act of 1947 which makes the Director responsible for the protection of intelligence sources and methods from unauthorized disclosure. That is written into the law. And this is a charge that has been on the Director since 1947. And it has been a very difficult charge because finding out how leaks occur and how the enemy gets privilege information and things of that kind is very difficult to do without having an investigative staff and the Agency never has had an investigative staff for these purposes and therefore this charge about leaks and investigations therefore has been a very difficult if not impossible charge to carry out. And when I was testifying before the Senate Foreign Relations Committee back in May, in response to a question from Senator Hubert Humphrey, I suggested that this language in the law either be taken out or amended in such a way that it was a fair charge on the Director rather than what I felt was an unfair charge, but it was that charge which gave him the leverage to rather oblige me to go along with an effort to make this profile.

Mr. DORSEN. Did the staff of the Central Intelligence Agency thereafter prepare such a profile?

Mr. HELMS. Yes, they did.

Mr. DORSEN. And was it forwarded to Mr. Young?

Mr. HELMS. I understand that it was forwarded to Mr. Young, that it was found to be unsatisfactory, that Mr. Young remonstrated with the people who had written it about the fact that it was unsatisfactory. I believe it was—I have learned since that it was pointed out to them that more material was going to have to be provided, otherwise, they couldn't do any better than they had done already, and Mr. Young said, "All right, we will try and get you some more material," which I believe he did.

So that the second profile was written.

Mr. DORSEN. And was the second profile delivered to Mr. Young also?

Mr. HELMS. I believe so.

In other words, this is the second version. I think probably that is better English.

Mr. DORSEN. And did you have a conversation with Mr. Young in connection with the delivery of the second profile to him?

Mr. HELMS. Yes. As a matter of fact, I did call him and I told him that the psychologists and psychiatrists who worked on this were very disturbed about the whole exercise. They didn't feel the material they had been given was adequate, that they were being put in an unfair position, that they didn't want their professional reputations put on the line as a result of this kind of an exercise, and that if he was insisting on having this, then I wanted his understanding and his understanding that he would not identify it for the Agency and put these fellows in jeopardy, put these fellows' professional reputation in jeopardy.

Mr. DORSEN. During the period that the two profiles were prepared which I believe took us into early November of 1971, what was your understanding as to the identity of the persons over at the White House who were involved in requesting the profile and providing information to the Agency for the profile?

Mr. HELMS. I never heard of anybody being connected with this exercise except Mr. David Young, and when I returned here in May of this year, 1973, I was informed at the Agency that during this period, this psychologist who had been consulting with David Young at the White House, that Howard Hunt had been present on one occasion, anyway, and that he had specifically asked not to inform me that he had been present. They certainly did not inform me, so I was totally unaware of his identification with this exercise in any form whatever.

Mr. DORSEN. And the first time you heard about his participation was in May of 1973?

Mr. HELMS. That is correct.

Mr. DORSEN. To the best of your knowledge was any of the material that was used in the preparation of the psychological profile derived from the office of the psychiatrist of Dr. Daniel Ellsberg or from any other illegal or improper source?

Mr. HELMS. I have never heard that alleged.

Mr. DORSEN. I would like now to direct your attention to June of 1972 and ask you when for the first time did you hear of the break-in

of the Democratic National Committee headquarters at the Watergate?

Mr. HELMS. It is my impression that I heard about it, read about it in the newspapers and heard it on the radio, but this is not any lapse of memory. This is just one of those things that this far back it is hard to know just exactly who might have told me or how I might have heard it. Certainly it was big news from the moment it happened.

Mr. DORSEN. And during the days immediately following the break-in were there conversations at the CIA concerning the break-in?

Mr. HELMS. Yes. In the first place, sometime on that weekend I received a telephone call from Mr. Howard Osborne, the Director of Security, to inform me that—of the names of the individuals who had participated in the break-in and also to say that Mr. Hunt in some fashion was connected with it. Mr. Osborne's call to me was a perfectly routine matter that had been—there was a charge on him as Director of Security to inform me whenever anybody in the Agency got in any kind of trouble, whether they were permanent employees or past employees. In other words, right now, so I didn't have to catch up with these events like suicides and house break-ins and rapes and the various things that happened to the employees of any organization in a city like Washington, so this was a perfectly routine thing and when he heard about these ex-CIA people who had been involved in this burglary he called me up and notified me about it.

On Monday, when I came to the office, there had been no mention in the papers of Mr. Hunt. So I got hold of Mr. Osborne and said how come you told me that Mr. Hunt was involved with this and he said, "Well, there were some papers found in the hotel room, one of the hotel rooms with Hunt's name on it and it looks as though he was somewhere in the area when the break-in took place." So I said, "All right," and then from then on, obviously there were various conversations in the Agency as we went to work on various requests from the FBI for information about the people and their backgrounds, and so forth, that had formerly been employed by the Agency.

Mr. DORSEN. Am I correct that James McCord also was a former employee of the Agency?

Mr. HELMS. He was.

Mr. DORSEN. And when did Mr. McCord and Mr. Hunt leave the employ of the Agency?

Mr. HELMS. They left it at different times in 1970. They were both retired, as I recall it.

Mr. DORSEN. Now, directing your attention to June 22, 1972, which was the day before your meeting with Mr. Ehrlichman, Mr. Haldeman, and General Walters at the White House, did you have a conversation with Patrick Gray on that afternoon; namely, the afternoon of June 22?

Mr. HELMS. I believe that the committee is in possession of a memorandum which says—a memorandum or note from Mr. Gray that says I had this conversation. I have no reason to question that at all. I was talking back and forth with Mr. Gray at various times in connection with this Watergate break-in, so I have no reason to doubt that there was one on the 22d of June.

Mr. DORSEN. In these conversations did you discuss the possibility of CIA involvement in the break-in?

Mr. HELMS. I assured Mr. Gray that the CIA had no involvement in the break-in. No involvement whatever. And it was my preoccupation consistently from then to this time to make this point and to be sure that everybody understand that. It doesn't seem to get across very well for some reason but the agency had nothing to do with the Watergate break-in. I hope all the newsmen in the room hear me clearly now.

Mr. DORSEN. I would like to move then to June 23, 1972, and ask you if you recall attending the meeting with Mr. Ehrlichman, Mr. Haldeman, and General Walters.

Mr. HELMS. I do recall attending that meeting.

Mr. DORSEN. Where was that meeting held?

Mr. HELMS. That meeting was held in Mr. Ehrlichman's office on the second floor, office wing—west wing of the White House.

Mr. DORSEN. Do you recall the time of that meeting?

Mr. HELMS. The meeting had been originally scheduled for 12 o'clock. It was changed to 1 o'clock and it took place shortly after 1 o'clock.

Mr. DORSEN. Could you please describe to us in substance what happened at that meeting?

Mr. HELMS. General Walters and I arrived first and waited for a few minutes. Then Mr. Haldeman and Mr. Ehrlichman came into the room. As best I can recall what was said, Mr. Haldeman did most of the talking, so—and whatever Mr. Ehrlichman contributed in the course of this was either to nod his head or smile or to agree with what Mr. Haldeman said. I just simply want to introduce it this way because it is a little easier for me to describe.

Mr. Haldeman said that there was a lot of flak about the Watergate burglary, that the opposition was capitalizing on it, that it was going to—it was apparently causing some sort of unified trouble, and he wanted to know whether the Agency had anything to do with it. I assured him that the Agency had nothing to do with it. He then said that the five men who had been found in the Democratic National Committee headquarters had been arrested and that that seemed to be adequate under the circumstances, that the FBI was investigating what this was all about, and that they, unified, were concerned about some FBI investigations in Mexico.

He also at that time made some, what to me was an incoherent reference to an investigation in Mexico, or an FBI investigation, running into the Bay of Pigs. I do not know what the reference was alleged to be, but in any event, I assured him that I had no interest in the Bay of Pigs that many years later, that everything in connection with that had been dealt with and liquidated as far as I was aware and I did not care what they ran into in connection with that.

At some juncture in this conversation, Mr. Haldeman then said something to the effect that it has been decided that General Walters will go and talk to Acting Director Gray of the FBI and indicate to him that these operations—these investigations of the FBI might run into CIA operations in Mexico and that it was desirable that this not happen and that the investigation, therefore, should be either tapered off or reduced or something, but there was no language saying stop, as far as I recall.

At this point the references to Mexico were quite unclear to me. I had to recognize that if the White House, the President, Mr. Halde-

man, somebody in high authority, had information about something in Mexico which I did not have information about, which is quite possible—the White House constantly has information which others do not have—that it would be a prudent thing for me to find out if there was any possibility that some CIA operation was being—was going to be affected, and, therefore, I wanted the necessary time to do this. I say this in explanation of the fact that there seems—that since I had consistently pointed out that no CIA operations had been violated by any investigation up to then, that we had had nothing to do with the Watergate burglary, the fact of the matter was that if an investigation continued to go on it might run into something we were doing in Mexico. This possibility always had to exist. Nobody knows everything about everything. So at this point I think it was repeated a second time that General Walters was to go and see Acting Director Gray with this charge. It was then indicated that Acting Director Gray would probably be expecting the call, that he was looking for some kind of guidance in this matter, and that this should take place as soon as possible. I believe Mr. Ehrlichman at that point made his sole contribution to the conversation, which was that he should get down and see Gray just as fast as he could.

We left this meeting, General Walters and I, and went downstairs to the automobile and I spoke to General Walters along the following lines. I said when you go to see Acting Director Gray, I think you should confine yourself to reminding him that the Agency and the FBI have a delimitation agreement, an understanding for many years that if the Agency runs into any FBI agents or operations, the FBI shall be immediately notified and if the FBI runs into any agents or operations, it shall be immediately notified.

I was not sure whether Acting Director Gray was familiar with this because he had not been Acting Director of the FBI for very long. I wanted General Walters to understand about this because he had been with the Agency, I think, only about 6 weeks at that time, had been having briefings, and I was not sure whether this had ever come to his attention. In other words, I was asking him to make a legitimate request of the Acting Director of the FBI, that if they ran into any CIA operations in Mexico or anyplace else they were to notify us immediately, and I thought General Walters should restrict his conversation with Acting Director Gray to that point. Precisely whether he did or not, well, you will have an opportunity to ask him.

Mr. DORSEN. To your knowledge, did General Walters have a meeting with Patrick Gray?

Mr. HELMS. Yes; he had one very shortly after this meeting in the White House because he reported to me later in the day about his meeting with Gray, that he had been to see him, that the general purport of what they had discussed, and then the first time I learned that Acting Director Gray had told General Walters at this meeting about some money having been sent to Mexico. I was unaware of any money having been sent there at the time, and even that explanation did not say what the money was for. But also floating around in this at the time was the name of a Mexican lawyer that we had been asked to check out by the FBI to find out if this man was in any way connected with the CIA. His name was Ogarrio, I believe, and we had been running a tracer, which is a work of art of going through the record to find

out and check with our people in Mexico to see if they knew him, and so forth, and it was some day subsequent that we got the information back that he was indeed a lawyer in Mexico, but we had never had any connection with him and I so notified the FBI.

Mr. DORSEN. Now, on Monday, June 26, did General Walters receive a telephone call from John Dean?

Mr. HELMS. General Walters told me that he had been called by a man he did not know in the White House named John Dean, and that Dean had asked to see him, and when Walters said, "Well, what do you want to see me about," and so forth, I believe Dean referred to the matters on which we had talked with Haldeman and Ehrlichman on the previous Friday. In any event, Dean said to General Walters, "If you want to verify my bona fides and who I am and my authority to talk with you please call John Ehrlichman."

So by the time Walters talked to me he said he had talked to Dean, had verified by telephone conversation with Ehrlichman that it was all right to talk to Dean and that he was going down to see him.

Mr. DORSEN. When General Walters came back from seeing Mr. Dean, did he talk to you about the meeting?

Mr. HELMS. He reported the meeting to me and told me that Dean had raised with him this question of the Watergate burglary, that there was a lot—there were a lot of problems in connection with it, problems unidentified. Was there any way in which the Agency could help, and so on.

It was quite clear that some kind of feelers were being put out to see, (*a*), if there was any agency involvement or, (*b*), whether the agency was prepared to assist in some way which was not at all identified.

It was at this meeting with General Walters when he was reporting this to me, that I told him that I wanted him to be absolutely certain that he permitted nothing to happen using the agency's name, facilities, or anything else in connection with this business. I said I did not care whether he wanted to be a scapegoat, I did not care whether he was prepared to quit on the issue, I did not care anything about that, I simply wanted him to do absolutely nothing because I told him point blank even though he was a military officer and even though he was a Presidential appointee, that if he did something wrong it would besmirch the name of the agency no matter whether he took the blame or not, and that was simply not going to happen, I wanted him to be abundantly clear on this in any conversation he had with Mr. Dean or anybody else and as he reported to me on the subsequent two conversations with Mr. Dean, I not only reaffirmed this but I said, "You hang in there, you are doing fine, but don't you yield an inch."

Mr. DORSEN. You have alluded to the two meetings that General Walters had with John Dean on the 27th and 28th. Did General Walters notify you before each meeting and brief you as to what occurred after each meeting?

Mr. HELMS. General Walters was very good about this. As best I recall it, he told me each time he was going down there and when the meeting was over he came back and reported what had taken place at it.

Mr. DORSEN. Could you briefly summarize, of course, Ambassador, what General Walters told you with respect to the meeting of the 27th and the meeting of the 28th?

Mr. HELMS. It is my recollection that it was at the meeting of the 27th, which was Tuesday, I believe, that the issue first came up of whether or not the CIA, out of its covert funds, was prepared to provide bail money for the defendants in the Watergate burglary. Not only did this issue come up, but I also believe that the additional point was made would it be possible for the CIA to pay the salaries of these individuals while they served their jail sentences. General Walters, and I have told you about the conversation I had with General Walters the day before about how he was to guide himself in this matter, pointed out to Mr. Dean that the Agency could not possibly do anything like that. That he had no authority to do it on his own, that his authority is derived from me and that he knew what my position was, and in addition, he said he could not conceivably imagine that a thing like that would remain secret forever, and last but not least, under the ground rules which we operate with the Congress, or which the Agency operates with the Congress of the United States, any exceptional expenditure of this kind would have to be identified with the chairman of the Senate Appropriations Committee and the chairman of the House Appropriations Committee. This obviously cooled Mr. Dean's ardor.

Mr. DORSEN. And it was so reported to you?

Mr. HELMS. Yes.

Mr. DORSEN. During the week of the 26th did you receive a telephone call from Patrick Gray with respect to setting up a meeting between representatives of the two agencies?

Mr. HELMS. Yes, I do recall a conversation to set up a meeting because I was anxious to have one with him. There were a lot of traces we were running, the involvement of these former CIA people that we had been passing to the FBI, there was starting to be a lot of leaks out of the FBI for the first time that I could remember on matters of this kind but leaks of ongoing operational material, and I wanted to get together with him and some of his people to see if we could not get some of these things not straightened out so much as get to walking along in harmony.

So we agreed to have the meeting the next day. The next morning, which I believe was the 28th, I may be mistaken, it is all in the record, I am sure, he called back and said that he was so busy that he could not make the meeting, it was not possible for him to hold it and he would probably have to put it off until the following week. I told him I was sorry about that because I was planning to leave the end of the week in which we are speaking to go to Australia and that I was not going to be there the following week, if he had a meeting, it was going to have to be with General Walters.

Mr. DORSEN. Now, may I ask you about the second two meetings on the 27th and 28th between General Walters and Mr. Dean? Did the summary that you gave us apply to the two meetings together or was that solely with respect to the meeting of the 27th?

Mr. HELMS. I am not able any longer, Mr. Counsel, to sort out precisely what, out of my own memory what occurred at each of these meetings. I have two very clear recollections, one was that it was at the second meeting that the question of the bail money came up because I don't recall that at all in connection with my longer conversation with General Walters after the first meeting. As far as the third meet-

ing was concerned, my distinct impression of that was that this was just more feelers and it was relatively short because Mr. Dean was getting nowhere with General Walters.

Mr. DORSEN. Just one or two questions more, Mr. Ambassador. You were familiar, were you not, with the fact that General Walters was preparing memorandums of these meetings?

Mr. HELMS. Yes; because after the issue came up of possible bail or paying the salaries of the fellows who had broken in, this struck me we were getting into an area here which was very questionable, very questionable indeed and, therefore, these various meetings ought to be a matter of record in case this ever came up at any future time. So it was at that point that in a conversation, as I recall it, General Walters, either General Walters or I, or both of us, agreed that these things ought to be reduced to writing and a record ought to be kept.

Mr. DORSEN. Am I correct then that you did go to Australia around July 1 of 1972?

Mr. HELMS. Yes, I did.

Mr. DORSEN. And that Patrick Gray did not reschedule the meeting between the two of you before you left.

Mr. HELMS. I never met with him.

Mr. DORSEN. Mr. Chairman, I have no further questions at this time.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. Mr. Helms, as I understand it you had a conversation with Patrick Gray on June 22, when you advised him that the CIA was not involved in the break-in. Was your conversation limited to CIA involvement of the break-in or did you go into whether or not the investigation might uncover other CIA operations possibly?

Mr. HELMS. I don't recall ever discussing with Mr. Gray this question of its uncovering other CIA operations.

Mr. THOMPSON. Strictly the break-in discussion.

Mr. HELMS. We had no involvement and I believe as part of this conversation there was this business about the Mexican lawyer; I don't recall whether he was specifically mentioned, the Mexican lawyer was mentioned at that time, but Mr. Gray had on his mind in some way the idea that there was some CIA involvement that they were running into and I was attempting to reassure him that this was not the case as best I knew it.

Mr. THOMPSON. CIA involvement in the Watergate break-in itself.

Mr. HELMS. Or in some way connected with it.

Mr. THOMPSON. I see. Did he state the source of his concern?

Mr. HELMS. He never did.

Mr. THOMPSON. Did he indicate whether or not it was due to the Bureau's own investigation or whether or not someone else had told him that from outside the Bureau?

Mr. HELMS. I was unable to tell. I simply was surprised that this kept coming up.

Mr. THOMPSON. All right.

So the next day you had the conversation with Mr. Walters, Mr. Haldeman, and Mr. Ehrlichman as I understand. I would like to go over briefly what you stated was discussed in that conversation. I believe you stated that Mr. Haldeman indicated that the Watergate was being capitalized on, that five members had been arrested and that seemed adequate and that sort of thing. Obviously the Watergate

investigation was the reason for the meeting, was it not, as to what the investigation might disclose. That was the basis for the meeting.

Mr. HELMS. Well, I can only assume in hindsight that it was, Mr. Thompson, because at the time nobody had identified to us why we were being called to the White House. In other words, we arrived and waited to know what the subject of the meeting was.

Mr. THOMPSON. When they stated their concern about possible Mexican involvement or Mexican involvement with the CIA, they of course were talking about the Watergate investigation turning up other involvement; were they not?

Mr. HELMS. I assumed this is what they were talking about, yes. But as I mentioned a moment ago, and I do want to underline this, I was totally unfamiliar at that time with what Mexico had to do with anything.

Mr. THOMPSON. But you had talked to Pat Gray the day before and I believe you stated that you thought that he might have mentioned a Mexican lawyer at that time.

Mr. HELMS. Yes, sir, but when the Mexican lawyer's name was mentioned there was never any implication as to why they were even asking about him so that this was not very revealing.

Mr. THOMPSON. What I am concerned about is just the extent to which the Watergate situation was actually discussed. I think it would be fair to say that from what has been reported and from some of the testimony in this forum and others that the Watergate investigation was the reason for the concern, and that there could be a legitimate concern that it could have been a possible coverup of the Watergate investigation itself. This is the area I would like to address myself to and I would like to refer to your testimony before the Committee on Armed Services, Thursday, May 17, 1973.

Now, I had a little bit of difficulty getting this myself last night or this morning and I have just investigated it. If you would like in the course of my discussion of it for us to recess with permission of the chairman of the committee so you can have a copy of it or copies of certain pages, I feel like we can do that. But if it is all right with you I will go ahead and proceed right now and read certain portions of that and ask you certain questions based on that.

Senator BAKER. Mr. Chairman, I note that the transcript from which Mr. Thompson is about to read is nominally classified as secret. I take it that there is no objection on the part of the committee or any claim on the part of the committee that it does not have the authority to permit counsel to go ahead and read from that document as it relates to the mandate for inquiry of this committee.

Senator ERVIN. As I understand from the resolution, also from the statement made to the staff of attorneys by the White House attorneys, they left the question of matters of this kind to the determination of the committee.

Senator BAKER. Mr. Chairman, I entirely agree with that. I simply wanted to make sure that the record reflect it at that point. It is the committee's position that notwithstanding the nominal secret classification, that by reason of our inherent authority and by reason of communications to us from the White House, that we have the authority to read from that document into the public record.

Senator ERVIN. And I might add that the Senate committees which took this evidence have also said as far as they have it in their power they consent to the use of it.

Senator BAKER. Thank you, Mr. Chairman.

Mr. THOMPSON. Mr. Helms, were Mr. Walters and yourself being questioned at the same time on this occasion? Were you in the same room together?

Mr. HELMS. On that occasion General Walters was sitting on my right and General Cushman was sitting on my left and we were in the room together the whole time.

Mr. THOMPSON. All right. Let me read, if I might, and if you prefer me to read other portions that go back a little further, then I will, but there is a general preliminary section here where you state it was not a very long conversation, and you had mentioned the Bay of Pigs.

Mr. WOOLSEY. Let us go back to the meeting itself for a moment. When Mr. Haldeman said that it had been decided that the General should call on Mr. Gray, did he say or intimate in any way who had decided upon that course of action?

Ambassador HELMS. Well, you can make an intimation of that but I would rather not draw out the intimation, if the Chairman will relieve me of that. Here was Mr. Haldeman, Mr. Ehrlichman, the two most senior officials in the White House next to the President himself, giving this instruction. And I really feel like now, as I did then, that it would have been presumptuous to have pressed them any harder as to how they had come up with this, or where they had gotten the idea, or who was behind it.

Mr. WOOLSEY. You said Mr. Haldeman mentioned the Bay of Pigs. Did he mention the Watergate case itself in the course of the conversation?

Ambassador HELMS. No.

Mr. WOOLSEY. He did not?

Ambassador HELMS. No.

Senator SYMINGTON. General Walters, you confirm that, do you?

General WALTERS. Yes, sir. He did not mention the Watergate.

Senator SYMINGTON. I heard you volunteering, and as long as you did, I thought it should be on the record.

Mr. WOOLSEY. Maybe this is something that we should get cleared up. But the Committee was given a copy of General Walters affidavit——

General WALTERS. He did in the introduction when he said, this case had stirred up a lot of things and the opposition is attempting to exploit it. That was the reference I testified to previously. I believe as he came in he said, the Watergate has stirred up a lot of things. And the opposition is attempting to exploit it—this is General Walters talking—and it has been decided that you will go. That was the inevitable lead into the whole reference.

Senator JACKSON. He decided that you will go?

General WALTERS. To Mr. Gray, tell him that if he pursues the Mexican part of the financing of this business it will uncover CIA assets or schemes for moving money.

Mr. WOOLSEY. I should perhaps read into the record here a few sentences from General Walters' affidavit: "As I recall it, Mr. Haldeman said that the Watergate incident was causing trouble and was being exploited by the opposition. It had been decided at the White House that I would go to Acting FBI Director Gray and tell him that now that the five suspects were arrested, further inquiries into the Mexican aspect of the matters might jeopardize the CIA's activities in this area."

Was there any discussion in the meeting at all of Watergate?

Ambassador HELMS. Not to the best of my recollection. And I frankly was hard put at the time to understand what Mexico was involved with. This was only a week after the break-in. I did not know why Mexico was being mentioned, and it never occurred to me that it had anything to do with the Watergate burglary.

Senator SYMINGTON. General Walters, do you agree with that?

General WALTERS. To me the whole question was connected by virtue of the beginning of the thing when he said the Watergate could be opened as a preliminary, as a lead-in, as to why he wanted me to go. It was obviously a lead-in to this, but he did not go into any discussion of the Watergate other than what I said in the beginning.

Then you go to other matters, Mr. Helms.

Let me see if I summarized this correctly. The question was put directly to you first, as to whether or not there was any Watergate discussion and you said there was not.

Mr. HELMS. That was the way I recalled it, Mr. Thompson, at the time. Since then I have seen General Walters' memorandum for the record. I have talked with him about this and we went over again what had occurred and I frankly at that point had forgotten this lead-in to the conversation. After all, I had been away for some time. I had been involved in other things and if my memory was less than perfect at that time, it was less than perfect. I had no intention of jiggery, pokery, or anything else.

Mr. THOMPSON. Well, I am certainly not accusing you or any other witness of anything but I do want to clear it up. Let me make sure I have my chronology right. I am reading from page 21–A of the transcript: The question was posed to you, you said, "No." He said, "Did you know?" You said, "No."

"General Walters, do you confirm that," and General Walters said "Yes, sir, he did not mention the Watergate." Then Mr. Woolsey said, "This is something we should get cleared up," and he refers to General Walters' affidavit at that time which he had previously submitted in which he mentioned these things.

Mr. HELMS. Mr. Thompson, what I am referring to and what I saw subsequently was a memorandum for the record which, I believe, is in the custody of the committee which was written several days after this June 23 conversation.

Mr. THOMPSON. Correct. That is the memorandum dated June 28, 1972, I believe.

Mr. HELMS. I think that is correct, and it was that memorandum which I subsequently saw which I had not seen at the time I was testifying. I talked to General Walters about it. I had no reason at that point to question General Walters' memorandum. He has an excellent ability to recall. As you probably are aware, he is an excellent linguist and anybody that can speak five or six languages with the ability that he can, certainly has the mental equipment to recall something for 5 days after the events took place. And I obviously talked to him about this and had clearly forgotten that introductory aspect of this.

Mr. THOMPSON. Mr. Helms, are you basing your testimony now on your own memory or on Mr. Walters' memory? I mean, you recounted your faith in his memory which I am sure is probably well placed, but I would think that this would be a rather significant matter.

If Haldeman and Ehrlichman as has been widely reported from the basis of this memorandum which I just referred to, came in and said, five people have been arrested and that ought to be enough, and if that is the lead into how the CIA or FBI should conduct its investigation and the basis of CIA contact with FBI, I would think that this was something that you would remember.

So, I am really trying to determine whether your testimony is based upon your own independent recollection or just after having read this memorandum and your faith in General Walters' recollection.

Mr. HELMS. Well, it is a combination of the two, Mr. Thompson, because when he jogged my memory and we went back over the meeting together, then I did recall these other remarks having been made.

Mr. THOMPSON. Well, he jogged your memory here in the testimony before the committee also. On page 21–A here after a member of the committee evidently raised the matter of the affidavit of memorandum General Walters said this—he did in the introduction when he said, referring to the meanings of the Watergate, that this case had stirred up a lot of things and the opposition is attempting to exploit it.

I believe your testimony here today was attempting to capitalize on it. [Reading:]

That was the reference I testified to briefly, I believe—

and I assume he is referring to his affidavit or memorandum—

I believe as we came in he said the Watergate has stirred up a lot of things. The opposition is attempting to exploit it. It has been decided that you will go, that was inevitable lead-in.

Mr. WOOLSEY. I should perhaps read into the record a few sentences of General Walters' affidavit

and then at that time they read into the record a few sentences of General Walters' affidavit which you just referred to which is the memorandum I referred to.

As I recall it, Mr. Haldeman said that the Watergate incident was causing a lot of trouble being exploited by the opposition, decided by the White House, I should go on Acting Director FBI Gray, and five suspects were arrested. Further inquiries into the matter might jeopardize some CIA activity.

And another question is put by a member of the committee:

Was there any discussion in the meeting at all of Watergate?

Ambassador HELMS. Not to the best of my recollection.

Mr. HELMS. Well, I didn't recall at that time but when I went over this with General Walters and we tried to piece this meeting together, then I did recall that these matters had been alluded to.

Mr. THOMPSON. Did it occur to you or has it affected you either consciously or subconsciously, that it could be to some extent embarrassing to General Walters if you testified contrary to him?

Did you discuss that possibility with him when you went over these matters?

Mr. HELMS. No, because I saw him just a moment before we actually went into the room.

Mr. THOMPSON. Of course, it was after you got into the room before you realized that you had any conflict in your testimony, was it not?

Mr. HELMS. That is right.

Mr. THOMPSON. And you were in the room before you first realized what this memorandum stated, were you not? And the memorandum, if I——

Mr. HELMS. As a matter of fact, that memorandum was not on file at that time as I recall it. There was an affidavit, but I believe that those memorandums were submitted subsequently to the committee. I may be wrong.

Mr. THOMPSON. In comparing your testimony today with what his memorandum says, a couple of things do strike me. His memorandum dated June 28 says that:

June 23, at 1300 on request I called Director Helms on John Ehrlichman and Robert Haldeman in Ehrlichman's office at the White House.

Haldeman said that the "bugging" affair at the Democratic National Committee headquarters at the Watergate apartments had made a lot of noise and the Democrats were trying to maximize it.

Then down here he said—

Since five suspects had been arrested that this should be sufficient.

Let me ask you a few other things about this memorandum while we are on it, Mr. Helms. He states in here also that Haldeman said the whole affair was getting embarrassing and it was the President's wish that Walters call on Gray and suggest to him that since five suspects had been arrested this should be sufficient. It was not advantageous to have the inquiry pushed, especially in Mexico.

Do you recall the President's name being mentioned?

Mr. HELMS. No, I still don't agree with General Walters about that. I don't recall it having been put that way.

Mr. THOMPSON. Director Helms said, again reading from the Walters' memorandum, he talked to Gray on the previous day, they made plain to him that the Agency was not behind the matter and was not connected with it. None of the suspects were working for it nor had worked for the Agency in the last 2 years. He had told Gray that none of the investigators were touching any covert projects of the Agency, current or ongoing.

Did you tell Mr. Gray that it was touching none of the covert projects of the Agency or did you have any basis for saying that at that time?

Mr. HELMS. I was unaware of any covert projects of the Agency that had been touched on up at that time.

Mr. THOMPSON. Did you tell Gray that, if you recall, or did you just simply tell him the CIA was not involved in the Watergate break-in?

Mr. HELMS. I told him the CIA was not involved in the Wategate break-in. I do not recall that I had told him that it had not thus far run into any CIA covert projects.

Mr. THOMPSON. Did you tell him that none of the suspects was working for the CIA nor had worked for the Agency in the last 2 years?

Mr. HELMS. Yes.

Mr. THOMPSON. At least one of the suspects had worked for the CIA previous to the last 2 years, then, is that correct?

Mr. HELMS. Who was that, sir?

Mr. THOMPSON. Well, I am asking you. You said none of them had worked for the CIA within the last 2 years. I assume that before that at least one of them had.

Mr. HELMS. Well, Mr. McCord had been an employee for the CIA for 20 years before he retired. Mr. Hunt had worked there at least the 15, maybe more, and a couple of the Cubans had at some time had a contractual relationship with the Agency.

Mr. THOMPSON. Do you know which two Cubans?

Mr. HELMS. Do you mind giving me the names? I am not a computer and I can't——

Mr. THOMPSON. Would it be Barker, perhaps Mr. Barker?

Mr. HELMS. Barker, I think, had a relationship back in the early sixties. I think—is Sturgis another individual?

Mr. THOMPSON. Yes.

Mr. HELMS. I think he at one time had been. Martinez had been on sort of a retainer to report on individuals who came in from Cuba as to whether they would be worth interrogating or interviewing or not in Florida, and he had been on that retainer of about $100 a month on the understanding that he would report in from time to time when

he had something to report. When I found out that he was still on the—had this connection with the Agency at the time of this break-in, he was cut off.

Mr. THOMPSON. When was he cut off?

Mr. HELMS. Right after we had discovered that he was involved in the break-in.

Mr. THOMPSON. You mean Martinez was on retainer by the CIA at the time of the break-in?

Mr. HELMS. That is right. But in Florida, for the purpose I have identified.

Mr. THOMPSON. I beg your pardon. In Florida—I didn't understand that last statement.

Mr. HELMS. Mr. Martinez was the resident in Florida as far as the Agency knew. Because he lived in Florida and because he was a Cuban exile, he was kept on a loose arrangement whereby he would report to the Agency from time to time Cubans who got out of Cuba either legally or illegally whom he thought might have some information that would be useful to the U.S. Government and then he would report in and give the name of this individual.

Mr. THOMPSON. When was he taken off retainer by the CIA?

Mr. HELMS. When it was ascertained that he was involved in the break-in, he was taken off right then.

Mr. THOMPSON. When was it ascertained that he was involved in the break-in?

Mr. HELMS. Well, I assume when his name was given to us by the FBI, which was the—I imagine within 24 hours or 48 hours or 72 hours after the break-in.

Mr. THOMPSON. How was this done? Did the CIA communicate with Mr. Martinez; was there any paperwork involved?

Mr. HELMS. I do not recall the precise details of the way it was done. There are many people in the Agency who could tell you—it may even be in your record—the Agency has been most cooperative in turning over lots of written material about these various matters and I imagine it is in there someplace. I just do not remember.

Mr. THOMPSON. It seems to me, Mr. Helms, that there might well have been concern as to the role of the CIA by all parties involved at this particular time right after the break-in in June of 1972 if, in fact, one of the persons who had broken in was at that time on retainer by the CIA. Did you know at the time of your conversation with Mr. Haldeman and Mr. Ehrlichman on the 23d that Mr. Martinez was in fact on retainer?

Mr. HELMS. I do not recall. I imagine I may have. But that does not mean that the CIA was involved in the burglary.

Mr. THOMPSON. No, sir; no, sir.

Mr. HELMS. And I do not think you ought to put words in my mouth.

Mr. THOMPSON. I did not think I was. The issue seems to be whether or not there was legitimate concern with regard to either at that time, whether the CIA was involved in the burglary or whether or not other covert CIA activities might be exposed, or whether or not Haldeman and Ehrlichman quite frankly were using this as an excuse to cover up the Watergate investigation which also quite frankly has been widely implied, to say the least. That is what I am trying to get at.

Now, you have already mentioned the fact that you had talked to Patrick Gray and there was some talk besides the people involved in the Watergate break-in; McCord was a former CIA agent; Hunt was a former CIA agent; Martinez was on retainer at the time of the break-in; Sturgis, a former contact, a former employee of the CIA. Also I understand there was some talk about an attorney down there as being a CIA contact, I suppose would be the correct way to put that, would it not?

Mr. HELMS. That was what we were asked, if we had any connection with him.

Mr. THOMPSON. You talked to Mr. Gray, I believe, on June 27 about Mr. Ogarrio down there; did you not?

Mr. HELMS. The FBI asked us if this Mexican lawyer had any connection with the Agency. We conducted an investigation to ascertain whether or not he had, and I reported to Mr. Gray that he had no connection with the Agency; we knew nothing about him.

Mr. THOMPSON. But what I am trying to get at is the 27th—4 days after this meeting—there was still some discussion as to whether or not there was a problem of Mr. Ogarrio. If my notes are correct, Mr. Gray called you about this matter at about 11:30 a.m., and you could not or did not respond immediately. You returned Mr. Gray's call at 3:40 that afternoon, and said that the CIA did not, in fact, have any interest in Mr. Ogarrio; is that your recollection?

Mr. HELMS. That is right. But I want to point out, Mr. Thompson, in case there is any question in your mind that whenever we were initially asked about this Mexican lawyer it would have taken a few days to ascertain this, to be sure about it. We have to check files and records and we would have to check with people in Mexico, and this is not something that would happen from one minute to the next. But I do not recall when the first inquiry was made to us about a man named Ogarrio. I just simply know from the records since I have consulted the record on this point, that I did report this back to Mr. Gray that we had no connection with him, the Agency had no connection with him on June 27. I believe you have documents there in my own handwriting attesting to this.

Mr. THOMPSON. Well, Mr. Helms, in order that we are as clear as we can be on this, I would like to ask you one more time whether, to the best of your independent recollection, Mr. Haldeman did say that the opposition was capitalizing on the Watergate and five men had been arrested, and that was adequate?

Mr. HELMS. I cannot vouch for those exact words. But as I reconstructed this meeting with General Walters and went over it with him, there was some sort of a lead-in or reference at the beginning of the conversation to this burglary.

Mr. THOMPSON. And it was after your sitting there in the same room with General Walters and hearing his testimony that it did, in fact occur, and it was after your reading his memorandum where he stated that it did in fact occur, before you first mentioned yourself that you recalled that it did in fact occur, is that correct?

Mr. HELMS. That is relatively—yes, I am sure, that is good enough anyway.

Mr. THOMPSON. I have no further questions, thank you.

Senator ERVIN. Senator Montoya.

Senator MONTOYA. I just have two questions, Mr. Chairman, thank you.

Mr. Ambassador, did you know James McCord personally?

Mr. HELMS. Yes, Senator Montoya.

Senator MONTOYA. How long had you known him?

Mr. HELMS. Well, it is hard to tell you when I might have first met him but I saw him from time to time during, let us say, the time that I was Director of the Agency during those 6½ years, I recall his having been in my office on two or three occasions on various matters.

Senator MONTOYA. What kind of a man was he?

Mr. HELMS. He had a good reputation.

Senator MONTOYA. And what was his reputation for veracity?

Mr. HELMS. I have never had any cause to question Mr. McCord's reputation for veracity.

Senator MONTOYA. Would you say that his reputation as a human being, as a man, as an employee was very good?

Mr. HELMS. Yes, it was. He left a good record behind him.

Senator MONTOYA. And what can you say about Mr. Hunt? Had you known him?

Mr. HELMS. Yes, I did know him.

Senator MONTOYA. What was his reputation?

Mr. HELMS. Well, Mr. Hunt was—had a, well, he had a good reputation, there was some questions at various times during his employment about how well he carried out certain assignments but there was nothing malign about this. It was just a question of his effectiveness. Mr. Hunt was a bit of a romantic, he used to write books in his spare time, and I think there was a tendency sometimes for him to get a little bit carried away with some of the things he was involved in but he had never done anything illegal or nefarious that anybody was aware of and when he left the Agency he left a decent record behind him.

Senator MONTOYA. What would you say about his reputation for veracity?

Mr. HELMS. Well, I have said, sir, that he was a romantic, I think that I just do not have any way of being able to answer that. I would have assumed that in matters of importance he would tell the truth.

Senator MONTOYA. Now, since you spent so much time as Director of CIA, the Agency, what recommendations can you make to this committee concerning new legislation to help prevent the misuse of the Central Intelligence Agency for political or other purposes other than the assigned purposes delineated in the act?

Mr. HELMS. Well, Senator Montoya, I do not know how one legislates these matters. I have never understood how morality and proper conduct and decency can be legislated about. In Washington over the years, there have been many occasions when various people have tried to manipulate some organization or another in an improper way. This is not new to us, we read about it in the papers constantly, but how you legislate about this I swear to you, sir, I do not know.

Senator MONTOYA. Would you say that in view of your experience with respect to this episode there was an attempt by some people to manipulate the Agency and its facilities?

Mr. HELMS. Well, there was no question that there seemed to be an effort to "use it." In quotes. Quote, use it, unquote.

Senator MONTOYA. Thank you, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Ambassador, during the period of time from January 20, 1969, until the spring of 1972, January 20, 19——

Mr. HELMS. January 20, 1969. I am just trying to fix the date.

Senator WEICKER. Right, basically, from the beginning of 1969.

Mr. HELMS. From Inauguration Day?

Senator WEICKER. Yes.

Mr. HELMS. I see.

Senator WEICKER. To the spring of 1972, were there occasions when you were contacted by either the Attorney General John Mitchell, or the Deputy Attorney General Robert Mardian?

Mr. HELMS. Well, I used to see Mr. Mitchell quite frequently because Mr. Mitchell had duties given him by the President that had nothing whatever to do with the conduct of the affairs of the Department of Justice, so I saw him with some regularity in meetings in his office on a variety of matters having to do with the affairs of the Agency and with our various operations.

Senator WEICKER. Were there any times when in these contacts with either Mr. Mitchell—I don't recall your having said whether or not you had ever met Mr. Mardian or not.

Mr. HELMS. I did meet him. I met him one day in Mr. Mitchell's office, as a matter of fact.

Senator WEICKER. Were there any contacts that you had with either Messrs. Mardian or Mitchell where you were asked to bring the CIA into investigations of a domestic nature?

Mr. HELMS. I don't recall any such meetings. I know that the time that I mentioned that I met Mr. Mardian in Mr. Mitchell's office, it is my recollecton that the reason he was there was that he had been put in charge of an internal security operation or division of the Justice Department, and that he was going to get together a group of individuals from the various intelligence organizations to sit with him in an effort to make up some reports and analyses, and so forth, about domestic unrest and things of that kind, but it was always made very clear by me, and I never was challenged by Mr. Mitchell that anything that we contributed to these meetings had to be as a result of our work overseas of material we had developed there which may have some bearing on things in the United States. For example, the Fedayeen, the terrorists, we had been working on them, we had been working on certain people involved in drug smuggling and a variety of things.

Senator WEICKER. But at no time, in other words, or there wasn't any sort of a pattern of requests of trying to bring the CIA into matters that you would consider properly outside the scope of the CIA. I am not questioning your reaction at all.

Mr. HELMS. I don't recall them, Senator Weicker.

Senator WEICKER. Do you recall discussing with the committee staff that you were being pushed into the domestic investigation area?

Mr. HELMS. This committee staff?

Senator WEICKER. Yes.

Mr. HELMS. Well, at various times questions come up, well, I remember one time there was a discussion with some of these, the President's Foreign Intelligence Advisory Board about domestic operations, and so forth, and they didn't think they were going satisfactorily and could the Agency make a contribution to this and I pointed out to them

very quickly it could not, there was no way. But this was a matter that kept coming up in the context of feelers, how can we do a better job, isn't there somebody else that can take on some of these things if the FBI isn't doing them as well as they should, are there no other facilities. It was in that context, it was not a direct pressure on me "Go do it."

Senator WEICKER. Did you ever consider resigning your position as Director of the CIA because of these types of feelers or indications?

Mr. HELMS. No, Senator Weicker, I don't mean to be immodest but I felt that I understood about these matters and these delimitations and I thought I could take care of the Agency better if I stayed where I was.

Senator WEICKER. I gathered from your statement that you have a great pride in the Agency.

Mr. HELMS. I do, sir.

Senator WEICKER. And the only point I am trying to bring out, and let me just relate to your last answer, did you have any concern that if you left the Agency as its Director that it might get into these other types of areas?

Mr. HELMS. Well, I don't know that my thinking ever went quite that far but—because I had no reason to suppose that my successor would be a man of inadequate caliber.

Senator WEICKER. But you felt that——

Mr. HELMS. I have been around a long time and I thought I understood pretty well what we were supposed to do and not supposed to do, and if there are any sins the Agency has committed they are on my shoulders, I am not palming them off on anybody else. I knew the ground rules and I knew the laws and all the rest of it and I did my very best to keep the Agency free and clean and sailing straight.

Senator WEICKER. And I gather you felt that, you yourself felt that, it would do just that as long as you were—excuse the expression—at the helm.

Mr. HELMS. Yes, sir. [Laughter.]

Senator WEICKER. In your meeting with Mr. Haldeman and Mr. Ehrlichman and General Walters and with General Cushman there at that meeting also, the meeting of the 23d.

Mr. HELMS. Yes, sir; as I recall it we were asked to come together by Senator Symington, and General Cushman was sitting on my left and General Walters on my right and we were sitting right together at the table.

Senator WEICKER. Why wouldn't such a request as Mr. Haldeman was making be made to you? You were the Director of the CIA, and the request that was being made was having to do with the Acting Director of the FBI, so why not talk to you? Were you being talked around here? I would like to get your impression.

Mr. HELMS. Yes, I was being talked around, and this—I don't know exactly in what form this came up but I was assured that it had been decided that General Walters was to do the talking and obviously I wondered at the time as to why.

Senator WEICKER. Did you express any—did you make any comment at the time?

Mr. HELMS. Saying that he shouldn't do it, that I should do it?

Senator WEICKER. No; that, you know turning to Mr. Haldeman,

"Mr. Haldeman, if you have got anything to say to my Agency would you please say it to me rather than to my subordinates."

Mr. HELMS. I know I did not remonstrate. No; we were sitting there, all the four of us, and it was being made clear this is the way it was going to be done or they wanted it done that way.

Senator WEICKER. I have no further questions at this time, Mr. Chairman.

Senator ERVIN. Senator Inouye.

Senator INOUYE. Thank you, Mr. Chairman, very much.

Mr. Chairman, and Mr. Vice Chairman, before proceeding I would like to thank both of you for your very generous remarks this morning and, if I may, I would like to take the liberty of thanking you in Hawaiian, Mahalo and Aloha, which means thank you very much and I love you both.

Mr. Ambassador, you have indicated that as Director of the CIA you had the statutory responsibility for "the protection of intelligence sources and methods."

Mr. HELMS. From unauthorized disclosure, Senator Inouye, is the rest of the sentence.

Senator INOUYE. Yes, sir.

Now during the period from June of 1971 until your new assignment in Iran did you have occasion to report on matters falling under that category to the President of the United States?

Mr. HELMS. No, sir; I did not report any matter of that kind directly to the President of the United States. We had a subcommittee of the U.S. Intelligence Board charged with security. This involved a system of clearance and how the community would work together in classifying documents and matters of this kind. When there were leaks which seemed to be unauthorized, particularly of material that was in intelligence channels, the matter was referred to this U.S. security subcommittee to see if any information could be ascertained as to what agency of Government had leaked the information or what individual of Government had given this information out. These investigations usually aborted. Efforts were made to the security officers of other agencies to find out who may have done these things but I don't remember any of them coming to any successful conclusion. We had no investigative staff for this. We had no rights to investigate in the State Department, for example, or in the Department of Defense. We simply counted on their people to contribute to this effort, but we had very poor results and one of the reasons that I have felt burdened by this charge and the statute over the years is that it gave me a responsibility which I had no devices for carrying out.

Senator INOUYE. Were these discussions ever held in the Oval Office or the Cabinet Room or the President's Executive Office Building?

Mr. HELMS. Well, not the discussions on matters having to do with the Abuse of Security Committee. I am sure at various times in the 4 years since January 20, 1969, there were discussions about leaks. I remember one early in the administration which took place in the Oval Office, there were several Cabinet members there, and I remember I was there myself.

Senator INOUYE. Were you aware that these conversations may have been taped?

Mr. HELMS. I was not.

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Senator INOUYE. Mr. Butterfield has testified that these conversations were being taped.

Do you think, as Director of the CIA, it is your statutory responsibility to get hold of these tapes?

Mr. HELMS. That it would be my statutory responsibility?

Senator INOUYE. Or whoever the Director is today. In order not to compromise the CIA?

Mr. HELMS. Frankly, sir, it wouldn't have occurred to me, and I didn't know that there were any tapes in existence while I was Director, and since then I really haven't thought about it.

Senator INOUYE. If you knew that these were being taped, do you think it would be a statutory responsibility under the National Security Act for the Director of the CIA to call upon the White House to receive those tapes?

Mr. HELMS. Well, sir——

Senator INOUYE. Because otherwise it might compromise the sources and methods of the CIA?

Mr. HELMS. I wouldn't have thought so, Senator Inouye, because we were supposed to protect them against unauthorized disclosure and discussions with the President, and his duly cleared Cabinet ministers would not constitute unauthorized disclosure.

Senator INOUYE. A few days ago, we had testimony indicating that three of these tapes were placed into the hands of a private citizen, kept away from the official custodian for 48 hours. Would you consider that proper?

Mr. HELMS. I would not consider that proper.

Senator INOUYE. I thank you very much, sir.

Senator ERVIN. Senator Gurney.

Senator GURNEY. Mr. Ambassador, what were Hunt's areas of work at the CIA?

Mr. HELMS. Senator Gurney, he was with the Agency for many years and had a variety of assignments.

Senator GURNEY. You might pull that mike over.

Mr. HELMS. I am sorry, I didn't move it over, I beg your pardon.

Senator GURNEY. All right.

Mr. HELMS. He had a variety of assignments, and I honestly think I would be putting my memory to too much of a test to remember what they all were. I remember he had one assignment in connection with the operations leading up to the so-called Bay of Pigs, but that is readily available in the Agency if you get his personnel record and that would be accurate.

Senator GURNEY. I am not interested in a detailed account. I wondered if his areas were in the sort of work he was doing on June 17.

Mr. HELMS. It would be hard for me to recall that but—I just don't remember.

Senator GURNEY. How often does the CIA help out former employees in the loan of equipment, as in the case of Mr. Hunt?

Mr. HELMS. Well, I can only say, Senator Gurney, that this was an extraordinary exception, and it was done because we had been asked to do it by the White House.

Senator GURNEY. Has it ever been done before, to your knowledge?

Mr. HELMS. Not to my knowledge.

Senator GURNEY. Well, do you think it has been done before without your knowledge?

Mr. HELMS. There is always a possibility, Senator Gurney. It is a large organization. I would hope not, but I can't say that it had never been done; no, of course not.

Senator GURNEY. But at least no other CIA person has said to you that, "Yes, we did this on some other occasion with so-and-so."

Mr. HELMS. I don't recall that having been said to me.

Senator GURNEY. But since this was such an unusual request, why did the CIA go ahead and cooperate with Hunt?

Mr. HELMS. Well, General Cushman had already authorized this, as I understood, at the time on the basis of Mr. Ehrlichman having asked that the Agency help. At that time, as I recall it he was, General Cushman was, simply told that this was for him to conduct an interview. We had no way of knowing whether this was an interview in the United States or an interview overseas, it had already been done by the time I learned about it, and the——

Senator GURNEY. What was your reaction when Cushman told you?

Mr. HELMS. Well, I was not pleased about it because I didn't quite understand why it was that he couldn't have acquired these things someplace else.

Senator GURNEY. Well, I must say that same thought occurs to me. If these were routine items of apparatus, the White House certainly would have resources enough to get those themselves.

Mr. HELMS. I would have thought so, Senator Gurney. I have learned—I learned when I came back here in May, that there were some other things given to him such as a voice changer or something, and I believe that a wig has become almost legendary in this whole matter, but I didn't recall anything about the wig at the time, but I don't question that it was done.

Senator GURNEY. Did General Cushman ever ask him now, Mr. Hunt, what do you want these things for? What are you going to use them for?

Mr. HELMS. What General Cushman told me, as I recall it, that he wanted this for a one-time interview, but General Cushman can certainly attest to these things for himself.

Senator GURNEY. He didn't tell anything to you?

Mr. HELMS. At that time, I think it is only fair to remember that nobody had ever suggested that anybody was going to do anything illegal or improper.

Senator GURNEY. I understand. But it is such an unusual request and I am really surprised that no one had a little more curiosity about what was going to be done.

Mr. HELMS. Well, it was a very high-level White House official who asked him for this help, and we tried to help, and it didn't seem it was going to do anybody any great harm.

Senator GURNEY. I guess probably your answer would be the same to Mr. Young's request about the profile?

Mr. HELMS. Yes, I have genuine regrets about being pressured into that. On Monday morning, there are a lot of football games which if played again may have been played differently, and you know I am not proud of that one.

Senator GURNEY. There were, of course, these conversations with Haldeman and Ehrlichman which you have described, and Mr. Walters, I guess, had others that he reported to you about, and then the conversations with Mr. Gray, and then, of course, the conversations with Mr. Dean when he was pressing for things like bail money and salaries while people might be in prison.

Did it ever occur to anybody to go to the President of the United States about this time and advise him of these very unusual things that were going on in the White House?

Mr. HELMS. Well, sir, my preoccupation at that time, and all through these months, was to keep the Agency at a distance from this whole problem, and when I saw—realized that these feelers were being made, there was never a proposal made, it was never said, "Will you do this?" It was suppository, you know, would it be possible, is this something that could happen, and so forth, and since we had stood firm, it seemed to me that that was adequate under the circumstances.

Senator GURNEY. Well, I certainly commend you for that, and you did do the right thing in keeping the Agency out of it.

In the phone call with Mr. Gray which you had did you think in this phone conversation that he was trying to involve the CIA in any way?

Mr. HELMS. I didn't have that sensation, Senator Gurney. The sensation I had was I couldn't quite understand why it was that he kept thinking that the CIA was somehow involved.

Now, what generated this on his part I don't know to this day quite honestly but it seemed strange, well, we seem to be running into some CIA involvement and I couldn't understand what he was talking about or how he knew this because I couldn't see any involvement or I couldn't find any involvement and what motivated this I don't know and I honestly don't know even now.

Senator GURNEY. One final question. Mr. Thompson went over this with you but I am asking another question and that, of course, is this business of whether Haldeman and Ehrlichman were making their requests or Mr. Dean, for that matter at the request of the President of the United States and I don't want to go over that tesimony again, I have heard it but let me ask you this: In all of these transactions between you and these people and Walters and these people that were later reported to you, did you get any idea at all that President Nixon was involved in any coverup here and wanting to use the CIA in the coverup?

Mr. HELMS. President Nixon was not put forward by any of these people in their discussions. They were conducting them on their own as far as I was aware. Now, implicit in this was the fact that I was talking to the President's chief of staff and what conversations he had had with the President he never said, and, but he was such a senior official that I had to assume that this was something that they wanted done.

Senator GURNEY. Thank you, Mr. Ambassador.

That is all, Mr. Chairman.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Mr. Ambassador, you have had a long and distinguished career, both as a member of the CIA for many years and ultimately its Director for more than 6 years, and now as a distin-

guished Ambassador representing the Government of the United States.

Will you tell us why you left as Director of the Central Intelligence Agency?

Mr. HELMS. I had a conversation with the President after the election, I believe it was on November 20 at Camp David, and we talked about it, my future, and he indicated that he wanted to make a change, and this was in the context of making a lot of changes in the administration. I was at that time pushing 60 and about to come to what we had in the Agency as the regular retirement age, this is not a statutory thing but I had a policy in the Agency that when officials got to be 60 that they retired, and this, therefore, seemed a good time to do this. That is why I left.

Senator TALMADGE. You did not leave on your own initiative, then?

Mr. HELMS. I did not submit my resignation in the form of—obviously, the President always has your resignation. You do serve at the pleasure of the President for the time being. That is what the commission says. So that this was a mutually arrived at arrangement.

Senator TALMADGE. You did not have any impression that you were being pushed out?

Mr. HELMS. Well, it was not put to me that way, anyway.

Senator TALMADGE. In other words, when the President makes a suggestion, you do not have to determine whether you have been pushed, shoved, or led; do you?

[Mr. Helms smiles.]

Senator TALMADGE. Would that be an affirmative answer?

Thank you, sir.

Did the White House contact you for a reference when they employed Mr. Hunt?

Mr. HELMS. No, sir.

Senator TALMADGE. Did you not think that was strange, to employ an ex-representative of the CIA without checking on his credentials with the Director of that Agency?

Mr. HELMS. I did, Senator Talmadge. In fact, I went to some trouble at the time to see if anybody else in the Agency had been checked with other than me, in other words, had they gone to the personnel office or had they gone to the security office, and I established that no contact was made with the Agency anywhere about Mr. Hunt.

Senator TALMADGE. No contact whatever?

Mr. HELMS. No.

Senator TALMADGE. Now, what was your reaction when Mr. Young came to you in the summer of 1971 and informed you that the President's assistant, Mr. Ehrlichman, had assigned him to lead a White House investigation of security leaks? Were you surprised that that was being handled outside the FBI?

Mr. HELMS. I suppose that I was, Senator Talmadge, but there had been so much talk about leaks and so much concern about them at this particular era that I suppose that what would have been normal surprise was somewhat dulled by this fact that maybe they were not getting very far in establishing how these leaks had occurred. This was somewhat of an extra effort to get into this. But I——

Senator TALMADGE. Did not——

Mr. HELMS. But I want to say to you now that I never dreamed that this was going to lead to a kind of an activist role. I thought this was

pulling the material together and doing those things which for years had been done in the Government. This is not the first President who has been concerned about leaks. That has been kind of an endemic and chronic concern in the White House ever since I can remember.

Senator TALMADGE. Did not J. Edgar Hoover have a reputation for running a pretty tight ship?

Mr. HELMS. He did.

Senator TALMADGE. And an efficient organization.

Mr. HELMS. Yes, sir.

Senator TALMADGE. And anything relating to domestic activity the FBI normally handled.

Mr. HELMS. They did, and he insisted on it.

Senator TALMADGE. And you insisted on handling the foreign activity?

Mr. HELMS. Yes, sir.

Senator TALMADGE. And you had a perfectly valid agreement between the two of you as to who would encroach on what activities and not encroach on them; did you not?

Mr. HELMS. We did, Senator Talmadge.

Senator TALMADGE. And it worked very well——

Mr. HELMS. Yes, sir.

Senator TALMADGE [continuing]. You think, in the national interest.

Mr. HELMS. Yes, sir.

Senator TALMADGE. Now, when they requested of you that you do this psychological profile of Dr. Ellsberg, how could such a profile be made if psychiatric records were not obtained?

Mr. HELMS. Well, Senator, there is a question of terminology about this. The psychological profiles which the Agency had been doing on foreign individuals were not based on psychiatric records. They were based on general intelligence information and from this information and from interviews and things of that kind, all this material was put together and an effort was made to draw a profile of this man as to what kind of a human being he was, but there was never implicit in this ever that you had to have psychiatric material in order to do it.

Senator TALMADGE. In other words, you did not have to put him on the couch.

Mr. HELMS. No, sir. And none of them ever were put on the couch.

Senator TALMADGE. I believe you testified that the only involvement the CIA had in this entire operation was to provide a tape recorder and a camera to Mr. Young?

Mr. HELMS. No, sir. That was to Mr. Hunt.

Senator TALMADGE. To Mr. Hunt?

Mr. HELMS. Yes.

Senator TALMADGE. And that was done at a request from Mr. Ehrlichman?

Mr. HELMS. It is—my recollection of how that happened was and General Cushman, I believe, will be here shortly and, now, can clarify this specifically, it was my impression that Mr. Hunt came to see General Cushman and asked him for these things, having been sponsored by Mr. Ehrlichman.

Senator TALMADGE. Was it your understanding over the years that when an assistant to the President of the United States or the Chief of Staff of the President of the United States or the counsel for the Presi-

dent or security advisor for the President request information or materials or equipment from the CIA that this request is from the President?

Mr. HELMS. Well, this is implicit in it, sir, and Presidents have tended in recent years to operate through these principal assistants because they cannot be on the telephone all the time themselves and one gets used to this course of dealing.

Senator TALMADGE. If you had thought otherwise it would not have been complied with?

Mr. HELMS. That is right.

Senator TALMADGE. Thank you very much, Mr. Ambassador.

I have no further questions, Mr. Chairman.

Mr. HELMS. Thank you, Senator Talmadge.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much.

Mr. Helms, when did you first come to know Mr. McCord?

Mr. HELMS. Mr. McCord?

Senator BAKER. Yes, sir.

Mr. HELMS. Senator Baker, I do not recall exactly when I first met Mr. McCord.

Senator BAKER. I believe you indicated that you knew him some 20 years.

Mr. HELMS. If I indicated that, and I did not think that I did, I simply was making a statement to the effect that we had worked in this Agency, the same Agency, over this period of 20 years, but exactly when he came into my sight, when I first shook hands with him, I honestly do not remember.

Senator BAKER. Very well, I misunderstood. But I guess your testimony then was that you knew of his employment by the CIA for about 20 years.

Mr. HELMS. Yes, sir. And I had seen him on various occasions during the period that I was Director. There was a project which came to my attention from time to time in which he was involved and I think he may have been in my office three or four times during that period.

Senator BAKER. Did you know the nature of his assignment responsibilities within the Agency?

Mr. HELMS. Yes, sir, I did.

Senator BAKER. Could you tell us what they were?

Mr. HELMS. They were in the security office and they had largely to do with the physical security of our properties and plans and things of that kind. There was one time when he had an assignment dealing with a defector and I believe that he was the man who was taking care of this defector and doing some interrogation of him.

Senator BAKER. Was Mr. McCord generally regarded as a good employee, an effective employee of the Agency?

Mr. HELMS. He was.

Senator BAKER. Were part of his responsibilities to search for and monitor the possibility of the installation of wiretap equipment in U.S. installations by others?

Mr. HELMS. I cannot recall whether he was in the countersurveillance part of the security office or not. I am sorry. But this could be easily ascertained.

Senator BAKER. Do you know whether or not a part of his functions were to monitor the current state of the art of electronic surveillance equipment and to make recommendations on its usefulness to the Agency?

Mr. HELMS. I do not remember. If there is a document to that effect I have no reason to question it.

Senator BAKER. Do you know in general whether or not Mr. McCord was proficient and knowledgeable of the general field of electronic surveillance?

Mr. HELMS. I think he must have known about it. I can only make a comment here and I am not desirous of making anybody laugh, but it is quite clear that those fellows who entered the Democratic National Committee did not know anything about the active way of going into buildings and getting out without getting caught.

Senator BAKER. You sort of adopt the Ulasewicz theorem, that I would not have gone in there with no army. Is that what you are saying?

Mr. HELMS. I am not familiar with that statement, but——

Senator BAKER. All right. Is it fair to say, and I do not mean to put words in your mouth, that you are implying, at least, or maybe saying that the McCord operation was not in keeping with modern and efficient standards of electronic surveillance as you know them?

Mr. HELMS. Amateurish in the extreme.

Senator BAKER. How do you square that with the idea that McCord had been with the Agency for 20 years and that he was regarded as an effective employee?

Mr. HELMS. Well, Senator Baker, I do not know whether these are proper matters for me to discuss in this forum but I would like to point something out to you.

The breaking and entering and not getting caught is a very difficult activity and for it to be done properly, one has to have trained individuals who do nothing else and who are used to doing this frequently and are trained right up to the minute in how to do it.

Senator BAKER. Was McCord in that category?

Mr. HELMS. Obviously not. [Laughter.]

Senator BAKER. Well, obviously—obviously the results would not bear that out but you see what I am searching for, whether or not he was in fact proficient, notwithstanding that his performance was not proficient.

Mr. HELMS. That was not his function in the Agency as I ever recall it, was to do this kind of thing.

Senator BAKER. When did Mr. McCord leave the employ of the CIA?

Mr. HELMS. In 1970. I have forgotten what month. He retired perfectly legitimately.

Senator BAKER. It was a normal ordinary retirement from the CIA?

Mr. HELMS. Yes, sir.

Senator BAKER. At his request?

Mr. HELMS. As far as I know.

Senator BAKER. What about Mr. Hunt? I believe your testimony is that he worked for the Agency for 15 years, approximately; did you know him?

Mr. HELMS. Or more. I do not remember exactly how many years.

Senator BAKER. For a significant length of time.

Mr. HELMS. I do know him; yes, sir.

Senator BAKER. How well did you know him?

Mr. HELMS. I knew him relatively well because he and I over many years worked for the same general section of the Agency.

Senator BAKER. What was his responsibility for the Agency?

Mr. HELMS. Well, as I replied to Senator Gurney, he had a variety of assignments and I would plead with you to simply ask the Agency to give you the employment record because I do not recall it. I do recall he had an assignment in connection with the operations leading up to the Bay of Pigs. I do recall that.

Senator BAKER. Can you describe for us what sort of activity he had in the Bay of Pigs operation?

Mr. HELMS. I think he had to do with certain aspects of the propaganda in connection with the—propaganda against the Cuban Government, the Castro government.

Senator BAKER. There was a CIA operation?

Mr. HELMS. Yes.

Senator BAKER. And this would have been in the early sixties, I believe.

Mr. HELMS. Yes, sir.

Senator BAKER. Was Mr. Hunt familiar with electronic surveillance and surreptitious entry?

Mr. HELMS. I honestly do not know.

Senator BAKER. Mr. Hunt, I believe, was on the payroll in some capacity with the CIA. Was he an employee or a contractor?

Mr. HELMS. He was an employee.

Senator BAKER. And I believe you indicated——

Mr. HELMS. A staff employee is what we call them.

Senator BAKER. And that continued through shortly after June 17, 1972?

Mr. HELMS. No. He retired and went to work in Washington for somebody else and he retired sometime in 1970.

Senator BAKER. Mr. Hunt's was not 1962 or 1965? Did he retire on disability?

Mr. HELMS. No, sir. He retired because he was anxious to make more money than he can make in the Government. He had had some financial problems due to the fact that a daughter had been in a bad accident and had developed some illnesses, I believe physical as well as psychiatric, that he had run up a lot of doctor bills. He had a suit in connection with this accident. I believe he was looking for an opportunity to make more money than he could with the Government.

Senator BAKER. Was Mr. Liddy ever employed by the CIA?

Mr. HELMS. No, sir.

Senator BAKER. Or have any connection with it?

Mr. HELMS. Well, that having any connection with, I have found is very dangerous. I have to watch myself about this. I was never aware of any connection he had with the Agency.

Senator BAKER. Did anyone ever inquire of you whether Liddy had any relationship to the CIA?

Mr. HELMS. Well, I have been asked this at various times and I have given the same answer that I have to you.

Senator BAKER. Yes, sir. I am not really trying to establish so much that he did or did not have a relationship as I am trying to establish whether or not an inquiry was made, particularly by the White House staff or someone connected with the investigation of the Watergate subsequent to June 17.

Mr. HELMS. I was never aware of any inquiry.

Senator BAKER. All right. What about Mrs. Hunt?

Mr. HELMS. Somewhere in the dimness of my recollection I—could we consult the actual employment record? It seems to me that Mrs. Hunt was at one time employed by the Agency before she married him or something, but I am not sure about that.

Senator BAKER. There has been published speculation to the effect that Mrs. Hunt was very closely involved with the CIA and possibly the superior of her husband, Mr. Hunt. Could you give me the insight into that?

Mr. HELMS. Well, that is not true.

Senator BAKER. OK.

Mr. HELMS. Was she not employed in some embassy here in Washington in recent years before she died?

Senator BAKER. I do not really think that may be mutually inclusive, Mr. Helms.

Mr. HELMS. Well, it is. I want to make that clear. It is.

Senator BAKER. Perfectly clear.

Mr. HELMS. Perfectly clear. [Laughter.]

Senator BAKER. But you have some dim recollection that Mrs. Hunt may at one time have been employed by CIA but you would want for us to check the CIA records?

Mr. HELMS. I would appreciate it if you would do that.

Senator BAKER. Mr. Chairman, I would ask that that be done.

What about Mr. Barker? I believe you had testified he had some relationship with CIA.

Mr. HELMS. That was a contractual relationship, I believe, in the early sixties during the time when there was a great deal of activity in Florida over Cuban operations. I believe he was terminated in the middle sixties and I do not believe there was any relationship with him after that time.

Senator BAKER. Did you know Mr. Barker?

Mr. HELMS. No.

Senator BAKER. Mr. Sturgis?

Mr. HELMS. No, I do not know him either.

Senator BAKER. Was he employed at one time by the CIA?

Mr. HELMS. In your files, Senator Baker, there is the testimony which is classified, that I gave on February 7 before the Senate Foreign Relations Committee in which I discussed all these gentlemen and I was much better up to speed about their relationships at that time than I am now and if you would not mind consulting that record, I would accept it.

Senator BAKER. Mr. Chairman, in that respect I would propose that the testimony of this witness and others before the Committee on Foreign Relations, taken on May 17, 1973, March 6, 1973, and the Committee on Appropriations on May 16, 1973, and there is one other one—which one is that—on February 7, 1973, be incorporated in the files and records of the committee with leave of the

committee to decide what portions of that transcript may be excerpted from inclusion in the record as appropriate.

Senator ERVIN. If there is no objection, that will be done.

Senator BAKER. Mr. Martinez worked for the CIA and I believe he is the one who was taken off the payroll shortly after June 17, 1972.

Mr. HELMS. Yes, sir.

Senator BAKER. Did you know Mr. Martinez?

Mr. HELMS. No, sir.

Senator BAKER. Is he the only one who was taken off the payroll after June 17?

Mr. HELMS. There were no others on it.

Senator BAKER. I guess the answer is yes, then.

Mr. HELMS. Yes.

Senator BAKER. Thank you. And Mr. Martinez was receiving $100 a month——

Mr. HELMS. That is my recollection but that is in the February 17 testimony.

Senator BAKER. Well, I won't burden the record in that respect. According to my understanding of the summary of the staff interviews with you, Mr. Helms, these things appear and I will go through them if you don't mind and stop as you may request, or you may comment on them after I finish.

On July 7, 1971, General Cushman received a call from Ehrlichman advising that Hunt, a former CIA employee, had been added to the security office in the White House. Information was passed on by Cushman to you on Friday.

Mr. HELMS. Senator Baker, I interrupt only to say that I never heard that he had been added to the security office of the White House. I just heard that he had been employed by the White House. I don't know whether they have a security office.

Senator BAKER. Yes, but in any event someone thought to notify the Agency that a former employee of the CIA had been added to the White House staff.

Mr. HELMS. Yes.

Senator BAKER. So it was clear that someone at the White House knew that this man was a former CIA agent.

Mr. HELMS. Yes, I can only assume that.

Senator BAKER. And on July 22, according to our information, and this I understand to be based on a summary of your interview with the staff, on July 22, Hunt visited General Cushman and requested the Agency, the CIA, to furnish him with identification documents, an alias, and physical disguises. Are you aware of that?

Mr. HELMS. Yes, I am, because I have seen a document recording that meeting.

Senator BAKER. And they were supplied.

Mr. HELMS. I believe—yes, yes.

Senator BAKER. Was there any protest to the supplying of this material to Mr. Hunt?

Mr. HELMS. Well, as I testified earlier, when I was informed of this somewhat later—some of the items you mentioned I don't recall having been told that he had been given, and it was the tape recorder and the

camera that I recall having been told about and that is what sticks in my memory.

Senator BAKER. Did you later learn on good authority, particularly from Agency authority, that Hunt requested and received bogus identification documents, an alias and a physical disguise?

Mr. HELMS. Yes. There was a voice changer, wasn't it, and a wig?

Senator BAKER. I was coming to that. Then on several occasions Hunt met with CIA people and received further alias documentation, specifically the name of Edward Joseph Warren, disguise material which I believe may have included a wig, a speech alteration device which some of us would devoutly wish for, a recorder in a typewriter case and a camera in a tobacco pouch.

Mr. HELMS. I have heard that that is what he was given.

Senator BAKER. And all these things were requested by Hunt of the CIA, and CIA supplied them and this postdated the time when you were notified that this former CIA agent was going to work for the White House.

Mr. HELMS. Yes.

Senator BAKER. Was Mr. Liddy present—do you know or have you since learned—on more than one of these meetings and received similar disguises and alias documentation, especially in the name of George F. Leonard, at Mr. Hunt's request?

Mr. HELMS. Senator Baker, I have never met Mr. Liddy. I don't know Mr. Liddy.

Senator BAKER. Did you receive this information?

Mr. HELMS. I was given this information in May of this year.

Senator BAKER. By CIA people?

Mr. HELMS. Yes. Is it not true that at the time that this material was given to Mr. Liddy, it was given to him under an alias?

Senator BAKER. I believe under the name of George F. Leonard.

Mr. HELMS. That may be.

Senator BAKER. But I understand the name of George F. Leonard together with the alias documentation was supplied by CIA.

Mr. HELMS. Yes. My only point was, at the time, he was not identified to CIA people as Mr. Liddy, was he?

Senator BAKER. I am not sure.

Mr. HELMS. I didn't think he was.

Senator BAKER. He may or may not have been but my notes indicate that Mr. Liddy, at the request of Mr. Hunt, was supplied with an alias, to wit, George F. Leonard, and an alias documentation to verify that identify, by the CIA. This postdated the time when the White House had served notice on CIA that former agent, Mr. Hunt, was coming in to their employ. On August 26, Mr. Hunt delivered to the CIA film which he had taken for developing, and it was in fact developed by the CIA.

Mr. HELMS. That is——

Senator BAKER. Did you know or have you seen that?

Mr. HELMS. No. I have been told that that occurred.

Senator BAKER. And the CIA delivered prints from those negatives to Mr. Hunt and kept file copies of the prints and negatives in the CIA records.

Mr. HELMS. I was—I don't know about these events from firsthand.

Senator BAKER. Well, have you learned——

Mr. HELMS. So what I may have been informed may not be accurate. I had thought that when the film was developed, the developed film was returned plus the films themselves, that the only thing the Agency retained was some sort of a Xerox of the photographs.

Senator BAKER. But in any event——

Mr. HELMS. The negative, in other words, is not still in the possession of the Agency I believe.

Senator BAKER. But the prints were.

Mr. HELMS. Xeroxes.

Senator BAKER. All right. Xerox prints.

Mr. HELMS. I say this, Senator Baker, only in the interest of precision because photographs that have been Xeroxed are not as clear as the original prints.

Senator BAKER. Well, I agree with you they certainly are not but one of those photographs, we learned from another part of the record, was a picture I believe of Mr. Liddy standing in front of the decimated files of Dr. Ellsberg's psychiatrist which was a rather graphic form of identification.

Mr. HELMS. I am aware of that.

Senator BAKER. But you are aware that some form of photographic record, probably a Xerox copy, of the photographs of the Ellsberg break-in were retained in the CIA file.

Mr. HELMS. Yes.

Senator BAKER. And that the CIA received the film from Hunt and developed it.

Mr. HELMS. That is correct, but may I say that at that time nobody knew what these films represented. I have told that since, too.

Senator BAKER. Surely it would arouse some modest amount of curiosity to see that, and I won't pursue that any further because that is not the point I am reaching for, but on August 26, you were advised of increasing demands made by Mr. Hunt. He had already made several which had been acceded to, the ones I have just described—increasing demands from CIA for technical and other assistance including that to be supplied with a personal secretary then located in Paris.

Did you have personal knowledge of that?

Mr. HELMS. I did and it was at that time that I spoke to General Cushman as I have already said.

Senator BAKER. That was in effect the straw that broke the camel's back.

Mr. HELMS. Yes, sir, you put that well.

Senator BAKER. And you declined to go any further and my information, based on the staff interview with you, Mr. Ambassador, indicates that you were apprised of these facts by Cushman and that you told Cushman that Hunt had now gone too far and that Cushman should tell Ehrlichman that no further assistance would be afforded to Hunt.

Mr. HELMS. Yes, sir.

Senator BAKER. Cushman did apprise Ehrlichman on August 27, and on August 30 and he sent you a memorandum on which you wrote the word "good."

Mr. HELMS. Yes, sir. Would you please read what General Cushman wrote to me on which I wrote the word "good." I think that makes——

Senator BAKER. Yes, sir. I don't have that in the summary staff gave me but I have now been handed what appears to be a Xerox copy of a memorandum entitled at the top "Official Routing Slip." Item 6 says "Howard Hunt," and under remarks, with the date August 27, 1971, in the left-hand margin, "I called John Ehrlichman Friday and explained why we could not meet these requests. I indicated Hunt was becoming a pain in the neck. John said he would restrain Hunt."

And below that is the initial "C," I take it, from him.

Mr. HELMS. Which was Cushman's initial.

Senator BAKER. And below that is the word "good" with the initial——

Mr. HELMS. R. H.

Senator BAKER. R. H. That is the document.

Mr. HELMS. A little hard to read but that is what it is.

Senator BAKER. That, too, is a Xerox copy.

Mr. Chairman, this does not appear to be in the record. If it is not, might I ask that it be included now as an exhibit to the witness' testimony.

Senator ERVIN. It will be marked appropriately as an exhibit and admitted in the record as such.

[The document referred to was marked exhibit No. 122.*]

Senator BAKER. Mr. Helms, is it clear from all of this, that the CIA, at whatever level—and you to some extent were aware of the fact that Mr. Hunt, at least, was deeply involved in White House activity with CIA support—and that you blew the whistle after a great number of things had already occurred?

Mr. HELMS. Senator Baker, if we go to July and August of 1971, I certainly was totally unaware of any illegal activity, any improper activity, or anything that would have raised a question about the type of thing that Mr. Hunt was involved in. I assure you there hadn't been any intimation whatever that there was any question of a burglary, there was any question of stealing anything, there was any question of his having committed any illegal or improper acts.

Senator BAKER. I don't doubt that, Mr. Helms. I take your testimony the same way I do the testimony of every other witness. I start with the good faith assumption that you swear the truth and I have no reason to doubt that unless other and contradictory evidence is made to appear, but I don't suggest that I am trying to lead you into a contradiction. I am rather trying to establish a relationship on which the White House or the CIA would base its perception of the fear that CIA might have been involved in these things.

Now, let's see how that goes. We have got Hunt, we have got McCord, we have got Barker, we have got Sturgis, we have got Martinez. We have got two sets of forged identity documents. We have got a voice alteration device. We have a wig, a camera, a tobacco pounch. We have got the processing service for that. We have got the certain knowledge that all these things were discussed between White House staff and CIA staff and I wonder if that doesn't lead us to the idea that when these people are caught that somebody would certainly say, well, what was the CIA involvement?

*See p. 3377.

Mr. HELMS. Well, Senator Baker, I have the greatest respect for you and if you would—if those were the thought processes that have gone through your mind I have no reason to argue with them. I simply, a moment ago was not trying to make a self-serving statement. I was simply trying to indicate that there has been a tendency, it seems to me, in recent times to have everything run in reel time, as though all of these things were known and had happened and that, therefore, one should have had the good sense to know this thing or that thing at a certain period of time and I simply was trying to point out that this was not the case.

Senator BAKER. Well, I am accepting that at face value and by the same token I hope, Mr. Ambassador, you don't think these questions are accusatory, certainly not of you, maybe not even of the CIA, probably not even of the CIA. But I am trying to establish a set of facts on which perceptions might or might not be based, particularly whether or not an inquiry should be made after the arrest and the attendant publicity about whether or not the people involved were in fact CIA involved.

I am not saying they were. I am trying to establish the validity of an inquiry in that respect and I have not made up my mind on that point. I am going to weigh that very carefully as I am going to weigh all the other evidence and it is going to be February 28 before I state a conclusion. But your identification of these components is very helpful to me and I am grateful for it.

Mr. Chairman, I will conclude—I am sure my time is over but I can't conclude without saying that I think Mr. Helms, at great personal sacrifice, has agreed to appear before this committee and other committees. His information has been most helpful. His testimony has been forthright, I believe, and forthcoming. It may be that at a future time we will require other information from Mr. Helms but I hope not. He has a very important post to return to, but at this point—Mr. Chairman, I have no further questions.

Senator ERVIN. Thank you, Senator Baker.

Is not the Director of the CIA appointed by the President subject to confirmation by the Senate?

Mr. HELMS. Yes, Mr. Chairman.

Senator ERVIN. Does the same thing apply to the Deputy Director?

Mr. HELMS. Yes, Mr. Chairman.

Senator ERVIN. Now, inasmuch as these materials were furnished to Mr. Hunt in July and August 1971, at the request of Mr. John Ehrlichman, is it not reasonable to assume that the White House knew that Mr. Hunt was engaged in undercover work, that is, Mr. Ehrlichman knew that Mr. Hunt was engaged in undercover work?

Mr. HELMS. Well, Mr. Chairman, I can only assume that if Mr. Ehrlichman asked that Mr. Hunt be helped—I realize that in this life assumptions are very dangerous—one would have assumed that he asked for this help for some reason and he must have known what the reason was but at least I would have assumed he knew but I can't prove it. I don't know and I didn't know myself at the time.

Senator ERVIN. You did know that Mr. Ehrlichman was a very important aide in the White House and that he requested this aid for Mr. Hunt. You also know that when the CIA put an end to giving

help to Mr. Hunt, that Mr. Ehrlichman was notified that Mr. Hunt had become a pain in the neck.

So, didn't it strike you as strange when you learned of these things, that the White House would engage in undercover work on its own initiative rather than resort to the use of the FBI?

Mr. HELMS. Well, you know, Senator Ervin, at that time there was no intimation that this was even undercover work. What I understood Mr. Hunt had told General Cushman was that he wanted to conduct an interview and there was no intimation that this was undercover work.

Senator ERVIN. Well, now, here is a wig. You didn't think that the wig was to improve the appearance of the pulchritude of Mr. Hunt, did you? [Laughter.]

Mr. HELMS. I assume that in retrospect because I didn't remember about the wig at the time, Mr. Chairman, as I have testified, but I have assumed in retrospect that Mr. Hunt wanted to conduct his interview disguising himself as someone else but that we didn't know that at the time.

Senator ERVIN. Well, when a man undertakes to disguise himself as someone else, he is engaged in undercover work, isn't he?

Mr. HELMS. Well, we run into a definitional problem, sir.

Senator ERVIN. Well, you didn't think that he applied for this voice alteration device in order to sing a different part in the choir, did you?

Mr. HELMS. Mr. Chairman, my problem here is that at the time that this was going on, I do not recall having been told that he had been given a wig and a voice alteration device. I found that out in May of this year. So, that this business of the—of however one interprets undercover work or however one defines it, no intimation was given to me at that time that Hunt was involved in undercover work.

Senator ERVIN. Well, we have had some discussion here, that most of us human beings are sort of lightning bugs. We carry our illumination behind us, see better in retrospect than we do in prospect. But in retrospect don't you think it would be reasonable to infer that Mr. Hunt was engaged in something that might be called detective work, undercover work?

Mr. HELMS. Yes, sir. In retrospect.

Senator ERVIN. A covert activity?

Mr. HELMS. Certainly, certainly.

Senator ERVIN. Now, the same thing, I believe that Mr. Liddy was furnished some material under an alias, not under his own name during this same period of time?

Mr. HELMS. I believe that is true.

Senator ERVIN. Yes.

Now, you stated that when you learned of the break-in at the Watergate, I believe you were out of the country?

Mr. HELMS. No, sir. I was here at that time.

Senator ERVIN. You were here?

Mr. HELMS. Yes, sir.

Senator ERVIN. I thought you said something about reading it in foreign-language newspapers.

Mr. HELMS. No, sir. The question that I was asked which I read about was the break-in of Dr. Fielding's office.

Senator ERVIN. Oh, yes. That is right. I beg your pardon. I remember now. And it just shows that even the chairman of this committee doesn't have an infallible memory of something that occurred just a few minutes before.

Now, after the break-in, when was the first time you had any contact with anybody from the White House?

Mr. HELMS. It was at that June 23 meeting.

Senator ERVIN. June 23. You and General Walters were requested by the White House to come to the White House, were you not?

Mr. HELMS. Yes, sir, we were asked to come to Mr. Ehrlichman's office.

Senator ERVIN. And you had a conversation with Mr. Haldeman and Mr. Ehrlichman?

Mr. HELMS. Yes, sir.

Senator ERVIN. Is that correct? And they expressed concern about the possibility that if the FBI continued certain investigations in Mexico that it might interfere with some of the activities of the CIA?

Mr. HELMS. Yes, sir.

Senator ERVIN. Did they mention exactly what activities the FBI had in Mexico?

Mr. HELMS. No, sir, they did not.

Senator ERVIN. Was there anything said about Mexican checks?

Mr. HELMS. Mr. Chairman, it is my recollection, and I can only say my honest recollection, that the first time I heard about any money or a check going to Mexico was later on the day of the 23d, when General Walters reported to me about his conversation with Acting Director Gray in the afternoon—early in the afternoon. I believe that happened an hour and a half after we had been with Mr. Ehrlichman and Mr. Haldeman, and Mr. Gray had mentioned to General Walters, as I recall it was something about a check for something over $80,000 that had showed up in Mexico but this was the first I had heard about money.

Senator ERVIN. That was after your visit to the White House, but on the same day of your visit to the White House?

Mr. HELMS. That is right. I do not recall Mr. Ehrlichman or Mr. Haldeman mentioning anything about money.

Senator ERVIN. Did they say anything, either one of them, as to what specific matters gave the White House concern about the possibility that FBI investigations might in some way collide with the setup of the CIA?

Mr. HELMS. No explanation was given, Mr. Chairman, and as I testified earlier this morning, it was not possible for me to know everything that we were doing in Mexico or what the FBI might be running into and I simply thought it was prudent to do some checking before I got assertive about this.

Senator ERVIN. Now, the Director of the CIA or the Acting Director of the CIA is also a Presidential appointee, is he not?

Mr. HELMS. The Director and the Deputy Director of Central Intelligence are, by statute, Presidential appointees and subject to the advice and consent of the Senate.

Senator ERVIN. And the same thing has recently happened with respect to the Director of the FBI, has it not?

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Mr. HELMS. I believe it has. I think he now is subject to confirmation.

Senator ERVIN. Anyway, after you and General Walters visited the White House and had a conversation with Mr. Haldeman and Mr. Ehrlichman in which they expressed concern about the possibility of FBI investigations in Mexico colliding with the work of, or the agents of, the CIA, General Walters did receive a communication from Mr. Gray, the Acting Director of the FBI, concerning these Mexican checks?

Mr. HELMS. I believe that Acting Director Gray spoke to them in their meeting about this. I do not remember a communication—I mean a written communication.

Senator ERVIN. Did Mr. Gray say anything about or express any concern as to whether the FBI operations might impede the CIA in some manner? In pursuing the investigation about these $89,000 in Mexican checks?

Mr. HELMS. Mr. Chairman, I honestly do not remember. But I believe that General Walters, who had the conversation and who I believe will testify here, might be able to clarify this for you, because he was the one, after all, who was with him.

Senator ERVIN. Yes. Now, then you or General Walters had several meetings or phone calls with Mr. Gray about this matter?

Mr. HELMS. My recollection is that during this period I personally did not see Acting Director Gray. I talked to him on the telephone. It was only General Walters who visited with him and talked with him.

Senator ERVIN. Did you talk to Mr. Gray about the Mexican checks?

Mr. HELMS. I never talked to him about Mexican checks. I talked to Mr. Gray on the phone about this Mexican lawyer.

Senator ERVIN. Ogarrio or something like that?

Mr. HELMS. That is right.

Senator ERVIN. But General Walters did report to you that, in his meetings with Mr. Gray, that Mr. Gray talked about the Mexican checks?

Mr. HELMS. Yes, sir, he did.

Senator ERVIN. Yes.

Mr. HELMS. But as I recall this now, it was a sum in excess of $80,000 on the check but nobody ever explained to me at that time what this money was for or how it got there or anything about its purpose.

Senator ERVIN. Then after that time, the CIA—acting either through you or General Walters—undertook to make it perfectly clear to Mr. Gray that the FBI's investigation into the matters relating to these Mexican checks would not interfere with the CIA?

Mr. HELMS. Well, sir, what we made clear to Mr. Gray was that if by any chance they ran into any of our operations they were to abide by our longtime understanding to notify us.

Senator ERVIN. Yes, and that ended the matter as far as the CIA and the Mexican checks are concerned, did it?

Mr. HELMS. Yes, sir.

Senator ERVIN. Then a short time after that, Mr. Dean contacted the CIA on two successive days?

Mr. HELMS. Three successive days.

Senator ERVIN. And the CIA assumed that he was representing the White House, didn't they?

Mr. HELMS. Well, you see, Mr. Chairman, when he, Mr. Dean, called General Walters, General Walters was not acquainted with Mr. Dean and I think that somehow in the conversation, General Walters intimated why should he come down and talk to Mr. Dean, Mr. Dean said you get ahold of Mr. Ehrlichman and he will attest to the fact I am authorized to talk to you, and General Walters told me he had reached Mr. Ehrlichman, and Mr. Ehrlichman had so stated.

Senator ERVIN. Yes. In these conversations, just in the interest of time, I will lump them together. The first approach that Mr. Dean made was that he requested that the CIA pay the defense costs and the support of these five men that had then been caught in the Watergate.

Mr. HELMS. Mr. Chairman, may I, with great deference, correct your statement?

Senator ERVIN. Yes, sir.

Mr. HELMS. These were feelers to find out if there was some way that the CIA might do—according to General Walters' reports to me, he was never requested to do anything.

Senator ERVIN. Yes.

Well, Mr. Dean made inquiry of General Walters as to whether or not there was any way in which the CIA could bear these costs?

Mr. HELMS. I think that is probably a good description.

Senator ERVIN. Then on a succeeding day he made, after he was advised by General Walters that it would be beyond the authority of the CIA, and that he knew that you wouldn't countenance it, then Mr. Dean returned and asked if the CIA could arrange bail for the persons arrested in the Watergate.

Mr. HELMS. I had a distinct recollection, and why this stuck so firmly in my mind I am not entirely sure, it was on the second day that this question of bail and salaries was raised. In other words, there were three sessions, Monday, Tuesday, and Wednesday and it was at the Tuesday session that these matters came up.

Senator ERVIN. Now, you stated that you did the best you could and you did succeed in stopping any further advances to the CIA in this respect and I presume that in so doing you were acting under the statute and pursuant to the statute which says that the CIA has no law enforcement powers of a domestic nature and has no function in regard to internal security.

Mr. HELMS. Not only that, Mr. Chairman, but a trust is put in the Director of Central Intelligence about the money that is given to him by Congress and there are certain understandings with the Appropriations Committees of Congress about what this money shall be spent for and how it shall be handled and I was very clear in my mind about those and there was nothing about this request that we could have accommodated within those guidelines.

Senator ERVIN. And that was made very clear to Mr. Dean?

Mr. HELMS. I believe it was.

Senator ERVIN. Now, there has been some examination indicating that perhaps you and General Walters had some discrepancy of a slight nature in the testimony you gave before, I believe, Senator Symington's committee.

Mr. HELMS. That is right, and this misunderstanding was all hanging out there in the committee. I mean, this is just the problem of human recollections. I realize through these hearings, as I was told by some gentleman this morning that people seem to have a good forgettery when they get into this chair. I do not pretend to be any better or any worse than anyone else and my memory is fallible from time to time, but I am doing my very best at all of these hearings to tell you what I remembered at the time. And as far as the small disagreement between General Walters and I were concerned when we talked it over and analyzed the conversation and reconstructed it, I had to admit I had forgotten.

Senator ERVIN. This question is not asked intimating any criticism at all because I just illustrated myself this morning that my memory is quite fallible, and also there are some other good men's memories, I will strike myself out of the good men, but the memories of other people are fallible. The Gospel of Matthew, Mark, Luke, and John tell us that when Pontius Pilate, the Roman Governor, ordered the crucifixion of Christ that he wrote out a title and had it placed, put on the cross, and people who have an opportunity to read something, where it is just reduced to writing, it is more apt to be accurate than just what we hear. And it is rather significant that these writers of these four Gospels disagreed exactly what this title that was put on the cross said.

The 37th verse of the 27th chapter of Matthew says that the writing which was put on the cross read as follows:

"This is Jesus, the King of the Jews."

The 26th verse of the 15th chapter of St. Mark has a different version. It says "The King of the Jews."

The 38th verse of the 23d chapter, St. Luke, has still a different version of what the title was, and it says, "This is the King of the Jews."

And then the 19th verse of the 19th chapter, St. John, has a fourth version of the same words or the same title, rather, "Jesus of Nazareth. the King of the Jews."

And so I say that if those four good men could have different versions of the same words, it is quite understandable why you and I and other human beings have sort of fallible memories about things sometimes.

There is another thing I have noticed about the human mind and that is this, that sometimes when something occurs, at first we have the recollection that certain things were said, and our memory does not tell us that certain other things were said, but when we hear the testimony of other people or sometimes look at a document that our memories become refreshed and things that were hidden somewhere in an unconscious part of our mind become fresh to our memories again. So I just want to say these things because I do not attribute too much importance to the fact that human beings do not recall all conversations and all, even all written words exactly alike. And I would just like to say this, Mr. Helms, from the observation of the work you did as Director of the CIA and from the contacts I had with you, I think you did a magnificent job in that capacity.

Mr. HELMS. Thank you, Mr. Chairman.

Senator ERVIN. Any other Senator have a question? I will recognize Senator Inouye first and then I will recognize Senator Weicker.

Senator INOUYE. Thank you very much, Mr. Chairman.

Mr. Ambassador, in response to the chairman's question you used a word which intrigues me, "feelers," I presume feelers coming from the White House. When did you realize that the White House was feeling you out about the possibility of using your Agency as a coverup for the Watergate burglars?

Mr. HELMS. When I used, Senator Inouye, the word "feelers," I was describing what I understood was the way Mr. Dean put, conducted a conversation with General Walters which had to do with whether there was a possibility that the Agency could provide covert funds to provide bail for the men who had broken into the Watergate, and also whether or not when they were convicted and sent to jail the Agency would pay their salaries while they were in jail.

Now, according to General Walters' report to me this was not a request of him by Mr. Dean, it was sort of postulating what could be done under the circumstances, and this is why I thought maybe a descriptive word as any would be feelers.

Senator INOUYE. Do you not consider that the suggestion being made of the possibilities constituted a very serious departure from the statutorily prescribed functions of your Agency?

Mr. HELMS. It would have been if we had in any way become involved in this.

Senator INOUYE. That being the case, did you feel that you should have advised the two senior Members of the House and the Senate, the chairman of the Appropriations Committee of the House and Senate?

Mr. HELMS. Well, Senator Inouye, I did not, and I do not recall having thought that that was an obligation I had at the time. I thought that my job was to keep the Agency clear of all this and as long as I succeeded in keeping it clear of it that was my job and my business. And further, that these conversations were held in such a fashion that there was—if I understood General Walters' report to me accurately—to make the assertion that we had been asked to do this would have been denied. This was a possibility that was being discussed. But I do not want to lean heavily on that, please, I want to lean heavily on the fact that I was trying to keep the Agency clean, and that I did not. As long as I kept it clean I felt I was doing my job.

Senator INOUYE. But whatever was being suggested in your mind was improper?

Mr. HELMS. The improper thing would have been if we had done it.

Senator INOUYE. Did you advise your successor, Mr. Schlesinger, of these feelers.

Mr. HELMS. I don't recall our discussing this, no. As a matter of fact, I had, the conversations I had with Mr. Schlesinger when he came into the Agency had to do almost entirely with operational matters and liaison relationships and things of that kind. I didn't get into these matters as I recall.

Senator INOUYE. Thank you very much, Mr. Ambassador, thank you, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. Mr. Helms, I would like to, Ambassador Helms, I would like to, if I can, go back to the meeting of the 23d and I am

now using the transcript of the hearings, specifically that portion of the transcript which relates to Mr. Haldeman's recollections of that meeting.

Mr. HELMS. You are now quoting from Mr. Haldeman?

Senator WEICKER. That is right, that is right. I think this is a good opportunity to try to not so much settle the question as to whether or not Watergate was discussed, because to be candid there was no question that it was insofar as Mr. Haldeman was concerned, but rather what was said. I think that is what is important here. I think everybody concedes the fact that Watergate was discussed at this meeting regardless, as I say, of the slip of your recollection at those hearings, nobody disputes that either in your later recollection or Mr Haldeman's testimony before the committee.

Mr. Haldeman said "So without commenting on either the accuracy of Mr. Walters' recollection and your recitation to it" and he is talking to Mr. Dash, "because he has given a number of different statements in depositions in this thing that makes it rather complex, but the meeting, one of the purposes of the meeting as assigned to me by the President on the morning of the 23d when he told me to have, to have me and Ehrlichman meet with Director Helms and Deputy Director Walters, in addition to ascertaining whether there was any CIA involvement" and I put that as point No. 1, "whether there was any CIA concern about earlier activities of people who had been arrested at the Watergate." I put that as point No. 2. "And three, was to tell the CIA Directors that the FBI had expressed concern that, as to whether there was CIA involvement or any impingement."

Now, he elaborates that, he elaborates on this in the following statements:

> Mr. Helms told me at the meeting that there was no CIA involvement in the Watergate operation and he had so informed Director Gray; so I learned that at that meeting. I didn't know it prior to the meeting.

Now, and here is what I would like to question you on as to what your recollection is. We get into what he considered to be the main point:

> Mr. HALDEMAN. Because, and this seems to be a very difficult point to get across, but because there were other items that concern the matter, the question raised was not solely the question of whether the CIA had been involved in the Watergate break-in but also whether the investigation of the Watergate break-in, which was to be thorough and total, could possibly impinge upon the activities totally unrelated to Watergate and related to national security or to covert CIA operations; the activities of some of the individuals who had also been involved in the Watergate and had been arrested at the Watergate.

Let me just reread that:

> But also whether the investigation of the Watergate break-in, which was to be thorough and total, could possibly impinge upon the activities totally unrelated to national security or to covert CIA operations.

Now, is that the instruction that you recall or is that the subject matter that you recall being related from Mr. Haldeman to General Walters, or is it of a different nature, and if so what is it?

Mr. HELMS. Well, I recall being asked if there was any CIA involvement.

Senator WEICKER. Right.

Mr. HELMS. And I answered negatively.

Senator WEICKER. Correct.

Mr. HELMS. I recall, as I said earlier this morning, that Mr. Haldeman made some reference to the Bay of Pigs; I referred to it as an incoherent reference because it was frankly, in my recollection, I don't know exactly what he, what point he had in mind but I reacted to that question very firmly.

Now, the Bay of Pigs is the rubric for a very unhappy event in the life of the CIA. A dead cat that has been thrown at us over the years ever since and, therefore, it is one to which I am likely to react and react rather quickly, for the simple reason that the Bay of Pigs was long since over, the problems arising from it had been liquidated. I was well aware of this, and I didn't care what any investigation had to do with the Bay of Pigs that could have gotten into anybody involved with it, about it, below it or above it, I didn't care, and I was trying to make it clear to Mr. Haldeman on that occasion. The fact that some of those people who broke into the Watergate had at one time had relationship with the Agency, including Martinez who had had them up until just a few days before, didn't make any difference to me. I mean there was nothing that anybody was going to find out about investigating them that was going to bother us as far as I was aware.

We then get down to the question of what an FBI investigation in Mexico might turn up, and as I explained earlier, I did not have in my head all of our operations in Mexico but what was more important I didn't know where the FBI was investigating in Mexico, I didn't know who they were following, I didn't know what they were up to, so I regard it as prudent to inform myself a bit about these things before I came down flatly and said, "Let the FBI go ahead and investigate in Mexico, they will never run across our operations," because this might not have been the case. Do I answer your question, sir?

Senator WEICKER. All right. So what then did Mr. Haldeman, to the best of your recollection, tell General Walters?

Mr. HELMS. The thrust of what I understood Mr. Haldeman to say to General Walters was that he wanted him to speak to Acting Director Gray to restrain whatever investigation the FBI was conducting in Mexico, because it might run into certain CIA operations down there, and I just explained to you why it was that I could not say on the spur of the moment it couldn't possibly happen.

Senator WEICKER. So——

Mr. HELMS. Senator Weicker, I would also like to mention here if you don't mind, something I said a moment earlier, that often the White House gets information about things that other people in the Government are not privy to. The President and other people in the White House have a great many sources of information and I didn't know what they had on their minds about CIA operations in Mexico at that point or might have had on their mind.

Senator WEICKER. Now, immediately upon leaving this meeting with General Walters, did you have any discussion with General Walters?

Mr. HELMS. Yes.

Senator WEICKER. Relative to the discussion which had taken place with Mr. Haldeman and Mr. Ehrlichman?

Mr. HELMS. As I testified earlier, I told General Walters that I thought when he saw Mr. Gray that he should point out to Mr. Gray that there is a delimitation agreement between the FBI and the CIA

wherein if FBI investigations run into CIA matters they were to be reported to the CIA and if CIA operations run into FBI matters they were to be reported to the FBI, and I thought that this was all, the whole distance he had to go in his conversations with Mr. Gray. That was a legitimate request. It was made because I didn't know whether Mr. Gray was familiar with this, he hadn't been Acting Director for very long. I wasn't sure General Walters was very familiar with it because he had only been in the Agency about 6 weeks or so, so I just wanted to be sure these relatively new people were talking about what I thought was important and legitimate things.

Senator WEICKER. Would it be proper to say that you were comfortable with General Walters going to Pat Gray with what you indicated to him outside of the meeting and that you were uneasy if he had gone to Pat Gray with what had been transmitted by Mr. Haldeman?

Mr. HELMS. I accept that.

Senator WEICKER. One last question: When I asked you in the first round of questioning as to whether or not you felt you were being talked around during that meeting of the 23d and as you have testified, I gathered this pride that you have in the independence of the CIA, the belief that you have in the trust that is imposed upon the Director by the Congress, and I gather you surely don't hesitate to express those feelings to this committee and I gather you don't hesitate to express them or you didn't hesitate to express them to anybody else while you were Director of the CIA, now do you feel that this might have been one of the reasons why you were talked around at this meeting of the 23d?

Mr. HELMS. Well, certainly that occurred to me. I had mixed emotions about this. Any sensible person, I think, would have wondered why I was not asked to do this. Various interpretations, I suppose, could have been thought up, but the fact of the way it was handled is in itself an unusual event, and General Walters, I think, and he can speak for himself about this, felt they were asking him to do it because he was an Army officer and used to taking orders. Well, I have been in the Government a long time and used to taking orders, too, so I think one was forced a bit to the conclusion that for some reason they felt he might carry out the instructions more fully and more precisely than I might have. I just don't know; I never have been told.

Senator WEICKER. Thank you very much.

Senator BAKER. Mr. Chairman, I won't take long, I have three questions and they won't consume very much time.

As I understood your testimony, Mr. Ambassador, Hunt was supplied with certain equipment, I don't recall what you said he was supplied with, but that it was not used in the Ellsberg burglary.

Mr. HELMS. Well, Senator Baker, this is the point I was trying to make, that you read out to me a moment ago the equipment that he was given, and I submit to you as a highly intelligent human being, could you break into a building with that equipment?

Senator BAKER. I don't know, but what I am reaching for is, if it wasn't used for that, what was it used for?

Mr. HELMS. I don't know to this day.

Senator BAKER. Can you give us any idea, were there other operations that required this rather elaborate and exotic spy set?

Mr. HELMS. You know the spy set was, if you put it together, I think, is consistent with what the chairman was saying that this would be the kind of thing you would want if you were going to conduct an interview with an individual whom you didn't want to recognize you for who you were.

In other words, under an assumed name for whatever purposes.

Senator BAKER. Do you have any idea what that might be?

Mr. HELMS. No.

Senator BAKER. We have heard testimony, I believe, from other witnesses that it is the practice of the CIA in the event that one of their agents get into trouble that the Agency takes care of their family and that sort of thing, is that in fact the policy of the CIA?

Mr. HELMS. Well, for example, it is now public knowledge that Mr. Downey and Mr. Fecteau were working for the CIA, were captured, arrested, convicted, and put in jail in China, and during the period they were in jail their salaries were paid just as though they were on our rolls, so when they came out they had quite a tidy piece of money to take care of them for whatever period of time they wanted to use it for. We supported the families of one of them during the period.

Senator BAKER. Is the answer yes?

Mr. HELMS. Yes.

Senator BAKER. Do I understand the thrust of your testimony to be that the things I listed earlier about the wig, about the camera, and about the voice altering device, about the psychological profile possibly, and a number of other things were all down by the CIA but you learned all or most of them much, much later?

Mr. HELMS. No, I was involved in the psychological profile; I don't want to duck that one.

Senator BAKER. All right.

Mr. HELMS. I authorized it being made.

Senator BAKER. All right.

What about the others? I understand you learned about these things much later?

Mr. HELMS. Somewhat later. Because, you see, if you find my answer equivocal, let me explain it. My recollection was that I heard about the tape recorder and the camera within the time frame of July–August 1971. It is the wig and the other things that I did not remember having been told about at that time, which I learned about considerably later.

Senator BAKER. And to this day you do not know what those things were used for?

Mr. HELMS. No, sir. You know, Senator Baker, I want to explain something to the committee. I have been away in these recent months, so I have not had access to the newspapers here of the full testimony before this committee. This may have been explained many times in Congress, and I may have missed it, so that I am not—I just do not know.

Senator BAKER. Why did you not, when you found out about these things, launch an inquiry into it?

Mr. HELMS. Well, quite frankly, as of the time that this was all going on, do you realize that at the time of the Watergate burglary,

there was no evidence that had ever come to my attention that this equipment had been used for any illegal or improper act?

Senator BAKER. But you knew it was outstanding. At the moment you found out this stuff had been issued, this support supplied by CIA, did you do anything to investigate what it was used for?

Mr. HELMS. No, sir.

Senator BAKER. Why didn't you?

Mr. HELMS. Frankly, it did not occur to me.

Senator BAKER. You knew a day after this happened that two or three or four of your former CIA agents, and one of them still on the payroll, were involved. Did you launch yourself an investigation to see what was going on?

Mr. HELMS. About the Watergate burglary, sir?

Senator BAKER. Yes, sir.

Mr. HELMS. Certainly.

Senator BAKER. What did you do?

Mr. HELMS. We checked on all these people, their relationships with our people, their relationships with the Agency. We went through all of that and turned all that material over to the FBI.

Senator BAKER. Did you talk to these people, pick up the phone and say what in the world is going on?

Mr. HELMS. No, sir. We never talked to any of them as far as I am aware. After all, they were in jail at that time.

Senator BAKER. Well, that is right. They were. I will not pursue this, Mr. Chairman. It strikes me, though, that there were great indications—maybe hindsight is the only way we can look at this—indications of a deep cross-identification with CIA personnel, CIA material, and a past history of relationships with CIA, that you did not know about, except for the psychological profile; and I cannot help pointing out the similarities between your contention, as Director of the CIA, and the contention of the President that he did not know all these other things.

Mr. HELMS. Well, now, let us halt a minute. When we looked into these various relationships of these individuals with the Agency, we turned over to the FBI everything that we were able to establish about this.

Now, therefore, I assume that what you are saying is that somehow I should have gotten to these fellows who were in jail and asked them, each one of them, what he had been up to, but it did not seem to me that that was my function. They were in the hands of the law enforcement authorities. The FBI was conducting an investigation. They were the proper authorities to do this, and quite frankly, I think if I had intruded into this matter at that time, it would have been an improper act on my part.

Senator BAKER. That is almost precisely what Mr. Ehrlichman and Mr. Haldeman have told us.

Mr. HELMS. That may be, sir.

Senator BAKER. But you had people in the CIA that you later learned had supplied these wigs and voice altering devices and cameras and processing equipment and aliases and forged documents. Did you go to the people inside the CIA and find out how come they did it and for what purpose? You say it was not for the Ellsberg thing. I am consumed by curiosity, what else was going on? What else was it used for?

Mr. HELMS. Senator Baker, all this is in your record. All of the memorandums, all of the inquiry of the investigation of various individuals in the CIA. You have it there, stacks of papers.

Senator BAKER. No part of that record tells me what those things were used for if we exclude the Ellsberg situation.

Mr. HELMS. I do not know what they were used for.

Senator BAKER. What I am saying is why don't you know? Why didn't you find out?

Mr. HELMS. Because I thought, frankly, that when these individuals had been arrested that that was the FBI's job.

Senator BAKER. And so did the White House.

Thank you.

Mr. HELMS. Was it not the FBI's job?

Senator BAKER. Well, maybe it was, but I have used the analogy once or twice, and I feel a little ill at ease using it. If I had someone on my staff who was caught red-handed robbing a jewelry store, let alone the Democratic National Committee, and I read about it in the newspaper then or later, I have a hunch that I would have jumped up and down and screamed until I found out what happened.

Mr. HELMS. I have no reason to question that you might have, sir.

Senator BAKER. But I have no reason to question that you might have, too, and that is why I am asking why you did not, because I have a great admiration for you, Mr. Helms. I think you have done extraordinary service for your country.

Mr. HELMS. You know, I would like to be worthy of your comments, Senator Baker, and I trust that I am, but at the time that these men were arrested, it did not seem to me that it was the proper thing for me to get into that affair as to why they had been arrested or their past.

Senator BAKER. It just did not seem like a big event at the time?

Mr. HELMS. No. It was a big event, but it did not seem to me that it was a proper job for me to undertake to investigate how they had gotten there or why they had been arrested.

Senator BAKER. All right. Lest I be misunderstood, Mr. Chairman—Mr. Ambassador—I now continue to have, and nothing I have asked you by way of testing the situation by your evidence should imply anything to the contrary, I continue to have an enormous respect and admiration for you for what you have done and what you will do, and I appreciate your testimony.

Thank you, Mr. Chairman.

Mr. HELMS. Thank you.

Senator ERVIN. One question. Did you draw the conclusion that if you had undertaken to investigate the burglarizing of the Watergate, that it would have been inconsistent with the prohibition of the act under which you operate, that the CIA has no function in respect to internal security?

Mr. HELMS. Yes, sir.

Senator BAKER. Well, Mr. Chairman, I am not talking about that. I am talking about investigating his own staff within his own organization and that certainly doesn't violate any domestic security prohibition.

Senator ERVIN. No, but didn't you testify that you did investigate inside of the CIA?

Mr. HELMS. Yes, sir.

Senator ERVIN. And turned over the information to the FBI?

Mr. HELMS. Yes, sir, and also you have it in the records of this committee.

Senator ERVIN. Any further questions?

Senator WEICKER. Yes. I would like to—since an analogy has been drawn I think it is proper to pursue it.

On June 17, 1972, was Mr. Hunt a member of the CIA? Part of CIA?

Mr. HELMS. No, he was not.

Senator WEICKER. Was Mr. Liddy a part of the CIA?

Mr. HELMS. No, Senator Weicker.

Senator WEICKER. Was Mr. Barker a part of the CIA?

Mr. HELMS. No, Senator.

Senator WEICKER. Was Mr. McCord a part of the CIA?

Mr. HELMS. No, Senator.

Senator WICKER. Was Mr. Martinez a part of CIA?

Mr. HELMS. Mr. Martinez was getting a retainer of $100 a month on a fiduciary relationship. He was not a staff employee of the CIA.

Senator WEICKER. This operation was down in Florida insofar as screening those persons coming over from Cuba and ascertaining as to whether or not they should have an intelligence value?

Mr. HELMS. Yes, sir.

Senator WEICKER. Mr. Sturgis, was he a member of the CIA?

Mr. HELMS. No, sir; not at that time.

Senator WEICKER. Mr. Gonzales, was he a member of the CIA?

Mr. HELMS. No, sir.

Senator WEICKER. Mr. Baldwin, was he a member of the CIA?

Mr. HELMS. No, sir.

Senator WEICKER. Mr. Barker, was he a member of the CIA?

Mr. HELMS. No, sir.

Senator WEICKER. So apparently the only member of the CIA in all of these matters on June 17, 1972, was Mr. Martinez who was on a $100 retainer down in Florida, relative to the screening of Cuban exiles.

Mr. HELMS. That is correct, Senator Weicker.

Senator WEICKER. Did you turn over the records of these men to the FBI?

Mr. HELMS. Yes, sir.

Senator WEICKER. When?

Mr. HELMS. As soon as—well, I don't know the precise dates, but——

Senator WEICKER. All right.

Mr. HELMS. But the FBI started inquiring of the Agency about the background of these men as soon as the men had been arrested and we started providing the information from that day.

Senator WEICKER. I have no further questions.

Mr. THOMPSON. If I understand the analogy, and I am not sure that I do, but perhaps your idea is, then, that because it was former CIA employees and not present CIA employees, that in some way would relieve you of the responsibilities you might otherwise have. Is that a fair——

Mr. HELMS. Yes, I think so. I think, Mr. Thompson, that I should make it clear, because I was asked at another hearing one time, when

an individual resigns or retires from the CIA, that is the end of his identification with the Agency as far as we are concerned. Certainly, under American laws one has no way of keeping a string on people like this. So when they walk out the door, they turn in their badge and their employment with the Agency is finished unless some sort of a contractual or fiduciary relationship is established with them. This is not the case with these others except for Martinez.

Mr. THOMPSON. Well, I can see that, and as long as we are talking about analogy, and not reaching any conclusion but just really thinking aloud, by the same token, there were no present White House employees involved in the break-in either. They were also former employees. So if we have an analogy I imagine the analogy still holds up.

Thank you.

Senator ERVIN. Can you be back at 2 o'clock?

Mr. HELMS. Beg pardon?

Senator ERVIN. There will be a recess until 2 o'clock.

[Whereupon, at 12:33 p.m., the hearing was recessed, to reconvene at 2 p.m., this same day.]

AFTERNOON SESSION, THURSDAY, AUGUST 2, 1973

Senator ERVIN. The committee will come to order. Counsel will resume the interrogation of the witness.

Mr. DORSEN. Ambassador Helms, who was the normal contact from the White House to the CIA?

Mr. HELMS. Dr. Kissinger.

Mr. DORSEN. Was there much contact between Mr. Ehrlichman or Mr. Haldeman and the CIA?

Mr. HELMS. There was some. Of course, not nearly as much. There was more with Mr. Ehrlichman than there was with Mr. Haldeman.

Mr. DORSEN. Can you give us some idea of the number of contacts between Mr. Ehrlichman and the CIA during the time you were Director?

Mr. HELMS. That would be difficult, Mr. Counsel, because I do not know any way to come up with a statistic. I suppose that I have had a dozen or so contacts with him myself over a period of 3 or 4 years.

Mr. DORSEN. Were many of these requests for information or requests that the CIA do something?

Mr. HELMS. There were a variety of things. There were meetings that I attended which Mr. Ehrlichman called. I recall one particular activity when the White House was redoing the method of classification of documents and devising some new procedures for declassifying documents, there were some meetings in order to rewrite these regulations and I remember attending at least one, there may have been two.

Mr. DORSEN. Now, in connection with the request in July of 1971 for the CIA to furnish support for Mr. Hunt, it is your understanding, is it not, that Mr. Ehrlichman contacted General Cushman, is that correct?

Mr. HELMS. That was my distinct impression.

Mr. DORSEN. In June of 1972, when you were at the meeting in Mr. Ehrlichman's office, am I correct that it was General Walters who was asked to go to Patrick Gray by Mr. Ehrlichman?

Mr. HELMS. He was asked by Mr. Haldeman.

Mr. DORSEN. Excuse me, by Mr. Haldeman?

Mr. HELMS. Yes.

Mr. DORSEN. Did you make any connection then or subsequently concerning the fact that the two deputies who were asked to participate in the facts you described were both military men?

Mr. HELMS. Well, I did not know whether it had to do with the fact they were military men or they were particular appointees of this administration or just exactly whether they were old friends and therefore, seemed to be easier to deal with them. I really do not know which of these considerations loomed the largest.

Mr. DORSEN. Now, were you aware, prior to the May 22, 1972, announcement by the President, of the organization known as the Plumbers or the fact that there was such an organization in the White House?

Mr. HELMS. You mean the May 22, 1973——

Mr. DORSEN. Excuse me, 1973.

Mr. HELMS. I had never heard of a Plumbers unit.

Mr. DORSEN. Were you familiar with an investigative unit in the White House?

Mr. HELMS. I did not know there was any unit in the White House that was actively carrying out, if you like, burglaries or activist activities of this kind.

Mr. DORSEN. With respect to the material supplied to Howard Hunt, you referred to the wig as a fairly famous item. Was the wig that was supplied to Mr. Hunt by the CIA the same wig allegedly worn by Hunt, the red wig, when he saw Dita Beard?

Mr. HELMS. I have been told in recent times that the wig provided by the Agency was a brunette wig, it was a dark hair, anyway, and so that the Agency technicians rather resented the fact that the red wig had been tied in with the CIA because it was such a lousy fit. [Laughter.]

Mr. DORSEN. Ambassador Helms, are you familiar with the memorandum to which there was a covering routing slip from General Cushman to you with the date August 23, 1971, on it?

Mr. HELMS. Yes. This is indeed the memorandum that you showed me.

Mr. DORSEN. That is correct. Could we show this to the witness and I would just like to have you identify it, please.

Mr. HELMS. Cameras.

Yes; I am familiar with the memorandum.

Mr. DORSEN. I would like the Ambassador to hold it for another minute, and is that the memorandum, the memorandum in chief, if I may use that expression, does that deal with the request of Mr. Hunt for the secretary to which you referred earlier?

Mr. HELMS. Yes.

Mr. DORSEN. And is a portion of the routing slip in your handwriting?

Mr. HELMS. Yes, there is.

Mr. DORSEN. Could you read the routing slip to us, please, including the portion which I understand is in General Cushman's handwriting and the portion that is in your handwriting?

Mr. HELMS. The part that is in General Cushman's handwriting appears first, it says, "FY I and guidance on how to handle." And

then General Cushman's initial appears. My note back to him says "If Hunt renews the request please let me know and I will speak to Ehrlichman about it." Or rather, "Speak to Ehrlichman at once." These Xeroxes are not famously good.

Mr. DORSEN. Mr. Chairman, with the committee's permission I would like to have that received in evidence.

Senator ERVIN. Without objection it will be marked appropriately as an exhibit and received in evidence as such.

[The document referred to was marked exhibit No. 123.*]

Mr. DORSEN. Ambassador Helms, this morning you were shown, or it was read to you the memorandum dated August 31, 1971, and I would like to show you a copy of that at this point and to refresh your recollection. This is the one which states, "I called John Ehrlichman Friday and explained why we could not meet these requests. I indicated Hunt was becoming a pain in the neck. John said he would restrain Hunt."

Signed by General Cushman and you wrote "good," is that correct?

Mr. HELMS. Yes, sir.

Mr. DORSEN. I direct your attention to the last typewritten page of that memorandum, and I read to you No. 3.

"I told Mr."—and the name is blanked out at the request of the CIA—"that Mr. Hunt's latest requests drew us even further into a sensitive area of domestic operations against Americans and that all such requests should be referred to General Cushman's office. Meanwhile these requests should not be met," and there is a signature, the initials DDCI, which represents a position in the CIA.

What does that paragraph mean?

Mr. HELMS. I don't know what this gentleman had reference to. It is signed by the executive assistant to the deputy director and what he was referring to there I have no idea. I heard of no specific Americans being involved at that time.

Mr. DORSEN. Do you have any knowledge of domestic operations against Americans?

Mr. HELMS. No, sir. I don't know what he had in mind.

Mr. DORSEN. In your conversations with—excuse me, Mr. Chairman, this I believe has been received in evidence and copies were supplied this morning.

Senator ERVIN. Yes.

I think Senator Baker requested that be made a part of the record and it was.

Mr. DORSEN. Each Senator received a copy this morning.

Do you know what General Cushman was told concerning Mr. Hunt's operations?

Mr. HELMS. I don't specifically, Mr. Counsel, all I recall was what I said this morning that when Hunt came to him and asked for this assistance he said it was for a one-time interview.

Mr. DORSEN. Do you know whether the camera that was given to Mr. Hunt was returned to the CIA prior to September 3, 1971, which has been given as the date of the burglary?

Mr. HELMS. I don't know. I have heard it said that the camera was not returned but that is really hearsay. I am not sure that that was accurate information but it was somehow my impression that he did not return this equipment.

*See p. 3380.

Mr. DORSEN. According to the record of the CIA the camera was returned but the recorder was not.

Mr. HELMS. Was it? But you have this in the records, don't you?

Mr. DORSEN. That is correct.

Mr. HELMS. And I think it should be in the records of the committee because I don't think this should depend on my memory. It is a relevant fact and I would like to identify myself with what the record shows.

Mr. DORSEN. Now, earlier you were asked by Senator Talmadge whether you were asked by the White House concerning Mr. Hunt in terms of supplying a reference and you indicated that you were not so consulted.

What reference would you have given if asked?

Mr. HELMS. Well, that is a terribly difficult question to ask me in July or August of 1973, after all the evidence that has been brought forward. I think that what would have been in my mind at the time was to wonder why they wanted him and what his talents were that they wanted to avail themselves of and I think my answer would have been largely dependent on what they told me.

Mr. DORSEN. Am I correct that in the last years of Mr. Hunt's service with the CIA he was given a somewhat different assignment than he had before?

Mr. HELMS. Yes. I believe that in his recent years there he was stationed in Washington, for one thing, and precisely what his duties were at the time I don't know but they were not particularly operational. But as I explained this morning, he was having some family difficulties, and so forth, and he was trying to work these out as well as do his job, and so on, so that I can only assume that we were taking these human factors into consideration and had assigned him in a place where he could accommodate himself.

Mr. DORSEN. Did a question arise at a later time as to whether in fact Mr. Ehrlichman had communicated to the CIA with respect to Mr. Hunt?

Mr. HELMS. Yes. And not terribly long ago. It seems to me that it was at the end of last year that—and I would like to say, Mr. Chairman, that I believe that there is in your record a paper which will give the precise dates and details about these things, but my recollection is that sometime in November, I guess it was, November or December of 1972, Mr. William Colby and Mr. John Warner of the Agency visited Mr. Henry Petersen at the Justice Department and I believe Mr. Petersen had Mr. Earl Silbert with him and perhaps two or three other people. I am not too sure who all the individuals were. And during this meeting they were going over some material having to do with Howard Hunt and the question came up about who had gotten—who had arranged for Howard Hunt to get assistance from the Agency and Mr. Colby identified the individual in the White House as Mr. Ehrlichman.

As best I recall it, some days go by and one day I got a call from Mr. Dean who said that he had understood that it had been stated to Mr. Petersen that Mr. Ehrlichman was the man who had sponsored Mr. Hunt and that Mr. Ehrlichman didn't remember this, and could there be some confusion?

My recollection of the conversation was that I said I—General

Cushman was the one who had dealt with this matter and that I thought they could get the information from him.

Mr. Dean then said he thought there ought to be a meeting to discuss this and I said, fine, but be sure that you have General Cushman at the meeting.

Then subsequent to that telephone call a meeting was called in Mr. Ehrlichman's office about this matter. I went to this meeting with Mr. Colby since Mr. Colby had had the conversation with Mr. Petersen and we found in Mr. Ehrlichman's office, Mr. Ehrlichman, Mr. Dean, and there were the two of us. But General Cushman was not there.

Mr. Colby was asked to explain what he had had to say and he did so. Mr. Ehrlichman, as I recall it, said that he didn't remember these conversations or this conversation with General Cushman. The meeting then ended up in a rather unsatisfactory manner because the only person that could have been helpful in this was General Cushman and at the very end Mr. Ehrlichman said, "Well, why don't you have General Cushman call me." He asked Mr. Colby to do this and I verified to Mr. Colby to call General Cushman and let him know.

Now, also, if memory serves, when I got that first telephone call from Mr. Dean, I believe I instructed Mr. Colby to tell General Cushman this meeting might be coming up so he would be prepared for it.

Mr. DORSEN. Was there any reason given why General Cushman was not at the meeting?

Mr. HELMS. There was no reason given that I recall.

Mr. DORSEN. And General Cushman would be the person most familiar with the question on who called——

Mr. HELMS. He was really the only one who could verify it.

Mr. DORSEN. Now, during the recess we did look at more records and discovered that the first transmission from the CIA to the FBI occurred on June 20, 1973. Would that be consistent with your recollection?

Mr. HELMS. 1972, sir, if it was—the break-in was in 1972.

Mr. DORSEN. Excuse me.

Mr. HELMS. It doesn't correspond to my recollection as mentioned in this morning's testimony when I said that as soon as the FBI started asking us questions about these people we began replying, so that would track very well.

Mr. DORSEN. With respect to General Walters' memorandums on the subject of how they represent your recollection as well as General Walters' recollection, could you please state to us again what contact you had in terms of reading them or speaking to General Walters before he wrote them?

Mr. HELMS. Well, when General Walters and I decided that there should be memorandums for the record of these various meetings and conversations, if I recall it, he wrote several on the same day. In other words, he was catching up. He wrote the meeting of the 23d and I think he wrote his meeting with Dean on the 26th and on the 27th, and there may be another memorandum. It certainly is all in your record there. But in any event, he was writing them all to catch up and then I believe after that he began to write memorandums for

the record as soon as he had a meeting so this was not necessary any longer.

I do not recall how carefully I read these various memorandums because he had reported to me the content of these meetings orally at this time and I did not feel at that juncture, as I recall, a constraint to read through every line to be sure this was exactly what he told me. In other words, I was not distrustful of his record.

Mr. DORSEN. But you did peruse them to the extent of making sure they were generally accurate, is that correct?

Mr. HELMS. I think so, yes.

Mr. DORSEN. And before General Walters wrote each memorandum he had already articulated to you almost immediately after the meeting the circumstances of what occurred at each meeting is that correct?

Mr. HELMS. Yes.

Mr. DORSEN. Now, there was some question this morning as to whether or not the President's name was invoked during the June 23, 1972 meeting, and I believe it is your best recollection that it was not, is that correct?

Mr. HELMS. Yes. That is correct. General Walters, as I recall the language in the memorandum, said something about it is the President's wish. I did not recall that language having been used.

Mr. DORSEN. When for the first time did you take note of your difference with General Walters' memorandum?

Mr. HELMS. I believe we discussed that even at the time as to just exactly how this had been put.

Mr. DORSEN. So that was one instance where you saw fit to——

Mr. HELMS. I am afraid there is a disagreement even now between us as to just how this was worded.

Mr. DORSEN. But, in other words, did you discuss possible disagreements in the subject matter of the memorandums even at that time?

Mr. HELMS. I think he felt at the time, since this was just a memorandum to jog his memory, and so on, there was no reason to put down we had a difference or re-edit the language or redictate the memorandum.

It is very interesting, Mr. Counsel, in a lot of memorandums, if one had known then what one knows now, they would have been compiled more carefully. The language would have been more judicious. There would have been a lot of things written that did happen.

Mr. DORSEN. Thank you for the memorandums we do have, Mr. Ambassador.

Now, one question I think is quite important. I believe you testified that you were asked, during the same June 23 meeting, as to whether there was any involvement by the CIA in the Watergate. Is that correct? Were you so asked that——

Mr. HELMS. Yes, I believe I was, Mr. Counsel.

Mr. DORSEN. And you replied no?

Mr. HELMS. Yes.

Mr. DORSEN. Now, before Mr. Haldeman turned to General Walters and told him to go and speak to Patrick Gray, was any question directed at you or General Walters as to whether further investigation by the CIA might uncover assets or operations of the CIA?

Mr. HELMS. Further investigation by the FBI?

Mr. DORSEN. Excuse me. FBI. Might uncover assets or operations of the CIA in Mexico?

Mr. HELMS. I do not recall that this point was ever put to either of us in the form of a question. It was my recollection or it is my recollection that General Walters was asked to go and speak to Mr. Gray about this because there was a possibility that it might run into CIA operations. I was not asked whether it would or it would not.

Mr. DORSEN. Did you comment one way or the other at that meeting as to whether you thought it might uncover such operations? Was there any discussion of that subject?

Mr. HELMS. I am sorry, Mr. Counsel. I do not recall any.

Mr. DORSEN. At any time did the CIA announce that it was conducting an investigation into the Watergate?

Mr. HELMS. Announce that it was conducting?

Mr. DORSEN. Yes.

Mr. HELMS. No. You mean a public announcement?

Mr. DORSEN. Yes.

Mr. HELMS. No.

Mr. DORSEN. Was there any decision made within the CIA that there would be an investigation of the Watergate, or is the opposite true? I am talking about any CIA discussions as to whether there would be an independent investigation by the CIA.

Mr. HELMS. I am not trying to be picky. We are talking about Watergate now? We are talking about the burglary, right?

Mr. DORSEN. I am talking about the burglary, yes.

Mr. HELMS. There was no public announcement. We simply did as I indicated this morning, and that is, check with the various people that had had to do with the burglary, check on their records, check with others that had had dealings with them to be sure what their status was, and all the rest of it.

Mr. DORSEN. And am I correct that there were a number of, quite numerous amounts of communications between the CIA and the FBI and the Justice Department?

Mr. HELMS. Many.

Mr. DORSEN. And to your knowledge, was any relative information withheld by the CIA to the FBI and Justice Department information that you were aware of while the events were taking place in June, July, or August of 1972?

Mr. HELMS. Sir, I do not believe so. Does the record show that there was anything of this kind?

Mr. DORSEN. No. I am not suggesting that at all, Mr. Ambassador. I am just asking for your knowledge. I have no knowledge to the contrary.

Mr. HELMS. Well, I do not either, but I just want to be sure that my recollection tracked with the facts.

Mr. DORSEN. Senator Baker, Mr. Vice Chairman, I have no further questions.

Senator BAKER. Thank you, Mr. Counsel.

Mr. Thompson.

Mr. THOMPSON. Mr. Ambassador, did General Walters indicate to you between the time of June 23 and June 28 that he was in any way concerned about the propriety of the request or order that Mr. Haldeman had given him?

Mr. HELMS. I do not know whether we ever mentioned the propriety of it. I think that—in fact, I am sure that we discussed why the request was being made. We had been asked to do it. What was behind it. We did not have the information to put together at that time. And I am sure as associates would, we were, you know, expressing wonderment to each other as to what this was all about.

Mr. THOMPSON. Do you know why, for example, he waited until June 28 to prepare this memorandum which we have been referring to where he sets all these things out?

Mr. HELMS. Well, Mr. Thompson——

Mr. THOMPSON. Why he waited 5 days in order to do that?

Mr. HELMS. Well, Mr. Thompson, I do not know, but he will certainly be able to testify to that.

Mr. THOMPSON. Did not discuss this——

Mr. HELMS. But as I indicated this morning, I do not remember any more which one of us was the one that decided or whether we just agreed in the conversation together after the request from Dean for the Agency to provide bail or salaries for the breakers-in—or in-breakers, or whatever they are—that at that time it seemed desirable to put some of this on the record because this was getting a bit far afield and into a rather strange area, we thought, and that these various meetings then ought to be caught up, and I think that is the reason that on the same day he did several at the same time——

Mr. THOMPSON. Between the time of your conversation on the 23d and the time he prepared his memorandum, Dean had contacted him three times, had he not? On the 26th, 27th, and 28th.

Mr. HELMS. Monday, Tuesday, and Wednesday, anyway.

Mr. THOMPSON. I believe that is right.

Mr. HELMS. Yes.

Mr. THOMPSON. So would you say by that time, then, that he had become concerned about the matter and was covering his tracks, so to speak?

Mr. HELMS. Well, you see, Mr. Thompson, I wish you would help me with a point here. It is my recollection, contrary to what those memorandums show, that it was on Tuesday, the second meeting with Mr. Dean, that Mr. Dean made—mentioned bail and salaries, whereas General Walters' memorandum indicates that that comes on the Monday. And because my recollection is that it came on the Tuesday, that it was after that that I—that we agreed he should write these memorandums and, therefore, he wrote the first of them on the very next day.

I do not know whether his memory now that he has thought it over——

Mr. THOMPSON. At least, there may be some difference between the memorandum and interview. My understanding was, frankly, that on the 27th, Dean had asked him if there was any way that the CIA could possibly be involved and whether or not the CIA could have been involved without Walters' knowledge, and then, the following day, on the 27th, mentioned the witnesses involved and as to whether or not salary could be paid them and bail money could be raised. And on the 28th, a more general discussion as to whether or not General Walters had any ideas as to how the matter could be alleviated.

Mr. HELMS. His memory may straighten that out now. I do not know, but the reason that I cling to my recollection in this particular case is that the question of bail and salaries hit me rather hard. That made an impression on me and it was that which I believe motivated us to say you had better start getting this in the record, and I think that happened on the Tuesday, which I believe is the 27th and, therefore, he would have been writing these memorandums thereafter.

Mr. THOMPSON. Now, I know it is difficult to conclude what another man was thinking but I assume you talked with him from time to time. Might we conclude now that it was not so much the 23d meeting in and of itself but the subsequent contact with Dean that inspired him to put the matter in writing?

Mr. HELMS. Yes, I think that is right, a combination of it.

Mr. THOMPSON. Thank you, sir.

I have no further questions.

Senator BAKER. Are there other questions of the witness? If there are no other questions, Mr. Helms, on behalf of the committee may I thank you for your appearance and reiterate we have some appreciation of the inconvenience that we may have caused you. We are grateful for your testimony, and wish you good luck.

Mr. HELMS. Thank you, Mr. Chairman. I thank the committee for its consideration.

Senator BAKER. Thank you, sir.

Would counsel call the next witness, please?

Mr. DORSEN. General Cushman.

Senator BAKER. The committee will come to order.

Would the witness please rise and hold up his right hand.

Do you solemnly swear that the testimony you are about to give to this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

General CUSHMAN. I do, sir.

Senator BAKER. Would you be seated, please, sir. It is my intention to continue with just the preliminary phase of this examination through counsel and then if the chairman and other members of the committee have not yet returned, to recess briefly while we await their return, and incidently while I try to go make this vote.

Mr. Hamilton, would you go ahead and start with the preliminary questions, please?

Mr. HAMILTON. General Cushman, would you state your full name, please?

TESTIMONY OF GEN. ROBERT E. CUSHMAN, JR., COMMANDANT, U.S. MARINE CORPS

General CUSHMAN. Robert E. Cushman, Jr.

Mr. HAMILTON. And what is your address?

General CUSHMAN. My address is Marine Corps Headquarters, Washington, D.C.

Mr. HAMILTON. And your home address, General Cushman?

General CUSHMAN. The Commandant's quarters, 8th and Eye, SE.

Mr. HAMILTON. And your current position with the Marine Corps is Commandant, is that correct?

General CUSHMAN. Yes, sir.

Mr. HAMILTON. When did you become Commandant?

General CUSHMAN. January 1, 1972.

Mr. HAMILTON. Before that date, General Cushman, were you the Deputy Director of the Central Intelligence Agency?

General CUSHMAN. Yes, sir; I was.

Mr. HAMILTON. What was your tenure at that position?

General CUSHMAN. I was there almost 3 years.

Mr. HAMILTON. Do you have the dates, sir?

General CUSHMAN. I don't have the date of taking office exactly. I think it was about April 15 when I moved into the Deputy Director's chair, April 15, 1969.

Mr. HAMILTON. I believe you told us at a staff interview your tenure there was from May 7, 1969, to December 31, 1971; is that correct, to the best of your recollection?

General CUSHMAN. That is correct. I had the figures with me.

Mr. HAMILTON. Did there come a time on or about July 7, 1971, when you received a call from the White House requesting CIA assistance in regard to a White House project?

General CUSHMAN. Yes, sir; I received a call on July 7, 1971, from Mr. Ehrlichman who said that Howard Hunt had been hired as a consultant to the White House on security matters, that he would be coming to see me, and could I lend him a hand or words to that effect.

Mr. HAMILTON. If the witness will excuse me and I think we are now beyond the preliminary questioning and beginning to get into the substantive part of the testimony. The other members of the committee have not yet returned and I know General Cushman's testimony is very important and relevant so the committee will stand in recess for a few moments until we have the return of our other members.

[Recess.]

Senator ERVIN. Proceed.

Mr. HAMILTON. General Cushman, now that other members of the committee have returned, I would like to ask you the same question I asked before we had that brief intermission.

Did there come a time around July 7, 1971, when you received a call from the White House requesting CIA assistance in a White House project?

General CUSHMAN. Yes, sir. On July 7, 1971, I received a call from Mr. Ehrlichman who stated, as best I can remember the words, that Howard Hunt had been hired as a consultant to the White House on security matters, that he would be coming to pay me a visit and could I lend him a hand.

Mr. HAMILTON. Now, did you consider this request from Mr. Ehrlichman to be a usual request, a commonplace request?

General CUSHMAN. This was the original such request that I could recall by Mr. Ehrlichman. I used to get calls frequently, of course, from other people saying that someone would come to call on me. Usually they were looking for a job, that sort of thing.

Mr. HAMILTON. But I take it that from the White House, with the exception of calls from the National Security Council, that this is the only call that you have had; is that correct?

General CUSHMAN. As far as I can recall, yes.

Mr. HAMILTON. So would it be fair to characterize it as you did in one of the staff interviews as an extraordinary request?

General CUSHMAN. Well, since all he said was that Howard Hunt would be coming to call I don't regard it as extraordinary. It was unusual.

Mr. HAMILTON. And did you agree to see Mr. Hunt?

General CUSHMAN. I did.

Mr. HAMILTON. Why did you do that, sir?

General CUSHMAN. Well, I had no reason to refuse that I could think of. As I say, I had been seeing people regularly off and on in that position who were looking for jobs or in some cases wanting to sell something to the Agency, that sort of thing.

Mr. HAMILTON. General Cushman, did you ask Mr. Ehrlichman to give you sufficient facts to enable you to ascertain whether the request that he made came within the CIA's statutory jurisdiction and would not involve it in the internal security area or in domestic police or law enforcement matters?

General CUSHMAN. No, sir; since his request was simply that he was coming to call, and would I see him. In my mind he simply established the bona fides of Mr. Hunt as being employed by the White House. The White House, of course, in the form of the National Security Council is the boss of the CIA.

Mr. HAMILTON. Did you subsequently meet with Mr. Hunt in your office on July 22, 1971?

General CUSHMAN. Yes, I did.

Mr. HAMILTON. Was the conversation of that meeting taped?

General CUSHMAN. Yes, sir.

Mr. HAMILTON. Why did you tape this conversation?

General CUSHMAN. I taped it so that I would have a recollection of it since Mr. Hunt did not want anyone else in the room. When he arrived he asked that it just be the two of us. Consequently I recorded the conversation so I wouldn't have to take notes.

Mr. HAMILTON. Did Mr. Hunt know that he was being taped?

General CUSHMAN. No, sir; I didn't tell him.

Mr. HAMILTON. Was taping a conversation a common practice on your part?

General CUSHMAN. No, sir. I probably taped about half a dozen over 3 years.

Mr. HAMILTON. General Cushman, the Central Intelligence Agency has provided us with a partial transcript of this meeting, and I would like to show you now a document entitled "Meeting between the DDCI, General Cushman, and Howard Hunt, 22 July 1971."

General CUSHMAN. Yes, sir; it is DDCI, which is Deputy Director, Central Intelligence.

Senator ERVIN. I hate to interrupt but there is another vote on in the Senate and so we will have to suspend since Senator Talmadge and I and Senator Weicker have to go and vote.

[Recess.]

Senator BAKER. Would the committee come to order.

The chairman has indicated he wishes us to proceed while he answers this rollcall vote. Would counsel proceed with the interrogation.

Mr. HAMILTON. General Cushman, I have just shown you a docu-

ment entitled "Meeting Between the DDCI, General Cushman, and Howard Hunt—22 July, 1971."

Are you familiar with this document?

General CUSHMAN. Yes, sir. I might interject here that that is DDCI, which stands for Deputy Director, Central Intelligence, rather than one.

Mr. HAMILTON. Thank you, General.

Now, is this transcript that I have given you an accurate partial recording of the meeting between you and Mr. Hunt on that date?

General CUSHMAN. I think it is; yes, sir.

Mr. HAMILTON. Mr. Vice Chairman, I would like for this to be inserted into the record.

Senator BAKER. If there is no objection, it will be received and identified as an exhibit to the record.

[The document referred to was marked exhibit No. 124.*]

Mr. HAMILTON. Now, referring you to page 3 of the transcript, General, does it show that you affirmed to Mr. Hunt on that date that Mr. Ehrlichman had called you regarding assistance to Mr. Hunt?

General CUSHMAN. It seems to in that Mr. Hunt used the word "Ehrlichman" in starting a sentence, and I said "Yes, he called me."

Mr. HAMILTON. And did you make a similar statement, that it was Mr. Ehrlichman who had called you in a July 8, 1971, meeting between senior Agency officials. That is recorded in the official minutes of that meeting?

General CUSHMAN. Yes, sir, I did.

Mr. HAMILTON. Now, would you please tell the committee the nature of Mr. Hunt's request to you and the reasons he expressed when needing assistance?

General CUSHMAN. Yes, sir. He started right out in the conversation as soon as he got in the office saying that he had been charged with a highly sensitive mission by the White House which involved an interview of a person whose ideology he was not certain of, and that he felt that he had to disguise himself to conduct this interview, and requested that the Agency provide him with the materials to establish that alias and to mask his appearance or change it so that he would not be identifiable to the person he was interviewing.

Mr. HAMILTON. Did you ask Mr. Hunt to give you sufficient facts so you could ascertain whether the CIA assistance involvement in this matter would be permissible under statutory jurisdiction?

General CUSHMAN. No, because I considered that a one-time interview, as he stated it, was perfectly OK.

Mr. HAMILTON. What aid and assistance did you initially provide Mr. Hunt?

General CUSHMAN. I asked my executive assistant, Mr. Wagner, to arrange with the technical services people in the Agency to meet with Mr. Hunt and to provide him with what was necessary.

Mr. HAMILTON. And what was the assistance they gave him, the specific assistance?

General CUSHMAN. Well, I found out later that they gave him a driver's license, I believe a social security card, some things to carry around in his pocket that would back up the name on the driver's license. They gave him I believe a wig and a speech altering device.

*See p. 3383.

Mr. HAMILTON. Did Mr. Hunt make any request to you as to how these items should be delivered?

General CUSHMAN. He said that he did not want to come back into the Agency and could they be delivered to him at a house, safe house, as it is called, somewhere off the premises of the CIA.

Mr. HAMILTON. And did you agree to this?

General CUSHMAN. Yes, sir, I did.

Mr. HAMILTON. And did you subsequently report your actions to Mr. Helms who was then the Director of the CIA?

General CUSHMAN. I discussed it with him to the best of my recollection a couple of days later. As I recall, on July 7 I was the Acting Director. Mr. Helms was not present. And therefore on the 8th is when I announced at the staff meeting about the phone call. Then after Mr. Hunt did appear on July 22, it is the best of my recollection that I did so report to the Director, probably along with a lot of other things that we talked about frequently, and whether he remembers this I don't know. The last time I talked to him he said he didn't recall as to whether I had talked to him or not. I think I did.

Mr. HAMILTON. Is it your recollection, General, that he indicated his approval of the actions you had taken?

General CUSHMAN. Yes.

Mr. HAMILTON. Did there come a time around August 18, 1971, when Mr. Hunt began to make additional demands on the Agency?

General CUSHMAN. Yes, sir. On July 18, 1971, he conveyed to me, not directly—I never did talk directly with Mr. Hunt after the interview as far as I recall—but he relayed through my executive assistant that he wanted the services of a stenographer whom he knew and we turned that down. I discussed it with Mr. Helms. We both agreed it was not a proper request.

Mr. HAMILTON. Was it reported to you that these new requests that Mr. Hunt was making was in conjunction with what he described as a new assignment that he had been given by the White House?

General CUSHMAN. I can't recall that exactly. I thought so. But I am not sure. I do know that I thought at the time that since he was a paid consultant, that he should be hiring a stenographer if he needed one and that he was probably trying to lighten the expenses of his job, so to speak, by borrowing whatever he could from us. And that was something that we could not do.

Mr. HAMILTON. Would you outline for the committee the other requests that Mr. Hunt made of the agency besides the requests for a secretary?

General CUSHMAN. Yes, sir.

Mr. HAMILTON. And would you also indicate while doing this, General Cushman, which requests the Agency granted and which ones were turned down?

Genral CUSHMAN. Yes. As I say, I regarded the secretary thing as something entirely separate, that he was trying to save the expenses of hiring a stenographer. And that request did get relayed to me promptly along about August 18. However, the other requests I didn't really find out about until they were cumulative and the technical services people began to worry about these requests and they called my office to see whether the instructions still stood to help Hunt out.

I found that he had been given a tape recorder and that he had

been issued a camera. I found out that the camera had been used to expose some film and that we had developed it and delivered the prints, I think it was, to him. I found out that he had brought in another man whom I find out in 1973 was probably Liddy. He had brought in another man and talked the technical services people into giving that man an alias and some false papers. So all in all it struck me that he was exceeding what he had told me he was going to do; namely, a one-time interview, and that he was going to do this himself. So we discussed it, Mr. Helms and I, and decided to turn it off.

Mr. HAMILTON. Just for the record, the recorder was contained in a typewriter case, that is correct?

General CUSHMAN. I believe so. I never have seen any of the equipment. Until this year I never really saw a list of what had been issued.

Mr. HAMILTON. And the camera was the type of camera that could be disguised in a tobacco pouch.

General CUSHMAN. That is what I understand.

Mr. HAMILTON. General, do you know what any of the equipment that Mr. Hunt obtained was used for?

General CUSHMAN. I think he kept it. I believe the technical services people asked for its return, but it was not returned, with the exception, I have been told, of the camera, I believe it was, as being not suited to whatever it was he wanted to use it for.

Mr. HAMILTON. Do you know what it was actually used for?

General CUSHMAN. No, I have no idea.

Mr. HAMILTON. Did Mr. Hunt also request that he be given a New York address and phone services in New York?

General CUSHMAN. Yes, sir. And this was when we decided that these requests were clearly escalating into improper requests, in that they would involve CIA people. He wanted an office, and he wanted the telephone to be monitored, as an answering service would, when he was not there, and this, so to speak, was just too much, and I called up Mr. Ehrlichman and told him we could not accede to these types of requests. That I thought he was, he, Mr. Hunt, was not exercising proper judgment, and that, therefore, I passed the word on.

Mr. HAMILTON. What was Mr. Ehrlichman's comment at that time?

General CUSHMAN. He said "OK," which I took to mean that we did not have to accede to Hunt's request, and said that he would restrain Mr. Hunt.

Mr. HAMILTON. Was this action taken on your own part or at the instruction of Mr. Helms?

General CUSHMAN. We talked it over, and I made the phone call. It was on his instructions.

Mr. HAMILTON. Now, that date on which you called Mr. Ehrlichman, which I believe you said was August 27, 1971. Is that correct?

General CUSHMAN. August 27, 1971.

Mr. HAMILTON. Did Mr. Hunt make another request of the Agency?

General CUSHMAN. I do not have any knowledge of it firsthand. I have been told that he asked for a credit card and that this was turned down.

Mr. HAMILTON. Is it your information that he asked for that credit card on August 31?

General CUSHMAN. Yes, that is what I understand.

Mr. HAMILTON. When did you first learn of the break-in of Dr. Ellsberg's psychiatrist's office?

General CUSHMAN. I think it was when I was in Europe just before being called back to testify to the oversight committees of the CIA, which was May 13. I think I heard about it about the 10th when it appeared in the newspapers.

Mr. HAMILTON. That was May of which year?

General CUSHMAN. 1973, sir.

Mr. HAMILTON. Did you have an occasion in January of this year, to prepare two memorandums to Mr. Ehrlichman on your contacts with Mr. Hunt?

General CUSHMAN. I did, sir.

Mr. HAMILTON. I would like to show you memorandums that are dated January 8 and January 10, 1973, on the subject contact with Mr. Hunt, and I will pass these copies over to you. I believe the committee has already been provided with copies of these memorandums. General Cushman, are these the two memorandums that you prepared?

General CUSHMAN. Yes, sir; they certainly look like copies of them.

Mr. HAMILTON. Mr. Chairman, I would ask that these memorandums be submitted into the record at this time.

Senator ERVIN. Without objection, it is so ordered.

[The documents referred to were marked exhibits Nos. 125 and 126*.]

Mr. HAMILTON. Do these memorandums contain a summary of your experience with Mr. Hunt that you have just given us in testimony?

General CUSHMAN. Yes, sir; they do.

Mr. HAMILTON. Would you give us the circumstances that surrounded the preparation of these memorandums, in your own words, please, sir?

General CUSHMAN. Yes, sir.

I believe the date was December 13, 1972. I was Commandant of the Marine Corps at the time, and Mr. Colby came to see me, he was then the No. 3 man in the CIA, he came to see me and stated that the Agency had been directed to prepare a summation of their contacts with Howard Hunt.

This had been directed, I gathered, by the Department of Justice, the prosecutors in the case. So he refreshed my memory on the phone call. I could not remember in December of 1972 who had telephoned me from the White House. I thought it was Mr. Ehrlichman, but I was not sure. When I had conversation on July 22 with Howard Hunt, a number of names had been dropped in the conversation, Mr. Colson's, Mr. Ehrlichman's, maybe Mr. Dean's. I do not know; in any event, I could not be very certain. I refreshed my memory from the transcribed conversation, and while Ehrlichman's name appeared in it, I did not know whether this was sufficient for me to go putting it in writing or not; and the tape, of course, was the property of the Agency, so I did not know just where I stood on that.

I then prepared the first memo which is dated January 8—wait, I have to go back a little bit. Apparently, these papers were the subject later of conversation between Mr. Colby and the prosecutor and, I gather, Mr. Ehrlichman, I do not know. The next thing that happened,

*See pp. 3390, 3391.

to my own knowledge, was along about January 7 or 8 this year, Mr. Colby called and said that Mr. Ehrlichman disputed the phone call incident, and would I prepare a memorandum stating to the best of my recollection, what had happened. So I prepared the first memorandum, in which I said Ehrlichman, Mr. Colson, or perhaps Mr. Dean. I simply cannot recall at this late date which one it is, of my own knowledge.

I then got a call, as I remember it, from John Ehrlichman saying, "Look, I can't recall prior to July 22 and, in fact, my records show I was out of town for a considerable length of time."

Well, this shook up my recollection even worse, and so I offered, without being asked, I offered to take names out of it since I did not think it would be fair when I could not swear to it. And then, I wrote the second memorandum in which I said that I could not recall who placed the call at this late date but it was someone whom I recognized in the White House.

The fact of the matter was that I had not combed through the minutes of the daily staff meetings. I had checked my own files and in the office at CIA to see whether there was any record of this phone call and I could not find one. However, in preparing the statement before the committees that Dr. Schlesinger had to make in May he had a thorough search made of all possible documents and came up, I believe his secretary found them, came up with the minutes of the meeting of July 8, in which I definitely stated that Mr. Ehrlichman had called. So, based upon that I swore out an affidavit, I believe it is May 13, and used that affidavit before the CIA oversight committees, the three of them before whom I had to testify.

Mr. HAMILTON. So the record will be clear, I would like to read the relevant portions from these two memorandums, a sentence or two from each.

The January 8 memorandum states:

> I received a call over the White House line from either Mr. Ehrlichman, Mr. Colson, or perhaps Mr. Dean (I simply cannot recall at this late date just which one it was) stating that Mr. Hunt would call on me to ask for some support and that he was working on a matter for the person calling.

Now, in the January 10 memorandum this sentence appears:

"I cannot recollect at this late date who placed the call, but it was someone with whom I was acquainted, as opposed to a stranger." And the names of Mr. Ehrlichman, Mr. Colson, and Mr. Dean appear nowhere in the memorandum.

General GUSHMAN. Right.

Mr. HAMILTON. Now, if I could ask you just a few questions on these two documents. First of all, since you reviewed the transcript of your conversation with Mr. Hunt on December 13 and because on page 3 of that transcript it is stated that it was Mr. Ehrlichman who had called you, why did you have any real doubt that indeed it was Mr. Ehrlichman who had made the telephone call to you in July 1971?

General CUSHMAN. Well, my recollection was that it was Mr. Ehrlichman, but I was more concerned with putting it down on a piece of paper. I didn't know, as I say, that I could get a transcript of the tape—I didn't have this transcript. The Agency had it and showed it to me. And the fact that it was a tape recording and that it belonged to the Agency made me a little worried. I wanted something to cor-

roborate it. Perhaps I was wrong on that, but that is the way I felt about it.

And it wasn't until May of this year that we found what I consider to be corroborating entry in the records.

Mr. HAMILTON. Now, after the January 8 memorandum was sent to the White House, did you also receive a call from Mr. Dean?

General CUSHMAN. As I recall, I did get a call from Mr. Dean in which he said that we didn't know each other and he was certain he hadn't talked to me, and I had to agree with him, that we had not met, and that I couldn't explain why I put his name in, frankly.

But his name was in the papers a lot and Mr. Hunt I think may have mentioned him sometime during the conversation I had with him but I am not sure of that.

Mr. HAMILTON. Well, I don't believe in the transcript which we have, which admittedly is a partial transcript because some of these sections are blocked out, not typed, I don't believe, in that transcript that Mr. Dean's name appears in it.

Do you have any other explanation at this time why his name did appear in the January 8 memorandum?

General CUSHMAN. No, I don't, only what I have said.

Mr. HAMILTON. Now, I believe you stated that you removed these three names from the memorandum voluntarily?

General CUSHMAN. Yes, sir.

Mr. HAMILTON. Is it your testimony that Mr. Ehrlichman put no pressure at all on you to have his name removed?

General CUSHMAN. No, sir.

Mr. HAMILTON. In your press conference that you had when you came back from Europe, you stated at page 19 that you tore up the first memorandum at Mr. Ehrlichman's request, and did Mr. Ehrlichman make a request to you that the first memorandum be torn up and that a second memorandum be substituted?

General CUSHMAN. No. I would say that that is an inaccurate phrasing. He didn't ask me to tear it up. In fact, I guess he kept the original as far as I know, but I tore up the copy when I wrote the new memorandum on January 10, 1973. But he did not make a specific request that I tear it up.

Mr. HAMILTON. So the statement you made in your press conference——

General CUSHMAN. Is not precise.

Mr. HAMILTON [continuing]. Is inaccurate.

My final question, and I think this may be of some interest to the committee. If you tore up your copy of the memorandum, how did you produce for us last night the copy of the January 8 memorandum that we now have?

General CUSHMAN. The secretary who took it when I dictated it over at the Agency had retained her stenographic notebook.

Mr. HAMILTON. Mr. Chairman, I have no more questions.

Senator ERVIN. Mr. Thompson.

Mr. THOMPSON. General Cushman, as I understand it, you reviewed the transcript of this conversation with Hunt on December 13, 1972.

General CUSHMAN. Of this year.

Mr. THOMPSON. Of this year?

General CUSHMAN. I mean——

Mr. THOMPSON. Last year.

General CUSHMAN. 1972; yes, sir.

Mr. THOMPSON. OK.

Was that with Mr. Colby, who is now Director?

General CUSHMAN. Yes. Mr. William Colby.

Mr. THOMPSON. And, of course, Mr. Ehrlichman's name is mentioned in there as the person who had originally contacted you. Yet on January 8 of this year when you wrote your memorandum you said it was either Ehrlichman, Colson, or perhaps Dean.

Now, you say that Colson's name was mentioned and I believe the transcript does bear this out. Of course, Ehrlichman was, but I think Mr. Hamilton is right that Dean's name is not mentioned in the transcript and I believe you said that Dean was also right when he told you that as far as he was concerned, you didn't know each other at all.

Did anyone suggest to you that it might have been Dean? Did anyone suggest to you to put his name in——

General CUSHMAN. No, sir. I have great difficulty in reconstructing my thought processes of putting the name in, and the best I can do is that it may have been mentioned by Hunt during our meeting but was not in that part of the conversation which has come out in the transcript. Or it may have been.

Mr. THOMPSON. You keep referring to a partial transcript. Why is it partial?

General CUSHMAN. I don't know, sir. Just what they gave me.

Mr. THOMPSON. Is it partial in that it cuts off at some point in the conversation or is it partial because there are excerpts from it where the tape cannot be——

General CUSHMAN. I don't know whether the tape is unreadable or whether it was just simply chit-chat. There are portions of the tape that are unreadable, I have been told, because of airplane noises and the like.

Mr. THOMPSON. Do you recall who you talked to in the White House concerning this matter between December 13 and January 8 of 1973, if anyone?

General CUSHMAN. I don't recall talking to anybody in the White House until about the 8th. Mr. Colby called me and said that I should write out the memorandum and then after I wrote the memorandum on January 8, as I recall, then I got two phone calls, one from Mr. Dean and one from Mr. Ehrlichman, both protesting the use of their names in the memorandum, saying in one case that we hadn't talked and hadn't met each other, in the case of Mr. Dean, and in the case of Mr. Ehrlichman, he said he was out of town according to his records.

Mr. THOMPSON. Assuming that Dean's name is not in the transcript or assuming that his name did not come up in the conversation with Hunt at all, do you have any idea where you might have gotten his name?

General CUSHMAN. From the newspapers.

Mr. THOMPSON. Well, don't you think you would remember it if you talked to the counsel to the President?

General CUSHMAN. Well, I probably should have, if I had talked to him, but I don't think I did.

Mr. THOMPSON. No one suggested to you that his name should be included in the memorandum?

General CUSHMAN. No, sir.

Mr. THOMPSON. I have no further questions. Thank you, sir.

Senator ERVIN. General, this visit from Hunt occurred on July 22, 1971?

General CUSHMAN. Yes, sir.

Senator ERVIN. Did you receive a phone call or communication before you wrote the memorandum of January 8, 1973, what has been called the first memorandum in which you stated——

General CUSHMAN. I—yes, sir. I was asked to prepare that January 8, 1973, memorandum for Mr. Ehrlichman by a phone call from Mr. William Colby.

Senator ERVIN. Now, did you at that time receive information to the effect that Mr. Ehrlichman claimed that he was not in Washington on July 22, 1971, when the phone call came from Mr. Colby about Hunt's original visit?

General CUSHMAN. Mr. Chairman, I think that was a call which came after Ehrlichman saw the memorandum I wrote on January 8. He called me, as I remember it, saying my records show that I was out of town.

Senator ERVIN. Now, give again, if you don't mind, the name of the man whose call resulted in the writing of the memorandum of January 8, 1973, in which you stated the call may have come from Ehrlichman or Colson or Dean.

General CUSHMAN. Yes, sir. That was Mr. William Colby who called.

Senator ERVIN. Mr. William Colby.

General CUSHMAN. Yes, sir.

Senator ERVIN. Then you prepared that memorandum of January 8, 1973, and sent a copy to the White House.

General CUSHMAN. Sent the original, yes, sir.

Senator ERVIN. The original. And after you had done that, you received a phone call from Mr. John Ehrlichman.

General CUSHMAN. Yes, sir.

Senator ERVIN. And Mr. John Ehrlichman stated in the phone call that he was not in Washington at the time the call was made to you preparatory to Hunt's visit of July 22, 1971.

General CUSHMAN. Yes, sir. I would like to refresh the committee's memory, Mr. Chairman, that at the time I wrote the January 8, 1973, memorandum, I didn't have any recollection of what day it was that this phone call came, so I was quite shaken up when Mr. Ehrlichman said, "My records show I was out of town for a considerable period of time."

Senator ERVIN. Yes. Did Mr. Ehrlichman ask you to prepare a second or substitute memorandum for the memorandum of January 8, 1973?

General CUSHMAN. No. I told him that I couldn't recall well enough to swear to it, as to his telephone call, and that I would rewrite the memo and take his name out of it.

Senator ERVIN. Yes, and did you send him a copy of it?

General CUSHMAN. I sent the original of the second one.

Senator ERVIN. Yes, sir. Now, when you were preparing for your testimony before the oversight committee of the CIA, there was a search made to find some record of who did make the call about Mr. Hunt's visit.

General CUSHMAN. I think primarily all of the records were searched because Dr. Schlesinger had to testify and he was newly appointed, and he didn't know anything about any of this and had to finetooth comb the records to make sure he had all the operative facts that he could testify to.

Senator ERVIN. That was in reference to the testimony of Dr. Schlesinger on his confirmation hearing. That is right.

General CUSHMAN. No, sir, he had to testify also as to what he knew about any connection between CIA and any of these affairs.

Senator ERVIN. In other words, I was right the first time when I thought there was testimony before the CIA oversight committee.

General CUSHMAN. Yes, sir.

Senator ERVIN. Now, at that time one of the secretaries came up with the records which showed that the phone calls had been initiated by Mr. Ehrlichman, did she not?

General CUSHMAN. Yes, sir. If I am not mistaken, Dr. Schlesinger so testified. And then, of course, I used it also.

Senator ERVIN. Senator Baker.

Senator BAKER. Mr. Chairman, thank you very much.

General Cushman, I may have missed a part of your testimony when I was out of the room, trying to answer a rollcall on the floor of the Senate. Did you describe for the committee how you came to tape the conversation with Mr. Hunt?

General CUSHMAN. Yes, sir. When he came in the door he said that he would like to have the meeting to be just between the two of us because it was highly classified and very sensitive. So I told my executive assistant to please remain outside the room, and I set the machine in motion.

Senator BAKER. Did Mr. Hunt know it was being taped?

General CUSHMAN. No, sir, not that I know of.

Senator BAKER. How did you set the machine in motion?

General CUSHMAN. Simply push a button.

Senator BAKER. Is it a regular practice to record your conversations in your office?

General CUSHMAN. It is possible to do so at all times but I probably used that only about six times or so during the 3 years.

Senator BAKER. Are those tapes available?

General CUSHMAN. I do not know, sir. I assume that the Agency still has them.

Senator BAKER. Could we have them? I notice there are a number of omissions in here and references to plane noise and the like. If we wanted to, could the committee have those tapes?

General CUSHMAN. I do not know, sir. I do not have any custody of them. You will have to ask the CIA, I guess. They do not relate to this at all.

Senator BAKER. Well, the Hunt part does.

General CUSHMAN. You mean the tape, I thought you were asking for the maybe half dozen tapes that resulted from my conversations over a 3-year period.

Senator BAKER. No, no, no, I am talking about the transcription of your meeting or rather the tape of your meeting with Mr. Hunt on July 22, 1971.

General CUSHMAN. I imagine the counsel would ask the Agency for it.

Senator BAKER. The only point I am trying to make is that you do not object if we——

General CUSHMAN. No, sir.

Senator BAKER. Get access to it.

General CUSHMAN. No, sir.

Senator BAKER. General Cushman, can you tell me what, beyond what is in this transcript, and I have now read the transcript of the conversation as carefully as I can and even though it may be somewhat repetitious, what material Mr. Hunt requested and what material or services that the Agency supplied to him?

General CUSHMAN. Well, the way it was set up was that he simply asked me for material that would provide him with an alias so that the person he was interviewing would not know who he was.

Senator BAKER. Did he tell you who that person would be?

General CUSHMAN. He did not. He simply said it was a person, it was a highly sensitive one-time interview and that the person was of an ideology of which he was not sure and he did not want to disclose his identity while he was interviewing the subject, and he said that this was a highly sensitive mission charged upon him by the White House, to visit and elicit information from an individual.

Senator BAKER. Did you gain the impression that since he wanted disguise material that the man might have known Mr. Hunt?

General CUSHMAN. It could have been that, yes, sir; and it entered my mind that this might be it. There was great concern at the time over security leaks and he had been hired on as a consultant on security matters.

Senator BAKER. Did he ask for the voice alteration device for that purpose?

General CUSHMAN. Well, if I may come to this chronologically, I said OK, and based on this and the fact he said this was in the national interest and so forth, and I had my executive assistant call the technical services people in the Agency and say that Mr. Hunt would be levying a request upon them and would they honor it, so this is the way it went from there on. I was not kept apprised on a daily basis of what he was getting. I found out after the event.

Senator BAKER. I understand from the document that has been handed to me by counsel that what was supplied was a Massachusetts driver's license—I see, this was back in September 1960 when Mr. Hunt was working for the CIA, I assume.

General CUSHMAN. Yes, sir, the first two items on that list are not germane to this issue, I do not believe. They were issued 13 years ago or some such time.

Senator BAKER. And District of Columbia driver's license also in 1960. Then in 1971 alias documents issued in the name of Edward Joseph Warren. I understand he specifically requested the alias Edward.

General CUSHMAN. Yes. I believe he did.

Senator BAKER. Did he explain why?

General CUSHMAN. No, sir, he never requested any of these things from me.

Senator BAKER. Disguise materials, wig, glasses, speech alteration device, and then about a month later a tape recorder, a typewriter case, and business cards in the name of Edward J. Warren. Then some 5 days later a commercial Tessina camera disguised in a tobacco pouch, associate disguised (wig and glasses) in the name of George F. Leonard, documents to reflect that. Do you understand now that was Mr. Liddy?

General CUSHMAN. That is what I have heard.

Senator BAKER. Yes, on the 27th your facilities developed and returned film to New York and you were requested to provide a New York address and New York phone service, which you declined; and a credit card was requested and declined. Is that the sum total of the CIA support for Hunt and Liddy?

General CUSHMAN. I cannot answer that, sir. All I know is that is the sum total of the technical services relationships with him.

Senator BAKER. Do you know of any other support or collaboration with Mr. Hunt or Mr. Liddy other than technical services?

General CUSHMAN. Not of my own knowledge, but I did hear testimony before other committees to the effect that there was a psychiatric profile and some dealings concerning that which I know nothing about.

Senator BAKER. But you know of no other interrelationship between Hunt and Liddy and the CIA other than those that we have now covered?

General CUSHMAN. No, sir, I do not. I might point out, too, sir, that if you will notice the calendar which goes with those items, that everything up until just a few days before we called the White House and said no more, everything was consistent with the purposes of conducting an interview under an alias. Then when the requests began to scale up to an office in New York, I think it was, and an answering service for telephones, these things were not consistent in my mind with the purposes of a one-time interview, and also they would involve Agency personnel and that, therefore, in discussing it with Mr. Helms we agreed, and he told me to do so, to call the White House and tell them we could not comply with the request.

Senator BAKER. General Cushman, do you know how many times the CIA has provided such technical or logistical support for any other arm or agency of the Government for internal activities?

General CUSHMAN. No, sir. There has been a considerable, well, I guess it is a matter of controversy, they have assisted, I believe, other police—I should not say police—departments by furnishing them with information on an invention of the Agency which, as I recall, assisted in determining whether a hand that held a gun had fired it, this sort of thing. I do not know of my own knowledge of this being done before. Of course, it could have, I was there a little less than 3 years, but some other time.

Senator BAKER. Did you know Mr. McCord personally?

General CUSHMAN. No, sir.

Senator BAKER. You did know Mr. Hunt personally?

General CUSHMAN. Yes, sir, not well but I knew him.

Senator BAKER. I notice in the beginning of your conversation he speaks of the fact that you appeared to have lost some weight. He says

that he has, too, and there is some other conversation on that tape which led me to believe that you were acquainted.

General CUSHMAN. Yes, sir. He retired in 1970, I think I went to his retirement ceremony and a party they had for him. I think that he recollects meeting me when I worked for Mr. Nixon in his capacity as Vice President because he had me monitoring the Bay of Pigs operation. In case he should have been elected, he wanted to know what was going on, and so I met a number of the people connected with that operation back in those days. I do not recall whether Hunt was in on this and I met him at that time or not. He says so.

Senator BAKER. Just one or two more questions. Did you know Mr. Liddy?

General CUSHMAN. No, sir.

Senator BAKER. Mr. Martinez?

General CUSHMAN. No, sir.

Senator BAKER. Mr. Barker?

General CUSHMAN. No, sir.

Senator BAKER. Any of those who were involved in the Watergate situation?

General CUSHMAN. No, sir.

Senator BAKER. We have testimony from former Director Helms this morning or I understand his testimony to be that material which was used here was not used in the Ellsberg break-in. Does that accord with your information and understanding?

General CUSHMAN. I have no knowledge, sir.

Senator BAKER. You simply do not know? And you do not know what it was used for except for the statement of Mr. Hunt that it was for, I guess it would be fair to call it, a covert interview, or at least a concealed identity interview?

General CUSHMAN. Yes, sir.

Senator BAKER. And that is all you know about it?

General CUSHMAN. It would not be so unusual to have that kind of an interview. For example, those who seek asylum in this country sometimes had to be interviewed, and the person of the interviewer had to be kept secret so that this was not a new type thing for us, really.

Senator BAKER. And the reason I was asking you about whether you supplied any other facilities or services for Mr. Hunt was I notice also in the transcript some reference to a safe house here in Washington.

General CUSHMAN. Yes, sir; he did not, as I explained earlier, I believe while you were out, that he did not want to rush to the Agency building because he was afraid he would be spotted, I guess, by former associates and, therefore, he requested that the technical services people meet with him somewhere off the premises and we furnished him with that kind of a place.

Senator BAKER. That is what you were talking about in that part of the transcript which reads, "I would not want to be seen walking out of here. I am sure they have got safe facilities downtown——"

General CUSHMAN. Yes, sir.

Senator BAKER [continues reading]:

General CUSHMAN. Yes. They sure as hell did on my last tour of duty here.

Mr. HUNT. I remember FE—my private office is just a stone's throw from the Roger Smith Hotel—and it was practically an FE Division. They had so many spooks there.

That is what he was referring to?

General CUSHMAN. Yes, sir.

Senator BAKER. Thank you, Mr. Chairman.

Senator ERVIN. Senator Talmadge.

Senator TALMADGE. Mr. Chairman, the distinguished Senator from Hawaii must take a plane shortly. I yield as much of my time as he may desire to the Senator from Hawaii at this time.

Senator INOUYE. Thank you very much.

General Cushman, we have spent much time today and in the weeks past discussing the break-in into the office of Dr. Ellsberg's psychiatrist. I believe we have testimony telling us how it was done and who were the participants and when it was done. I believe the most important question is why was it done or the justification for this break-in.

A few days ago Mr. John Ehrlichman said that the justification was national security and that these Pentagon Papers had been given to some official in the Soviet Embassy.

The New York Times on June 16 began its publication of the Pentagon Papers. As Deputy Director of the Central Intelligence Agency at that time, were you aware or did you have information indicating that copies of the Pentagon Papers had been transmitted to the—some official in the Soviet Union prior to June 16, 1971?

General CUSHMAN. Yes, sir. I do not know of my own knowledge, but it was so stated at one of our morning staff conferences, I believe.

Senator INOUYE. Are you aware of who was responsible for this?

General CUSHMAN. No, sir.

Senator INOUYE. Articles have appeared quoting "reliable sources" from the FBI suggesting that they are not aware of any transmittal of copies of the Pentagon Papers to the Soviet Embassy. Was this matter discussed with the FBI?

General CUSHMAN. I do not know, sir. I was not involved in that. We had quite a session with a small group of people, not including me, who read all the volumes to see what—as they were printed, of course, in the New York Times—everyone would be reading them, so they were read from the point of view of what intelligence sources, methods, and so on, were going to be compromised and given away.

As I recall—well, I do not know. These people reported to Mr. Helms. They did not report to me and I do not know just when it stopped, when they finished reading them, what they did with their conclusions, except that I imagine some kind of action may have had to have been taken concerning certain intelligence sources and methods, perhaps, to stop using them if they had been compromised.

Senator INOUYE. It says—the activities of the Soviet Union, I presume, come within your jurisdiction. Did you make any effort to investigate whether these Pentagon Papers did in fact get into the hands of the Soviets?

General CUSHMAN. No, sir. That was not part of my job.

Senator INOUYE. Was it not considered important enough for an investigation?

General CUSHMAN. Well, this was up to the Director, sir—Mr. Helms.

Senator INOUYE. Do you know whether the Director made an effort toward this end?

General CUSHMAN. Only that he put together this group of people, an ad hoc committee, if you will, to read the entire Pentagon Papers, all the volumes, see if there had been any compromise.

Senator INOUYE. I see. Well, thank you very much, General Cushman. We have a vote at this time, so the committee will stand in recess, subject to the call of the chair.

Thank you very much.

[Recess.]

Senator BAKER. The committee will come to order.

Senator Talmadge.

Senator TALMADGE. General Cushman, you stated in your affidavit that you assisted Mr. Hunt because you were given instructions to do so by Mr. Ehrlichman. You assume that command came with the authority of the President of the United States, I take it, did you not?

General CUSHMAN. He spoke with the authority of the name of the President because he was one of three chiefs of staff—Mr. Haldeman, Mr. Kissinger, and Mr. Ehrlichman. I consider that all three spoke with that authority.

I have been trying to recall those exact words which I am not able to do. It was something on the order of give them a hand or lend them a hand. There were no specific items requested or anything of that kind.

Senator TALMADGE. Now, you were the Deputy Director of the CIA and Mr. Helms was the Director.

General CUSHMAN. Yes, sir.

Senator TALMADGE. Did you wonder why he called you and not Mr. Helms?

General CUSHMAN. I think I was Acting Director on the day he called but nevertheless, I had met Mr. Ehrlichman many years before, back in about 1960. I believe it was. It may have been that he had known me before, I don't know.

Senator TALMADGE. Do you think it was abnormal that the White House would request to disguise one of their own men to use for security purposes and not the Federal Bureau of Investigation?

General CUSHMAN. It was unusual, yes, sir.

Senator TALMADGE. Did you wonder why they wanted to go to those unusual extremes?

General CUSHMAN. No. This was left to Mr. Hunt to tell me what he was doing, which he did when he came on July 2, and stated that on White House instructions, he was to conduct a one-time sensitive interview.

Senator TALMADGE. Your affidavit states that you finally advised Mr. Ehrlichman the Agency would not have anything further to do with Mr. Hunt. Isn't that rather forceful language to use when you had assumed that Mr. Ehrlichman was speaking with the authority of the President himself?

General CUSHMAN. Well, sometimes you have to do that, sir.

Senator TALMADGE. You never did check out Mr. Hunt's authority with the President himself, did you?

General CUSHMAN. No, sir.

Senator TALMADGE. Were you personally close to the President?

General CUSHMAN. I don't consider myself close, but I had worked for him for 4 years when he was Vice President.

Senator TALMADGE. In what capacity, sir?

General CUSHMAN. Sir?

Senator TALMADGE. In what capacity?

General CUSHMAN. I was his Assistant for National Security Affairs.

Senator TALMADGE. Thank you very much, General.

I have no further questions, Mr. Chairman.

Senator BAKER. Senator Gurney?

Senator GURNEY. General, you did mention in your testimony that you knew Mr. Hunt before. Had you seen him for some time prior to his——

General CUSHMAN. I have been trying to recollect, sir. I think that I probably attended his retirement ceremony and the brief party they give oldtime employees when they retire. This would be some time, I think, in 1970, when I was Deputy Director. I probably may have known him back in the olden times. I did a tour in the Central Intelligence Agency from 1949 to 1951. I may well have run into him there, too. Probably did. Rather small outfit, just beginning then.

Also, when I was working for Mr. Nixon in his capacity as Vice President, when I was his Assistant for National Security Affairs, I dealt with the liaison between his office and the CIA, and in particular I monitored the progress of the Bay of Pigs planning. In case Mr. Nixon got elected President, he would then need to know all the details of that operation.

Senator GURNEY. Well, I was thinking more in terms of this time frame that we are speaking about now. I noticed in the transcript of the meeting between you and Mr. Hunt there was a reference there to a phone number. I will read the pertinent parts of the transcript.

Mr. Hunt said: "I will be talking to the same people in and out, and if it goes a little bit well, that is swell."

Then there is something here that is illegible, "I just don't exist. It is not possible this Friday."

And your reply is, "OK. Let's see. You gave me a No. 1 time where I could get you."

What did you mean by that?

General CUSHMAN. I believe he left with my secretary, as I reconstruct what I was talking about there, a number at the White House where he could be reached.

Senator GURNEY. Well, was that when he came in this particular time?

General CUSHMAN. No, sir. I think it was when he called the office to make the July 22 appointment because it had not been firmed up in the phone call of Mr. Ehrlichman who simply left it that he would come and see me at some time in the future. So he must have called my secretary to set up the date, as best I can reconstruct this.

Senator GURNEY. And it was your secretary who had his phone number?

General CUSHMAN. I believe so; yes, sir.

Senator GURNEY. Had you been in touch with him on any other occasions——

General CUSHMAN. No, sir.

Senator GURNEY [continuing]. In the time frame we are talking about?

General CUSHMAN. No, sir.

Senator GURNEY. He goes on to say, "Right." I guess he is talking about this number. "Chuck Colson, and my office is unattended so far but that is a direct line to Colson's office and my office is two floors up," and you say, "All right, fine. Whoever is there can get hold of you."

I presume Hunt is talking about this phone number that must have been——

General CUSHMAN. Yes, sir.

Senator GURNEY [continuing]. Colson's number.

General CUSHMAN. That is what I understood it to be so we could get in touch with him if we needed to.

Senator GURNEY. Did you have any conversations or contact with Mr. Colson?

General CUSHMAN. No, sir.

Senator GURNEY. Just one other small inquiry here. This is a staff preparation of highlights of the staff's interview with you on August 1, and it has an item here, August 27, 1971. I will just read what the staff said. This was in reply to Hunt's further demands.

"In response Cushman called Ehrlichman and told him that Hunt had poor judgment and was becoming a pest and Ehrlichman said he would restrain Hunt."

I was just curious about why did you think he had poor judgment?

General CUSHMAN. Well, he worked in the Agency for, I guess 20 years, and when he first came in to see me, he asked for the materials for a one-time interview, and up until I think it was about August 20, or thereabouts, his requests were pretty consistent for the purposes of conducting such an interview except for the stenographer request. But then when he escalated to request for an office and for a telephone answering service, this would involve CIA people, and while I still didn't sense anything sinister, it seemed to me that he should know better than to ask for all these things.

Frankly, I thought he was simply trying to cut down his expenses and this sort of thing.

Senator GURNEY. In other words, in your mind it was poor judgment that these further requests far——

General CUSHMAN. Yes, sir.

Senator GURNEY [continuing]. Far exceeded, and he should and ought to know that.

General CUSHMAN. Yes, sir, and then the thought entered my mind that he was obviously trying to get the Agency to assist him further and further, and unless we really went to the mat to find out exactly what he was doing, I just felt that this was not wise, and the Director agreed with me.

Senator GURNEY. Did you think he was doing this on his own, or did you think someone was pushing him, perhaps?

General CUSHMAN. Oh, no, sir. He said he had a White House task to conduct an interview. I didn't talk to him after that, and it was only when the technical services people began to wonder at these new demands, the last 3 or 4 or 5 days there, in August, that they called up my office and said, "We are beginning to get a little worried about these requests. Should we continue to fill these requests?"

And I talked to the Director, and he said no. He called Mr. Ehrlichman and told him no.

Senator GURNEY. While you were Deputy Director, had there been any other demands like this from the White House to assist in projects of this sort?

General CUSHMAN. No, sir.

Senator GURNEY. This is the only one?

General CUSHMAN. Yes, sir.

Senator GURNEY. Thank you, General.

That is all I have, Mr. Chairman.

Senator ERVIN. Senator Weicker.

Senator WEICKER. No questions.

Senator ERVIN. I have just one question. In taking a camera, ordinarily does that consist of an interview?

General CUSHMAN. It would be if he desired to take a picture surreptitiously of the person he was interviewing; it could be, yes, sir.

Senator ERVIN. Thank you.

Senator BAKER. Mr. Chairman, could I ask a question in that respect. The camera in the tobacco pouch that was supplied him supposedly consistent with his equipment to have a clandestine interview, was that the same camera in which the film was removed and developed showing the inside of Dr. Ellsberg's psychiatrist's office?

General CUSHMAN. I don't know, sir.

Senator BAKER. Was there any other camera or any other processing done?

General CUSHMAN. No, sir. We processed, again as I understand it, it wasn't to my knowledge until after the event until this year sometime, he asked that a roll of film be picked up at the airport and developed for him, and this was done, and the pictures, I gather, were handed back to him.

Senator BAKER. But you don't know whether they were taken with this tobacco pouch camera, do you?

General CUSHMAN. No, sir.

Senator WEICKER. Mr. Chairman, just one brief question. General Cushman, when you prepared the January 8 memorandum for Mr. Ehrlichman, I might have been out of the room when you testified to this fact, did you go back into your records or more specifically did you go to the tape recording and listen to it prior to responding to that memorandum?

General CUSHMAN. No, sir.

Senator WEICKER. I mean prior to writing that memorandum.

General CUSHMAN. No, sir. Mr. Colby came to my office and showed me what you, sir, have on the table in front of you and I went through it and in there it seemed to back me up, that I thought it was Ehrlichman. I still wasn't all that sure about swearing to it when all that I had was a tape which was in the custody of the Agency and a rather imperfect transcript which had been provided me by the Agency in terms of a lot of airplane noise and this sort of business, and I myself have not listened to the tape.

Senator WEICKER. But in any event, I haven't read the whole transcript, the name Dean was nowhere in that transcript, was it?

General CUSHMAN. It is not in the transcript, no, sir.

Senator WEICKER. It was between January 8, 1973, and January 10, 1973, on both the corroboration of the secretary's minutes.

General CUSHMAN. No, sir, I got two phone calls, one from Mr. Dean saying "It couldn't have been me," and one from Mr. Ehrlichman saying "I was out of town during this general period of July 22 previous." It was not until May of this year when all of the Agency files were given a very thorough going over in order to prepare Dr. Schlesinger, who had no knowledge of any of this, to prepare him for testimony before the CIA oversight committees, and of course I took advantage of their finding that to corroborate my previous guess that it had been Mr. Ehrlichman.

Senator WEICKER. And I gather Mr. Ehrlichman said—in other words between January 8, 1973, and January 10, 1973 Mr. Ehrlichman said—he was out of town and Mr. Dean said, "It can't be me." Did you hear from Mr. Colson?

General CUSHMAN. No; I never did.

Senator WEICKER. So you just decided it was best not to put any names in the——

General CUSHMAN. Yes, sir, I agreed, in fact I made the offer I would take the names out since I would not, based upon what I have, want to swear to it.

Senator WEICKER. And you didn't feel that a tape recording was the best possible evidence of who the person was?

General CUSHMAN. Well, I didn't know. It kind of shook me up when I was told by Mr. Ehrlichman that he was out of town, too. I began to think I was perhaps—what you see here in this transcript might have been just a suggestion, in other words, Mr. Hunt named Mr. Ehrlichman first, starting a sentence with his name.

Senator WEICKER. Right.

General CUSHMAN. Then I say yes, he called me, and I don't know, when I was told that this was impossible or almost impossible, I began to worry about it. None of us at that time knew when the phone call had been made. I couldn't recollect what day.

Senator WEICKER. I see.

General CUSHMAN. Then in May when I was called back from Europe to testify I found that on July 8 I had made the statement that the call had been made by Mr. Ehrlichman and, therefore, it must have been on the 7th.

Senator WEICKER. So there is no question in your mind now as you appear before this committee, however, who made the call?

General CUSHMAN. No, sir.

Senator WEICKER. Thank you very much.

Senator ERVIN. Any further questions?

Counsel has some questions.

Mr. HAMILTON. General Cushman, you are now very certain in your testimony that it was Mr. Ehrlichman who called you on July 7, 1971. At page 108 of your testimony before the Senate Armed Services Committee on May 14 of this year, you indicated that maybe it had been Mr. Haldeman who had called you. Now, did Mr. Haldeman have any involvement at all with Mr. Hunt's relationship with the CIA in this matter?

General CUSHMAN. No, sir; not with me certainly.

Mr. HAMILTON. Is there any reason that Mr. Haldeman's name was left out of that January 8 memorandum when you were speculating on the person who might have called you?

General CUSHMAN. No. I just didn't think that he had called and I thought the others might have made the call.

Mr. HAMILTON. Now, you said, I believe, in response to a question that I asked you that you were not sure if Mr. Hunt had said when he escalated his request to the Agency that he had a new assignment. I would like to show you a memorandum that is dated August 26, 1971. I believe the date has been obscured by the Xeroxing process, and the subject of this memorandum is TSD Request for Guidance on Extent of Assistance to Mr. Hunt.

Now, you will notice that in the copy that I have given you there are certain blanks. We have excluded certain names so we won't compromise anyone at the Agency whose name should not be revealed. I call your attention to paragraph 3 and there is a sentence in there that reads, "According to ——— Mr. Hunt said that he needed the camera in connection with a 'new assignment,'" new assignment being in quotes.

Does that refresh your recollection as to whether——

General CUSHMAN. Yes; this is what I couldn't put my finger on yesterday. That is correct.

Mr. HAMILTON. Do you recall if anyone in the Agency inquired as to what this new assignment was that Mr. Hunt had been given?

General CUSHMAN. No, sir.

Mr. HAMILTON. You testified that in December 1972, Mr. Colby came to you and asked you to prepare a memorandum on your relationships with Mr. Hunt. Do you know who had asked Mr. Colby to make this request of you?

General CUSHMAN. No, sir; I do not except that I understand it was the prosecutor in the Justice Department.

Mr. HAMILTON. Well, if it was the prosecutor why was the memorandum addressed to Mr. Ehrlichman and sent to Mr. Ehrlichman?

General CUSHMAN. Because I provided, first of all, to Mr. Colby verbally that I thought I recollected the phone call, and I gather that they wrote it up, some sort of a synopsis of all of the dealings of the Agency with Mr. Hunt, and that this, I gather, was on the subject of conversation between Mr. Colby and the prosecutor and, I guess, Mr. Ehrlichman because I then received a call in January from Mr. Colby saying that Mr. Ehrlichman did not recollect this telephone call whatsoever, and that he did not think he was even in town at the time and, therefore, would I put the facts down on a piece of paper and send it to Mr. Ehrlichman? So I said, OK, and I did that.

Mr. HAMILTON. Finally, I would like to clarify for the record your statements on this psychiatric profile on Daniel Ellsberg that was provided by the CIA. I take it, that at some time you have learned that such a profile had been prepared?

General CUSHMAN. In May of 1973.

Mr. HAMILTON. And I take it, from your testimony and from that answer that you had nothing to do with the preparation of this profile?

General CUSHMAN. Yes, sir, that is correct.

Mr. HAMILTON. Now, is it the normal course from your knowledge and experience for the CIA to prepare a profile on an American citizen?

General CUSHMAN. No, sir; it is not, it would be unusual.

Mr. HAMILTON. Can you think of another instance where this has been done that can be revealed?

General CUSHMAN. Well, my accounting would not be exhaustive, of course, but during the 3 years I was there I do not recall any other being made on an American.

Mr. HAMILTON. And I take it, this procedure is usually reserved for foreign leaders; is that correct?

General CUSHMAN. Yes, that is correct.

Mr. HAMILTON. Mr. Chairman, I have no further questions.

Senator ERVIN. Without objection, I will put in the record the memorandums dated August 26, 1971, and August 27, 1971, and have them marked appropriately as an exhibit.

[The documents referred to were marked exhibit No. 127.*]

Senator BAKER. Mr. Chairman, you might also—so we have the whole caboodle in the record—put in the transcript of the tape-recorded conversation between Mr. Hunt and General Cushman dated July 22, 1971.

Senator ERVIN. Yes; that will be marked appropriately as an exhibit** and put in the record as such.

General, on behalf of the committee, I want to thank you for your appearance and for your testimony.

General CUSHMAN. Thank you, Mr. Chairman.

Senator BAKER. Before the General leaves, did you place in the record, Mr. Chairman, the memorandum of August 1971?

Senator ERVIN. I just did that.

Senator BAKER. Thank you very much.

Thank you, General.

Senator ERVIN. Now, the White House furnished us three documents which Senator Baker and I submitted to Mr. George F. Murphy, Deputy Director of the Joint Committee on Atomic Energy who is an expert in intelligence matters with the request that these documents be sanitized so as to remove all reference to foreign intelligence and that has been done and Senator Baker and I have both inspected the documents and without objection, they will be put in the record at this point.

[The documents referred to were marked exhibit No. 128.***]

Senator ERVIN. My understanding is the staff will not be ready for General Walters until in the morning, and for that reason the committee will stand in recess until 9:30 tomorrow morning.

[Whereupon, at 4:05 p.m., the hearing was recessed, to reconvene at 9:30 a.m., Friday, August 3, 1973.]

*See p. 3392.
**Previously entered as exhibit No. 124 on p. 3383.
*** See p. 3394.

EXHIBITS SUBMITTED FOR THE RECORD

EXHIBIT NO. 110

ADMINISTRATIVELY CONFIDENTIAL

THE WHITE HOUSE
WASHINGTON
February 3, 1972

MEMORANDUM FOR: H. R. HALDEMAN

FROM: BRUCE KEHRLI

SUBJECT: Committee for the Re-Election Support

On February 1, the source of financial support for the White House shifted from the RNC to the Committee for the Re-Election of the President.

The Attorney General has requested (via Jeb Magruder) a rough estimate of the support that the White House will need in 1972.

I have met with Dwight Chapin, Harry Dent, Bill Timmons, Herb Klein, Dick Howard, and Frank DeCosta of the Vice President's staff, to discuss their financial needs for 1972. All agreed that any budget estimate for the year should be divided into two parts -- one covering expenses before the Convention and a second covering post nomination costs.

The estimates for each of the categories are broken down as follows:

1. Presidential and First Family Travel -- The total of $1,680,000 consists of $680,000 for transportation, $500,000 for promotion of events and arrangements, $350,000 for advanceman costs and $50,000 for official gifts and photos. This last item includes the cost of reproducing and distributing a new official photo. A detailed summary and the rationale for those figures are included at Tab A.

A pre and post convention breakdown shows:

	Pre-Convention	Convention and Post Nomination	Total
Transportation (use of AF-1, Jetstars, Helos for political events)	55,000	625,000	680,000
[illegible]	50,000	450,000	500,000
Advancemen costs	200,000	150,000	350,000
[illegible]	25,000	25,000	50,000

2. Staff -- The total of $100,000 will go for reimbursement to staff members who are carrying out political business for the President. Bill Timmons, Herb Klein, Harry Dent and John Dean will be receiving most of the money. This also covers travel expenses for non-political trips over and above the maximum amount allowed by law. Also, we have cracked down on staff members who had been reimbursed by outside organizations for non-political events and generally can expect to pick up more of their expenses.

3. Colson -- The $900,000 for the Colson office consists of $660,000 for mailings and information retrieval, $150,000 to expand his mailing lists and about $90,000 for "black" projects -- those that have to be done outside the RNC. These costs cover only White House requirements and not those of the Committee to Re-Elect the President.

Normally the costs of expanding mailing lists and information retrieval would not be included in an "RNC" Support budget; they would be hidden in another portion of the RNC budget by mutual agreement between the White House and RNC. However, since the RNC will be reimbursed by the Committee for all costs incurred by the White House, these are included to give the Attorney General a more accurate picture of the actual expenses.

4. Vice President -- The Attorney General has requested that no attempt be made to estimate the Vice President's expenses until he has met with the Vice President to determine his role in the campaign. The Attorney General (per Magruder) requested that last year's estimate of $50,000 be used for budget purposes until a more accurate figure is determined.

This budget does not include White House polling expenses, which I understand will be handled in another manner.

In past years we have submitted budget figures to the RNC that were [illegible] the actual estimates for the psychological advantage it provided of minimizing the amount of direct support that the RNC provided (summary at Tab B). This also put the RNC in a better [illegible] amount of money they had to request from the Finance Committee. Since the actual [illegible] always far above the budgeted amount and this year We're all on the same team, I recommend that the actual estimate be submitted.

RECOMMENDATION:

That you approve submission of only the pre-convention budget (Tab C) at this time and as plans for Presidential travel are finalized, submit a convention and post nomination budget in June.

APPROVE H - unless AG wants whole budget - if so, give it to him w/understanding it's a very rough guess.

Submit whole budget

OTHER

EXHIBIT NO. 111

UNITED STATES OF AMERICA

Congress of the United States

To H. R. Haldeman

, Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES of the Senate of the United States, on May 4, 1973, at 10:00 o'clock a m., at their committee room 1418 Dirksen Senate Office Building, then and there to testify ~~what you may know relative to the subject matters under consideration by said committee.~~

bring with you any and all materials and documents listed on the attached sheet in your possession, custody, or control.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To

to serve and return.

Given under my hand, by order of the committee, this 2nd day of May, in the year of our Lord one thousand nine hundred and seventy three

Sam J. Ervin Jr.

Chairman, Senate Select Committee on Presidential Campaign Activities.

and bring with you the following:

Any and all documents and records and copies thereof including, but not limited to, books, files, ledgers, books of accounts, correspondence, receipts, appointment books, diaries, memoranda, checks, check stubs, deposit slips, bank statements, petty cash records, photographs and negatives, recordings, notes, telephone records, credit card vouchers, and records, airline and railroad records, whether the property of H. D. Haldeman or any other person, firm, organization or institution, relating directly or indirectly to the Presidential Campaign of 1972, including but not limited to the events involving the break-in and electronic survelliance of the Democratic National Committee Headquarters at the Watergate and related events prior and subsequent thereto.

May 3, 1973

I made service of the within subpena by personal service of a copy thereof and S. Res. 60 and the Committee Rules on Mr. Strickner, an attorney ~~the within named~~ for Mr. Haldeman, who is authorized to accept service on his behalf, at the U.S. Courthouse, John Marshall Pl., in the office of Mr. Gilbert, asst U.S. Attorney

at 9:10 o'clock A m., on the 3d day of May, 1973

Signed Ronald D. Stotunda

U.S. GOVERNMENT PRINTING OFFICE 01-330-6

EXHIBIT NO. 112

UNITED STATES OF AMERICA

Congress of the United States

To H.R. Haldeman

, Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear before the SENATE SELECT COMMITTEE ON PRESIDENTIAL CAMPAIGN ACTIVITIES of the Senate of the United States, on July 18th, 1973, at 10 o'clock a. m., or as soon thereafter as you may be called, at their committee room G 308, New Senate Office Building, then and there to testify what you may know relative to the subject matters under consideration by said committee.

This subpoena only applies to the public Select Committee hearings.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To John Dowdey

to serve and return.

Given under my hand, by order of the committee, this 10 day of July, in the year of our Lord one thousand nine hundred and seventy-three

Sam J. Ervin Jr.

Chairman, Senate Select Committee on Presidential Campaign Activities.

RR

July 11, 1973

I made service of the within subpena

by Rand

the within-named Betty Shafer who was duly authorized to accept service of this subpena on behalf of H R Haldeman at 815 - 15th St N W Washington, D C

at 1:00 o'clock P m., on

the 11th day

of July, 1973

Signed John Doyle

EXHIBIT NO. 113

THE WHITE HOUSE

WASHINGTON

July 30, 1973

Dear Mr. Wilson:

This concerns your inquiry as to the extent of the President's waiver of executive privilege with regard to the testimony of Mr. Haldeman before the Senate Select Committee on Presidential Campaign Activities. Your inquiry was directed to Mr. Haldeman's knowledge of the contents of tape recordings of conversations of meetings in the President's office on September 15, 1972 and March 21, 1973.

Under the waiver of Executive Privilege stated by the President on May 22, 1973, Mr. Haldeman is not constrained by any claim of executive privilege as to conversations at meetings which Mr. Haldeman attended, if such conversations fall within the May 22, 1973 guidelines.

If asked to testify as to facts which he learned about meetings or portions of meetings which he did not attend, but of which he learned solely by listening to a tape recording of such meeting, the President has requested that you inform the Committee that Mr. Haldeman has been instructed by the President to decline to testify to such matters, and that the President, in so instructing Mr. Haldeman, is doing so pursuant to the constitutional doctrine of separation of powers.

Sincerely,

J. FRED BUZHARDT
Special Counsel to the President

Mr. John Wilson
Whiteford, Hart, Carmody & Wilson
815 Fifteenth Street, N. W.
Washington, D. C. 20005

EXHIBIT NO. 114

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

June 8, 1973

Honorable Samuel Dash
Chief Counsel
Select Committee on Presidential
Activities
United States Senate
Washington, D. C. 20510

Dear Mr. Dash:

This is in response to your letter to me of May 24, 1973, requesting any "information received by the Internal Security Division, Department of Justice, which indicates or alludes to any criminal act or conspiracy perpetrated, or planned by or involving in any way any Democratic Presidential Candidate, including Senator Muskie and Senator Humphrey, or the Democratic National Committee, in connection with any violence group or disruption group carrying out or conspiring to commit any unlawful or disruptive act."

A thorough search of the files of the former Internal Security Division reflects no information of the kind which you requested. In addition, I inquired of the Federal Bureau of Investigation whether any information of the type you requested was ever furnished to the Internal Security Division by the FBI. I have been informed by the FBI that a search of their files "disclosed no information relating to the Committee's request."

Sincerely,

JOHN H. DAVITT, Chief
Internal Security Section
Criminal Division

7/3/73 - Laura Matz del. to Sec. Rm.

EXHIBIT NO. 115

THE WHITE HOUSE

WASHINGTON

October 14, 1971

5:00 p.m.

To Walker
High Priority

MEMORANDUM FOR: MR. H. R. HALDEMAN

FROM: RONALD H. WALKER

RE: CHARLOTTE, NORTH CAROLINA - DEMONSTRATIONS

1. The most recent intelligence that has been received from the Advanceman Bill Henkel and the USSS is that we will have demonstrators in Charlotte tomorrow. The number is running between 100 and 200 ; the Advanceman's gut reaction is between 150 and 200. They will be violent; they will have extremely obscene signs, as has been indicated by their handbills. It will not only be directed toward the President, but also toward Billy Graham. They will have smoke bombs, and have every intention of disrupting the arrival and trying to blitz the Coliseum in order to disrupt the dedication ceremony.

Good — Great!

2. According to Henkel and the USSS, and it is also indicated on the handbills being distributed by the demonstrators, the Charlotte police department is extremely tough and will probably use force to prevent any possible disruption of the motorcade or the President's movements.

Good

3. My instructions to Henkel are to control the demonstrators outside the Coliseum as much as he can with the help of the USSS and the police department, from the city of Charlotte. He is to set up as fine a screening system as possible. There are 8000 seats in the Coliseum and we have printed up 25,000 tickets. It is a known fact that there are demonstrators who have tickets. Therefore it will be necessary for us to set up screening system to eliminate anyone that has a false or fake ticket. We will set up our normal checkpoints, using 25 Veterans of Foreign Wars and between 50 and 60 ushers that are being provided by the local Republican Party. There will also be a volunteer lawyer corps to handle any legal questions that might arise, as far as us denying entrance on the grounds of a phony ticket.

The thing that bothers me is that we are for the most part paralleling the system that we had designed for the Wright-Paterson Air Force Museum dedication in Dayton, Ohio. Realizing the attention that was drawn to the techniques used there, and the concern that has since been expressed by Ziegler, Warren, and most vehemently by Pat Buchanan, the feeling is that the Press Corps especially the liberals are very much aware of how the demonstrators are being handled, and although the White House has not been identified with these processes, we are very much suspect. Buchanan maintains that they will be the look out for demonstrators and how they are being handled, and it is his feeling that this could be extremely damaging to the President's posture, even if the White House is only indirectly involved. The Billy Graham people have been of great help but they've got their own problems with citizens' organizations sponsoring the Billy Graham Day, and have pretty well backed off from any of the arrangements with the exception of crowd building. Therefore, we have got very little support in handling demonstrators in the hall.

QUESTION

Should we continue with our plan to prevent demonstrators from entering the Coliseum?

Yes H No

As long as it is local police & local volunteers doing it -- not our people

EXHIBIT NO. 116

HUGH W. SLOAN, JR.
SUITE 272
1701 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20006
(202) 333-4550

July 7, 1971

Personal & Confidential

The Honorable John Mitchell
The Attorney General
Washington, D.C.

Dear Mr. Attorney General:

Jeb Magruder has apprised me of your request to have an accounting of the $2,000 that Bob Haldeman's office requested be made available to Ron Walker.

The breakdown enclosed is intentionally sketchy since he preferred not to list names of recipients or detail their activities unless we insist, as he feels that this is a highly sensitive subject and one which should not be committed to writing.

You will note that there is a cash balance on hand of $900 from the original $2,000 which Ron is holding in his safe until needed. This, of course, raises the question of whether we should retrieve this sum and, in the future, make disbursements only on a case by case basis rather than make available lump sum allocations for discretionary use.

I would appreciate your guidance in this instance.

Sincerely yours,

Hugh

Hugh W. Sloan, Jr.

enclosure

bcc: Jeb Magruder

EXHIBIT NO. 117

THE WHITE HOUSE

WASHINGTON

January 21, 1970

ADMINISTRATIVELY CONFIDENTIAL

MEMORANDUM FOR: MR. HALDEMAN

FROM: JEB S. MAGRUDER

RE: Monitoring System

Recently you have had a number of comments regarding the effectiveness of our monitoring system. I have indicated to you that this system is not, at this point in time, working effectively and that I planned to act on it when I moved over to Herb Klein's office. Rather than wait until I move, I thought it might be better to give you my thoughts on why it is not operating effectively and what options we have to solve this problem.

As the system is set up now, we have a number of people here and in the RNC who are supposed to monitor the media. These individuals are to call in daily regarding the media but, because they are spread out and do not feel this is a priority situation, relatively little information flows in. This was true during the period of time Alex Butterfield handled it and it continues to be true. My feeling is that this problem exists because it is spread out and has not become a priority situation. There are two groups in the White House who are basically set up to do this type of work and probably they would be more effective.

Pat Buchanan already summarizes the reports from these sources in his commentary. He basically monitors them at the present time, but it seems to me he could be asked to do an official monitoring report as he summarizes each of the media. This could then be used for immediate counteraction by the Communications Department. The advantage of this is that the monitor has no relation with the press and will give us a very unbiased opinion as to what is happening with the media.

ADMINISTRATIVELY CONFIDENTIAL

The second group is the Communications Department itself. They basically review the news and are watching these same media on a regular basis. This group could indicate the coverage by the media and then initiate counteraction. The problem with this approach is that the Communications Department, because it relates directly with the press, has a tendency to want to get along with them rather than initiate counteraction. Although it is true that I would be there and could probably force the situation, it might not be as successful as it would be if the report came over from Buchanan and periodically had comments, etc., from people like yourself. It is my personal opinion that the Communications Department would then do a better job in counteracting what has been reported.

Approve: I will approve, whatever will work - and am concerned with results - not methods

Disapprove: _____

Comment: _____

ADMINISTRATIVELY CONFIDENTIAL

EXHIBIT NO. 118

UNIVERSITY OF OREGON

SCHOOL OF LAW

EUGENE, OREGON 97403
telephone (code 503) 686-3837

July 25, 1973

Honorable Sam Ervin
United States Senate
Washington, D.C. 20510

Dear Senator Ervin:

I refer to your exchanges with Mr. Ehrlichman and his counsel on their claim that the Fourth Amendment did not stand in the way of a Presidentially authorized search of a psychiatrist's office in pursuit of "national security" information about one of his patients in an espionage context.

It is not accurate that the Supreme Court has not spoken with respect to such claims.

Suppose forbidden disclosure to a foreign power was not only suspected but known with a high degree of certainty. Suppose the person whose quarters were to be searched was believed to be the most important espionage agent of the U.S.S.R. in the United States, at the height of the Cold War. Could the executive branch agents then enter and search his quarters for espionage equipment and its fruits without violating his rights under the Fourth Amendment?

The answer is clear from the case of Col. Rudolf Abel, Abel v. United States, 362 U.S. 217 (1960). The entire Supreme Court agreed that the search of Abel's apartment, in this very prototype of a "national security," counter-espionage case, was governed by the same Fourth Amendment limits that govern searches to enforce the criminal and deportation laws. Abel's conviction was sustained by a narrow 5-4 margin because the search of his apartment by the F.B.I. was conducted incident to what the majority concluded was a valid arrest for deportation. The four dissenters disagreed even with this conclusion. But on the premises of the majority opinion, the Court was unanimous that if federal agents had simply entered Abel's apartment in his absence on their "national security", counter-espionage mission, they would have acted in violation of the Fourth Amendment despite having the strongest kind of evidence of Abel's espionage.

At the outset of the Court's opinion, Justice Frankfurter states the issue unmistakeably:

> "We have considered the case on the assumption that the conviction must be reversed should we find challenged items of evidence to have seized in violation of the Constitution and therefore improperly admitted into evidence. . . . (Of course the nature of the case, the fact that it was a prosecution for espionage, has no bearing whatever upon the legal considerations relevant to the admissibility of evidence.)" 362 U.S. at 219-20.

In the light of Abel, can there be the slightest doubt that if the White House "plumbers" had burglarized Ellsberg's own quarters, they would have violated the Constitution, and that use of any evidence obtained in this fashion would have led to reversal of any criminal conviction based thereon? Does the White House position claim that the "houses, papers, and effects" of persons in the position of Ellsberg's psychiatrist are less protected than Ellsberg's (or Abel's) own quarters? Would "national security" permit a raid on the files of Ellsberg's lawyer, or tapping his telephone conversations, without violating the Fourth Amendment?

I regret that some members of Congress, including the Judiciary Committee, have in the past been prepared to assume that there is some "national security" exception to the Fourth Amendment. Mr. Ehrlichman's unrepentant defense of the Ellsberg raid should give the Congress pause about the inescapable reach of such a doctrine in practice. The Supreme Court's opinion in Abel v. United States is directly to the contrary.

Sincerely yours,

Hans A. Linde
Professor of Law

lma

EXHIBIT NO. 119

Syllabus.

ABEL, ALIAS MARK, ALIAS COLLINS, ALIAS GOLDFUS, *v.* UNITED STATES.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

No. 2. Argued February 24–25, 1959.—Restored to the calendar for reargument March 23, 1959.—Reargued November 9, 1959.—Decided March 28, 1960.

Immigration and Naturalization Service officers arrested petitioner on an administrative warrant for deportation, searched the hotel room where he was arrested, his person and his luggage, and seized certain articles. After petitioner had checked out of his hotel room, an agent of the Federal Bureau of Investigation made a further search of the room, without a warrant but with the consent of the hotel management, and seized certain articles which petitioner had left there. The articles so seized were admitted in evidence over petitioner's objection at his trial for conspiracy to commit espionage, and he was convicted. *Held:* These searches and seizures did not violate the Fourth or Fifth Amendment, and the use in evidence of the articles so seized did not invalidate petitioner's conviction. Pp. 218–241.

1. On the record in this case, the Government did not use the administrative warrant of the Immigration and Naturalization Service as an improper instrument of the Federal Bureau of Investigation in obtaining evidence for a criminal prosecution. Pp. 225–230.

2. Petitioner's claim that the administrative warrant under which he was first arrested was invalid under the Fourth Amendment is not properly before this Court, since it was not made below and was expressly disavowed there. Pp. 230–234.

3. The articles seized by the immigration officers during the searches here involved were properly admitted in evidence. Pp. 234–240.

4. Immigration officers who effect an arrest for deportation on an administrative warrant have a right of incidental search analogous to the search permitted criminal law-enforcement officers incidental to a lawful arrest. Pp. 235–237.

5. The search of the hotel room by an F. B. I. agent without a warrant but with the consent of the hotel management, after peti-

tioner had relinquished the room, and the seizure of articles which petitioner had abandoned there were lawful, and such articles were properly admitted in evidence. Pp. 240–241.

258 F. 2d 485, affirmed.

James B. Donovan argued and reargued the cause for petitioner. With him on the briefs was *Thomas M. Debevoise II.*

Solicitor General Rankin argued and reargued the cause for the United States. With him on the original brief were *Acting Assistant Attorney General Yeagley, William F. Tompkins* and *Kevin T. Maroney.* With him on the supplemental brief on reargument were *Assistant Attorney General Yeagley, John F. Davis, William F. Tompkins* and *Kevin T. Maroney.*

MR. JUSTICE FRANKFURTER delivered the opinion of the Court.

The question in this case is whether seven items were properly admitted into evidence at the petitioner's trial for conspiracy to commit espionage. All seven items were seized by officers of the Government without a search warrant. The seizures did not occur in connection with the exertion of the criminal process against petitioner. They arose out of his administrative arrest by the United States Immigration and Naturalization Service as a preliminary to his deportation. A motion to suppress these items as evidence, duly made in the District Court, was denied after a full hearing. 155 F. Supp. 8. Petitioner was tried, convicted and sentenced to thirty years' imprisonment and to the payment of a fine of $3,000. The Court of Appeals affirmed, 258 F. 2d 485. We granted certiorari, 358 U. S. 813, limiting the grant to the following two questions:

"1. Whether the Fourth and Fifth Amendments to the Constitution of the United States are violated by

a search and the seizure of evidence without a search warrant, after an alien suspected and officially accused of espionage has been taken into custody for deportation, pursuant to an administrative Immigration Service warrant, but has not been arrested for the commission of a crime?

"2. Whether the Fourth and Fifth Amendments to the Constitution of the United States are violated when articles so seized are unrelated to the Immigration Service warrant and, together with other articles obtained from such leads, are introduced as evidence in a prosecution for espionage?"

Argument was first heard at October Term, 1958. The case having been set down for reargument at this Term, 359 U. S. 940, counsel were asked to discuss a series of additional questions, set out in the margin.*

We have considered the case on the assumption that the conviction must be reversed should we find challenged items of evidence to have been seized in violation of the Constitution and therefore improperly admitted into evidence. We find, however, that the admission of these items was free from any infirmity and we affirm the judgment. (Of course the nature of the case, the fact that it was a prosecution for espionage, has no bearing

*"1. Whether under the laws and Constitution of the United States (a) the administrative warrant of the New York Acting District Director of the Immigration and Naturalization Service was validly issued, (b) such administrative warrant constituted a valid basis for arresting petitioner or taking him into custody, and (c) such warrant furnished a valid basis for the searches and seizures affecting his person, luggage, and the room occupied by him at the Hotel Latham.

"2. Whether, independently of such administrative warrant, petitioner's arrest, and the searches and seizures affecting his person, luggage, and the room occupied by him at the Hotel Latham, were valid under the laws and Constitution of the United States.

"3. Whether on the record before us the issues involved in Questions '1 (a),' '1 (b),' and '2' are properly before the Court."

whatever upon the legal considerations relevant to the admissibility of evidence.)

The seven items, all in petitioner's possession at the time of his administrative arrest, the admissibility of which is in question, were the following:

(1) a piece of graph paper, carrying groups of numbers arranged in rows, allegedly a coded message;

(2) a forged birth certificate, certifying the birth of "Martin Collins" in New York County in 1897;

(3) a birth certificate, certifying the birth of "Emil Goldfus" in New York in 1902 (Emil Goldfus died in 1903);

(4) an international certificate of vaccination, issued in New York to "Martin Collins" in 1957;

(5) a bank book of the East River Savings Bank containing the account of "Emil Goldfus";

(6) a hollowed-out pencil containing 18 microfilms; and

(7) a block of wood, wrapped in sandpaper, and containing within it a small booklet with a series of numbers on each page, a so-called "cipher pad."

Items (2), (3), (4) and (5) were relevant to the issues of the indictment for which petitioner was on trial in that they corroborated petitioner's use of false identities. Items (1), (6) and (7) were incriminatory as useful means for one engaged in espionage.

The main claims which petitioner pressed upon the Court may be thus summarized: (1) the administrative arrest was used by the Government in bad faith; (2) administrative arrests as preliminaries to deportation are unconstitutional; and (3) regardless of the validity of the administrative arrest here, the searches and seizures through which the challenged items came into the Government's possession were not lawful ancillaries to such an arrest. These claims cannot be judged apart from the circumstances leading up to the arrest and the nature of

the searches and seizures. It becomes necessary to relate these matters in considerable detail.

Petitioner was arrested by officers of the Immigration and Naturalization Service (hereafter abbreviated as I. N. S.) on June 21, 1957, in a single room in the Hotel Latham in New York City, his then abode. The attention of the I. N. S. had first been drawn to petitioner several days earlier when Noto, a Deputy Assistant Commissioner of the I. N. S., was told by a liaison officer of the Federal Bureau of Investigation (hereafter abbreviated as F. B. I.) that petitioner was believed by the F. B. I. to be an alien residing illegally in the United States. Noto was told of the F. B. I.'s interest in petitioner in connection with espionage.

An uncontested affidavit before the District Court asserted the following with regard to the events leading up to the F. B. I.'s communication with Noto about petitioner. About one month before the F. B. I. communicated with Noto, petitioner had been mentioned by Hayhanen, a recently defected Russian spy, as one with whom Hayhanen had for several years cooperated in attempting to commit espionage. The F. B. I. had thereupon placed petitioner under investigation. At the time the F. B. I. communicated with the I. N. S. regarding petitioner, the case against him rested chiefly upon Hayhanen's story, and Hayhanen, although he was later to be the Government's principal witness at the trial, at that time insisted that he would refuse to testify should petitioner be brought to trial, although he would fully cooperate with the Government in secret. The Department of Justice concluded that without Hayhanen's testimony the evidence was insufficient to justify petitioner's arrest and indictment on espionage charges. The decision was thereupon made to bring petitioner to the attention of the I. N. S., with a view to commencing deportation proceedings against him.

96-296 O - 73 - Bk. 8 -- 21

Upon being notified of the F. B. I.'s belief that petitioner was residing illegally in this country, Noto asked the F. B. I. to supply the I. N. S. with further information regarding petitioner's status as an alien. The F. B. I. did this within a week. The I. N. S. concluded that if petitioner were, as suspected, an alien, he would be subject to deportation in that he had failed to comply with the legal duty of aliens to notify the Attorney General every January of their address in the United States. 8 U. S. C. § 1305. Noto then determined on petitioner's administrative arrest as a preliminary to his deportation. The F. B. I. was so informed. On June 20, two I. N. S. officers, Schoenenberger and Kanzler, were dispatched by Noto to New York to supervise the arrest. These officers carried with them a warrant for petitioner's arrest and an order addressed to petitioner directing him to show cause why he should not be deported. They met in New York with the District Director of the I. N. S. who, after the information in the possession of the I. N. S. regarding petitioner was put before him, signed the warrant and the order. Following this, Schoenenberger and Kanzler went to F. B. I. headquarters in New York where, by prearrangement with the F. B. I. in Washington, they were met by several F. B. I. officers. These agreed to conduct agents of the I. N. S. to petitioner's hotel so that the I. N. S. might accomplish his arrest. The F. B. I. officer in charge asked whether, before the petitioner was arrested, the F. B. I. might "interview" him in an attempt to persuade him to "cooperate" with regard to his espionage. To this Schoenenberger agreed.

At 7 o'clock the next morning, June 21, two officers of the I. N. S. and several F. B. I. men gathered in the corridor outside petitioner's room at the Hotel Latham. All but two F. B. I. agents, Gamber and Blasco, went into the room next to petitioner's, which the F. B. I. had occupied in the course of its investigation of petitioner.

Gamber and Blasco were charged with confronting petitioner and soliciting his cooperation with the F. B. I. They had no warrant either to arrest or to search. If petitioner proved cooperative their instructions were to telephone to their superior for further instructions. If petitioner failed to cooperate they were to summon the waiting I. N. S. agents to execute their warrant for his arrest.

Gamber rapped on petitioner's door. When petitioner released the catch, Gamber pushed open the door and walked into the room, followed by Blasco. The door was left ajar and a third F. B. I. agent came into the room a few minutes later. Petitioner, who was nude, was told to put on a pair of undershorts and to sit on the bed, which he did. The F. B. I. agents remained in the room questioning petitioner for about twenty minutes. Although petitioner answered some of their questions, he did not "cooperate" regarding his alleged espionage. A signal was thereupon given to the two agents of the I. N. S. waiting in the next room. These came into petitioner's room and served petitioner with the warrant for his arrest and with the order to show cause. Shortly thereafter Schoenenberger and Kanzler, who had been waiting outside the hotel, also entered petitioner's room. These four agents of the I. N. S. remained with petitioner in his room for about an hour. For part of this time an F. B. I. agent was also in the room and during all of it another F. B. I. agent stood outside the open door of the room, where he could observe the interior.

After placing petitioner under arrest, the four I. N. S. agents undertook a search of his person and of all of his belongings in the room, and the adjoining bathroom, which lasted for from fifteen to twenty minutes. Petitioner did not give consent to this search; his consent was not sought. The F. B. I. agents observed this search but took no part in it. It was Schoenenberger's testimony to

the District Court that the purpose of this search was to discover weapons and documentary evidence of petitioner's "alienage"—that is, documents to substantiate the information regarding petitioner's status as an alien which the I. N. S. had received from the F. B. I. During this search one of the challenged items of evidence, the one we have designated (2), a birth certificate for "Martin Collins," was seized. Weapons were not found, nor was any other evidence regarding petitioner's "alienage."

When the search was completed, petitioner was told to dress himself, to assemble his things and to choose what he wished to take with him. With the help of the I. N. S. agents almost everything in the room was packed into petitioner's baggage. A few things petitioner deliberately left on a window sill, indicating that he did not want to take them, and several other things which he chose not to pack up into his luggage he put into the room's wastepaper basket. When everything had been assembled, petitioner asked and received permission to repack one of his suitcases. While petitioner was doing so, Schoenenberger noticed him slipping some papers into the sleeve of his coat. Schoenenberger seized these. One of them was the challenged item of evidence which we have designated (1), a piece of graph paper containing a coded message.

When petitioner's belongings had been completely packed, petitioner agreed to check out of the hotel. One of the F. B. I. agents obtained his bill from the hotel and petitioner paid it. Petitioner was then handcuffed and taken, along with his baggage, to a waiting automobile and thence to the headquarters of the I. N. S. in New York. At I. N. S. headquarters, the property petitioner had taken with him was searched more thoroughly than it had been in his hotel room, and three more of the challenged items were discovered and seized. These were the ones we have designated (3), (4) and (5), the "Emil

Goldfus" birth certificate, the international vaccination certificate, and the bank book.

As soon as petitioner had been taken from the hotel, an F. B. I. agent, Kehoe, who had been in the room adjoining petitioner's during the arrest and search and who, like the I. N. S. agents, had no search warrant, received permission from the hotel management to search the room just vacated by petitioner. Although the bill which petitioner had paid entitled him to occupy the room until 3 p. m. of that day, the hotel's practice was to consider a room vacated whenever a guest removed his baggage and turned in his key. Kehoe conducted a search of petitioner's room which lasted for about three hours. Among other things, he seized the contents of the wastepaper basket into which petitioner had put some things while packing his belongings. Two of the items thus seized were the challenged items of evidence we have designated (6) and (7): a hollow pencil containing microfilm and a block of wood containing a "cipher pad."

Later in the day of his arrest, petitioner was taken by airplane to a detention center for aliens in Texas. He remained there for several weeks until arrested upon the charge of conspiracy to commit espionage for which he was brought to trial and convicted in the Eastern District of New York.

I.

The underlying basis of petitioner's attack upon the admissibility of the challenged items of evidence concerns the motive of the Government in its use of the administrative arrest. We are asked to find that the Government resorted to a subterfuge, that the Immigration and Naturalization Service warrant here was a pretense and sham, was not what it purported to be. According to petitioner, it was not the Government's true purpose in arresting him under this warrant to take him into custody pending

a determination of his deportability. The Government's real aims, the argument runs, were (1) to place petitioner in custody so that pressure might be brought to bear upon him to confess his espionage and cooperate with the F. B. I., and (2) to permit the Government to search through his belongings for evidence of his espionage to be used in a designed criminal prosecution against him. The claim is, in short, that the Government used this administrative warrant for entirely illegitimate purposes and that articles seized as a consequence of its use ought to have been suppressed.

Were this claim justified by the record, it would indeed reveal a serious misconduct by law-enforcing officers. The deliberate use by the Government of an administrative warrant for the purpose of gathering evidence in a criminal case must meet stern resistance by the courts. The preliminary stages of a criminal prosecution must be pursued in strict obedience to the safeguards and restrictions of the Constitution and laws of the United States. A finding of bad faith is, however, not open to us on this record. What the motive was of the I. N. S. officials who determined to arrest petitioner, and whether the I. N. S. in doing so was not exercising its powers in the lawful discharge of its own responsibilities but was serving as a tool for the F. B. I. in building a criminal prosecution against petitioner, were issues fully canvassed in both courts below. The crucial facts were found against the petitioner.

On this phase of the case the district judge, having permitted full scope to the elucidation of petitioner's claim, having seen and heard witnesses, in addition to testimony by way of affidavits, and after extensive argument, made these findings:

> "[T]he evidence is persuasive that the action taken by the officials of the Immigration and Naturalization Service is found to have been in entire good faith.

> The testimony of Schoenenberger and Noto leaves no doubt that while the first information that came to them concerning the [petitioner] . . . was furnished by the F. B. I.—which cannot be an unusual happening—the proceedings taken by the Department differed in no respect from what would have been done in the case of an individual concerning whom no such information was known to exist.
>
> "The defendant argues that the testimony establishes that the arrest was made under the direction and supervision of the F. B. I., but the evidence is to the contrary, and it is so found.
>
> "No good reason has been suggested why these two branches of the Department of Justice should not cooperate, and that is the extent of the showing made on the part of the defendant." 155 F. Supp. 8, 11.

The opinion of the Court of Appeals, after careful consideration of the matter, held that the answer "must clearly be in the affirmative" to the question "whether the evidence in the record supports the finding of good faith made by the court below." 258 F. 2d 485, 494.

Among the statements in evidence relied upon by the lower courts in making these findings was testimony by Noto that the interest of the I. N. S. in petitioner was confined to petitioner's illegal status in the United States; that in informing the I. N. S. about petitioner's presence in the United States the F. B. I. did not indicate what action it wanted the I. N. S. to take; that Noto himself made the decision to arrest petitioner and to commence deportation proceedings against him; that the F. B. I. made no request of him to search for evidence of espionage at the time of the arrest; and that it was "usual and mandatory" for the F. B. I. and I. N. S. to work together in the manner they did. There was also the testimony of Schoenenberger, regarding the purpose of the search he

made of petitioner's belongings, that the motive was to look for weapons and documentary evidence of alienage. To be sure, the record is not barren of evidence supporting an inference opposed to the conclusion to which the two lower courts were led by the record as a whole: for example, the facts that the I. N. S. held off its arrest of petitioner while the F. B. I. solicited his cooperation, and that the F. B. I. held itself ready to search petitioner's room as soon as it was vacated. These elements, however, did not, and were not required to, persuade the two courts below in the face of ample evidence of good faith to the contrary, especially the human evidence of those involved in the episode. We are not free to overturn the conclusion of the courts below when justified by such solid proof.

Petitioner's basic contention comes down to this: even without a showing of bad faith, the F. B. I. and I. N. S. must be held to have cooperated to an impermissible extent in this case, the case being one where the alien arrested by the I. N. S. for deportation was also suspected by the F. B. I. of crime. At the worst, it may be said that the circumstances of this case reveal an opportunity for abuse of the administrative arrest. But to hold illegitimate, in the absence of bad faith, the cooperation between I. N. S. and F. B. I. would be to ignore the scope of rightful cooperation between two branches of a single Department of Justice concerned with enforcement of different areas of law under the common authority of the Attorney General.

The facts are that the F. B. I. suspected petitioner both of espionage and illegal residence in the United States as an alien. That agency surely acted not only with propriety but in discharge of its duty in bringing petitioner's illegal status to the attention of the I. N. S., particularly after it found itself unable to proceed with petitioner's prosecution for espionage. Only the I. N. S. is authorized to initiate deportation proceedings, and certainly the

F. B. I. is not to be required to remain mute regarding one they have reason to believe to be a deportable alien, merely because he is also suspected of one of the gravest of crimes and the F. B. I. entertains the hope that criminal proceedings may eventually be brought against him. The I. N. S., just as certainly, would not have performed its responsibilities had it been deterred from instituting deportation proceedings solely because it became aware of petitioner through the F. B. I., and had knowledge that the F. B. I. suspected petitioner of espionage. The Government has available two ways of dealing with a criminally suspect deportable alien. It would make no sense to say that branches of the Department of Justice may not cooperate in pursuing one course of action or the other, once it is honestly decided what course is to be preferred. For the same reasons this cooperation may properly extend to the extent and in the manner in which the F. B. I. and I. N. S. cooperated in effecting petitioner's administrative arrest. Nor does it taint the administrative arrest that the F. B. I. solicited petitioner's cooperation before it took place, stood by while it did, and searched the vacated room after the arrest. The F. B. I. was not barred from continuing its investigation in the hope that it might result in a prosecution for espionage because the I. N. S., in the discharge of its duties, had embarked upon an independent decision to initiate proceedings for deportation.

The Constitution does not require that honest law enforcement should be put to such an irrevocable choice between two recourses of the Government. For a contrast to the proper cooperation between two branches of a single Department of Justice as revealed in this case, see the story told in *Colyer* v. *Skeffington*, 265 F. 17. That case sets forth in detail the improper use of immigration authorities by the Bureau of Investigation of the Department of Justice when the immigration service was

a branch of the Department of Labor and was acting not within its lawful authority but as the cat's paw of another, unrelated branch of the Government.

We emphasize again that our view of the matter would be totally different had the evidence established, or were the courts below not justified in not finding, that the administrative warrant was here employed as an instrument of criminal law enforcement to circumvent the latter's legal restrictions, rather than as a bona fide preliminary step in a deportation proceeding. The test is whether the decision to proceed administratively toward deportation was influenced by, and was carried out for, a purpose of amassing evidence in the prosecution for crime. The record precludes such a finding by this Court.

II.

The claim that the administrative warrant by which petitioner was arrested was invalid, because it did not satisfy the requirements for "warrants" under the Fourth Amendment, is not entitled to our consideration in the circumstances before us. It was not made below; indeed, it was expressly disavowed. Statutes authorizing administrative arrest to achieve detention pending deportation proceedings have the sanction of time. It would emphasize the disregard for the presumptive respect the Court owes to the validity of Acts of Congress, especially when confirmed by uncontested historical legitimacy, to bring into question for the first time such a long-sanctioned practice of government at the behest of a party who not only did not challenge the exercise of authority below, but expressly acknowledged its validity.

The grounds relied on in the trial court and the Court of Appeals by petitioner were solely (in addition to the insufficiency of the evidence, a contention not here for review) (1) the bad faith of the Government's use of

the administrative arrest warrant and (2) the lack of a power incidental to the execution of an administrative warrant to search and seize articles for use as evidence in a later criminal prosecution. At no time did petitioner question the legality of the administrative arrest procedure either as unauthorized or as unconstitutional. Such challenges were, to repeat, disclaimed. At the hearing on the motion to suppress, petitioner's counsel was questioned by the court regarding the theory of relief relied upon:

"The Court: They [the Government] were not at liberty to arrest him [petitioner]?

"Mr. Fraiman: No, your Honor.

"They were perfectly proper in arresting him.

"We don't contend that at all.

"As a matter of fact, we contend it was their duty to arrest this man as they did.

"I think it should show or rather, it showed admirable thinking on the part of the F. B. I. and the Immigration Service.

"We don't find any fault with that.

"Our contention is that although they were permitted to arrest this man, and in fact, had a duty to arrest this man in a manner in which they did, they did not have a right to search his premises for the material which related to espionage.

". . . He was charged with no criminal offense in this warrant.

"The Court: He was suspected of being illegally in the country, wasn't he?

"Mr. Fraiman: Yes, your Honor.

"The Court: He was properly arrested.

"Mr. Fraiman: He was properly arrested, we concede that, your Honor."

Counsel further made it plain that the arrest warrant whose validity he was conceding was "one of these Immigration warrants which is obtained without any background material at all." Affirmative acceptance of what is now sought to be questioned could not be plainer.

The present form of the legislation giving authority to the Attorney General or his delegate to arrest aliens pending deportation proceedings under an administrative warrant, not a judicial warrant within the scope of the Fourth Amendment, is § 242 (a) of the Immigration and Nationality Act of 1952. (8 U. S. C. § 1252 (a)). The regulations under this Act delegate the authority to issue these administrative warrants to the District Directors of the I. N. S. "[a]t the commencement of any proceeding [to deport] . . . or at any time thereafter . . . whenever, in [their] . . . discretion, it appears that the arrest of the respondent is necessary or desirable." 8 CFR § 242.2 (a). Also, according to these regulations, proceedings to deport are commenced by orders to show cause issued by the District Directors or others; and the "Operating Instructions" of the I. N. S. direct that the application for an order to show cause should be based upon a showing of a prima facie case of deportability. The warrant of arrest for petitioner was issued by the New York District Director of the I. N. S. at the same time as he signed an order to show cause. Schoenenberger testified that, before the warrant and order were issued, he and Kanzler related to the District Director what they had learned from the F. B. I. regarding petitioner's status as an alien, and the order to show cause recited that petitioner had failed to register, as aliens must. Since petitioner was a suspected spy, who had never acknowledged his residence in the United States to the Government or openly admitted his presence here, there was ample reason to believe that his arrest pending deportation was "necessary or desirable." The arrest procedure followed

in the present case fully complied with the statute and regulations.

Statutes providing for deportation have ordinarily authorized the arrest of deportable aliens by order of an executive official. The first of these was in 1798. Act of June 25, 1798, c. 58, § 2, 1 Stat. 571. And see, since that time, and before the present Act, Act of Oct. 19, 1888, c. 1210, 25 Stat. 566; Act of Mar. 3, 1903, c. 1012, § 21, 32 Stat. 1218; Act of Feb. 20, 1907, c. 1134, § 20, 34 Stat. 904; Act of Feb. 5, 1917, c. 29, § 19, 39 Stat. 889; Act of Oct. 16, 1918, c. 186, § 2, 40 Stat. 1012; Act of May 10, 1920, c. 174, 41 Stat. 593; Internal Security Act of 1950, c. 1024, Title I, § 22, 64 Stat. 1008. To be sure, some of these statutes, namely the Acts of 1888, 1903 and 1907, dealt only with aliens who had landed illegally in the United States, and not with aliens sought to be deported by reason of some act or failure to act since entering. Even apart from these, there remains overwhelming historical legislative recognition of the propriety of administrative arrest for deportable aliens such as petitioner.

The constitutional validity of this long-standing administrative arrest procedure in deportation cases has never been directly challenged in reported litigation. Two lower court cases involved oblique challenges, which were summarily rejected. *Podolski* v. *Baird*, 94 F. Supp. 294; *Ex parte Avakian*, 188 F. 688, 692. See also the discussion in *Colyer* v. *Skeffington*, 265 F. 17, reversed on other grounds *sub nom. Skeffington* v. *Katzeff*, 277 F. 129, where the District Court made an exhaustive examination of the fairness of a group of deportation proceedings initiated by administrative arrests, but nowhere brought into question the validity of the administrative arrest procedure as such. This Court seems never expressly to have directed its attention to the particular question of the constitutional validity of administrative deportation warrants. It has

frequently, however, upheld administrative deportation proceedings shown by the Court's opinion to have been begun by arrests pursuant to such warrants. See *The Japanese Immigrant Case*, 189 U. S. 86; *Zakonaite* v. *Wolf*, 226 U. S. 272; *Bilokumsky* v. *Tod*, 263 U. S. 149; *Carlson* v. *Landon*, 342 U. S. 524. In *Carlson* v. *Landon*, the validity of the arrest was necessarily implicated, for the Court there sustained discretion in the Attorney General to deny bail to alien Communists held pending deportation on administrative arrest warrants. In the presence of this impressive historical evidence of acceptance of the validity of statutes providing for administrative deportation arrest from almost the beginning of the Nation, petitioner's disavowal of the issue below calls for no further consideration.

III.

Since petitioner's arrest was valid, we reach the question whether the seven challenged items, all seized during searches which were a direct consequence of that arrest, were properly admitted into evidence. This issue raises three questions: (1) Were the searches which produced these items proper searches for the Government to have made? If they were not, then whatever the nature of the seized articles, and however proper it would have been to seize them during a valid search, they should have been suppressed as the fruits of activity in violation of the Fourth Amendment. *E. g.*, *Weeks* v. *United States*, 232 U. S. 383, 393. (2) Were the articles seized properly subject to seizure, even during a lawful search? We have held in this regard that not every item may be seized which is properly inspectible by the Government in the course of a legal search; for example, private papers desired by the Government merely for use as evidence may not be seized, no matter how lawful the search which

discovers them, *Gouled* v. *United States*, 255 U. S. 298, 310, nor may the Government seize, wholesale, the contents of a house it might have searched, *Kremen* v. *United States*, 353 U. S. 346. (3) Was the Government free to use the articles, even if properly seized, as evidence in a criminal case, the seizures having been made in the course of a separate administrative proceeding?

The most fundamental of the issues involved concerns the legality of the search and seizures made in petitioner's room in the Hotel Latham. The ground of objection is that a search may not be conducted as an incident to a lawful administrative arrest.

We take as a starting point the cases in this Court dealing with the extent of the search which may properly be made without a warrant following a lawful arrest for crime. The several cases on this subject in this Court cannot be satisfactorily reconciled. This problem has, as is well-known, provoked strong and fluctuating differences of view on the Court. This is not the occasion to attempt to reconcile all the decisions, or to re-examine them. Compare *Marron* v. *United States*, 275 U. S. 192, with *Go-Bart Co.* v. *United States*, 282 U. S. 344, and *United States* v. *Lefkowitz*, 285 U. S. 452; compare *Go-Bart*, *supra*, and *Lefkowitz*, *supra*, with *Harris* v. *United States*, 331 U. S. 145, and *United States* v. *Rabinowitz*, 339 U. S. 56; compare also *Harris*, *supra*, with *Trupiano* v. *United States*, 334 U. S. 699, and *Trupiano* with *Rabinowitz*, *supra* (overruling *Trupiano*). Of these cases, *Harris* and *Rabinowitz* set by far the most permissive limits upon searches incidental to lawful arrests. In view of their judicial context, the trial judge and the Government justifiably relied upon these cases for guidance at the trial; and the petitioner himself accepted the *Harris* case on the motion to suppress, nor does he ask this Court to reconsider *Harris* and *Rabinowitz*. It would, under these circumstances, be unjustifiable retro-

spective lawmaking for the Court in this case to reject the authority of these decisions.

Are there to be permitted incidental to valid administrative arrests, searches as broad in physical area as, and analogous in purpose to, those permitted by the applicable precedents as incidents to lawful arrests for crime? Specifically, were the officers of the I. N. S. acting lawfully in this case when, after his arrest, they searched through petitioner's belongings in his hotel room looking for weapons and documents to evidence his "alienage"? There can be no doubt that a search for weapons has as much justification here as it has in the case of an arrest for crime, where it has been recognized as proper. *E. g., Agnello* v. *United States,* 269 U. S. 20, 30. It is no less important for government officers, acting under established procedure to effect a deportation arrest rather than one for crime, to protect themselves and to insure that their prisoner retains no means by which to accomplish an escape.

Nor is there any constitutional reason to limit the search for materials proving the deportability of an alien, when validly arrested, more severely than we limit the search for materials probative of crime when a valid criminal arrest is made. The need for the proof is as great in one case as in the other, for deportation can be accomplished only after a hearing at which deportability is established. Since a deportation arrest warrant is not a judicial warrant, a search incidental to a deportation arrest is without the authority of a judge or commissioner. But so is a search incidental to a criminal arrest made upon probable cause without a warrant, and under *Rabinowitz,* 339 U. S., at 60, such a search does not require a judicial warrant for its validity. It is to be remembered that an I. N. S. officer may not arrest and search on his own. Application for a warrant must be made to an independent responsible officer, the District Director

of the I. N. S., to whom a prima facie case of deportability must be shown. The differences between the procedural protections governing criminal and deportation arrests are not of a quality or magnitude to warrant the deduction of a constitutional difference regarding the right of incidental search. If anything, we ought to be more vigilant, not less, to protect individuals and their property from warrantless searches made for the purpose of turning up proof to convict than we are to protect them from searches for matter bearing on deportability. According to the uniform decisions of this Court deportation proceedings are not subject to the constitutional safeguards for criminal prosecutions. Searches for evidence of crime present situations demanding the greatest, not the least, restraint upon the Government's intrusion into privacy; although its protection is not limited to them, it was at these searches which the Fourth Amendment was primarily directed. We conclude, therefore, that government officers who effect a deportation arrest have a right of incidental search analogous to the search permitted criminal law-enforcement officers.

Judged by the prevailing doctrine, the search of petitioner's hotel room was justified. Its physical scope, being confined to the petitioner's room and the adjoining bathroom, was far less extensive than the search in *Harris*. The search here was less intensive than were the deliberately exhaustive quests in *Harris* and *Rabinowitz*, and its purpose not less justifiable. The only things sought here, in addition to weapons, were documents connected with petitioner's status as an alien. These may well be considered as instruments or means for accomplishing his illegal status, and thus proper objects of search under *Harris, supra*, 331 U. S., at 154.

Two of the challenged items were seized during this search of petitioner's property at his hotel room. The first was item (2), a forged New York birth certificate

for "Martin Collins," one of the false identities which petitioner assumed in this country in order to keep his presence here undetected. This item was seizable when found during a proper search, not only as a forged official document by which petitioner sought to evade his obligation to register as an alien, but also as a document which petitioner was using as an aid in the commission of espionage, for his undetected presence in this country was vital to his work as a spy. Documents used as a means to commit crime are the proper subjects of search warrants, *Gouled* v. *United States,* 255 U. S. 298, and are seizable when discovered in the course of a lawful search, *Marron* v. *United States,* 275 U. S. 192.

The other item seized in the course of the search of petitioner's hotel room was item (1), a piece of graph paper containing a coded message. This was seized by Schoenenberger as petitioner, while packing his suitcase, was seeking to hide it in his sleeve. An arresting officer is free to take hold of articles which he sees the accused deliberately trying to hide. This power derives from the dangers that a weapon will be concealed, or that relevant evidence will be destroyed. Once this piece of graph paper came into Schoenenberger's hands, it was not necessary for him to return it, as it was an instrumentality for the commission of espionage. This is so even though Schoenenberger was not only not looking for items connected with espionage but could not properly have been searching for the purpose of finding such items. When an article subject to lawful seizure properly comes into an officer's possession in the course of a lawful search it would be entirely without reason to say that he must return it because it was not one of the things it was his business to look for. See *Harris, supra,* 331 U. S., at 154–155.

Items (3), (4), and (5), a birth certificate for "Emil Goldfus" who died in 1903, a certificate of vaccination for "Martin Collins," and a bank book for "Emil Goldfus"

were seized, not in petitioner's hotel room, but in a more careful search at I. N. S. headquarters of the belongings petitioner chose to take with him when arrested. This search was a proper one. The property taken by petitioner to I. N. S. headquarters was all property which, under *Harris*, was subject to search at the place of arrest. We do not think it significantly different, when the accused decides to take the property with him, for the search of it to occur instead at the first place of detention when the accused arrives there, especially as the search of property carried by an accused to the place of detention has additional justifications, similar to those which justify a search of the person of one who is arrested. It is to be noted that this is not a case, like *Kremen* v. *United States*, 353 U. S. 346, where the entire contents of the place where the arrest was made were seized. Such a mass seizure is illegal. The Government here did not seize the contents of petitioner's hotel room. Petitioner took with him only what he wished. He chose to leave some things behind in his room, which he voluntarily relinquished. And items (3), (4), and (5) were articles subject to seizure when found during a lawful search. They were all capable of being used to establish and maintain a false identity for petitioner, just as the forged "Martin Collins" birth certificate, and were seizable for the same reasons.

Items (1)–(5) having come into the Government's possession through lawful searches and seizures connected with an arrest pending deportation, was the Government free to use them as evidence in a criminal prosecution to which they related? We hold that it was. Good reason must be shown for prohibiting the Government from using relevant, otherwise admissible, evidence. There is excellent reason for disallowing its use in the case of evidence, though relevant, which is seized by the Government in violation of the Fourth Amendment to the Constitution. "If letters and private documents can thus

be seized and held and used in evidence against a citizen accused of an offense, the protection of the Fourth Amendment declaring his right to be secure against such searches and seizures is of no value, and, so far as those thus placed are concerned, might as well be stricken from the Constitution." *Weeks* v. *United States*, 232 U. S. 383, 393.

These considerations are here absent, since items (1)–(5) were seized as a consequence of wholly lawful conduct. That being so, we can see no rational basis for excluding these relevant items from trial: no wrongdoing police officer would thereby be indirectly condemned, for there were no such wrongdoers; the Fourth Amendment would not thereby be enforced, for no illegal search or seizure was made; the Court would be lending its aid to no lawless government action, for none occurred. Of course cooperation between the branch of the Department of Justice dealing with criminal law enforcement and the branch dealing with the immigration laws would be less effective if evidence lawfully seized by the one could not be used by the other. Only to the extent that it would be to the public interest to deter and prevent such cooperation, would an exclusionary rule in a case like the present be desirable. Surely no consideration of civil liberties commends discouragement of such cooperation between these two branches when undertaken in good faith. When undertaken in bad faith to avoid constitutional restraints upon criminal law enforcement the evidence must be suppressed. That is not, as we have seen, this case. Individual cases of bad faith cooperation should be dealt with by findings to that effect in the cases as they arise, not by an exclusionary rule preventing effective cooperation when undertaken in entirely good faith.

We have left to the last the admissibility of items (6) and (7), the hollowed-out pencil and the block of wood containing a "cipher pad," because their admissibility is founded upon an entirely different set of considerations.

These two items were found by an agent of the F. B. I. in the course of a search he undertook of petitioner's hotel room, immediately after petitioner had paid his bill and vacated the room. They were found in the room's wastepaper basket, where petitioner had put them while packing his belongings and preparing to leave. No pretense is made that this search by the F. B. I. was for any purpose other than to gather evidence of crime, that is, evidence of petitioner's espionage. As such, however, it was entirely lawful, although undertaken without a warrant. This is so for the reason that at the time of the search petitioner had vacated the room. The hotel then had the exclusive right to its possession, and the hotel management freely gave its consent that the search be made. Nor was it unlawful to seize the entire contents of the wastepaper basket, even though some of its contents had no connection with crime. So far as the record shows, petitioner had abandoned these articles. He had thrown them away. So far as he was concerned, they were *bona vacantia.* There can be nothing unlawful in the Government's appropriation of such abandoned property. See *Hester* v. *United States,* 265 U. S. 57, 58. The two items which were eventually introduced in evidence were assertedly means for the commission of espionage, and were themselves seizable as such. These two items having been lawfully seized by the Government in connection with an investigation of crime, we encounter no basis for discussing further their admissibility as evidence.

Affirmed.

MR. JUSTICE DOUGLAS, with whom MR. JUSTICE BLACK concurs, dissenting.

Cases of notorious criminals—like cases of small, miserable ones—are apt to make bad law. When guilt permeates a record, even judges sometimes relax and let the police take shortcuts not sanctioned by constitutional

procedures. That practice, in certain periods of our history and in certain courts, has lowered our standards of law administration. The harm in the given case may seem excusable. But the practices generated by the precedent have far-reaching consequences that are harmful and injurious beyond measurement. The present decision is an excellent example.

The opening wedge that broadened the power of administrative officers—as distinguished from police—to enter and search peoples' homes was *Frank* v. *Maryland*, 359 U. S. 360. That case allowed a health inspector to enter a home without a warrant, even though he had ample time to get one. The officials of the Immigration and Naturalization Service (I. N. S.) are now added to the preferred list. They are preferred because their duties, being strictly administrative, put them in a separate category from those who enforce the criminal law. They need not go to magistrates, the Court says, for warrants of arrest. Their warrants are issued within the hierarchy of the agency itself.[1] Yet, as I attempted to show in my dissent in the *Frank* case, the Fourth Amendment in origin had to do as much with ferreting out heretics and collecting taxes as with enforcement of the criminal laws. 359 U. S., at 376–379.

Moreover, the administrative officer who invades the privacy of the home may be only a front for the police who are thus saved the nuisance of getting a warrant. We need not go far to find examples. In *Maryland* v. *Pettiford*, Sup. Bench Balt. City, The Daily Record, Dec. 16, 1959, the police used the mask of a health inspector

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[1] Section 242 (a) of the Immigration and Nationality Act of 1952, 66 Stat. 208, 8 U. S. C. § 1252 (a), provides "Pending a determination of deportability in the case of any alien . . . such alien may, upon warrant of the Attorney General, be arrested and taken into custody."

to make the *Frank* case serve as an easy way to get a search without a warrant. Happily, they were rebuked.[2] But that case shows the kind of problems the *Frank* doctrine generates. The present case is another example of the same kind, although here the police are not rebuked. The administrative official with an administrative warrant, over which no judicial official exercises any supervision and which by statute may be used only for deportation, performs a new role. The police wear his mask to do police work. That, in my view, may not be done, even though we assume that the administrative warrant

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[2] In the *Pettiford* case it appears that a police officer assigned to the Sanitation Division gained entrance into a home without a warrant and discovered that the defendant who occupied the premises was engaged in lottery activities. He then signaled to a policeman in charge of gambling activities who was waiting outside in accordance with a prior agreement. Lottery slips were seized and over the defendant's objection were received in evidence in a criminal trial. A motion for a new trial was granted. The Supreme Bench of Baltimore City said in its opinion:

"Section 120 of Article 12 of the Baltimore City Code provides that if the Commissioner of Health has cause to suspect that a nuisance exists in any home, he may demand entry therein in the daytime and the owner or occupier is subject to a fine if entry is denied. A conviction under this Section by the Criminal Court of Baltimore City was sustained by the Supreme Court of the United States in a five to four decision. *Frank vs. Maryland* [359 U. S. 360]. . . .

. . . . . .

"In this case, it is evident that a principal, if not the chief purpose of the entry of the police officer assigned to the sanitation division was to endeavor to secure evidence of a lottery violation for his colleague. 'The security of one's privacy against arbitrary intrusion by the police . . . is basic to a free society.' *Wolf vs. Colorado*, 338 U. S. 25, 27. An exception to that security, upheld because indispensible for the maintenance of the community health, is not to be used to cover searches without warrants inconsistent with the conceptions of human rights [embodied] in our State and Federal Constitutions."

issued by an administrative rather than a judicial officer is valid for an arrest for the purpose of deportation. We take liberties with an Act of Congress, as well as the Constitution, when we permit this to be done. The statute permits the arrest of an alien on an administrative warrant "[p]ending a determination of deportability."[3] The Court now reads the Act as if it read "Pending an investigation of criminal conduct." Such was the nature of the arrest.

With due deference to the two lower courts, I think the record plainly shows that F. B. I. agents were the moving force behind this arrest and search. For at least a month they investigated the espionage activities of petitioner. They were tipped off concerning this man and his role in May; the arrest and search were made on June 21. The F. B. I. had plenty of time to get a search warrant, as much if not more time than they had in *Johnson* v. *United States*, 333 U. S. 10, and *Kremen* v. *United States*, 353 U. S. 346, where the Court held warrantless searches illegal. But the F. B. I. did not go to a magistrate for a search warrant. They went instead to the I. N. S. and briefed the officials of that agency on what they had discovered. On the basis of this data a report was made to John Murff, Acting District Director of the I. N. S., who issued the warrant of arrest.

No effort was made by the F. B. I. to obtain a search warrant from any judicial officer, though, as I said, there was plenty of time for such an application. The administrative warrant of arrest was chosen with care and calculation as the vehicle through which the arrest and search were to be made. The F. B. I. had an agreement with the officials of I. N. S. that this warrant of arrest would not be served at least until petitioner refused to

[3] Note 1, *supra*.

"cooperate." The F. B. I. agents went with agents of the I. N. S. to apprehend petitioner in his hotel room. Again, it was the F. B. I. agents who were first. They were the ones who entered petitioner's room and who interrogated him to see if he would "cooperate"; and when they were unable to get him to "cooperate" by threatening him with arrest, they signaled agents of the I. N. S. who had waited outside to come in and make the arrest. The search was made both by the F. B. I. agents and by officers of the I. N. S. And when petitioner was flown 1,000 miles to a special detention camp and held for three weeks, the agents of the F. B. I. as well as I. N. S. interrogated him.[4]

Thus the F. B. I. used an administrative warrant to make an arrest for criminal investigation both in violation of § 242 (a) of the Immigration and Nationality Act [5] and in violation of the Bill of Rights.

The issue is not whether these F. B. I. agents acted in bad faith. Of course they did not. The question is how far zeal may be permitted to carry officials bent on law enforcement. As Mr. Justice Brandeis once said, "Experience should teach us to be most on our guard to protect liberty when the Government's purposes are beneficent." *Olmstead* v. *United States*, 277 U. S. 438, 479 (dissenting opinion). The facts seem to me clearly to establish that the F. B. I. agents wore the mask of I. N. S. to do what otherwise they could not have done. They did what they could do only if they had gone to a judicial officer pursuant to the requirements of the Fourth Amendment, disclosed

[4] Immigration officials (who often claim that their actions have an administrative finality beyond the reach of courts, see *Ludecke* v. *Watkins*, 335 U. S. 160; *Jay* v. *Boyd*, 351 U. S. 345) have no authority to detain suspects for secret interrogation. See *United States* v. *Minker*, 350 U. S. 179.

[5] Note 1, *supra*.

their evidence, and obtained the necessary warrant for the searches which they made.

If the F. B. I. agents had gone to a magistrate, any search warrant issued would by terms of the Fourth Amendment have to "particularly" describe "the place to be searched" and the "things to be seized." How much more convenient it is for the police to find a way around those specific requirements of the Fourth Amendment! What a hindrance it is to work laboriously through constitutional procedures! How much easier to go to another official in the same department! The administrative officer can give a warrant good for unlimited search. No more showing of probable cause to a magistrate! No more limitations on what may be searched and when!

In *Rea* v. *United States*, 350 U. S. 214, federal police officers, who obtained evidence in violation of federal law governing searches and seizures and so lost their case in the federal court, repaired to a state court and proposed to use it there in a state criminal prosecution. The Court held that the Federal District Court could properly enjoin the federal official from using the illegal search and seizure as basis for testifying in the state court. The federal rules governing searches and seizures, we held, are "designed as standards for federal agents" no more to be defeated by devious than by direct methods. The present case is even more palpably vulnerable. No state agency is involved. Federal police seek to do what immigration officials can do to deport a person but what our rules, statutes, and Constitution forbid the police from doing to prosecute him for a crime.

The tragedy in our approval of these short cuts is that the protection afforded by the Fourth Amendment is removed from an important segment of our life. We today forget what the Court said in *Johnson* v. *United States*, *supra*, at 14, that the Fourth Amendment provision

for "probable cause" requires that those inferences "be drawn by a neutral and detached magistrate" not "by the officer engaged in the often competitive enterprise of ferreting out crime." This is a protection given not only to citizens but to aliens as well, as the opinion of the Court by implication holds. The right "of the people" covered by the Fourth Amendment certainly gives security to aliens in the same degree that "person" in the Fifth and "the accused" in the Sixth Amendments also protects them. See *Wong Wing* v. *United States,* 163 U. S. 228, 242. Here the F. B. I. works exclusively through an administrative agency—the I. N. S.—to accomplish what the Fourth Amendment says can be done only by a judicial officer. A procedure designed to serve administrative ends—deportation—is cleverly adapted to serve other ends—criminal prosecution. We have had like examples of this same trend in recent times. Lifting the requirements of the Fourth Amendment for the benefit of health inspectors was accomplished by *Frank* v. *Maryland,* as I have said. Allowing the Department of Justice rather than judicial officers to determine whether aliens will be entitled to release on bail pending deportation hearings is another. See *Carlson* v. *Landon,* 342 U. S. 524.

Some things in our protective scheme of civil rights are entrusted to the judiciary. Those controls are not always congenial to the police. Yet if we are to preserve our system of checks and balances and keep the police from being all-powerful, these judicial controls should be meticulously respected. When we read them out of the Bill of Rights by allowing short cuts as we do today and as the Court did in the *Frank* and *Carlson* cases, police and administrative officials in the Executive Branch acquire powers incompatible with the Bill of Rights.

The F. B. I. agents stalked petitioner for weeks and had plenty of time to obtain judicial warrants for searching the

premises he occupied. I would require them to adhere to the command of the Fourth Amendment and not evade it by the simple device of wearing the masks of immigration officials while in fact they are preparing a case for criminal prosecution.

MR. JUSTICE BRENNAN, with whom THE CHIEF JUSTICE, MR. JUSTICE BLACK and MR. JUSTICE DOUGLAS join, dissenting.

This is a notorious case, with a notorious defendant. Yet we must take care to enforce the Constitution without regard to the nature of the crime or the nature of the criminal. The Fourth Amendment protects "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures." This right is a basic one of all the people, without exception; and this Court ruled in *Weeks* v. *United States*, 232 U. S. 383, that the fruits of governmental violation of this guarantee could not be used in a criminal prosecution. The Amendment's protection is thus made effective for everyone only by upholding it when invoked by the worst of men.

The opinion of the Court makes it plain that the seizure of certain of the items of petitioner taken from his room at the Hotel Latham and used in evidence against him must depend upon the existence of a broad power, without a warrant, to search the premises of one arrested, in connection with and "incidental" to his arrest. This power is of the sort recognized by *Harris* v. *United States*, 331 U. S. 145, and later asserted even where the arresting officers, as here, had ample time and opportunity to secure a search warrant. *United States* v. *Rabinowitz*, 339 U. S. 56, overruling *Trupiano* v. *United States*, 334 U. S. 699. The leading early cases do not recognize any such power to make a search generally through premises attendant upon an arrest. See *Go-Bart Importing Co.* v.

United States, 282 U. S. 344; *United States* v. *Lefkowitz*, 285 U. S. 452.[1]

The general question has been extensively canvassed here, in the general context of an arrest for crime, in the *Harris*, *Trupiano* and *Rabinowitz* cases. Whether *Harris* and *Rabinowitz* should now be followed on their own facts is a question with which the Court is not now faced. Rather the question is whether the doctrine of those cases should be extended to a new and different set of facts—facts which present a search made under circumstances much less consistent with the Fourth Amendment's prohibition against unreasonable searches than any which this Court has hitherto approved. Factual differences weigh heavily in this area: "There is no formula for the determination of reasonableness. Each case is to be decided on its own facts and circumstances." *Go-Bart Importing Co.* v. *United States*, *supra*, at 357. In *Harris* and *Rabinowitz*, the broad search was performed as an incident to an arrest for crime under warrants lawfully issued. 331 U. S., at 148; 339 U. S., at 58. The issuance of these warrants is by no means automatic—it is controlled by a constitutionally prescribed standard. It thus could be held that sufficient protection was given the individual without the execution of a second warrant for the search. Cf. Clark, J., dissenting in *United States* v. *Rabinowitz*, 176 F. 2d 732, 736, reversed, 339 U. S. 56. And while a search generally through premises "incident" to an arrest for crime without a warrant has been sanctioned only inferentially here,[2] even if such a search be deemed permissible under the Fourth Amendment, it would not go so far as the result here. Such an arrest may

[1] Earlier expressions looking the other way, *Agnello* v. *United States*, 269 U. S. 20, 30; *Marron* v. *United States*, 275 U. S. 192, 198–199, were put in proper perspective by their author in *Go-Bart* and *Lefkowitz*. See 282 U. S., at 358; 285 U. S., at 465.

[2] See *United States* v. *Rabinowitz*, *supra*, at 60.

constitutionally be made only upon probable cause, the existence of which is subject to judicial examination, see *Henry* v. *United States,* 361 U. S. 98, 100; and such an arrest demands the prompt bringing of the person arrested before a judicial officer, where the existence of probable cause is to be inquired into. Fed. Rules Crim. Proc., 5 (a) and (c). This Court has been astute to fashion methods of ensuring the due observance of these safeguards. *Henry* v. *United States, supra; Mallory* v. *United States,* 354 U. S. 449; *McNabb* v. *United States,* 318 U. S. 332.

Even assuming that the power of Congress over aliens may be as great as was said in *Galvan* v. *Press,* 347 U. S. 522, and that deportation may be styled "civil," *Harisiades* v. *Shaughnessy,* 342 U. S. 580, 594, it does not follow that Congress may strip aliens of the protections of the Fourth Amendment and authorize unreasonable searches of their premises, books and papers. Even if Congress could make the exclusionary sanction of the Amendment inapplicable in deportation proceedings, the fruits of the search here were used in a prosecution whose criminal character no dialectic can conceal. Clearly the consequence of the Fourth Amendment in such a trial is that the fruits of such a search may not be given in evidence, under the rule declared in *Weeks* v. *United States, supra.* We need not, in my view, inquire as to whether the sort of "administrative" arrest made here is constitutionally valid as to permit the officers to hold petitioner's person for deportation proceedings. With the Court, this issue may be treated as not properly before us for our consideration, and the arrest may be treated for the purposes of this case as lawful in itself. But even with *Harris* and *Rabinowitz,* that does not conclude the matter as to the search. It is patent that the sort of search permitted by those cases, and necessary to sustain the seizures here, goes beyond what is reasonably related

to the mechanics of the arrest itself—ensuring the safety of the arresting officers and the security of the arrest against the prisoner's escape. Since it does, I think it plain that before it can be concluded here that the search was not an unreasonable one, there must be some inquiry into the over-all protection given the individual by the totality of the processes necessary to the arrest and the seizure. Here the arrest, while had on what is called a warrant, was made totally without the intervention of an independent magistrate; it was made on the authorization of one administrative official to another. And after the petitioner was taken into custody, there was no obligation upon the administrative officials who arrested him to take him before any independent officer, sitting under the conditions of publicity that characterize our judicial institutions, and justify what had been done.[3] Concretely, what happened instead was this: petitioner, upon his arrest, was taken to a local administrative headquarters and then flown in a special aircraft to a special detention camp over 1,000 miles away. He was incarcerated in solitary confinement there. As far as the world knew, he had vanished. He was questioned daily at the place of incarceration for over three weeks. An executive procedure as to his deportability was had, at the camp, after a few days, but there was never any independent inquiry or judicial control over the circumstances of the arrest and the seizure till over five weeks after his arrest, when, at the detention camp, he was served with a bench warrant for his arrest on criminal charges, upon an indictment.

The Fourth Amendment imposes substantive standards for searches and seizures; but with them one of the important safeguards it establishes is a procedure; and

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[3] This procedure is statutorily based on § 242 (a) of the Immigration and Nationality Act of 1952, 66 Stat. 208, 8 U. S. C. § 1252 (a).

central to this procedure is an independent control over the actions of officers effecting searches of private premises. "Indeed, the informed and deliberate determinations of magistrates empowered to issue warrants as to what searches and seizures are permissible under the Constitution are to be preferred over the hurried action of officers and others who may happen to make arrests." *United States* v. *Lefkowitz*, *supra*, at 464. "Absent some grave emergency, the Fourth Amendment has interposed a magistrate between the citizen and the police." *McDonald* v. *United States*, 335 U. S. 451, 455. It is one thing to say that an adequate substitute for this sort of intervention by a magistrate can be found in the strict protections with which federal criminal procedure surrounds the making of a criminal arrest—where the action of the officers must receive an antecedent or immediately subsequent independent scrutiny. It goes much further to say that such a substitute can be found in the executive processes employed here. The question is not whether they are constitutionally adequate in their own terms—whether they are a proper means of taking into custody one not charged with crime. The question is rather whether they furnish a context in which a search generally through premises can be said to be a reasonable one under the Fourth Amendment. These arrest procedures, as exemplified here, differ as night from day from the processes of an arrest for crime. When the power to make a broad, warrantless search is added to them, we create a complete concentration of power in executive officers over the person and effects of the individual. We completely remove any independent control over the powers of executive officers to make searches. They may take any man they think to be a deportable alien into their own custody, hold him without arraignment or bond, and, having been careful to apprehend him at home, make a search generally through his premises. I cannot see

how this can be said to be consistent with the Fourth Amendment's command; it was, rather, against such a concentration of executive power over the privacy of the individual that the Fourth Amendment was raised. I do not think the *Harris* and *Rabinowitz* cases have taken us to this point.

If the search here were of the sort the Fourth Amendment contemplated, there would be no need for the elaborate, if somewhat pointless, inquiry the Court makes into the "good faith" of the arrest. Once it is established that a simple executive arrest of one as a deportable alien gives the arresting officers the power to search his premises, what precise state of mind on the part of the officers will make the arrest a "subterfuge" for the start of criminal proceedings, and render the search unreasonable? We are not, I fear, given any workable answer, and of course the practical problems relative to the trial of such a matter hardly need elaboration; but the Court verbalizes the issue as "whether the decision to proceed administratively toward deportation was influenced by, and was carried out for, a purpose of amassing evidence in the prosecution for crime." But under today's ruling, every administrative arrest offers this possibility of a facile search, theoretically for things connected with unlawful presence in the country, that may turn up evidence of crime; and this possibility will be well known to arresting officers. Perhaps the question is how much basis the officers had to suspect the person of crime; but it would appear a strange test as to whether a search which turns up criminal evidence is unreasonable, that the search is the more justifiable the less there was antecedent probable cause to suspect the defendant of crime. If the search were made on a valid warrant, there would be no such issue even if it turned up matter relevant to another crime. See *Gouled* v. *United States*, 255 U. S. 298, 311–312. External procedural control in accord with the

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basic demands of the Fourth Amendment removes the grounds for abuse; but the Court's attitude here must be based on a recognition of the great possibilities of abuse its decision leaves in the present situation. These possibilities have been recognized before, in a case posing less danger: "Arrest under a warrant for a minor or a trumped-up charge has been familiar practice in the past, is a commonplace in the police state of today, and too well-known in this country. . . . The progress is too easy from police action unscrutinized by judicial authorization to the police state." *United States* v. *Rabinowitz, supra,* at 82 (dissenting opinion). Where a species of arrest is available that is subject to no judicial control, the possibilities become more and more serious. The remedy is not to invite fruitless litigation into the purity of official motives, or the specific direction of official purposes. One may always assume that the officers are zealous to perform their duty. The remedy is rather to recognize that the power to perform a search generally throughout premises upon a purely executive arrest is so unconfined by any safeguards that it cannot be countenanced as consistent with the Fourth Amendment.

One more word. We are told that the governmental power to make a warrantless search might be greater where the object of the search is not related to crime but to some other "civil" proceeding—such as matter bearing on the issue whether a man should forcibly be sent from the country. The distinction is rather hollow here, where the proofs that turn up are in fact given in evidence in a criminal prosecution. And the distinction, again, invites a trial of the officers' purposes. But in any event, I think it perverts the Amendment to make this distinction. The Amendment states its own purpose, the protection of the privacy of the individual and of his property against the incursions of officials: the "right of the people to be secure in their persons, houses, papers, and effects." See

Boyd v. *United States*, 116 U. S. 616, 627. Like most of the Bill of Rights it was not designed to be a shelter for criminals, but a basic protection for everyone; to be sure, it must be upheld when asserted by criminals, in order that it may be at all effective, but it "reaches all alike, whether accused of crime or not." *Weeks* v. *United States, supra*, at 392. It is the individual's interest in privacy which the Amendment protects, and that would not appear to fluctuate with the "intent" of the invading officers. It is true that the greatest and most effective preventive against unlawful searches that has been devised is the exclusion of their fruits from criminal evidence, see *Weeks* v. *United States, supra; Boyd* v. *United States, supra;* but it is strange reasoning to infer from this that the central thrust of the guarantee is to protect against a search for such evidence. The argument that it is seems no more convincing to me now than when it was made by the Court in *Frank* v. *Maryland*, 359 U. S. 360. To be sure, the Court in *Boyd* v. *United States, supra*, and in subsequent cases [4] has commented upon the intimate relationship between the privilege against unlawful searches and seizures and that against self-incrimination. This has been said to be erroneous history; [5] if it was, it was even less than a harmless error; it was part of the process through which the Fourth Amendment, by means of the exclusionary rule, has become more than a dead letter in the federal courts. Certainly this putative relationship between the guarantees is not to be used as a

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[4] See, *e. g.*, *Gouled* v. *United States, supra*, at 306; *United States* v. *Lefkowitz, supra*, at 466–467. The *Weeks* case itself, though drawing great support from *Boyd*, appears to rest most heavily on the Fourth Amendment itself.

[5] The famous attack on the *Boyd* case's historical basis is, of course, to be found in 8 Wigmore, Evidence (3d ed. 1940), §§ 2184, 2264. The attack is incident to Wigmore's strictures on the exclusionary rule. *Id.*, §§ 2183–2184.

basis of a stinting construction of either—it was the *Boyd* case itself [6] which set what might have been hoped to be the spirit of later construction of these Amendments by declaring that the start of abuse can "only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed." 116 U. S., at 635.

Since evidence was introduced against petitioner which had been obtained in violation of his constitutional guarantees as embodied in the Fourth Amendment, I would reverse his conviction for a new trial on the evidence not subject to this objection.

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[6] It is not without interest to note, too, that the *Boyd* case itself involved a search not in connection with a prosecution to impose fine or imprisonment, but simply with an action to forfeit 35 cases of plate glass said to have been imported into the country under a false customs declaration.

EXHIBIT NO. 120

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 28, 1971

CONFIDENTIAL

MEMORANDUM FOR: JOHN DEAN

FROM: H. R. HALDEMAN

SUBJECT: Hughes Retainer of Larry O'Brien

You should continue to keep in contact with Bob Bennett, as well as looking for other sources of information on this subject. Once Bennett gets back to you with his final report, you and Chuck Colson should get together and come up with a way to leak the appropriate information. Frankly, I can't see any way to handle this without involving Hughes so the problem of "embarrassing" him seems to be a matter of degree. However, we should keep Bob Bennett and Bebe out of it at all costs. Please keep me advised of your progress on this and any plans you decide on.

CONFIDENTIAL

THE WHITE HOUSE

WASHINGTON

January 26, 1971

CONFIDENTIAL

MEMORANDUM FOR: H.R. HALDEMAN

FROM: JOHN DEAN

SUBJECT: Hughes' Retainer of Larry O'Brien

Pursuant to your memorandum of January 18, 1971, I have conducted an inquiry into the relationship between Larry O'Brien and Howard Hughes. My preliminary findings are set forth below.

First, Lyn Nofziger, who you thought had been doing some work in this area, reported that he had no knowledge of specifics, but had hearsay information of the relationship.

Second, I discussed the matter with Bebe Rebozo who indicated that his information regarding the retainer had come from Robert Maheu, the recently released head of Hughes' Nevada operation. Bebe said that this information had come to his attention at a time when Maheu was professing considerable friendliness towards the Administration, but that it was not documented information. Bebe indicated that he felt that Maheu had possibly retained O'Brien for his services without any direct knowledge by Hughes himself. Bebe is under the impression that Maheu had a good bit of freedom with Hughes' money when running the Nevada operation. Bebe further indicated that he felt he could acquire some documentation of this fact if given a little time and that he would proceed to try to get any information he could. He also requested that if any action be taken with regard to Hughes that he be notified because of his familiarity with the delicacy of the relationships as a result of his own dealings with the Hughes people.

Third, I have also been informed by a source of Jack Caulfield's that O'Brien and Maheu are long time friends from the Boston area, a friendship which dates back to early or pre-Kennedy days. During the Kennedy Administration, there apparently was a continuous liaison between O'Brien and Maheu. When O'Brien left the White House prior to becoming Postmaster General, it is alleged that Maheu offered O'Brien a piece of the Hughes action in Las Vegas (believed to be about a $100,000 arrangement).

O'Brien apparently did not accept the offer. After leaving the government, O'Brien formed a Washington-New York based public relations firm and brought into the firm a man by the name of Claude Desaultels, who had been O'Brien's Executive Assistant while he was Postmaster General. There is some basis to believe that the Hughes-O'Brien financial retainer transactions have been handled by Desaultels and Maheu, with O'Brien one step removed.

Caulfield's source further indicated that Maheu, apparently, was the man who forwarded all Hughes' political contributions, personally, to both parties over the last ten years. It is asserted that he dealt with a man by the name of Vic Johnson (now deceased) who he believed was one of the Nixon fund raisers over the years. I assume this is the Vic Johnson who was with the Congressional Campaign Committee. It is also noted that former Republican Congressman Pat Hillings, who is a friend of Murray Chotiner's, has been retained by Maheu in connection with the Hughes' interests for several years. It is further alleged that former FBI Agent Dick Danner has served as an aide to Maheu and Danner is an associate of former Senator Smathers and Danner professes a friendship with Bebe Rebozo. I have not confirmed this latter fact with Bebe. The Clark Clifford law firm has been the Washington representative of the Hughes' legal interests in Washington for a number of years.

Fourth, Bob Bennett, son of Senator Wallace Bennett of Utah, has recently left the Department of Transportation to take over the Mullen Public Relations firm here in Washington. Chuck Colson informs me that Bob Bennett is a trusted and good friend of the Administration. One of Bob's new clients is Howard Hughes. Bennett informs me that there is no doubt about the fact that Larry O'Brien was retained by Howard Hughes and the contract is still in existence. The arrangements were made by Maheu and Bennett believes that O'Brien, through his associate Desaultels, is going to seek to have Hughes follow through on the alleged retainer contract even though Maheu has been removed. Bennett believes that Larry O'Brien has removed himself from the operation in a visible way, but for all practical purposes, is still involved with the former Larry O'Brien Associates which is now run by Desaultels. Bennett believes that Desaultels is collecting on the Hughes contract and placing funds in a reserve account for O'Brien when O'Brien returns to the firm. Bennett also indicates that he will be going to the West Coast to talk about the specifics of his Hughes relationship with Mr. Gay (the man who is responsible for releasing Maheu). Bennett also indicated that he felt confident that if it was necessary to document the retainer with O'Brien that he could get the

EXHIBIT NO. 121

March 30, 1972

MEMORANDUM FOR: H.R. HALDEMAN

FROM: CHARLES COLSON

SUBJECT: ITT

There are four points in the analysis you outlined to MacGregor and me this morning with which MacGregor, Wally Johnson and I disagree:

1. Mitchell, Kleindienst or Mardian dealing with Eastland and MacGregor presumably dealing with the other members of the Committee guarantees a divided approach. One or the other has to call the shots. Kleindienst has already this morning told MacGregor that he, MacGregor, should not deal with any of the other Republican Senators (Scott, Cook, etc.) but rather should deal only through Hruska. In the kind of day-to-day operation this is, that is simply an untenable arrangement.

   I know you and the President are concerned that all of us are taken away from other more important matters. You should be, however, equally concerned that Mitchell in the last 30 days has done little with respect to the campaign and that may be a more serious loss than MacGregor's time and mine.

2. On the one hand, you have the assessment of Kleindienst, Mardian and Mitchell as to what will happen in the Committee and on the Floor. On the other hand, you have the legislative assessment of MacGregor, Colson and Johnson which is very different. (Johnson spent from 1968-1970 as Minority Counsel of this same Committee and has been involved in all of the confirmation battles of this Administration either from the Committee end or from the Justice Department end. He left the Committee to go to Justice in 1970. MacGregor spent 10 years in Congress. I spent 5 years as a senior Senate assistant and 9 years in law practice, involving very considerable contact with the Hill. The Justice team simply has not had the same experience.)

Admittedly it is all opinion at this point. Mr. Johnson, MacGregor and I unanimously do not believe that Kleindienst can be confirmed by June 1. Johnson does not feel he can be confirmed at all and on this point I am at least doubtful. I emphasize that this is an opinion and a judgment call. Lots of things could happen: We could get a big break in the case; the media could turn around and become sympathetic to Kleindienst; the Democrats could decide that they are better having him in the job than beating him. Obviously, there are many unforeseen possibilities, but as of now that is our best assessment. I would think that whatever decision we make now should be based on the most knowledgable -- and I would add the most detached -- assessment of our legislative prospects.

Wally Johnson has done a detailed analysis of the various procedural moves that are likely to be made in Committee or on the Floor. He is not shooting from the hip. He has analyzed it and a Senate vote in his judgment cannot be achieved by June 1; the Democrats will only let it come to a vote if they have votes to reject Kleindienst, which is the least desirable outcome. Neither Johnson, MacGregor or Colson are prepared to predict whether we can hold the votes necessary to confirm him should the nomination in fact get to a vote.

3. Assuming MacGregor, Johnson and Colson are correct, then setting June 1 as our deadline date merely puts the hard decision off to a time when it will be considerably more volatile politically than it is today. Kleindienst's withdrawal will then be an admission of defeat but it will come two months closer to the election. There will have been two months more of rancor and publicity. In June Kleindienst will be a hot issue for the Democratic Convention. Confirmation of Kleindienst's replacement will also be vastly more difficult in June than it would be now. Obviously this again is opinion.

4. The most serious risk for us is being ignored in the analysis you gave us this morning -- there is the possibility of serious additional exposure by the continuation of this controversy. Kleindienst is not the target; the President is, but Kleindienst is the best available vehicle for the Democrats to get to the President. Make no mistake, the Democrats want to keep this case alive -- whatever happens to Kleindienst -- but the battle over Kleindienst elevates

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the visibility of the ITT matter and, indeed, guarantees that the case will stay alive. It may stay alive in any event and hence the key question not addressed in your analysis is whether pendency or withdrawal of the Kleindienst nomination serves to increase the Democrat's desire to continue. That is the hardest call to make but for the following reasons it may be the most important point to make.

Niether Kleindienst, Mitchell nor Mardian know of the potential dangers. I have deliberately not told Kleindienst or Mitchell since both may be recalled as witnesses and Mardian does not understand the problem. Only Fred Fielding, myself and Ehrlichman have fully examined all the documents and/or information that could yet come out. A summary of some of these is attached.

1. Certain ITT files which were not shredded have been turned over to the SEC; there was talk yesterday in the Committee of subpoenaing these from ITT. These files would undermine Griswold's testimony that he made the decision not to take the appeal to the Supreme Court. Correspondence to Connally and Peterson credits the delay in Justice's filing of the appeal to the Supreme Court in the Grinell case to direct intervention by Peterson and Connally. A memo sent to the Vice President, addressed "Dear Ted", from Ned Gerrity tends to contradict John Mitchell's testimony because it outlines Mitchell's agreement to talk to McLaren following Mitchell's meeting with Geneen in August 1970.

   It would carry some weight in that the memo was written contemporaneous with the meeting. Both Mitchell and Geneen have testified they discussed policy only, not this case, and that Mitchell talked to no one else. The memo further states that Ehrlichman assured Geneen that the President had "instructed" the Justice Department with respect to the bigness policy. (It is, of course, appropriate for the President to instruct the Justice Department on policy, but in the context of these hearings, that revelation would lay this case on the President's doorstep.) There is another internal Ryan to Merriam memo, which is not in the hands of the SEC; it follows the 1970 Agnew meeting and suggests that Kleindienst is the key man to pressure McLaren, implying that the Vice President would implement this action. We believe that all copies of this have been destroyed.

2. There is a Klein to Haldeman memo dated June 30, 1971 which of course precedes the date of the ITT settlement, setting forth the $400,000 arrangement with ITT. Copies were addressed to Magruder, Mitchell and Timmons. This memo put the AG on constructive notice at least of the ITT commitment at that time and before the settlement, facts which he has denied under oath. We don't know whether we have recovered all the copies. If known, this would be considerably more damaging than Rieneke's statement. Magruder believes it is possible, the AG transmitted his copy to Magruder. Magruder doesn't have the copy he received; he only has a Xerox of the copy. In short, despite a search this memo could be lying around anywhere at 1701.

3. Tje Justice Department has thus far resisted a request for their files, although their files were opened to Robert Hammond, one of Turner's deputies and a hold-over who is now a practicing Democratic lawyer in Washington. Hammond had access to several memos that could be embarassing. Whether he kept them or not is unknown, but it is probable that he recalls them. One is a memo of April 1969 from Kleindienst and McLaren to Ehrlichman responding to an Ehrlichman request with respect ot the rationale for bringing the case against ITT in the first place. There is a subsequent April 1970 memo from Hullin to McLaren stating that Ehrlichman had discussed his meeting with Geneen with the AG, and suggesting to McLaren that Mitchell could give McLaren "more specified guidance". There is another memo of September 1970 from Ehrlichman to the AG referring to an "understanding" with Geneen and complaining of McLaren's actions. There is a May 5, 1971 memo from Ehrlichman to the AG alluding to discussions between the President and the AG as to the "agreed upon ends" in the resolution of the ITT case and asking the AG whether Ehrlichman should work directly with McLaren or through Mitchell. There is also a memo to the President in the same time period. We know we have control of all the copies of this, but we don't have control of the original Ehrlichman memo to the AG. This memo would once again contradict Mitchell's testimony and more importantly directly involve the President. We believe we have absolute security on this file within Justice, provided no copies were made within Justice and provided there are no leaks. We have no idea of the distribution that took place within Justice.

4. Merriam's testimony will of necessity involve direct contact with Jack Gleason. I can't believe that after Merriam's testimony. Gleason will not be called as a witness.

A TRUE COPY

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EXHIBIT No. 122

HUNT, HOWARD

ENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM

UNCLASSIFIED	CONFIDENTIAL	SECRET

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	DCI	31 AUG 1971	JH
2			
3	DDCI		EW
4			
5	ER - FILE		
6	Howard Hunt		

	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE

Remarks: I called John Erlichman Friday and explained why we could not meet these requests. I indicated Hunt was becoming a pain in the neck. John said he would restrain Hunt.

27 Aug 71

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
DDCI	31 Aug 71

UNCLASSIFIED	CONFIDENTIAL	SECRET

FORM NO. 1-67 237 Use previous editions (40)

30 August 1971

MEMORANDUM FOR THE RECORD

SUBJECT : Additional Request from Mr. Howard Hunt for Agency Support

1. Mr. Deputy Chief, TSD telephoned on 27 August 1971 to report additional requests from Mr. Howard Hunt. He said that Mr. Hunt had telephoned Mr. his regular TSD contact, on 26 August 1971 and asked him to meet a courier at the airport to receive exposed film and arrange for its development. Mr. Hunt also arranged to pick up the developed film later. Mr. said that the pseudonym of Mr. Hunt's colleague, whose identity remains unknown to us, is

2. Mr. said that he was increasingly concerned at the nature of assistance requested by Mr. Hunt. TSD had initially furnished Mr. Hunt with notional pocket-litter documentation. Hunt was now pressing for fully backstopped documentation and support. A driver's license and credit cards (including Hertz and Avis) had been requested in pseudonym. Mr. said that he had turned down this request. Hunt had also asked that the Agency arrange to backstop a New York phone number either through an answering service there or by a hookup which would permit the New York number to be answered in Washington. Hunt also wanted the Agency to arrange for a New York business office to acknowledge him. Mr. said this service was beyond TSD's capability and would have to be handled by the Office of Security.

3. I told Mr. that Mr. Hunt's latest requests drew us even further into the sensitive area of domestic operations against Americans and that all such requests should be referred to General Cushman's office. Meanwhile these requests should not be met.

EXHIBIT No. 123

SENDER WILL CHECK CLASSIFICATION TOP AND BOTTOM

UNCLASSIFIED | CONFIDENTIAL | SECRET

OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	DCI	23 AUG 1971	
2			
3	DDCI	8/24	
4			
5	Ex. Dir.	30 AUG 1971	
6	DDCI FYI	only	

	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE

Remarks:

FYI and guidance on how to handle

FB

If Hunt renews the request, please let me know and I'll speak to Ehrlichman at once.

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
DDCI	23 Aug 71

UNCLASSIFIED | CONFIDENTIAL | SECRET

FORM NO. 1-67 237 Use previous editions

(40)

23 August 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Request by Mr. Howard Hunt for Special Agency Secretarial Support

1. Mr. Howard Hunt, a retired Clandestine Service officer who is a White House consultant on security matters, telephoned on 18 August to request that the Agency furnish him a secretary for a temporary assignment of between 30 and 90 days. He said that he needed the secretary to work on a highly sensitive assignment and that Mr. John Ehrlichman had suggested that he call General Cushman.

2. Mr. Hunt said that he wanted the services of a specific individual, Miss who was working in the Paris Station. He said that he didn't want Chief, EUR to know that he or the White House was involved in the request. He suggested that the Director's office should recall the young lady at once, explaining to all concerned that she was urgently needed for an unspecified special assignment. He again stressed that White House involvement should not be mentioned to anyone but General Cushman or the Director.

3. Miss is a year old, GS-5 clerk-typist from

4. After discussing the case with General Cushman, I informed Mr. Hunt that the Agency would be very reluctant to withdraw in the middle of her overseas assignment. It would involve unnecessary expense and would disrupt the work of the Paris Station. I suggested that if Mr. Hunt would furnish us with the qualifications desired we might be

able to provide a fully qualified secretary from Headquarters. Mr. Hunt replied that was the only secretary he would accept because of "the loyalty factor," and he would withdraw the request if he could not get her. I suggested that he take the matter up with General Cushman if it would make him feel better. He replied that he might do this but would first talk to Mr. Ehrlichman. Several days have gone by and we have heard no more of the matter.

EA/DDCI

EXHIBIT NO. 124

Meeting Between the DDCI (General Cushman) and Howard Hunt - 22 July 71

General Cushman: Hey, good to see you. Come on in, have a seat.

Mr. Hunt : Could we make this just the two of us?

General Cushman: All right, sure. We certainly can.

Mr. Hunt: Thank you very much. I've been charged with quite a highly sensitive mission by the White House to visit and elicit information from an individual whose ideology we aren't entirely sure of, and for that purpose they asked me to come over here and see if you could get me two things: flash alias documentation, which wouldn't have to (it's ___ to be backstopped _____) and some degree of physical disguise, for a one-time op -- in and out.

General Cushman: I don't see why we can't.

Mr. Hunt: We'll keep it as closely held as possible. I don't know how you or your cover people want to work it, but what I would like would be to meet somebody in a safehouse (NOTE: Plane comes over at this point, and words are very indistinct.) physical disguise. We're planning on (traveling) either Saturday or Sunday. Tomorrow afternoon probably would be the earliest it could be accomplished, so if somebody could (do it by tomorrow afternoon, it would be a great job.)

Well, you're looking very well.

General Cushman: Well, it's a nice job.

Mr. Hunt: I know. I saw you at the Wisner Memorial presentation that day, you know, the plaque that's downstairs, and, if you pardon my saying so, you seem to have lost a little weight.

General Cushman: Yes, I've taken some off. I sort of go up and down. When I go down, it's because I go on the wagon and don't eat very much at all, and this is hell to pay when you're being entertained and going to embassies and dinners, but it's the only way I can lose weight is to be miserable, relatively miserable.

Mr. Hunt: Yes. I have the same problem. And, curiously, since I've retired, the thing I've missed most is the gym facilities, because I used to get down there. I'd be there about fifteen minutes before the Director would arrive, so we'd kind of overlap a bit, and that really kept my weight down, because it discouraged midafternoon snacking, you know, and then I didn't feel a need to drink when I got home because I was too tired, you know, so I do miss that facility.

General Cushman: Well, I don't use it. I ordinarily trot or jog for thirty minutes in the morning at home. If I wait until afternoon, I'm too tired. I'm just getting to that old-age point where, when I get home in the afternoon, I may work in the workshop or do a little bit of work in the yard, but I don't feel like running.

Mr. Hunt: I know what you mean.

General Cushman: I'm amazed at the boss, because he's still doing it, you know. It may be five-thirty or five o'clock when he gets down there. I'm usually pooped. I don't want athletics at that point.

Mr. Hunt: Yes, that's right. I try to do a little setting-up exercise in the morning, but I'm not consistent about it. (Next part indistinct, but they're still talking about exercises.)

General Cushman: Say, I can get in touch with you at the White House, can't I? (to tell you) what address to go to, and so forth.

Mr. Hunt: Right. So we can lay on -- you think tomorrow afternoon is ample time?

General Cushman: I'll give it a try, yes. I haven't talked to anybody yet. I suppose they can do it. I haven't been in this business before, haven't had to.

Mr. Hunt: Well, Ehrlichman said that you were the --

General Cushman: Yes, he called me. I mean I haven't been in the cover business, so I don't know if they operate real fast, but I suppose they do.

Mr. Hunt: Well, I know they can.

General Cushman: Yes, I suppose they (_____)

Mr. Hunt: It's just a question of getting some (_____), some physical disguise.

General Cushman: What do you need? That will be the first thing they'll ask.

Mr. Hunt: Well, I'll need, let's see, what have I got here? I probably need just a driver's license and some pocket litter.

General Cushman: Driver's license --

Mr. Hunt: Driver's license in any state at all, I don't care; some pocket litter of some sort, (_____) pretty standard stuff.

General Cushman: Pocket litter?

Mr. Hunt: Yes, that's what they call it.

(NOTE: They both speak together at this point, and I can't make out what is said.)

General Cushman: You don't care in what name?

Mr. Hunt: I would like the first name to be Edward, that's all, if it could be Edward, because I'm being introduced to this gentleman by just one name.(Note: few words indistinct) early this morning that somebody by the name of Edward would be getting in touch with him.

General Cushman: And any state for the driver's license.

Mr. Hunt: Yes, any state, it doesn't make any difference, and I'm just going to have to check into a hotel, and I'll use this alias documentation for that.

General Cushman: Yes.

Mr. Hunt: And I'll be talking to the same people, in and out, and if it goes a little bit well, that's swell. (You can't be a _____ beggar.) I just won't exist. It's not possible this Friday.

General Cushman: OK. Let's see, you gave me a number one time where I could get you.

Mr. Hunt: Right. Chuck Colson -- my office is unattended so far, but -- that's a direct line to Colson's office, and my office is two floors up, (and I'm only there part of the time).

General Cushman: All right, fine. Whoever is there can get a hold of you.

Mr. Hunt: Anybody can get a hold of me --

General Cushman: And I can give them the -- or should I ask for you to call me back?

Mr. Hunt: No, Joan Hall is --

General Cushman: Is the gal who answers the phone.

Mr. Hunt: Yes. She'll answer the phone, Joan Hall, and --

General Cushman: And I can give her the time and the address.

Mr. Hunt: Uh huh.

General Cushman: OK.

Mr. Hunt: I just -- you know, I know so many people out here, it's just well that I'm not seen ( ). (If I'm going to put on a physical disguise, it's going to stick.) I wouldn't want to be seen walking out of here. I'm sure they've got (safe) facilities downtown.

General Cushman: Yes. They sure as hell did on my last tour of duty here.

Mr. Hunt: I remember FE -- my private office is just a stone's throw from the Roger Smith Hotel, -- and it was practically an FE Division. They had so many spooks ( ) there.

General Cushman: The place I used to meet people was at an office building -- right near where the Press Club is -- it was the Washington Building, next door to the Press Club. There used to be a nightclub on the second floor, and we used to meet people up there. I had a gal who thought it was just lots of fun to be in this business. She used to have me meeting people out on the damn park benches and all this stuff, and I'd give here hell, if necessary. She just thought it was fun, playing a game. Well, they're keeping you busy with this new --

Mr. Hunt: Well, they sure are, I'll tell you. But, actually, I'm delighted that they thought about me and thought to call on me and that I had the time. This gives me about a twelve-hour day now.

General Cushman: Keep you from thinking you're retired.

Mr. Hunt: (I'm not going into retirement. It just (NOTE: Another plane comes over at this point) I'm convinced that the reason we're doing all this is for a good purpose.

General Cushman: Yes.

Mr. Hunt: An essential purpose ( ).

General Cushman: If you see John Ehrlichman, say hello for me.

Mr. Hunt: I will indeed. (I expect to see him tomorrow.)

General Cushman: He's an old friend of mine from previous days. He's got a ( ) full platter too.

Mr. Hunt: (Oh, that he does.)

General Cushman: How's that Domestic Council working out? You don't hear about it much in this business.

Mr. Hunt: It's working out pretty well. Of course, two things that have really electrified the White/-- and I don't know why I'm telling you this because your contacts are undoubtedly much higher than mine over there but, the Pentagon Papers, of course. ( )

General Cushman: Well, John -- I think John is in charge of the security overhaul, isn't he?

Mr. Hunt: That's right.

General Cushman: Well, I guess that's right. It's sort of a domestic problem rather than a Kissinger problem.

Mr. Hunt: (That it is indeed.)

General Cushman: I really don't know what goes on on that side. I only substitute for the Boss, you know, at Kissinger meetings, at whatever group it is, they all have different names, but the same people sit there.

Mr. Hunt: I find the same type of compartmentalization over there that I do here.

(They chat in here, but I skipped over it for the time being.)

General Cushman: Well, let me get to work on this, and I'll get the word back to you.

Mr. Hunt: Yes, and the less my name comes up, absolutely the better.

General Cushman: Yes.

Mr. Hunt: If you want me to use a pseudonym with this guy -- actually, I suppose the best ( ) if he's in the room ( ) I'll get there at a specified time and I'll just go in and.

General Cushman: OK, fine, I'll get the word to you on how we'll work it.

Mr. Hunt: I hope Karl didn't resent that I asked him to --

General Cushman: Oh, no, no. I just had him in here in case there was -- we needed staff (calling.)

EXHIBIT NO. 125

3 January 1973

MEMORANDUM FOR: The Honorable John Ehrlichman

SUBJECT : Contact with Mr. Howard Hunt

1. I met with Howard Hunt on the 22nd of July 1971. At some point during the period from about two weeks to about two days prior to his visit, I received a call over the White House line from either Mr. Ehrlichman, Mr. Colson, or perhaps Mr. Dean (I simply cannot recall at this late date just which one it was) stating that Mr. Hunt would call on me to ask for some support and that he was working on a matter for the person calling.

2. Mr. Hunt stated that he had to elicit information from an individual whose ideology he was not certain of and for that reason would like to talk to him under an alias and requested that I provide some documentation to back up his alias identity. He said this was a one-time interview. I said that, yes, we would provide a driver's license and what is called pocket litter, which would indicate the identity which he wished to assume for this one-time operation.

3. On 27 August I found that Mr. Hunt was requesting further support in the form of credit cards and a New York phone number which he could use through an answering service.

4. In my opinion this tended to draw the Agency into the sensitive and forbidden area of operations against Americans and I could no longer comply with his requests. Consequently, at 1100 on 27 August I called Mr. Ehrlichman and explained why we could not meet these requests. I further indicated that Hunt was becoming most demanding and troublesome and, in my opinion, indiscreet. Mr. Ehrlichman indicated assent to our cessation of support for Mr. Hunt.

R. E. Cushman, Jr.
General, USMC

EXHIBIT NO. 126

10 January 1973

MEMORANDUM FOR: The Honorable John D. Ehrlichman
Assistant to the President for
Domestic Affairs
The White House

SUBJECT : Contact with Mr. E. Howard Hunt

1. I met with Howard Hunt on 22 July 1971. At some point during the period from about two weeks to about two days prior to his visit, I received a call over the White House line direct to my office as Deputy Director of Central Intelligence stating that Mr. Hunt would call on me to ask for some support and that he was working on a matter for the person calling. I cannot recollect at this late date who placed the call, but it was someone with whom I was acquainted, as opposed to a stranger.

2. Mr. Hunt stated that he had to elicit information from an individual whose ideology he was not certain of and for that reason would like to talk to him under an alias and requested that I provide some documentation to back up his alias identity. He said this was a one-time interview. I said that, yes, we would provide a driver's license and what is called pocket litter which would indicate the identity which he wished to assume for this one-time operation.

3. On 27 August I found that Mr. Hunt was requesting further support in the form of credit cards and a New York phone number which he could use through an answering service.

4. In my opinion this tended to draw the Agency into the sensitive and forbidden area of operations against Americans and I could no longer comply with his requests. Consequently, at 1100 on 27 August I called Mr. Ehrlichman and explained why we could not meet these requests. I further indicated that Hunt was becoming most demanding and troublesome and, in my opinion, indiscreet. Mr. Ehrlichman indicated assent to our cessation of support for Mr. Hunt.

CLASSIFIED BY 053647
EXEMPT FROM GENERAL DECLASSIFICATION SCHEDULE OF E.O. 11652 EXEMPTION CATEGORY: § 5B(1), (2), (3) or (4) (circle one or more)
AUTOMATICALLY DECLASSIFIED ON
Impossible to Determine
(unless impossible, insert date or event)

R. E. Cushman, Jr.
General, USMC

EXHIBIT NO. 127

MEMORANDUM FOR: Gen[illegible]al Cushman

Attached is the report on Howard Hunt's latest requests for TSD support.

I see two problems:

1. Hunt has brought a stranger into the picture who is now privy to TSD's role in this affair. The White House should have cleared this with us and we must be told who the fellow is. He could embarrass us later.

2. Hunt's use of unique clandestine equipment in domestic activity of an uncertain nature also has potential for trouble. The Agency could suffer if its clandestine gear were discovered to be used in domestic secret operations.

I will instruct TSD to clear all of Hunt's requests with this office. Also, I think it would be desirable to obtain Erlichman's assurance that Hunt's latest caper is ok. Even then, this does not relieve the Agency from its vulnerability if associated with domestic clandestine operations against Americans.

called 1100 27 August 71, K

J.E. indicated he would call a halt on this.

27/8/71
(DATE)

FORM NO. 101 REPLACES FORM 10-101 WHICH MAY BE USED.
1 AUG 54

(47)

26 August 1971

MEMORANDUM FOR THE RECORD

SUBJECT: TSD Request for Guidance on Extent of Assistance to Mr. Howard Hunt

1. Mr. , Deputy Chief, TSD, called to express concern about the extent of support being requested by Mr. Howard Hunt, former Agency officer who is a White House consultant.

2. Mr. Hunt's original request in July was for assistance in obtaining a physical disguise and false documentation which would permit him to interview people under pseudonym without risk of being recognized later. He was also provided with a tape recorder concealed in a battered typewriter case. Mr. Hunt said that the technical support was needed in connection with an extremely sensitive White House project. He insisted that those who provided him with support not be aware of his identity. His contacts with TSD officers were conducted in pseudonym. Mr. Hunt said that this request for Agency support had been cleared with Mr. Erlichman of the White House staff. General Cushman discussed Mr. Hunt's request with the Director and received his permission to authorize TSD to provide assistance.

3. Mr. said that Mr. Hunt had requested additional support since the initial project. He asked TSD to furnish a disguise and documentation to a colleague whom he identified only by pseudonym. Mr. Hunt has been given two sets of false teeth, one of which changes his pattern of speech, one with a missing tooth. On 25 August he asked for and received training in clandestine photography and was given a concealed camera in order to photograph an individual in a poorly lighted corridor. According to Mr. , Mr. Hunt said that he needed the camera in connection with a "new assignment". Mr. noted that Mr. Hunt now possessed a considerable amount of special materials. The clandestine camera is particularly sensitive since it could plausibly be associated with the Agency. I noted that there was also the question of its use in domestic clandestine activity and told Mr. that I would report his call promptly and obtain guidance.

EA/DDCI

EXHIBIT NO. 128

THE WHITE HOUSE

WASHINGTON

July 23, 1970

TOP SECRET
HANDLE VIA COMINT CHANNELS ONLY

MEMORANDUM FOR:

RICHARD HELMS, DIRECTOR
CENTRAL INTELLIGENCE AGENCY

SUBJECT: DOMESTIC INTELLIGENCE

The President has carefully studied the Special Report of the Interagency Committee on Intelligence (Ad Hoc) and made the following decisions:

1. Interpretive Restraint on Communications Intelligence.

(Classified matter deleted)

2. Electronic Surveillances and Penetrations. The intelligence community is directed to intensify coverage of individuals and groups in the United States who pose a major threat to the internal security.

(Classified matter deleted)

3. Mail Coverage. Restrictions on legal coverage are to be removed. Restrictions on covert coverage are to be relaxed to permit use of this technique on selected targets of (Classified matter deleted) and internal security interest.

4. Surreptitious Entry. Restraints on the use of surreptitious entry are to be removed. The technique is to be used to permit procurement of (classified matter deleted) and against other urgent and high priority internal security targets.

TOP SECRET

TOP SECRET
HANDLE VIA COMINT CHANNELS ONLY

5. Development of Campus Sources. Coverage of violence-prone campus and student-related groups is to be increased. All restraints which limit this coverage are to be removed. Also, CIA coverage of American students (and others) traveling or living abroad is to be increased.

6. Use of Military Undercover Agents. Present restrictions are to be retained.

7. Budget and Manpower. Each agency is to submit a detailed estimate as to projected manpower needs and other costs required to implement the above decisions.

8. Domestic Intelligence Operations. A committee consisting of the Directors or other appropriate representatives appointed by the Directors, of the FBI, CIA, NSA, DIA, and the military counter-intelligence agencies is to be constituted effective August 1, 1970, to provide evaluations of domestic intelligence, prepare periodic domestic intelligence estimates, carry out the other objectives specified in the report, and perform such other duties as the President shall, from time to time, assign. The Director of the FBI shall serve as chairman of the committee. Further details on the organization and operations of this committee are set forth in an attached memorandum.

The President has directed that each addressee submit a detailed report, due on September 1, 1970, on the steps taken to implement these decisions. Further such periodic reports will be requested as circumstances merit.

The President is aware that procedural problems may arise in the course of implementing these decisions. However, he is anxious that such problems be resolved with maximum speed and minimum misunderstanding. Any difficulties which may arise should be brought to my immediate attention in order that an appropriate solution may be found and the President's directives implemented in a manner consistent with his objectives.

Tom Charles Huston

TOM CHARLES HUSTON

Attachment
cc: The President
H. R. Haldeman

TOP SECRET
HANDLE VIA COMINT CHANNELS ONLY

ORGANIZATION AND OPERATIONS OF THE INTERAGENCY GROUP ON DOMESTIC INTELLIGENCE AND INTERNAL SECURITY (IAG)

1. Membership. The membership shall consist of representatives of the FBI, CIA, DIA, NSA, and the counter-intelligence agencies of the Deparments of the Army, Navy, and Air Force. To insure the high level consideration of issues and problems which the President expects to be before the group, the Directors of the respective agencies should serve personally. However, if necessary and appropriate, the Director of a member agency may designate another individual to serve in his place.

2. Chairman. The Director of the FBI shall serve as chairman. He may designate another individual from his agency to serve as the FBI representative on the group.

3. Observers. The purpose of the group is to effectuate community-wide coordination and secure the benefits of community-wide analysis and estimating. When problems arise which involve areas of interest to agencies or departments not members of the group, they shall be invited, at the discretion of the group, to join the group as observers and participants in those discussions of interest to them. Such agencies and departments include the Departments of State (I & R, Passport); Treasury (IRS, Customs); Justice (BNDD, Community Relations Service), and such other agencies which may have investigative or law enforcement responsibilities touching on domestic intelligence or internal security matters.

4. White House Liaison. The President has assigned to Tom Charles Huston staff responsibility for domestic intelligence and internal security affairs. He will participate in all activities of the group as the personal representative of the President.

5. Staffing. The group will establish such sub-committees or working groups as it deems appropriate. It will also determine and implement such staffing requirements as it may deem necessary to enable it to carry out its responsibilities, subject to the approval of the President.

6. Duties. The group will have the following duties:

(a) Define the specific requirements of member agencies of the Intelligence community.

(b) Effect close, direct coordination between member agencies.

(c) Provide regular evaluations of domestic intelligence.

(d) Review policies governing operations in the field of domestic intelligence and develop recommendations.

(e) Prepare periodic domestic intelligence estimates which incorporate the results of the combined efforts of the intelligence community.

(f) Perform such other duties as the President may from time to time assign.

7. Meetings. The group shall meet at the call of the Chairman, a member agency, or the White House representative.

8. Security. Knowledge of the existence and purposes of the group shall be limited on a strict "need to know" basis. Operations of, and papers originating with, the group shall be classified "Top Secret-Handle Via Comint Channels Only."

9. Other Procedures. The group shall establish such other procedures as it believes appropriate to the implementation of the duties set forth above.

MEMORANDUM FOR: Mr. McManis

Per your telephone request, I am returning herewith Mr. Huston's memorandum to me, Subject: Domestic Intelligence, dated July 23, 1970.

Richard Helms

28 July 1970
(DATE)

FORM NO. 101 REPLACES FORM 10-101
1 AUG 54 WHICH MAY BE USED. (47)

Form DJ-130
(11-4-26-65)

UNITED STATES GOVERNMENT

Memorandum

DRAFT

DEPARTMENT OF JUSTICE

SECRET - EYES ONLY

TO : See Addressees Below

DATE: February 10, 1971

FROM : Robert C. Mardian
Assistant Attorney General
Internal Security Division

SUBJECT: Intelligence Evaluation Committee

I. AUTHORITY:

Interdepartmental Action Plan for Civil Disturbances.

II. MISSION:

To provide intelligence estimates to the responsible Government departments and agencies on a need-to-know basis in order to effectively evaluate and anticipate problems to appropriately respond to civil disorders. In carrying out this mission, the Committee shall have access to all pertinent intelligence in the possession of the United States Government.

III. MEMBERSHIP:

Members of the Committee shall consist of representatives of the following departments and agencies: Department of Defense; Department of Justice; Central Intelligence Agency; Federal Bureau of Investigation; Secret Service; National Security Agency, and, when necessary, representatives of other departments or agencies designated by the Committee.

IV. STAFF:

The Committee will be supported by a permanent intelligence estimation staff* consisting of representatives from member

* The Federal Bureau of Investigation advised it would not provide personnel for this staff.

DRAFT

departments and agencies and headed by an executive director appointed by the Committee.

V. PROCEDURES AND FUNCTIONS:

The permanent staff will perform the following functions:

1. When requested by the Committee, the Departments or Agencies represented shall furnish to the Committee staff all pertinent information relevant to the stated request of the Committee. Such requests for intelligence data shall first be approved by the Committee. The Executive Director of the permanent staff may initiate requests for information from member agencies subject to review and approval by the committee.

2. Prepare estimates from time to time as directed the Committee.

3. Report information gaps to the Committee as such gaps are identified.

4. Recommend to the Committee no less often than monthly subjects for intelligence estimation.

5. Prepare other relevant studies and reports as directed by the Committee.

6. Provide for the security of information received and the protection of all sources of information.

VI. OFFICE SPACE AND FACILITIES:

The Department of Justice shall provide necessary office space, supplies, and incidental administrative support.

ADDRESSEES:

Inspector George C. Moore
Mr. Benson Buffham
Mr. Thomas J. Kelley
Colonel John W. Downey
Mr. Richard Ober