

9/16 Grand Jury testimony of Richard M. Nixon June 23, 1975

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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UNITED STATES OF AMERICA :  
:  
v. : ( January, 1974 )  
:  
JOHN DOE : Grand Jury  
:  
-----X ( Investigation )

San Clemente, California

Monday, June 23, 1975

Deposition of RICHARD M. NIXON, called for  
examination by the office of the Watergate Special Prosecution  
Force, pursuant to agreement, at 9:00 o'clock a.m., Pacific  
Standard Time, June 23, 1975, in the Conference Room, United  
States Coast Guard Station, San Clemente, California, when  
the witness was sworn by The Honorable Edward J. Schwartz,  
Chief Judge, United States District Court for the Southern  
District of California.

APPEARANCES:

On behalf of the Government:  
HENRY S. RUTH, Esq.,  
Special Prosecutor  
  
THOMAS J. McBRIDE, Esq.,  
Associate Special Prosecutor  
  
RICHARD J. DAVIS, Esq.,  
Assistant Special Prosecutor  
  
JUDITH ANN DENNY, Esq.,  
Assistant Special Prosecutor (Page 71)

*Memorandum*

TO : Files

DATE: July 2, 1975

FROM : Peter M. Kreindler<sup>PMK</sup>  
Counsel to the Special  
ProsecutorSUBJECT: Transcript of Nixon Deposition -- Classified Portions

Henry S. Ruth and I met with Philip W. Buchen, Counsel to the President, and Brent Scowcroft, Deputy Assistant to the President for National Security Affairs, in Mr. Buchen's office on July 1, 1975, at approximately 3:40 p.m. After Mr. Scowcroft stamped each page of the transcript that was classified, I sealed those pages and the corresponding stenographer's notes in an envelope, noting on the flap of the envelope that the envelope was sealed pursuant to the order of Chief Judge Hart dated June 30, 1975. A copy of the order was stapled to the envelope. Mr. Scowcroft then sealed the envelope and the order in a "White House" envelope. On the envelope he wrote: "do not touch, to be opened only by Brent Scowcroft." In addition, in order to identify the envelope, he wrote in the upper left hand corner: "Sealed in the presence of counsel Philip W. Buchen and others. Brent Scowcroft. July 1, 1975."

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APPEARANCES (Continued):

PAUL MICHEL, Esq.,  
Assistant Special Prosecutor (Page 117)

On behalf of the Witness:

HERBERT J. MILLER, Jr., Esq.,  
R. STAN MORTENSON, Esq.,  
1320 - 19th Street, N.W.  
Washington, D. C.

Also in Attendance:

FOIA(b)6

Foreman, January 7, 1974 Grand Jury

Juror, January 7, 1974 Grand Jury

6-23-75

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C O N T E N T S

WITNESS:

EXAMINATION

Richard M. Nixon

14

E X H I B I T S

NUMBER

IDENTIFIED

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P R O C E E D I N G S

1  
2 JUDGE SCHWARTZ: For the record, this proceeding is  
3 taking place in the Southern District of California, a pro-  
4 ceedings which is ancillary to the proceedings before the  
5 January 7, 1974 Grand Jury of the District of Columbia.

6 Do you solemnly swear that the testimony you are  
7 about to give in this deposition proceedings shall be the  
8 truth, the whole truth and nothing but the truth, so help you  
9 God?

10 THE WITNESS: I do.

11 MR. RUTH: Sir, I just want to make an introductory  
12 statement.

13 My name is Henry Ruth, and with me is Tom McBride  
14 and Richard Davis, and we are representatives of the Watergate  
15 Special Prosecution Force.

16 During the course of this deposition, as you know,  
17 other attorneys from this office will be present at different  
18 times to ask questions on different matters. Before we begin,  
19 though, I want to outline the nature of the proceedings and  
20 just advise you of your rights and obligations here.

21 This deposition is part of various investigations  
22 being conducted by the January 7, 1974 Grand Jury for the  
23 District of Columbia. In order to assist them with various  
24 investigations that body authorized us, as their counsel,  
25 after a series of meetings with your counsel, to arrange for

1 the taking of your sworn deposition here in California in the  
2 presence of two representatives of the Grand Jury. In order  
3 to allow the deposition to go forth in this manner, Chief  
4 Judge Hart in the District of Columbia signed an order author-  
5 izing the presence of these two members of the Grand Jury at  
6 a deposition in California conducted ancillary to the Grand  
7 Jury investigation. Therefore, present here today are Mr.  
8 FOIA(b) 6 both members of the  
9 January 7, 1974 Grand Jury.

10 Additionally, the transcript of the proceedings will  
11 be read to the Grand Jury back in the District of Columbia.

12 The areas of inquiry to be covered today have been  
13 fully discussed with your counsel, as you know, sir, and they  
14 include aspects of the following:

15 1. The circumstances surrounding the 18 and a half  
16 minute gap in the tape of the meeting between you and Mr.  
17 Haldeman on June 20, 1972.

18 2. Aspects of alleged receipt of large amounts of  
19 cash by Charles Rebozo or Rose Mary Woods on your behalf, and  
20 financial transactions or aspects thereof between Mr. Rebozo  
21 and you.

22 3. Attempts to prevent the disclosure of the  
23 existence of the National Security Council wire tap program  
24 through removal of the records from the FBI, matters dealing with  
25 threats to reveal the existence of such records, and the

1 testimony of L. Patrick Gray at his confirmation hearings in  
2 the U. S. Senate upon his nomination to be permanent Director  
3 of the FBI.

4 4. Any relationship between campaign contributions and  
5 the consideration of ambassadorships for five persons: Ruth  
6 Farkas, J. Fife Symington, Jr., Vincent deRoulet, Cornelius  
7 V. Whitney and Kingdon Gould, Jr., and

8 5. The obtaining and release of information by the  
9 White House concerning Lawrence O'Brien through use of the  
10 Internal Revenue Service.

11 As we understand it, sir, you are appearing here to  
12 respond voluntarily to questions in this area. Your counsel,  
13 Herbert J. Miller, Jr. and R. Mortenson are present in the  
14 room and, naturally, you may consult with them at any time  
15 during the questioning. If you want to interrupt the question-  
16 ing for that purpose, please so indicate at any time. However,  
17 neither Mr. Miller nor Mr. Mortenson may make any statement  
18 or perform any other role during this deposition, although,  
19 of course, we are available to consult with your counsel out-  
20 side the hearing room if that becomes necessary.

21 Finally, since this deposition is being conducted  
22 ancillary to the Grand Jury, fairness requires the advice to  
23 you that the making of any false material declaration during  
24 this deposition would be a violation of Title 18, U. S. Code,  
25 Section 1623, which makes it a crime to make such a false



1 statement.

2 I want to make sure you understand everything I have  
3 said, sir.

4 THE WITNESS: Yes, I understand everything you have  
5 said, Mr. Ruth. I understand your statement and I particularly  
6 understand the last part of your statement which dealt with  
7 the fact of any false statement was one that would make whoever  
8 was a witness liable to criminal prosecution.

9 Needless to say, I am here, as I indicated in taking  
10 the oath, to make true statements and while, of course, I  
11 suppose it is your obligation to warn witnesses, I did not feel  
12 that it was particularly necessary for you to warn me in this  
13 instance, although I accept it and I appreciate the advice.

14 If you don't mind, I have a very brief statement  
15 because I know Mr. McBride has a number of questions he wants  
16 to ask about the testimony.

17 MR. RUTH: Under our Grand Jury proceedings, it would  
18 have been derelict not to read that, sir.

19 THE WITNESS: I understand. I would like to respond  
20 briefly to your statement so we will have a meeting of the minds  
21 as to what I understand the proceeding is.

22 MR. RUTH: Certainly.

23 THE WITNESS: First, it is important to note that  
24 my appearance is voluntary, that I am here on my own volition  
25 to answer the questions in the areas that you worked out with

1 our counsel as those that you feel my testimony will be  
2 helpful in in concluding your investigation.

3           Second, it should be noted that your investigation  
4 has been going on -- I hadn't realized it was quite this  
5 long -- for almost two years, and I realize that you, naturally,  
6 have a great desire to get everything you possibly can together  
7 so that at the end you can say that you have explored every  
8 avenue possible. That is the reason I am here, in addition  
9 to the fact that you asked me to come, which, of course, was  
10 a factor that weighed in my decision.

11           Now in making this appearance, however, I should  
12 point out that I am taking into consideration a very profound  
13 belief, that I have expressed publicly on many occasions, in  
14 the vital necessity for the confidentiality of presidential  
15 communications. It seems to me today that when we pick up  
16 the papers, and particularly in recent weeks, and read of  
17 former presidents, President Kennedy, for example, President  
18 Johnson, even President Eisenhower, being accused of approving  
19 or participating in discussions in which there was approval  
20 of assassination of other people is very much not in the  
21 national interest, and probably it is, of course, not true.  
22 Nevertheless it makes the point very strongly that I am going  
23 to make right now, and that is that in the Office of the  
24 Presidency of the United States, the nation which is, not by  
25 choice, but by the destiny of history, the most powerful in

1 the free world and the only guarantee of peace and freedom  
2 in the world, it is necessary for the president to have no-  
3 holds-barred conversations with his advisers. It is necessary  
4 for his advisers to believe that they can give him their un-  
5 varnished opinions without regard and without fear of the  
6 possibility that those opinions are going to be spread in the  
7 public print. It is necessary for them to feel, in other  
8 words, that they are talking to the President and that they  
9 are not going to the press and that is the reason why con-  
10 fidentiality, which I know, not perhaps you gentlemen, but  
11 some of the members of your staff, and certainly some of the  
12 members of the House and Senate, and most of the members of  
13 the press think is not important. That is why it is important,  
14 and, in my opinion, absolutely vital. That is the reason why  
15 I have resisted in the courts, unsuccessfully up to this  
16 point, attempts to impinge upon the privileged status of such  
17 conversations.

18 And I also must say, and it will probably not occur  
19 today in our discussion of ambassadors, but it may occur tm  
20 tomorrow in our discussion of wire taps, that only if there  
21 is an absolute guarantee that there will not be disclosure  
22 of what I say, I will reveal for the first time information  
23 with regard to why wire taps were proposed, information which,  
24 if it is made public, will be terribly damaging to the United  
25 States.

1 Through counsel I have been informed that in the  
2 process of your investigations that you think I do have in-  
3 formation that is uniquely in my possession, and I am here to  
4 provide that information that you think I may have. So that  
5 is why counsel, of course with my approval, after, I under-  
6 stand, after long and torturous meetings, have reached an  
7 agreement as to the areas to be covered.

8 I would like to point out, though, in reaching  
9 that agreement as to the areas to be covered, our primary  
10 concern must be to get the areas down to something that I would  
11 be able to study and because while you all and those who will  
12 be questioning me have had two years to study these things,  
13 and that is all, basically, that you have been doing for the  
14 past two years, and it is your job, and I respect you for it --  
15 I used to do a little of it myself -- I, on the other hand,  
16 will be trying to remember things that have occurred not only  
17 two years ago, but four years ago, during a period when the  
18 matters that you are expert on were very low on the list of  
19 priorities as far as I was concerned.

20 So in emphasizing that these presidential privileged  
21 communications will be discussed in this instance, I do want  
22 to make it clear that I do not consider that to be a waiver  
23 of my privilege for the future. Of course a privilege cannot  
24 be waived of this sort, as you are well aware, unless expressly  
25 waived for the future. It is made solely for the purposes of

1 this Grand Jury's investigation, solely for your purposes,  
2 gentlemen, and for no other purpose.

3           Finally, let me say that in pointing out -- I am  
4 not pointing this out critically, but just pointing out the  
5 fact that you have, of course, had two years, some of you,  
6 to study the various areas and you studied it very thoroughly  
7 I can see from the documents you have presented to me, most  
8 of which, I understand, my counsel have agreed and have fur-  
9 nished to you, that I not only had a very relatively brief  
10 time to study those documents and to try to refresh my  
11 recollection, but due to the fact that an order was issued  
12 on the initiative of the Special Prosecutor's office, I have  
13 not had available my papers for the presidential years. I have  
14 not had available various tapes which you will be quoting from  
15 in great amounts, I assume, in your questioning, or other  
16 tapes of that sort, and consequently when I testify I will  
17 have to, at times, use the phrase, which I abhor -- I abhor  
18 using it because I like to say yes, no, if an answer is  
19 categorically, but if I say "to the best of my recollection",  
20 it will be only because I have not had an opportunity to have  
21 access to my own records which would allow me to give an  
22 answer which would appear to be more forthright.

23           I would like to say to the two members of the Grand  
24 Jury who are present, when you talk to your colleagues you  
25 should point out that as far as a witness is concerned, if he

1 does not have the information, if it is denied to him by his  
2 government, he would be making not only a great mistake, per-  
3 sonally running the risk of, what Mr. Ruth has so graciously  
4 pointed out, of possible perjury, but, also, he would be mis-  
5 leading the Grand Jury because he did not have the information  
6 and was not testifying from his own records and on the basis  
7 of his own knowledge. So I will use that phrase "to the best  
8 of my recollection" only when I feel it is necessary, but it  
9 will be because I am basing my answers in many cases on docu-  
10 ments that you will show me which may or may not refresh my  
11 recollection and, of course, on whatever memories I may have  
12 of events many years ago, and a lot of it, a lot, of course,  
13 has intervened between.

14 I fear the statement has been too long, but I think  
15 it is at least helpful for us to be quite frank about how I  
16 shall answer the questions and I shall attempt to be as  
17 cooperative as possible and to remember everything that I  
18 possibly can. If I don't remember, I am going to say so. If  
19 I do remember, I will tell you what I remember. If I am not  
20 sure, I am going to say "to the best of my recollection" and  
21 so with that, gentlemen, proceed with any questions you like.

22 MR. RUTH: As to the documents, sir, I realize  
23 the problem in the fact that they are frozen by court order  
24 in Washington, D. C., and that is why any document we are  
25 using here today your counsel has had access to, through

1 court procedures, at your request.

2 THE WITNESS: Do I understand then that the only  
3 documents that you will use today are those to which I have  
4 had access?

5 MR. RUTH: Which your counsel has had access to,  
6 unless we otherwise state.

7 THE WITNESS: Then you are going to use some docu-  
8 ment to which our counsel has not had access?

9 MR. RUTH: If we indicate so. We are not sure.  
10 We have no intention at the moment, and may not have to, but  
11 if we do we will indicate these are documents counsel has not  
12 seen before and you will have plenty of opportunity to consider  
13 them ahead of time.

14 THE WITNESS: I would consider that to be a highly  
15 improper procedure.

16 MR. RUTH: Well, if it comes up, we will discuss it.

17 THE WITNESS: I understand. When I say "an improper  
18 procedure," I assume you consider it proper. I am just stating  
19 that. I understood the documents on which I would be questioned  
20 were those that you have furnished to our counsel.

21 MR. RUTH: That is certainly our intent.

22 THE WITNESS: If there are other documents, it seems  
23 to me I should have the opportunity to look them over.

24 MR. RUTH: Absolutely, and we will certainly state  
25 so ahead of time.

1 THE WITNESS: Unless the purpose of this proceeding  
2 is to flash a document on the witness with the idea of en-  
3 trapping him.

4 MR. RUTH: Not at all.

5 THE WITNESS: That is not your purpose?

6 MR. RUTH: That is not our purpose and, as we have  
7 explained to counsel, the documents we will use today are  
8 documents your counsel has had access to. I just want to say  
9 that if by chance somebody comes up with a document you have  
10 not seen, we will indicate that ahead of time. We don't in-  
11 tend to do that right now.

12 Secondly, on the secrecy, I just want to say since  
13 this is ancillary to the Grand Jury investigation, it will be  
14 read to the Grand Jury.

15 THE WITNESS: I understand.

16 MR. RUTH: It will be subject to the non-disclosure  
17 rule, Rule 6 of the Federal Criminal Procedures, and we will  
18 take that position, that it is Grand Jury material and not  
19 subject to disclosure.

20 THE WITNESS: Sure. I understand.

21 MR. RUTH: We are going to start first, sir, with  
22 the area of ambassadorships, with Mr. McBride.  
23 Thereupon,

24 RICHARD M. NIXON,  
25 appearing as a witness, having first been duly sworn, was



1 examined and testified as follows:

2 EXAMINATION:

3 BY MR. McBRIDE:

4 Q Sir, the questioning in this area of ambassadors  
5 will focus on five individuals: Vincent deRoulet, J. Fife  
6 Symington, Jr., Kingdom Gould, Cornelius V. Whitney and Ruth  
7 Farkas, and, insofar as possible, I will attempt to have the  
8 questioning proceed in that order, that is, we will take  
9 deRoulet first and Symington second, and so forth.

10 The questions I have to ask you are largely based  
11 on documents which were provided to us by your counsel, records  
12 of your administration, and some documents which were produced  
13 pursuant to an earlier subpoena served in early 1974 upon Mr.  
14 Sinclair. Those documents, also -- they are limited in  
15 number -- have been provided to your counsel.

16 As you can see by the papers in front of me, they  
17 are quite a voluminous stack of documents. I will attempt to  
18 limit the introduction of these documents to those absolutely  
19 essential to the purpose of the questioning, and I have copies  
20 here in the event you need an extra copy to read as we go  
21 along, that can be provided.

22 Now turning, sir, first to Mr. deRoulet, Vincent  
23 deRoulet, the first document I would like to mark is Exhibit  
24 A-1, which bears file No. C-150, which is a memorandum of  
25 May 19, 1969, from Peter Flanigan to you.

1 (The document referred to was  
2 marked Exhibit No. A-1 for identi-  
3 fication.)

4 BY MR. McBRIDE:

5 Q This exhibit indicates that Vincent deRoulet has been  
6 offered the post of ambassador to Jamaica, that he has accepted  
7 and that his recommender was Maurice Stans.

8 A Do I have permission to look at the document?

9 Q You do, indeed.

10 A I know it has been submitted before, but is quite a  
11 stack, as you know.

12 Q Insofar as it is pertinent, deRoulet is in the middle  
13 of the page and is one of many people.

14 A This is 1969?

15 Q This is '69.

16 Now my question is do you recall Mr. deRoulet's  
17 appointment in 1969, his nomination and confirmation as  
18 ambassador to Jamaica?

19 A Well, I think it would be helpful, Mr. McBride, if  
20 I were to tell you how I handled ambassadors and how such a  
21 document would come to me so that you can be absolutely certain  
22 as to what I do recall and what I don't and why I do not recall.

23 Q Very well.

24 A First, noting this date, it was a rather busy time.  
25 That was the time we were in the midst of the, one of the

1 great Tet offensives, as you recall. There had been one in  
2 '68 and then despite our peace overtures in early '69--there  
3 was one that was just coming to conclusion then and Dr.  
4 Kissinger and I were developing strategy for his secret meet-  
5 ings which began in August.

6 I laid the groundwork on it because it will in-  
7 dicate to you the basis for the statment I am now going to  
8 make with regard to papers like this and others that came  
9 across my desk.

10 As far as ambassadors were concerned, I had certain  
11 guidelines that I laid down when I became President. One,  
12 that the number of non-career ambassadors should be no higher,  
13 the percentage thereof, than that in previous administrations  
14 and, if possible, lower. That was no reflection on non-  
15 career ambassadors, but in the past there had been in some  
16 administrations a tendency to appoint to highly important  
17 posts incompetent non-career people and, in my view, the  
18 important thing, if it was an important post, was an individual  
19 who was totally and highly qualified. In some instances he  
20 might be a very wealthy individual, in other instances he  
21 might not, but the most important point to me was that he had  
22 to be qualified.

23 The second point is that insofar as the nations are  
24 concerned, where a major post was involved, I insisted that  
25 that be discussed as a priority item.

1 For example, ambassador to France, ambassador to  
2 Great Britain, to any of the major NATO countries, ambassador  
3 to Japan, ambassador to the Soviet Union, these were the major  
4 posts. I don't mean to reflect, incidentally, on the third  
5 world and the others, but they were not at that time major,  
6 except, of course, for the ambassador to South Vietnam, which  
7 was major because of the fact we were involved in a war, and  
8 in those instances, those posts were brought to my attention  
9 and they would be discussed by Dr. Kissinger, by the Secretary  
10 of State, sometimes by other members of my staff, in terms of  
11 is this individual qualified to handle this job.

12 As far as other ambassadorial assignments were con-  
13 cerned, ambassador to Luxembourg or El Salvador or Trinidad,  
14 et cetera, it was not vitally important, as far as the national  
15 interest was concerned, to have in that post an individual  
16 whose qualifications were extraordinary. It didn't mean that  
17 we wanted to send somebody down who would disgrace the United  
18 States or who couldn't do an adequate job, but whether it was  
19 a non-career person or a career person -- there were just  
20 certain posts that I did not consider important enough and I  
21 told my staff as far as these posts that are not major, don't  
22 bring them to my attention, bring me recommendations -- check  
23 them out and bring me a check list and tell me what everybody  
24 says on them and then I will make the final decision because,  
25 of course, ambassadors are appointed by the President. Many

1 think they are appointed by the Secretary of State, and,  
2 incidentally, most of them believe they serve the Secretary  
3 of State and him only. That is particularly true of the non-  
4 career ones -- of the career ones, I should say -- but they  
5 are appointed by the President.

6 Now I will bring this to a conclusion quite hurriedly  
7 so you can go on with the questioning. Where the post, there-  
8 fore, was not in the, what I considered the priority classi-  
9 fication, all I wanted was a piece of paper indicating to me  
10 that there was unanimous agreement on the staff and also in-  
11 dicating to me if there was not unanimous agreement, who dis-  
12 agreed, so that I could, of course, talk to that individual.  
13 Sometimes the Secretary of State wouldn't agree with Kissinger,  
14 and so forth.

15 Also, as far as those ambassadors were concerned  
16 where certain non-career appointments were to be made, a  
17 notation would be made as to not only that it had been approved  
18 by all of the people in the Administration -- Secretary of  
19 State, Kissinger, et all -- but who was approving it insofar  
20 as people who were outside the Administration, in the area,  
21 for example, of working in political campaigns or contributing  
22 in political campaigns -- in this case, like Mr. Stans -- and  
23 then with all of that material before me, I would make a final  
24 decision.

25 Now when you ask me questions about individual

1 ambassadors, I will be, primarily, therefore, on the five you  
2 have mentioned, primarily testifying not on the basis of a  
3 refreshed recollection, but on the basis of what this peice  
4 of paper shows me.

5 I stand by what I will say, but I must indicate that  
6 I paid so -- I must say, and I think properly so -- so little  
7 attention to minor countries that my recollection with regard  
8 to who recommended them, et cetera, is quite vague.

9 I should also mention when a congressman, a senator  
10 was pushing a particular ambassador, that also appeared on the  
11 notation that might come to my attention because I knew we  
12 would take heat if he didn't get it. Mr. Symington, who you  
13 will question me about later, for example, he was being  
14 pushed by Mr. Mathias and Mr. Goldwater. Surely I think  
15 that is the only thing that Mr. Mathias and Mr. Goldwater  
16 ever agreed upon was as far as the appointment of Fife  
17 Symington, but for different reasons. Be that as it may, I  
18 think I have talked too long. What I want to say as far as  
19 Mr. deRoulet is concerned and this appointment in 1969, I have  
20 no independent recollection of it. My recollection is not  
21 refreshed by looking at this piece of paper. I did, however,  
22 make the appointment and the fact that Mr. Stans' name appeared  
23 on there meant to me that Mr. deRoulet had been, obviously, a  
24 contributor to the campaign and, as has been the case in every  
25 presidency from the time this Republic was founded two hundred

1 years ago, contributors to campaigns are not barred from  
2 being ambassadors. They aren't guaranteed, and it should  
3 never be, that they will be ambassadors, but in many instances  
4 some posts require wealthy people and in every presidency that  
5 I know of contributors have been appointed to non-career posts  
6 in considerable numbers.

7 I am very proud of the fact that of the appointments  
8 that I have made, there have been less non-career appointments,  
9 a lower percentage, than in previous administrations, and I don't  
10 say that critically of previous administrations. It is only  
11 because I traveled a great deal and I have seen some that were  
12 simply not qualified for the position, both career and non-  
13 career.

14 Then I will add one other point and then I am through.

15 One of the reasons why you see so few on this list  
16 and on the list than you generally do, ambassadors that were  
17 appointed who had made contributions was that I felt that the  
18 previous administrations, and this was particularly true of  
19 the State Department in its recommendations, had not adequately  
20 represented all of America. I felt that all of America should  
21 be represented, and I said, for example, I wanted two black  
22 ambassadors appointed, not to black countries, where they had  
23 always been before, but to white countries where they would be  
24 accepted. I asked for two Latin Americans, Mexicans, for  
25 example, or some Latin Americans who were living in the United

1 States and had become citizens of the United States.

2 I asked for at least two Italians. We had some;  
3 we should have more. I also asked for representatives, for  
4 one or two who might be of Polish background. That, therefore,  
5 cut down the number that were available for appointment based  
6 on whatever recommendation in the non-career area, a recommen-  
7 dation that might be made by Mr. Stans or Mr. Kalmbach or  
8 anybody else who had contacted the ambassador -- I mean the  
9 applicant for the ambassadorship for a contribution.

10 Q I take it it is fair to state that that document  
11 does indicate, in any event, that Mr. deRoulet was appointed  
12 to Jamaica, nominated to Jamaica in 1969 and served there-  
13 after as ambassador?

14 A Oh, yes, he was appointed and he served as ambassador.

15 Q The next document I would like to show you, sir, is  
16 a document dated November 17, 1970, and I will ask it be  
17 marked Exhibit A-2.

18 (The document referred to  
19 was marked Exhibit No. A-2  
20 for identification.)

21 BY MR. McBRIDE:

22 Q This is a letter, not addressed to you; it is a  
23 letter from Herbert Kalmbach addressed to Mr. H.R. Haldeman,  
24 and it refers to Vincent deRoulet's desire for an appointment  
25 to a more important, preferably European, post.



1 A Yes.

2 Q You will note at the bottom of that letter the  
3 notation "50 plus 50."

4 A Yes, I see that.

5 Q There is evidence in this investigation indicating  
6 that is in the handwriting of Mr. Haldeman and, further, there  
7 is evidence disclosed in the course of this investigation that  
8 sometime in the spring or summer of 1970 Mr. deRoulet pledged  
9 the sum of \$100,000 in political contributions in the period  
10 1970 to 1972 with the understanding that he would, in con-  
11 sideration of that, be appointed to a European post. I allude  
12 to the other evidence in the investigation as a preface to my  
13 question.

14 In 1970, did you have any knowledge of any such  
15 commitment having been made to Mr. deRoulet by Mr. Kalmbach or  
16 anyone else?

17 A I think it is very important, in answering that  
18 question, Mr. McBride, for us to understand the rhetoric.  
19 The word "commitment", what does a commitment mean?

20 A commitment, as far as an ambassador is concerned,  
21 as far as I was concerned, could only be made by me because  
22 I was the one that had to make the appointment. As far as a  
23 fund raiser was concerned, it had always been, at least my  
24 understanding, and you used the word "understanding" the  
25 first time, rather than "commitment", if you will recall, it

1 was my understanding that our members of the Finance Committee  
2 solicited contributions, as has always been the case in all  
3 administrations, and you would be spending the rest of your  
4 life if you were investigating all of them, but they, in those  
5 instances, would indicate that a substantial financial contri-  
6 bution being made that they, the members of the Finance  
7 Committee, would make every reasonable effort they could to  
8 see that the individual was considered for that post, always  
9 recognizing that no one can be appointed ambassador or anything  
10 else without an FBI check to begin with, without being quali-  
11 fied, as far as I was concerned, and without my personal  
12 approval, but as far as my authorizing or directing a member  
13 of the Finance Committee, whether it was Mr. Stans or Mr.  
14 Kalmbach or anybody else, to go out and make a commitment for  
15 a post as ambassador for a certain amount of money, to the  
16 best of my recollection I never have given any such authori-  
17 zation.

18 If you have anything to indicate that I did, I would  
19 like to see it.

20 Q Specifically, in the case of deRoulet, to return  
21 to my question, in that period 1970 were you advised by Mr.  
22 Haldeman that there had been an understanding reached between  
23 Mr. Kalmbach and Mr. deRoulet that in exchange for a pledge of  
24 a political contribution Mr. deRoulet would either be nominated  
25 or considered for nomination to a European post as ambassador?

1           A     There were discussions within the White House staff,  
2 and, I assume, with Mr. Haldeman, among others, that individuals  
3 who did make contributions in 1970 and who were interested in  
4 being ambassador and who were qualified for those positions  
5 would be considered.

6           Q     Specifically, do you recall any discussions with  
7 Mr. Haldeman relating to Mr. deRoulet in this period of time?

8           A     No, I don't recall a specific discussion about  
9 Mr. deRoulet, but one may have occurred. I don't recall one  
10 specifically.

11                     Let me say that I have met Mr. deRoulet and have been  
12 very impressed with him. However, I am impressed with him,  
13 as far as my good friend, Bill Rogers, Secretary of State,  
14 was concerned, for the wrong reason, because he was a very  
15 vigorous critic of the State Department bureaucracy and that  
16 was one of the reasons that State opposed not only his going  
17 to a higher post, but even staying in Jamaica, because he  
18 didn't get along with the bureaucracy. He felt that it was  
19 his obligation to serve the nation, rather than simply to take  
20 orders of the bureaucracy.

21                     That was a brief conversation. I can't even recall  
22 when it took place, but I know I have been impressed by him,  
23 but there was no discussion whatever with him, that I had with  
24 him, when we had that discussion with regard to whether he  
25 would go to a higher post.

1 I must say that clearly apart, as far as he was  
2 concerned, from any contribution of fifty or one hundred  
3 thousand dollars, I was impressed enough by him that I would  
4 have considered him for a higher post because basically, and  
5 we have to understand -- this is one of the reasons I am very  
6 happy that Mr. Ruth has made it clear and our grand jurors  
7 are going to make it clear to their colleagues that some of  
8 the things I will say will be with all of the bark off -- we  
9 have talked about the non-career ambassadors. As far as  
10 career ambassadors, most of them are a bunch of eunuchs, and  
11 I don't mean that in a physical sense, but I meant it in an  
12 emotional sense, in a mental sense. They aren't for the  
13 American free enterprise system.

14 Many times our business people have come back and  
15 told me that in order to get an entry into a country, for  
16 example, in South America or this or that, they would have to  
17 go to the British Consul and talk to him because our own were  
18 so inadequate.

19 I point out that, and this is in defense not only  
20 of my presidency, but of President Kennedy, President Johnson,  
21 President Eisenhower, President Truman, all of the others who  
22 are my predecessors, that some of the very best ambassadors  
23 we have have been non-career ambassadors who have made sub-  
24 stantial contributions. Bill Bullitt, for example, was  
25 probably the best ambassador to Russia and the best ambassador

1 to France we have had in a generation. Now he didn't get  
2 his job because he happened to shave the top of his head. He  
3 got his job because he contributed a half million dollars to  
4 Mr. Roosevelt's campaign.

5 I would say, looking at the smaller countries like  
6 Luxembourg, that Pearl Mesta wasn't sent to Luxembourg because  
7 she had big bosoms. Pearl Mesta went to Luxembourg because  
8 she made a good contribution. But may I say she was a very  
9 good ambassador in Luxembourg. And when you talk about selling  
10 ambassadorships, I don't want the record of this Grand Jury  
11 even to indicate that people of wealth, because they do make  
12 contributions, therefore should be barred from being  
13 ambassadors. The record should clearly indicate that certainly  
14 no commitment, no sale of ambassadorships should be made, but,  
15 on the other hand, the fact that an individual has proved  
16 himself on the American scene, has proved himself by legitimately  
17 building a great fortune, rather than being a disqualifier  
18 is a factor that can be considered and should be considered in  
19 determining whether he should get a position.

20 Now the line you must draw, and I understand that  
21 you are drawing it, too, very properly, is that under no  
22 circumstances should someone walk in to some individual and  
23 say well, if you will give us a hundred thousand dollars, we  
24 will move you from this place or that place. If they did so,  
25 it was without my authorization, without my knowledge or

1 direction, to the best of my recollection.

2 Q So you had no knowledge of such an understanding  
3 with deRoulet in 1970, is that correct?

4 A None that I can recall.

5 Q Moving on --

6 A I point out again, as I say, and I will not make  
7 this reference again, when I say none that I can recall, I have  
8 not had access to any papers, if he came in, but I can't be-  
9 lieve that I would have ever have made any commitment to him or  
10 anyone else to be an ambassador for a financial contribution.

11 Q My question more directly relates to whether you  
12 were advised either by Haldeman or possibly by Mr. Kalmbach  
13 that such an understanding had been reached in 1970.

14 A No. In answering that question, I would have to  
15 say that I -- I have a piece of paper here which you say was  
16 sent to Mr. Haldeman and it is quite possible Mr. Haldeman,  
17 in some kind of memorandum that he sent to me, indicated that  
18 Mr. deRoulet had been a contributor. For example, this  
19 initial one here, when I saw the word "Stans", that didn't  
20 mean to me that Stans was in the line of those whose judgment  
21 I considered good as to who should be an ambassador; it meant  
22 that somebody made a contribution, and the same would be true  
23 in the case of Haldeman.

24 Q Moving on, I would like to mark as Exhibit A-3 a  
25 document numbered #-37, of April 29, 1971, a memorandum

1 addressed to you from Peter Flanigan, and it is a list of  
2 non-career ambassadors and a summary of their abilities. It  
3 is an excised copy, and on page 2 it has the name Vincent  
4 deRoulet and some marginal writings which appear to say  
5 "check further".

6 Now I will let you read the document and then ask  
7 the question.

8 A You go ahead. I will read while you are talking.

9 (The document referred to  
10 was marked Exhibit A-3 for  
11 identification.)

12 BY MR. McBRIDE:

13 Q My first question is in the upper right-hand corner  
14 of that document, on the first page, it has an initial "P"  
15 and a line drawn through it. Would that indicate that the  
16 original of that document had been seen by you?

17 A I don't know what those doodles mean. I would say  
18 that with the line drawn through it, it would mean it had not  
19 been seen, but it could be. It could be that I had seen it.

20 If the memorandum was addressed to me, it certainly  
21 came across my desk, yes. Whether I spent the time to go over  
22 it item by item, I can't say.

23 I know this, that the writing on page 2 is not my  
24 writing, "check further, list, et cetera." None of the writing  
25 on any of the other pages is my writing. I don't recall -- I

1 suppose Flanigan was in the office. You would have to check  
2 to see if it might be his writing.

3 MR. McBRIDE: I would like at this time to intro-  
4 duce Exhibit A-4, a memorandum of May 4, 1971, which appears  
5 to be the follow-up to that memorandum, a memorandum from Mr.  
6 Haldeman to Mr. Flanigan beginning "The President has reviewed  
7 your memorandum on this subject and has the following thoughts."  
8 On page 2 it indicates some observations regarding Mr.  
9 deRoulet.

10 (The document referred to  
11 was marked Exhibit No. A-4  
12 for identification.)

13 THE WITNESS: Yes, I read the memorandum.

14 BY MR. McBRIDE:

15 Q Do you recall making these observations about Mr.  
16 deRoulet's future to Mr. Haldeman or making these decisions  
17 reflected in that paragraph?

18 A What I recall is, as I have earlier indicated, was  
19 that I, on the one occasion while I was President, the only  
20 one I remember, except for possible social occasions on which  
21 I met Mr. deRoulet, because he came from a minor country and  
22 the President only sees those from major countries, I was  
23 impressed by the fact that he was so, it seemed to me, in-  
24 cisive and vigorous in his trying to put some guts into the  
25 bureaucrats in the State Department that were assigned to him



1 and he was very disappointed in their attitude and that, to  
2 me, was the kind of ambassador we needed because we just had  
3 too many that took these people who were educated, may I say,  
4 and this is no reflection on them, at Harvard, Yale, Columbia,  
5 maybe Whittier, et cetera, et cetera, and who took a very  
6 dim view --

7           For example, I should have pointed out earlier that  
8 another reason for the list that we had available for people  
9 who were financial contributors was smaller was because I  
10 insisted on a couple labor leaders. You would be interested  
11 to know what the reaction of Mr. Rogers was. He said, "You  
12 can't send the 'deese' and 'dooose' guys over there to be an  
13 ambassador any place," and I say, "Look, I am not interested  
14 in their grammar; I am not interested in whether or not their  
15 syntax is very good or marginal; I am interested in their  
16 character and their ability to handle things," and I have seen  
17 labor leaders -- in fact, right in this room, gentlemen, when  
18 we have had meetings between business leaders and labor  
19 leaders, and the labor leaders, they took the business leaders  
20 in about a couple bites, even though the business leaders  
21 went to the best schools and knew all of the good languages.

22           I am sorry to talk so long on it, but go on. I  
23 thought you ought to get a little history in this, as well.

24           Q     Returning again to Mr. deRoulet, do you recall  
25 making a decision that he should be checked out further, as

1 as evidenced by the paragraph I have referred to.

2 A I don't recall making a decision, but I would not  
3 deny that I made it because Mr. Haldeman would follow my  
4 directions, I am sure.

5 Q Now moving on, documents that have been provided to  
6 us, and, in turn, marked as documents which we would use as a  
7 basis for questioning, indicate that in about June of 1971  
8 there was an exchange of memoranda between Mr. Haldeman and  
9 Mr. Flanigan and, quoting from the one of June 15, "What can  
10 we do to honor Kalmbach's pledge to move deRoulet up to a  
11 more important post", and "Obviously Spain is now out, but he  
12 had nine others on his list. Kalmbach also has a commitment  
13 to move Symington and we are going to have to work that one  
14 out, too, I guess."

15 Now I am trying to focus directly on deRoulet at  
16 this point, but I mention the Symington phrase because of the  
17 use of the word "commitment." This is in the summer of 1971.

18 A I think you better show me the memo.

19 Q Okay, I shall.

20 A These become confused, as you know.

21 MR. McBRIDE: I will mark the June 15 one as --

22 THE WITNESS: I want to be sure whether it is '69,  
23 '70 or '72.

24 MR. McBRIDE: I will mark it as A-5.

25 (The document referred to was

1 marked Exhibit A-5 for  
2 identification.)

3 THE WITNESS: I don't like to take your time to  
4 bring these memos over to me. Maybe my counsel could get the  
5 exercise, but whatever you like. You probably need it --  
6 you particularly, Jack.

7 Now the date of this is what?

8 MR. McBRIDE: June 17. That is A-5, Document  
9 Number F-11.

10 THE WITNESS: And what is your question?

11 BY MR. McBRIDE:

12 Q My question is were you, by that time, or at that  
13 time, aware of Kalmbach's pledge to move deRoulet.

14 A I cannot, to the best of my recollection now, re-  
15 call whether this matter was brought to my attention. It could  
16 well have been because there was a lot of in-fighting within  
17 the Administration, particularly within the Administration and  
18 the National Security Council staff and the State Department  
19 and those who were in the, who had responsibility for fund  
20 raising, as to, first, how many posts would be available to  
21 financial contributors; second, the qualifications of those  
22 contributors for such posts. Sometimes it was brought to my  
23 attention, sometimes it was not. I don't know whether this was  
24 or not. It could have been.

25 Q As the document indicates, this erupted into an

1 issue that involved a division of opinion between Mr.  
2 Kalmbach and Mr. Flanigan, both as to Symington and deRoulet,  
3 and I take it you have reviewed enough of the documents to  
4 have refreshed your recollection, if you had one, as to that  
5 dispute?

6 A Oh, I have a recollection. I don't want to down-  
7 grade myself that much.

8 Q What I am asking is in June of '71, which is when  
9 this dispute broke out, whether Mr. Haldeman said anything to  
10 you about the fact that Kalmbach had made a commitment to  
11 deRoulet.

12 A I don't recall any conversation with Mr. Haldeman.  
13 One might have occurred. I do recall that on some occasions  
14 that, and I think it was later than this, that Mr. Flanigan's  
15 to his great credit, I must say, toughness on insisting on  
16 qualifications for ambassadors became a sore point with Kalmbach  
17 and with Stans and that -- I believe it was Haldeman -- that  
18 brought this to my attention. But when I say "toughness", they  
19 didn't feel Flanigan was being cooperative enough and the  
20 documents you have, Mr. McBride, indicate this, that Flanigan,  
21 instance after instance, would not go along with the recommen-  
22 dation of Kalmbach or Stans.

23 MR. McBRIDE: I would now like to show you a document,  
24 which I will mark Exhibit A-6, of August 9, 1971, addressed to  
25 you, from Peter Flanigan. On page 2 of that -- I will read

1 from it and then show it to you. "Vincent deRoulet was  
2 assured in 1970 of a European post. I recommended he resign  
3 from Jamaica and be appointed ambassador to Finland," and  
4 it has "approved" and initials which I would like you to read,  
5 and if they are your initials, identify it.

6 (The document referred to  
7 was marked Exhibit A-6 for  
8 identification.)

9 THE WITNESS: The initials appear to be mine, but  
10 I must have done it in a terrible hurry because usually my "N"  
11 is legible.

12 BY MR. McBRIDE:

13 Q Well, to recapitulate --

14 A Before you recapitulate, may I simply state again,  
15 however, that as far as the use of the word "commitment" -- I  
16 mean I don't want you to put words in my mouth, and I am sure  
17 you are not intending to.

18 Q No.

19 A But as far as the word "commitment" is concerned,  
20 what it meant to Mr. Kalmbach, what it meant to the individual  
21 who made the contribution, is one thing. The important thing  
22 is what it meant to me, and I have already indicated that as  
23 far as I was concerned the only authorization that any in-  
24 dividual had in collecting funds was to indicate to an in-  
25 dividual who wanted to be an ambassador that he would receive

1 consideration and I did give top consideration to major  
2 financial contributors mainly for the reason that big con-  
3 tributors in many instances make better ambassadors, par-  
4 ticularly where American economic interests are involved.

5 Q Well, the documents introduced thus far suggest that  
6 there was some understanding, whether the term "commitment"  
7 would be used or not, between Kalmbach and deRoulet, that in  
8 June of '71 Mr. Haldeman requested or asked what can we do  
9 to honor Kalmbach's pledge to deRoulet, and then on August 9,  
10 1971, you approved deRoulet as nominee as ambassador to Finland.  
11 At the time that you approved that nomination, were you aware  
12 of any understanding between him and Kalmbach, that is,  
13 deRoulet and Kalmbach, that in exchange for his pledge or  
14 contribution he would receive an appointment to a European  
15 post?

16 A Are you indicating that this document indicates some  
17 knowledge on my part?

18 Q No, I am asking you as of the date that you approved  
19 that nomination, that is deRoulet to Finland -- that is August  
20 9, 1971 -- whether you at that point knew of an understanding  
21 between Kalmbach and deRoulet that in exchange for the making  
22 of political contributions deRoulet would be appointed to a  
23 European ambassadorial post.

24 A No, I would have no recollection that that had been  
25 brought to my attention at that point. I was aware of the fact

1 that Mr. deRoulet was wealthy and a very strong supporter of  
2 the Administration and probably a substantial contributor, but  
3 as far as understanding is concerned, or commitment, which is  
4 the stronger word which you have used, I have no recollection  
5 of my being aware of that or that being brought into the con-  
6 versation at the time that we discussed this.

7 Q If there were such an understanding of White House  
8 staff practice, would it be a matter which would likely be  
9 brought to your attention by Mr. Haldeman?

10 A Quite often, yes, or Mr. Flanigan, yes. Mr. Flanigan  
11 had more responsibility in the area of ambassadors than Haldeman  
12 did.

13 MR. McBRIDE: I would like next to show you an ex-  
14 hibit which I will mark as A-7, which is Document E-133, dated  
15 August 10, 1971. That is the day after the memorandum I just  
16 showed you.

17 (The document referred to  
18 was marked Exhibit No. A-7  
19 for identification.)

20 BY MR. McBRIDE:

21 Q This is a memorandum from Strachan to Haldeman. There  
22 is no evidence that you saw this document, but I show it to you  
23 in the event it might refresh your recollection. After reading  
24 the pertinent part, I will show you the document: "Today the  
25 President decided deRoulet should be offered Finland on the

1 basis of a Flanigan action memorandum. Flanigan was aware  
2 that Finland was not one of the original ten committed by  
3 Kalmbach. Flanigan reports that if deRoulet doesn't want  
4 Finland, too bad. That's all he gets."

5 A Sounds like him.

6 Q Then going to the third paragraph, "Kalmbach is  
7 willing to act as either salesman for Finland or fall guy for  
8 not delivering on the" - quote - and the quotes are in the  
9 document "commitment" - close quotes. "He will do whatever  
10 you ask."

11 A Your question, it seems to me, has some assumptions  
12 that before answering I would like to question, which, of course,  
13 is proper. You used the word "salesman" and you used the  
14 word --

15 Q I quoted from the document.

16 A Yes, I understand, but it was in your question and  
17 you, very properly, quoted from the document. I respond to  
18 that question by saying that I have no recollection of ever  
19 authorizing the selling of ambassadorships, the making of an  
20 absolute commitment for ambassadorships.

21 As I have indicated earlier, my recollection of the  
22 entire ambassadorial decision process, which is already in the  
23 record, is that those who made contributions would receive  
24 consideration, but as far as the specific commitment, et  
25 cetera - quote - end quote - is concerned, or the sale of



1 ambassadorships, I have no recollection of using that term or  
2 intending that term. If the term was ever used, it certainly  
3 was never intended because I had enough sense to know very  
4 well that whenever an ambassador recommendation came across  
5 my desk, I would have to approve it and, based on my usual  
6 practice of what the State Department, the National Security  
7 Council, and others whom I trusted -- Mr. Flanigan, in this  
8 instance, whose judgment I trusted in making these recommen-  
9 dations -- that whether their recommendations were unanimous

10 MR. RUTH: Could I just say something here?

11 THE WITNESS: Sure. In fact, you are in charge.

12 MR. RUTH: The fact that a question is asked is not  
13 meant to be accusatory of wrong-doing on your part. We see  
14 this deposition as helping us in the investigation of other  
15 people, so, for example, on ambassadorships, if a public  
16 official had been going around to Symington or deRoulet, even  
17 without your knowledge, and saying, look, I will do what I  
18 can, you will get an ambassadorship if you contribute, that  
19 public official has committed a bribery crime that would be  
20 investigated, even if it were without your knowledge, so in a  
21 lot of instances Mr. McBride is asking you, sir, for your  
22 assistance in identifying wrong-doing on the part of others.

23 THE WITNESS: I understand. I understand that I am  
24 not going to be put in the position of charging that these  
25 people that he has mentioned have been selling ambassadorships

1 or making commitments because to them the word "commitment"  
2 may have meant exactly what it has meant to me. They knew  
3 very well how tough I was, tougher than any president in  
4 modern history, because of my interest in foreign policy, with  
5 regard to ambassadorial assignments.

6 Let me call your attention, for example -- You  
7 know we naturally looked at the list of those that you approved,  
8 disapproved, and so forth and so on. This is the August 9  
9 memorandum from Mr. Flanigan to me.

10 I am sorry. Yes, here it is. Here is a May 4  
11 memorandum from Mr. Flanigan to Mr. Haldeman. Robert Neumann.  
12 You see that name at the top of page 3. You know who he is?

13 MR. McBRIDE: I have no idea.

14 THE WITNESS: Well, he is a very capable man - UCLA,  
15 very liberal, which I respect. I sometimes don't agree with  
16 it. But he was a very good ambassador in a very hard post,  
17 Afghanistan, so we left him there, although it would have been,  
18 perhaps, a pretty good post for somebody that -- Robert  
19 Strausz-Hupe, University of Pennsylvania, policy expert -- you  
20 must have heard of him -- however on the conservative side,  
21 despised by the State Department; on the other hand, a man  
22 who was extremely well-qualified, and it says, and may I read  
23 from this, "Because of the commitment to move him up to another  
24 post, we should force this move through the State Department."  
25 "Commitment to move him to another post." Now, what does

1 that mean? It only meant that Robert Strausz-Hupe had been  
2 serving with great distinction in one post -- I think his post  
3 was Ceylon, or some God-awful place, but anyway here I think  
4 we finally moved him to Europe. He was a man without a  
5 sou as far as money was concerned, yet the word "commitment"  
6 was used. What does that mean? All it meant, when I see  
7 a thing like that, was they had discussed it with him, that  
8 the people within the bureaucracy felt that -- our people  
9 did -- that he ought to be moved, that he deserved to be moved,  
10 so they put down the word "commitment".

11 I just want to be sure -- I don't want to nail, for  
12 example, other people with the word "commitment" and get off  
13 the hook myself on it. I mean I am quite aware of the fact  
14 that as far as anything that I did -- you gentlemen are aware  
15 of that, too -- that because of the presidential pardon, which  
16 was terribly difficult for me to take, rather than stand there  
17 and fight it out, but I took it, that I can admit anything  
18 with impunity, but you are not going to use me to try to nail  
19 somebody else simply because I am not guilty of something. I  
20 am not saying you are trying to do that. What I am trying  
21 to say here is that my answers are not given for the purpose  
22 of defending myself on my record. I believe I have an obli-  
23 gation to do that, but I can assure you that I am not going  
24 to be loose with my tongue and try to cooperate with you in  
25 a vendetta, if there is a vendetta, against men that I

1 don't think would have made improper advances.

2 Oh, yes, they raised money; they discussed with  
3 ambassadors, ambassadors who were in place and ones who made  
4 contributions, who wanted to be ambassadors, the possibility  
5 that, well, we will see to it that you are considered, and I  
6 am sure we can do this for you, and to them they might use  
7 the word "commitment", but in my view I don't believe -- I am  
8 not going to be in the position of saying to you that I  
9 considered that a sale of ambassadorships, even though it  
10 involves no danger, no vulnerability as far as I am concerned.

11 MR. McBRIDE: I would like to point out, of course,  
12 among the dozens and perhaps hundreds of ambassadorial appoint-  
13 ments made by you during this Administration that we are only  
14 concerned at this point with these five individuals, the names  
15 I mentioned at the outset.

16 Secondly, I would like to point out that and  
17 elaborate, really, on what Mr. Ruth said, that some of these  
18 documents certainly suggest that perhaps quite without your  
19 knowledge Mr. Kalmbach or others were reaching understandings,  
20 which may have been illegal, with persons who wanted  
21 ambassadorial positions or ambassadorial promotions and that,  
22 indeed, in the case of J. Fife Symington Mr. Kalmbach has  
23 pleaded guilty to a violation of federal law in that connection,  
24 and it is only because of that set of circumstances and the  
25 testimony revealed by these documents that we feel obliged

1 to ask you questions on these five individuals.

2 THE WITNESS: Yes.

3 BY MR. McBRIDE:

4 Q Now my last question as to deRoulet is were you aware  
5 that it was decided that he be offered his hundred thousand  
6 dollars political contribution back, that is, that it be re-  
7 turned to him?

8 A I don't remember specifically an awareness of that.  
9 It could have been that it was brought to my attention, but  
10 I am aware of a policy that I adopted when I understood that  
11 some who had made contributions thought, in my view mistakenly,  
12 that they had an absolute commitment to be appointed to an  
13 ambassadorship, and I said if they felt that, return the con-  
14 tribution; we don't want their money, and it happened in his  
15 case and it happened in several others, as I understand, but  
16 that was the policy, and, of course, having reviewed these  
17 documents, I am aware that the offer was made to him and to  
18 Symington, too, and I think deRoulet refused to, as I recall,  
19 take it back. I don't know what Symington did.

20 Q Did you ever ask Haldeman or did he ever tell you  
21 that he had approved this understanding between Kalmbach and  
22 deRoulet?

23 A I don't recall any discussion of deRoulet with  
24 Haldeman at all.

25 Q I would like to move on to Symington and I hope

1 we can proceed somewhat more swiftly.

2 Many of the documents we have introduced relate to  
3 Symington, and if you will permit me, I will briefly summarize  
4 the facts preliminary to my first question, that is that Mr.  
5 Symington was offered the post of ambassador to Trinidad and  
6 Tobago in 1969, that he accepted, that he was posted there as  
7 ambassador, that he served there throughout 1970, 1971 and that  
8 the documents indicate therein that the circumstances with Mr.  
9 Symington are very much similar to those of Mr. deRoulet,  
10 that there is some evidence in the document that there was an  
11 understanding reached between Mr. Kalmbach and Mr. Symington  
12 that in exchange for Mr. Symington's pledge of one hundred  
13 thousand dollars contribution he would be appointed to one of  
14 a number of European posts.

15 Now my initial question is were you advised of that  
16 understanding by either Mr. Haldeman or Mr. Flanigan at any  
17 time?

18 A I have no recollection of being advised specifically  
19 of that, of any understanding that he would be appointed.

20 Q Now, further, as the documents indicate, the per-  
21 formance evaluations of Mr. Symington by State Department, by  
22 General Haig and by others were almost universally that he  
23 was of very marginal effectiveness and that he was not, in  
24 fact, ever approved for a European post.

25 A Let me say that in many instances the State

1 Department's recommendation, that would not be actually from  
2 Secretary Rogers, but from the Career Foreign Service, and  
3 whenever I saw those recommendations, I usually took a double  
4 take and many times that would be a factor in their favor  
5 rather than their disfavor.

6 Q In the case of Symington, I think, in addition,  
7 Peter Flanigan and other respective members of the White House  
8 staff agreed with the state Department's assessment of Mr.  
9 Symington's ability.

10 A That is true. That is very true. You understand  
11 what I mean, that a President has to make assessments, not  
12 simply on the basis of what the bureaucracy wants or then you  
13 would simply have the bureaucracy in every area becoming  
14 infestuous and feeding upon itself. You have to have an in-  
15 fusion of some new blood in it from time to time and that is  
16 the reason why, while I have great respect for some career  
17 State Department people, I found many of them, as I said, who  
18 were simply intellectual and emotional eunuchs and not worthy  
19 of representing the United States. They are better to be  
20 over in Foggy Bottom where they can't do any harm.

21 Q With regard to Mr. Symington, did Mr. Haldeman or  
22 Mr. Flanigan tell you of this internal White House staff  
23 argument, about whether or not there was a - quote - commitment  
24 by Kalmbach to Symington?

25 A I don't recall any discussion. Anything that I

1 recall here is on the basis of what documents you have fur-  
2 nished.

3 Q Do you recall either deciding or being advised that  
4 a decision had been made to return to Mr. Symington his  
5 hundred thousand dollar contribution?

6 A I have already testified on that point, that when  
7 the question began to be raised by some with regard to what,  
8 and it wasn't just your term, but I see it in the documents,  
9 the term "commitment", what commitments had been made, it  
10 was my policy that in every instance if an individual felt that  
11 he had been promised something that I had not promised and  
12 would not deliver on, that his contribution could be returned.  
13 The Symington one falls in that classification.

14 Q Were you aware at any time that Mr. Symington was  
15 obstreperous, that is, he was threatening to go public, if  
16 you will, and complain about the non-delivery on what he  
17 viewed as a commitment?

18 A I read the paper on that one. It was one of the more  
19 interesting ones in a rather long, and dull, file -- I mean  
20 this one -- but also I believe there was something in the  
21 newspapers at that time that I saw that Mr. Symington was  
22 running around the Hill and particularly talking to Senator  
23 Goldwater, a good friend of his, and others, saying that he  
24 would go public.

25 Q Did you discuss these stories with Mr. Haldeman or



1 Mr. Flanigan?

2 A I have no independent recollection as to whether  
3 I discussed those stories, but in retrospect, and here I do  
4 something which, of course, my lawyers advised me not to, but  
5 I know you will understand it in this proceeding; the grand  
6 jurors will appreciate it, but I must have had reasons for  
7 making the policy decision overall affecting all financial  
8 contributors, that if they felt they had a commitment and  
9 we couldn't keep it, to return their money.

10 We had a four million dollar surplus after the  
11 campaign, for example. There was no problem. And, of course, --  
12 and even before that -- some of these were before 1972, as  
13 you know -- I did not feel that any individual, I didn't want  
14 him to be in a position where some over-zealous person may have  
15 used even the word "commitment", may have even used the words,  
16 "we've got the deal made" -- I saw that in one of these pieces  
17 of paper you furnished us -- that if that ever came to my  
18 attention, and we were unable to make an appointment or I did  
19 not consider that individual the best qualified, taking every-  
20 thing into consideration, I felt the only honorable thing to  
21 do was to return the contribution, and, incidentally, to return  
22 the contribution is not only, for what you gentlemen would  
23 naturally feel, because of the fact that it is illegal to  
24 make a commitment or make a sale of an ambassadorship, to  
25 return it as a matter of honor, even though the individual

1 would not have gone this far as to cross the line between  
2 legality, because let's well understand that through the years,  
3 as I have pointed out, fund raisers have gone around the  
4 world and over the United States and gotten money from people  
5 with the understanding they can use that term, maybe, or with  
6 commitments that they would be considered or maybe even  
7 appointed ambassador. None of us are naive enough and  
8 certainly we are all aware of the stories that have appeared  
9 with regard to an appointment, for example, of Mr. Joseph  
10 Kennedy as ambassador to Britain. They didn't appoint him  
11 there because, certainly, he was pro-British. I think he was  
12 a pretty good appointment, as a matter of fact, up to a  
13 point. After all, at least he increased the Scotch supply  
14 here.

15 Q Mr. Kalmbach last testified that on September 16, 1970,  
16 he met with Mr. Symington --

17 A This is 1970 now?

18 Q September 16, 1970.

19 A Okay, 1970.

20 Q He met with Mr. Symington -- in fact, near here --  
21 at the California Club. Mr. Symington made this proposal:  
22 I will contribute a hundred if I can get appointed to X  
23 country by X date.

24 Mr. Kalmbach then called Mr. Haldeman and reached  
25 his aide, Mr. Higby, in Chicago, where the presidential party,

1 including yourself, Mr. Higby, Mr. Haldeman, were on travel,  
2 and that Mr. Higby then called him back and told him that he  
3 could go ahead with, to use Mr. Kalmbach's words, "the  
4 commitment". Did Mr. Haldeman, on that occasion, ask you  
5 for your approval or disapproval of this approval?

6 A I have no recollection of any such conversation.  
7 Incidentally, I answered that question after having read the  
8 file. What you just read to me is in the papers you presented.  
9 I have no recollection of any such conversation in -- What  
10 was your date again?

11 Q September 16, 1970.

12 A That was very early. You know after the election  
13 campaign I was in Chicago for a political speech and I think I  
14 was concentrating on my speech. I don't think Mr. Haldeman  
15 would have bothered me with such a speech.

16 Q The next individual I would like to ask about is  
17 Mr. Kingdom Gould. There are relatively few documents re-  
18 garding Kingdom Gould and I think, if you will permit me, I  
19 will lay out some preliminary facts which may speed us along.

20 Mr. Gould was appointed ambassador to Luxembourg in  
21 1969. One of his recommenders or sponsors was Mr. Stans, and  
22 that is indicated on an earlier exhibit, A-1. Then in March of  
23 '72, Document No. F-39 of March 21, 1972, from Mr. Haldeman  
24 to Mr. Flanigan, suggests moving Gould to The Netherlands in  
25 order to open Luxembourg, and, finally, referring to document

1 J-54 of December 5, 1972, and that one I think I ought to  
2 show you, since it was addressed to you. It states, and I  
3 will show you the document in a moment, and I will also mark  
4 it as Exhibit A-8.

5 (The document referred to  
6 was marked Exhibit No. A-8  
7 for identification.)

8 BY MR. McBRIDE:

9 Q It indicates Netherlands, Bittendorf, 3 years, 6  
10 months. Bittendorf should be removed. We originally  
11 recommended that Kingdom Gould be appointed because Gould  
12 made a very sizeable contribution on the understanding that  
13 he would be selected.

14 Now my question is, based on that paragraph from that  
15 document, whether you had any knowledge from any other source  
16 that there was such an understanding with Mr. Gould.

17 A I don't recall any other source. Kingdom Gould  
18 is one of those many ambassadors to small countries that I  
19 never saw because my travels did not bring me to that country.

20 Q Did you ever have a conversation either with Mr.  
21 Haldeman, Mr. Flanigan or Mr. Stans about any understanding  
22 rached with Mr. Gould in 1972 that in exchange for political  
23 contributions he would be appointed to a larger post?

24 A I don't recall that he -- You used the word "under-  
25 standing." Let me say that you have mentioned the names of

1 Mr. Flanigan and Mr. Haldeman, correct, and Mr. Stans?

2 Q Yes; correct.

3 A Let's leave out Flanigan and Stans for the moment  
4 and let's go -- I am sorry, leave out Haldeman and Stans for  
5 a moment and go to Flanigan. Flanigan, as you will note,  
6 Mr. McBride, from reading this file, didn't consider that  
7 any commitments were made, and he is right; that was our  
8 policy. That is what I mean. Flanigan, who was on top of  
9 this, did not consider taht raising money guaranteed any kind  
10 of a job.

11 You know different men's minds work in different  
12 ways, and that is the way -- Incidentally, Flanigan's views,  
13 for the most part, represented mine in that respect. As far  
14 as fund raisers were concerned, Mr. Stans, I can't believe that  
15 he wouldn't have had the same understanding because he knew  
16 from having sat in cabinet meetings how careful I was with  
17 regard to making appointments and how I insisted on the best  
18 people we could find.

19 As far as Mr. Kalmbach was concerned, the files would  
20 indicate that at times he may have been over-zealous. He may  
21 have felt that he had made a commitment, and then passed it on  
22 up the line, as often happens, with the hope that whatever he  
23 had done would be approved at the highest level.

24 In this indication, in this case, I can only  
25 respond to your question by saying I have no independent

1 recollection of any conversation of this sort.

2           This document, you say, was sent to me, to the  
3 President?

4           Q     Yes.

5           A     With a hundred recommendations?

6           Q     I don't have the entire document; I have only an  
7 excised copy, so it is difficult for me to tell how many  
8 names were included.

9           A     Let me read to you because I think it will make  
10 sense.     This is a memo to the President from Flanigan  
11 and Malek re ambassadors, saying:

12                     "The attached approximately one hundred recommen-  
13 dations are tentative and need interviews and more analysis."

14                     You are reading to me from one of a hundred of  
15 these, so the thing was about that thick.

16                     Let me tell you what was going on December 5. We  
17 have all forgotten now because, thank God, the POWs are home  
18 and the war is over, even though there is some sadness. Only  
19 five miles away from here, as you know, is where the refugees  
20 are. But on December 5, after the election, the Paris peace  
21 talks had broken down and I just received, at or about that  
22 time I was receiving some rather frantic messages from Dr.  
23 Kissinger, who had gone on to Moscow, to see if he could do  
24 something there to keep the North Vietnamese from launching  
25 another offensive.

1                   On December 18, you recall, is when I made per-  
2                   haps the most controversial decision of my Administration and  
3                   ordered the B-52 bombing of the north, which broke the  
4                   impasse, led to the agreement, got the POWs back.

5                   Now on December 5, when this peice of paper came  
6                   across my desk, I can't imagine that I looked it over, that  
7                   I spent any time on it, and this explains why the recollection  
8                   is not there, and that I was thinking about now here is  
9                   Netherlands, Bittendorf, and who is going to go to Jamaica  
10                  or Luxembourg or Norway. It didn't make the slightest bit  
11                  of difference to me then. I was concerned about thousands  
12                  of American men -- thank God, not so many at that time in  
13                  December because all of the combat fighting had stopped, but  
14                  hundreds who were prisoners of war, and also the potential  
15                  of having to go in again.

16                  So I am not trying to duck your question, you  
17                  understand, but I did have other things to do at the point  
18                  and that is why I wouldn't have, perhaps, read this document.

19                  Q     I quite understand the volume and gravity of the  
20                  decisions in that period of time and other periods, but I  
21                  feel obliged to pursue my questioning nonetheless.

22                  A     You go on with your questioning and be absolutely  
23                  as tough as you want to be. It is your job.

24                  Q     My question is, again, were you aware of Mr. Haldeman,  
25                  Mr. Flanigan or Mr. Stans had an understanding with Mr. Gould

1 in exchange for his contribution would be moved to another  
2 post?

3 A The only awareness that I have had with regard to  
4 Mr. Gould or any of the five that you mentioned or any  
5 ambassadors at all is the understanding that if a contribution  
6 be made that they would be given consideration for a post, but  
7 that no absolute commitment could be made.

8 For example, the most disappointed man of all of  
9 our contributors is not on your list. He probably should be,  
10 but our biggest contributor is a rather erratic, but enormously  
11 successful Chicago businessman by the name of W. Clement  
12 Stone. I think he contributed a million dollars and he,  
13 confidently, expected to be appointed ambassador to Great  
14 Britain. It is very possible that that was discussed with  
15 him. Not by me -- I never recall it -- but my others because  
16 he gave enormous contributions. He didn't get it. He didn't  
17 get it because after consideration, despite the fact he was  
18 the biggest contributor and, of course, raised a great deal  
19 more, I just felt he couldn't do that job.

20 Q I will move on next to Mr. Whitney, Cornelius V.  
21 Whitney. Mr. Whitney was not in fact appointed to any  
22 ambassadorial position, but in June of 1971 contributed  
23 \$250,000 to various committees for the re-election of the  
24 President --

25 A He probably would be loaning money to

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1 right now from these resources.

2 Q (Continuing) -- which sometime later was returned  
3 to him. My question is, first, were you aware at any time  
4 during your presidency of a commitment or an understanding  
5 with Mr. Whitney that in exchange for his contribution of  
6 \$250,000 he would be appointed ambassador to Spain?

7 A First, I made no commitment or understanding with  
8 Mr. Whitney. Second, I have no recollection of ever authori-  
9 zing or approving any commitment or understanding to Mr.  
10 Whitney that he would be appointed ambassador to Spain.

11 Third, I did, as far as my being aware thereof  
12 from reading the documents that you have presented to me, the  
13 ambassadorship to Spain had apparently been discussed with  
14 Mr. Whitney. As a matter of fact, it seems to me that another  
15 name comes in here, Mr. Mitchell's name --

16 Q That is correct.

17 A You don't need to show me the piece of paper because  
18 I remember the Whitney case a little more clearly because it was  
19 more recent, and an important post, Spain, and so consequently  
20 the fact that you ask about awareness of an understanding with  
21 Whitney, I would say that in this case, clearly apart from the  
22 papers that you have furnished me, that I was aware that he  
23 saw a major financial contributor, that he had been given  
24 to believe by somebody that he would be appointed to Spain,  
25 that he even had gone over and rented a house in Spain, and

1 another reason that I remember the Whitney case more clearly  
2 than the other is that he had a very, very strong advocate  
3 in Governor Nunn, whose pipeline to me was through Mr. Mitchell,  
4 and so consequently I know a little bit more about this case  
5 than others.

6 Q Was it your information that the understanding  
7 with Mr. Whitney was between Mr. Whitney and Mr. Mitchell?

8 A I don't know to whom Mr. Whitney talked. I think  
9 he talked to several people. I don't know to whom Mr. Nunn  
10 may have talked. I think he talked to several people. But  
11 what it was, whether it was an understanding, whether Mr.  
12 Whitney thought it was or whether the individual he talked to  
13 thought it was, I am not in a position to answer.

14 Q Who told you about these dealings?

15 A Sir?

16 Q Who told you about these dealings with regard to  
17 Whitney's contributions and proposed appointment?

18 A Well, first I should point out that my memory has  
19 been refreshed by the documents that you have laid before me.  
20 The second point is that I note in these documents that --  
21 this is one of those rare instances where I corresponded with  
22 Mr. Whitney. There was no discussion, of course, in the  
23 correspondence about the ambassadorship.

24 In the first instance he wrote to me and said he  
25 understood why he was not going to be appointed and asked that

1 his name be withdrawn, and then within a week later he --  
2 and I responded and said I appreciated everything he had  
3 done, et cetera, et cetera, et cetera, you know, in working  
4 for us in the campaign, without discussion of financial con-  
5 tributions at all, and then he asked that his name be re-  
6 instated. I recall that correspondence. I do not recall  
7 specifically who discussed the Whitney matter with me. I  
8 do recall -- well, I think I should amend that. I think Mr.  
9 Flanigan was still, despite the inter-agency warfare at that  
10 time about ambassadors that was going on, was still the man  
11 I relied on primarily for checking around the bureaucracy  
12 as to who should be recommended, and Flanigan came in, and  
13 right out of the blue, with a name that never occurred to me  
14 and it was a brilliant suggestion, and that was to appoint  
15 Admiral Rivero. Admiral Rivero doesn't happen to be,  
16 incidentally, Spanish, but was Portugal and speaks Spanish.  
17 He was head of the Mediterranean Fleet. I met him when I  
18 was there. I considered him to be a top-flight man and,  
19 in fact, let me say this for some future committee that may  
20 be interrogating a president or former president about such  
21 appointments in this field: You say why appoint a military man  
22 to be ambassador. I want to tell you who the best ambassador  
23 that I have ever seen in my travels in the world, considering  
24 the difficulty of the post at the time. The best ambassador  
25 was Admiral Spruance in the Philippines. At the time it was

1 necessary to make that transition, you know, from the old,  
2 rather corrupt government that they had had, to Nayaguez.

3 I am sorry -- sorry -- go ahead.

4 So what happened is Flanigan put the name Rivero down  
5 and I note I mark on here "an excellent man" and he is the man,  
6 of course, we appointed.

7 Q Did you talk to Mr. Mitchell about any understandings  
8 that were reached with Mr. Whitney?

9 A I don't recall a conversation with Mr. Mitchell.  
10 I noticed his name in this, but I don't recall my talking to  
11 him about it. It is very possible that I did. It is very  
12 possible that he may have said we ought to give Sonny Whitney  
13 this, although the record here seems to be rather mixed.

14 In one instance he indicates he doesn't think he  
15 is up to it and in another instance he says we ought to make  
16 the deal, or words to that effect.

17 Q I think the memorandum indicates that in March of  
18 1971 he was ch-cked with and did not think he would be suit-  
19 able and later in June of '71 it appeared he changed his  
20 mind.

21 A That is right, which was often the case.

22 Q Did Mr. Mitchell or Mr. Haldeman ask your approval  
23 in reaching an understanding with Mr. Whitney regarding his  
24 appointment to Spain and the making of political contributions  
25 by Mr. Whitney?

1 by Mr. Whitney?

2 A My approval to appoint him to Spain, if he made a  
3 political contribution?

4 Q Yes.

5 A I don't recall any such conversation. That would  
6 have been totally inconsistent with my policy, which they were  
7 quite aware of.

8 Q I will next turn to the last of the individuals we  
9 are going to question you about this morning, and that is  
10 Ruth Farkas.

11 A What about Symington?

12 Q I think we have -- If you have something to add to  
13 Symington, I would be glad to hear you.

14 A No. Oh, have we finished with him?

15 Q Yes.

16 A One thing I should point out so that the record  
17 is clear, you should be sure the Grand Jury is aware of every-  
18 thing, and although my attorneys say I should never volunteer  
19 anything, the reason that the Symington one was a rather sur-  
20 prising one to me and the reason Goldwater and Mathias finally  
21 agreed on it is that he happened to be a candidate for the  
22 Senate in Maryland some year and I went over and campaigned  
23 for him.

24 Another reason, and I didn't know this at the time,  
25 was that Mr. Symington is married to a niece of one of my

1       dearest friends and longtime supporters, Miss Helen Frick,  
2       who lives in New York -- the famous Frick family -- and Miss  
3       Frick wrote me a very gracious letter saying because of the  
4       heat in Trinidad and the rest she hoped that I would consider  
5       having Mr. Symington moved.

6                 Incidentally, I think the Frick letter is perhaps  
7       one of the best indications of what the people who knew me best  
8       thought it was proper to bring up. In other words, she pointed  
9       out some personal factors and said how much I will understand  
10      your decision, but I don't want to leave the impression that  
11      I didn't know Mr. Symington. I did.

12                Q     Now with regard to Mrs. Farkas, the documents, to  
13      the extent you may have reviewed them, indicate a long history  
14      going back to 1969 in which she was first almost nominated  
15      for Costa Rica, then her husband failed the FBI clearance and  
16      it was not until 1971 or 1972 that her name was again seriously  
17      considered and ultimately in the summer of 1972 she was approved  
18      by you for nomination as ambassador to Luxembourg, although  
19      in fact the formal nomination papers were not signed until  
20      February of 1973.

21                Now I will only ask one or two questions about  
22      the earlier period, both because it is not too relevant and  
23      because it is so distant in time.

24                First, were you aware that Lewis Wyman was support-  
25      ing Mrs. Farkas for an ambassadorial appointment, and if you

1 were, tell us the circumstances?

2 A When I read this file, that was the first time  
3 I became aware of the fact that the Farkas name had come up in  
4 1969. Also when I read the file and saw the name Lewis  
5 Wyman, knowing Lewis Wyman, I am sure that while he did not,  
6 to my recollection, ever talk to me about Mrs. Farkas, whom  
7 I don't ever remember meeting -- I might have, but I don't  
8 remember -- but he certainly talked to members of the  
9 congressional liaison staff because he, like Mr. Nunn, is a  
10 very tenacious politician and he was apparently very interested  
11 in Mrs. Farkas' appointment.

12 Q Moving on to 1972, were you advised by anyone that  
13 she was willing to make a contribution or had contributed  
14 on an understanding that she would be appointed as ambassador  
15 to Luxembourg?

16 A I had no awareness of the charge that you have just  
17 outlined until I again read the papers that you have presented  
18 to me. And let me also point out that I don't want the members  
19 of the Grand Jury to think I am naive. Mrs. Farkas' name  
20 and Mr. Symington's have appeared in the newspapers despite,  
21 of course, that it was supposed to be, as I understand, a  
22 total security of the Grand Jury proceedings.

23 Q I should point out, of course, that the circum-  
24 stances of Mrs. Farkas' contribution and nomination were  
25 investigated by the Senate Foreign Relations Committee at the

1 time of her confirmation and the election issue in New  
2 Hampshire at the time of Wyman's Senate race.

3 A I take it back. A very good point.

4 The Grand Jury is not guilty; the Prosecutor's  
5 staff isn't.

6 Q I will ask you about an issue relating to policy  
7 in 1972 with regard to the sending of the names of non-career  
8 ambassadors, particularly contributors to the Senate Foreign  
9 Relations Committee. The documents seem to indicate that  
10 a policy decision was made sometime in the Spring of 1972,  
11 that such names would not be sent up prior to the election.

12 Do you recall making such a decision or par-  
13 ticipating in the making of the decision?

14 A Yes, I do.

15 Q Thereafter --

16 A The reason the decision was made, incidentally --  
17 you will be interested in knowing this --

18 (Continued on page 62-- repeating, also,  
19 commencement of answer)

20 \* \* \* \*



1           A           The reason the decision was made,  
2 incidentally, -- you will be interested in knowing this --  
3 that in the year 1972 we were trying desperately to get the  
4 cooperation of the Congress of the United States and its  
5 support of our agreements with the Soviet Union on the limitation  
6 of nuclear arms. You remember that in June, and we went to  
7 Moscow in May, we were trying to ward off massive attempts,  
8 and we only won in the Senate by 45 to 43, to cut back on our  
9 air power in Vietnam, which we knew would destroy any ability  
10 or any chance we had to have a negotiated settlement which  
11 would bring our prisoners of war back, and also we had the  
12 problem, apart from this terrible tragedy of Watergate which  
13 occurred during that same period, we had the problem looming  
14 in that period of what the, what influence we could have  
15 with the Senate, particularly on one of Senator Mansfield's  
16 usual amendments -- we have often talked about it -- to cut  
17 back our NATO forces which, incidentally, just for the sake  
18 of history, you will be interested to note, we considered  
19 NATO important then, but one of the reasons that it was  
20 important was if we cut them back before we went to the  
21 Soviet Union, we would lose our bargaining position to get  
22 them to make use of the Warsaw Pact force, and here is one  
23 of the parts, Mr. Ruth, that has to be told off the record,  
24 I trust:

25                           (Classified material deleted)

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4 (CLASSIFIED MATERIAL DELETED)  
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12 It has been a very good Grand Jury, I understand, in  
13 terms of keeping their mouth shut.

14 Q They are well aware of their obligation.

15 A I know.

16 Well, it is a hard thing, and I appreciate their  
17 service, frankly, If everybody comes and asks about it, I  
18 know it is a hard thing to say well, I can't say anything.

19 Q We were discussing the reasons for your policy  
20 decision about sending names of candidates.

21 A I didn't want to have anything more on the plate,  
22 frankly, then. That was the reason for it. I felt to send  
23 names up then that would raise a storm of controversy,  
24 was the last thing we needed, and also we had the election  
25 campaign coming up and I didn't want to have any controversy

1 over ambassadors coming up at that point. So I always put  
2 first things first. I felt at that point, particularly  
3 where the Senate is concerned, and, as you know, the Senate  
4 is the one that has to approve the ambassadors, we had the  
5 Mansfield amendment; we needed the Senate's cooperation with  
6 regard to what we were doing on our talks with the South  
7 Vietnamese. We had a number of other items on the agenda  
8 with the Senate. I didn't want to have any other fights  
9 than the fight on that front. I said, on the ambassadors,  
10 just delay them until later.

11 Q I have a document here I have marked Exhibit A-9,  
12 a memorandum from Peter Flanigan to you, dated January 26, 1972,  
13 in which that policy decision appears to have been at least  
14 temporarily reversed in the case of Ruth Farkas.

15 (The document referred to  
16 was marked Exhibit No. A-9  
17 for identification.)

18 BY MR. McBRIDE:

19 Q Do you recall the circumstances under which you  
20 decided to approve Mrs. Farkas and send her name up in the  
21 summer of 1972 in reversal of the prior policy decision?

22 A All you have to do is to read the memorandum and  
23 you will find it says that Mr. Clark MacGregor, who then, as  
24 you know, before he became Chairman of the Committee to  
25 Re-elect the President, was in charge of the congressional

1 liaison, apparently had discussed the matter and I hadn't  
2 realized that it was this early, but had discussed the  
3 possibility of sending up ambassador appointments with  
4 Fulbright and Fulbright said, "Send them up and we can get  
5 them through."

6 Q Did anyone -- Excuse me.

7 A But in May the situation looked very bleak in that  
8 respect. After all, this June 28, a month later, the  
9 situation changed considerably. I had already been to the  
10 Soviet Union; we had almost unanimous approval by, at least  
11 in their public statements, by both Democrats and Republicans  
12 of what we had done there with regard to initiating the  
13 limitation of nuclear arms and under the circumstances it  
14 seemed to be that there was a period of good feeling, where  
15 MacGregor felt that there was a chance we could get them  
16 through.

17 I should also point out, as you look at this piece  
18 of paper, and I trust when you present these to the Grand  
19 Jury, and I am sure you will, that you will give them the  
20 whole piece of paper --

21 Q I requested those from your counsel.

22 A You see the problem we have here.

23 Oh, is that right? You wouldn't give it to them?  
24 Give it to them.

25 The point that I make is I send to you a package of

1 ambassadors. Now, can you imagine June 26?

2 Q Were you advised, in substance, by anyone that  
3 Mrs. Farkas was withholding her contribution until she was  
4 actually approved by the White House and State Department?

5 A No, I have no recollection of being so advised.

6 Let me point out, too, that this June 26 memorandum,  
7 and I must say, and I apologize to the members of the Special  
8 Prosecutor's staff when I said that we can present the whole  
9 item. I guess it is because you only asked for what we had  
10 on each individual that they blanked the others out.

11 Q That is correct.

12 A But what I am trying to point out is the situation  
13 I was faced with was not, as it might otherwise appear, looking  
14 at this one piece of paper, that on June 26 somebody came in and  
15 said now there is a Mrs. Ruth Farkas, if you just give her an  
16 ambassadorship to Costa Rica or Luxembourg, neither of which  
17 means -- no profanity -- means anything to us in terms of  
18 our foreign policy.

19 Costa Rica means something to you because Mr.  
20 Vesco is there, but otherwise it means nothing to me except  
21 San Jose is a lovely city and Luxembourg is important because  
22 it is a good place to put a woman who is attractive and likes  
23 to be in the social stage in Europe, but what I am getting  
24 at is that this was, again, a package of ambassadorial appoint-  
25 ments and not simply a decision alone on Mrs. Farkas. I don't

1 recall any discussion with regard to Mrs. Farkas' contribution  
2 and is that the reason we are going to change our policy now  
3 and send her name up.

4           Apparently a great number of names it had been  
5 decided was going to be sent up and her's is on the list and  
6 the list doesn't indicate anything else.

7           Q     I have only one or two questions. One is did you  
8 ever become aware during your presidency of Wyman's strong  
9 support for Mr. Farkas?

10           A     As a matter of fact I probably should have become  
11 aware of it because I have a fairly good memory, but with so  
12 much happening, not only in the five and a half years I was  
13 in the presidency and in almost all of the years since I have  
14 been out, including my first long stay in the hospital, which  
15 I don't recommend for any of you, but my point is so much has  
16 happened that I, frankly, must say, admit, that until I read  
17 this file I hadn't realized where Mrs. Farkas was from. I  
18 thought she was from New York, and I hadn't realized she was  
19 from New Hampshire.

20           Q     She is from New York, but she was nevertheless --

21           A     I can't understand then -- you see my point is  
22 I didn't understand why the Wyman name didn't ring a bell to  
23 me at all.

24           Q     That leads directly to my next question, which is  
25 were you aware at any time during your presidency that Mr. Wyman

1 was seeking a portion of her contribution in support of his  
2 Senate candidacy?

3 A No, not at all. He didn't discuss his Senate  
4 candidacy with me, because the Senate -- You are talking  
5 about his Senate candidacy which was to occur in 1974, you  
6 understand?

7 Q That is correct.

8 A Not in '72?

9 Q Correct.

10 A He didn't discuss his candidacy in '74 with me.

11 Q And Mr. Haldeman didn't indicate to you Louie  
12 Wyman wanted a portion of this contribution for himself?

13 A No. At that point we were only concerned with  
14 candidates in '72 and there were plenty of them that were hurt  
15 that we didn't discuss it enough. We didn't worry or concern  
16 ourselves with Wyman until 1974. We started to think about  
17 that after 1972.

18 Incidentally, if he had asked to see me, I would  
19 have done it because, of course, I have great respect for  
20 him.

21 MR. MC BRIDE: I have no further questions.

22 Do you want to ascertain whether the Grand Jurors  
23 have questions?

24 Would you step outside with me, Mr. Rogers?

25 (Counsel and jurors withdraw from conference room.)

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MR. RUTH: Could I clarify one matter?

You referred, sir, earlier to the fact that you would not cooperate in a vendetta against people whom you know.

THE WITNESS: Correct.

MR. RUTH: I have no idea of knowing what your perception of our mission is, but I want to assure you that vendetta is not a word within our investigatory technique, and I want to make sure you realize that; that all we seek is truthful testimony. If it makes someone innocent, that makes the prosecutors just as happy as information that indicates otherwise.

THE WITNESS: I will take that on face value, and when you say that, I trust, and I know you have a much smaller staff than you used to have, that you are pursuing with the same tenacity, and I must say propriety, the over 150 charges of campaign violations that are in your files with regard to Democratic candidates and with regard to the McGovern campaign, and that you will not use the statute of limitations, as you did with Mr. Strauss, to -- I understand that was done by the Department of Justice, perhaps over your objection -- unless the statute of limitations is, in your view, clearly a bar to any proceeding.

What I am just simply saying is this: I mean you gentlemen are making history, too. I have made mine; now you are making yours, and the question in the future will be



1 do you have a single standard or did you have a double  
2 standard, and at the present time -- you want me to be  
3 candid -- at the present time there are many who believe  
4 that you do have a double standard.

5 Of course I am not -- my counsel assures me that  
6 that is not the case, and I would have to say that as far as  
7 I am concerned, I trust that it is not, but I just wanted  
8 to state that.

9 MR. McBRIDE: We have no further questions on this  
10 topic.

11 (Whereupon, at 11:00 a.m., a short recess was  
12 taken.)  
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1 MR. DAVIS: I think we were introduced before.  
2 My name is Richard Davis and with me is Judy Denny. The  
3 area of inquiry that we are going to focus on involves the  
4 investigation that has been conducted relating to an  
5 eighteen and a half minute gap in a recording of a  
6 conversation between yourself and Mr. Haldeman on June 20,  
7 1972.

8 According to your daily diaries which were made  
9 available in connection with the hearings in front of  
10 Judge Sirica, that meeting took place approximately from  
11 11:25 a.m. to 12:45 p.m., and in the course of asking  
12 questions it should be always assumed when I refer to the  
13 June 20 Haldeman conversation, it is to that conversation  
14 to which I am referring.

15 To begin, I would --

16 THE WITNESS: If I could ask one question there. This  
17 is just for information only. This matter of the eighteen  
18 and a half minute gap I know Judge Sirica considered to be  
19 his dish of tea and he had it all wiped around in open  
20 court. Is this a matter that the Grand Jury is already  
21 familiar with, or is the Grand Jury now investigating it?  
22 I mean, it is perfectly all right, but I just wanted to know  
23 because the masses of material you sent to me, naturally you  
24 didn't send me any Grand Jury testimony because I have no  
25 more right to see it than any other citizen, but the material

1 you sent to me was all before Sirica in open court.

2 MR. DAVIS: You should be advised that in January, I  
3 believe, January of 1974, at the conclusion of the hearings  
4 in front of Judge Sirica, Judge Sirica referred the matter  
5 for investigation by the Grand Jury and the Grand Jury has  
6 been investigating the matter.

7 THE WITNESS: And the Grand Jury has heard the same  
8 witnesses that Judge Sirica had in open court.

9 MR. DAVIS: Of course, I cannot describe the exact  
10 witnesses. I think it should be safely assumed --

11 THE WITNESS: All right, all right, I have enough.  
12 You have been investigating it. That's fine. I just want to  
13 be sure the Grand Jury has everything that Judge Sirica  
14 has.

15 MR. DAVIS: We are hopeful they have more.

16 I would like to begin by having marked as  
17 Exhibit No. B-1 which I will show to you, a copy of the  
18 subpoena which was issued in July, 1973, by the Grand Jury  
19 requesting certain tapes.

20 (The document referred to was  
21 marked Exhibit No. B-1 for  
22 identification.)

23 THE WITNESS: You are interested in item 1-A, is that  
24 correct?

25 MR. DAVIS: That is correct, but just as a general  
matter, did you at the time this subpoena was served attempt

1 to focus on the content of the conversations? I am not  
2 asking for the content, I am just asking whether you  
3 attempted to focus or determine what had been said in the  
4 various conversations which are listed in the subpoena  
5 which is before you?

6 THE WITNESS: No, I don't recall having done so.  
7 I just took a quick look at the magnitude of the subpoena  
8 and, incidentally, at this point I should also say that we,  
9 as you know, were contesting the process in court. You are  
10 talking about at the time it was delivered. We had no  
11 intention of, frankly, complying unless the court should so  
12 find and we thought maybe we could win in court, but we  
13 didn't.

14 MR. DAVIS: We are aware of that, and basically the  
15 question really is just as a preliminary matter to find out  
16 whether around the time the subpoena that was served you  
17 made an effort either through your own recollection or by  
18 checking other materials to learn what was said in the  
19 various conversations referred to in the subpoena.

20 THE WITNESS: If you are talking about this particular  
21 time, I don't recall focusing particularly. I should point  
22 out, however, that on the 4th of June that, as you are  
23 aware, because it has been publicly testified to, I under-  
24 stand, I listened to the, what I think were the Oval Office  
25 tapes with Mr. Dean and consequently if I saw the subpoena

1 and saw Dean's conversation on it, I would have assumed  
2 that I had heard it.

3 There was one section, however, that I didn't,  
4 that I have never listened to, and I hope I don't have to  
5 listen to any more tapes. Any of you who have gone through  
6 that agony -- I hope you won't have to either, particularly  
7 the EOB ones, but I didn't listen to the June 21 one.  
8 I saw Mr. Haldeman had notes on that and I relied on his  
9 notes.

10 BY MR. DAVIS:

11 Q When you say June 21, you refer to June 20?

12 A No, I am sorry, March 21. But I did not listen  
13 at that time to this tape. That was not made available to  
14 me.

15 Q "This tape," that is referring to the June 20th  
16 tape.

17 A The one you are interested in, yes. It is 1-A.

18 MR. DAVIS: To have in front of you, in case you  
19 want to refer to it in connection with the next few  
20 questions, I would like to mark as Exhibit B-2 what evidence  
21 has indicated are Mr. Haldeman's notes of his conversation  
22 with you on June 20, which we are inquiring about.

23 (The document referred to was  
24 marked Exhibit No. B-2, for  
25 identification.)

BY MR. DAVIS:

1 Q I also will tell you --

2 A Incidentally, I would hope you would get a better  
3 duplicating machine. These are very hard to read, the ones  
4 you sent out to me.

5 Q I think you are probably aware the problem we  
6 faced making copies of copies, which are probably original-  
7 ly copied ten times over when we received them.

8 A I am not criticizing them, but if the Grand Jury  
9 would like to see, even with glasses it is hard to read,  
10 particularly when it is somebody else's writing.

11 Q Keeping in mind also that there is also some  
12 evidence which indicates that the meeting on June 20 between  
13 yourself and Mr. Haldeman was the first face-to-face  
14 meeting between yourself and Mr. Haldeman which took place  
15 after the burglary into the Democratic National Headquarters  
16 on June 17th --

17 A No, no, and I don't mean to interrupt a question,  
18 but I think it is very important to be sure that a  
19 question is not based on assumption that is totally  
20 incorrect. When you said this was the first face-to-face  
21 meeting I had with Mr. Haldeman, it was the first meeting  
22 I may have had in the White House, but you see the break-in  
23 occurred when I was in Florida and I rode with Mr. Haldeman  
24 back from Florida and, therefore -- and my plane is an  
25 office and I saw him on that occasion, too. I want to be

1 sure the Grand Jurors know I talked to him on several  
2 occasions before June 20th.

3 Q We stand corrected. The first meeting back in  
4 Washington then I think would be more accurate in terms of  
5 stating the evidence.

6 A Well, the reason I think it is important, in  
7 terms of the evidentiary matter, is that the content is  
8 perhaps of interest. If this is the first meeting, it becomes  
9 extremely much more important. Well, I guess it is  
10 unimportant in your investigation. You want to find out what  
11 happened with the tape, so you can go ahead with your  
12 question.

13 Q Do you now recall anything about what was said in  
14 the conversation?

15 A What was said in this conversation?

16 Q That is right.

17 A No, I do not.

18 Q Do you recall whether at the time the litigation was  
19 going on involving these tapes during the summer and fall  
20 of '73, whether at that time you had a recollection as to  
21 what was in the conversation which was called for in that  
22 subpoena?

23 A This specific conversation?

24 Q Yes.

25 A No, I have no recollection of what was in this

1 specific conversation.

2 Q For example, page 2 of the notes which have  
3 been marked as Exhibit B-2 refer to what is our counter-  
4 attack, PR's offensive to top this and other items that  
5 you may see there.

6 Do you recall whether in this period that  
7 subject was being discussed by you and Mr. Haldeman?

8 A Now when you say "during this period," let me  
9 qualify it by saying that I learned about this in Florida.  
10 I saw Mr. Haldeman there and we rode back on the plane  
11 together. I saw him on the plane, and of course we discussed  
12 this to be terribly wrong, and also in my opinion utterly  
13 stupid activity, and from reading his notes I am sure all  
14 of these subjects were discussed, but as far as their being  
15 discussed at that time, I have no recollection whatever of  
16 it being discussed at that time.

17 I mean, for example, the bugging of our own  
18 place, the EOB office and other offices immediately came  
19 to my attention.

20 Q And there you are referring to the note in  
21 Exhibit B-2 which says be sure EOB offices thoroughly  
22 checked re bugged at all times, et cetera, is that correct?

23 A Could I -- if I could tell you why it appears in  
24 these notes, because in 1962 when I was running for Governor,  
25 we had been bugged, we found later, by Governor Brown, a



1 very good, personal friend of mine. I don't mean that he  
2 probably authorized it, but his people bugged us. We were  
3 wondering why everything was getting out and we finally found  
4 a bug. In 1968, for example, we learned that not only  
5 was President and Vice President Agnew's plane under  
6 surveillance, and he himself was under surveillance by the  
7 FBI, but that the FBI was at one point directed to bug my  
8 plane. There are differing versions as to whether they did  
9 or did not do it. Mr. Hoover once told me that they did.  
10 But others have indicated that this was not carried out.

11 I want to point out that simply the fact that this  
12 stupid act occurred in Florida was not the only reason that  
13 I raised the problem of the bugging here because I knew  
14 that it was a common practice by the other side and they were  
15 experts at it, and I have been bugged at the congressional  
16 campaign -- I mean the gubernatorial campaign, even my  
17 plane possibly, at least ordered to be bugged this time by  
18 a Government agency, not by a campaign committee in 1968,  
19 and I consequently was very sensitive on the subject.

20 Q Do you recall whether anything was said in this  
21 conversation which related to the role of anyone in  
22 approving or knowing about the break-in or electronic  
23 surveillance prior to June 17, apart from Messrs. Liddy,  
24 Hunt, McCord and the four gentlemen from Miami?

25 A No, again you have made an assumption in your

1 question that I will have to qualify. You said did I recall  
2 anything that was said in this conversation. I have already  
3 said I do not recall this conversation at all. I have no  
4 independent recollection of it.

5 Q So is it fair to say that you don't recall  
6 whether anything in this conversation touched on the subject  
7 matter that I just referred to?

8 A I don't recall the conversation at all, as I have  
9 indicated.

10 Q Do you recall whether during the summer of 1973,  
11 following the issuance of the subpoena and the start of  
12 litigation, you had any conversation with Mr. Buzhardt or  
13 General Haig as to why the various items had been  
14 subpoenaed, and specifically why this item had been  
15 subpoenaed?

16 A I don't recall. I probably had conversations  
17 with, particularly Mr. Buzhardt, the counsel, as to the  
18 purpose of the subpoena. I don't recall it independently  
19 though.

20 Q I am talking not so much about the general  
21 purpose of the subpoena, but as to why the particular con-  
22 versation that we are talking about here, the June 20  
23 conversation, had been selected as part of the subpoena?

24 A No, I recall no conversation of that sort. As  
25 to why I would pick that one out over something else, I don't

1 know.

2 Q Now as has been testified in Judge Sirica's  
3 court and in those hearings, the week end of September 29  
4 Miss Woods began listening to and transcribing various  
5 tapes. Without focusing on the dates specifically, but just  
6 focusing on whatever point she began that project, before  
7 she began that task, had you listened to the recording  
8 of your meeting with Mr. Haldeman on June 20th?

9 A I think really we can cut short a lot of time,  
10 and I understand that you need to ask the question several  
11 times to be sure I always answer it the same way, but you  
12 said or you have asked me now for the fourth time have I  
13 listened to the recording of June 20th. I told you that I  
14 did not listen to the recording of June 20, and I repeat it  
15 again. If you want to ask it again, we can go all day  
16 on it.

17 Q I believe the earlier question was as to  
18 whether you now recollect what was in the conversation.

19 A No. I don't mean to argue with counsel, because  
20 having sometimes been on the other side of the table as  
21 a congressman, you do sometimes come back to the same  
22 question without intending to be repetitive, but I am  
23 pointing out I have never heard this conversation that you  
24 have alluded to, this so-called eighteen and a half minute  
25 gap, and I add in that period I did not listen to the

1 conversation which you have alluded to, this tape. This  
2 tape was not in my possession. I didn't have possession of  
3 it. It didn't come into my possession before and I have  
4 never had it in my possession.

5           The point is that -- let me say, when I talk  
6 about a tape being in my possession, I have noted from the  
7 records here that various people have indicated that among  
8 those who had access to the tapes was the President at all  
9 times. What I am saying is to the best of my recollection --  
10 I didn't even recall where they were kept -- to the best of  
11 my recollection, unless they were obtained by somebody else  
12 and brought to me for the purpose of listening, I have no  
13 recollection of ever having heard this particular tape that  
14 you refer to. And in checking the record, I find that, or I  
15 should say my counsel, I guess, checked the records -- I  
16 hope they have -- I find no indication that this tape was  
17 ever checked out to me.

18           Q       In your response you said unless someone took  
19 the tape and brought it to you to listen. I just want to  
20 cover that base. Do you recall any situation where  
21 somebody brought you the June 4 tape to listen to?

22           A       Oh, yes, June 4, as I told you.

23           Q       Focusing on this tape --

24           A       On this tape, no, I don't recall at any time that  
25 anybody brought this tape to me to listen to. I don't

1 recall it.

2 Q At any point did you review, and generalizing  
3 the time period now to perhaps save some time, did you  
4 review any personal notes that you might have had which  
5 referred to what had taken place during this meeting? Do  
6 you know if any such notes exist?

7 A No, I don't know. Not having reviewed them,  
8 obviously I wouldn't know whether any existed.

9 Q But that is in terms of reviewing them recently,  
10 and my question really goes to reviewing them in 1973 and  
11 1974, and I take it your answer would be that you don't  
12 recall reviewing any such notes.

13 A Yes -- you mean personal notes other than what  
14 you have put in evidence here?

15 Q That is correct.

16 A No.

17 Q Now do you recall whether or not you gave Miss  
18 Woods any instructions as to what she should do in  
19 connection with listening to the tapes and making whatever  
20 kind of transcript she could?

21 A Well, actually I didn't ask her to make trans-  
22 cripts. The purpose of this, as you may recall, was that  
23 we had decided that we would try to work out a compromise  
24 with the Special Prosecutor and with the Senate Investigating  
25 Committee whereby Senator Stennis would agree to listen to all

1 of the tapes and then furnish any relevant material with  
2 regard to Watergate to the people involved, and thereby  
3 protect the principle of executive privilege. That  
4 compromise was agreed to by everybody concerned and  
5 enthusiastically supported, incidentally, by Mr. Richardson,  
6 among others. He later changed his mind because Mr. Cox  
7 disagreed, and you know the consequences that followed  
8 from that.

9 So the purpose of this exercise was to get,  
10 basically, what I would refer to as the gist of what was on  
11 the tapes to see what parts of the tapes should be thoroughly  
12 then transcribed, if they were relevant, and that was Miss  
13 Woods' job that I thought she would be able to do in two  
14 or three days.

15 I must indicate, incidentally, why I thought  
16 she might be able to do it much faster than she eventually  
17 did do it. I mentioned that I listened to the tapes on  
18 June 4. If you will look at that list, you will find that  
19 they were virtually all tapes with Mr. Dean in the Oval  
20 Office, and if you, Mr. Ruth, have listened to the tapes,  
21 and you have, you will note that the Oval Office tapes can be  
22 heard fairly well. Also telephone tapes can be heard well.  
23 Tapes in the EOB office are virtually impossible to hear  
24 on occasion, and in fact I question some of the EOB trans-  
25 cripts, not because by any deliberate intent on the parts of

1 the individuals preparing them but because they are  
2 impossible to hear, those that some of you will be  
3 questioning me on later today or maybe tomorrow.

4 But to come to your question, yes, Miss Woods  
5 was directed to go to Camp David, where it would be quiet,  
6 she would be away from the phones and we also wanted it to  
7 be done without a great deal of publicity. Mr. Bull was to  
8 go with her and the purpose was to get the gist of what were  
9 called then the nine subpoenaed conversations.

10 Q To make sure I understand correctly, at the point  
11 that Miss Woods was given this assignment, it was in  
12 connection with preparing for the compromise that you have  
13 referred to?

14 A Yes, that is my recollection, yes.

15 Q Now, while you were --

16 A Let me point out we hadn't closed the deal as  
17 far as the compromise was concerned, but we thought that  
18 that was the best way to proceed and we had to explore that  
19 as an option, and that was why we were doing it.

20 Q Now you have referred to Miss Woods going to  
21 Camp David to begin this process, and I would like to turn  
22 to that period now briefly. Do you recall -- the records  
23 indicate that it is September 29.

24 A Yes, I understand. I have looked at some of  
25 these logs that you have prepared and in order to make your

1 work easier, just ask me about it and if I don't I will ask  
2 for it. So I appreciate your suggestion that he show it  
3 to me. All right, September 22 is the date.

4 Q While at Camp David, do you recall the incident  
5 of your going over to the cabin where Miss Woods was  
6 listening and working on the tapes?

7 A Miss Woods had gone up earlier in the  
8 morning, had driven up. I had a very busy morning that day,  
9 Chancellor Brandt, and a few other people, so I came up later  
10 in the day and I was hopeful that she had made some  
11 progress, and I did go over from Aspen, I walked -- it is  
12 about a hundred feet over to Dogwood. Incidentally, Dogwood  
13 is now famous because that is where Mr. Breschnev stayed.  
14 Aspen, of course, is the Presidential cabin. I walked over  
15 to Dogwood where Miss Woods and Mr. Bull were and walked  
16 into the cabin and asked her how are you coming along.

17 She had been there three or four hours, because  
18 I was there -- I don't know -- mid-afternoon at some time.

19 MR. DAVIS: If you like, we can mark as Exhibit B-3  
20 a copy of your daily diary for that date, which I think we  
21 suggested that your counsel review with you before this  
22 testimony. But why don't we have it now in front of you  
23 because you would like to refer to it.

24 (The document referred to was  
25 marked Exhibit No. B-3,  
for identification.)



1 THE WITNESS: My counsel furnished you this?

2 MR. DAVIS: I think this was furnished in 1973 in  
3 connection with the tapes hearings and we furnished it back,  
4 in essence, suggesting that it would be relevant to this  
5 investigation.

6 THE WITNESS: Incidentally, I know we can't go off  
7 the record, so don't take this down, please. Please don't  
8 let it out that I saw Senator Percy. Goldwater would be  
9 right down my throat.

10 Now we are back on the record. I realize we  
11 can't go on and off, but you have to have a little lift out  
12 of life here. I was amazed that I had seen him that day.  
13 So was he amazed.

14 All right, I have the diary.

15 Q Do you recall whether or not you listened to what-  
16 ever tape Miss Woods was working on at that time?

17 A Well, when I walked in she said, as I  
18 recall, that she was having a terrible time getting it off.  
19 She didn't know how she could possibly finish this work, and  
20 she had only three or four pages, as I recall -- I can't  
21 say, it could have been eight or ten -- but three or four  
22 pages of notes she had typed out. She said, you should  
23 listen to this thing and you will see what I mean. So I put  
24 the earphone on and I listened to the tape and she, she  
25 was -- I listened to it the day before, I imagine two or three

1 minutes and I could see the problem. I don't recall or  
2 have any recollection whatever what I heard. I just recall  
3 that the tape was of extraordinary bad quality, you couldn't  
4 tell whether one person or two or three might be talking at  
5 times. There were noises, outside noises, inside noises and  
6 I just shook my head, and I said, well, do the best you can  
7 and let me know at the end of the day how you are getting  
8 along.

9 Q Do you recall anything else about that, your  
10 visit with Miss Woods over at the cabin, other than what you  
11 have just testified to?

12 A Well, assuming that the log is right, --  
13 obviously I am refreshing my recollection here -- assuming  
14 the log was right, how long was I there -- seven minutes --  
15 I think that the conversation dealt only with that, with the  
16 problem she was having in getting it done. That is all that  
17 I can recall.

18 Q Now in these early stages when Miss Woods was  
19 beginning this process and before any conversation Miss  
20 Woods may have had with you about any erasure she may have  
21 made of a portion of any tape --

22 A I just don't like that word, but go ahead.

23 Q -- do you recall any conversation, other  
24 conversations you had with her about the tapes and, for  
25 example, the diary shows on September 29 that you met with

1 her on other occasions, but just generally do you recall  
2 any other conversations?

3 A Well, of course at this time -- well, while her  
4 primary responsibilities were tapes, she also had other  
5 responsibilities as well. She came over to dinner, as you  
6 note. I had her over earlier to see what she had produced  
7 up to that time, and it was very little. I could see that  
8 the problem was very, very difficult. At some time in that  
9 day she told me, and I can't fix the time -- I don't  
10 recall it specifically -- she said, thank God I only have to  
11 do about an hour of this rather than, you know, the whole  
12 day, because she apparently had, she said, received a call  
13 from Washington -- I don't think she told me who it was  
14 from -- that only the Ehrlichman portion of the tape or the  
15 portion where Ehrlichman -- the portion in which Ehrlichman  
16 was present was subpoenaed and that, from reading the log,  
17 you got the impression it was a little shorter than she  
18 anticipated otherwise.

19 Q Have you previously discussed that question with  
20 General Haig or Mr. Buzhardt?

21 A I have no recollection of discussing it  
22 previously. It is possible we could have discussed it  
23 previously, as to how much of that was, but I don't know how  
24 it would have come up. Apparently, I note from the materials  
25 that your office has furnished to my counsel, General Haig

1 initiated a call to Miss Woods and said Cox has made a  
2 mistake on the subpoena and on Item No. 1 you need only that  
3 portion of the conversation in which Ehrlichman is present,  
4 and she apparently had typed it off. She told me about  
5 that at some time when we were there over the week end,  
6 that that is all she had to do.

7 Q But prior to that time you don't recall your  
8 having any conversation with General Haig or Mr. Buzhardt  
9 about what was included within the item?

10 A I don't recall. I might have had, but I don't  
11 recall the conversation.

12 MR. DAVIS: I am going to ask that this be marked as  
13 Exhibit No. B-4.

14 (The document referred to was  
15 marked Exhibit No. B-4,  
16 for identification.)

17 THE WITNESS: There was a discussion at some time, and  
18 I don't know when it occurred, but my recollection is it  
19 was at this time, that it was a sloppily drawn subpoena.  
20 This is no reflection on you, because this thing had been  
21 going on so long that probably you were still in high school  
22 at the time.

23 MR. DAVIS: I wish that were true.

24 THE WITNESS: Certainly you were. So in any event,  
25 that was a sloppily drawn subpoena, but my best recollection

1 is that occurred after I learned from Miss Woods that Haig  
2 had called her and said Cox has said you have to only do  
3 this part or that you only have to do the part in which  
4 Ehrlichman is talking.

5 BY MR. DAVIS:

6 Q Referring you to the front page, there is some  
7 evidence that that is a notation made by probably Mr. Bull  
8 some time during the week end at Camp David. I am going to  
9 direct your attention to the portion which says, "Haldeman"  
10 paren, after Dash, "at" and possibly says, to be fair,  
11 "RN's request."

12 My question is, do you recall ever making any  
13 specific request of Miss Woods or to Mr. Bull that the Haldeman  
14 portion be listened to and summarized by Miss Woods?

15 A No, I have no recollection of that. On the  
16 contrary, I was very anxious for her to get the job done and  
17 I wanted her to do just as much as was required, but no  
18 more, and to listen to no more than was subpoenaed. I  
19 don't know what that meant. I don't recall it. It does  
20 not refresh any recollection of mine.

21 Q Did Miss Woods report to you or give you any  
22 indication at any time, really, as to what was the content  
23 of any portion of your conversation with Mr. Haldeman on  
24 June 20th?

25 A That is a very general question. Did she at any

1 time ever tell me what was the content of the conversa-  
2 tion?

3 Q With Mr.Haldeman?

4 A The only thing that Miss Woods ever told me  
5 about the conversation with Mr. Haldeman was about those  
6 portions that existed and that she had listened to. She  
7 said, apparently, something about scheduling, et cetera.

8 Q Is the conversation that you are referring to  
9 essentially the one which took place when Miss Woods reported  
10 to you the buzz which existed on the tape?

11 A Yes, I think -- well, she didn't tell me about  
12 it at Camp David because she hadn't reached that point. I  
13 know that she did not bring me over, as was the practice, as  
14 she finished any one of the tapes she would bring me over  
15 what she had done. While she was at Camp David, the reason  
16 she would come over, I would just tell her, well, bring  
17 what you have got, because I wanted to see how long the  
18 project is going to take, but when she came in, I think the  
19 transcript shows that that was on Monday, October 1, is that  
20 correct?

21 Q That is correct.

22 A You are asking about that conversation?

23 Q I was asking more generally and was intending to  
24 get to the October 1 conversation in a few moments.

25 A Yes. Well, you have asked a general question.

1 Q That is right.

2 A Well, let me get to a specific answer then.  
3 With regard to the time when the Haldeman portion of the  
4 conversation became an issue, the first time it became an  
5 issue was on October 1. While I was at Camp David, I have  
6 no recollection whatever of hearing even Haldeman's voice.  
7 Incidentally, I wouldn't swear it was Ehrlichman's either.  
8 It did turn out to be, from the content thereafter, and at  
9 times I wonder what I had had to drink that day when I  
10 heard my own voice. This is such a bad tape.

11 The Grand Jury should be rewarded by letting them  
12 listen to it. But, in any event, it was incredible, but Miss  
13 Woods came in in the afternoon of the first of October and  
14 she was very distraught. She told me that she had made some  
15 kind of a mistake. She did not describe it. I said, what  
16 kind of a mistake? Where was it?

17 She said, well, she said, I was trying to find  
18 if Ehrlichman was still around and I was listening to  
19 Haldeman, and she did not go into any details. As you will  
20 note from the log, the conversation was very brief. And I  
21 said, are you sure you were just listening to Haldeman,  
22 and she said, yes. She said, there was some kind of discussion  
23 about scheduling, and she did mention something about Ely,  
24 Nevada, which rang a bell with me, and then she said, I  
25 heard a buzz. And I said, well, if it was just the

1 Haldeman thing, there is nothing to be worried about, forget  
2 it, because it is not subpoenaed.

3 I said, as far as the Ehrlichman part, you  
4 finished all of that, which she had, and she said, "Yes, all  
5 of that is done," and I said, "That is what they want.  
6 As far as this part, any mistake that has been made, there  
7 is no problem.

8 Q Did she indicate to you the length of the buzz?

9 A She said it was very brief, very brief.

10 Q Did she go into any kind of detail as to what had  
11 caused the buzz?

12 A No.

13 Q Or what she thought might have caused the buzz?

14 A No. My recollection here is that, only that she  
15 said -- first, that she was distraught; second, that there was  
16 some, that she made some reference to getting a telephone call.

17 Q But you didn't ask her how it happened?

18 A I know very little about such machinery, even  
19 though I had operated one at Newport, but, nevertheless, I was  
20 more interested in whether or not, frankly, evidentiary  
21 subpoenaed materials were involved.

22 (Individual enters room and stated as follows:)

23 "It is important, sir, we have to do it."

24 THE WITNESS: Is this going to help you. This is an  
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anti-coagulant.

I think it should be recorded, I am taking anti-coagulants ordered by the doctors every day at twelve o'clock. That means that if I am ever in an accident and start to bleed I will bleed to death unless the doctor is there within ten minutes.

Want one?

All right, on the record.

BY MR. DAVIS:

Q Do you recall, after Miss Woods made this report to you, and perhaps you would like to have in front of you the copy of the daily diary for October 1, which is marked as B-5.

Q I think I have it, October 1.

MR. DAVIS: I think you have September 29. We will mark as B-5 the one of October 31, which I again should state for the record was supplied in July, 1973, in connection with the litigation.

(The document referred to was marked Exhibit No. B-5, for identification.)

THE WITNESS: That's all right. I know you wouldn't, I mean, surreptitiously get them out. That is only done by people that aren't either in the Special Prosecutor's office or my office -- maybe not even in Mr. Miller's

1 office.

2 Now, what is your question about this particular  
3 matter?

4 BY MR. DAVIS:

5 Q It is just to put that in front of you, and I am  
6 going to ask whether you recall after Miss Woods made this  
7 report to you, do you recall what you did in connection with  
8 that report to contact Mr. Ziegler, Mr. Buzhardt or  
9 General Haig in any connection?

10 A No, as far as Mr. Ziegler was concerned, I did not  
11 talk to him about it at all.

12 Mr. Ziegler, and here I have to speculate in  
13 answering because I noticed I requested that he come over --  
14 is that he would come over after his daily briefing. He  
15 also had an appointment every day to give me a report on the  
16 briefing. There was no discussion at all with him. I also  
17 noticed I talked to Mr. Rebozo. I most certainly didn't talk  
18 to him about that. But we go into that this afternoon, what  
19 we talk about, and then it notes that I talked with Mr.  
20 Haig.

21 Now I would say that this would indicate that I  
22 did not have a great deal of concern about what Miss Woods  
23 had done, but in the meeting with Mr. Haig I mentioned to him  
24 the fact that Miss Woods was having a terrible time with the  
25 tapes and that she just had made what she called a mistake

1 on a portion of the Haldeman thing, and he recalled clearly  
2 that he had had, apparently based on a conversation he had  
3 with Mr. Buzhardt, informed Miss Woods on the 29th or  
4 28th -- whenever she went to Camp David -- that the  
5 Haldeman portion of the tape was not subpoenaed, so he said,  
6 no problem.

7 Q During this period, do you recall, and I would  
8 say this would be prior to the change of position when it was  
9 was decided that the June 20th Haldeman conversation was  
10 included within the subpoena, prior to that taking place  
11 do you recall whether you had any conversation with Mr.  
12 Buzhardt about what Miss Woods had reported to you?

13 A Well, I don't recall specifically a conversation  
14 with Mr. Buzhardt, but I would say that Mr. Haig, General  
15 Haig, would certainly not have told Miss Woods that a certain  
16 portion of the tape was not subpoenaed unless he consulted  
17 with Mr. Buzhardt, and it is very possible that I talked  
18 with Buzhardt about it, too, but I can't independently  
19 recall it at this time.

20 Q On October 31, 1973, hearings began before  
21 Judge Sirica regarding the reported non-existence of two  
22 other subpoenaed tapes and Miss Woods testified in those  
23 hearings on November 8. Do you recall whether you had any  
24 conversations with her about this time which related to her  
25 testimony in the sense of relating to any problem that this

1 accident might --

2 A This is her first appearance?

3 Q This is her first appearance, yes, sir.

4 A Before answering that question, for the benefit  
5 of the members of the Grand Jury, since they will be seeing  
6 this log--I mean if I were in your position, and I am sure  
7 you have thought of this, what in the world was I spending  
8 that much time with Haig for. I spent twenty minutes with  
9 him, and then I apparently -- we spent over an hour and a  
10 half in the car. I mean, the presumption, if I were  
11 questioning, frankly -- I am not trying to help you do a job  
12 on anybody, but my point is you want the truth, and we were  
13 having very, very long discussions, and this may explain one  
14 of the reasons Haig didn't get there any sooner than he  
15 did, but that is when we had the Agnew crisis, and I  
16 remember that long drive in the country. That is when we  
17 decided that Mr. Agnew had to go then. He didn't go then,  
18 but he went later.

19 I know what that conversation was about, but I  
20 just wanted you to know it wasn't about this thing. Neither  
21 Haig nor I thought it was a problem at all, based on the fact  
22 that it was not subpoenaed, and we thought, too, it was  
23 just a technical matter, and we were thankful it hadn't  
24 happened on something that had been subpoenaed.

25 Q To move to Miss Woods, when she testified at the

1 first set of hearings, do you recall whether you had any  
2 conversations with Miss Woods about her testimony?

3 A No, I don't recall that I talked to her about  
4 her testimony.

5 We had a practice in our office, and I think it  
6 is probably the practice in most President's offices -- I  
7 hope it is -- it is even now, and it was a practice in the  
8 Eisenhower administration I know -- the President has got  
9 so many, many very, very important things to do -- I mean,  
10 I am not trying to build up myself, but all Presidents have --  
11 that wherever possible you don't raise matters with him that  
12 are going to divert him from the job he was elected to do.

13 For example, you take Mr. Bull. I was rather  
14 shocked to learn, when he left -- Mr. Bull, who is no  
15 target of this investigation, incidentally, as I understand --

16 Q I must say that we can't, obviously, respond to  
17 that.

18 A I know you can't but you wouldn't be committed  
19 to it in any event, but he shouldn't be, I am sure, because  
20 I have known him a long time, Mr. Bull, who sits right  
21 outside my office and Miss Woods' office is down the hall a  
22 ways, and he had FOIA (b) 6 in attorney's  
23 fees when he left Government.

24 I said, how come? He said, because I have had  
25 to go down and testify so much.

1 I said, I didn't know you were down there. I  
2 mean, I didn't know you were down there that much. I knew  
3 he had been down, but he never came in to talk to me about  
4 his testimony; he never came in to bother me about his  
5 testimony, or to ask me about it, and Miss Woods, above all,  
6 followed that practice, because she had been with me for twenty-  
7 seven years, and she knew that I had -- it is probably one  
8 of the weaknesses, but it is one of the weaknesses I have and  
9 it is a strength in another way, I am quite single-  
10 minded. Some people can play cards and listen to television  
11 and have a conversation at one time. I can't. I do one  
12 thing at a time, and in the office of the Presidency I did  
13 the big things and did them reasonably well and screwed up on  
14 the little things, partly because the staff didn't bring  
15 them to me.

16 They didn't think it was big either. But I have  
17 taken too long to answer the question. What I am going to say  
18 is, no, I didn't discuss Miss Woods conversation with her.  
19 I have no recollection of a discussion with her as to how she  
20 should testify, what she would do. I knew she was worried  
21 about it. I knew she was going down, but --

22 Q Do you recall any conversations with Mr.  
23 Buzhardt or General Haig in connection with how Miss Woods  
24 might respond to questions during this first hearing which  
25 might somehow involve her accidental erasure that had been

1 reported to you?

2 A Assuming it was accidental, right.

3 You see, I am helping you now.

4 Q Do you recall any such conversation with Mr.  
5 Haig or with Mr. Buzhardt?

6 A I don't recall a conversation. One could have  
7 occurred. I don't recall any. And I emphasize again that  
8 the reason that I don't -- I think my recollection in this  
9 instance, which, of course, is just pure recollection, is  
10 correct, because I don't have access to any notes or  
11 anything of that sort in this period, because I didn't  
12 consider it a problem. Haig didn't consider it a problem.  
13 Buzhardt didn't consider it a problem that time, and I don't  
14 believe, for that reason, that they would have brought it up  
15 to me around that period of time, October 1, 1973, when we  
16 had some pretty rugged problems.

17 Q Now with the exception of some isolated times when  
18 Mr. Bull had the tape, the June 20th tape, largely for  
19 purposes of transporting it, the evidence indicates generally  
20 that between September 29, 1973, and November 13, 1973,  
21 when all the original tapes Miss Woods had were returned to  
22 General Bennett, that this tape that we have been talking  
23 about was in her custody. Do you recall whether during that  
24 entire time period you ever went into Miss Woods' office  
25 when she was working on this tape, apart from you talked about

1 the Camp David incident?

2 A No, I have no recollection of that.

3 Let me point out that at the time we had our  
4 conversation on October 1, she was finished with this tape.  
5 She was finished with the October 1st tape.

6 I am sorry, with the June 20th tape on October  
7 first, and I only say that, but in direct response to your  
8 question, the answer is I had no reason to go into her  
9 office. I would have her come into mine if I felt there was  
10 something to be done.

11 Q Now during this period she worked on these  
12 tapes in Key Biscayne also, and I mean to include that in the  
13 following question:

14 Do you recall ever being present when Miss Woods  
15 was working on the tapes at all, apart from the September 29  
16 visit to Dogwood cabin?

17 A So that you can get the geographical situation in  
18 mind, my house at Key Biscayne is over at the bay. The hotel  
19 where the staff stays is over on the seaside, about two  
20 miles away. I never visited on this trip. While I have been  
21 to the hotel on other occasions, on this trip I never went  
22 to Miss Woods' quarters, where she stayed, General Haig,  
23 Bull, the Secret Service, and the rest.

24 Q My question was a little broader. I was  
25 including that, but in terms of that entire period, whether



1 it was Key Biscayne or at the White House or the EOB, were  
2 you ever present on any other occasion, apart from the Camp  
3 David experience, when Miss Woods was actually working on  
4 the tapes?

5 A On the tapes?

6 Q On the nine tapes?

7 A Or this tape?

8 Q The tapes generally?

9 A The tapes generally. Being in her office when  
10 she was typing them off, you mean, or something like that?

11 Q Well, when she had the tapes out and was listen-  
12 ing or typing?

13 A I don't have any recollection. Not in Florida,  
14 certainly, because the tapes were always over there in her  
15 apartment. They were never brought over to me, and as far  
16 as her office in Washington is concerned, when she returned  
17 from Florida, I have no recollection of walking in to look  
18 at the tape process because I, frankly, wanted her to get the  
19 job done and I didn't think we ought to bother her.

20 Q Do you recall generally what the first awareness  
21 you had was that there was a buzzing sound or other kind of  
22 gap of greater dimensions than was reported to you by Miss  
23 Woods in the earlier conversation?

24 A Here I am testifying because, as far as the date  
25 is concerned, on the basis of having my memory refreshed

1 from the documents that you have furnished to me, I know  
2 that I was informed of it, of course, as far as the date is  
3 concerned. It was in the middle of October.

4 Q I would suggest that it was, in terms of the  
5 documents we have produced to you, that there is testimony  
6 that it was in the middle of November.

7 A You are exactly right, the middle of November.  
8 I appreciate your correcting me, because it shows you how  
9 you can slip back and forth. It was the middle of  
10 November. It was after Miss Woods had testified for the first  
11 time before the Grand Jury -- I mean, before Mr. Sirica,  
12 who was even tougher than the Grand Jury, but anyway --

13 Q Do you recall how it was brought to your  
14 attention or who brought it to your attention?

15 A Who --

16 Q Do you recall who brought to your attention the  
17 fact that there was a gap of larger dimension than Miss Woods  
18 had reported?

19 A General Haig. General Haig. My recollection is  
20 clear on that. I don't recall which office I was in, but  
21 he came in and said that, you know, about this tape, that  
22 we find that -- I mean, Rose had thought it was four minutes, or  
23 something like that, or there had been some discussion,  
24 which was very brief, and now the counsel have found that it  
25 is eighteen and a half minutes, and I practically blew my

1 stack, and I said, why, what business has counsel gotten  
2 to this. This tape she was told was not subpoenaed; they  
3 changed their minds, and he said, well, I guess they have.  
4 I said, well, let's take another look then. I said, we have  
5 done enough to damage the Presidency already by agreeing to  
6 turn over confidential information, and I am not going to  
7 turn over anything that is not absolutely required by the  
8 subpoena.

9 I also, frankly, told Buzhardt that when I talked  
10 to him about it, that I said I want an absolute check to make  
11 sure that we weren't discussing a non-subpoenaed tape.

12 Q And did Mr. Buzhardt give you that assurance,  
13 or do you recall anything further about the conversation with  
14 Mr. Buzhardt?

15 A No, I don't recall. Over those days, you will  
16 note from the logs, I was traveling some. In November,  
17 and that was another rather interesting period, too, the  
18 period you remember of the confirmation of Mr. Ford was on  
19 my mind, and so forth, but in any event Mr. Buzhardt, to  
20 shorthand it, only said that talking with the other lawyers,  
21 Garment and all, that they agreed that despite the fact that  
22 it was a sloppily drawn subpoena, that actually the Haldeman  
23 portion of the conversation, as well as the Ehrlichman  
24 portion, was subpoenaed.

25 Now when I was told that finally -- I think

1           however, my recollection is that it occurred just after I  
2           had addressed the Governors' Conference. If you will check  
3           the logs and pull out the dates, I would appreciate it, but  
4           I addressed the Governors' Conference in Kansas City, I  
5           think it was, and one of the governors asked me is there any  
6           other bombshell going to come.

7                        I said I didn't think so. I was aware at that  
8           time of this eighteen and a half minute thing, but I was  
9           still not convinced that, and had still not made up my mind  
10          that it was subpoenaed, so under the circumstance I said I  
11          hope not.

12                       Then after the Governors' Conference, Haig said  
13          he had a call and that, first, it was subpoenaed; second,  
14          that as far as the tape was concerned that they thought this  
15          ought to be disclosed to Judge Sirica, and, third, that, and  
16          all of these things occurred there, and when we got back to  
17          the White House where there was a further discussion about  
18          it that evening; third, that it could not be reconstructed  
19          because that was another point that I made, even though it  
20          was a non-subpoenaed tape, I said, see if you can reconstruct  
21          it and see if we can find any notes as to what was on it.  
22          And all they were able to do -- they couldn't reconstruct  
23          it -- they found it was subpoenaed and they found Haldeman's  
24          notes, these rather benign notes, and as to what is on them  
25          as far as anything that the Special Prosecutor is interested  
in --

1 Q And in terms of the portions of the conversation  
2 in which you requested a determination as to whether it  
3 could be reconstructed or whether notes could be located,  
4 was that part of the initial discussions on the day that you  
5 first learned that it might be a subpoenaed tape?

6 A I don't know which date it occurred. It was  
7 during the whole period. You know how these things are. I  
8 can't say that on the initial day I said, gee, go back and  
9 see if you can reconstruct it.

10 Q We are only asking if you do have the recollection?  
11 We understand the problem.

12 A Yes, you understand, but all I can tell you is  
13 over all of that time period all of these things were  
14 discussed and I wouldn't affirm or deny what somebody else  
15 said with regard to whether they talked to me on the 14th  
16 and I said, well, maybe it was the 16th, I just don't  
17 recall. I do recall all of them were discussed with me and  
18 mostly at my initiative.

19 Q Did General Haig or Mr. Buzhardt or Mr. Powers  
20 communicate to you anything about what was the cause of the  
21 eighteen and a half minute gap during this period?

22 A Now, we could spend the rest of the day if we  
23 went into that, but I can only say this, that these  
24 amateurs, and let me say to you, ladies and gentlemen, if  
25 you are not a lawyer you will be one day, so we will say,

1 ladies and gentlemen, as lawyers when you have a technical  
2 problem, don't try to solve it yourself. These clowns --  
3 pardon the expression -- they go in, they try to re-create  
4 this and that and the other thing and instead of getting  
5 an expert in right away to find out about the noise, of  
6 course they did and they told me, well, we don't know,  
7 we think maybe a lamp caused it or maybe it had to be done  
8 by a lamp and a typewriter on of a certain type may have  
9 caused it, and then at another time they said, well,  
10 we are not sure, it must have been done in another way.

11 All that they knew was that they were able to  
12 get at it, and they eventually did call experts in, and they  
13 were also trying to do it, incidentally, working with a copy  
14 at this time -- they didn't work with the originals, so  
15 there is no question about their doing any erasure, as far  
16 as I know -- at least they told me they were working with  
17 copies.

18 In any event, all of this discussion and whether  
19 it occurred or what day it occurred, I can't tell you, but  
20 it was over a period of time as to how it might have  
21 happened. All they said is that you had to have the record  
22 button on and you had to have -- in this case Miss Woods  
23 was using a foot pedal -- when I listened to the tape I  
24 have not done that, but of course when you are not typing  
25 you don't need a foot pedal, you can just listen the other

1 way.

2 I should point out, in terms of time, that this  
3 conversation about what caused it and who caused it, and so  
4 forth and so on, these conversations occurred after the  
5 Governors' Conference -- I mean after we got it down to  
6 Sirica's court -- because then it was an issue, a public  
7 issue. Before that time I was, frankly, so tied up with  
8 other things that all that I was doing was waiting for them  
9 to give me a recommendation.

10 Now you understand what they were doing in this  
11 period was, I am sure, trying to find out whether they could  
12 reconstruct it and what caused it. But as far as my  
13 conversation with them, the conversations that I just  
14 referred to occurred after the Governors' Conference, when  
15 they all, in their great wisdom, had determined that it was  
16 a subpoenaed tape, that it could not be reconstructed, and  
17 that they didn't know how it happened, but that it had to be  
18 done, they thought, manually, which, incidentally, I have  
19 learned from -- of course, every expert in the country now  
20 is an expert on the tapes -- but I have learned it can be  
21 done apparently technically, as well, and I think that there  
22 is no reason this should not be in the record.

23 I saw recently where a Cleveland authority  
24 on tapes points out that malfunctions of a machine often  
25 erase. This I understand is not evidence for you --

1 Q Well, we appreciate, of course anything that  
2 you might want to contribute relating to what might have  
3 caused it.

4 A Yes. I don't know how it happened.

5 Q You have mentioned that it now became a more  
6 public issue. At this point do you recall whether or not  
7 you contacted or had anybody contact Mr. Haldeman to see  
8 whether he had a more complete recollection as to what was  
9 on the June 20th tape?

10 A I don't recall that, but Mr. Haldeman's notes  
11 came into our possession, and I think what happened there  
12 is that I asked either Higby or Buzhardt -- not Higby, --

13 Q General Haig?

14 A Haig or Buzhardt -- I don't know which one -- they  
15 worked interchangeably, to see whether we could -- you see,  
16 we had had earlier, as you know, we had earlier the problem  
17 of what were called the - quote - two missing tapes - end  
18 quote. They were not tapes missing at all. They were  
19 simply unrecorded conversations. So under the circumstance  
20 I wanted to do everything possible in cooperating with the  
21 Special Prosecutor, if we couldn't have a recording, to give  
22 them what we did have, so I authorized or asked somebody to  
23 get a hold of Haldeman and get his notes. I don't recall when  
24 or how.

25 Q Do you recall whether during this time or at any



1 point you requested though that Mr. Haldeman be contacted  
2 to get his recollection of the meeting?

3 A I don't recall that.

4 Q Or did you have such a conversation with  
5 Mr. Haldeman?

6 A No, I don't recall that. I note you were  
7 referring to the Haldeman notes. That was his recollection.  
8 I imagine it is all he could recall.

9 Q Now I think we could, given one of your earlier  
10 responses to this, ask more of a summary question: During the  
11 second round of hearings Miss Woods testified on several  
12 occasions, Mr. Bull testified on several occasions, Mr.  
13 Buzhardt testified and General Haig testified. Do you  
14 recall whether you discussed with them the content of their  
15 testimony?

16 A At what time?

17 Q At around the time they were giving it. I ask  
18 it generally in light of your earlier response.

19 A No. Let me say, first, that they were all aware  
20 of, with regard to the disclosure of testimony. In fact,  
21 Mr. Rhyne, a very close friend of mine, in the second go-  
22 around was representing Miss Woods and told her that she  
23 couldn't even tell me what she was testifying about, but the  
24 point is that as far as what their testimony had been, they  
25 followed the rules that people are supposed to follow with

1 regard to testimony before a Grand Jury.

2 As far as each of them was concerned, I can't  
3 recall any extended, or as a matter of fact any specific  
4 conversations in which we discussed what the testimony would  
5 be. I was only following it in terms of what the facts  
6 might be and to me the most intriguing part of it was this  
7 great panel of experts, what they were going to come up with.

8 I had every confidence that Miss Woods'  
9 testimony would, and any member of my staff's, testimony  
10 would be, I thought, as responsive as they could make it.

11 And if the import of your question is did I  
12 coach them, did I tell them what to say, did they ask me  
13 what to say, the answer is, no.

14 Q During the course of your testimony this  
15 morning, you have told us about the report that Miss Woods  
16 made to you regarding the brief buzz which she may have  
17 caused on, I guess, October 1. Now apart from that, has  
18 Miss Woods ever told you that she was responsible for or  
19 caused the erasure of the entire eighteen and a half minutes  
20 of the conversation?

21 A No, on the contrary, she has always denied that  
22 the buzz that she heard was more than four and a half to five  
23 minutes, and she cannot explain how eighteen minutes could  
24 have occurred. She doesn't, incidentally, charge that  
25 anybody else did it or was there, and she doesn't know, but

1 she says her best recollection is that it was a very  
2 brief buzz and that is what she had told me.

3 Q Now has Mr. Bull ever indicated to you that he  
4 caused or was responsible for the erasure of any portion  
5 of that tape?

6 A No, no, never.

7 Q Has anybody else ever indicated to you that they  
8 were responsible for or caused the erasure of that tape?

9 A I want to assure the Special Prosecutor and his  
10 staff that I, of course, had the most intensive investigation  
11 made to see if anybody else had had access who might have  
12 done it, including even the Secret Service, and they said,  
13 no. When I say, they said no, the reports were unanimous.  
14 They had no other occasions that anybody else who had  
15 access to the tapes could have done it.

16 Q You referred to the investigation. Do you  
17 recall who was charged with that responsibility?

18 A Well, just Haig generally, and he was so busy  
19 with other things. How many people he asked, I don't  
20 know.

21 Q So --

22 A Yes, I should emphasize that I didn't write a  
23 memorandum saying, ordering an investigation. It was  
24 simply a conversation. I said to him, I said, let's  
25 find out how this damn thing happened.

1 I am sorry, I wasn't supposed to use profanity.  
2 You have enough on the tapes.

3 Q Apart from what we have discussed today, and I  
4 would assume you may be aware from the public testimony,  
5 do you have any other information as to who might have been  
6 responsible for and who might have caused the erasure of  
7 that tape?

8 A No, I have none.

9 MR. DAVIS: I am going to now consult with the  
10 two representatives from the Grand Jury to see if they have  
11 any further questions that they would like to ask.

12 THE WITNESS: Sure. Do anything you like.

13 BY MR. DAVIS: (Counsel and jurors with-  
draw from conference room.)

14 Q Just to make sure we understand the terms  
15 of this request of General Haig, if I understand it  
16 correctly, and I want you to correct me if I am misstating  
17 it at all, you made a generalized request of General Haig  
18 to see if he could determine anything as to what or who was  
19 responsible, and he reported back to you, I assume orally,  
20 that he had no better explanation than anybody else. Is  
21 that a fair statement?

22 A I think a more accurate statement is that rather  
23 than my calling Haig in and saying, look, now you conduct  
24 an investigation into this thing, it is that in our  
25 conversations about it, and Buzhardt might have been present

1 at some, I said, let's do everything we can to find out how  
2 this has been caused and if anybody else might have caused  
3 it, and Haig's evaluation -- which he is a very honest  
4 man -- I mean, in evaluating with all of the bark off --  
5 plus there is no evidence whatever to indicate that anybody  
6 else could have done it.

7 Now let me say this does not mean that this  
8 Special Prosecutor's office and the Grand Jury should not  
9 proceed on a more thorough way in questioning every other  
10 individual who might have had access.

11 If you are interested in my view as to what  
12 happened, it is very simple. It is that it was an accident.  
13 My view as far as Miss Woods' role is that I believe her  
14 totally, but I guess I would be expected to because she has  
15 been with me so long and she is deeply religious, but she  
16 doesn't wear it on her sleeve; she has it here in her  
17 heart, and she would never lie to me, and under these  
18 circumstances when she said that she didn't erase anything,  
19 that she didn't hear anything, she doesn't know what is on  
20 it, I believe her. I realize that is not evidence, but it is  
21 at least my opinion, but the other point that I make is that  
22 with regard to the others, anybody else, I don't know of anybody  
23 else, General Haig doesn't know of anybody else, Buzhardt  
24 doesn't know of anybody else, and also the important thing  
25 is that the panel of experts could not really find a basic

1 agreement as to even how it occurred. They do, up to a  
2 point, but there are so many, from having cursorily, giving  
3 a cursory reading of the report, there are so many loop-  
4 holes that they just aren't going to get caught on that.

5 I don't know how it happened.

6 Q Without of course going into the experts' report  
7 or any of that, I just want to ask one question based on  
8 your last response, and that is when you say that it is your  
9 opinion that it was an accident, are you saying that the  
10 entire eighteen and a half minutes took place or the entire  
11 eighteen and a half minute gap was created by Miss Woods'  
12 accident that she reported to you?

13 A No, I am not saying that at all. I am saying that  
14 I think whatever occurred, and assuming that it was an  
15 erasure, which I think could be assumed based on the fact  
16 that the experts did find scraps of words, -- Miss Woods  
17 doesn't like the word erasure because she said she didn't  
18 hear anything, and of course I believe her.

19 My point is as far as anything she did, it was  
20 an accident. As far as the balance of it, she could have  
21 done it all and it would have been accidental, some mal-  
22 function of the machine. She could have. She doesn't think  
23 so. She says it was only four and a half to five minutes.  
24 That is what she testified to, and that is what she told  
25 me personally. As far as some third person, another person

1 getting to it and erasing it, I, first, I know of no such  
2 person, I haven't heard of any person, and, second, I know  
3 of no motive, particularly when you look at these notes.

4 I mean I wish we could find it.

5 MR. DAVIS: I think we all do.

6 THE WITNESS: I mean this is pretty good stuff.

7 MR. DAVIS: I think that is all of the questions on  
8 this subject. Thank you very much.

9 (Whereupon, at 12:45 p.m., the deposition was re-  
10 cessed, to reconvene at 1:45 p.m. the same day.)  
11  
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AFTERNOON SESSION

(1:45 p.m.)

1  
2 Whereupon,

3 RICHARD M. NIXON

4 resumed the stand and testified further as follows:

E X A M I N A T I O N

5  
6 BY MR. MICHEL:

7 Q For the record, my name is Paul Michel, and I  
8 will be questioning the witness concerning what has been  
9 designated in discussions among counsel as unreported  
10 campaign funds.

11 Sir, I would like to try to refresh your  
12 recollection of a number of conversations that may have been  
13 held some years ago, and to begin doing that I would like to  
14 show you a short portion of a transcript of the tape of a  
15 conversation on April 17, 1973, from 5:20 to 7:14 p.m.  
16 That short excerpt which covers page 52 and page 53 of the  
17 transcript of that tape has been marked as Exhibit C-1.

18 (The document referred to was  
19 marked Exhibit No. C-1 for  
20 identification.)

21 MR. MICHEL: Mr. Miller, I have left in front of you a  
22 extra set of those appropriately numbered so that you can  
23 follow along, if you care to.

24 BY MR. MICHEL:

25 Q Sir, I would like to direct your attention to the  
first paragraph of that --



1 THE WITNESS: I am just trying to get my glasses. I  
2 just never wear glasses except when I am reading.

3 Yes, go right ahead.

4 BY MR. MICHEL:

5 Q Sir, I would like to direct your attention to the  
6 first paragraph of that exhibit, and particularly to the  
7 phrase in the middle of the paragraph - quote - but there is  
8 a way we can get it to you and two or three hundred thousand  
9 dollars, - end quote.

10 The question is, do you recall having a conversa-  
11 tion with Mr. Haldeman and Mr. Ehrlichman concerning the  
12 possibility of your making available to them some funds  
13 for their anticipated legal fees?

14 A Yes.

15 Q And do you recall mentioning the amount, two or  
16 three hundred thousand dollars?

17 A Yes.

18 Q In making that reference, were you referring to  
19 funds already in hand, funds that had already been received?

20 A Well, in making that reference, I was referring  
21 to a conversation that I had had two days before, and also  
22 to possibly the knowledge that I had with regard to funds  
23 that we had received, that I knew we had.

24 Two days before August 15, 1973, was --

25 Q Could that be April 15?

1           A       I am sorry, you are right, April 15, 1973.  
2       People often ask what is the hardest day you ever had when  
3       you were President. I suppose that was, except the day I  
4       resigned. We had a very full week end. Sammy Davis had  
5       been there the evening before at the White House and we were  
6       up past midnight with him. We had a church service in the  
7       morning. Dr. Hill was the minister, and I stood in line for  
8       about an hour and a half shaking hands, which was our  
9       custom.

10               Mr. Kleindienst had called me shortly before  
11       that service -- I don't know whether it was that morning or  
12       the night before -- and said he wanted to see me on an  
13       urgent matter, and I said, well, come over after we finish  
14       the church service on Sunday, and he hit me with what was  
15       to me a bombshell of massive proportions. I had been  
16       concerned, as all of you are aware, about this Watergate  
17       thing at the time it happened, particularly from the time  
18       after March 21 when I learned from John Dean some of the  
19       things that had never been told me before with regard to the  
20       demands for money by several of the -- not several, but by  
21       one in particular, Mr. Hunt, for his attorney's fees, and  
22       that unless his demands were not satisfied that he would  
23       expose matters that he had with Mr. Ehrlichman on -- this  
24       was not about Watergate -- with Mr. Ehrlichman on matters  
25       which I assume involved a highly sensitive operation called

1 the Plumbers. From that time on I was concerned about this.  
2 I knew that we had to get to the bottom of it, that I would  
3 have to take, and I did take, personal charge --

4 Q Sir, are you --

5 A Just a second. I am giving you what happened as  
6 to how this money is -- and the answer will not be too long --  
7 and between March 21 and April 15, Mr. Dean was conducting  
8 an investigation, Mr. Ehrlichman was conducting one, I was  
9 asking questions as well, and so forth, but on April 15,  
10 in the afternoon, Mr. Kleindienst came in that Sunday after-  
11 noon and said to me very bluntly that new evidence had come  
12 to the attention of the Special Prosecutors, that based  
13 on that evidence that it was his advice and conviction  
14 and advice and conviction that was shared by Henry Petersen,  
15 who was the, not Deputy Attorney General but Assistant  
16 Attorney General in charge of the Criminal Division, that  
17 Mr. Haldeman and Mr. Ehrlichman were criminally involved and  
18 that they should be fired.

19 It was, first, a surprise; second, needless to  
20 say, a very great shock, and I continued to talk with  
21 Kleindienst for some time. I talked to, I believe, Haldeman  
22 that same afternoon, probably Ehrlichman, and then Mr.  
23 Rebozo, who had come up to Washington. He flew up from  
24 Miami, and I needed a little time off and I went out with  
25 him to the Sequoia, which the logs will all show this, and I

1 intentionally, of course, refreshed my recollection on that  
2 particular day.

3           On the Sequoia I told Rebozo of this conversa-  
4 tion. He was the first person I discussed it with, except  
5 of course with Haldeman, Ehrlichman and Kleindienst, and  
6 I think Petersen. Whether Petersen got in before or after I  
7 was on board, I don't recall, but Petersen did come in. I  
8 remember he was wearing sneakers. He had been out on his  
9 boat. But, in any event, I said I just don't know what to  
10 do here. And Rebozo, who has been a close friend of mine  
11 for almost twenty-five years, trusted, honest and blunt, he  
12 said they should be fired. He said as a matter of fact  
13 they both should resign just as soon as any heat was raised.

14           I said -- I told him exactly what I told  
15 Kleindienst and Petersen, that I didn't believe that you  
16 could ask an individual to resign simply because charges had  
17 been made and implications had been made. So I said it  
18 isn't right to them personally. I remember, incidentally,  
19 Mr. Petersen's reaction when I told him that. He said, "well,  
20 he said, Mr. President, that speaks very well for you as a  
21 man but not very well for you as President." But, in any  
22 event, even though I still had confidence in both Ehrlichman  
23 and Haldeman, even though I believed that it would be wrong  
24 for these men, two of the three top men, the other being  
25 Kissinger, in my administration in the White House to take

1 a leave of absence or to be fired based simply on  
2 fragmentary testimony which Mr. Kleindienst had shown to  
3 me and Mr. Petersen had shown to me, nevertheless in my  
4 own mind, as a realist, I knew that we probably had to face  
5 up to it and that I might have to make that decision, and  
6 Mr. Rebozo and I talked quite frankly, as a matter of  
7 custom -- we are free with each other, and this may sound  
8 quite incredible to this group, but maybe it won't, but I  
9 asked him a question -- I said, how much have I got in the  
10 bank. He said I don't know why you ask, you have three  
11 hundred thousand dollars in CD's. He said "why"?

12 I said, well, if I have to ask Haldeman and  
13 Ehrlichman to resign, these men both came here without much  
14 of this world's goods, both have made a great sacrifice,  
15 both have large families, most of them in college or  
16 going to college, and just to cut them loose like this, after  
17 what I considered to be devoted service, not only in this  
18 campaign but in their case going back from the time they  
19 were in college, when I first ran for Vice President in 1952,  
20 that I thought I had an obligation and I would like to be  
21 able to tell them that I would help out with regard to  
22 their fees.

23 Rebozo said almost emphatically, I would say,  
24 yet not in detail, he said, don't worry about it. He said,  
25 you shouldn't use your money for that purpose. He said, I

1 have some left from the 1972 campaign that I think we can  
2 make available for this purpose, and he said, between  
3 Abplanalp and myself we can get three hundred thousand  
4 dollars, I am sure. That was the extent of that conversation  
5 as far as this particular matter was concerned.

6 I should add, incidentally, that I didn't ask Mr.  
7 Rebozo what he had left or from whom he and Abplanalp would  
8 be able to solicit contributions. I did know at that time  
9 that he did have a hundred thousand dollars in cash which he  
10 had received from Howard Hughes. I had been informed of  
11 that shortly after the election, as I recall, the '72  
12 election, although it may have been contributed much earlier,  
13 and so consequently in this conversation, as I look at it  
14 now, on the 17th, I was reflecting on the fact that they  
15 could count on me, that I would have done it personally if  
16 Rebozo hadn't promised, or at least indicated he could  
17 do it, that they could count on me to help out with what I  
18 knew would be very significant legal fees.

19 You will note, of course, from the transcript  
20 that, to their credit, both of them refused.

21 Q So then the reference you made in that first  
22 paragraph to the figure two to three hundred thousand  
23 dollars was a reference to a combination of some funds;  
24 namely, the Hughes one hundred thousand dollars which you  
25 knew Mr. Rebozo already had, plus some funds that he had

1 led you to believe in your conversation that he could raise  
2 between himself and Robert Abplanalp.

3 A He mentioned Abplanalp and only Abplanalp, as I  
4 recall.

5 Q So then all of this money was not in hand?  
6 Some of the money represented by the figure two to three  
7 hundred thousand dollars was yet to be raised in the future?

8 A Yes, on the 15th, when we were discussing it on  
9 the boat. And I should add to that I was aware at that  
10 time that I had a hundred thousand dollars which Mr.  
11 Andreas had contributed. I cannot tell you now that when I  
12 used the figure two or three hundred thousand dollars that I  
13 was referring specifically to the Hughes money, the Andreas  
14 money or to all, but I knew that we had two hundred  
15 thousand dollars for sure. Of course, as I point out later,  
16 if available -- what do I say on that page? I say, for  
17 example, that **very substantial**, that Bebe could, we could,  
18 if this is available. The reason apparently that I must have  
19 said that was my thought that both the Andreas and the Hughes  
20 money left over from the campaign should be thrown into the  
21 '74 campaign. That was my plan. But with this crisis with  
22 which we were confronted, I was prepared to see if the donor  
23 would agree to allow them to be used for this purpose.

24 Q Then the phrase on page 53, the second page of  
25 this Exhibit No. 1, - quote - if this is available - end

1 quote - really meant that if the donors would agree to  
2 a change of purpose?

3 A Yes, the donors would have to agree to it. I  
4 couldn't take their money that they had given for campaign  
5 purposes and give it to somebody, to, you know, members of  
6 my staff without permission of the donors.

7 Q Was there any other problem with regard to  
8 whether the money would be available for use by Mr.  
9 Haldeman or Mr. Ehrlichman for legal fees, aside from the  
10 needing permission from the two donors, Andreas and  
11 Hughes?

12 A I didn't consider that there was any other problem.

13 Q None of the money had been spent?

14 A The Andreas money.

15 Q Or the Hughes money?

16 A Or the Hughes money, no, but let me say when we  
17 are talking about this, we have to keep the time frame. I  
18 knew that none of the Andreas money had been spent, had not  
19 been spent, because on March 21 in the afternoon I had asked  
20 Miss Woods to go down to the safe and see how much the  
21 Andreas contribution was. I hadn't even known up to that  
22 time. I hadn't given it a thought. It hadn't been spent.  
23 It had been given in the fall of '71. It was to be private,  
24 for the reason that he was a Humphrey supporter and didn't want  
25 it known, and it was to be used at my discretion and I felt



1 we would use it if there was a need for it in a last-minute  
2 blitz in the campaign. But Miss Woods, at my request, went  
3 down to the safe. She counted it and came back and,  
4 incidentally she was smarter than some other people, she  
5 must have thought the place was bugged because she handed  
6 me a sheet of paper, a little sheet, a note, saying one  
7 hundred thousand dollars, so I knew that. As far as the  
8 Hughes money was concerned, I assumed that it had not been  
9 spent at that time because Mr. Rebozo had never indicated  
10 to me that he had ever used any part of the Hughes money.

11 Is that responsive to your question?

12 Q Yes, it is, sir.

13 Now let us move to another part of this same  
14 exhibit, and I would like to direct your attention to the  
15 first page of the exhibit, which is page number 52 of the  
16 transcript, to the next to the last paragraph. Would you  
17 just read that to yourself, sir, and then I am going to ask  
18 you a number of questions about that.

19 A The next to the last paragraph?

20 Q Well, it is really the last paragraph where  
21 anything intelligible is said.

22 A Yes. Let me say first that I have very grave  
23 doubts as to the accuracy of the transcript in this instance.  
24 As you will note, this is an EOB tape. As you will note in  
25 the first paragraph "unintelligible" appears four different

1 times, and in this case I don't know -- I will be glad to  
2 respond to any questions that you have with regard to this  
3 except where it says "stuttering".

4 Q Sir, let me focus on the first sentence,  
5 please. There, according to the transcript, you say -  
6 quote - no strains, doesn't come out of me -- I didn't -- I  
7 never intended to use the money at all - end quote.

8 My question is what were you referring to when  
9 you said "the money"?

10 A Well, I was referring there to the money that had  
11 been contributed by financial contributors. I mean there  
12 seems to be a rather general feeling candidates who have  
13 surpluses convert money into their own use. I have never  
14 done that and that is what I was reflecting here.

15 Q So then that reference is again to the Andreas  
16 money and the Hughes money?

17 A That is correct.

18 Q Now in the next sentence you continue your  
19 thoughts saying - quote - as a matter of fact, I told Bebe  
20 basically be sure that people, like, who have contributed  
21 money over the contributing years are favored, and so  
22 forth, in general - end quote. Now in that portion when  
23 you use the reference to money, people who have contributed  
24 money over the contributing years, what money were you  
25 referring to then?

1           A       Well, I was referring there more generally to  
2 money that might be raised by Mr. Rebozo or anyone else,  
3 for that matter, but in his case it would be money that  
4 would have been contributed. As far as the favored and so  
5 forth, in general, I want to be quite categorical on  
6 that. That has no reference to Government contracts; it has  
7 no reference whatsoever to a favor in terms of something that  
8 would involve a pay-off, but what it refers to is that, and  
9 this is again to the great credit of my friend Rebozo, is  
10 that he, that all he ever asked for, except for one place  
11 where I will indicate a difference, to people who had  
12 contributed was for invitations, for example, to White House  
13 dinners, invitations to church services, possibly  
14 consideration in the event somebody was to be on delegations  
15 to go to funeral or something of that sort of thing, and I  
16 don't even remember that he ever asked for any of that.  
17 There is one exception, however, that I think you should be  
18 aware of. One of the major contributors that Mr. Rebozo,  
19 I think, was responsible for, although I am not sure that  
20 in this instance -- I think he urged the individual to  
21 contribute -- I am not sure that he got the contribution and  
22 transmitted it himself, was Mr. Raymond Guest. Raymond  
23 Guest was a personal friend of his and I think Mr. Guest was  
24 a very good friend of his, and he contributed, I think, two  
25 hundred fifty thousand dollars. He had been, as you may

1 recall, President Kennedy's Ambassador to Ireland, and it was  
2 his great, great desire to be made Ambassador to France,  
3 and the only time that I can ever recall Mr. Rebozo  
4 ever asked me for something of that sort or asked or  
5 suggested anything -- he simply suggested that Raymond Guest  
6 ought to be considered, that he was a good man, and in view  
7 of the fact he had been Ambassador, that he was a  
8 Democrat, that it would be a very good appointment. We did  
9 not make the appointment.

10 Q I appreciate your clarifying the meaning of  
11 that part of the sentence and before we leave that point,  
12 let me just ask these two questions.

13 I take it that to your knowledge there was no  
14 occasion on which Mr. Rebozo ever requested of you or anyone  
15 in the administration any favor on behalf of a contributor  
16 which would in any way be improper.

17 A There are none, to my knowledge, as far as his  
18 requesting me. As a matter of fact, let me say, Mr. Michel,  
19 he was scrupulous in that regard. He said that people used  
20 to come to him, because everybody knew he was my closest  
21 friend, and ask for this and that and the other thing and  
22 he would just say go through channels, and he would put them  
23 through channels.

24 Let me say that I should be sure that there is  
25 a clear understanding of what I have testified to, that since

1 seeing this transcript and trying to refresh my recollection--  
2 I have no notes--and I am sure Mr. Rebozo was quite  
3 disappointed that I even talked about such a thing as favors  
4 without clarifying it as I have today, but the point is that  
5 when you say do you know for sure that you were thinking  
6 of this or that, and the answer is I assumed that that is  
7 what I must have been thinking about, because that was, at  
8 that time, I knew about the Hughes money and I knew about  
9 that particular money and I knew that Mr. Rebozo said or  
10 assured me that he and Abplanalp could raise it, but the  
11 conversation we had on the Sequoia was one that was very  
12 general and whenever he made an assurance he usually would  
13 come through on it.

14 Q Very well. Now you have made very clear that  
15 the reference that you had or your meaning in the second  
16 part of that sentence in terms of the word "favor," but I  
17 am not sure I understand with at least equal clarity the  
18 earlier half of the sentence where you refer to people who  
19 have contributed money over the contributing years.

20 When you made the statement people who have  
21 contributed money over the contributing years, was that  
22 money that you had reference to the Hughes money and the Andreas  
23 money, or other money already in hand, or was it a reference  
24 to money to be obtained in the future, or a combination  
25 of the two?

1           A       No, actually this was, as you can tell from the  
2 sentence, it is basically very unstructured and it is a  
3 combination of disjointed matters that I was referring to.  
4 I wasn't referring to people that might contribute to a  
5 fund in the future that we would do favors for, or I  
6 wasn't referring to any other, or I was not referring to  
7 any one specifically, I should say, any one specifically.

8           Q       But do you recall whether you were referring to  
9 money that had already been received?

10          A       I have answered that questions.

11          Q       I think you answered it, but I don't understand  
12 whether the answer also applies to this portion of the  
13 conversation.

14          A       I think, Mr. Michel, and you as a very good  
15 lawyer know that you have to read a whole conversation and  
16 then put it in context, and you obviously have had an  
17 opportunity to do that. What I am saying is what I recall  
18 and what I recall is the conversation that I referred to and  
19 that it is the best of my recollection that I must have been  
20 thinking about the Hughes contribution, the Davis  
21 contribution -- I am sorry, the Andreas contribution.

22          Q       Did you know at this point in time of  
23 any other monies, that is other than Hughes money, that Mr.  
24 Rebozo had left over from the '72 re-election campaign?

25                   (Conference with counsel off the record.)

1 MR. MICHEL: Let the record note that we conferred  
2 with the witness' counsel and an agreement has been reached  
3 to defer the question that was last asked until a later time  
4 so that there will be more opportunity for everyone  
5 involved to be prepared, and I will proceed with the next  
6 question.

7 BY MR. MICHEL:

8 Q Sir, still in the same paragraph of Exhibit 1,  
9 the final sentence as you see reads as follows - quote -  
10 and he's used to it for the purpose of getting things  
11 out, paid for in check and all that sort of thing."

12 Now, sir, do you recall making any such state-  
13 ment in your conversation with Haldeman and Ehrlichman?

14 A No, I don't recall making such a statement.

15 Q Do you recall being aware at the time --

16 A I believe I know what it means, but I don't recall  
17 making it.

18 Q Can you explain what you think it means?

19 A Well, Mr. Rebozo had a fetish for getting what  
20 he thought were good columns and so forth reproduced and  
21 mailing to his friends around the country. That is what  
22 he means by getting things out, and the paid for by check,  
23 I think, actually is -- it must be -- if I said that, if that  
24 is an accurate part of the tape, that is one thing, but  
25 certainly it isn't what I meant or what I told them because

1 what I do say, or did say, or I mean what I know is and  
2 what they knew is that Mr. Rebozo was a check picker-upper.  
3 He paid checks. He paid checks for members of the staff; he  
4 paid them for the Secret Service when he thought that the  
5 allowance was not big enough, and he did a great number of  
6 things like that, but I didn't know whether Mr. Rebozo was  
7 paying by check when he did this, or, for that matter, by  
8 cash. I think what I said here actually was that he paid  
9 checks, and so forth, which they all knew because whenever  
10 we went to Key Biscayne he was, frankly, quite generous  
11 with members of the staff and particularly with the Secret  
12 Service.

13 Q And in the phrase, "and he's used it," can you  
14 recall what you were referring to in saying, "he's used  
15 it"? Is that referring to the money that he had or what  
16 is it referring to?

17 A I think what I was referring to there was the --  
18 As you will recall -- I think it is some place in the  
19 papers you furnished us -- there was a balance left after the  
20 '68 campaign in which he and Mr. Kalmbach worked out arrange-  
21 ments as to how much would be used here and how much would  
22 be used there to take care of these various expenses that  
23 I am here talking about, and I think that is what I am  
24 referring to there. I know what I was not referring to.  
25 I was not referring to the Hughes money.



1 Q Now the examples you gave of things Mr. Rebozo,  
2 according to your recollection, paid for on behalf of  
3 Secret Service men and others around you, were they paid  
4 for in the form of cash normally?

5 A As I said, I don't know whether he -- he was  
6 not one of those flamboyant people who did it in front of  
7 you. He usually would go over to the manager, take him  
8 aside, and take care of it and then the people would know  
9 the checks were paid. He has done that ever since I have  
10 known him. He is one of those unusual people that you have  
11 to run fast to pay a check when he is around.

12 Q And whether he paid such expenses in the form  
13 of a check or cash, do you know the source of the funds  
14 he used to pay for any such expenses?

15 A I know that the source was not, and the case  
16 was not the Hughes money to which you have referred. I know  
17 that the source, that one source I believe was the amount  
18 which was left over after '68, which was, incidentally,  
19 a somewhat modest amount. I rather thought it was greater  
20 than that, but it was seven thousand dollars, as I recall.

21 Actually I would have to say that I don't know  
22 what the source is, but I am speculating now, which  
23 apparently you are asking me to do.

24 Q Would it refresh your recollection if I suggested  
25 to you that all of the things that Mr. Rebozo expended, the

1 funds referred to in his correspondence with Kalmbach,  
2 which was left over '68 money, are accounted for and that  
3 none of those expenditures were including things like  
4 dinners or other incidental outlays of that sort. They  
5 were all to pay bills that had come in from printers or  
6 photographers?

7 A I was not aware of that.

8 Q And that does not refresh your recollection  
9 then as to whether he could have used that left-over '68  
10 money for the kind of expenses you have testified to?

11 A If your investigation has indicated that it  
12 was used for that purpose, then it could not have been  
13 used for this purpose, but what other source he might have  
14 I am not prepared to say. I am only saying that he did pay  
15 checks and he did get things out, and it is very possible  
16 he could have, that the source could have been his own  
17 money.

18 Q But you don't know?

19 A I am not prepared to say. I don't know. I  
20 don't know.

21 Q Now you testified earlier that -- I believe you  
22 testified earlier that some time, you think after the 1972  
23 election campaign, Mr. Rebozo or someone advised you of the  
24 existence of the one hundred thousand dollars that the  
25 Hughes people had contributed and that Mr. Rebozo still had

1 it. Do you recall the circumstance in which you were  
2 first informed about that Hughes money being with Mr.  
3 Rebozo at the close of the campaign?

4 A No, I don't.

5 Q Was it Mr. Rebozo who told you?

6 A Yes, Mr. Rebozo told me.

7 Q So the date is unclear, but there is no question  
8 that --

9 A Yes, he told me, and I think it was in Key  
10 Biscayne on one of the trips I took there after the campaign  
11 in '68, but I can't say for sure.

12 Q Did he indicate to you the purpose for which  
13 the money had been given?

14 A The money in --

15 Q The Hughes one hundred thousand dollars that he  
16 told you he still had after the campaign ended. Did he  
17 indicate to you in that conversation what the money had  
18 been given for?

19 A He told me he considered the money to be given  
20 for the purpose of re-election of the President, even  
21 though it had been given as early as 1970 -- at least some  
22 of it before the '70 campaign and some afterwards.

23 Q I take it that prior to that conversation,  
24 whenever it was following the election, you had no idea  
25 that Mr. Rebozo had received any funds at all from Hughes?

1           A       Well, when you say I had no idea, I have to  
2 testify to the best of my recollection. The best of my  
3 recollection again is it was shortly after the campaign  
4 that he told me about it.

5           Q       The evidence that we have gathered, sir,  
6 indicates that the Hughes one hundred thousand dollars was  
7 delivered to Mr. Rebozo on two different occasions in the  
8 summer of 1970, in each case fifty thousand dollars in  
9 cash, in each case delivered by Richard Danner. Mr. Rebozo  
10 has testified that promptly after each of the two  
11 deliveries in the summer of 1970 he informed your secretary,  
12 Rose Mary Woods, that he had received this money from  
13 Hughes.

14                       Can you recall any discussion between you and  
15 Miss Woods in which she made any reference to Rebozo having  
16 some money or having some money from Hughes, or anything of  
17 that sort?

18           A       No, I cannot do that. That may sound surprising,  
19 but it was, frankly, our general practice that financial  
20 contributions were not discussed with me until after the  
21 campaign, and, to be more responsive to your question,  
22 let me say that I can't recall her ever having told me about  
23 it.

24                       You understand I am not trying to duck this,  
25 but we are talking about events that have occurred four,

1 five years ago, and I am trying to recall over that period  
2 of time when I learned something. I simply can't tell  
3 you. My best recollection is what I am giving you, and that  
4 is I, for the first time, was informed of it then. I do  
5 not recall that Miss Woods informed me of her conversations  
6 with Mr. Rebozo.

7 Q Let me try to assist you in helping recall  
8 events from those former years by showing you a document  
9 that has been marked as C-2.

10 (The document referred to was  
11 marked Exhibit No. C-2.)  
12 for identification.)

13 BY MR. MICHEL:

14 Q This document is from a folder entitled, "Haldeman  
15 Notes, July-September, 1970," and bears the date August 20,  
16 and the time signature of 0900, followed by the initials,  
17 "AF-1," which, I suppose, refers to Air Force One, and a  
18 discussion that you had with Mr. Haldeman aboard the plane  
19 at that time and date.

20 At the bottom of that page appears the hand-  
21 written notation, apparently in Mr. Haldeman's handwriting,  
22 as follows - quote - Kalmbach, shoot for additional five  
23 hundred thousand, Hughes, Getty, et cetera. Use Rebozo,"  
24 with the words, "Kalmbach" and "additional" abbreviated, as  
25 well as the word "thousand" abbreviated.

Can you recall having any discussion at about

1 that time with Mr. Haldeman concerning any plan to have  
2 Mr. Rebozo assist in raising funds from Mr. Hughes and  
3 for Mr. Kalmbach to be sent to seek a contribution?

4 A Well, as you will note, this is, of course,  
5 a portion of a much longer list of people, and I do recall  
6 in the 1970 period, when we were trying to raise the money  
7 for the re-election of some senators or the election of  
8 senators and congressmen and governors, as well, that we  
9 were trying to tap every source that we could.

10 As I recall, he raised the possibility of Getty  
11 and the possibility of Hughes, or I might have, but I  
12 suggested that we didn't have a big committee to raise  
13 money at this time. Mr. Kalmbach was doing most of it, as  
14 I recall, in that period and I suggested that any contacts  
15 with Getty or Hughes should be handled by Rebozo, with  
16 Hughes, because I knew he was a long-time friend of  
17 Danner's, and with Getty, because he was the only one in our  
18 shop that knew Getty. And, also, I think I should point out  
19 as far as Mr. Getty is concerned, I don't recall whether he  
20 made a contribution in 1970. He may have in 1972, but I  
21 don't know. I didn't recall seeing one.

22 Q Well, the sequel is that Mr. Kalmbach has  
23 stated that he did have a meeting with Mr. Haldeman in which  
24 he was requested to visit Mr. Getty --

25 A He, Kalmbach?

1 Q That Kalmbach was to visit Mr. Getty and that Mr.  
2 Rebozo was to assist in setting up the arrangements and  
3 that subsequently Mr. Kalmbach did have Mr. Rebozo set up  
4 the arrangements and did meet with Getty and indeed a  
5 contribution was forthcoming. But Kalmbach also has  
6 stated that --

7 A At what time was the contribution? What year?

8 Q It was in the fall of 1970, in several install-  
9 ments, and dates starting September 26, I believe, and running  
10 through mid-October for a total of --

11 A Getty did that?

12 Q Yes, he did, but Kalmbach has also stated that he  
13 was not --

14 A Not having my records, you see, I am glad to be  
15 refreshed on that.

16 Q Your recollection is very accurate. Kalmbach  
17 stated that although he was asked by Haldeman to go see  
18 Getty, as this note suggests that he was to, but that he was  
19 not asked to go and see Hughes. At this point, which is the  
20 week following August 20, according to the best information  
21 we have gathered, both of the Hughes deliveries had occurred  
22 and therefore that Mr. Rebozo had already received the one  
23 hundred thousand.

24 My question is whether that refreshes your  
25 recollection as to whether you had been advised of Rebozo's

1 request of money from Hughes?

2 A Well, I would say on the contrary. It would  
3 refresh my recollection to the effect that I didn't know  
4 that he had already received money from Hughes. I wouldn't  
5 have indicated to Haldeman to have him go get some money  
6 from Hughes if Hughes had already contributed.

7 Are you telling me that Hughes had already  
8 contributed?

9 Q He had already contributed.

10 A Then what does this mean to you?

11 Q Well, I don't know what it means and that is  
12 why I am asking, but the sequence is that the second Hughes  
13 installment apparently was delivered some time during the  
14 day of August 20, and at nine in the morning on August 20  
15 was when you apparently had the conversation with Mr.  
16 Haldeman directing him to have Kalmbach visit Hughes and  
17 Getty.

18 A Just a moment. It says -- I don't mean you are  
19 putting words in my mouth, but you are not reading the  
20 transcript accurately. It says Hughes and Getty and all --  
21 use Rebozo.

22 Q Yes. Well, in any event, I take it you are rather  
23 sure that you had not been informed by Haldeman or anyone  
24 else about Rebozo having received Hughes money in this  
25 period?



1           A       I said to the best of my recollection I had not  
2       been informed of it, and I think what you have just said with  
3       regard to the fact that the contributions had already been  
4       made, I don't know why I would say to him use Rebozo, if I  
5       already knew from Rebozo that he had already solicited  
6       contributions.

7                    I am not trying to be argumentative, but you are  
8       trying to get the facts, and that is the way I would  
9       interpret it. As a matter of fact, I am surprised -- did  
10      Getty really give in '70?

11           Q       Yes, he did.

12           A       He's a real tightwad.

13           Q       To try to assist further in refreshing your  
14      recollection, I would like to show you just quickly two  
15      newspaper articles which appeared in the WASHINGTON POST.  
16      The first which is marked C-3 is a column --

17           A       Are these columns by Mr. Anderson? Mr. Michel,  
18      are you using that as the basis of evidence?

19           Q       No, sir. No, sir.

20           A       Mr. Anderson and his predecessor, Mr. Pearson,  
21      have slandered and libeled me for twenty-five years, and  
22      I have never dignified anything they have said. If you  
23      have questions about this, you ask me questions, but I am  
24      not going to respond to an Anderson column. I don't mean to  
25      seem irate, but perhaps you would feel the same --

(The document referred to was  
marked Exhibit No. C-3.)  
for identification.)

BY MR. MICHEL:

1  
2  
3  
4 Q I wasn't suggesting the information was reliable.  
5 I simply wanted to show you the columns because they indicate  
6 that attempts had been made by the authors to contact Mr.  
7 Rebozo, unsuccessful attempts, and --

8 A Mr. Rebozo had exactly the same opinion of Mr.  
9 Anderson that I have.

10 Q And my question is whether Mr. Rebozo ever  
11 indicated to you that he had been called by anyone from this  
12 column?

13 A I recall no conversation with him. I only recall  
14 general conversations with him over the years where he said  
15 that he had the same opinion of Anderson that I had, that he  
16 would never talk to him about anything.

17 Q Now let me --

18 A Incidentally, may I urge you, Mr. Michel, and  
19 your colleagues, and I am sure you will, to check the reliabi-  
20 lity on those, of Mr. Anderson's columns, in terms of not  
21 only the accusatory side but also the fact that they may not  
22 be the other way at all.

23 MR. RUTH: Let me just speak to that point.

24 THE WITNESS: I am really surprised to have you throw  
25 an Anderson column at me.

1 MR. RUTH: Let me explain. This may come up again.  
2 It is not, obviously, for the truth of anything in a column  
3 but it is for the fact that a column appeared and to try to  
4 stir your recollection, if possible, as to whether there was  
5 any discussion among you and your administration, because  
6 of the appearance of such a column, regardless of whether  
7 the column itself is true or false. We don't use the column  
8 as evidence of anything because, believe me, we have had  
9 the same experience, possibly.

10 THE WITNESS: Well, let me say, and I believe you will get  
11 into this tomorrow, but there was one instance in our staff  
12 that we had gotten involved with a Jack Anderson column.  
13 Otherwise. I consider him to be so totally unreliable that  
14 we wouldn't bother to get involved with a Jack Anderson  
15 column. Most of it is untrue.

16 Now of course if it was in THE NEW YORK TIMES  
17 or of course THE WASHINGTON POST, we would have ran right  
18 away and done something about it. The POST, incidentally  
19 to its credit, put Mr. Anderson on the page with the funny  
20 papers.

21 BY MR. MICHEL:

22 Q You had recalled for us earlier the  
23 conversation you had with Mr. Rebozo on April 15 on your trip  
24 on the Sequoia, and I would like to pick up on the period  
25 immediately following that. We have information that in the

1 last week of April Mr. Kalmbach called Mr. Rebozo and set  
2 an appointment to meet him at the first opportunity when they  
3 would both be in Washington, and that on April 30, at the  
4 White House, Mr. Kalmbach did meet with Mr. Rebozo and  
5 according to our information at the outset of the meeting  
6 Mr. Kalmbach said that he wanted to talk to Mr. Rebozo  
7 because you had suggested that he do so and that the  
8 subject he wanted to confer with Mr. Kalmbach about was the  
9 Hughes money.

10 Now the question is, do you recall asking Mr.  
11 Rebozo to confer with Herbert Kalmbach about anything  
12 relating to the Hughes money?

13 A I think, Mr. Michel, you better restate your  
14 question, because, if I have listened to you correctly and  
15 the reporter can read it, you have said Mr. Kalmbach said  
16 that I had asked Mr. Kalmbach to talk to Mr. Rebozo.  
17 Now, what is it? Which is it? Now you are saying Mr.  
18 Rebozo, did I ask Mr. Rebozo to talk to Mr. Kalmbach, which  
19 is quite different.

20 Q I am sorry if I misspoke.

21 A It is easy. I mean, I do it all of the time, but  
22 I just want to be sure I understand what your question is.

23 Q Did you ask Mr. Rebozo to confer with Herbert  
24 Kalmbach concerning the Hughes money?

25 A Then you withdraw your first assumption that I

1 asked Mr. Kalmbach to see Mr. Rebozo?

2 Q Yes, sir.

3 A In other words, your question only is or is  
4 corrected to whether I asked Mr. Rebozo to talk to Mr.  
5 Kalmbach?

6 Q Correct.

7 A Yes, that is correct, I did.

8 Q What was the purpose in asking him to do so?

9 A The purpose was that Mr. Rebozo had told me,  
10 as we have earlier testified, that he had the one hundred  
11 thousand dollars left from the campaign, the Hughes  
12 contribution, and he wanted to know what to do with it.

13 My belief was that that one hundred thousand, as  
14 well as anything else that we had personally under our  
15 control, should be used for the '74 campaign. I therefore  
16 suggested that Rebozo talk to Kalmbach and get Kalmbach to  
17 see whether he would take the one hundred thousand or advise  
18 Rebozo how he could put the one hundred thousand dollars into  
19 the '74 campaign.

20 Now the question raises why not give it to the  
21 National Committee.--we have gone through this a little  
22 earlier -- or why not in some other area, because what I  
23 was planning to do in '74 was exactly what we had done in  
24 '70, was to set up a separate fund for the election of  
25 candidates, and so forth, in which I could have, along with

1 my associates, some control over their disbursal so that the  
2 money wouldn't be wasted as both the Democratic and  
3 Republican National Committees usually waste their money  
4 on a lot of losers, although I must say we didn't pick many  
5 winners this last time.

6 Q Mr. Kalmbach has stated that at the meeting,  
7 actually the first of two meetings they had on consecutive  
8 days which apparently were April 30 and May 1, 1973, that  
9 Mr. Rebozo told Mr. Kalmbach that, he, Rebozo, had given  
10 some of the Hughes money to F. Donald Nixon, to  
11 Rose Mary Woods, to Edward C. Nixon, and others. Did Mr.  
12 Rebozo ever make any such report to you?

13 A Well, on that particular point, that came to  
14 my attention and the public attention, as you may recall,  
15 Mr. Michel, very dramatically. In this case not in Mr.  
16 Anderson's column but in THE NEW YORK TIMES in 1974, very  
17 early in 1974, -- Nixon kin receives secret Hughes money,  
18 or words to that effect.

19 I did pay attention to that story, and I asked  
20 Mr. Rebozo about it. He told me categorically, first, that  
21 he had never told Mr. Kalmbach that he had given money to  
22 Don Nixon, Ed Nixon or Rose Mary Woods, and that that was a  
23 false statement.

24 Second, I went further, however, and I asked my  
25 brother Don, I asked my brother Ed, and I asked Rose Mary

1 Woods, the first two by phone and the other by, as I  
2 recall, the other person, Miss Woods, personally, whether or  
3 not Mr. Rebozo had ever given them any money, and I am not  
4 referring just to Hughes money, and their answer was, no.

5 Now, incidentally, when I say any money, if Mr.  
6 Rebozo gave Miss Woods a gift or something of that sort, or  
7 my brothers -- I doubt if he would have done that -- he might  
8 have, he might have picked their checks up, too -- that is  
9 something different, but we are talking about the Hughes  
10 money and the Kalmbach allegation. Rebozo says it is  
11 totally false; Miss Woods denied it to me personally, and  
12 my brother Don and my brother Ed have denied it to me  
13 personally, and that is all I can tell you about it.

14 Q Now let me ask you to look quickly at two or  
15 three more brief portions of transcripts of taped conversa-  
16 tion. The first is designated Exhibit No. C-6, and it  
17 reflects the transcript, page 112 of the transcript of a  
18 tape of a conversation April 25, 1973, from 11:06 a.m. to  
19 1:55 p.m., a conversation including, in addition to yourself,  
20 Mr. Haldeman and Mr. Ehrlichman.

21 A Yes.

22 (The document referred to was  
23 marked Exhibit No. C-6 for  
24 identification.)

25 BY MR. MICHEL:

Q I would like to direct your attention to the

1 portion in the middle where you are quoted as saying -  
2 quote - as I said there is a few, not much, as much, I  
3 think, as two hundred there available in the '74  
4 campaign already."

5 A I think now this puts in perspective what I told  
6 you earlier about the conversation on the 17th. You may  
7 recall, when you read the whole conversation. I pointed out  
8 the evidence available. You also recall that, from my  
9 conversation that I had with Mr. Rebozo, that we didn't  
10 discuss specifically what he had in mind, but I know  
11 specifically what I must have had in mind at this time because  
12 it, as the transcript reads, it says there is "a few, not  
13 much"-- and here is an unintelligible again, "as much as, I  
14 think, two hundred thousand dollars that is available in  
15 the '74 campaign already."

16 That refers to two hundred thousand dollars I  
17 was sure of, not money that would have to be raised in  
18 addition by Abplanalp and Rebozo, but we had a hundred  
19 thousand, I knew, in the Andreas money at that time, because  
20 I learned we had a hundred thousand on March 21 and we had  
21 a hundred thousand in the Hughes money.

22 Q Let me ask you to also look at what is marked  
23 Exhibit 7, which is an excerpt from the transcript of a tape  
24 March 21, 1973, from 10:12 to 11:55 a.m., at page 331,  
25 reflecting a dialogue between yourself and John Dean, and I



1 would ask you to look at the final paragraph near the bottom  
2 of the page which quotes you as saying - quote - what I  
3 mean is you could -- you could get a million dollars. And  
4 you could get it in cash. I know where it could be gotten -  
5 end quote.

6 Do you recall making that statement or a statement  
7 of that sort?

8 A I certainly do. I have often been reminded of  
9 it since.

10 (The document referred to  
11 was marked Exhibit No. C-7.)  
12 BY MR. MICHEL: for identification.)

13 Q And when you made that statement, what were  
14 you referring to, funds that had already been received?

15 A No, I was referring to funds we could get, and  
16 it says so. And what I meant, Mr. Michel, is I had a number  
17 of friends who are very wealthy, who if they believed it  
18 was a right kind of a cause would have contributed a million  
19 dollars, and I think I could have gotten it within a  
20 matter of a week. We decided not to do it, as you  
21 recall.

22 Q Now let me also ask you to look briefly at Ex-  
23 hibit C-5 which is page 31 of a transcript of a tape of  
24 a conversation of April 25, 1973, from 4:40 to 5:30 p.m.  
25 This is a conversation involving yourself and Mr. Haldeman,

1 and I would ask you to look at the final two paragraphs  
2 near the bottom of page 31 where you are quoted as saying,  
3 - quote - remember I told you later I could get a hundred  
4 thousand," and Mr. Haldeman then says - quote - that rings  
5 a bell because you talked about Rose having some money or  
6 something. I remember that."

7 Do you recall that conversation?

8 A Yes, I already testified to that as you know.

9 (The document referred to was  
10 marked Exhibit No. C-5.)

11 BY MR. MICHEL: for identification.)

12 Q That is the reference to the Andreas money?

13 A Yes, and as a matter of fact, just so we under-  
14 stand clearly what happened there, after the conversation  
15 which concluded with Mr. Dean, we had made at least a  
16 tentative decision that we could not go forward with this  
17 and raise the money for Hunt's attorneys' fees or whatever  
18 it was. I felt, however, I had at least an obligation to  
19 see what kind of an option we had, and it was then that I asked  
20 Miss Woods to check and she came back and reported to me that  
21 we had one hundred thousand dollars from Andreas.

22 Q Can you recall from whom you first learned,  
23 according to your earlier testimony in the fall of '71, I  
24 take it, of the delivery of the Andreas money?

25 A The delivery?

1 Q Yes. Who told you about the delivery?

2 A The delivery of the money I first learned from  
3 Miss Woods.

4 Q And was that at about the time that the delivery  
5 occurred?

6 A Oh, immediately thereafter. When I say  
7 immediately, perhaps two or three hours or within two or  
8 three hours, maybe the same day or the next day.

9 Q And did you instruct her to have the money put  
10 away in a safe place?

11 A I had instructed her to do that earlier.

12 Q How was it that you knew that the money was  
13 about to be delivered?

14 A Well, Mr. Hobart Lewis had talked to me. I can't  
15 tell you where the conversation occurred, but he was a  
16 very close friend of Mr. Andreas and he said that Mr.  
17 Andreas would like to make a contribution, but it had to be  
18 a contribution that he did not want to make to anybody on  
19 the Finance Committee because he was a Humphrey supporter  
20 and was supporting him too, but he felt very friendly to  
21 me and, frankly, I think he wanted a foot in both camps  
22 and he could afford it, and he said that he would like to  
23 make a contribution, but he wanted it to be made personally  
24 and privately, and Mr. Lewis asked me how it should be done.  
25 I said have Mr. Andreas bring it in and give it to Rose.

1 A few days thereafter -- it might have been even the  
2 next day -- I don't know -- Andreas walked in and handed  
3 Miss Woods, and said this is for the President. She put  
4 the money -- I am now reflecting what she told me -- she put  
5 the money in the safe and did not open the folder or what-  
6 ever the money was in until March 21 when she went down  
7 and counted it.

8 As a matter of fact, I, as I have already  
9 stated, the recollection that I have here is fresh due to  
10 having seen this in the material you have furnished, and  
11 also knowing what happened to the money.

12 Q Did you ever discuss this money, the Andreas  
13 money, with Mr. Andreas himself?

14 A I cannot recall a discussion with him, no.

15 Q But you do recall a discussion between yourself  
16 and Mr. Lewis shortly before the money was delivered?

17 A I do. I do.

18 Q Do you recall any discussion with anyone else  
19 such as Governor Dewey concerning the prospect of a  
20 contribution along the lines made by Andreas?

21 A I must say that I can't recall any such discussion.  
22 As you remember, Mr. Dewey died in March of that year.  
23 That was -- this is eight months or so before the money was  
24 brought in. I don't believe I saw Mr. Dewey, although he  
25 was expected to come to the White House that day for a

1 dinner, the day he died. I don't think I saw him in the  
2 first three months of that year, and the only conversations  
3 I can recall with Dewey was that he was a great friend of  
4 Andreas and was constantly needling Andreas and telling him  
5 that he ought to be helping the Republicans and not just  
6 his friend Humphrey, but beyond that I recall nothing  
7 specific about this particular item.

8 Q Now in your conversation with Mr. Lewis shortly  
9 before the Andreas money was delivered, did Mr. Lewis  
10 express, presumably on behalf of Mr. Andreas, any condition  
11 or limitation on when or how the money that Mr. Andreas  
12 wished to contribute could be used?

13 A I don't recall that he did, no. It was to be  
14 used at my discretion and the only condition was that he  
15 wanted it to be used privately and anonymously.

16 Q But that could be done because the new campaign  
17 reporting laws had not gone into effect, so if it had been  
18 used in '72, the fact that Andreas was the donor would not  
19 have to have been publicly reported.

20 A At the time the money was given apparently it  
21 would not have to have been reported, as you recall.

22 Q Was there some particular reason why the money  
23 was not used in the re-election campaign of 1972?

24 A Yes, a very good one; we didn't need it. I  
25 have found in my campaigns that you never want to get over-

1 confident. In 1960 when we were the victims of the last-  
2 minute blitz when we were outspent two to one in the last  
3 week -- I am not saying this critically, but it was of  
4 great credit to Bobby Kennedy, who was managing his  
5 brother's campaign, that he put the money in when we had  
6 run out and in 1968 we were almost the victim of a blitz  
7 when we were outspent on television three to one in the  
8 last week, and I told not only our finance people but  
9 anybody that I also had in mind myself that I wanted to be  
10 sure we had funds on hand if we needed it to counter the last-  
11 minute blitz.

12 Of course, the campaign never got that close and  
13 it was not needed, and it was not spent. As a matter of  
14 fact, I really didn't think about it.

15 Q The next time that the existence of the money  
16 came back to your attention then was in March when you asked  
17 Miss Woods to count it and verify how much was there?

18 A Yes.

19 Q Now, thereafter our information has established  
20 that the money was returned, probably June 19, to Mr.  
21 Andreas by way of Hobart Lewis. Was that at your di-  
22 rection?

23 A Yes, I directed Miss Woods to return the Andreas  
24 money, and I think I recall the conversation because it is  
25 rather interesting feminine reaction, and she said, well,

1 I know Andreas, but I know Hobe Lewis better, could I do  
2 it with him, and incidentally she called Lewis -- she said  
3 she called Lewis on the phone and he came in; she handed  
4 him the money and then later, perhaps -- I don't know  
5 whether it was that day, but shortly thereafter she got a  
6 call from Andreas saying rather cryptically, well,  
7 everything is done, or whatever that meant. I cannot of  
8 course, testify as to whether or not Mr. Lewis physically  
9 gave the money to Mr. Andreas, but I can testify what Miss  
10 Woods told me, and that is that she delivered the money to  
11 Mr. Lewis and that she then received a telephone call from  
12 Mr. Andreas, which she apparently implied meant that he had  
13 received it from the other man.

14 Q You testified earlier that you had at least  
15 tentatively the thought in mind to use the Andreas money  
16 in the 1974 congressional races, but of course you instead  
17 returned it. Why the change in the plan?

18 A The reasons I think would be obvious to all the  
19 splendid members of this staff, and I say this with great  
20 respect.

21 The heat was so great with regard to campaign  
22 contributions and all of the rest - Mr. Andreas had been  
23 under some cause. Apparently some of his dealings with Hubert  
24 Humphrey were beginning to leak out and, incidentally, he  
25 was found, I think, not guilty in Minneapolis on that one,

1 and I felt that it was best to return the money to him  
2 so that we had no campaign funds left which we could  
3 use another time that might prove an embarrassment to  
4 him or an embarrassment to us.

5 Q Now the same month that the Andreas money was  
6 returned to its donor or sent en route, the Hughes money  
7 was returned, and you had indicated again that at one point  
8 in time you had thought you might use the Hughes money in  
9 the '74 campaign. Was it your thinking to exchange that  
10 plan and instead return it for the same sorts of reasons  
11 as in the case of the Andreas money?

12 A The attempt to return the Hughes money, I think  
13 it started considerably earlier, and, as Mr. Rebozo, I  
14 think maybe has testified, although not before you but  
15 before the Senate Watergate Committee, as he told me on  
16 many occasions the difficulty was that his long-time  
17 friend Mr. Danner that delivered the money didn't want to  
18 take it back. The Hughes organization, as you know, was  
19 going through an enormous battle and apparently Danner  
20 didn't want any part of it. But finally Mr. Rebozo arranged  
21 for its return through a Hughes company lawyer. I think  
22 his name, as a matter of fact, was Davis, Rich Davis, and  
23 Mr. Gimmel, who was then Mr. Rebozo's lawyer, returned the  
24 money to him.

25 I am now, incidentally, recounting what Mr. Rebozo



told me, which you already know.

2 Q Sir, as we advised your counsel, there is one  
3 other aspect of the Hughes matter that we wish to ask  
4 a number of questions about, a small number, and that is  
5 when the Internal Revenue Service expressed an interest in  
6 determining whether Mr. Rebozo's receipt of the Hughes  
7 money would affect him or his taxes, and Miss Denny has a  
8 number of questions on that particular Internal Revenue  
9 Service interest aspect of the Hughes matter.

10 BY MISS DENNY:

11 Q I want to direct your attention to the spring  
12 of 1973. The first event that we will talk about is in  
13 late February and we will go into April, just to set the  
14 context.

15 In February, around February 23, there was a  
16 request by IRS to the White House for authorization of an  
17 interview with Mr. Rebozo concerning his receipt of the  
18 one hundred thousand dollars. Then in April, April 6 to  
19 be precise --

20 A It was limited to that, ma'am.

21 Q The request was limited -- the request on  
22 February 23 was limited --

23 A Are you very sure of that, or was it a general  
24 question to simply interview him on a full field investiga-  
25 tion? I would like to know the answer to that question.

1 Q The request I am referring to came through  
2 Secretary Schultz on February 23.

3 A For what?

4 Q For authorization to interview Mr. Rebozo.

5 A About what?

6 Q About his receipt of the one hundred thousand  
7 dollars.

8 A That was all?

9 Q That was it. It was simply as a third party  
10 interview, as a witness, because at that time there was  
11 an intensive investigation going on by the Hughes  
12 operation in general and --

13 A So this was an investigation, and I am not  
14 trying to be argumentative -- I just want to be sure I  
15 understand what it was, and I think you answered it when you  
16 said as a witness. They wanted to interview him as a  
17 witness, rather than as a target at that point?

18 Q That is correct, at this point the IRS was  
19 interested in Mr. Rebozo's receipt of this one hundred  
20 thousand dollars in connection with their investigation of  
21 the Hughes operation. On February 23 --

22 A You are correct. Go right ahead. I didn't  
23 mean to delay your investigation at that point.

24 Q Secretary Schultz has testified that he discussed  
25 with Mr. Ehrlichman the desire of the IRS agents to interview

1 Mr. Rebozo, and my question is, did you discuss this  
2 desire of the IRS with Mr. Ehrlichman?

3 A I have no recollection of having discussed it  
4 with him.

5 Q Would it possibly refresh your recollection if  
6 I told you that General Haig has told us that he learned  
7 that you were aware in February of the IRS concern and  
8 that Mr. Ehrlichman was handling the matter for you?

9 A General Haig's recollection might be correct.  
10 As I said, I don't have any independent recollection of his  
11 having asked me about an IRS investigation. If I had been  
12 asked, I would have approved it.

13 Q This is the IRS interview rather than the  
14 investigation.

15 A That is right.

16 Q Did you discuss this fact with Mr. Haldeman,  
17 the fact that IRS wanted an interview with Mr. Rebozo?

18 A I have no recollection of discussing it with  
19 Mr. Haldeman. I might have, but I have no recollection.

20 I should point out that my recollection in that  
21 period, if it is dim on things of this sort, and I don't  
22 want to continue to make this point, but I make it once  
23 again, that that was a period of time, as you recall, when  
24 we were having massive problems after getting the peace  
25 agreement to get our POW's back and having even considered

1 the possibility of resuming bombing in the Laotian area  
2 and that sort of thing. What I am getting at is this, that  
3 when your mind is so consumed with what you consider to be  
4 a terribly important thing, your recollection of incidents  
5 of this sort is not clear, and so I have no recollection  
6 of it and, frankly, I would not question Mr. Haig's  
7 recollection either if he recollects it differently.

8 Q One more attempt to refresh your recollection.  
9 On March 5, Mr. Ehrlichman met with Mr. Rebozo in the  
10 White House. This was one of the very few times that he did  
11 in fact have a face to face meeting. My question is did  
12 you suggest that meeting in order to respond to the proposed  
13 IRS interview?

14 A I have no recollection of such a meeting.

15 Q Did you know that Ehrlichman ever met with  
16 Mr. Rebozo about the IRS interview?

17 A Oh, I have known it since I have been informed  
18 of this and it is possible I could have even known it then.  
19 I don't independently recall it though at this time.  
20 Hard as that may seem to believe, this is the best recollection  
21 I have.

22 Q You said you were just recently informed.

23 A Oh, yes, I have been reading these documents  
24 that you so graciously furnished me. If you hadn't  
25 furnished the documents, I would have been having a worse time.

1 Q So in this time frame you never requested  
2 Mr. Ehrlichman to meet with Mr. Rebozo and discuss the  
3 matter, discuss what the problems were?

4 A Don't put words in my mouth. You wouldn't want  
5 to do that, would you?

6 I have said in this time frame I don't recall  
7 ever having done so. If I had been asked, I would have  
8 approved it, I mean an interview, because I believe in a  
9 single standard as far as the IRS is concerned.

10 Q So you never requested Mr. Ehrlichman to meet  
11 with Mr. Rebozo during this time period?

12 A I have answered that question already.

13 Q Did Mr. Ehrlichman ever tell you, in this time  
14 period or shortly thereafter, that he had called Mr. Rebozo  
15 and told him that the IRS agent would be in touch with him?

16 A I have no recollection of that. It could have  
17 been, but I don't recall it.

18 Q For your information, the authorization was  
19 given by Mr. Ehrlichman on April 6, and he conveyed that  
20 to Secretary Schultz and he conveyed it to the IRS. The  
21 agent contacted Mr. Rebozo on April 26 and the interview  
22 actually occurred on May 10.

23 A May 10?

24 Q Right. I would like to know if you discussed  
25 the possibility of an interview or the fact that the agents

1 were coming to see Mr. Rebozo with Mr. Rebozo?

2 A I don't recall any discussion in that period.

3 You say May 10 is when they came to see him?

4 Q That is right. Did you discuss the interview  
5 with Mr. Rebozo before it actually occurred on May 10?

6 A Well, I have no recollection of discussing the  
7 interview before it occurred. I will tell you what I do  
8 recall and that is that Mr. Haig came to see me. It might  
9 have been at the time of the interview or thereafter --  
10 I don't recall which -- and he told me that he had had a  
11 call from Mr. Simon, who was, as you recall, is now Secretary  
12 of the Treasury, was Under Secretary of the Treasury, to  
13 the effect that the IRS had an investigation on Mr.  
14 Rebozo. That is my first independent recollection of when  
15 I first heard about it. That would have had to be, of  
16 course, after April 30 because Mr. Haig wasn't on board.

17 Q It was also after May 10, when this interview  
18 occurred. So are you saying you don't recall any discussion  
19 of the proposed interview before it actually happened?

20 A I have no recollection. There could have been a  
21 discussion, but I don't recall it. My first recollection  
22 of it is when Mr. Haig came in and told me about Mr. Simon  
23 and then of course I became greatly concerned about it and  
24 asked Mr. Rebozo about it.

25 MISS DENNY: I think that concludes my questions.

1 MR. MICHEL: But for the other matter that has been  
2 deferred, that completes our questions on this so-called  
3 unreported campaign fund period.

4 We need, of course, to confer with Grand Jury  
5 members who are here as to whether they have any  
6 questions.

7 (Counsel and Jurors withdraw from  
8 conference room.)

9 MR. MICHEL: Let the record reflect that I have  
10 conferred with the members of the Grand Jury here present  
11 and they do not wish to propound any questions or have us  
12 propound any further questions in this area.

13 MR. MORTENSON: Why don't we break a half hour.

14 (Recess.)

15 BY MR. MICHEL:

16 Q Sir, you testified on April 15, 1973, in a  
17 conversation aboard the Sequoia Mr. Rebozo indicated to you  
18 that he had some funds left over from the 1972 campaign or  
19 following the 1972 campaign. At a later point in response  
20 to questions, I believe you stated that on the 17th, in  
21 your conversations with Mr. Haldeman and Mr. Ehrlichman,  
22 the money you referred to there included the Hughes money,  
23 which you had known about since some time after the 1972  
24 election and you indicated that that was part of the money  
25 that Mr. Rebozo had had in his possession following the

1 1972 election. The question is, did you know of any  
2 other money that Mr. Rebozo had in his possession following  
3 the 1972 election?

4 A Well, I have testified about the conversation  
5 on April 15 and we had no discussion of what money he had  
6 left over. He only said that he had some money left over  
7 from the '72 campaign and that between him and Abplanalp  
8 they could get two or three hundred thousand dollars. That  
9 is my recollection of the conversation.

10 As far as what I knew, I presumed that he had  
11 the Hughes money. I was aware of the fact of that contribution  
12 in May, that had been made, that he had it, but beyond  
13 that I don't recall any other money that Rebozo had.

14 MR. MICHEL: Thank you. No further questions.

15 (Whereupon, at 4:35 o'clock p.m. the  
16 deposition was recessed until 9:00 a.m.,  
17 June 25, 1975.)  
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9/16 Grand Jury testimony of Richard M. Nixon June 24, 1975

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By *claps* Date *9/16/75*

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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 UNITED STATES OF AMERICA :  
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 v. :  
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 JOHN DOE : January 1964  
 : Grand Jury Investigation  
 :  
 -----X

San Clemente, California

Tuesday, June 24, 1975

The deposition of RICHARD M. NIXON was reconvened at 9:00 o'clock a.m., Pacific Standard Time, June 24, 1975, in the Conference Room, United States Coast Guard Station, San Clemente, California, the witness having been previously sworn by The Honorable Edward J. Schwartz, Chief Judge, United States District Court for the Southern District of California.

APPEARANCES:

On behalf of the Government:

HENRY S. RUTH, Esq.,  
Special Prosecutor

RICHARD J. DAVIS, Esq.,  
Assistant Special Prosecutor

JAY HOROTITZ, Esq.,  
Assistant Special Prosecutor

FRANCIS J. MARTIN, Esq., (Page 222)  
Assistant Special Prosecutor

HENRY L. HECHT, Esq.,  
Assistant Special Prosecutor (Page 213)

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APPEARANCES (Continued)

On behalf of the Witness:

HERBERT J. MILLER, JR., Esq.,  
R. STAN MORTENSON, Esq.,  
1320 - 19th Street, Northwest  
Washington, D. C.

Also In Attendance:

FOIA(b) 6

Foreman, January 7, 1974 Grand Jury

Juror, January 7, 1974 Grand Jury

C O N T E N T SWITNESSEXAMINATION

Richard M. Nixon

170

E X H I B I T SNUMBERIDENTIFIED

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19	E-6	257
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21	E-8	285

P R O C E E D I N G S

MR. RUTH: Let me go on the record.

This is a reminder that this is a continuation of yesterday's sworn deposition, that therefore the oath continues today and, in addition, you may continue, of course, as you did yesterday, to consult with your attorneys who are here, Mr. Miller and Mr. Mortenson, consult with them at any time you wish.

The attorneys here today, in addition to Mr. Davis and myself, are Mr. Hecht, at the far end of the table, and Mr. Horowitz next to him.

Whereupon,

RICHARD M. NIXON,

having been previously duly sworn, was examined and testified further as follows:

E X A M I N A T I O N

BY MR. HOROWITZ:

Q Sir, my name is Jay Horowitz and Mr. Hecht is next to me, to my right.

We intend to ask you some questions relevant to the Grand Jury's investigation, which is, specifically, into allegations that White House affiliated persons attempted to influence the IRS to audit or otherwise harass Mr. Lawrence F. O'Brien, Sr., and questions which are also relevant to the Grand Jury's investigation that the White

1 House affiliated persons attempted to secure from the Internal  
2 Revenue Service documents --

3 A. Could I interrupt, please?

4 In other words, the Special Prosecutor's Office  
5 is only interested in the IRS harassment activities insofar  
6 as it deals with Mr. O'Brien? It is not interested in any  
7 harassment that the IRS may have done or is doing or has  
8 done with regard to, say, me, my friends, or anything like  
9 that? Am I clear that your sole interest is IRS activity  
10 with regard to O'Brien?

11 Q. Not exactly. In this particular investigation,  
12 this particular Grand Jury investigation --

13 A. Do you have other Grand Jury investigations in  
14 which you are applying a single standard, in which you are  
15 looking, seeing whether the IRS has harassed other people?

16 Q. Well, Mr. Nixon, this particular investigation is  
17 directed to these allegations.

18 A. I think you have answered my question.

19 Go ahead.

20 MR. RUTH: Could I just interrupt, sir?

21 THE WITNESS: Sure, anytime.

22 MR. RUTH: As you know, sir, we are limited by a  
23 charter that we operate under that limits our jurisdiction  
24 to certain factual situations having to do with White House  
25 staff members, presidential appointees and the 1972

1 presidential campaign and other matters. We can only investi-  
2 gate that which is within our charter.

3 THE WITNESS: Your charter, however, Mr. Ruth, as  
4 I understand it, is not limited simply to one political  
5 party. It covers both, does it not?

6 MR. RUTH: That is correct.

7 THE WITNESS: In other words, harassment, if it  
8 happened in the other political party, would also be part of  
9 your charter, would it not?

10 MR. RUTH: Only if it were by presidential  
11 appointees from January 20, 1969. The Department of Justice  
12 has to do the rest. We are quite limited in what we are able  
13 to do.

14 THE WITNESS: Yes. I just wanted to know, and  
15 you have quite enough on your plate without having more to do.

16 Sorry, Mr. Horowitz. Go ahead. I know you have a  
17 lot of questions.

18 BY MR. HOROWITZ:

19 Q I think I indicated, sir, that one thrust of this  
20 Grand Jury investigation relates to efforts to get the IRS  
21 to audit or otherwise harass Mr. O'Brien.

22 The other leg of it, if you will, relates to  
23 attempts to secure documents from the Internal Revenue  
24 Service, attempts allegedly made by White House affiliated  
25 persons for the purpose of disseminating such documents or

1 distributing them to unauthorized persons, that is, persons  
2 who would not in the ordinary or legal course have access to  
3 such internal revenue Service information.

4 Now, those are the two legs of this particular  
5 and very specifically, as you pointed out, specifically  
6 limited investigation.

7 I will focus most of my questions upon various  
8 documents which we have, to a certain extent, been provided  
9 by your counsel in the past, and we have provided them prior  
10 to our meeting here today, and most of the questions will be  
11 by myself, although near the end probably Mr. Hecht will put  
12 some questions to you as well.

13 Now, one further thing by way of prefatory remarks  
14 and background, and hopefully we can assist in refreshing  
15 your recollection.

16 Where we are focused, sir, is on the summer, and  
17 primarily July, August and September of 1972, and during that  
18 period there was an extensive Internal Revenue Service  
19 investigation of Howard Hughes, whether personally or his  
20 affiliated company, but that conglomerate of interests, and  
21 it was in the course of that investigation that the Internal  
22 Revenue Service developed information which established that  
23 Mr. O'Brien and two associates of his, one by the name of  
24 Joseph Napolitan, N-a-p-o-l-i-t-a-n, and one by the name of  
25 Claud de Sautels -- I am not sure of the spelling of that one.



1 A I think it is not Mr. Napolitan, it is Napolitan  
2 Associates. It is a public relations firm.

3 Q (Continuing) -- that those individuals had  
4 received various funds from Mr. Hughes back in 1969 and 1970.

5 Now we are going to focus specifically, starting  
6 on a meeting that you had with Messrs. Haldeman and Ehrlich-  
7 man on August 3 of 1972. But before I do that, since this  
8 information developed prior to that time in the course of the  
9 investigation, could you tell us when you first became aware  
10 of the fact that information indicating that O'Brien and his  
11 associates had received funds from Hughes or Hughes affili-  
12 ated companies had come to surface through the IRS investi-  
13 gation?

14 A Well, we are talking about two different problems  
15 here, and I want to be quite precise.

16 First, is the problem in which you have jurisdic-  
17 tion, and that is the alleged harassment of Mr. O'Brien by  
18 the IRS; and, second, when I became aware of the fact that  
19 the Hughes Company had Mr. O'Brien on retainer. Is that your  
20 question?

21 Q Well, no, I made it a little unclear, I think.  
22 What I am interested in is when you first became aware that  
23 the Internal Revenue Service had developed information that  
24 the Hughes Company had O'Brien on retainer.

25 A My first recollection of having knowledge that the

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Internal Revenue Service had information with regard to the retainer by Mr. O'Brien was sometime in the summer of 1972.

However, I should point out that I had been informed long ago, and I think this was public knowledge, that O'Brien was, O'Brien and Senator Hubert Humphrey's son-in-law and others, were on retainer with the Hughes organization. I learned that as early as, oh, 1969 or 1970. Whether the IRS knew it then or was interested in it then, I do not know.

Q. You say in the summer of 1972. Can you tell us who first informed you that the Internal Revenue Service was inquiring into that matter?

A. No, I can't remember who specifically informed me that the Internal Revenue Service was looking into that matter.

Q. When you first heard that they were looking into that matter, what did you understand they were looking into?

A. What I understood they were looking into was the fact that Mr. Hughes and the various other people that the recorder has already put into her notes were receiving very, very substantial retainers from Mr. Hughes or from, I should say, the Hughes organization, and the question was whether those retainers were for services rendered or whether those retainers might be used for the purpose of being funneled into political campaigns. That is, in sum, a number of

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1 of conversations, you see.

2 Q All right, I think it will assist, and perhaps it  
3 was about the time of these first notes to refer then to  
4 notes of August 3, 1972, which we have been provided by your  
5 counsel sometime ago, and they refer to a meeting between  
6 yourself, Mr. Haldeman and Mr. Ehrlichman in the morning,  
7 and I will mark that D-1, which serves as a Grand Jury  
8 designation.

9 A Uh-huh.

10 (The document referred to was  
11 marked Exhibit D-1 for  
12 identification.)

13 THE WITNESS: Where did it take place?

14 MR. HOROWITZ: That I cannot tell you.

15 THE WITNESS: Sorry.

16 BY MR. HOROWITZ:

17 Q Now, these notes, like others --

18 A I would have thought my counsel would have  
19 furnished you with tapes where it took place.

20 MR. HOROWITZ: We now understand it took place in  
21 Washington, D. C.

22 THE WITNESS: All right, go ahead.

23 I was just curious whether it was San Clemente.  
24 It may help to refresh my recollection.

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BY MR. HOROWITZ:

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Q These notes, like other notes we will get into, are fragmentary in part, and what I propose to do with these notes, which I will do with later notes, is to read those notations on the notes to you which directly appear to pertain to our investigation.

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A You, of course, will have a copy for me so I can read along with you?

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Q Let me give you D-1.

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A I can see why teachers hate to grade papers. They are so hard to read, the writing, let alone to know what they meant by it.

12

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Go ahead.

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Q Under (1), which is headed IRS and Justice, there is a note, "Investigations of us when we were out," a note pertaining to Ed Nixon-Oceanographic Fund, and in the following notes, "Use our power, contributors, Larry O'Brien."

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Can you tell us what that conversation was as to that portion, "Use our powers, contributors, Larry O'Brien"?

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A Perhaps it would be best for me to, rather than to take that out of context, to put it in context, which I know you would want, so that you have a total story.

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When I referred to investigations of us when we were out, I was referring to the fact that the IRS notoriously had a well-deserved reputation for being used politically,

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and in some instances developing within its own bureaucracy  
2 a partisan political viewpoint.

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For example, when I ran for Vice President in  
4 1952, the IRS, I understand, and I am not sure from whom they  
5 got the orders, but from very high sources, took my income  
6 tax returns and made them available to a Washington columnist,  
7 Mr. Drew Pearson, and to the Saint Louis Post Dispatch.

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Those returns were used in the campaign against me.

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They were not -- obviously, whoever got the returns only put  
out those portions of the returns that might be derogatory.

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The next year I gave the whole return out, all of my returns,  
to Look Magazine, and they were printed, and that is when

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Look was still being published.

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In 1962, the IRS again -- I was then, of course,  
out of power -- I was not in Washington -- I was running for  
16 Governor -- the IRS instituted an intensive investigation  
17 which was a dry hole for them.

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As a matter of fact, at the end I think they owed  
us some money. But an intensive investigation with regard  
to the purchase of my house, in Truesdale Estates, they  
leaked that information to the press, in this instance to the  
California press, to the Los Angeles Times and the Long  
23 Beach paper, and I have a letter, ironically, which I  
24 received from the man who was the head of the field office  
25 of the IRS, which I would like to submit for --

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1 THE WITNESS: Can I submit something, a document  
2 in evidence?

3 MR. RUTH: Yes, sir.

4 THE WITNESS: (Continuing) -- which I will submit  
5 as D-3.

6 MR. HECHT: 2 - sir.

7 THE WITNESS: D-2.

8 (The document referred to  
9 was marked Exhibit D-2  
10 for identification.)

11 THE WITNESS: This is the letter of November 13,  
12 1973. It is to Miss Woods, my secretary. I will leave out  
13 the --

14 MR. RUTH: Excuse me, sir, does this pertain to  
15 any particular --

16 THE WITNESS: The IRS, it certainly does.

17 MR. RUTH: Does it have to do with a tax situation  
18 of yours?

19 THE WITNESS: You listen and you will see.

20 MR. RUTH: Could I just explain a problem we have?

21 THE WITNESS: Sure.

22 MR. RUTH: We have an outstanding indictment  
23 having to do with a tax situation with Mr. De Marco and Mr.  
24 Newman, and we are not allowed to use the Grand Jury to get  
25 into that, and I just wanted to make sure --

11

1 THE WITNESS: No, this is November 13, 1973. It  
2 has to do with the IRS harassment of an individual who had  
3 been Vice President, who is running for Governor of California,  
4 about his returns, and I am sure the IRS and this group have  
5 no interest in that sort of thing. I mean obviously if you  
6 did, you would lose your jobs.

7 It says, "I am writing this letter to you" --  
8 Miss Woods -- "with the hope that you will have the  
9 President see the two attachments. My wife is a  
10 cousin of Edward Haakinson, and many members of my  
11 family live in Sebring. I have been there many  
12 times over the past fifty years and am so proud  
13 that such a distinguished lady as you came from  
14 that town."

15 That is Sebring, Ohio.

16 "I retired from the Treasury Department as  
17 of 12-31-65. My position was 'super supervisor'  
18 in charge of sensitive audits -- one being you  
19 know who. I immediately took charge and verified  
20 the original audit as 'no change' and the case  
21 was sent back to Washington. Within a month it  
22 came back with a letter severely criticizing the  
23 N.C. report and referring to articles in the  
24 newspapers and magazines. I sent the case back  
25 to Washington with this comment: 'We don't work

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1 cases by what the news media and magazines say, we  
2 base our findings on facts.' That settled the  
3 case. Three times it had been sent to Los Angeles  
4 from Washington."

5 Now, without saying who sent it, without saying it  
6 was done with the knowledge of people high in government, it  
7 was quite clear that the IRS was engaging in harassing  
8 tactics during that campaign.

9 Now, that is what that refers to, the use of  
10 their power in a personal way, the IRS, for harassment  
11 purposes.

12 Now when we talk about using our power here, what  
13 we are talking about, as far as I was concerned, having gone  
14 through this agony, was not, in my view, to harass, but at  
15 least to see what you gentlemen, as you stand before the bar  
16 of history, must have in your minds, that you will be judged  
17 not only by the very effective job you have done and are doing  
18 on one side, but whether or not you have had a single standard  
19 and are just as effective in going after any charges, the 140  
20 that are before you right now, with regard to violations by  
21 the other side.

22 It says here "contributors."

23 MR. HOROWITZ: I am sorry --

24 THE WITNESS: Let me finish the answer.

25 It says "contributors." That refers, of course,



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1 to contributors to the other side.

2 "Larry O'Brien," and then his notes say, "Better  
3 they drop him now because" -- I don't know what the note  
4 means. It possibly means that I said on Larry O'Brien,  
5 don't go forward with him now because it would be too  
6 politically hot to do so.

7 Nevertheless, later on there is something to  
8 indicate that there is a suggestion that we go forward.

9 Then the next notation, "Check McGovern IRS  
10 files." Now this, understand, is Mr. Ehrlichman's notes. I  
11 should point out that I can never recall suggesting Mr.  
12 McGovern, Senator McGovern's files be checked. What I do  
13 recall is only a suggestion that the McGovern contributors  
14 might be checked.

15 BY MR. HOROWITZ:

16 Q So, if I understand, sir, when you discussed using  
17 "our powers," that was to use the powers in the White House  
18 to get the Internal Revenue Service to audit Mr. O'Brien,  
19 is that right?

20 A You are putting words in my mouth there that I  
21 did not say. What I am saying is, and I am looking at these  
22 notes -- I am refreshing my recollection about an event that  
23 occurred two years, three years ago, when I was engaged in  
24 activities that in my view were far more important than this  
25 type of activity, and from the notes and from my recollection

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and to the best of my recollection, I can only say that I was suggesting that in the campaign that we should be as effective in conducting our investigations as they had been effective in conducting their investigations.

Q Now, sir, on the --

A As you noted, it says "Better they drop him now," whatever that means.

Q I was just about to ask you, sir, you indicated that you don't recall that. Do you believe that that was a discussion about talking to the Democratic Party or someone representing the Democratic Party and urging that they drop him, meaning that they drop Mr. O'Brien?

A You know, many times, Mr. Horowitz, people think that a President of the United States running for re-election, with a good chance to be re-elected, has a great deal of power, but even the suggestion that I or one of my representatives could have influence within the Democratic Party to get them to drop their National Chairman is so absurd that really I am not going to dignify it with a comment.

Q So, clearly, it doesn't mean that, it doesn't have anything to --

A I have answered the question.

Q If I might, if I could refer your attention to the second page of these notes, and the notes read, "Sh," and I believe that that is a reference to then Secretary Treasury

15 1 Shultz, and the three entries underneath that in Mr. Ehrlich-  
2 man's handwriting are, "Must be political, give him an  
3 external type, e.g., Larry O'Brien, check his returns."

4 Now, can you tell us about that part of the con-  
5 versation?

6 A. Oh, I have no independent recollection of that  
7 conversation.

8 Q. In connection with the phrase, "an external type,"  
9 do you have any recollection of a conversation about convey-  
10 ing to Mr. Shultz some bit of information concerning Mr.  
11 O'Brien?

12 A. I have no recollection of telling Mr. Ehrlichman  
13 what to do, except to be sure that since there was,  
14 apparently, an investigation of the Hughes organization  
15 involving O'Brien that it could be followed to its conclusion,  
16 and as one of the later documents I trust you will put into  
17 evidence will show, I tell them if nothing turns up, drop it.

18 You have that document, I assume?

19 Q. I think we will get to a document which reflects  
20 that, sir.

21 A. Yes, and of course exculpatory matters should be  
22 put in as well as others.

23 Q. If I just might have one more question on that.

24 A. You can have five.

25 Q. The words "external type," that doesn't bring

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1 back any recollection of a conversation in which information  
2 was conveyed in a fashion from some third party or something  
3 of that nature, rather than directly from a White House  
4 person to the IRS?

5 A. I wouldn't know who such a third party would be.

6 Q. Now, sir, at about this same time, as I have  
7 alluded to, the Internal Revenue Service was in the process of  
8 investigating all of these many Hughes related items and  
9 they had come upon the O'Brien business and they had shortly,  
10 prior to the time of this meeting to which we have been  
11 referring, scheduled an interview of Mr. O'Brien and Mr.  
12 O'Brien had failed to show up for that interview and there  
13 was considerable discussion concerning that fact at the high  
14 ranks of the Internal Revenue Service, and what I am asking  
15 you --

16 A. You are telling me you know this?

17 Q. Right, that the evidence has established that.

18 A. Okay.

19 Q. And since that event crystallized shortly before  
20 this meeting, can you tell us whether you became aware at or  
21 about this time that such an event had occurred, i.e., they  
22 had gone out to interview O'Brien and he hadn't shown up and  
23 they were considering what next to do with him?

24 A. You would have to refresh my recollection as to  
25 some document on that. I am sure you have documents.

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Q All right, we will get to some documents.

A Perhaps it would help to refresh my recollection if you would tell me, when you say that the IRS was having discussions with regard to whether to go forward with the O'Brien investigation -- is that what you are telling me?

Q Well, exactly how to proceed next insofar as Mr. O'Brien was concerned in the context of their overall Hughes investigation, because to be sure Mr. O'Brien was one of probably hundreds of people --

A What were your discussions, is what I am trying to get at.

Q When next to schedule an interview and that type of thing.

A When or whether, or both?

Q Well, both to a certain extent.

A You mean the Internal Revenue Service was not going forward, necessarily?

Q Well, I think we will come back to that, but their policy at that time was to, as to a number of figures, both Republican and Democratic, that came up in the Hughes investigation --

A That was not to use their --

Q Mindful of the political sensitivity to try to delay it, but if I can go on I think we will come back to that.

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A. Not to do what they had done to me in '52 and in '62?

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Q. I can't speak to that.

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A. Well, I have spoken to that.

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Q. At the same time, and perhaps related to the notations on Mr. Ehrlichman's notes, and maybe you better pull them back in front of you, the notation "contributors," about the same time as you are having this discussion with Mr. Haldeman and Mr. Ehrlichman, evidence before the Grand Jury establishes that there was discussion between Mr. Ehrlichman and Mr. Chotiner about the production of a list of contributors.

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Now, we are not interested in that as an independent matter, but we are interested in raising that because it seems to tie in to the O'Brien matter, and what I would like to do is place before you a list which will be marked D-2 --

A. D-3. I got 2.

Q. I am sorry, what I will mark as D-3, and ask you to take a look at that.

(The document referred to was marked Exhibit D-3 for identification.)

THE WITNESS: Yes.

What is your question, Mr. Horowitz?

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BY MR. HOROWITZ:

Q In connection with the same conversation you had, sir, about Mr. O'Brien, which is reflected here in these notes of August 3, and the notation immediately above that "contributors," do you recall whether there was a discussion about using your powers against Democratic contributors? And I show you that list because it was a list, the evidence establishes, which was produced at about this period of time or following this period of time.

A Are these Democratic contributors?

Q Yes.

A Did you establish that?

Q Yes.

Do you recall whether that was discussed, using your powers against contributors?

A I don't understand the question.

Why don't you put it more precisely, so that the Grand Jury will be able to understand it when they read the transcript?

Q Perhaps I have confused you somewhat because it is a little premature to show you the list.

The list was not produced until somewhat later but all I am asking you is on your notes, rather Mr. Ehrlichman's notes of this conversation with you, which is reflected in D-1, you referred to using our powers against contributors

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and Larry O'Brien.

Now, in fact, the evidence establishes that the same day as this meeting there was a meeting between-- Shall I wait until you are finished consulting?

A. Well, I think you are putting an assumption in there that I do not say, "to use our powers against the Democrats."

What we are referring to here is what I referred to yesterday, and what I referred to again today, referred to, Mr. Ruth, again today is something I strongly believe in, that there should be a single standard where justice is concerned and a single standard where government generally is concerned, and not a double standard.

And I was quite aware that the IRS was harassing, if I may use that term, not only contributors, but other friends on our side. I felt that they should simply have a single standard. That is what I was talking about.

I don't recall asking anybody to prepare a list of contributors and give it to the IRS. I have no recollection of that. I have no recollection of seeing this list. I think this was shown to me yesterday, maybe one of the same lists was shown to me yesterday.

Q. Sir, if I might continue on.

A. Sure.

MR. HOROWITZ: We will mark as D-4, and I will



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hand a copy to you, a slightly longer than one page typed memorandum which bears the heading, "Memorandum for H. R. Haldeman from The President."

I would like to ask you some questions about that.

THE WITNESS: Sure.

MR. HOROWITZ: That is Exhibit D-4.

(The document referred to  
was marked Exhibit D-4  
for identification.)

BY MR. HOROWITZ:

Q You have taken the time to read this and I think we had supplied this to you earlier. I want to ask you some questions about several of the references there, to what appears to have been a conversation between yourself and then former Secretary Connally. I think he already had left his position as Secretary of the Treasury.

The notes read, sir, and I am taking portions of them, but by reference to your conversation about Mr. O'Brien that, quote, "Connally feels very strongly that any information we get in this matter should not be held but should pop out just as quickly as possible."

And in the same vein you refer to, quote, "Connally's very strong conviction is that dropping something on O'Brien will have far more effect now than at a later time," close quote.

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1                   Now, can you tell us what you intended to do in  
2 that connection?

3           A.       All I can tell you is that I am reflecting here, as  
4 I read this memorandum, what former Secretary Connally had  
5 urged in terms of the handling of this matter.

6           Q.       Did you agree with his urging at the time?

7           A.       Let us speak very precise. In terms of a political  
8 campaign, there are those who use broad and sweeping terms  
9 which may mean one thing to them and something else to some-  
10 body else.

11                   As far as I was concerned, and obviously you will  
12 put this in the record, I wanted the matter to be handled in  
13 an evenhanded way.

14                   For example, as you will note, I say "Ehrlichman  
15 says that unless O'Brien responds with a request that he  
16 submit to a voluntary IRS interrogation, that he be subpoenaed.  
17 I think this should not be handled on that basis until at  
18 least a telephone call is made by the head of the IRS to  
19 O'Brien and before he stonewalls it, a subpoena should  
20 follow."

21                   That was the proper way to handle the Chairman of  
22 the Democratic Party, rather than the way that Mr. Stans is  
23 being handled by some of his opponents.

24           Q.       I am sorry, if I might just ask a few more  
25 questions about this memorandum.

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A. Sure.

Q. You will note that in the beginning of the second paragraph on the first page, you refer to "Connally strongly urged that in addition to following through on the [redacted] that was paid to O'Brien and associates, and the [redacted] that was paid to Joe Napolitan, we should follow on the Napolitan returns in 1968 and O'Brien's as well," close quote.

Can you tell us whether Mr. Connally gave you that specific information or whether you gave it to him?

A. I knew nothing about Mr. Napolitan or what had happened in the '68 campaign.

Back there, Connally, Mr. Connally was on the other side in '68, as you may recall, and he was supporting Mr. Humphrey and therefore what he points out, and if you read this memorandum, it says according to Connally there was approximately nine million dollars in unpaid bills after Humphrey's unsuccessful campaign. All of the bills submitted to Napolitan were paid. The others were not, apparently.

O'Brien at that time was making a great deal out of the fact he was an unpaid National Chairman. Of course, Connally was pointing up, I assume, from his experience on the Democratic side some of the matters that were popping up in the Hughes investigation that, if they proved to be true, should be publicly exposed.

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Q Just going back, because I perhaps lumped two things into one in my question to you. Specifically, as far as the information about [redacted] paid to O'Brien and associates and [redacted] that was paid to Napolitan, that particular information, do you recall whether you conveyed that to Mr. Connally or whether he conveyed that to you?

A I have no recollection. I think that it was the other way around, that Mr. Connally knew about it.

Q Do you recall learning where Mr. Connally found that out from?

A No, I don't know where he could have learned it. It could have very well been public knowledge at the time of the Hughes investigation. In fact, be sure to check Jack Anderson's column. Your staff seems to be very interested in that, and that is always a good source.

Q Sir, if I can continue on with this matter --

A I won't ever stop you.

Q (Continuing) -- beyond those notes, but let me ask you first, can you tell us whether you had discussed the O'Brien matter in the summer of '72 with Mr. Connally prior to the time of what appears to have been an August 9, '72, conversation?

A I have no such recollection of a conversation, no.

Q Do you recall having further conversations with Mr. Connally later in the summer regarding the same business

1 of Mr. O'Brien's tax situation?

2 A. No, I have no independent recollection of any  
3 further conversation with Mr. Connally.

4 Q. Either telephonic or in a meeting?

5 A. No. No.

6 Oh, I would have to qualify that to this extent:  
7 When nothing, as I had expected, developed out of the O'Brien  
8 investigation, and instead of conducting two years of  
9 harassment against him, as they have against Mr. Rebozo, for  
10 example, they simply dropped the matter.

11 I remember that on one occasion -- that was  
12 shortly before the election -- Connally said that IRS, he  
13 says that is what you have to expect, I didn't expect they  
14 would do anything. He said they are right in the pocket, at  
15 that time at least, in the pocket of the Democratic Party.

16 I would say the top leadership was all supporters  
17 of McGovern. I think that was the other point he made. I  
18 am not referring to the man at the very top because, as you  
19 know, there are only two people appointed by the President,  
20 with the advice of the Secretary of Treasury.

21 All of the rest is a self-perpetuating bureaucracy  
22 and it was that bureaucracy that Connally, even as Secretary  
23 of Treasury, was unable to control, and I don't mean control  
24 for improper purposes but to control them to get them to have  
25 a single standard, the same thing I am urging upon all of you.

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1 Q I understand that.

2 If I might continue on and fill in a few facts  
3 which evidence before the Grand Jury has established.

4 In mid-August, in fact, the Internal Revenue  
5 Service arranged an interview with Mr. O'Brien, and they did  
6 interview Mr. O'Brien, and it is of interest to the Grand  
7 Jury whether you received, personally received, any memorandum  
8 prepared by the Internal Revenue Service, one or another of  
9 their agents, concerning or summarizing that interview.

10 A I don't recall personally receiving any memoranda.  
11 I do recall receiving a report that the investigation was a  
12 dry hole and that the whole matter was being dropped at some  
13 point. I don't know who gave it to me.

14 Q We will get to that in a minute, sir, but just for  
15 the time being if we can distinguish between just a memorandum  
16 of an interview of O'Brien, and you indicated you don't  
17 recall receiving such a memorandum --

18 A I say I don't recall receiving any memoranda on  
19 the matter. I am telling you what I do recall and what I  
20 know the Grand Jury is most interested in is what happened in  
21 all of this case, and what happened was that the IRS conducted  
22 a cursory investigation and dropped the matter and we did  
23 nothing further.

24 Incidentally, we put nothing out publicly on it.

25 Q As far as the memorandum of the interview, you

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1 don't recall having seen one. Do you recall Mr. Ehrlichman  
2 or anyone else briefing you or discussing with you those  
3 things that Mr. O'Brien had said during his interview?

4 A. I don't have any recollection of that. I think  
5 it would depend on the time, Mr. Horowitz. If I were busy  
6 with, you know, preparing a speech or something of that sort,  
7 they wouldn't have briefed me on a matter of this sort.

8 Normally, even though this was the campaign  
9 period, at that time we, as you know, were rather busy in  
10 international affairs, and I simply wasn't paying much  
11 attention to the campaign, and I left it to my top appointees  
12 to handle matters of this sort. But I am not saying that he  
13 may not have briefed me. He might have.

14 Q. Now, the interview and any conversations about  
15 the interview would have occurred in mid-August, and of  
16 course the convention at which you were nominated again was  
17 August 21 or 23 -- something in that neighborhood.

18 Now, thereafter, certain reports, in late August  
19 and early September, were prepared by the Internal Revenue  
20 Service which discuss and analyze Mr. O'Brien's situation.

21 Now, you have alluded to one, and I would like  
22 to mark as the next Grand Jury --

23 A. I haven't alluded to any written report that I  
24 have seen. I have told you, Mr. Horowitz, that I have no  
25 recollection of having seen a written report on this, no

1 recollection. I may have -- I may have. It may have crossed  
2 my desk. I do recall having received in substance a report  
3 that nothing was developed on the O'Brien investigation, it  
4 has been dropped.

5 MR. HOROWITZ: If I might, sir, let me mark as  
6 D-5, a report which was prepared by the Internal Revenue  
7 Service.

8 THE WITNESS: For whom?

9 MR. HOROWITZ: I will give that to you.

10 This one was an Internal Report prepared to the  
11 Commissioner from the Acting Assistant Commissioner.

12 (The document referred to  
13 was marked Exhibit D-5  
14 for identification.)

15 THE WITNESS: I have scanned the report.

16 BY MR. HOROWITZ:

17 Q You have scanned that, and do you recall that or  
18 anything substantially similar to that, recall having seen  
19 it, Mr. Nixon?

20 Q I don't recall. It is possible in the mass of  
21 material that comes across a president's desk that it might  
22 have been sent to me, if it was available to us. And,  
23 incidentally, so that we can be perfectly candid, this was  
24 one of those sensitive case reports where it would have been  
25 available to us, so I assume it was available to somebody.



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1 Q Let me ask you this: Do you recall Mr. Ehrlichman  
2 informing you around this period of time that he had himself  
3 personally, and not yourself, that he had received reports  
4 similar to that?

5 A No, I only recall that Mr. Ehrlichman was follow-  
6 ing the O'Brien matter. He didn't indicate to me that I can  
7 recall what reports, if any, he was receiving in written  
8 form or oral form. And he certainly wouldn't have wasted my  
9 time by going into great detail about a matter of this sort.

10 All that I recall with regard to Mr. Ehrlichman,  
11 my conversation with him about this matter at that time, is  
12 what I already testified to, that the Internal Revenue  
13 Service has completed its investigation of O'Brien, and have  
14 found nothing. And I said, well, that is what I expected,  
15 drop it, they won't try to find anything.

16 Q Sir, some evidence before the Grand Jury  
17 establishes that Mr. Ehrlichman was, during this period of  
18 time, in contact with a Mr. Roger Barth, who was a gentleman  
19 who was then employed by the Internal Revenue Service as  
20 Assistant to the Commissioner, and that at one time or  
21 another during this period the two of them discussed this  
22 matter.

23 Do you recall being aware of Mr. Barth and/or  
24 aware of Mr. Ehrlichman's contact with Mr. Barth on the  
25 subject?

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1  
2 A. I was aware of Mr. Barth, although I don't know  
3 him well, I was aware that he was working in IRS, and from  
4 the documents that you have shown me it appears that Mr. Barth  
5 and Mr. Ehrlichman were in contact, but I have no recollection  
6 of it independent of those documents.

7 Q. All right, that was my question.

8 A. Sorry for such a long answer.

9 Q. Nor do you recall whether Mr. Barth-- Let me  
10 rephrase that.

11 Do you recall understanding or hearing at that  
12 point of time that Mr. Barth had prepared some report?

13 A. I don't recall that. It is possible that I might  
14 have been so told.

15 Q. Now, sir, I have asked you about reports. There  
16 is a notation on another document -- I think I can just  
17 handle this with one question really -- which leads me to ask  
18 you whether you during this period of time, you yourself saw  
19 Mr. O'Brien's tax returns?

20 A. That I saw his tax returns?

21 Q. Or asked to see his tax returns, yes.

22 A. I can say categorically that I did not see his tax  
23 returns, and as far as asking to see his tax returns, I can't  
24 recall asking to see his tax returns.

25 I didn't even take, as I pointed out yesterday,  
enough time looking at my own returns, let alone looking at

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1 somebody else's.

2 MR. HOROWITZ: Now if I might mark as D-6, what  
3 are handwritten notes, again Mr. Ehrlichman is the author of  
4 the notes, and they are dated, although the date is not  
5 complete here but we have established that the date is  
6 September 5, 1972, and they relate to a conversation aboard  
7 Air Force One between yourself and Mr. Ehrlichman and there  
8 are some notations there, and I would like to ask you about  
9 those.

10 (The document referred to  
11 was marked Exhibit D-6  
12 for identification.)

13 THE WITNESS: Have you previously shown us this  
14 document or is this a new one?

15 MR. HOROWITZ: No, no, you have seen all of these.  
16 These were all furnished to you.

17 THE WITNESS: When they are new, if you will let  
18 me know, I will read them more carefully.

19 MR. HOROWITZ: Well, they haven't been.

20 THE WITNESS: That is perfectly all right for you  
21 to have any you have got.

22 Go ahead with your question.

23 BY MR. HOROWITZ:

24 Q Now, sir, at the bottom of this first page it  
25 reads, "6. Anonymous to Hart re Hughes and O'Brien, warn

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1 Senator McGovern," and McGovern is abbreviated.

2 Now, do you recall having a conversation with Mr.  
3 Ehrlichman or this conversation with Mr. Ehrlichman about  
4 warning Senator McGovern about the O'Brien-Hughes business?

5 A. This is what date?

6 Q. This is September 5, 1972.

7 A. I have no recollection of the conversation and it  
8 is very hard for me to decipher Mr. Ehrlichman's notes due  
9 to the fact that he, like many note-takers, has a practice  
10 of writing notes to himself as well as recording what he is  
11 hearing. All that I say is that I don't recall any conver-  
12 sation of this kind.

13 Q. Merely in an effort to refresh your recollection,  
14 do you have a recollection of a conversation with Mr.  
15 Ehrlichman that McGovern should be informed that there was  
16 this material pertaining to O'Brien's tax situation which  
17 could prove to be embarrassing to McGovern or to the  
18 Democrats?

19 A. No, I do not have a recollection of this, apart  
20 from what these notes show.

21 I, frankly, would be very surprised, very sur-  
22 prised, if I indicated that we were going to try to warn  
23 Senator McGovern -- apparently the Hart referred to is now  
24 the young man who is now a Senator from Colorado, and Miss  
25 Westwood, you know, I guess she was the chairman of their

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1 campaign -- that you better do something about O'Brien.

2 What difference would it have made? I don't  
3 understand what this is about.

4 Q One final question on that. I phrased my question  
5 in terms of Mr. Ehrlichman.

6 Do you recall any conversations with anyone around  
7 that period of time which pertain to that type of subject,  
8 that is, informing the Democrats of this?

9 A I don't recall any conversations of this nature  
10 at that time. I cannot affirm or deny that people working  
11 in the campaign, like Mr. Ehrlichman, may have brought up  
12 subjects, some of them as far out as this one. It seems far  
13 out today.

14 Q But you don't remember him bringing up that far-  
15 out-type thing?

16 A No. It sure wasn't my idea. I think it was a  
17 stupid idea, frankly.

18 Q On the second page, sir, there are the two  
19 sentences, or two notations to which I have not yet alluded  
20 which appear there: "Get someone in Las Vegas. Do it.  
21 Ask how much he got."

22 And there is other evidence, sir, that Mr. Ehrlich-  
23 man and/or Mr. Barth had someone from the Internal Revenue  
24 Service situated in Las Vegas, apparently, to get informa-  
25 tion.

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1 Do you recall hearing anything like that or knowing  
2 anything about that?

3 A. Until these papers were put in front of me, I had  
4 no recollection of that. Having read these notes and also  
5 the transcript of a telephone call that Mr. Ehrlichman had  
6 with Mr. Shultz and I think the then head of the Internal  
7 Revenue Service, apparently there was somebody, they had  
8 somebody in Las Vegas, but I am not testifying to that on  
9 firsthand knowledge. That is simply hearsay.

10 Q. I understand that.

11 Did you know that Mr. Ehrlichman had anyone from  
12 the Internal Revenue Service who was, in effect, acting out  
13 of channels for him in the fashion that is suggested by  
14 those notes, that he had someone in Las Vegas?

15 A. No. What I know is what his notes show.

16 Q. Now, --

17 A. As far as his notes are concerned, I am not going  
18 to testify to their veracity and I am not going to testify as  
19 to their interpretation, because I don't know what he meant  
20 by them.

21 Q. Now, finally, Mr. Nixon, I think we are at the end  
22 of our documents and drawing to a close here, but let me show  
23 you what we will mark as D-7, which are, again, Mr. Ehrlich-  
24 man's handwritten notes of a meeting between yourself and him,  
25 and again part of the date appears to have been cut off, but

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1 we have established that it was September 30, 1972.

2 I would like you to-- This again is something  
3 you have seen before, but I will place it before you.

4 (The document referred to  
5 was marked Exhibit D-7  
6 for identification.)

7 THE WITNESS: You also have-- Would you please  
8 give me the memoranda I wrote to Haldeman? You want to put  
9 those two in evidence, don't you?

10 MR. HOROWITZ: I believe that is in evidence, sir.

11 THE WITNESS: I don't see them. I have one.  
12 There are two to Haldeman. Could I see the second one or  
13 the first one?

14 MR. HOROWITZ: We can get into that.

15 THE WITNESS: No, I want to see them. I mean I  
16 should be able to see them. You furnished them to us earlier.

17 MR. HOROWITZ: Let's mark that D-8, and that is a  
18 one-page typewritten memorandum for H. R. Haldeman from The  
19 President, dated August 9, 1972.

20 THE WITNESS: Could I see that too, because it  
21 may refresh my recollection.

22 (The document referred to  
23 was marked Exhibit D-8  
24 for identification.)

25 THE WITNESS: Just in answering your question,

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1 the memorandum to Mr. Haldeman on August 9, with regard to  
2 this whole matter, and which counsel has not questioned me  
3 on yet, says on both the O'Brien and Kimmelman matters --  
4 Kimmelman, incidentally, was the finance secretary of the  
5 McGovern campaign -- "I want you personally to follow up  
6 and keep me posted on what has developed. Of course if  
7 nothing turns up, drop the whole matter. But let's be sure  
8 we have gone the extra mile and developed material before  
9 we drop the matter."

10 I think, Mr. Ruth, it is proper to have that  
11 in and be questioned on that as well as matters that are  
12 derogatory, do you not?

13 MR. RUTH: I think Mr. Horowitz intended to.

14 THE WITNESS: Well, Mr. Horowitz didn't intend  
15 to put this in thoroughly and I have.

16 MR. RUTH: I think he intended to put it in.

17 THE WITNESS: I don't question Mr. Horowitz'  
18 ethics. I am sure he was going to put it in.

19 Now, what do you want to know about this one?

20 BY MR. HOROWITZ:

21 Q. By this one-- I think we have confused some  
22 pieces of paper in --

23 A. This is September 30, '72.

24 Q. On the bottom of the second page, we have the  
25 notes, "Larry O'Brien - worry him."



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What was that a reference to?

A. What is this conversation, please?

Q. This is a conversation between Ehrlichman and yourself.

A. Well, as I say, three years later all I can imagine is that Larry O'Brien was worrying Mr. Stans with a lawsuit. He was certainly being a very effective-- Mr. McGovern made a great mistake in not using him. He was the only effective pro that McGovern had working for him and was worrying us. So I think there must have been some discussion of worrying Mr. O'Brien with regard to the fact that he, having claimed that he was an unpaid chairman now apart from the IRS investigation, had received in the neighborhood of two hundred thousand dollars a year from the Howard Hughes organization.

I thought that would worry him, and I thought it was perfectly proper to put that out.

Q. You understood, sir, did you not, that those funds had been paid, at least as far as the IRS investigation had been established, had been paid for his services. They weren't paid as a salary for the Democratic National Committee.

A. As far as the IRS investigation is concerned -- just a moment.

Mr. O'Brien, you understand, had made a point

1 that he was an unpaid national chairman when he was chairman  
2 of the National Committee. By "unpaid National Chairman,"  
3 that means to me and it would mean to members of the Grand  
4 Jury that he is not going to be paid there and they don't  
5 think he would be taking something on the side.

6 And the point was that the Howard Hughes organiza-  
7 tion at that time was under intensive public investigation  
8 as well as private, with regard to payoffs. That is how  
9 the investigations began. And here Larry O'Brien had his  
10 hand in the till there.

11 Now, I am putting now a connotation on it which  
12 I do not want to be left in the record as being unfair to  
13 O'Brien. It is very possible that his story about it is  
14 correct, that he rendered enormous services for the Howard  
15 Hughes organization even though he didn't register as a  
16 lobbyist apparently for them, in doing the things that they  
17 wanted to have done. And if he did, he was entitled to be  
18 paid, that was all.

19 Q. So let me understand.

20 Those facts you felt, in view of his puffing his  
21 unpaid status, should be brought out to indicate that perhaps  
22 he had not been unpaid, is that it?

23 A. You know, you have to think of the campaign. In  
24 the one sense our campaign, we were the campaign of the rich,  
25 with all of the big people supporting us, and their campaign

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1 was the campaign of the people, you know, like Mr. Strauss,  
2 the Democratic National Chairman took fifty thousand dollars  
3 in cash from Ashland Oil, and apparently sold somebody on  
4 the idea that he didn't report it because he thought these  
5 were five-dollar contributions from people who worked for  
6 Ashland Oil that were against the war.

7           You couldn't find that many people in Kentucky  
8 that were against the war at that time. And yet, it was  
9 accepted.

10           In the case of O'Brien, this purist image of no  
11 connection with big business, which the McGovern campaign  
12 of course was trying to do, and, incidentally, no connection  
13 with the milk interests, and we received twice as many  
14 letters from Democratic Senators, including one from McGovern  
15 and one from Humphrey, asking for ninety percent parity on  
16 milk as we did from Republican Senators, and three times as  
17 many from Democratic Congressmen as we did from Republicans,  
18 and, incidentally, they were all proper, all proper.

19           Q.     I am sorry, sir, could I just turn back to the  
20 O'Brien matter?

21           A.     Oh, all right.

22           Q.     On the following page, you state -- I am sorry,  
23 Mr. Ehrlichman's notes state, "Get it to O'Brien. Don't  
24 publish."

25                   Does that refresh your recollection as to a

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1 conversation in which the purpose was not to make public  
2 these facts but rather to convey the information to O'Brien,  
3 indicating that he did possibly face tax problems?

4 A. No, it doesn't refresh my recollection. I don't  
5 remember the conversations, the specifics of it.

6 I only remember, as I have indicated, my general  
7 interest in the O'Brien matter due to the fact that he was  
8 giving us a rough time, and I felt that we had, at least,  
9 as I pointed out only if the facts bore it out, and we  
10 should emphasize this. I said if nothing turns up, drop the  
11 matter.

12 Now, that ought to be there -- the Grand Jury I  
13 think is interested in a matter like that, as well as some-  
14 thing which says if something doesn't turn up, go after  
15 him anyway.

16 That is what I am trying to say, and I think you  
17 should emphasize that to the Grand Jury too.

18 Q. In the same conversation Mr. Ehrlichman's notes  
19 read, and just for your reference I am on page 3, reads,  
20 quote, "Bobby Baker blowing whistle on Larry O'Brien and  
21 others," close quote. And immediately above that you have  
22 "Gossip" -- I am sorry, I misspoke, Mr. Ehrlichman has  
23 "Gossip - plant, Jack Anderson," and Jack Anderson was  
24 underlined.

25 Did you have conversations at around this time

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1 of planting this information with reporters?

2 A. Since you have put in the record the name of  
3 Bobby Baker, let me just be sure that after all of the abuse  
4 that poor man has taken, and apparently some of it deserved,  
5 but Bobby Baker had apparently talked to people in our  
6 campaign, and when he saw that we were the victims of the  
7 roughest campaign physically -- and incidentally, when we do  
8 get into this business of wiretapping and so forth, I want to  
9 be sure that the Special Prosecutor tells us what he has  
10 done with regard to the bombing of our Phoenix headquarters,  
11 what he has done with regard to twenty-five thousand dollars  
12 in damage directly ordered by the McGovern Campaign --

13 Q. Sir, I am sorry, but --

14 A. All right, now we will come back to this.

15 Bobby Baker came in and said, look, he says I  
16 have enough on O'Brien to sink him. He put that in.

17 Q. Who did he tell that to?

18 A. Who did he tell that to? He told it to somebody  
19 and they reported it to me. I don't recall.

20 Q. Do you remember who reported it to you?

21 A. Who reported it to me? I think it could have  
22 been Haldeman, that Bobby Baker was talking.

23 Q. On these same notes, sir, on the last page there  
24 is the notation, quote, "Via Andreas, dash" --

25 A. Incidentally, Bobby Baker is reporting he was

42 1 going to blow the whistle, not only on Larry O'Brien, he  
2 said, but a number of Democratic Senators that he, Bobby  
3 Baker, personally had delivered cash to.

4           Apparently Bobby Baker had been a bagman for  
5 Hughes at one time, as well, or at least a transmittal valve  
6 for many others, as well, and he said there were a number of  
7 Democratic Senators, technically those on the Left, that  
8 were taking a sanctimonious attitude and that he wanted  
9 all of this brought out.

10           Incidentally, nothing came of that. He would not  
11 have been a credible man to use in a campaign, and that  
12 kind of gossip I didn't frankly feel was proper.

13           Q     In other words, you do recall discussing using  
14 the Bobby Baker information? Is that it?

15           A     We didn't use it. That is the whole point.

16           Q     You recall discussing it and deciding not to, is  
17 that it?

18           A     I recall that it was brought to my attention, and  
19 it seemed to me to be so way out that with Bobby Baker just  
20 having finished a prison term, that it would be not right  
21 to use it, and also I felt that we should just go on and  
22 conduct our own campaign.

23                     We were doing all right without that kind of  
24 stuff. We allowed them to engage in that kind of thing, but  
25 we went on and did our campaign without it.

1 Q On the last page there are the notations, quote,  
2 "Via Andreas - worry O'Brien - work through Dean," and other  
3 evidence before the Grand Jury establishes that there was  
4 an attempt to have Mr. Andreas make an overture to Mr.  
5 O'Brien, indicating that Mr. O'Brien was in tax trouble.

6 Do you recall a discussion about that, sir?

7 A I don't have an independent recollection of that.  
8 I have seen these notes and I have been trying to think what  
9 it must mean.

10 I can only surmise that what it may mean is that  
11 Andreas first was a very big financial supporter of the  
12 Democratic Party.

13 He was also one of our supporters in this campaign  
14 and it was felt that Andreas, who also apparently was a  
15 pretty good political operator, could have some influence  
16 on O'Brien in terms of the violence and viciousness -- strike  
17 the word "violence" -- in terms of the word "viciousness" of  
18 the attacks that O'Brien was making, not only on Mr. Stans,  
19 but on me.

20 Q Was it discussed that he would have more influ-  
21 ence if O'Brien was told that O'Brien faced tax problems  
22 otherwise?

23 A I don't recall that we talked about O'Brien -- I  
24 don't recall any conversation about O'Brien's tax problems.

25 Q In other words, was Andreas to be a courier to

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Mr. O'Brien to have an influence?

A. I think probably this notation is more interesting here where it says "Offer him a retainer."

MR. HOROWITZ: All right, sir, just two or three more questions from Mr. Hecht.

BY MR. HECHT:

Q. Aside from Mr. O'Brien's receipt of income from the Hughes Tool Company, were you aware that after the '68 campaign he had taken employment as an officer in a Wall Street brokerage firm?

A. No, I really wasn't, not until it was brought to my attention in this investigation.

Q. Were you aware that, jumping ahead in time, not the summer of '72 but in the spring of 1973, that Mr. O'Brien was audited, or an audit was begun as to the handling of some stocks that he had owned in that brokerage firm that he had been officer of and that he had taken a loss on those stocks?

A. No. I am learning that, I think, for the first time right now.

All that I am aware of is that I understood from the papers that you have provided -- sorry, that we have provided you and you have provided me, that O'Brien after the '68 campaign wanted employment.

He went with a brokerage firm. The brokerage



1 firm went broke and that after that he went with Hughes, even  
2 though Hughes, I think, had offered him a rather good job  
3 before he went with the brokerage firm. He then decided to  
4 go with the Hughes firm, which proved to be a very good  
5 choice for him.

6 Q Now, as to the receipt of funds by Mr. O'Brien  
7 from the Hughes Tool Company or the stock loss issue or any  
8 other issues on Mr. O'Brien's returns, did you have any  
9 conversations directly with Mr. Shultz, who, during the  
10 relevant period of time, was Secretary of the Treasury?

11 A I have no recollection of any such conversations.  
12 I don't believe Mr. Shultz would bring such technical, and  
13 what to me would be picayune, matters to my attention. I  
14 believe that all that would be brought to my attention by  
15 Mr. Shultz or Mr. Ehrlichman, whoever was familiar with this,  
16 the big issue, whether or not Mr. O'Brien was or was not  
17 vulnerable to a major income tax violation. If he was, I  
18 wanted to know.

19 Q Did you have occasion to discuss that question  
20 directly with Mr. Shultz that you recall?

21 A No, not with Mr. Shultz that I can recall.

22 Q Did you have occasion to discuss that matter with  
23 the then Commissioner of the Internal Revenue Service,  
24 Johnnie Walters?

25 A Not that I can recall. I don't think I saw him

1 at all.

2 MR. HECHT: I think that covers our questions, but  
3 we are going to take a short recess to inquire of the repre-  
4 sentatives of the Grand Jury whether they have any further  
5 questions.

6 THE WITNESS: I should have talked to Mr. Walters,  
7 I guess.

8 (Short recess.)

9 MR. HOROWITZ: Sir, we have no further questions  
10 for you.

11 Thank you.

12 THE WITNESS: Let me say, Mr. Horowitz, and Mr. --

13 MR. HECHT: Hecht.

14 THE WITNESS: I thought it was. H-e-c --

15 MR. HECHT: -- h-t.

16 THE WITNESS: I thought so.

17 That is the store in Washington?

18 MR. HECHT: Yes, sir. No relation.

19 THE WITNESS: Do you have a part --

20 MR. HECHT: Unfortunately not.

21 THE WITNESS: They do well, I think. We bought  
22 a dining room set there once.

23 I did want to say for the record, and particularly  
24 to Mr. Horowitz and Mr. Hecht, I know you have been living  
25 with this O'Brien investigation and you have gone through a

1 lot of work to prepare these questions and you have probably  
2 been somewhat, perhaps, disappointed that some of my answers  
3 have been, well, to put it mildly, rather testy, which is  
4 not my usual way of trying to answer questions in what is  
5 basically a legal forum.

6 But I think that it is time, and perhaps the  
7 Special Prosecutor, when he files his final report, will have  
8 one paragraph in for history, it is time for us to recognize  
9 that in politics in America, and this is not excusable, but  
10 it does explain it to an extent, particularly where the  
11 highest office in the land is involved, and even in some  
12 instances where campaigns for governor in major states or  
13 senators are involved, that in politics some pretty rough  
14 tactics are used. We deplore them all.

15 I am very proud of the fact that as a result of  
16 my orders, and I gave them directly, that never to my  
17 knowledge was anybody in my campaign responsible for heckling  
18 Mr. McGovern or shouting him down. Sometimes he was heckled,  
19 not much. I told them not to do it.

20 Now, actually my decision was not all that  
21 altruistic, to be quite honest. My decision was based on  
22 the fact that I didn't think it would do any good. Why  
23 martyr the poor fellow? He was having enough trouble.

24 And yet, there was not an appearance I made in  
25 the campaign, not one in which not only we were the subject

1 of voice heckling through loud speakers and the rest. That  
2 is why I got a little hoarse, even though I didn't make many  
3 speeches -- but also of violence and threats of violence,  
4 violence in San Francisco, for example, which I am sure you  
5 have investigated or will. And if you are going back a few  
6 years, you can pick up the violence in San Jose when a  
7 direct assault was made on our car, and so forth.

8  
9 What I am pointing out here is not that our  
10 campaign was pure; what I am pointing out also is not that  
11 theirs was all that bad, but what I am saying is that having  
12 been in politics for the last twenty-five years, that politics  
13 is a rough game, and in 1952, as I said, I was subjected  
14 to some of the most brutal assaults, not only by the IRS and  
15 political opponents, but particularly by some elements of  
16 the press.

17  
18 Now, I have given out some too, to be perfectly  
19 honest -- I am speaking now of speeches and that sort of  
20 thing.

21  
22 But in 1962, the same thing, where the Administra-  
23 tion in power, and they were pretty smart, I guess, rather  
24 than using a group of amateur Watergate bugglers -- burglars  
25 -- well, they were bunglers -- used the FBI, used the IRS,  
and used it directly by their own orders against, in one  
instance, a man who had been Vice President of the United  
States, running for Governor, and in another instance a man

49 1 running for President of the United States, the FBI, accord-  
2 ing to information that we have, were at least ordered to,  
3 and whether they did it or not, I can't say, to bug the  
4 plane of the Presidential candidate.

5 What I am simply saying is that here we must be  
6 under no illusions about what happens in politics in  
7 America. I don't condone it.

8 I see memoranda which I have long forgotten.  
9 What really counts in the long run is what happens, and when  
10 I see this long list -- this is what they call the enemy  
11 list -- what happened? Nothing.

12 I never recall seeing any income tax return; I  
13 never recall seeing any result of any of this done. What  
14 happened to Mr. O'Brien's case? Nothing.

15 A cursory, pleasant interview with the IRS. That  
16 is one thing. All that I say is that the Special Prosecutor,  
17 you had your job, you had to do it, we made our mistakes,  
18 we have to pay for them.

19 All have paid a heavy price. I am paying mine,  
20 but if there is one thing I am going to do to the day I die,  
21 it is going to be to insist to the best of my ability that  
22 whether it is the case of political leaders or the press,  
23 including the television people, or education leaders, that  
24 it is time where ethics are concerned in politics, not to  
25 clean up one side and then turn your back and forget what

50 1 happens on the other side.

2 I would say that our campaigns in '68 and in 1972,  
3 in terms of what we did, were clean campaigns. I would say  
4 as far as their campaigns were concerned, there was some  
5 violence, there was some rough heckling, but we took it.

6 And I am confident that Mr. McGovern, who I  
7 understand is a rather gentle man, probably wouldn't have  
8 approved it, just as I wouldn't have approved any violence,  
9 but it happened.

10 But I simply want the record to show here that  
11 when you conduct this extensive investigation of whether or  
12 not Mr. Larry O'Brien was being persecuted by the Administra-  
13 tion in power, I think, and I don't urge you to do this  
14 because now he has a splendid position and I think he is the  
15 Basketball Commissioner, and he deserves it. He doesn't  
16 have any money and he has a big family, and I think he is a  
17 decent guy actually, but he plays politics tough.

18 But if you were to look, as Bobby Baker suggested,  
19 into Larry O'Brien's activities politically over the years,  
20 and into the activities of some of the Democratic Senators  
21 and others, including some Republicans who are taking this  
22 sanctimonious attitude about the cleanliness of their  
23 campaigns, if you would put them to the same test you have  
24 put us, you would find that we come out rather well.

25 I don't say this, as I say finally, in

51 1 justification of any wrongdoing where it occurred. I deplore  
2 it. I regret it. And I am paying a price for it.

3           And as far as you gentlemen are concerned, you have  
4 your job to do, and I respect you for doing it. For two years  
5 you have been on this job; for two years, and you have been  
6 working very, very hard to expose anything that we did that  
7 was wrong.

8           And I do not, in what I am writing at the present  
9 time, my memoirs, which I hope will come out before you die  
10 or before I die, I am not going to be critical of the fact  
11 that you are doing the job you are hired to do.

12           But I am going to come down hard, and you, I would  
13 urge, thinking not of yourselves because at the present time,  
14 if I could give one last bit of advice, taking the double  
15 standard is going to make you much more popular with the  
16 Washington press corps, with the Georgetown social set, if you  
17 ever go to Georgetown, with the power elite in this country,  
18 but, on the other hand, think of your children -- they are  
19 going to judge you in the pages of history and as they look  
20 at you, they are going to say, well, now, you did a pretty  
21 good job one way, but did they overlook other things because  
22 they believed things.

23           I mean I am not unaware of the fact that the great  
24 majority of the people working in the Special Prosecutor's  
25 Office did not support me for President. After all, there

52 1 are many millions of people who didn't -- about thirty-  
2 eight percent of the people in the country. I respect  
3 those who didn't, just as I am thabkful for those who did  
4 support me.

5 I am not unaware of the fact, too, that therefore  
6 you would have a motive to go after me and my associates  
7 and to ignore others, but I also say I just trust in the  
8 future, as you go on, after you leave these positions, have  
9 a single standard. That is what the country needs.

10 I am sorry to take so much time.

11 MR. RUTH: I wonder if we could recess a second  
12 because the Prosecutors are not allowed to respond to the  
13 charge of being partisan; we are not going to respond, and  
14 we will pick up in the area of questioning having to do  
15 with the wiretaps in a couple of minutes.

16 THE WITNESS: Sorry, I intended no personal  
17 reflection.

18 (Short recess.)  
19  
20  
21  
22  
23  
24  
25



1 BY MR. HOROWITZ:

2 Q Sir, the next area of inquiry being pursued by the  
3 Grand Jury relates to the so-called National Security Council  
4 surveillance project and on that I will be asking you some  
5 questions and Mr. Frank Martin, who is to my right, will be  
6 asking you some questions.

7 A Right.

8 Q More specifically, if I might indicate to you, the  
9 Grand Jury's investigation insofar as this electronic sur-  
10 veillance project is concerned is focused upon two primary in-  
11 cidents: First, the circumstances in the summer and early  
12 fall of 1971 when the wire tap project itself had ended, and  
13 the records of the wire tap project were removed ultimately  
14 from the FBI to the White House, so they are focused on that  
15 as one leg of their inquiry, and, second, they are focused upon  
16 allegations that Mr. L. Patrick Gray, in February and March of  
17 1973, during his confirmation hearings, committed perjury while  
18 testifying about the electronic surveillance project.

19 A But you haven't decided that yet.

20 Q Upon allegations, as I said.

21 Q Before we get into removal of the records, sir, just  
22 so that it is clear when we are referring to the electronic  
23 surveillance project, we are referring to the project which  
24 embraced, I think, a total of 17 wire taps of various reporters  
25 and some White House affiliated persons, and it commenced in and

1 about May of 1969, and terminated in and about February of  
2 1971.

3 Now before we get right into the removal circum-  
4 stances, which were in the summer of '71, during the project  
5 itself, can you tell us whether you personally received the  
6 summary letters which Mr. Hoover wrote, which summarized the  
7 information that was coming off these wire taps?

8 A I think I testified yesterday that the first summary  
9 letter that I received, and it is the only one that I can re-  
10 call receiving, was one within two or three days after I was  
11 inaugurated president in 1969. It was a report on Mr. Henry  
12 Brandon, the correspondent of the London Times, and I, being  
13 new at the job, wondered what it was all about.

14 I asked Mr. Hoover, when we had our first meeting,  
15 which was shortly there afterwards -- perhaps within a week  
16 or so -- what this was all about.

17 (CLASSIFIED MATERIAL DELETED)

18 we do other taps, as well, where we think the national security  
19 is involved, and he said -- he pointed out then -- he said  
20 "I have to have a direct relationship with you and the Attorney  
21 General on these because these can only be instituted by and  
22 approved by the Attorney General."

23 Q All right, sir, but commencing with what I have  
24 identified as the project for purposes of our questioning,  
25 which was May of '69, putting to the side for the moment the

1 reference which you made, although not ignoring it --

2 A But you understand the Brandon name was on that list.

3 Q That is right, he was on that list.

4 A My point is it was there, it has been there for  
5 years, long before we came in.

6 Q But during the project itself, from May of '69 to  
7 February of '71, if I can just focus briefly upon that period  
8 from May of '69 to May of '70, the first half of that period,  
9 letters were addressed by Mr. Hoover in duplicate original  
10 form, one to Dr. Kissinger and one to Mr. Ehrlichman. Now my  
11 question at this point, briefly and limited, is did you re-  
12 ceive those letters, did Mr. Ehrlichman bring those letters  
13 into you or route them to you? Do you remember that?

14 A I don't recall that he did. If he did, I would,  
15 of course, have approved them.

16 Q Did he, during that period, route his own memoranda  
17 to the President, which would review the letters that he had  
18 received from Mr. Hoover? Do you remember that?

19 A You mean review the fruits of the taps?

20 Q That is right.

21 A Yes, I don't recall that he did. It is possible  
22 that he did.

23 Q The reason I am raising these questions again is  
24 because we are interested in what records there were that  
25 relate to the summer of '71.

1           A     Sure. Let me point out, so the Grand Jurors would  
2 not think that I was being derelict in my duties, when I saw  
3 this Brandon report, it was such a bunch of garbage and  
4 irrelevant that I told Kissinger, I believe, at the time -- I  
5 said, "I don't want to see any of this crap." Pardon the  
6 expression, but that is what I thought it was. I said, "Have  
7 it evaluated and if there is anything we need to know in-  
8 volving our national security, let me know, but I don't want  
9 to see any FBI raw files or FBI reports. That was my policy.  
10 But I cannot say for sure that sometime across my desk one  
11 of these summary reports, you know, with the usual language,  
12 "a highly sensitive source has informed us that", and so on,  
13 may have been a wire tap source.

14                 I must also point out, because I think counsel should  
15 know, that Mr. Hoover used that "highly sensitive source" for  
16 one of his other projects. As you know, he had no con-  
17 fidence in the CIA, and it was mutual, . . .

18                                 (CLASSIFIED MATERIAL DELETED)

19  
20  
21   . . . and I remembered that  
22 Mr. Hoover, because I remember seeing that report, Mr. Hoover  
23 used to use the same, that phrase that he used when I saw  
24 the Brandon report, "a highly sensitive source known to this  
25 Bureau" has found and reported this and that and the other

1 thing, so that is why I can't identify whether it was a wire  
2 tap source or that source or something else.

3 Q I think, sir, that you have answered the next limited  
4 question I was going to put to you, which was during the second  
5 half of that wire tap project, which would have been from May  
6 '70 until February '71, the letters from Mr. Hoover which  
7 summarized this wire tap business, and you have accurately  
8 described the way they started, they were not sent in dual  
9 originals. They were, during that period of time, directed  
10 to you, but sent to Mr. Haldeman, and my next question was  
11 whether Mr. Haldeman would in the regular course send those  
12 into you or make copies for you?

13 A No. On the contrary. The reason that developed  
14 was that Mr. Hoover did not want to have so much proliferation  
15 of his reports. He came to be very suspicious in his later  
16 years of many people in the bureaucracy, including people  
17 in the White House, and he did have confidence in Haldeman  
18 and he asked me on one occasion if he could just have one  
19 person that he could send this stuff to. I said, "Fine, send  
20 them to Haldeman."

21 Now I cannot recall Haldeman discussing anything  
22 from some of these reports. It is very possible that he did.  
23 If it involved a national security matter of importance, he  
24 would have, but, as you will note, Mr. Horowitz, because you  
25 have lived with this record for two years and I have seen it for

1 a couple of weeks, but, as you will note, I in one of the  
2 tapes point out that I found that these wire taps were very  
3 unproductive, which means that nothing had come into me that  
4 meant anything.

5 Q Now, finally, sir, before we get to the summer of  
6 '71, the wire tap project per se ended in February of '71 and  
7 there is a reference which you take in a conversation much  
8 later down the road, in April of 1973, with Mr. Henry Petersen,  
9 in which you refer to a - quote - hullabaloo causing the end  
10 of this wire tap project."

11 Now, can you tell us what you remember about how  
12 the or what brought the wire tap project to an end in February  
13 of '71?

14 A Well, I know the reference to the hullabaloo was that  
15 our press office and I in press conferences, as well, as I  
16 recall, were catching a lot of heat or taking a lot of heat be-  
17 cause of alleged wire taping of newsmen. That was their con-  
18 cern. I don't believe they mentioned the National Security  
19 people. They may not have known that they were being tapped.

20 I know, too, that Mr. Hoover was taking a lot of  
21 heat on this score, and he, in his later years, became very  
22 sensitive about anything that happened in the press.

23 By "hullabaloo" I meant, in other words, the  
24 hullabaloo we were catching from the press.

25 Q All right, sir. Now we are going to shift timewise

1 to after the project had terminated in February of '71, to  
2 June of '71, and to the allegations which relate to the removal  
3 of these records and their ultimate storage in the White House,  
4 to the so-called Pentagon Papers case and Mr. Martin will ask  
5 you those questions.

6 A Okay.

7 BY MR. MARTIN:

8 Q I would like to begin with some questions concern-  
9 ing the time period immediately following the publication  
10 of the Pentagon Papers and although I realize there may have  
11 been many concerns that you would have had with that event, to  
12 focus in in particular as to your being concerned or your  
13 Administration being concerned about what exactly these papers  
14 were, who had prepared them, where copies were, who had access  
15 to these papers and whether or not you recall learning very  
16 early on that these papers had been prepared, in part, by  
17 Mr. Halperin, who had worked for Dr. Kissinger early in your  
18 Administration.

19 A Well, Mr. Martin, I can't recall specifically Mr.  
20 Halperin's name coming up in connection with having prepared  
21 the Pentagon Papers as of that time. As of a later time I  
22 had a suspicion that that might have been the case.

23 What I should say is that the reason, and I think  
24 you want to know, the reason that we were concerned about the  
25 Pentagon Papers was, and their release, was that, first, a lot

1 of highly classified material was contained in it. Much of  
2 it was unimportant. It could have been released without any  
3 damage to the national security, but, as I pointed out yester-  
4 day, it takes only two or three words for an expert to break  
5 a code; it takes only two or three references for an in-  
6 dividual who is serving the United States abroad in the CIA  
7 or FBI or what have you, or even in Foreign Service, for his  
8 wife to become endangered if it is known he is acting in this  
9 way, and the release of the Pentagon Papers thereby jeopardized  
10 the life of Americans who might be engaged in such activities.

11 It also made their release, raised a grave question  
12 in the minds of foreign leaders who came to see me in great  
13 numbers, and I went to see them in considerable numbers --  
14 foreign leaders -- grave questions as to the confidentiality  
15 of the discussions we were having and that confidentiality,  
16 of course, I considered and they considered to be absolutely  
17 essential if we were to reach agreement on sensitive matters.  
18 And the release of the Pentagon Papers also raised a serious  
19 question as to what we within the close circles in the White  
20 House and our discussions with those from the Joint Chiefs  
21 of Staff and the State Department could discuss in confidence  
22 because we had a number of initiatives at that time beginning,  
23 the Soviet initiative, the China initiative, the initiative  
24 with regard to Vietnam, and also with regard to a cease fire  
25 in the mid-East.



1           Now, and we will come right down to your question,  
2 with regard to the Pentagon Papers, ironically, there were  
3 some members of my staff, particularly on the public relations  
4 side, that said, look, this is no skin off our back. The  
5 Pentagon Papers, as you know, did not involve what happened  
6 during this Administration; they only involved what had happened  
7 during the Johnson Administration and the Kennedy Administration,  
8 the history of the --

9           Q     Sir, I --

10          A     Let me finish my answer. -- the history of the war  
11 administration, and so far as we were concerned, from a  
12 political standpoint it would have been much to our advantage  
13 to have the Pentagon Papers revealed, to throw off, if we  
14 wanted to, on previous presidents, but in my view, where  
15 American lives are involved, where the United States is in-  
16 volved in a conflict, even though it is one that many people  
17 disapproved of, there is only one President -- I don't care  
18 whether he is a Democrat or Republican, whether he is for me  
19 or against me, but I said, "As far as these papers are con-  
20 cerned, we have to protect the confidentiality of presidential  
21 communications, and unless we stand here there is not going to  
22 be any chance for not only this President, but future  
23 presidents, to be able to conduct their foreign policy  
24 successfully."

25           That is the background with respect to the Pentagon

1 Papers.

2 Now if you will come to the precise question, I  
3 will answer the precise question.

4 Q The precise question, and realizing there were many  
5 concerns of great importance that you would have had --

6 A Concerns not involving our Administration.

7 Q Not involving your Administration and involving  
8 foreign policy. Putting that aside, whether you learned or  
9 were informed or became aware that Mr. Halperin was one of  
10 the people principally responsible for the preparation of  
11 this study and that Mr. Halperin was one of the people who  
12 had given access to that study to Mr. Ellsberg, who,  
13 obviously, was the person who did leak the papers. Do you  
14 recall being informed of that?

15 A I can't recall being specifically informed that  
16 Mr. Halperin gave access to the papers to Mr. Ellsberg. I can  
17 only be informed -- I can only tell you that the suspicions  
18 as to who might have given access to Ellsberg were rampant  
19 and Halperin's name was among many others that were included.

20 Q Given your statement that the suspicion focused  
21 on one, as you say, of many people, but one of them was Mr.  
22 Halperin, and I ask whether you recall directing or being  
23 aware that anyone in the White House or elsewhere was reviewing  
24 these wire tap records that had been on for some 21 months on  
25 Mr. Halperin to see whether there would be any information

1 there that might be helpful in determining whether or not  
2 Halperin had leaked these documents or had been involved in  
3 leaking these documents?

4 A At what time would this have been done?

5 Q This would be done shortly after the publication of  
6 the Pentagon Papers. It appears -- I realize this is difficult  
7 to go back and separate out times, but it appears that very  
8 shortly after that you were aware of Mr. Halperin's involve-  
9 ment?

10 A Potentially. I wasn't sure.

11 Q But that you would have directed or at least been  
12 aware of people going back and checking the wire tap of Mr.  
13 Halperin, which had been on for some 21 months, and see whether  
14 or not --

15 A I have no recollection of suggesting that Halperin's  
16 wire taps, which had occurred so many months before, be reviewed  
17 to see if he was one of those who was a leaker. I do have  
18 a recollection that Dr. Kissinger told me, when he separated  
19 Mr. Halperin from his NSC staff, that he felt he had made a  
20 mistake in taking him on because they considered him to be  
21 a leaker. That is why the suspicion was raised, but many  
22 people were leakers, so that was nothing new.

23 Q Turning now to Mr. Ellsberg, in some of the in-  
24 formation that has been supplied to us by your attorneys there  
25 is reference to Dr. Kissinger informing you of his previous

1 association with Mr. Ellsberg and of informing you that Mr.  
2 Ellsberg was somewhat unstable and that Mr. Ellsberg used  
3 drugs? Do you recall being informed that Mr. Ellsberg used  
4 drugs?

5 A The fact that Mr. -- I mean the charge or the  
6 allegation that Mr. Ellsberg used drugs I have no recollection  
7 of. All that I do recall is that Dr. Kissinger pointed out  
8 to me that Mr. Ellsberg apparently had been one of this  
9 students and therefore he knew him.

10 He also, apparently, knew of his record in Vietnam or  
11 he had been a hawk at one time -- I testified to this yester-  
12 day, so I won't repeat it today -- and then turned into a dove  
13 and that his, during the time he was a hawk, apparently he was  
14 working with the JCS, and then, also, Dr. Kissinger's  
15 evaluation of him as a man and Dr. Kissinger and I had very  
16 frank discussions, and I hope all future presidents can have  
17 such discussions with their top national security advisors and  
18 their secretaries of State, and that will only happen in the  
19 event that Mr. Miller and Mr. Martenson are successful in  
20 the suit that we are now bringing to be sure that confidentiality  
21 of future presidents, as well as our own, is protected. But  
22 Dr. Kissinger said that Ellsberg, he said, basically, and I  
23 use the term, he was a "nut," that he was unstable, therefore  
24 untrustworthy, and he didn't know what he might do. He felt --  
25 in other words, he had no confidence in Ellsberg's emotional



1           A     I do recall, and when I testified earlier I was  
2 aware, of course, of this letter, I do recall that letter  
3 having been brought to my attention. I do recall that Dr.  
4 Kissinger had a very high opinion of Mr. Ellsberg and Mr.  
5 Halperin's mental capability and a very low opinion of their  
6 emotional stability, but I recall Dr. Kissinger -- this does  
7 not refresh my recollection, and I think that by this time,  
8 September 3, 1969, the policy had been instituted, which I  
9 have earlier described, where I had this, what I call this  
10 wire tap information sent to Haldeman or Kissinger or who-  
11 ever had responsibility, but not to be sent to me unless there  
12 was something that required action on my part, but I might  
13 have seen it.

14           Q     Realizing that might have been the policy during  
15 the operation of these wire taps, given the fact that Mr.  
16 Ellsberg had been accused of leaking these papers and it  
17 becoming a major issue in the summer of '71, the question is  
18 whether or not that information was brought to your attention  
19 in the summer of '71 concerning Mr. Ellsberg?

20           A     After Mr. Ellsberg was indicted, you mean?

21           Q     Not necessarily after he was indicted, but after  
22 he was identified as the source and became a topic of dis-  
23 cussion.

24           A     I recall some discussion with regard to Ellsberg and  
25 Halperin being friends and being, shall we say, possibly engaged

1 in erratic activities. I don't recall any specific dis-  
2 cussion at that time of a letter of this sort saying that a  
3 wire tap two years before had disclosed that Ellsberg and  
4 Halperin had -- the Grand Jurors are going to love this --  
5 had recommended that Harry not take a trip at the same time  
6 his wife takes one, so Ellsberg subsequently mentioned to  
7 another individual that he left a satchel filled with stuff  
8 at his friend's house during a contact with Pat Marks --  
9 that, of course, would be a misspelling -- of Scarsdale, New  
10 York. She told him that the stuff Harry had was all right,  
11 although it was disorienting.

12 Anybody reading the letter would say that that must  
13 refer to drugs. I am not up on this lingo of "trip" and  
14 the rest. What information was brought to me, when it came  
15 to my attention, I do not recall. At some time I heard,  
16 after the Pentagon Papers case became national news--Mr.  
17 Ellsberg's name was brought into it along with, apparently,  
18 Mr. Halperin's--I heard that there was information to the  
19 effect that these people were on drugs. I must say, though,  
20 that my recollection at this time was that that information  
21 had been developed in the investigation of Ellsberg after  
22 the Pentagon Papers came out, rather than in this period. And,  
23 frankly, when I read this file, I was surprised to find that  
24 this business about Ellsberg being on drugs and so forth was  
25 two years old at the time of the Pentagon Papers.

1           Q     Given that there would be concern about Mr.  
2           Ellsberg's erratic behavior and the possibility that he had  
3           other documents which he might leak, do you recall or do you  
4           have any knowledge of anyone directing that Mr. Ellsberg him-  
5           self or any of the other principals involved in the Pentagon  
6           papers case should be wire tapped during this time period,  
7           after the publication of the Pentagon Papers?

8           A     No, I have no recollection of directing that they  
9           be wire tapped. As a matter of fact, there was a considerable  
10          disagreement within the Administration as to whether Ellsberg  
11          should even be prosecuted.

12          As I testified yesterday, I stopped the prosecution  
13          or stopped the efforts that someone had to make to prosecute  
14          the publishers, who were equally guilty, for reasons that I  
15          thought were very good reasons, and in the Ellsberg case I  
16          didn't think or I didn't know or didn't believe -- I mean,  
17          when I say that, many of my associates did not believe it  
18          was worthwhile to go ahead and prosecute him, but eventually  
19          the decision was made to go forward on the prosecution.

20          Incidentally, one of those who was very reluctant  
21          at the beginning to go forward on Mr. Ellsberg's prosecution  
22          was Mr. Hoover and that was for a very sensitive, personal  
23          reason. Ellsberg was involved --

24          Q     You refer to Mrs. Marx?

25          A     To Mrs. Marx. That is why I say it is a misspelling



1 here. It says M-a-r-k-s here and it is M-a-r-x, the Marx  
2 I knew and Mr. Hoover knew and Ellsberg was married to the  
3 daughter of the toy maker, who was one of Mr. Hoover's  
4 closest friends, and apparently Mr. Marx, like, I am afraid,  
5 poor Mr. Hearst, even though his daughter he knew was a little  
6 off, he still loved her, and Hoover just didn't want to get  
7 into the Ellsberg thing because of the embarrassment that it  
8 would cause to them.

9           Incidentally, he didn't tell me that specifically,  
10 but that information was conveyed to me, I believe, by the  
11 Attorney General.

12           Q     Returning to the issue of wire tapping, much later  
13 on, and again in the same conversations that Mr. Horowitz  
14 has referred to earlier, in April of 1973, on that day you  
15 had meetings with, among others, Mr. Petersen and Mr. Richard  
16 Moore, and in those conversations you again refer to the  
17 Marx episode with Director Hoover. You seem to indicate in  
18 those conversations that there was some wiretapping and  
19 you state to Mr. Petersen, and I quote, "Now when Hoover got  
20 into it, it should now be wire tapping" and later you state,  
21 that same day, to Mr. Moore, "They had the FBI do bugging  
22 once it got into the case, let me assure you - unquote.

23           I believe you stated you don't recall being aware  
24 of such wire taps?

25           A     Yes, sir, and I am well aware of that record,

1 and I must say I was surprised to find, when I read this  
2 record, that there was no wire tapping except for a highly  
3 sensitive case that I, of course, will answer questions on if  
4 the Special Prosecutor is interested in it, involving Yoeman  
5 Radford, but there was no wire tapping after February of 1971.  
6 Of course there was none after June 20 of '72 because that  
7 was the time the statute went into effect.

8 I just assumed, without knowing, that Mr. Hoover  
9 in conducting an investigation would probably be doing what  
10 the FBI always does, going to every source, using every method  
11 possible in order to get information. My assumption, apparently,  
12 was incorrect.

13 Q I would like to turn to the period after --

14 A Incidentally, I should point out I can't recall see-  
15 ing and have no recollection of seeing any wire taps that May.  
16 If they were instituted and then destroyed or something, I  
17 have no recollection of ever being informed of what was in  
18 them or anything of that sort, so if they were destroyed,  
19 which is possible -- that is Mr. Hoover's practice quite  
20 often -- nothing was produced in them that was considered to  
21 be important to the prosecution.

22 Q I would like to turn briefly to a meeting you had  
23 with Mr. Mitchell, Mr. Ehrlichman, Mr. Haldeman, after Mr.  
24 Ellsberg was indicted, and just to try to refresh your  
25 recollection, the meeting was on July 6. What you might

1 remember about it is that at that time you were about to  
2 depart for San Clemente.

3 A This is 1971?

4 Q Yes.

5 A Four years ago.

6 Q And Mr. Mitchell was about to depart for London  
7 for the ABA Association, I believe.

8 A That is the year the two bar associations had their  
9 meeting in London?

10 Q Yes, and let me give you a transcript of that con-  
11 versation.

12 A They might have made Mitchell a Knight of the Guards.

13 MR. MARTIN: Let me mark this as E-2.

14 THE WITNESS: Or Martha, make her the Knight of the  
15 Guards.

16 I am sorry. How he stood that woman that long, I  
17 will never know.

18 That's all right; take it down.

19 Now what do you want to know about this conversation?

20 (The document referred to  
21 was marked Exhibit No. E-2  
22 for identification.)

23 BY MR. MARTIN:

24 Q I believe this conversation generally deals with  
25 whether or not members of the NSC staff, Dr. Kissinger's staff,

1 may be involved in leaking information, whether there may be  
2 a conspiracy aspect to various leaks that were occurring  
3 at that time, but what we are specifically interested in is  
4 the references beginning on page 8, where Mr. Haldeman raises  
5 the possibility that someone should review the wire tap records  
6 that we have been referring to to see whether there would be  
7 anything of value to the Pentagon Papers investigation and  
8 Mr. Mitchell states that he is having them reviewed in the  
9 Bureau. That conversation continues in that vein up to  
10 about the middle of page 9 or the top of page 9.

11 A Yes, I have read it.

12 Q Do you recall being informed by Mr. Mitchell that  
13 these wire tap records were being reviewed?

14 A I have no independent recollection of it, but having  
15 seen this conversation, Mr. Mitchell must have told me that  
16 on that occasion.

17 Q Do you recall whether anyone, other than Mr.  
18 Mitchell, informed you of that?

19 A I have no recollection of anybody else having  
20 told me, because it is not a subject that I consider to be --  
21 I fear at that time I had very much on my mind.

22 You noted the date here - July 6?

23 Q Yes, I noted that is the date that Dr. Kissinger  
24 was on his way to China and I think that --

25 A You know why I wasn't thinking about it?

1 Q I am sorry?

2 A It was at that time that the Chinese initiative  
3 was being undertaken and my mind was, being the single track  
4 mind that it is, where major subjects were concerned, through-  
5 out the period of July, until the announcement was made on  
6 July 15 that the trip was going to be taken, and for some  
7 time thereafter, I was thinking of the China initiative. Con-  
8 sequently my recollection of a conversation of this sort is,  
9 frankly, as I stated. I simply don't recollect it, but if  
10 you were to question me today about the meetings I had with  
11 Kissinger, the cables that he sent to me while he was on the  
12 way to China, the problems he was having of getting from  
13 Pakistan to China, his conversations with Chou En-lai and a  
14 meeting that he had with other Chinese officials, I could  
15 remember it almost verbatim. But this kind of thing I just  
16 didn't pay that much attention to, and I don't think you would  
17 have either.

18 Q I can appreciate that --

19 A No, you wouldn't.

20 Q I would like to turn to --

21 A I don't say that with any reflection on you. I mean  
22 you have your job and I have mine, but I want the Grand Jurors  
23 to understand when I say I don't recognize something, it  
24 isn't because I am trying to duck a question. If I don't  
25 recollect it, I am not going to say I do, and when you are

1 engaged in activities that are, for example, what you talked  
2 about, the date of the institution of the wire taps, -- You  
3 know how many Americans were being killed in Vietnam them --  
4 three hundred a week. There were 600 POWs in Vietnam in May  
5 of 1969, and at that time massive offensives were coming down  
6 from the north in Vietnam and at that time, as well, 14,000  
7 Americans were being drafted. All of that we stopped, and  
8 we couldn't have stopped them unless we had had secret meet-  
9 ings with the Chinese, with the Russians, with the North  
10 Vietnamese and the South Vietnamese. It was a four-legged  
11 stool, and that is why, you see, my concern about leaks was  
12 so great, my concern about the Pentagon Papers was so great.

13 A lot of our sources dried up for some time after  
14 the Pentagon Papers came out and they dried up because they  
15 didn't think they could talk to somebody from the United  
16 States without fearing -- I am speaking of foreign sources --  
17 without fearing, without being assured that that would be  
18 in confidence, so I would say that as a result of what  
19 Mr. Ellsberg did and what the New York Times, and, in my  
20 opinion, one of the most irresponsible actions by a great  
21 newspaper of this nation did, the ending of a war and the  
22 killing of Americans was delayed. Initiatives would have  
23 come much sooner had that not happened.

24 Oh, I know this goes against the current thinking.  
25 I don't mean you gentlemen and I don't mean the Grand Jurors.

1 The current thinking is that Ellsberg and the New York Times  
2 should be heroes for exposing and putting out all of this  
3 confidential information.

4 Let me say when confidential information is put  
5 out that costs one American life, I think the one that puts  
6 it out should go to jail for it.

7 Q Well, appreciating your concerns as you stated  
8 them --

9 A Why I think you agree with that, don't you?

10 Q Well, I think I --

11 A I am sorry, it is not my right to question you. I  
12 am sorry.

13 Q Given this concern, and given your concern about  
14 the fact that Mr. Ellsberg, in order to minimize the damage  
15 that had already been done, he should be prosecuted so that  
16 this would be an example that might restore some of this con-  
17 fidence that has been lost, I would like to go back and  
18 focus on the events involving Mr. Ellsberg during this period.  
19 I would like to turn to a meeting that you had in San Clemente  
20 with Mr. Ehrlichman and Mr. Haldeman. The notes that we  
21 have indicated that Miss Woods was there at the beginning of  
22 the meeting, but I believe that portion of the conversation  
23 dealt with the Nixon Library and it is not relevant to us.

24 After that portion of the conversation, the  
25 conversation turns to the Pentagon Papers and there is

1 really just two brief references: One, there is a statement,  
2 which apparently would have been made by you, stating that  
3 Rogers, meaning Secretary of State Rogers, should be tapping  
4 more. Do you recall making such a statement?

5 A I don't recall making such a statement, but I do  
6 recall that Dr. Kissinger, and, incidentally, I think in-  
7 correctly in this instance, felt that the State Department  
8 bureaucracy was potentially more vulnerable in terms of  
9 leaking and less trustworthy than any other parts of the  
10 bureauracracy, and that we should make some effort to do  
11 something about the State Department people.

12 Now, as far as Mr. Rogers was concerned, he was the  
13 Secretary of State. He couldn't do any tapping. It had to  
14 be done, as I have also said, through the usual ways: The  
15 Attorney General had to approve them or I had to approve  
16 them -- no, I didn't approve them -- the Attoreny General  
17 approved them, but if I ordered them, the Attorney General  
18 would approve them, but as far as the State Department~~s~~ per-  
19 sonnel were concerned, as you know, none of them were tapped.

20 Q Being it appears that the subject of wiretapping  
21 was being raised by this comment, there is, again, a statement  
22 with regard to "re Grand Jury: don't worry re taps on dis-  
23 covery re witness" and it appears to be witnesses of the  
24 White House. "Witness" is abbreviated. Do you recall --

25 A Let me take a look at that one. I know you furnished



1 it to me, but I have forgotten which one it is.

2 MR. MARTIN: I have marked as Exhibit E-2 Mr.  
3 Ehrlichman's notes of a meeting on July 10, 1971.

4 (The document referred to  
5 was marked Exhibit No. E-2  
6 for identification.)

7 THE WITNESS: Yes, you can go ahead with your  
8 question. I can listen while I read it.

9 BY MR. MARTIN:

10 Q The first page of those notes is, as I indicated  
11 earlier, is with regard to the Nixon Library. On the second  
12 page, note 9 turns to the subject of Ellsberg, note 10 is  
13 the note I read previously concerning Mr. Rogers and then  
14 there is this note I just read concerning the Grand Jury. Do  
15 you recall any such reference being made to wire taps some-  
16 how being discovered or discovery motions relating to wire  
17 tapping in the Grand Jury investigation or in any aspect of  
18 the Pentagon Papers?

19 A No, I don't recall. I don't know what grand jury  
20 that could have been he is referring to. These are his  
21 notes, of course.

22 I do know this, that on many occasions I told him,  
23 and I told Dr. Kissinger, I told several of them that we should  
24 not be defensive with regard to wire tapping for national  
25 security purposes, that we could defend them. I did not want

1 to disclose that we were doing it because that would, of  
2 course, blow the whole program, but that we should not be  
3 defensive, and obviously if there was a grand jury proceed-  
4 ing, since grand jury proceedings are totally off the record,  
5 that is one area where there would be no concern if wire  
6 tapping was disclosed.

7 Q Specifically, the way that concern could arise is  
8 that if a Grand Jury witness was hostile and refused to  
9 testify and even after granted immunity refused to testify  
10 and the government went into court to have him held in con-  
11 tempt, he could raise the issue of whether or not he had been  
12 wiretapped. This would have happened, perhaps, although  
13 it did not happen, but it could have happened with Mr.  
14 Halperin if he was called before a grand jury, and it could  
15 have happened with various reporters if they were called be-  
16 fore a grand jury.

17 Do you recall any concern that in these grand  
18 jury proceedings these wire taps might have to be disclosed?

19 A What proceedings were going on at that time in  
20 the grand jury?

21 Q There was the Boston Grand Jury at that time.

22 A What were they investigating?

23 Q They were investigating the aspects more related  
24 to the delivery of the papers to the Times and Post as opposed  
25 to the earlier investigation, which was, basically, the Xerox-

1 ing and copying of the documents during 1969 and '70. Do  
2 you recall any such statement about or any indication --

3 A I don't recall this. I cannot recall the discussion  
4 specifically. I recall generally what I have told you already.

5 Q Do you recall in this discussion or at or about  
6 this time being told that Mr. Mardian would come out here  
7 to San Clemente to discuss these wire taps with you, that  
8 there was some problem with regard to the wire taps?

9 A Yes, I know Mr. Mardian did come out to talk to me  
10 about it.

11 Q Do you recall the circumstances under which you  
12 were told he was coming, whether a talking paper or some  
13 preliminary meetings were held, or anything of that nature?

14 A No, and I don't have any papers. As you know,  
15 you have those, so I wouldn't have any opportunity to review  
16 that. I mean you have them, unless we haven't turned them  
17 over to you. You don't have them unless we turned them over  
18 to you.

19 That is not a fair statement. But your actions  
20 have made it impossible for me to have my papers here.

21 Q We would like to turn now to the meeting on July  
22 12, '71, and I have marked as Exhibit E-4 Mr. Ehrlichman's  
23 notes of that meeting.

24 (The document referred to  
25 was marked Exhibit No. E-4

for identification.)

1 THE WITNESS: Which part of this?

2 BY MR. MARTIN:

3 Q On **the** second page, and unfortunately due to the Xerox-  
4 ing --

5 A That is all right; I can read it.

6 Q Just above the note 1 there was a note on the  
7 original that just said "Mn", meaning Mr. Mardian, so this  
8 is the beginning of the portion of the meeting at which Mr.  
9 Mardian is present - the second page.

10 A These are the notes of the meeting of Mardian and  
11 Ehrlichman? Ehrlichman must have been there, because he made  
12 the notes, I suppose.

13 Q Right, and then Haldeman comes in after the first  
14 notation.

15 A Fine.

16 Q The first notation is "re National Security taps",  
17 as you can see, especially "special coverage taps, Beecher,  
18 Sheehan, Hedrick Smith - overhearings would be disclosed,"  
19 and then the notation Referred Do you recall Mr. Mardian  
20 at this meeting giving a list of any of the names of the  
21 people who had been wire tapped during this project, such as  
22 Mr. Ehrlichman would have written down - these names?

23 A It is possible that he did mention some names. I  
24 don't recall that he did.

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(CLASSIFIED MATERIAL DELETED)

1 Q Well, these notes, and it does state national  
2 security wire taps, but the special coverage taps is the term  
3 and I believe you would be familiar with them, that some people  
4 in the FBI used to refer to this project of the 17 taps,  
5 which is principally what he was discussing. Now do you re-  
6 call Mr. Mardian listing any additional names, such as Mr.  
7 Halperin?

8 A I don't even recall these names. These are names  
9 of newsmen, as I recall,. Beecher, Sheehan and Hedrick Smith  
10 were all reporters with the New York Times.

11 I can't even recall that, and I don't recall his  
12 listing any names of National Security staff or NSC staff  
13 people, but he might have.

14 Q Do you recall whether or not he made the statement  
15 that overhearings would be disclosed? Do you recall that  
16 statement?

17 A I cannot recall that. I don't know in what  
18 connotation he would make it.

19 Q Let me explain to you why overhearings would be dis-  
20 closed. Mr. Ellsberg, among others, and these people listed  
21 here, had been overheard during the NSC wire taps.

22 A In the earlier period, too?

23 Q In the earlier period. Now, as you know, the  
24 fact that Mr. Ellsberg was overheard was not disclosed, as  
25 in the normal course it should have been, at least to the

1 Court in camera, not necessarily publicly, but at least in  
2 camera it would have had to have been disclosed after he was  
3 indicted, and again these people could have required over-  
4 hearings to be disclosed in the same manner if they were in-  
5 dicted or if they had some contempt hearings with regard to  
6 the Grand Jury. So do you recall in that vein anyone mention-  
7 ing these wire taps and these overhearings would have to be  
8 disclosed in connection with court proceeses?

9 A I don't recall it. It is very possible that they  
10 did talk to me about those things. I must say I can't remember  
11 Mardian even being here, let alone what he said. I was think-  
12 ing about other things.

13 Q As we went through earlier with the July 12 meet-  
14 ing with Mr. Mitchell, where he informs you that the wire  
15 tap records are being reviewed, do you recall whether or not  
16 Mr. Mardian in raising this subject stated this had come up as  
17 part of his review of the wire tap records in connection with  
18 the Pentagon Papers investigation?

19 A No, I have no recollection.

20 Q Now, the next note involves a U.S. Attorney's office  
21 and various indications that people in that office may be  
22 disloyal, and I would like to suggest and see whether this  
23 strikes any response as something that may have happened,  
24 whether or not that was raised in the context that these wire  
25 tap records or the fact that these wire taps had taken place

1 would in the normal course have to be disclosed to various  
2 people in the Justice Department bureaucracy dealing with  
3 the Pentagon Papers case and that these people may be dis-  
4 loyal and might leak that information?

5 A Well, let's understand these, of course, are not  
6 my notes; they are Mr. Ehrlichman's notes, and when I saw  
7 this reference to the U.S. Attorney's office, this is  
8 certainly what he thought about --

9 Q Well, I --

10 A Now, just a moment. With regard to the possible  
11 disloyalty, as you have asked the question about that,  
12 summer interns and Whitney North Seymour, Jr. -- I knew  
13 his father, but I never knew him -- et cetera, and Lindsay  
14 type people -- I don't know what that means. Oh, yes,  
15 Lindsay was mayor then, but I don't know what the New York  
16 offi-e, what it had on its plate at that time that it would  
17 allow it to get in the wire tap area.

18 Was there a case there with them? There would  
19 have been if we brought something on the newspapers, I  
20 suppose. Is that what you are referring to?

21 Q All I mean to suggest is that if people in the  
22 bureaucracy were disloyal and if -- this is just given as an  
23 example -- whether other people in the Justice Department,  
24 in the U.S. Attorney's offices elsewhere that might have to  
25 be handling this case, such as in Los Angeles, whether they



1 were viewed as possibly leaking information about these  
2 wire taps.

3 A Let's stick precisely with the notes. This refers  
4 to the New York Attorney's office. What was going on there  
5 then?

6 Q At that time there was nothing further going on  
7 there then.

8 A Then I don't know what the reference is there, why  
9 that would be brought up. I would say that would be the last  
10 place that you would expect information to be disclosed.

11 You see, the real point is, as I read these notes,  
12 and my asking you about what was going on in New York in the  
13 U.S. Attorney's Office bears out what I said earlier, that I  
14 just have no independent recollection of the meeting with  
15 Mardian and what was discussed at the meeting. I am  
16 only relying on, for whatever information I am giving you,  
17 on the notes that others have made.

18 Q Whether or not you remember specifically this  
19 meeting as occurring on this date with these people and these  
20 exact words being used, do you recall at or about this time  
21 this subject matter being discussed concerning the wire  
22 tap records?

23 As we go through you will see that there are various  
24 references to gathering these documents together, to destroy-  
25 ing the documents, to telling Mr. Hoover to destroy the

1 documents and later on a reference to having General Haig re-  
2 turn all of the documents he has to the FBI and then to request  
3 the FBI to destroy all of the documents. Do you recall that  
4 subject matter?

5 A That subject matter was discussed because at the  
6 conclusion a decision was made that Mr. Mardian should go  
7 back to Washington and get the documents together, as I recall,  
8 and collect them from the various plades that they were. The  
9 references to destruction are mystifying to me. I can't  
10 recall directing that they be destroyed, and if I did the  
11 directing was not carried out.

12 Q Why was Mr. Mardian having all of these records  
13 gathered together? Did it relate at all to the Pentagon  
14 Papers and the possible disclosure of these wire taps in  
15 connection with the Ellsberg trial or other aspects of the  
16 Pentagon Papers investigation?

17 A No, not as far as I was concerned. What I was con-  
18 cerned about was that after the Pentagon Papers case and the,  
19 if I may use the term, the enormous positive hullabaloo that  
20 developed across the country, where people who steal classi-  
21 fied documents are made heroes and those that publish them  
22 get Pulitzer Prizes, I was concerned about a massive leaking  
23 problem in the State Department, in the CIA, and, frankly, in  
24 the Defense Department -- to my great surprise, I learned  
25 later I proved to be right in that respect -- and what I was

1 concerned about was to do everything possible not to have  
2 this program basically totally, not only revealed, but by its  
3 revelation the capacity removed to do the necessary work that  
4 I considered we would have to do if we were going to plug  
5 leaks involving the national security and involving highly  
6 sensitive negotiations which we were undertaking.

7 Q If I understand your answer, you are saying that  
8 you are concerned about the existence of these wire taps  
9 leaking because you felt that it was something that may be  
10 necessary, a necessary evil, if you want, to use this type  
11 of activity to track down leaks that you were afraid might  
12 occur in the future? Is that essentially correct?

13 A That was my primary concern, yes.

14 Q I would now like to turn to a later period, in  
15 October of 1971, and just to briefly recap what happened:  
16 Mr. Sullivan was fired by Director Hoover at the end of  
17 September. At that time Director Hoover learned that these  
18 wire taps were no longer at the Bureau and was trying to  
19 locate them.

20 On October 8 you met with Mr. Mitchell and Mr.  
21 Ehrlichman and the decision was made to give these wire tap  
22 records to Mr. Ehrlichman since Mr. Mardian had them. What I  
23 would like to get to is October 25, and I will mark as the  
24 next exhibit two documents. We will mark as Exhibit E-5 a  
25 memo from Mr. Liddy to Mr. Krogh, dated October 22, 1971, and

1 as E-6 a transcript of a meeting between yourself and Mr.  
2 Ehrlichman on October 25, 1971, in the Oval Office.

3 (The documents referred to  
4 were marked Exhibits E-5 and  
5 E-6 for identification.)

6 BY MR. MARTIN:

7 Q Now there are two specific references which I would  
8 like to go to, and on the Liddy memo, at page 7 --

9 A Don't you first want to ask me if I have seen it?

10 Q Well, the transcript of the October 25 meeting in-  
11 dicates that you had seen it and were discussing it with Mr.  
12 Ehrlichman.

13 A Yes. Fine. I just thought you ought to get it in  
14 the record.

15 Sorry. I have seen it; that is right. It is one  
16 of the rare instances where a staff memorandum was brought to  
17 my attention. Apparently Mr. Ehrlichman sent it in because  
18 he thought it was a rather perceptive memorandum, because  
19 he agrees with its recommendation that Mr. Hoover had to go.

20 Q On page 7, under arguments against immediate re-  
21 moval, that being immediate removal of Mr. Hoover --

22 A This is Liddy?

23 Q This is Liddy. The first argument is that Hoover  
24 could resist and make good his threat against the President.  
25 Now, in discussing this memorandum with Mr. Ehrlichman, in

1 the transcript of that meeting you state, with regard to Mr.  
2 Hoover, we may have on our hands here a man who will pull down  
3 the temple with him, and that reference is at page 3 of the  
4 transcript, about a quarter of the way down the page.

5 A Page 3?

6 Q Yes, page 3.

7 A Yes. Right. Go ahead.

8 Q Do you recall whether or not you were aware that  
9 Mr. Hoover had indicated to you or others that he might dis-  
10 close these wire taps that we have been discussing?

11 A Well, you have read again out of context a very  
12 small portion of my statement. We are speculating there about  
13 the Liddy memorandum and Mr. Hoover's situation, his problems,  
14 and I say, "You are correct, we have on our hands here a man  
15 who will pull down the temple with him, including me. I  
16 don't think he would want to. I think he considers himself  
17 a patriot, but he now sees himself as McArthur did, Benson  
18 did, and perhaps Agnew does --

19 "Mr. Ehrlichman: Yep."

20 And I say "Yep", and he says, ". . .himself as an  
21 issue greater than the issue which is the great --" and I  
22 said "weakness of any political man."

23 Now what is all this? This is simply a discussion,  
24 a free-wheeling discussion between the President and one of  
25 his top advisors on some theories that a very bright young

1 man in one way, very stupid in others, Mr. Liddy, who had been  
2 in the FBI and had written us about Mr. Hoover.

3           Let me just recount briefly what my attitude  
4 towards him was and what I really believe. I always, in my  
5 process of thinking, went down every avenue, considered every  
6 option, would even put out to my advisors something that I  
7 might not even be for myself in order to drag out of them  
8 their best thinking because many times, you know, people who  
9 advise the President tell him what he wants to hear and they  
10 always wait to find out what they think he wants and what he  
11 believes before they talk. I didn't like that. I wanted to  
12 find out what they really thought.

13           Now as far as Mr. Hoover was concerned, my relation-  
14 ship with him goes back many years. It goes back clear to  
15 the Hiss case where because of an order issued by Mr. Truman  
16 the FBI was prohibited from giving the committee of which I  
17 was a member any assistance whatever in uncovering that  
18 activity. We did it; we got it done. We didn't need a hun-  
19 dred lawyers.

20           The second point was that over that 25 years I have  
21 considered him to be a patriot; I have considered that he was  
22 an intelligent man, in a super-sensitive position. I recall,  
23 for example, the last conversation -- I believe it was the  
24 last one I had with President Johnson in the White House, in  
25 December -- you recall, sir, things that are first are last.

1 It was in December of 1969, and he told me, very emotionally,  
2 that the greatest mistake that he made was after his election  
3 in his own right in '64 in not firing all of the people or  
4 virtually all of the people whom he had inherited from the  
5 previous Administration and getting his own people in, and  
6 he said, "You know, many times Edgar Hoover I think is the  
7 only man I can talk to. I recall calling President Johnson  
8 on the day Hoover died and telling him about it.

9 I do not mean to digress, but what I am saying is  
10 that I met with Mr. Hoover, at his suggestion, in one of our  
11 regular meetings at Easter of this year -- I believe it was  
12 then. You have the transcript of that conversation.

13 No, you haven't. You got notes of it or something  
14 and recollections as far as that meeting because I recounted  
15 that meeting to Mr. Ehrlichman or Mr. Haldeman later. Mr.  
16 Hoover on that occasion said that he would leave then, he  
17 was over age, he was 75, or he would stay, whatever I want.  
18 He said, "My major interest is the country, my major interest"  
19 he was never a partisan -- he served President Johnson and  
20 President Kennedy, President Eisenhower, just as well as he  
21 served me. I mean he was a man who considered the presidency  
22 was what was important, not whether he was a Democrat or  
23 Republican or Liberal or Conservative, but I remember in that  
24 meeting he went on to say he would do anything that would  
25 help; if resigning would help, he would get out, if he was a

1 liability. He didn't think he was a liability; he preferred  
2 to stand and fight.

3 One of the things he was concerned about at that  
4 time was a Congressman, who, unfortunately, was killed, Mr.  
5 Boggs, from Alaska. Mr. Boggs had launched a rather vicious  
6 attack on Mr. Hoover and Mr. Kleindienst, who was then the  
7 Deputy Attorney General, had apparently, in an unguarded  
8 moment, indicated there should be a congressional investigation  
9 of the FBI. This is in regard to Caleb's charges that the  
10 FBI were bugging congressmen and senators, which Mr. Hoover  
11 has always denied to me, that he has never done this, but in  
12 any event what happened was that I reassured him that he  
13 ought not to pay any attention to Boggs. Boggs, and no one  
14 likes to speak ill of those who are gone, but everybody knows  
15 he had a terrible drinking problem and he would say things.  
16 He made an ass of himself when he was in China. We sent him  
17 there on that delegation and we practically had to drag him  
18 out of there or our relations with China might have been  
19 seriously jeopardized. But my point is I reassured Mr. Hoover;  
20 forget Boggs' attacks, I am going to keep you on. This was  
21 in April All right. At no time did Mr. Hoover, directly  
22 or indirectly, ever threaten that, look, unless you keep me  
23 on I am going to blow the whistle on you. At no time did  
24 he ever say, look, unless you keep me on, I am going to pull  
25 down the whole temple, including you.



1 I considered Hoover to be a patriot. I don't  
2 question that I talked this way, but as far as what I believed  
3 is concerned, it is best indicated by what I did. I kept  
4 him on until he died, and delivered a rather good eulogy on his  
5 death, and so when we talk about his possibly using the fact  
6 he had these taps to blackmail, it was something that was  
7 brought to my attention. Mr. Ehrlichman thought he might;  
8 Mr. Mitchell apparently thought he might. Obviously Gordon  
9 Liddy, whom I didn't know -- I don't believe I ever met him,  
10 as far as I can recall -- thought he might, but as far as I  
11 was concerned, I had to weigh what my closest advisors thought.  
12 I still stuck with him, because with all of his weaknesses,  
13 even in his advanced age, I didn't know of a better man for  
14 the job.

15 Q Back in April of '71 -- this Eastertime that you  
16 referred to -- there is some indication in the notes that Mr.  
17 Hoover implied that if there was such a congressional investi-  
18 gation, one of the things he might be asked about would be  
19 wiretapping and that these wiretaps might have to be dis-  
20 closed. Do you recall discussing that at that time, the  
21 possibility that these wiretaps might have to be disclosed  
22 if such a congressional investigation were ever launched?

23 A No, I don't specifically recall that part of it,  
24 but he well might have told me that because he always leveled  
25 with me on conversations.

1 Q Do you recall whether or not you had any conver-  
2 sations with Mr. Kleindienst at that time concerning the  
3 congressional investigation?

4 A With Mr. Kleindiesnt? I think the only conver-  
5 sation that I had was more indirect. I think I talked to  
6 Attorney General Mitchell and told him to tell Kleindienst  
7 he was out of his mind to suggest a congressional investigation  
8 of the FBI. As a matter of fact, I can think of nothing  
9 that is more damaging to the national interest than the  
10 current investigation of the CIA. I can think of nothing  
11 that would be more detrimental to the national interest than  
12 an investigation of the FBI.

13 I don't mean that the CIA and FBI should be engaged  
14 in activities without having proper surveillance and the  
15 rest, but it can be done without putting everybody out in  
16 front of television lights and so forth. Here they have  
17 smeared the memories of three former presidents of the United  
18 States by suggesting assassinations and by putting all of  
19 this out, and as far as the FBI is concerned, if they want to  
20 get into them, they will make them impotent, and I am digressing  
21 here a moment by pointing out and making the point that it is  
22 essential sometimes in government to have intelligence organi-  
23 zations, intelligence organizations that don't run loose and  
24 just go off on some kick in Florida where some IRS investigator  
25 is looking into homosexuality of people down there -- I don't

1 know what he was doing that for -- but you have to have con-  
2 trol, on the other hand, and to have a fullblown investigation  
3 and then to the point that you completely destroy their  
4 ability to do their job, that is not in the interest of this  
5 country.

6 Q Do you recall any other meetings during this summer  
7 and fall of 1971 with Mr. Mardian, other than this one meeting  
8 out here in San Clemente?

9 A No, I don't recall any other meetings. No. One  
10 could have occurred, but I don't recall.

11 BY MR. HOROWITZ:

12 Q Sir, continuing on the other aspect of this Grand  
13 Jury investigation, which relates to the wire tap project, as  
14 I informed you, relates to the allegations that Mr. Gray --

15 A Lied?

16 Q -- lied during his confirmation hearings, and I  
17 am going to try to cover that material with you over the next  
18 45 minutes or so.

19 Before we get directly into Mr. Gray's confirmation  
20 hearings themselves, there has been evidence before the Grand  
21 Jury which is relevant here, and to them only insofar as it  
22 relates to the Gray matter which pertains to this other  
23 electronic surveillance project which I will dub the  
24 Radford project, which commenced in December of 1971 and  
25 continued until June of 1972 and involved installing electronic

1 surveillance on others, including Yoeman Radford. My only  
2 questions about that will be a few, and relate to this Gray  
3 matter.

4 Firstly, when that commenced in December of 1971,  
5 Mr. Mitchell was Attorney General and Mr. Felt was the  
6 Deputy Associate Director, or number two or three in the  
7 FBI, and they were the people running it.

8 A Sullivan had left at that time, I think.

9 Q That is correct, and in about March, or March 1,  
10 or thereabouts, of 1972 Mr. Mitchell left his position as  
11 Attorney General and Mr. Kleindienst took over as Acting  
12 Attorney General.

13 My first question is whether you can tell us about  
14 briefings or discussions of Mr. Kleindienst concerning the  
15 Radford electronics surveillance project, whether you par-  
16 ticipated in any or were aware of any.

17 A I don't recall participating in any. I don't  
18 recall being aware of any. This project was the most highly  
19 sensitive that we had while I was President.

20 Q I understand that and I understand --

21 A And I am going to describe the project, too, even  
22 though you won't ask the question. It is necessary. I mean  
23 let me say --

24 Q I don't want to cut you off.

25 A Let me say, Mr. Horowitz, the only reason I must do

1 this is that you say why don't you tell the Attorney General  
2 and the Secretary of State and all of the rest about your  
3 taps. I think the Grand Jurors want to know why didn't I  
4 tell Mr. Gray about them when he came in to see me, why  
5 didn't I mention the Radford taps.

6 Q You are anticipating my questions here.

7 First, if I might, do you have any reason to be-  
8 lieve that Mr. Kleindienst did not know about that Radford  
9 project?

10 A I have no reason to believe that he did or did not  
11 know.

12 Q And going ahead in time, when Mr. Gray was named  
13 as Acting Director, following Mr. Hoover's death in early May  
14 of 1972, when he came in and I believe met with yourself  
15 and then served as Acting Director for a period, do you have  
16 any reason to believe that Mr. Gray, while the Radford project  
17 was being administered by the FBI itself, did not know about  
18 the Radford project?

19 A I have no reason to believe that he did, and from  
20 the conversation that I had with him, I certainly didn't inform  
21 him of it. As a matter of fact, if the FBI agent who was  
22 involved in the project did not inform him of it, he was doing  
23 exactly right because it was so sensitive that I didn't want  
24 anybody to know about it.

25 Q But you don't know that Mr. Ehrlichman, for example,

1 did not tell him? You just don't know one way or the other?

2 A I don't know it, but I would assume -- I want this  
3 Grand Jury, before it considers or weighs whether Mr. Gray is  
4 guilty or not guilty, to have in mind the facts why this was  
5 such a sensitive project and why it is very possible that Mr.  
6 Gran, as the Director of the FBI, didn't know about it or was  
7 not told about it, because, you see, otherwise the Director  
8 of the FBI you would assume would know about every wire tap  
9 project. Hooever knew about, I think, all of them, unless  
10 somebody was tapping him, but as far as this one was concerned,  
11 it was so closel- held that even people in the White House  
12 staff who would normally know didn't know about it.

13 Q You have indicated you wanted to state about the  
14 Radford project.

15 A I want to only because it, to members of the  
16 prosecuting team and to members of the Grand Jury, it does  
17 sound incredible that the Attorney General and Acting Director  
18 of the FBI wouldn't have been informed of a wire tap project.  
19 If the record is correct, and I assume that it is, that all  
20 taps were stopped in February of 1971, and then this one was  
21 the only one that was instituted and that there was no  
22 tapping in their investigation of Ellsberg -- that is what  
23 the record, Mr. Martin, indicates, as far as I can see -- the  
24 question is why this one and why would we take such risks if  
25 we had knocked them off before.

1 I should also point out when you ask why were the  
2 taps discontinued in February, it wasn't just the hullabaloo  
3 out there, but you gentlemen should know that that was Mr.  
4 Hoover's common practice. He told me about it. He said,  
5 "You know a month or so before I ever go up to testify before  
6 the Appropriations Committee I discontinue all taps."

7 I said, "Why do you do that?"

8 He said, "The reason is so that when they ask me  
9 the question as to whether we are tapping anybody, I can say  
10 no."

11 Now that was the reason that it was done. I don't  
12 recall any order that I gave, let's discontinue taps, although  
13 I would have agreed with it in the event that they had come  
14 to me, because I didn't think it had been particularly pro-  
15 ductive up to that time.

16 (Continued on page 269)

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1 We will come to the Radford tap. You will all  
2 remember that miserable war between two terribly poor  
3 countries, India and Pakistan. You will all remember, also,  
4 that I issued some orders sending the American Fleet into  
5 the Indian Oceans and used every diplomatic and other --

6 MR. RUTH: Could I interrupt a minute?

7 Could I speak with Mr. Miller a minute?

8 (Counsel withdrew from the Conference Room.)

9 MR. RUTH: We will proceed.

10 THE WITNESS: All right.

11 As a result of what we did, we were able to save  
12 what was left of Pakistan, west Pakistan. We incurred the,  
13 at that time, what appeared to be the undying enmity of  
14 India, of the Indians, and, of course, in the United States  
15 there are many friends of India and very few of Pakistan,  
16 among, particularly, the more liberal people of the press.  
17 The net result was that there was very vigorous criticism  
18 of the decision that I had made to, the decision that I made --

19 You don't have to take this; I have to take it;  
20 It doesn't hurt me at all. (Referring to medication)

21 (Continuing) -- the decision that I made putting  
22 pressure on India. We put pressure on the Soviet Union, as  
23 well.

24 Now you have to understand why we did it and why  
25 American foreign policy was so vitally involved.



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1 I said "ship him out." We got ahold of the Defense Department  
2 and they sent him out to Oregon. His parents, apparently,  
3 lived there, so he was willing to go. But it was vitally  
4 important that he be tapped to see whether this mania he had  
5 developed for leaking was continuing, and so he was tapped  
6 and his closest associates were tapped for about six months.  
7 They were knocked off in June, on June 20, when the tapping  
8 was concluded, and I would say that as far as I am concerned,  
9 with all of the talk about wiretapping and the rest -- I mean  
10 it is your job and I want the Jury and the Special Prosecutors  
11 to kick the hell out of us for wiretapping and for the  
12 Plumbers and the rest, because obviously you may have con-  
13 cluded it is wrong, but I want to say this, that if as a  
14 result of the secret negotiations that we have had we have  
15 changed the world, which we have, if as a result we have  
16 saved American lives, which we did in Vietnam by shortening  
17 a war -- the secret Cambodian bombings saved at least ten  
18 thousand lives, as I have told you -- if as a result we  
19 have made some progress in reducing the threat of nuclear  
20 destruction by arms limitation with the Russians, and if the  
21 other choice is to have what we call total openness, with no  
22 security whatever, then the United States is finished as a  
23 great power. Maybe a lot of people don't care, but I care  
24 a great deal. I think all of you care a great deal.

25 That is what Yoeman Radford was about, and I would



1 strongly urge the Special Prosecutor don't open that can  
2 of worms, because there is even more, because he not only --

3 MR. RUTH: I think it was probably a specific  
4 question addressed to you, sir. We are not opening it up.

5 THE WITNESS: Yoeman Radford was not only there, but  
6 he was a direct channel to the Joint Chiefs of Staff.

7 BY MR. HOROWITZ:

8 Q Sir, if I might take us back now to --

9 A This indicates to the members of the Grand Jury,  
10 if I might address them for a moment, why it is that, first,  
11 it had to be top secret and, second--for example, particularly  
12 I didn't want the Joint Chiefs of Staff involved in this sort  
13 of thing--second, that by keeping it top secret, and my orders  
14 were this case is to be out only on a need-to-know basis, and  
15 by need-to-know, that could have excluded the Attorney General,  
16 it could have excluded Mr. Gray, it could have excluded every-  
17 body except those that were conducting the investigation.

18 That is why, Mr. Martin and Mr. Horowitz, when you  
19 asked me the question can you say for sure that Mr. Gray didn't  
20 know about the tap, my answer is I am not sure that he did. My  
21 guess is he probably didn't because of the high sensitivity  
22 involved.

23 (Continued on page 278)

24 \* \* \*

1 BY MR. HOROWITZ:

2 Q Now, as you have focused it back again, we do want  
3 to talk about Mr. Gray's knowledge and the knowledge of  
4 Radford was one aspect, but a small aspect, so if I can now,  
5 I would like to direct your attention, sir, to the month of  
6 February, 1973, when Mr. Gray was nominated by yourself to  
7 be Director of the FBI, and our specific reference there is  
8 that in the days and immediate week before his hearings  
9 Time magazine published an article alleging that there had  
10 been wiretapping by the FBI requested or directed by the  
11 White House and that that wiretapping had involved White  
12 House staffers and newsmen.

13 The week end of February 23 and 24, which is  
14 immediately before Mr. Gray is going up to his hearings,  
15 this story is coming out, the White House is aware of it,  
16 and the story hits the news stand, I suppose, that Sunday  
17 night.

18 I want to focus our attention on that week end,  
19 if I can, and it was a week end when you were in Camp  
20 David and Mr. Gray, preparing and anticipating his con-  
21 firmation hearings, was down at a place called Marco Beach  
22 in Florida, and we have notes of a conversation that you  
23 had with Mr. Haldeman that Sunday afternoon, which was  
24 February 25, so we will mark that in the same E series,  
25 as Exhibit E-7.

1 (The document referred to  
2 was marked Exhibit No. E-7  
3 for identification.)

4 BY MR. HOROWITZ:

5 Q I will pass a copy of that over to you.

6 A Yes, go ahead.

7 Q So you have looked over these notes and if I might,  
8 for the record, they read - quote - talked to Ehrlichman re  
9 Time's latest thing on FBI story. Had names of Brandon and  
10 Safire. Ehrlichman told Ziegler just stonewall it."

11 The next sentence is, "Everything handled", which  
12 is abbreviated, "by Dean, Kliendienst, et cetera. He",  
13 I believe referring to Ehrlichman" and "I", referring to  
14 Haldeman, "stay out of it."

15 Do you recall this specific conversation with  
16 Haldeman?

17 A No.

18 Q Do you recall discussing with Mr. Haldeman the  
19 Time magazine article, their latest thing on the FBI stuff?

20 A I probably discussed it with him. He probably  
21 brought it to my attention.

22 Q What do you remember about that?

23 A Only what thbse notes may reflect, except these  
24 are his notes, and whether his ideas and what are his ideas  
25 and what are mine, I can't tell.

1 Q Well, for example, sir, do you recall discussing  
2 with Mr. Haldeman or perhaps with someone else, like Ehrlichman,  
3 that Time had the names of Mr. Brandon and Mr. Safire? Do  
4 you recall that aspect of it?

5 A I recall it only when I read the notes.

6 Q Does that bring it back to you, that you --

7 A Like I am saying -- I am telling you the truth --  
8 I said I don't recall the conversation. I just recall it when  
9 I read the notes. In other words, you've got it.

10 What is the next question?

11 Q You don't recall discussing Safire or Brandon or  
12 these names with Mr. Ehrlichman at that time?

13 A I don't recall discussing names that Time had. I  
14 do recall discussing a Time magazine article with Haldeman in  
15 which they are supposed to have names of various people that  
16 were supposed to have been tapped. As far as what specific  
17 names were involved, I don't recall that those specific  
18 names were in the discussion. I mean if you want me to lie  
19 about it, I will be glad to.

20 Q I think I understand, but I was a little confused.

21 A Better strike that last.

22 Q In other words, do you recall discussing with Mr.  
23 Haldeman that they did have some names, but you don't recall  
24 these specific names?

25 A What?

Q Is that it, that you recall that they did have

1 some names, but you don't recall these specific names?

2 A I don't recall a discussion of specific names, but  
3 it could havd happened.

4 I just want to say with regard to my earlier point,  
5 Mr. Horowitz, -- I mean I am trying to be a cooperative  
6 witness, and I believe you should press me, but don't put  
7 words in my mouth and make me lie about something.

8 Q I am certainly not trying to do that.

9 A I am not going to lie about something. If I don't  
10 remember something, I have to say I don't remember.

11 Q But I also have to try to understand exactly. I  
12 might be a little unclear as to your testimony.

13 Let me ask you this: Are you distinguishing be-  
14 tween Mr. Haldeman and Mr. Ehrlichman, that is, do you recall  
15 discussing this matter with Mr. Ehrlichman, as presumably you  
16 reported on it to --

17 A No, I have no recollection of that. I very well  
18 might have.

19 Q As I noted, Mr. Gray was that week end, when this  
20 matter was coming to light, and apparently, according to the  
21 notes, there was some conversation about it, but Mr. Gray was  
22 away in Florida preparing for his confirmation hearings and,  
23 therefore, not available up here in Washington to discuss this  
24 matter in person. Do you recall calling Mr. Gray or causing  
25 Mr. Gray to be called to ask him or talk to him about the

1 Time article?

2 A No, I have no recollection of a call by me or one  
3 directed by me. One could have been made. I don't recall it  
4 at this point.

5 Q In an effort to help refresh your recollection, earlier  
6 when you had discussed with Gray his impending appointment,  
7 which was a meeting you had some week prior to this time, you  
8 had emphasized to him, among other things, your concern with  
9 leaks and it appeared fairly clear from this Time magazine  
10 article that some leaks had taken place to Time magazine.

11 Now, does that bring back conversations with  
12 Ehrlichman or Mr. Haldeman, when it was apparent there was  
13 this lead, that they should instruct Gray to do something  
14 about it?

15 A No.

16 Q Now, sir, staying with these notes, and again I  
17 appreciate you don't remember the specific conversation, but  
18 if I can capture the ambiance surrounding the possible con-  
19 versation, perhaps it will help us. You indicate here or  
20 Haldeman indicates that you state, "Everything handled by  
21 Dean, Kliendienst, et cetera; "E" and I stay out of it."  
22 Do you recall any conversations concerning how the Time  
23 magazine article or allegations were to be handled in that  
24 respect?

25 A I don't recall it. I can speculate as to what

1 I might have said, if you want me to.

2 Q But you don't recall it?

3 A No, I can't recall it, no. I mean I can speculate  
4 why I might have said that, if you want to know what my specu-  
5 lation is, about Haldeman and Ehrlichman staying out of it.

6 Q I assume because they had other duties?

7 A Exactly. I felt that Haldeman and Ehrlichman were  
8 spending too much time on some of these things. Incidentally,  
9 they weren't spending enough, it turns out. None of us were.  
10 But my view was I wanted them to stay out and let Dean and  
11 people that were responsible take care of it. That was my  
12 policy, but I don't understand that.

13 Q I understand that qualification.

14 Let me ask you when you refer to having said  
15 "Everything handled by Dean, Kliendienst, et cetera; Ehrlichman  
16 and I; - Haldeman - "stay out of it," do you recall what there  
17 was to be handled insofar as this Time magazine story was  
18 concerned, other than putting out a press response to it? Do  
19 you recall discussions as to Gray had to be briefed or any-  
20 thing of that nature?

21 A No, I have no recollection of my talking about  
22 briefing Gray on this article or, as I have earlier said, no  
23 recollection of my briefing or having anybody else brief  
24 Gray on the Yoeman Radford wiretaps.

25 Q On the following day, sir, just after this

1 conversation with Mr. Haldeman, but at this time Time pub-  
2 lishes its article and Time does not publish the names of any  
3 persons allegedly subject to wiretapping.

4 A They didn't? Okay.

5 Q Now in view of a lot of the things you have told us  
6 here about the concerns for the wiretapping and that type of  
7 thing, I wonder whether you had conversations with others  
8 directed toward making entreaties at the time that they not  
9 publish specific names or, alternatively, of conversations  
10 about why Time hasn't published the names of who had been  
11 tapped?

12 A No, I don't recall any such thing. Let me say that  
13 my attitude toward the press and their attitude toward me is  
14 well known.

15 Q Turning to February 27, that was a day when you had  
16 a lengthy meeting with Mr. Dean in the afternoon, and the  
17 transcript of your conversation which was taped refers to or  
18 includes references to various subjects, but of relevance here  
19 are the references to the general subject of wiretapping, and  
20 so forth. Most directly relevant here is the following  
21 dialog:

22 Let me, sir, hand to you what we have marked as  
23 Exhibit E-8, which is a transcript of this particular meeting.

24 (The document referred to  
25 was marked Exhibit E-8 for  
identification.)



1 THE WITNESS: What page would you like me to look  
2 at?

3 You don't really need to find the page. Just ask the  
4 question.

5 BY MR. HOROWITZ:

6 Q This is a directly relevant reference, and if we  
7 can locate it for you and direct your attention to it, we will.

8 It is the bottom of page 11, sir.

9 It commences with "Dean's last full statement  
10 there - quoting - the way it is postured now, uh, we can  
11 stonewall it, ah, Gray can go up there in his confirmation  
12 hearings and he's not gonna have to bother with it, because  
13 they'd accused him in the article of being, sitting on top of  
14 the bugs.

15 "President: Yea

16 "Dean: . . . it was there once he came in, which  
17 is not factual.

18 "President: Well, there wasn't any.

19 "Dean: There were none there when he came in.

20 "President: Well, three years ago that this  
21 happened.

22 "Dean: That's right.

23 "President: . . .and there hasn't been a God damn  
24 thing since.

25 "Dean: That's right. Correct.

1 "President. Right."

2 Now, directing your attention to that, sir, Mr.  
3 Dean apparently is telling you that Gray is going to stone-  
4 wall this article and by that, I take it, you understood  
5 that he was not going to admit the allegations made in Time  
6 magazine?

7 A Correct.

8 Q Do you recall discussing either with Mr. Dean or with  
9 others at about this time exactly how he was going to stone-  
10 wall it, how Gray was going to do that, what type of responses  
11 he was going to give?

12 A No, I didn't discuss how he would testify.

13 Q Did you understand he was going to testify un-  
14 truthfully?

15 A You can play that trick all you want, all day.  
16 We can take all day on that. You are not going to put words  
17 in my mouth. Ask the question properly.

18 Q Did you understand that he was going to testify  
19 untruthfully?

20 A No, I didn't understand that.

21 Q How did you understand the stonewalling? What did  
22 you understand that to mean, the reference to stonewalling?

23 A Look, the Time magazine article contained a number  
24 or covered a number of subjects and I didn't feel that Gray  
25 should be up there trying to respond to a lot of subjects in

1 which he might not have had any knowledge, but I did not  
2 understand that he was going to testify untruthfully, if that  
3 is what you meant. I am not telling you today what he knew.  
4 All that I have told you today is that when he did testify,  
5 contrary to what the assumptions of your earlier questions  
6 were, it is very possible, more possible than not, that  
7 Gray did not know that there was a wiretap still in existence  
8 when he came into office, and there were none in existence  
9 when he came in in the first instance.

10 Q Sir, if I can, just to make my last question clear,  
11 when Dean says "we can stonewall it" and then refers to how  
12 the article had some inaccuracies on the bottom of page 11 and  
13 top of page 12, he is referring, is he not, to these National  
14 Security wiretaps? Those are the ones that Time had alleged.  
15 They weren't concerned with this Radford matter. They had  
16 alleged the wiretaps of the news reporters and the White House  
17 staffers and Dean is referring to stonewalling that. Do you  
18 recall that, the stonewalling reference in that respect?

19 A Well, the stonewall in that respect -- trying to  
20 remember what I might have been thinking three years ago, or  
21 two years ago -- would be that if Dean is asked a question,  
22 as Mr. Hoover was asked for the fifty years he was Director  
23 of the Bureau, as to whether or not there had been wiretapping  
24 and there were none at that time, that is a stonewall, yes.

25 Q I am sorry; you mean if Gray were asked that question?

1           A     That is right, if Gray were asked it. I am sorry.  
2  
3     Mr. Hoover, over a period of fifty years, always stone-  
4     walled that question and he was technically truthful.

5           Q     Sir, do you recall -- Well, let me strike that.  
6  
7     In the course of this meeting with Mr. Dean, did you have  
8     occasion to discuss with Mr. Dean several of the subjects of  
9     these wiretaps, and I refer to Mr. Brandon, to whom you  
10    referred earlier today, and Mr. Kraft and Mr. Lake and Mr.  
11    Halperin. Now, do you recall whether you knew that anyone  
12    was sent to or went to discuss with Mr. Gray those subjects  
13    of these wiretaps, those particular ones, that is, Brandon,  
14    Kraft, Lake and Halperin?

15           A     I don't recall it, no. I have no recollection of  
16    it. I don't believe the record shows in any place that I  
17    instructed Dean to go over and tell Pat Gray that you had  
18    this -- If you have something to the contrary, I would like  
19    to see it.

20           Q     No. That is why I am asking. I was just curious  
21    if you could help us on that.

22           A     I would tell you if I knew, but I don't recall it.

23           Q     Now the other matter which is discussed at some  
24    length during this meeting you had with Dean which is relevant  
25    to the Grand Jury investigation is you touch upon who might  
26    have leaked this story to Time and you talk about -- when  
27    I say "you", I am referring to both you and Dean, to a

1 certain extent, but I am paraphrasing -- you discuss about  
2 Mr. Felt and Mr. Sullivan and so forth. Now in that vein,  
3 did you at this time direct that any investigation be done  
4 by the FBI as to who the leak was on this Time magazine  
5 article, again as to the National Security taps; that is, the  
6 seventeen?

7 A No, I don't recall that.

8 Q Do you recall learning that Gray had himself  
9 directed an investigation of who had leaked this information  
10 to Time magazine?

11 A I don't recall that Gray told me. I think I remember  
12 that in a conversation that I had with Gray --- that is the only  
13 one I had with -- I expressed my general views about the FBI  
14 and the relationship of the Director to the President, but I  
15 don't recall any reference to conducting an investigation of,  
16 a specific investigation, because your question is specific.

17 Q Right. I think we are merging together two things.

18 A I did refer to the fact that I thought the morale  
19 of the Bureau was low; I thought there were leakers at the  
20 Bureau, et cetera.

21 Q I think we are merging together two things, and  
22 maybe this will help focus my question: During your meeting  
23 with Mr. Gray, when you told him you were appointing him,  
24 you had occasion to raise with him your concern for leaks in  
25 Time magazine, particularly. My question is when, roughly

1 a week and a half after that, you had a leak to Time maga-  
2 zine from the FBI which went to one of the sensitive National  
3 Security projects, in view of having raised that specifically  
4 as a concern with Gray, my question is whether you directed  
5 there be any investigation or whether you learned that Gray  
6 on his own conducted an investigation.

7 A I don't recall learning that he had conducted one  
8 and I don't recall directing him to do so. I think he knew  
9 he was going to have a rough confirmation session and I  
10 imagine he was spending most of his time on that.

11 Q Do you recall hearing or discussing with others,  
12 sir, in the days after Gray's relevant testimony on this  
13 subject, which was March 1, 1973, when he was asked about  
14 the wiretaps and in fact did at least parry those questions,  
15 or stonewall them, or what you will, do you recall hearing  
16 about his testimony, how he had testified on this issue?

17 A The only recollection I have, and it is probably  
18 something that I read that you furnished to me or that we  
19 furnished to you and you furnished to me, is that someone  
20 told me that Gray had done well on one occasion and somebody  
21 told me on another occasion he hadn't done very well, and I  
22 didn't know which way he had done or what they were referring  
23 to, actually.

24 Q To make my question a little more specific, and this  
25 might or might not be of assistance, Gray's testimony, when

1 asked about the subject, was not to pointblank deny that  
2 there had or had not been such wiretapping, but, rather, to  
3 testify that there were no records at the FBI which was, of  
4 course, literally a true statement?

5 A That is correct.

6 Q Those records are the records to which we earlier  
7 referred in Mr. Martin's questioning.

8 A The ones Mr. Mardian delivered to Mr. Ehrlichman  
9 and who were, therefore, in the White House, and I don't even  
10 know that Gray knew where they were.

11 Q But Gray's testimony related to the record aspect  
12 of it. My question is whether you recall discussing how  
13 Gray had, if you will, couched his testimony in that language,  
14 rather than speaking to the allegation directly.

15 A That I suggested he testify a certain way?

16 Q Whether you knew that he had so testified and dis-  
17 cussed it with others?

18 A No, not the specifics of his testimony. I would  
19 only get a general -- with all of the things that had to come  
20 across my desk and people that came through -- I would only  
21 get a general appraisal of how the man did.

22 Q Do you recall any general appraisal beyond  
23 what you have already told us is what I am asking.

24 A Well, you have the tape of Dean of the 28th.

25 Q Well, that was prior to his testimony on this

1 subject.

2 A Oh, it was?

3 Q Yes.

4 A Anything with regard to his testimony, I think  
5 I would have, that it was probably at some meeting that we  
6 had, but I don't recall at this time.

7 You mean as to how he testified?

8 Q How he testified.

9 A As to whether he lied or not?

10 Q As to whether he couched it in a literally truth-  
11 ful fashion?

12 A Let me say, first, I never directed him, and I  
13 don't know anybody else that could have directed him to go in  
14 and lie. I certainly didn't, and I have used this term,  
15 as you will note, in one of the tapes, want to give the store  
16 away as far as turning over raw FBI files to the Congress,  
17 and I think all of you gentlemen would agree that is a  
18 horrible practice because the raw files that we get -- the  
19 FBI doesn't necessarily do work in the area -- the raw file  
20 we get when people apply for jobs contain the most outlandish  
21 quotes and most of it is totally irrelevant -- what a kid  
22 might have done or a man have done when he is five years  
23 old.

24 MR. HOROWITZ: Thank you.

25 THE WITNESS: That is not only outlandish; that is



1 just irrelevant.

2 MR. HOROWITZ: I think you have answered that,  
3 and we will check with the Grand Jurors as to whether there  
4 are any questions.

5 THE WITNESS: Let me say first, and I will put  
6 this on the record, I first met him when he was Admiral  
7 Radford's top assistant and he attended a National Security  
8 Council meeting. This was back in the '50s. I didn't know  
9 him well. My relationship with Gray was not personal, as  
10 it was with Hoover. He was never my personal guest, for  
11 example.

12 With Mr. Hoover, I would see him quite often, with  
13 my wife, the two of us together, and her family, on a per-  
14 sonal basis, going back over 25 years, and my relations with  
15 Hoover were that close.

16 With Mr. Gray, while he had always been a  
17 supporter, apparently, since the Radford days and had been  
18 a good friend, I understood, it was more on an official  
19 basis, but not on a personal basis. But I would say this  
20 with regard to Gray, and I realize the place for this is not be-  
21 fore the Grand Jury, but it bears on it because it would be  
22 so easy for me to sit here and try to nail Pat Gray to the  
23 mast, and I would if, first, if there were any evidence;  
24 second, if there was even a suggestion which I might turn  
25 into evidence if I thought he was a basically untruthful,

1 dishonorable man. I considered Patrick Gray, when I  
2 appointed him, as not being particularly the best qualified  
3 man to be head of the Bureau -- actually we were looking for  
4 a judge or former prosecutor or any number of people, in-  
5 cluding Judge Byrne, as you may recall, who I shook hands  
6 with out here, and incidentally Mr. Kleindiesnt thought so  
7 well of Judge Byrne that he was the one that recommended  
8 him to be considered as head of the Bureau. I hope some  
9 day he does get it, even though it is a little late now. He  
10 is too old.

11 But what I was going to say with regard to Gray,  
12 my answers on Gray and what he may have known and what he has  
13 testified to are, of course, colored to a certain extent  
14 by my knowledge of the man. He was a decent man; he was an  
15 upright man; he had a relatively high level of intelligence,  
16 but he was sometimes rather, in my view, too military and straight-  
17 laced in his thinking. He didn't have the subtlety that Edgar  
18 Hoover had or that I hoped that Chief Kelly has now. But in  
19 terms of whenever I would hear something about Gray, first I  
20 would never have appointed him if I thought he was basically a  
21 man who was untruthful. I wouldn't have appointed him unless  
22 I thought he was honorable.

23 I believe that in his life he did the best job he  
24 could. I believe it is tragic that at this time of this silly,  
25 incredible Watergate break-in, he took the papers from

1 Hunt's safe and burned them, rather than hold them, which  
2 led, of course, to his withdrawing his nomination for the  
3 FBI, but when you come down to the key point, you see you  
4 have asked me. Mr. Horowitz, and very properly --- I wasn't  
5 really needling you before, you understand -- it is your  
6 job to needle me, but, very properly, when you pressed me  
7 on the point, well, do you think that Gray was telling the  
8 truth or was he asked to lie or this, that or the other  
9 thing, that all of the information I have and with all of  
10 the discussion that I have, my answer is I believe Pat Gray  
11 is an honorable man. I do not believe he would deliberately  
12 lie. I don't not believe that if he was told that national  
13 security was involved, if he knew about the Brandon tap and  
14 it was so sensitive that he could not reveal it, that he would  
15 not reveal it, but I don't think he even knew about that.  
16 That is my belief.

17 MR. HOROWITZ: Thank you. We are going to ask  
18 the Grand Jurors if they have additional questions, and I  
19 think that will take all of 30 seconds, and we will be back.

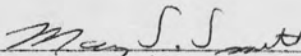
20 (Counsel and jurors withdraw from the Conference  
21 Room.)

22 MR. HOROWITZ: Thank you. No further questions.

23 (Whereupon, at 12:50 p.m., the taking of the  
24 deposition was concluded.)  
25

C E R T I F I C A T E

1  
2 I, Mary S. Smith, do hereby certify that the witness  
3 whose testimony appears in the foregoing pages was  
4 first duly sworn by the Chief Judge, United States District  
5 Court for the Southern District of California, that the  
6 testimony given by said witness was taken stenographically  
7 by me and thereafter reduced to typewriting by me, or  
8 under my direction, that the transcript is a true record of  
9 the testimony given by said witness.  
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Mary S. Smith, Reporter

*Memorandum*TO : Peter Kreindler

DATE: July 10, 1975

FROM : Henry L. Hecht HLHSUBJECT: Typographical Errors in the Nixon Transcript

In my review of the questioning of Richard Nixon concerning alleged harassment of Larry O'Brien by the IRS, I found the following typographical errors.

- (1) Page 170, line 11, nwxt should read next.
- (2) Page 173, Claud De Sautels should read Claude DeSautels.
- (3) Page 184, line 3, type should read tip.
- (4) Page 184, line 8, type should read tip.
- (5) Page 184, line 25, type should read tip.
- (6) Page 197, Internal Report should read internal report.

Because of the sensitivity of this deposition, I have not made a chron or file copy of this memorandum.